

Country Technical Note
on Indigenous Peoples' Issues

United Republic of Tanzania



Enabling poor rural people
to overcome poverty



Country Technical Notes on Indigenous Peoples' Issues

THE UNITED REPUBLIC OF TANZANIA

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IWGIA

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Acronyms and abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ASDS	Agricultural Sector Development Strategy
AU	African Union
AWF	African Wildlife Fund
CBO	Community Based Organization
CCM	Chama Cha Mapinduzi (Party of the Revolution)
CELEP	Coalition of European Lobbies for Eastern African Pastoralism
CPS	Country Partnership Strategy (World Bank)
COSOP	Country Strategic Opportunities Paper (IFAD)
CWIP	Core Welfare Indicator Questionnaire
DDC	District Development Corporation
FAO	Food and Agricultural Organization
FBO	Faith Based Organization
FGM	Female Genital Mutilation
FYDP	Five Year Development Plan
GCA	Game Conservation Area
GDP	Gross Domestic Product
GEF	Global Environment Facility
GIZ	German Agency for Technical Cooperation (formerly GEZ)
GoT	Government of the United Republic of Tanzania
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Council
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IDP	Internally Displaced Persons
IFAD	International Fund for Agricultural Development
IGAD	Intergovernmental Authority on Development
ILO	International Labor Organization
IMF	International Monetary Fund
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Plan Framework
IWGIA	International Work Group for Indigenous Affairs
JAST	Joint Assistance Strategy Tanzania
LGRP	Local Government Reform Program
LHRC	Legal and Human Rights Centre
MKUTUTA	National Growth and Poverty Reduction Strategy
MP	Member of Parliament
NAFCO	National Agriculture and Food Corporation
NARCO	National Ranching Corporation
NCA	Ngorongoro Conservation Area
NGO	Non-Governmental Organization
NIPCC-REDD	National Indigenous Peoples' Coordination Committee on REDD
NLP	National Land Policy
OAU	Organization of African Unity
OBC	Otterlo Business Corporation
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
OHCHR	The Office of the High Commissioner for Human Rights
OP	Operational Policy
OPEC	Organization of the Petroleum Exporting Countries
PINGO	Pastoralist Indigenous NGO
PLTF	Pastoral Livelihood Task Force
RDS	Rural Development Strategy

REDD	Reducing Emissions from Deforestation and Forest Degradation
SPILL	Strategic Plan for the Implementation of the Land Acts
TASAF	Tanzania Social Action Fund
TShs	Tanzanian Shillings
UNCT	United Nations Country Team
UNDAP	UN Development Assistance Programme
UNDP	UN Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNESCO	UN Educational, Scientific and Cultural organization
UPR	Universal Periodic Review
URT	United Republic of Tanzania
WB	World Bank
WBG	World Bank Group
WGIP	Working Group on Indigenous Populations
WHO	World Health Organization
WISP	World Initiative for Sustainable Pastoralism
WWF	World Wildlife Fund

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Country Technical Note on Indigenous Peoples' Issues
The United Republic of Tanzania

Summary

The United Republic of Tanzania (URT) has a multi-ethnic population with more than 125 different ethnic communities. Four of these—the Hadzabe, the Akie, the Maasai and the Barabaig—identify themselves as indigenous peoples. The concept of indigenous peoples is not acknowledged in Tanzania but the government “recognizes the vulnerability of some of the marginalized communities”. In early 2012, a Draft Indigenous Peoples Policy Framework was issued by the government’s Social Action Fund (TASAF). This document specifically mentions the Hadzabe and the Barabaig, and adds that “the determination of which ethnic groups in Tanzania are recognized as Indigenous Peoples is still in process”.

The majority of the indigenous peoples live in northern Tanzania, in the Arusha and Manyara regions. The Hadzabe and the Akie are traditionally nomadic hunter-gatherers. Both have experienced attempts by the government to have them settle and become farmers. The Hadzabe (1,000-3,000) have, to a large extent, been able to resist and remain hunter-gatherers today, even though some may cultivate small plots of land. They have also kept their distinct culture, including their own language, and 300 to 400 individuals are believed to subsist entirely on foraging. The Akie (est. 5,200) have found it more difficult to pursue their particular lifestyle because of increasing pressure on their woodlands and the ensuing environmental changes. Most of them are today settled small-scale agriculturalists. Due to their long time interaction with the Maasai, they have adopted their language and also many of their cultural traits. The Maasai (est. 450,000) and the Barabaig (30-50,000) are traditionally transhumant pastoralists, practising some agriculture wherever conditions allow for it. Both have, to a large extent, kept their traditional features and customs. They also share the capacity to adapt and survive in a harsh environment and their attachment to cattle is an important part of their subsistence economy, identity and culture.

These indigenous peoples have a long and on-going history of land dispossession and socio-economic and cultural marginalization. Their dispossession and marginalization have taken place in the name of nation building, agricultural development, and nature and wildlife conservation, but also because policy-makers have failed to understand and value the indigenous livelihood systems’ crucial contribution to the national and local economy. Both hunter-gatherers and pastoralists have protested against land alienation and have filed land cases but to no avail and recent legislation has made it increasingly easy for the government to appropriate their lands.

The loss of ancestral lands, the fragmentation of rangelands and the restrictions to their mobility are, together with climate changes, undermining and irrevocably altering the indigenous livelihood systems. This, combined with population growth and increased competition for scarce resources, has placed Tanzania’s indigenous peoples among the poorest. They have never received any compensation for their land losses and the few benefits made from tourism are now in jeopardy. In order to diversify their livelihood, hunter-gatherers undertake menial jobs, while pastoralists increase their involvement in small-scale agriculture, work in the informal sector and migrate. The health and education situation among indigenous people is precarious. Discrimination is rife and violent human rights abuses—loss of lives, inhuman and degrading treatment and punishment by state institutions (police, etc.) and theft of livestock—occur regularly in connection with eviction cases. Discrimination and conflicts between indigenous communities also occur. Access to legal services is hampered by a number of constraints

and the high costs involved. The situation of girl children and women is marred by several human rights violations, e.g., denial of education, FGM and early marriages, non-recognition of their legal rights and domestic violence. Nevertheless, some women have been able to overcome these obstacles, have formed small NGOs and participate actively in public forums. Indigenous peoples' participation in politics at the local and national level faces many obstacles (discrimination, lack of education, their mobile lifestyle, etc.), including the "first past the post" electoral system.

Tanzania is in the middle of a constitutional reform process to be based on broad and participatory consultations with the major stakeholders. There is also a decentralization-by-devolution process going on. There is no specific legislation recognizing or addressing indigenous peoples' rights. In fact, many policies, strategies and laws are directly critical of pastoralists (hunter-gatherers are never mentioned). The few policies advocating the protection of pastoralists' rights have not been given legal force, and there has been little effort to translate policy into action to ensure that pastoralists are legally guaranteed access to land and water through clearly demarcated areas.

Tanzania voted for the UNDRIP but has not ratified ILO No. 169. It is party to several other important international and regional conventions. There are a sizable number of national and local indigenous organizations as well as several support NGOs.

At the moment of writing this Technical note, IFAD has five large on-going projects based on its COSOP 2007-2013. The core target group is defined as rural poor and food insecure men and women; one project specifically addresses pastoralists (Maasai) and agro-pastoralists. Moreover, IFAD financed two small projects through the Indigenous Peoples Assistance Facility (IPAF).

Tanzania benefits from a large number of donors (UN agencies, bilateral donors and NGOs), and a substantial part of its ODA is coordinated by UNDAF and JAST. As of the 1st of May 2012, the World Bank was funding 25 projects. One of the most recent has triggered an Indigenous Peoples Plan Framework (IPPF).

Two of the main opportunities that should be explored by indigenous communities and organizations are: the on-going local government reform program, which offers possibilities at the national and local level; and the increased understanding at continental level and within the UN system in Tanzania of the importance of indigenous rights and their livelihood systems, which has led GoT to issue a Draft IPPF.

Challenges can also be identified and international donor support could be provided within the following areas:

- (1) Provision of civic education, information on the rights of indigenous peoples in a national and international context and other capacity building for indigenous men and women at village level so they can participate in decision-making structures;
- (2) Research and documentation on indigenous livelihood systems with a focus on opportunities and challenges in the face of climate change;
- (3) Provision of training and information at district and regional level targeting local government staff, councilors, etc.;
- (4) Facilitation of dialogue and awareness raising on indigenous rights and issues among decision-makers, including conservation and environmental decision-makers, at national and regional level;
- (5) Funding interventions that take as their point of departure in indigenous peoples' own priorities.

1. The indigenous peoples of Tanzania

1.1 The national context

The United Republic of Tanzania (URT) was formed in 1964 by the unification of mainland Tanzania and the isles of Zanzibar.¹ Covering 886,039 sq. km, URT is the largest of the East African countries. Mainland Tanzania (hereafter Tanzania) lies on the Indian Ocean, between Kenya to the north, and Mozambique to the south. To the west, Tanzania shares borders with Uganda, Rwanda, Burundi, the DRC, Zambia and Malawi; three of Africa's largest lakes (Victoria, Tanganyika and Nyasa) form part of these borders. Tanzania has three main physiographic regions: the hot and humid coastal plains with Tanzania's largest city and former capital, Dar es Salaam; the more temperate inland plateau where Dodoma, the capital since 1996, is located; and the highlands, in the north east—with Africa's highest peak, Mount Kilimanjaro, (5,895 m)—and in the south. The Great Rift Valley runs from the north-east of Africa through central Tanzania. More than one-third of the country is covered by forests and woodlands, and permanent pastures take up another 40%. Only 4% is considered to be arable land. Tanzania has two rainy seasons; a long heavy one from March to May, and a shorter, lighter one from November to January. Tanzania has been strongly affected by climate change, experiencing severe and prolonged periods of drought as well as unpredictable weather events.

The URT has an estimated population of 44,841,226,² of which more than 97% reside on the mainland. Eighty % of the population lives in rural areas but urbanization is fast growing. See Tables 4.2 and 4.3 in Annex 4.³ It is a multiethnic population with at least 125 distinct ethnic groups and more than 120 vernacular languages. The largest ethnic group, the Sukuma, represents nearly 13% of the total population; the remaining larger groups represent fewer than 5% each. Four of these ethnic groups consider themselves to be indigenous hunter-gatherers or pastoralists. The population is mainly Christian (45% divided between Roman Catholic, Lutheran, Seventh-Day Adventist, etc.) and Muslim (38-40%). After independence in 1963, the government implemented a nation-building policy based on Swahilization⁴ and villagization⁵, including the dismantling of tribal authorities, in order to create a strong national identity binding Tanzanians together across ethnic lines.⁶ Compared with its neighbor countries, Tanzania has been spared ethnic-based conflicts and is a relatively peaceful country.

The URT ranks 152 (out of 187) on the 2011 HDI. Its GDP growth rate in 2010 was 6.5 %, a slight increase compared with 2009 (6.0%) but lower than 2004 (7.8%). The agricultural sector, including the livestock sub-sector, contributes around 25.3 % of GDP but absorbs 74 % of the labor force.⁷ Industry is still mainly limited to processing agricultural products and light consumer goods. The country has many mineral resources (gold, uranium, etc.), as well as natural gas but, with the exception of gold (largest foreign exchange earner) they do not yet contribute significantly to the overall economy.

¹ What is today mainland Tanzania was part of German East Africa (1890 to 1918) before becoming, in 1922, under the name Tanganyika, a Mandated Territory administered by Britain under the supervision of the League of Nations. Independence was gained in 1961. The isles of Zanzibar were a British protectorate from 1890 to 1963.

² Projection for 2010 based on 2002 Census (IFAD, Rural Poverty Portal). The next census will be held in 2012.

³ Dar-es-Salaam, Mwanza, Tanga, Arusha and Mbeya continue to experience rapid population growth, as do dozens of smaller towns and townships. It is projected that half of Tanzania's population will have moved to urban centers in the next 20 years. See URT, "Tanzania Five Year Development Plan—FYDP" (2011b), 32.

⁴ Swahili was declared the national language and became the language of education. It is also the official language, with English being the second official language. Only 20% of the population speaks/understands English.

⁵ The Villagization or Ujamaa program (1973-1976) regrouped rural communities into larger nucleated villages to be provided with services by the state. More than 8,000 villages were created by the mid-1970s, and 9 million people forcibly resettled, but traditional resistance and a difficult economic environment led to the breakdown of this idealistic social program.

⁶ Edward Miguel, "Tribe or Nation? Nation Building and Public Goods in Kenya versus Tanzania" (2004), 335ff.

⁷ With 4.6 %, livestock ranks second within the agricultural sector in terms of its contribution to GDP. See URT, "FYDP 2011/2012-2015/2016", (2011), 18.

With 15 world famous national parks (see Map 1.2 in Annex 1),⁸ tourism is an important contributor to the economy: in 2011, it was expected to account for approx 13 % of GDP and, in 2010, it represented around 25 % of foreign exchange earnings (second only to gold exports). See Tables 4.1 & 4.4 in Annex 4.

The URT has, since 1995, had a multi-party political system, although one party—the Chama Cha Mapinduzi (CCM)⁹—has dominated politics since independence in 1961. The current president—Jakwya Mrisho Kikwete (CCM)—was re-elected in 2010 with more than 60% of the vote to his second and last term in office and general elections are expected to be held in 2015. There is presently a constitutional revision process ongoing. A Local Government Reform Program (LGRP) based on decentralization-by-devolution has, since the late 1990s, been implemented in phases.¹⁰ Mainland Tanzania is administratively divided into 25 regions, 148 districts¹¹ and some 10,000 villages (see Map 1.1 in Annex 1).

1.2 Terminology

The concept of indigenous peoples is a contentious issue in Tanzania “because, *inter alia*, notions of ‘Swahili nation building’ reject the cultural autonomy of nationalities”.¹² The official position is that “the term ‘indigenous peoples’ is not applicable as all Tanzanians of African descent are indigenous to Tanzania”. However, the government “recognizes the vulnerability of some of the marginalized communities and to this end it has been responsive to their needs and it will surely continue to do so.”¹³ It should be noted that, in early 2012, the Tanzania Social Action Fund (TASAF)¹⁴ issued a Draft TASAF III Indigenous Peoples Policy Framework in which both the Hadzabe and Barabaig were initially listed. It is further indicated that “the determination of which ethnic groups in Tanzania are recognized as Indigenous Peoples is still in process”.¹⁵

While there may be more ethnic groups that identify themselves as indigenous peoples, four groups have for some years been organizing themselves and their struggles around the concept and movement of indigenous peoples. These groups are the hunter-gatherer Akie and Hadzabe and the pastoralist Barabaig and Maasai,¹⁶ whose indigenous status has been endorsed by the African Commission on Human and Peoples’ Rights (ACHPR).¹⁷ The Akie and Hadzabe partly claim their indigenous status by the fact that they are considered to descend from some of the first inhabitants of the country. The Barabaig and Maasai pastoralists, on the other hand, base their indigenous status on the specific nature of their lifestyle. All four groups are, furthermore, discriminated against and

⁸ Tanzania is also home to 33 game reserves, 43 game-controlled areas and 13.5 million hectares of national forest reserves.

⁹ Tanzania was a multi-party state from 1961 to 1965. The CCM (Party of the Revolution) was created in 1977 as the result of the merger of TANU on the mainland and ASP in Zanzibar and was, until 1992, the only party allowed. Opposition parties were legalized once more in 1992. The current largest opposition party is Chadema (Party for Democracy and Progress).

¹⁰ The process has so far had mixed results. See “Local Government Reform in Tanzania 2002 - 2005: Summary of research findings on governance, finance and service delivery” at <http://www.sarpn.org/documents/d0002465/index.php>

¹¹ Four new regions and 19 new districts were created on March 2, 2012. The new regions are Geita (formerly part of Mwanza), Katavi (Rukwa), Njombe (Iringa) and Simiyu (Shinyanga).

¹² B.T.M Kaare, quoted in Ringo W. Tenga, “Minority Rights in Tanzania” (2010), 6.

¹³ HRC/UPR, Report by the Working Group—Addendum: Views ... and Replies... by the State under review (2012), 5. During the UPR process, several countries, Treaty Bodies, the UNCT and other stakeholders urged the Tanzanian government to reconsider its policy under which the notion of indigenous peoples was unrecognized. See, e.g., HRC/UPR, Compilation (2011), 11.

¹⁴ The TASAF is a Government of Tanzania funding facility organization that provides a mechanism that will allow local and village governments to respond to community demands for interventions that will contribute to the attainment of specific Millennium Development Goals. It is supported by IDA funding. See <http://www.tasaf.org>

¹⁵ See the Draft IPPF (2012a) at <http://www.tasaf.org>

¹⁶ IWGIA, *The Indigenous World 2010* (2010), 492.

¹⁷ ACHPR, *Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities*, (2005), 17.

marginalized economically, socially and culturally to the point where they feel their livelihood threatened and their survival as distinct peoples at risk. Representatives of these groups have, since 1989, participated regularly in international forums, such as for instance, the WGIP,¹⁸ the ACHPR ordinary sessions and the annual sessions of the UN Permanent Forum on Indigenous Issues, where they make statements identifying themselves as indigenous peoples.

1.3 The indigenous peoples of Tanzania

The majority of the indigenous peoples live in northern Tanzania, in Arusha (1.6 million inhabitants) and Manyara (1.3 million) regions where they constitute important minorities. See Table 1 on the next page.

1.3.1 The indigenous hunter-gatherers

The Hadzabe (plural form of the word Hadza) are estimated to number between 1,000 and 3,000 individuals. They live around Lake Eyasi, south of the Ngorongoro Conservation Area (NCA), in the central Rift Valley (Arusha Region). The Hadzabe are believed to be the descendants of Tanzania's aboriginal hunter-gatherer population; they differ from the Bantu and tend to be small in stature, physically slight, and have lighter-colored skin. Their language—Hadzane—is a click language and is still widely spoken.

The Hadzabe are traditional nomadic hunter-gatherers. Organized into bands or “camps”, typically of 20–30 people, they move frequently and seasonally between dry-season and wet-season areas, in search of game, tubers, berries and honey. Gender relations and relations within the bands are fairly egalitarian, and leadership is only a quality for specific purposes at specific times.

The Hadzabe were long able to follow their traditional way of life. Attempts to settle them under the Ujamaa program did not succeed and several of the villages constructed by the government were eventually taken over by other ethnic groups. Currently, the presence of the Hadzabe is strongest around Mongo wa Mono in the Yaeda Valley, (Mbulu District), south of Lake Eyasi. The Hadzabe have, to a large extent, remained strictly hunter-gatherers even though some do keep small fields of domestic crops. It is estimated that some 300 to 400 individuals still subsist entirely from foraging. Whilst conservation laws prohibit hunting in the area, the Hadzabe have been allowed a special license.

The Akie (or Akiek, Akyie) are also called Ndorobo—a Swahili term derived from “*I Torobbo*”, the Maasai term for “poor”, or by inference “those without cattle”. The Akie are estimated to number 5,200 individuals. They are found in different parts of northern Tanzania, the largest group (around 2,000) living in the District of Kiteto (Manyara Region).¹⁹ The Akie have interacted with the Maasai for many generations. They have adopted their language, their own—Akie—being almost extinct, as well as several of their customs and cultural traits. There also exists a certain interdependence between the two groups, the Maasai depending on the Akie for their honey (used as food and as medicine) and for helping them to prepare specific rituals.

The Akie used to be nomadic hunter-gatherers, moving and finding their subsistence in much the same way as the Hadzabe. They too have experienced efforts by the government and others to have them settle and become farmers. As pressure on land and the ensuing environmental changes have made it increasingly more difficult for them

¹⁸ A Maasai—Moringe ole Parkipuny, long-time Maasai activist and former member of the Tanzanian Parliament—and a Hadza representative participated as the first African indigenous representatives in the 1989 session of the Working Group on Indigenous Populations (WGIP) in Geneva. See Dorothy L. Hodgson, *Being Maasai, Becoming Indigenous. Postcolonial Politics in a Neoliberal World* (2011), 23ff.

¹⁹ This and the following data about the Akie is largely drawn from Florian Schöpferle, “The Economics of Akie Identity: Adaptation and Change among a Hunter-Gatherer People in Tanzania” (2011).

to pursue their particular lifestyle, many Akie are today settled and cultivate crops and/or breed animals. Their attachment to the woodlands, however, remains strong. Many still consider the woodlands as their home and what forms their identity. The woodlands are also where their religious activities and rites take place, and where their extensive indigenous knowledge of the environment comes into its own. See Annex 2 on the Hadzabe and Akie.

Table 1. Indigenous peoples of Tanzania

Name	Population (est.)	Livelihood	Main Regions of Residence	Districts
Hadzabe*	1,000-3,000	Hunter-gatherers/ some semi-sedentarized	Arusha Shinyanga Manyara Singida	Karatu Meatu Mbulu, Iramba
Akie	5,200	Hunter-gatherers, most sedentarized	Manyara Arusha Morogoro Tanga	Kiteto Simanjiro Ngorongoro Kilosa Kilindi
Maasai**	450,000	Semi-nomadic pastoralists	Arusha Manyara Kilimanjaro	Ngorongoro, Monduli Longido Arusha Simanjiro, Kiteto Moshi
Parakuyo	50,000	Semi-nomadic pastoralists	Manyara, Tanga Morogoro Iringa Dodoma Mbeya Kilimanjaro	
Barabaig (Datoga)	50,000-75,000	Semi-nomadic pastoralists Agro-pastoralists	Manyara Singida Shinyanga Dodoma	Hanang, Mbulu

Sources: IWGIA, *The Indigenous World 2007* (2007), 485ff; PINGOs Forum "A Report on Hadzabe Livelihood (2010a).

* See PINGOs Forum Report (2010a).

**There are pockets of Maasai peoples in some 15 other districts throughout Tanzania

1.3.2 The indigenous pastoralists

Among Tanzania's large number of pastoralists and agro-pastoralists, two groups—the Maasai and the Barabaig—identify as indigenous. See Table 1 above and Annex 3.

The Maasai belong to the Nilotic language group and are found in both Tanzania and Kenya. In Tanzania they total approx. 450,000.²⁰ They are traditionally semi-nomadic pastoralists (cattle, goats and sheep), practising transhumance as well as some agriculture wherever conditions allow it. They are divided into territorial sections within which all members have access to grazing resources. Most live in Arusha and Manyara regions but one of the sections, the Parakuyo (estimated population: 50,000), are found in Tanga Region and even more to the south, dispersed over several regions (Morogoro, Iringa and Mbeya), where they are still considered as "migrants", although many of them came as early as the 1950s.

The Barabaig too belong to the Nilotic language group and are the largest section of the Datoga people.²¹ They occupy the northern volcanic highlands near their sacred Mount Hanang and the Rift Valley in Hanang District (Manyara Region). Their population is estimated at 30,000-50,000. The Barabaig are traditionally semi-nomadic and herd cattle, sheep and goats. Today, many have become agro-pastoralists and farm maize, beans and millet.

Both the Maasai and the Barabaig have, to a large extent, kept their traditional features and customs, including their traditional way of dressing and their own languages—the Maasai speak Maa and several dialects (Kisongo and Parakuyo), the Barabaig speak a Datoga dialect.

The Maasai and Barabaig are essentially patriarchal and are organized in patrilineally-related households, clans and sections. Authority and decision-making within a community is vested in assemblies of senior elders, hierarchy being determined by skills of oratory, knowledge and wisdom.²² Both groups have initiation rites (circumcision for both boys and girls) and age set systems whereby young boys/men become morans or "warriors".²³ Many values are centered on warriorhood, which dates back to a period when young men could develop and assert their bravery and fierceness in wars and cattle raids. Today the warriors' main duty is to provide security for the community and to move with livestock to better grazing land during periods of drought.

Girls get married between the ages of 13 and 17 but men may not marry before they have finished their warriorhood, i.e., at the age of 30-35. Polygamy is widespread and a sign of wealth. Pastoral women, besides their domestic chores, building their dwellings, etc., also take part in livestock management, looking after the cattle and small stock which have been allocated to their sub-household.

Cattle are an important part of the Maasai's and the Barabaig's status, identity, culture and world view. Cattle are widely used to establish strong forms of social exchange at specific stages of life, such as circumcision, bride wealth and other rituals where prescribed numbers of livestock are involved. The exchange of animals leads to life-long commitments of friendship and assistance and constitutes a kind of insurance mechanism against droughts or epidemics.

²⁰ This is an estimate since the Population Census of 2002 does not disaggregate data by ethnic affiliation. This figure includes the Arusha Maasai, who are a sedentary agro-pastoralist community that culturally share a number of customs and rituals with the pastoralist Maasai.

²¹ The Datoga are found in several northern regions but 70% live in the Hanang and Mbulu districts of Manyara Region. They are divided into at least 7 sections. See D.K. Ndagala, "The Unmaking of the Datoga: Decreasing Resources and Increasing Conflict in Rural Tanzania" (1991), 72.

²² Charles Lane, *Pastures Lost* (1996), 138.

²³ The age-grade system seems to have been discontinued among the Barabaig. See Annex 3.

1.4 Indigenous livelihood systems and national policies

Indigenous peoples' livelihood systems are based on their access to common-pool resources,²⁴ their intimate knowledge and understanding of their environment, and their expertise in maintaining a critical balance between resources and the use made of them.

The Hadzabe's and Akie's knowledge of the woodlands' natural resources—their animals and trees, the individual properties and use of thousands of plants, where to find and gather honey, etc.—and how to use them in a sustainable way, has not only enabled them to survive in a challenging semi-arid environment but has also benefited their neighbors with whom service and food exchange networks have been established and functioned for centuries.²⁵ The kind of knowledge that hunter-gatherers possess about wild foods may well become more valuable for other communities as agriculture becomes less productive as a result of droughts, loss of soil fertility and climate change.²⁶

The majority of the Maasai and the Barabaig live and herd their cattle, goats and sheep on the northern savannah plains (Arusha and Manyara) where climatic and soil conditions do not favor crop production.²⁷ In order to make the best use of seasonably variable dryland pasture and the scattered and meager water resources characteristic of these arid and semi-arid rangelands, they practice transhumance, moving their livestock in a seasonal grazing rotation system between different forage regimes,²⁸ using a wide range of environmental indicators for assessing rangelands for grazing and settlement suitability.²⁹ In periods of prolonged drought, the Maasai and the Barabaig migrate with their herds, sometimes as far as the southern humid plateau lands of Lindi and Mbeya where some of them have even now established their own villages.³⁰

The Maasai and the Barabaig play an important role in Tanzania's livestock production.³¹ Arusha has the second highest number of livestock units in Tanzania and 148,049 of the region's households (72%) rear cattle. Arusha and Manyara rank second and third in number of goats and first and second in number of sheep (See Tables 4.5, 4.6 and 4.7 in Annex 4). Arusha has the second highest milk production in the wet season.³² At district level, the livestock trade generates valuable income which fuels local economies.³³ Recent research in Loliondo has shown that, in contrast to common beliefs, pastoralism is by far the most economically productive of the three land uses prevalent in the area (pastoralism, conservation and hunting)—generating approximately USD3 million per year.³⁴

²⁴ Issa Shivji, "Village governance and common pool resources in Tanzania" (2002), 49.

²⁵ See, e.g., Thomas Spear, "Introduction" (1993), 4.

²⁶ IIED, "Participatory Land Use Planning as a Tool for Community Empowerment in Northern Tanzania" (2010a), 11.

²⁷URT, "Livestock Sector Development Strategy" (2010c), 5.

²⁸ IIED, "Displaced Pastoralists" (1990), 6.

²⁹ Arnold L. Mapinduzi et al., "Use of Indigenous Ecological Knowledge of the Maasai Pastoralists for Assessing Rangeland Biodiversity in Tanzania" (2003), 330.

³⁰ Ringo W. Tenga et al. "A Study on Options for Pastoralists to Secure their Livelihoods in Tanzania Vol.1. (2007), 80.

³¹ Livestock farming contributed 13% to agricultural GDP and 4% to national GDP (2009). Pastoralists and agro-pastoralists manage 24 million hectares of rangelands and graze 21.2 million cattle, 15.1 million goats and 5.7 million sheep. See Tanzania Agriculture Sample Census 2007-2008 (2012b). Around 94% of the beef and 60% of the milk produced in the country in 2010 came from the traditional sector. Commercial ranching and dairy herds account for only 6% of the total cattle herd. Other important contributions of livestock farming include farmyard manure and draught power to the agricultural sector, hides and skins, and employment and income for thousands of people working in the food processing and tanning industries. It furthermore fulfills an important cultural role in livestock farming communities. See URT, "Livestock Sector Development Strategy" (2010c), 5-6.

³² See URT "National Sample Census of Agriculture, Small Holder Agriculture. Vol. III. Livestock Sector—National Report. (2012b), iv-v.

³³ Shivji, "Village governance" (2002), 49.

³⁴ See TNRF, "Integrating Pastoralist Livelihoods? Options for Land Use and Conflict Resolution in Loliondo Division, Ngorongoro District" (2011), 25.

Yet, in spite of this crucial contribution to the national and local economy, indigenous livelihood systems have never been recognized and valued as responsible resource-use and management systems. The economic and cultural activities that go with the life of hunter-gatherers and pastoralist communities have instead been perceived as primitive, uneconomic and inherently degrading to the environment. Colonial and post-independence policies have instead been geared towards paternalistic ethnocide and assimilation: "At the center of these policies is a worldview of 'modernization' that sees the hopeful transformation of the Pastoralist and the Hunter/Gatherer into a peasant or worker".³⁵

The greatest long-term impact on the livelihood of indigenous pastoralists and hunter-gatherers has been the nation-building policy implemented after independence and characterized by Swahilization and forced villagization (1974-1976), two programs that stood in direct contrast with indigenous peoples' culture and livelihood.³⁶ However, the shift towards a more market-oriented and neo-liberal economy, starting in the 1980s has also affected them.³⁷ Government policies³⁸ have given land a market value and favored commercial crop and large-scale intensive livestock production (ranching), nature conservation and tourism,³⁹ all too often at the expense of indigenous peoples.

Although the National Strategy for Growth and Reduction of Poverty (NSGRP I, 2005)—or MKUKUTA I by its Kiswahili acronym—was hailed as a breakthrough in recognizing pastoralism as a sustainable livelihood system,⁴⁰ it was not in itself sufficient to provide pastoralists with a favorable policy environment, especially since the political will to harmonize laws and remove structural obstacles to pastoralist well-being has not been forthcoming.⁴¹ President Kikwete's inaugural speech in December 2005 left no doubt as to his views: "We will take deliberate measures to improve the livestock sector. Our people must change from being nomadic cattle herders to being settled modern livestock keepers".⁴² Relatively few national policy documents envisage a future for mobile pastoralism in Tanzania other than its modernization and eventual disappearance as an outmoded way of life and inefficient use of resources.⁴³ Neither the Agricultural Sector Development Strategy (ASDS) 2001, the Rural Development Strategy (RDS) 2001, nor the Green Revolution scheme "Kilimo Kwanza" 2009⁴⁴ have done much for the livestock

³⁵ Tenga, "Minority Rights" (2010), 6.

³⁶ Swahilization meant that cultural practices such as maintaining traditional dress and customs were perceived as clearly standing against national ideas of unity and modernization. Villagization was an attempt to transform all communities into cultivators. The villages often acted as collectives, with communally-tilled fields and other communal commercial enterprises and customary land holding was generally dismantled. See Tenga "Minority Rights" (2010), 7.

³⁷ The economic liberalization of the mid-1980s in Tanzania resulted in the removal of subsidies from all service sectors (e.g., veterinary assistance) and extension services. Unable to pay for these services, pastoralists have seen an increase in cattle diseases and, due to the scarcity of grazing land, these cannot longer be controlled by traditional means, i.e., separating the sick animals from the non-sick on different grazing grounds. See Opportuna Kweka "Being and Staying Pastoralists: in Search of a Livelihood Security for Maasai Displacement" (2011), 4.

³⁸ E.g., the National Land Policy (1995), the Land Act and the Village Land Act (1999), the creation of a Land Bank (1997) and the Strategic Plan for the Implementation of the Land Laws (SPILL 2005).

³⁹ Since the 1990s, the GoT has, hand in hand, pursued a pro-conservation and pro-tourism policy. About a third of the country's total area is protected to a certain degree as National Park, Game Reserve, Marine Park, Forest Reserve and the like.

⁴⁰ This was to a large extent the result of the lobbying of the Pastoral Livelihood Taskforce (PLTF) and its collaboration with IFAD. See Hodgson, *Being Maasai* (2011), 164ff.

⁴¹ Carol Sørensen, "Study on main policy issues impacting on the livelihoods of pastoralists and hunter-gatherers in Tanzania & mapping of key organizations". Internal IWGIA report. (2006), 19.

⁴² Speech by President Kikwete, on inaugurating the fourth phase parliament of the URT, Dodoma, 30 December 2005. The Prime Minister is reported to have said in 2009 in a speech to Parliament that there should be no more pastoralism in Tanzania.

⁴³ Hunter-gatherers are never mentioned in policy papers. See Sørensen, "Study" (2006), 5.

⁴⁴ ASDS (2001) and the Agricultural Sector Investment Programme (2005) generally failed to transform the agricultural sector. The objective of Kilimo Kwanza has been to transform Tanzania's agriculture into a modern and commercial industry for peasants and small, medium and large-scale producers. Material and financial resources are committed to revive the agricultural sector of the country. Additionally the scheme aims at the

sector. Few of the projects implemented by the Ministry of Agriculture, Food and Cooperatives include livestock. Even if the formation of a new Directorate of Pastoral Systems Development within the Ministry of Livestock and Fishery Development in 2006, and the subsequent development of a Livestock Sector Development Strategy (2010) and a Livestock Sector Development Programme (2011), could be seen as openings towards a more nuanced view, the Grazing Land and Feed Resources Act of 2010 has been criticized by the Pastoral Livelihood Taskforce-PLTF⁴⁵ for having been designed for commercial livestock keeping⁴⁶ and presenting a number of potential problems that may undermine pastoralism as a livelihood system.⁴⁷ The Five Year Development Plan (FYDP) 2012-2016 maintains modernization, commercialization and productivity enhancement as the goals for the livestock sub-sector.⁴⁸ FYDP also underscores the importance of making it easier for “stakeholders to acquire land as a commercially viable asset”.

2. Socio-economic profile

Governments’ failure to understand and acknowledge indigenous peoples’ livelihood systems is a root cause of the problems faced by the hunter-gatherer and pastoralist communities. These problems include their lack of land rights, their economic and social deprivation, the abuse of their human rights and their political marginalization.

2.1 Land Rights

Hunter-gatherers and pastoralists depend on the availability of large tracts of land—forest and woodlands as well as rangelands—where their freedom of movement and their access to the natural resources on which their subsistence relies are not obstructed. The indigenous peoples of Tanzania have nevertheless, since colonial times, suffered a process of gradual land dispossessions and mobility restrictions which has now reached such proportions that it puts traditional indigenous livelihoods and culture at risk since “indigenous territory is more than just a piece of land or water. It is collective memory of a culture.”⁴⁹ Secure collective land-use rights are therefore at the heart of indigenous claims.⁵⁰

2.1.1 Land dispossession among hunter-gatherers

Since independence, the Hadzabe and the Akie have experienced a high degree of pressure from government to abandon their traditional lifestyle. Besides the failed attempts to settle them in villages, the Wildlife Conservation Act of 1974 made it more difficult for them to hunt, making it mandatory for traditional hunters to apply for special

utilization of existing business opportunities by investing in business infrastructure to create a competitive economy. See LHRC “Annual Report 2010” (2011), 206-207.

⁴⁵ The PLTF is a consortium of more than 15 pastoral NGOs in Tanzania. It presented its objections to Parliament in March 2010. See IWGIA, *The Indigenous World 2011* (2011), 428.

⁴⁶ This livestock keeping system constitutes a minor part of the livestock sector in Tanzania. It has, however, received more government attention and investment because it is perceived by the government as contributing more to the market-oriented national economy than pastoralist production.

⁴⁷ Potential problems included the way rangelands will be managed and used; the establishment of a National Grazing Lands Council, and an Animal Feed Resources Advisory Council without proper non-governmental pastoral and agro-pastoral representation and the creation of a “Livestock Inspector” vested with the power to control the so-called “stock rate”— or the number of livestock permitted within a given unit of land and take measures if such rate is exceeded. IWGIA, *The Indigenous World 2011* (2011), 428.

⁴⁸ This will be achieved by putting emphasis on improved production and productivity, service delivery, disease control, enhanced marketing and a review of the legal and institutional framework. Total cost for these goals is set at TShs. 1,333,179 Million (to be compared with Total Cost for goal within crops: TShs. 2,230,654 Million). URT, FYDP (2011), 67 & 70.

⁴⁹ Jens Dahl, “Editorial”, *Indigenous Affairs* 2-3/1995.

⁵⁰ “The Maasai leaders and the NGOs working in Maasailand have prioritized security of tenure as a condition for future pastoral development.” Benedict N. Ole Nangoro, quoted in Tenga, “Minority Rights” (2010), 7.

licenses. However, even if the Hadzabe have been able to get such a license,⁵¹ this is not always recognized by local officials.

Both the Hadzabe and the Akie have lost most of their traditional lands. The Hadzabe reckon that they have lost 90% of their land within the last 50 years. This is the result of several factors such as nature conservation, the impact of expanding resource use in adjacent areas,⁵² increasing pressures from pastoralists that have lost their traditional rangelands, from landless farmers and private hunting interests. The Yaeda Valley is now occupied by agro-pastoralists and Barabaig herders, who themselves have been displaced. These people are clearing the Hadza lands on either side of the now fully settled valley so they can graze their goats and cattle. A private hunting reserve has been established on the western Hadza lands, restricting the Hadzabe to a reservation within the reserve without the permission to hunt. In 2007, 6,500 sq. km of Hadza lands adjacent to Yaeda Valley were leased by the local government to an investor from Abu Dhabi for use as a "personal safari playground". Both the Hadzabe and the Barabaig were evicted, with some Hadza resisters imprisoned. However, after protests from the Hadzabe and negative coverage in the international press, the deal was rescinded.⁵³

The Akie have seen most of their productive lands taken over by dominant groups of pastoralists and agriculturalists. Large parts of their forests have been cleared and village authorities have allowed farmers to settle and even given them individual titles to the land they have cleared. This has forced the Akie to leave their traditional woodlands and abandon their lifestyle. Their community has been disrupted, some seeking refuge in more remote areas; others who opted to stay in villages have become second-class citizens.⁵⁴

2.1.2 Dispossession of land and mobility among pastoralists

The dispossession of pastoralist peoples had already begun under German rule and continued under the British administration.⁵⁵ The best known example is the agreement obtained from Maasai representatives in 1958 by which the Maasai renounced their claims to the Serengeti plains and 1,000 pastoralists and their livestock were moved to the present Ngorongoro area.⁵⁶

Since independence, pastoralists have been the object of government policies trying to sedentarize them through the establishment of ranching associations,⁵⁷ and subsequently through the villagization program.⁵⁸ Several policy papers and strategies continue to

⁵¹ The Act does not extinguish customary hunting tenures but, in order to hunt, Hadzabe and Akie must obtain a hunting permit from the wildlife department. See Madsen, *The Hadzabe* (2000), 74. In Meatu District, seven Hadza people are reported missing after they were arrested, allegedly for illegal hunting in 2009. See IWGIA, "Report on the Tanzania UPR Process" (2011), 30.

⁵² The Mang'ola area—a traditional Hadza area— has become the principal onion farming area in all of East Africa, with immigration for work increasing the population more than tenfold.

⁵³ IIED, "Participatory Land Use Planning as a Tool for Community Empowerment in Northern Tanzania (2010a), 13.

⁵⁴ See Schöpferle, "The Economics of the Akie" (2011).

⁵⁵ The Germans and the British both tried to contain pastoralist Maasai in reserves in order to further the administration's goal of providing land for white settlers. Five out of northern Tanzania's six national parks and the Ngorongoro Conservation Area (NCA) were established prior to independence.

⁵⁶ See Albert K. Barume, *Land Rights of Indigenous Peoples in Africa* (2010), 140.

⁵⁷ The Range Development Act, 1964 constituted the official strategy for modernizing the Maasai and other pastoralists. A large 10-year USAID-supported Maasai Range and Management project was to form 21 registered ranch associations. See, e.g., D.K. Ndagala "Tanzania" (1998), 156; Hodgson, *Once Intrepid Warriors* (2001), 160.

⁵⁸ This program was implemented through Operation Imparnati (Imparnati means "permanent habitation") in Maasailand (1975) and Operation Barabaig (1978). These were forced settlement schemes for pastoralists and were to provide them with increased social services and welfare. See D.K. Ndagala, "'Operation Imparnati': The Sedentarization of the Pastoral Maasai" (1982) and the "Unmaking of the Datoga" (1991), 75; Hodgson, *Once Intrepid Warriors* (2001), 160ff; Chris Maina Peter, "Human Rights of Indigenous Minorities in Tanzania and the Courts of Law" (2007), 21; and Sanna Ojalammii, "Contested Lands: Land Disputes in Semi-arid Parts of Northern Tanzania" (2006), 47.

promote sedentarization.⁵⁹ Pastoralists have also been evicted from their traditional lands or denied access to their rangelands in order to give space to protected areas, hunting concessions,⁶⁰ wildlife corridors,⁶¹ livestock ranches and commercial crop production. These changes in land use have been accompanied by a change in tenure rights from communal to private, thus intervening in and reducing pastoralists' transhumance mobility.

One prominent threat to customary rights has been from nature and wildlife conservation interests. More than 30% of Tanzania's land mass is today classified as protected areas.⁶² Many of these areas used to be customarily held and utilized by pastoralists. In order to "protect" these lands, thousands of pastoralists and their herds have been brutally evicted. Some of the most prominent cases include the eviction of several thousand Maasai and their livestock from Mkomasi Game Reserve (northern Tanzania) in 1987-1988;⁶³ the evictions of Parakuyo, Barabaig and other pastoralists from Ihefu and Usangu wetlands in Mbarali District (Mbeya Region) in 2006 and 2007;⁶⁴ the forceful evictions of Maasai pastoralists from their homes and grazing lands in Loliondo Division, (Ngorongoro District) in 2009;⁶⁵ and, most recently (2010), the relocation of hundreds of Maasai residents from the NCA, following a UNESCO report expressing serious concerns over alleged increased numbers of resident populations and the practice of agricultural cultivation.⁶⁶

Appropriation of land for commercial agricultural purposes—first by parastatals, later by private companies—has alienated large areas of pastoral rangelands or restricted the access of pastoralists. Starting in the late 1960s, ranches averaging between 70,000 and 40,000 ha of high potential pastures⁶⁷ were established by the National Ranching Corporation (NARCO) and the District Development Corporation (DDC). Between 1978 and 1981, the parastatal National Agriculture and Food Corporation (NAFCO) alienated 40,000 ha of the Barabaig's prime pastureland on the Basotu Plains (or 12% of Hanang District) in order to develop a state wheat scheme—the Tanzania Canada Wheat Program.⁶⁸ Including subsequent extensions, over 120,000 hectares of pastureland were

⁵⁹ E.g., the Rural Development Strategy (RDS 2001); ASDS (2001); and the National Livestock Policy (2006).

⁶⁰ The Ministry of Natural Resources and Tourism allocates hunting concessions without being required to seek the agreement of villages over siting, even if villages have fully documented land rights over an area. Because wildlife is owned by the government, and the government increasingly places priority on attracting commercial investments and generating revenue from wildlife, it continues to allocate village lands for hunting concessions. See, e.g., Tor A. Benjaminsen et al., "Wildlife Management in Tanzania: Recentralization, Rent Seeking, and Resistance" (2011), 5.

⁶¹ See Kweka, "Being and Staying Pastoralists" (2011), 4.

⁶² Besides national parks (4%), these areas include the NCA (1%), 31 game reserves (13%), game-controlled areas (7%) and forest reserves (10%). See Shivji, "Village" (2002), 48.

⁶³ Established in 1952, the enabling Charter preserved pastoralists' rights.

⁶⁴ The government accused the pastoralists of being responsible for environmental degradation and the drying up of the Great Ruaha River (and therefore indirectly responsible for the power cuts that have plagued Tanzania for years). It did not take into consideration scientific studies that relate environmental destruction to irrigation and farming activities in the area. The eviction was "a full-scale military National Anti-Livestock Operation involving heavy weaponry, ground and occasional air backup and patrol". See *The Guardian* (Dar es Salaam), 26 June 2006. Shortly afterwards, the Usangu Wetlands were incorporated into the Ruaha National Park. See Martin T. Walsh "Pastoralism and Policy Processes in Tanzania" (2006), 6.

⁶⁵ This was the culmination of a conflict which has been ongoing between the local pastoralist communities and the Otterlo Business Corporation (OBC) since 1992 when the company was allocated hunting rights on the land of the local communities. This land allocation (dubbed "Loliondogate" because of its dubious nature) was done by the Wildlife Division, with no local community involvement and without seeking their free, prior and informed consent. The allocation of hunting rights to the OBC has not given the company ownership rights to the land, but the villagers have been evicted nonetheless and 200 of their homes burned down. See FEMACT, "FEMACT-Loliondo Findings" (2009); IWGIA, *The Indigenous World 2010* (2010), 494ff. TNRF, "Integrating Pastoralist Livelihoods and Wildlife Conservation? Options for Land Use and Conflict Resolution in Loliondo Division, Ngorongoro District" (2011), 16-18.

⁶⁶ The enforcement of the ban on cultivation has driven many Maasai people to vacate the NCA because of hunger.

⁶⁷ Ndagala, "Tanzania" (1998), 159.

⁶⁸ Most of these ventures resulted in failure. Several NARCO ranches have since been subdivided and privatized. The Hanang Wheat project collapsed in the 1990s, NAFCO was disbanded and the 100,000 ha of land were

eventually encircled and/or occupied, including residential areas and holy shrines, graveyards, and water and salt sources for the Barabaig and their animals.⁶⁹ Examples of private investments include some 381,000 acres of land in both Monduli and Kiteto districts acquired by the Rift Valley Seed Company Ltd. in 1979,⁷⁰ and a 100,000-acre concession obtained in 1992 by Company M/S Tanzania Cattle Products Limited from the Village Council of Ololoskwan in Ngorongoro.⁷¹

Perhaps the greatest threat to rangelands security, however, is land grabbing by politicians, private companies and individual migrating farmers. The latter may be poor people looking for access to land for bare survival or more wealthy farmers looking for land for large-scale farming and land speculation. This alienation frequently takes place with the implicit support of government or local officials. The Government of Tanzania has, for instance, been encouraging immigration from the over-populated Meru land into Maasai land. All this often leads to land conflicts between pastoralists and agriculturalists, resulting in the eviction of the latter, as in the case of the Parakuyo Maasai, Barabaig and Sukuma pastoralists who, in January 2009, were evicted from Kilosa (Morogoro Region). More than 300 families, 300,000 cattle, and 20,000 sheep and goats were forced to trek more than 1,000 kilometers to Lindi Region.⁷² In 2010, Barabaig agro-pastoralists, hunters and gatherers from Endagulda village in Mbulu District were forcibly evicted from their residential premises and barred by the district government from accessing water and grazing land in the preserved forest at Endagula village.⁷³

2.1.3 Reactions and policies

The indigenous peoples have reacted to their dispossession in many ways. With the support of CSOs and international NGOs, they have mobilized and organized local and international campaigns, such as for instance, the Hadzabe who were able to save some of their land from becoming yet another private hunting reserve. The Barabaig, too, have appealed to the international community by writing an Open Letter to the Canadian people explaining their plight and harassment by NAFCO.⁷⁴ In 2006, as a land recovery strategy, Barabaig pastoralists moved their livestock back to parts of the land taken from them and a significant number settled there.⁷⁵ Indigenous peoples have also initiated court cases to bring the "trespassers" to justice, such as for instance, the Barabaig against NAFCO in 1981 and 1988,⁷⁶ and the M'komazi Maasai against the government in 1994-1995.⁷⁷ Not a single one of these cases has resulted in full recognition of

divided into seven farms. Some of these farms were privatized. In 2007, two of the farms reverted back to the Barabaig. See IWGIA, *The Indigenous World 2008* (2008), 438.

⁶⁹ Peter, "Human Rights" (2007), 22.

⁷⁰ It was eventually taken over in 1984 by NAFCO, which then pulled out in 1988 leaving the land to be appropriated by land grabbers.

⁷¹ The company later fraudulently processed its own title and transferred it to another company. See Shivji, "Village" (2002), 54.

⁷² IWGIA, "Report on the Tanzania UPR Process" (2011), 9-10; IWGIA, *The Indigenous World 2009* (2009), 495.

⁷³ Riots led to five Barabaig people being seriously injured and 19 others, including their chairperson, arrested and later charged with provoking the villagers into demonstrating. See IWGIA, *The Indigenous World 2010* (2010), 498.

⁷⁴ For text of letter, see Charles Lane, *Pasture Lost* (1996), 171.

⁷⁵ See IWGIA, *The Indigenous World 2007* (2007), 488.

⁷⁶ *Mulbadaw Village Council and 67 Others v. National Agriculture and Food Corporation (NAFCO)* in 1981; *NAFCO v. Mulbadaw Village Council and 66 Others* (1986 Appeal case) and *Yoke Gwaku and 5 Others v. NAFCO and Gawal Farms Limited* in 1988. The court cases are described in Barume, *Land Rights of Indigenous Peoples in Africa*, (2010), 123-138.

⁷⁷ *Lekengere Faru Parutu Kamunyu and 16 others v. the Minister For Tourism, Natural Resources and Environment and 3 Others* (1994), *Kopera Keiya Kamunyu and 44 Others v. the Minister For Tourism, Natural Resources and Environment and 3 Others* (1995) and *Lekengere Faru Parutu Kamunyu and Others v. the Minister For Tourism, Natural Resources and Environment and Others* (1999, unreported). See Barume, *Land Rights* (2010), 132-136.

indigenous peoples' rights.⁷⁸ Lately, a constitutional case has been filed, challenging the constitutionality of the forcible evictions of pastoralists in Loliondo.⁷⁹

As a positive result of these land struggles, a large number of organizations and networks have been formed to lobby for the rights of indigenous peoples in Tanzania. They have introduced new strategies, conducting fact-finding missions to document the abuses taking place,⁸⁰ alerting the embassies, press and international community, addressing international bodies such as the Special Rapporteur on indigenous peoples,⁸¹ and providing shadow reports to ACHPR,⁸² the Human Rights Council (in connection with Tanzania's UPR)⁸³ and ICESCR.⁸⁴

One of the reasons why it is possible to alienate land from the pastoralists and hunter-gatherers is that their rights are not well provided for in Tanzania's formal land legislation. The fact that much of the land they use is not physically occupied by households also puts them at a disadvantage as it is easier for outside interests, including the state, to rationalize and justify the appropriation of such lands.⁸⁵

Indigenous peoples base their collective land claims on customary rights known and recognized by Tanzanian land legislation as "deemed rights of occupancy".⁸⁶ Today, most of their traditional lands have, in accordance with the twin Land Acts of 1999, been categorized as "reserve lands", i.e., lands reserved by the State for national parks, etc.; and "village land", i.e., land controlled by village authorities. The Village Land Act provides some options for indigenous peoples, in particular the option to apply for the titling of pastoral lands as village lands and for Certificates of Customary Right of Occupancy (CCROs). However, before this can be done they must go through a number of steps: form themselves into a village;⁸⁷ receive a Village Land Certificate (VLC) from the Commissioner of Lands; and produce a participatory village land-use plan (PVLUP).⁸⁸ Although the process is cumbersome, some pastoralists have opted for this solution.⁸⁹

⁷⁸ See Peter, "Human Rights" (2007), 36. In the Barabaig case, although the court found that NAFCO had trespassed over the lands of three plaintiffs and should be compensated, it did not nullify NAFCO's land title or order the return of the lands in dispute to the plaintiffs. The Barabaig appealed the verdict. In the Maasai case, the court ruled that the eviction of the Maasai plaintiffs from a portion of the Mkomazi Game Reserve had been unlawful but that it had occurred more than five years ago and a return of the land was therefore no longer possible. However, the court also ruled in favor of compensation and that alternative lands should be provided.

⁷⁹ *LHRC and Others v. AG and Others*. The case also seeks a declaration that the village land-use within the LGCA by villagers does not offend any known law and is in accordance with article 24(1) of the 1977 Constitution of the United Republic of Tanzania. See LHRC, "Annual Report 2010" (2011), 158.

⁸⁰ See, e.g., various reports at Pingos Forum's website: <http://www.pingosforum.or.tz>

⁸¹ The Special Rapporteur was approached by the Hadzabe regarding the detention of their spokesperson, Mr. Richard Baalow, in relation to his activities in defense of the rights of the Hadzabe community vs. the private hunting company in 2007 (A/HRC/9/9/Add.1 2007:87); and by the Pastoralist Organizations in 2009 regarding the Kilosa case (A/HRC/12/34/Add.1, 2009:87) and the Loliondo evictions (A/HRC/15/37/Add.1, 2010:172).

⁸² "Supplemental/Shadow Report of Tanzania to the African Commission on Human and Peoples' Rights" (2008a); and "Concluding Observations of the African Commission on the Second – Tenth (2nd – 10th) Periodic Report of the United Republic of Tanzania" (2008b).

⁸³ See IWGIA, "Report on the Tanzania UPR Process" (2011).

⁸⁴ Shadow Report prepared in relation to the combined initial, second and third periodic reports of the URT submitted to the International Covenant on Economic, Social and Cultural Rights (UN doc E/C.12/TZA/1-3, 28 March 2011) at the 48th Session of the Committee on Economic Social and Cultural Rights.

⁸⁵ See Shivji "Village" (2002), 51; Rie Odgaard, "Report to IWGIA" (2009), 38ff. The Land Amendment Act of 2004 creates a legislative framework "allowing for and regulation of sale of bare land".

⁸⁶ Customary land rights were first recognized in 1928. Since then, and especially from the 1980s on, the position of deemed rights of occupancy has been "clarified" by a series of decisions made by Tanzania's superior courts, which found them on an equal footing in law with the state's granted rights of occupancy (Court of Appeal of Tanzania, 1994).

⁸⁷ This requires a prescribed number of individuals. This makes it difficult for hunter-gatherers to form a village. However, in October 2011, the Hadzabe living in the Yaeda Valley were granted a Collective Community Land Certificate (equivalent to a VLC and encompassing more than 20,000 ha) and some of the community members were issued with CCRO. See IWGIA, *The Indigenous World 2012* (2012), 444-445.

⁸⁸ By June 2010, only around 110,000 CCROs had been issued. Less than half of Tanzania's approx. 10,000 villages had received a VLC and only 705 villages had a land-use plan in place. See Rasmus Hundsbaek Pedersen, "The Forgotten Villages – Land Reform in Tanzania" (2011), 2.

⁸⁹ Several NGOs, such as CORDS and UCRT, are active in helping pastoralist communities obtain their VLCs.

However, the titling of pastoral lands may also open up the possibility of land privatization and thus threaten pastoralists' collective land rights.⁹⁰ More critical is the fact that it is relatively easy for the government to appropriate village land, in particular pastoral lands, and allocate them to outside interests.⁹¹ Recent legislation, such as the 2008 Wildlife Act, has further enhanced this possibility by providing that pastoralists need written permission in order to graze livestock in Game Controlled Areas (GCA) even when these areas overlap with village lands. As almost all GCA in the Ngorongoro District encroach on village lands, the government has come up with the Ngorongoro Land Use Plan aimed at demarcating the required land for Game Controlled Areas from village lands.⁹² The Grazing Land and Feed Resources Act of 2010 furthermore requires grazing land to be demarcated and animals to be confined to one place depending on the land carrying capacity.⁹³

2.2 Climate change

Tanzania and, in particular, the northern part of the country, has been severely hit by major droughts, the latest being in 2009/10 and 2011/12.⁹⁴ The frequency and intensity of these periods of drought, coupled with reduced mobility—the result of land alienation—and reduced access to natural resources, has increased the vulnerability of indigenous peoples.

The Hadzabe and Akie suffer from the reduced availability of water, wild plants and fruits and have to move further to find sufficient food.⁹⁵ The situation of the pastoralists is also highly precarious. With rising temperatures, changes in the timing and volume of rainfalls, coupled with reduced mobility, growing populations and an increased livestock density,⁹⁶ pastoralists find it more difficult to anticipate, cope with, resist and recover from the impact of drought. Water scarcity, the disappearance of natural springs and drying of pan dams compel them to cover up to 30 km to get water. There has also been a loss of grass, and this has led to less milk and less food. The animals do not fetch the same prices as before since they are thin and sick and, for many, the livestock losses have been substantial—2009 being the worst year, with examples of Maasai having lost up to 70% of their livestock.⁹⁷ This has led to an increased incidence of suicide in the communities, a phenomenon that was unheard of a few decades ago.

⁹⁰ These risks are due, among others, to the fact that the elected Village Councils that are responsible for establishing certificates of village land use and managing these lands may not represent the interests of minority groups such as the hunter-gatherers; it also makes it possible for a villager to apply for an individual title to village lands. See, e.g., Geir Sundet, "The 1999 Land Act and Village Land Act" (2005), 10; Barume, *Land Rights* (2010), 147.

⁹¹ The Constitution, the 1967 Land Acquisition Act, and land laws of 1999 permit the President to acquire general, village or reserved land for public purposes. Public purposes include public works, commercial development, environmental protection and resource exploitation. See USAID, "Tanzania Country Profile" at <http://usaidlandtenure.net/>. Pressure to increase areas under conservation and to increase restrictions in areas already conserved is reflected by policies and legislations such as the Wildlife Conservation Act 1974, which has been used to declare indigenous pastoralists' village lands as Game Controlled Areas or Game Reserves, as, e.g., in Loliondo and Longido in northern Tanzania. Other legislation includes the Forest Policy (1998); the Wildlife Policy (1998), the Community Based Forest Management Guidelines (2001), the Forest Act (2002), the Environmental Management Act (2004) and the Strategic Plan for the Implementation of the Land Acts (SPILL) of 2005.

⁹² The ongoing process of village land demarcation in Loliondo is aimed at establishing a Buffer Zone by removing around 1,500 sq. km of the 4,500 sq. km of Loliondo GCA and displacing all pastoralist villages. If the process to displace pastoralists takes place then almost 75% of Ngorongoro territory will be reallocated exclusively for wildlife tourism management, leaving the pastoralists without necessary resources such as land, pasture and water for their livelihood. LHRC, "Annual Report 2010" (2011), 159.

⁹³ LHRC, "Annual Report 2010" (2011), 156.

⁹⁴ A National Climate Change Strategy and Action Plan are currently being developed by the GoT.

⁹⁵ Akie in Kiteto have recently been reported as experiencing hunger and migrating to other areas in order to find food. See *The Guardian*, "Hunger Threatens Kiteto's Akiye", February 26-March 3, 2012.

⁹⁶ Arusha has the highest cattle and goat densities in the country. See URT, "National Sample Census" (2012b), vii.

⁹⁷ In 2010, the price of a bull declined from between Tsh. 80,000 and 100,000 to Tsh. 50,000. See Mung'ong'o, "Climate Change" (2010), 10ff. and PINGOs Forum, "Research on the Impact of Climate Change to Pastoralists

Climate change, together with land dispossession and mobility restrictions, also results in profound cultural changes. Traditionally, there was an organized sharing of resources (e.g., milk or heads of cattle) between people of the same clan during hard times. Likewise, the transhumance system was based on long-standing agreements allowing livestock keepers from drought-prone villages to migrate seasonally to better endowed places in Maasailand and beyond but this too has become increasingly more difficult since the access to traditional fallout places in Kilindi (Tanga Region), Kilosa (Morogoro) and Usangu (Mbeya) has become restricted. All these traditional social networks have been eroded and disrupted by the complexities of climate change.

2.3 Economic poverty

Even though Tanzania's growth in GDP averaged 7.1 % from 2001 to 2007, poverty over the same period only declined marginally from 35.7% to 33.6 % in 2007 (see Table 4.8 in Annex 4).⁹⁸

Although there is no recent statistical data available for northern Tanzania, various reports indicate that poverty is prevalent in Arusha and Manyara.⁹⁹ In 2003, the headcount index for Tanzania showed that 21% of the population living below the poverty line lived in Arusha Region.¹⁰⁰ A more recent study reaches the same conclusions but also shows that there is a huge differentiation within pastoral communities, with both rich and extremely poor households present, and that Maasai pastoralists' wealth should be measured not only in tangible economic terms but also in socio-economic and cultural terms.¹⁰¹

Poverty among indigenous peoples is due to many factors—land dispossession, climate change, population growth, increased competition for scarce resources, lack of supportive government policies and programs, etc., and, in the case of the pastoralists, basic lack of recognition of the livestock sector, along with the removal of subsidies in all service sectors and extension services in the mid-1980s, which made livestock rearing expensive and unaffordable for low income earners.¹⁰² All this has forced the indigenous peoples to look for alternative livelihoods.

Today, some Hadzabe work as day laborers, guarding the fields of their neighbors or laboring on their lands. A few Hadzabe have paid government positions as community development officers or work for the game department.¹⁰³ Most of the Akie have become food crop farmers.¹⁰⁴

and Hunter-Gatherer Communities in Tanzania: A case study of Kiteto and Simanjiro" (2011) for a detailed description of the impact of climate change on Maasai pastoralists.

⁹⁸ See, e.g., URT, "Tanzania FYDP 2011/2012-2015/2016" (2011), 12.

⁹⁹ Arusha (including what is today Manyara Region) had the second highest poverty severity index in 2001. See A.F. Mkenda et al., "Poverty in Tanzania: Comparisons across Administrative Regions" (2004), 13.

¹⁰⁰ African Development Fund, "Multinational (Kenya-Tanzania): Athi River-Namanga-Arusha Road—Environmental and Social Impact Assessment" (2006), 5.

¹⁰¹ See Pius Z. Yanda and Christopher Williams, "Livelihoods diversifications and implications on food security and poverty levels in the Maasai Plains: the Case of Simanjiro District, Northern Tanzania (2010), 164. The report shows that, based on their monthly total expenditures, 99% of the surveyed population were below the poverty line as defined by the World Development Report. A participatory wealth ranking, on the other hand, identified three wealth categories—rich, middle class and poor. The authors' conclusion is that understanding poverty from the community perspective helps to identify the "real poor" groups.

¹⁰² Yanda and Williams "Livelihoods diversifications" (2010), 162.

¹⁰³ Frank W. Marlowe, "Why the Hadza are still Hunter-Gatherers" (2002), 3.

¹⁰⁴ Schöpferle, "The Economics of Akie" (2011), 34. As crop cultivation needs their constant presence, most Akie have had to abandon their former lifestyle that meant staying away for longer periods. Honey gathering has become difficult because the habitat of the bees (baobab trees and savannah flowers) has been destroyed by cultivation.

For pastoralists, crop cultivation, practised since the 1980s on a small scale, has gained much more importance for their subsistence¹⁰⁵ and many Barabaig and Maasai are now agro-pastoralists, having given up their nomadic lifestyle. However studies show that crop productivity is generally poor due to weather unreliability, poor soils, small farm plots and poor agricultural practices, and most households are only able to produce enough food to last for a few months.¹⁰⁶ It is also evident that stockbreeding remains their main concern and that farming may not be promoted for food security reasons alone: some Maasai communities feel that agriculture “brands” the land and makes it harder to take away for conservation purposes; others see crop farming as a strategy to get some cash to buy more livestock and thereby raise their social status.¹⁰⁷

Since Arusha and Manyara receive 80% of all tourist visits into Tanzania,¹⁰⁸ wildlife conservation is an important niche of livelihood diversification. This includes the modest incomes generated by Maasai women through manufacturing and selling artifacts and other products for the tourist market,¹⁰⁹ as well as the more substantial incomes generated by some villages from so-called non-consumptive utilization of wildlife,¹¹⁰ and from Wildlife Management Areas (WMA).¹¹¹ However, new regulations introduced by the Wildlife Conservation Act (2009) mean that the Wildlife Division has taken control of the income generated by these activities,¹¹² without any clear and transparent regulations regarding how much money is to be redistributed to the village governments and the CBOs (in the case of WMAs), who previously controlled the processes and the funds they received.¹¹³

Many impoverished pastoralists trade in wild products (honey, timber and grass for thatching and fodder) and even in previously sacred objects (ostrich feathers and ficus plants).¹¹⁴ They may also engage in income-generating activities within the informal sector, such as charcoal production and small-scale trading, like the traditional *nyama choma* trade based on local pastoralist beef production.¹¹⁵ Women brew and sell local beer. Some have formed groups and, with the help of NGOs, been trained in various entrepreneurship skills. For many young Maasai, the ultimate option is to migrate, to

¹⁰⁵ “Herd recovery after a die-off can take years, with each year’s growth potential dependent on population at the start of the year. Cultivation each year is independent of the preceding year, and therefore acts as an important livelihood safety mechanism despite years where loss is incurred”. See Stacy Lynn, “The Pastoral to Agro-Pastoral Transition in Tanzania: Human Adaptation in an Ecosystem Context” (2010), 9.

¹⁰⁶ Yanda and Williams, “Livelihoods diversifications” (2010), 162; Mung’ong’o “Climate Change”, (2010), 25.

¹⁰⁷ Schöpferle, “The Economics of Akie Identity” (2011), 55.

¹⁰⁸ Tourism contributes 20% to the region’s GDP. See African Development Fund, “Multinational (Kenya-Tanzania)” (2006), 2.

¹⁰⁹ These artifacts are based on raw materials found on the rangeland or forests (such as gums, resins, fruits and foods, and medicines. See IIED, “Pastoralism: Drylands’ Invisible Asset? (2006b), 21.

¹¹⁰ This includes game-drives, photo safaris and walking safaris as well as investments in construction of a tented camp, lodge, business, or research and educational facility. For examples of income generated from hunting concessions and village-based tourism, see TNRF, “Wildlife Conservation in Northern Tanzanian Rangelands” (2003), 10ff., and “Integrating Pastoralist Livelihoods” (2011), 23-24.

¹¹¹ Pastoralists have had mixed feelings for this alleged “community-based approach” as it implies a lot of bureaucracy and comes with strict restrictions, curtailing their land rights and potentially threatening their livelihoods. Some communities as, e.g., the Maasai in Loliondo and the Barabaig in Burunge have resisted against WMAs on their land, and some villagers have been forcibly evicted from lands lying within a WMA. See World Resource Institute, “Focus on Land Africa Brief” (2010), 3-4; for a recent example, see LHRC/PINGOs Forum, “The Joint Fact Finding Mission Report on the Land Conflict Involving the Eviction of Pastoralist and Hunter-Gatherer Communities from their Ancestral Land of Meatu District in Seven Villages” (2011).

¹¹² The Wildlife Division already controls all the proceedings from the consumptive utilization of wildlife (e.g., hunting concessions).

¹¹³ See Benjaminsen et al., “Wildlife Management in Tanzania” (2011), 10.

¹¹⁴ See WISP Policy Brief No. 6 (2007), 4.

¹¹⁵ In 2005 *nyama choma* (NC)—the sale of roasted meat from market stalls in towns—was conducted by 601 NC businesses, employing 5,600 people, with an estimated 25,000 dependents. For each NC worker, it was estimated that a further 2.4 jobs were supported within ancillary services in butchery, middlemen and, of course, primary beef production. It is estimated that 6.6% of the population of Arusha received crucial livelihood support through the meat supply chain from pastoralist cows to NC. See IIED, “Pastoralism” (2006), 22.

mining areas such as Mererani (Arusha) where many of them work as middlemen¹¹⁶ or to cities in search of work. Since the mid-1990s, there has been a large-scale urban migration to Arusha, Dodoma and other places.¹¹⁷ Due to their low level of education and training, most end up working as watchmen in big houses and hotels in urban areas, or as traders in livestock, traditional medicine and Maasai artwork. Many have difficulty finding jobs, are underpaid and live in miserable conditions.¹¹⁸ Some send remittances to their families. However, the foremost purpose is to earn some money to buy cattle and go back to their village and get married according to the Maasai custom.

2.4 Health and education

Despite some improvements, the delivery of social services, especially healthcare,¹¹⁹ including water and sanitation, and education, continues to be poor in Tanzania. There are no disaggregated health and education statistics available (see Tables 4.8, 4.9 & 4.10 in Annex 4).¹²⁰

Within health, it is well documented that the main challenges in rural and remote areas with low population density such as rural Arusha and Manyara are the poor quality of and inequitable access to health services¹²¹ due to distances, bad access roads and/or high transport costs. Access to specialist services is almost impossible and the rural population, including pastoralists and hunter-gatherers, depends to a large extent on hospitals, health centers and mobile clinics run by voluntary NGOs, FBOs and agencies.

The most frequently reported diseases among pastoralists and hunter-gatherers are malaria, pneumonia and gastroenteritis.¹²² Many indigenous communities suffer from food insecurity. According to the Famine Early Warning System, some of the pastoralist districts were still in a food crisis one year after the 2009 drought. Particularly affected districts included Ngorongoro, Longido, Monduli, Simanjiro, Handeni and Kiteto.¹²³ In 2011, a severe measles epidemic hit the NCA and several children were reported to have died.¹²⁴ A recent focus on chronic disease patterns and obesity among nomadic/semi-nomadic populations shows that resource scarcity (both general scarcity and seasonal changes in available resources) and settlement are having a strong negative impact on pastoral health, both in terms of acute nutritional stress and chronic disease patterns.¹²⁵ An increasing dependence on purchased foods and maize meal has also been noted. A study looking at differences in health between the Datoga/Barabaig and their neighbors

¹¹⁶ See Yanda and Williams, "Livelihoods diversifications" (2010), 163. Maasai children have also been reported working in some of the mines. See IWGIA, *The Indigenous World 2002-2003* (2003), 379.

¹¹⁷ A recent study reported that 22% of the surveyed households had family members that had migrated to other areas in search of alternative economic fortunes. See Mung'ong'o, "Climate Change" (2010), 30.

¹¹⁸ Kweka, "Being and Staying Pastoralists" (2011), 4.

¹¹⁹ Minor improvements have been registered for Tanzania in general (life expectancy, e.g., has increased from an average of 51 years in 2002 to 57 years in 2010) but certain indicators show only minor or no improvements, especially in rural areas.

¹²⁰ In 2006, CWIQ (Core Welfare Indicators Questionnaire) surveys were conducted in 34 districts across Tanzania, including Hanang District in Arusha Region. They provide *inter alia* non-ethnically disaggregated data on health and education. See PMO-RALG, "CWIQ 2006 Hanang—Survey on Poverty, Welfare and Services in Hanang DC" (2006).

¹²¹ Tanzania has around 10 health workers per 10,000 people but they are unequally distributed throughout the country. In 2007, the available primary health facilities included 4,679 dispensaries, 481 health centers and 95 district hospitals. See URT, "Primary Health Services Development Programme 2007 – 2017" (2007), 12. Free medical services are provided by government health facilities to pregnant women, children under five, people living with disabilities and elderly people. However, most people in these groups complain that they do not enjoy this right due to a lack of awareness on the part of health workers and the targeted people, lack of health facilities, medicine and general corruption in the health sector. See LHRC, "Annual Report 2010" (2011), 112.

¹²² With the exception of HIV/AIDS, little research has been done on infectious disease (e.g., tuberculosis, acute respiratory and gastrointestinal infections, vaccine preventable diseases, sexually transmitted infections, and certain parasitic infections) and their transmission among pastoralists in Tanzania. See Alyson G. Young, "Current research on health among Tanzanian pastoralists" (2009).

¹²³ LHRC, "Annual Report 2010" (2011).

¹²⁴ See PINGOs Forum/NYDA "Report after Visiting NCA on 9th-12th November 2011" (2011).

¹²⁵ Young, "Current Research" (2009).

shows how patterns of health are linked to wider issues of marginalization. Being Datoga is a risk marker for many problems, including anemia, maternal mortality and tuberculosis. Infant mortality is also high among the Datoga (20 %) while fertility is lower than in neighboring groups, and pastoral Datoga children show early growth faltering and little catch-up growth when compared to neighboring groups.¹²⁶

Regarding HIV/AIDS, pastoralists have long been identified as a risk group. Pastoral movements, urban migration, low literacy rates, limited competences in Swahili and relatively strong adherence to socio-cultural and sexual practices¹²⁷ have been seen as factors that may facilitate a particularly rapid spread of the virus. At the same time, there is a great deal of secrecy and stigma associated with HIV, making it difficult to assess its prevalence. However, reports from specific areas¹²⁸ indicate that many pastoralists are infected and that pastoral women in particular are vulnerable.

Within education, Tanzania has made some generally significant and commendable progress.¹²⁹ However, there are concerns over declines in the quality of the education many children receive due to supply-side constraints such as failing infrastructure, inequitable staff allocation systems, and a shortage of skilled teachers and educational materials. These constraints are particularly prevalent in rural and remote areas, where schools are far apart and the number of boarding schools limited.

Present estimates put the national illiteracy rate at above 30% (20.4% for men and 36% for women). It is generally reckoned that illiteracy is far more widespread among hunter-gatherers and pastoralists. A survey of three Maasai communities showed that 46% had no formal education.¹³⁰

Semi-nomadic pastoralist children in Tanzania, and in particular girls,¹³¹ rarely attend school and it is estimated that only around 20% of school-age Maasai children regularly attend primary school. Of this number only one-third are girls.¹³² This low enrolment rate is due to many factors, such as accessibility of school facilities, use of their labor (herding), and the costs involved. Although primary education is free, out-of-pocket expenses (uniform, meals and other contributions) may run high.¹³³ There has also traditionally been a certain culturally-based reluctance to send children to school for fear that they may no longer value their traditional lifestyle, and in the case of girls, for fear of early pregnancies when away from home.¹³⁴ This, however, is changing and there is now greater awareness of the importance of education, and pastoralists also aspire to be Kiswahili literate for ease of communication at markets, hospitals, etc. Among the Maasai, education is now equated with gaining more power, with leadership and influence

¹²⁶ Alyson G. Young, "Young child Health among Eyasi Datoa: Socio-economic Marginalization, Local Biology, and Infant Resilience with the Mother Infant Dyad" (2008), 66.

¹²⁷ These practices allow Maasai to engage in sex with a large number of partners, both before and during marriage and girls become sexually active at a very young age (as early as 9 or 10). See Hilde Basstanie and Rafael Ole Moono, "Ngorongoro District HIV/AIDS Programme Formulation Report" (2004), 6. Among the Datoga, sexual relationships between a woman and her husband's younger brother are common. See Astrid Blystad, "On HIV, Sex and Respect: Local-Global Discourse Encounters among the Datoga of Tanzania (2004), 52.

¹²⁸ In the Ngorongoro District, data from 2004 show that the HIV epidemic was in a relatively early stage, with an estimated 1,500 HIV positive people in the district of whom 150 might have developed AIDS. See Basstanie & Ole Moono, "Ngorongoro District" (2004), 6.

¹²⁹ Primary school (7 years of schooling) national gross and net enrolment rates are 109.9% and 94.8% respectively. The number of students in Secondary (4 years) has increased dramatically from 675,672 in 2005 to 1,466,402 in 2010. World Development Indicators database, World Bank.

¹³⁰ Yanda and William, "Livelihoods diversifications" (2010), 158.

¹³¹ A June 2011 Education Stakeholders' Report found that in Ngorongoro District, only 44% of girls were attending primary school, well below the national average of 95%. See Global South Development at <http://gsdmagazine.org/2012/01/24/ngo-in-focus-african-initiatives-empowering-tanzanias-girls/>

¹³² See website of the Emusoi Center at <http://www.emusoicentre.co.tz/Need.htm>

¹³³ As for secondary level education, which is not free, it is nigh on impossible for low-income families to let their children attend.

¹³⁴ See IIED, "Ambivalence and Contradiction. A Review of the Policy Environment in Tanzania in relation to Pastoralism". Issue Paper no. 140 (2006a), 6.

outside the traditional institutions.¹³⁵ Hunter-gatherers such as the Akie realize that village authorities, farmers and businessmen from outside are taking advantage of their low level of formal education to cheat them.

The government does not have a specific policy regarding pastoralists and education. The Education and Training Policy (1995) identifies certain groups of children that "... have not had access to this right [to education] due to their style of living, for example hunters, gatherers, fishermen and pastoralists",¹³⁶ and pledges that the government "shall promote and facilitate access to education to disadvantaged social and cultural groups".¹³⁷ In 2003, a Complimentary Basic Education and Training (COBET) program was launched in order to reach specific "excluded" groups, including children from "hard to reach areas and nomadic communities".¹³⁸ COBET, however, does not meet the challenges of providing education to pastoralists. The curriculum of COBET students is, on the contrary, designed to allow them to take the examinations taken by children in mainstream education and to enter the formal system if successful.

2.5 Human and fundamental rights

2.5.1 Denial of identity and discrimination

The discrimination and marginalization of hunter-gatherers and pastoralists in post-colonial Tanzania has been multifaceted.

The Swahilization policy was a denial of their cultural identity and efforts were made not only to dismantle their traditional indigenous structures but directives were also issued banning customs related to the way they dressed, their age graduation ceremonies, and the "morani" (warrior) institution. These directives still color a pastoralist's perception that the state does not respect pastoralists or their way of life.¹³⁹ The villagization program forced the Hadzabe and the Akie to abandon their livelihood and live in villages where they were exposed to the discrimination of other groups (pastoralists and agriculturalists). Today, the sedentarized Akie are still excluded from public village life, and forced to live in distinct squatter areas on the fringes of settlements. They also suffer from negative stereotyping that associates them with poison and makes it difficult for them to sell their products.¹⁴⁰

The colonial and post-independence Tanzanian authorities have stereotyped the Datoga/Barabaig as primitive, barbaric and savage, and have tried to do away with their way of life and repeatedly violated their human rights.¹⁴¹ As a result of this radical marginalization in recent years, the Datoga population is haunted by "stigmatisation and negative cultural stereotypes ... [their] society is today threatened by final dislocation".¹⁴² Maasai who migrate to towns in search of work often find that they are seen as uncouth, lazy, naïve, and dirty.¹⁴³ Their response has been to reinforce their Maasai identity by continuing to wear their traditional red cloth and emphasizing their difference from the Swahili-speaking population. They also maintain their culture by constantly moving physically back and forth between their place of origin and destination.¹⁴⁴

¹³⁵ See Yanda and William, "Livelihoods diversifications" (2010), 158.

¹³⁶ URT, "Education and Training Policy" (1995), 18.

¹³⁷ The Basic Education Master Plan (2001) has a specific budget line for "disadvantaged communities". See URT, "Basic Education Master Plan" (2001), 33ff.

¹³⁸ See Elisabeth Bishop, "The Policy and Practice of Education Service Provision for Pastoralists in Tanzania" (2006); Ian Macpherson, "Tanzania Non-formal Education" (2007), 8ff.

¹³⁹ Sørensen, "Report to IWGIA" (2006).

¹⁴⁰ Schöpferle, "The Economics of Akie Identity" (2011), 45.

¹⁴¹ Peter, "Human Rights" (2007), 20.

¹⁴² Astrid Blystad, "The Pastoral Barabaig: Fertility, Recycling and the Social Order" (1992), 6.

¹⁴³ Mung'ong'o, "Climate Change" (2010).

¹⁴⁴ Kweka, "Being and Staying Pastoralist" (2011), 5.

2.5.2 The role of the state

The fundamental rights of indigenous peoples have, since independence, been continuously abused by the government. An example is the situation of the Maasai within the Ngorongoro Conservation Area (NCA)—Africa's longest standing experiment in multiple land use. The pastoralist Maasai, who make up about 85% of the population, have seen their human rights trampled upon in a variety of ways, including legal discrimination against Maasai residents in accessing the conservation area; denial of the right to be consulted when decisions affecting the pastoralists resource base are made; and restrictions on rights to cultivation and grazing that have a debilitating effect on the Maasais' right to life. Pastoralist and pro-pastoralist NGO representatives have been arrested and the District Commissioner has threatened to ban NGOs for inciting people to breach land laws.¹⁴⁵

Similar abuses are found in all cases where evictions, land alienations, restrictions, etc., have taken place. In none of these cases have the affected indigenous peoples been asked for their free, prior and informed consent; they have not even been informed, consulted or compensated for their losses. In most of these cases, the human rights of indigenous peoples have furthermore been violated by "excessive use of force, assault, harassment, brutality, torture, cruel and other inhuman and degrading treatment and punishment by state institutions such as the police, security and the infamous field force unit. These actions of State agents normally lead to displacement, loss of livestock and other personal articles as well as break up and scattering of families".¹⁴⁶ A fact-finding study regarding human rights violations in the process of the eviction of pastoralists from Ifehu-Usangu in Mbarali District (Mbeya) and their resettlement in Lindi in 2006-2007 found that the abuses included: theft of livestock, imposition of unjustified fines for environmental degradation, extortion of bribes, subjection of individuals to torture, the forced separation of families, denial of access to education to children, and widespread hunger.¹⁴⁷

2.5.3 Conflicts

Land-use conflicts between farmers and pastoralists persist in several districts in the country, mainly because the issue of land allocation for pastoralism has not been matched with secure land tenure rights and infrastructure development.¹⁴⁸

Some of these conflicts assume ethnic dimensions, mainly due to the competition for shrinking resource which pits Maasai pastoralists against other farming ethnic groups. The conflicts can be quite serious since they may include rape, torture, death and loss of property (burning of bomas). One example out of many is the dispute between the pastoral Maasai and the sedentary agricultural Sonjo/Batemi over the territorial village lands and resources of Loliondo and Sale Divisions. Due to the existence of different stakeholders (outsiders and local), the situation developed into competition and conflict over land property and property rights on common lands. This dispute ended in open violence in 1995,¹⁴⁹ and has recently re-surfaced.

Migrant livestock herders in particular are faced with many conflicts over access to water and cattle routes, which are not regulated by law. Resource-use conflicts in the Mkata plains (Morogoro Region) are centered on interactions between immigrant pastoralists and smallholder farmers.

¹⁴⁵ LHRC, "Annual Report 2010" (2011), 88.

¹⁴⁶ Peter, "Human Rights" (2007), 36.

¹⁴⁷ See PINGOs Forum et al., A Report on Eviction and Resettlement of Pastoralists from Ifehu and Usangu—Mbarali District—to Kilwa and Lindi Districts (2007), 20ff; IWGIA, *The Indigenous World 2008* (2008), 437-438.

¹⁴⁸ See URT, "Livestock Development Strategy" (2010), vi.

¹⁴⁹ See Ojalammi, "Contested Lands" (2006), 92; Michael Ochieng Odhiambo, "Conflicts in Ngorongoro District: Causes, Consequences and Possible Solutions" (2008).

Conflicts between hunter-gatherers and pastoralists also occur, such as for instance between the Hadzabe and the Barabaig in the Yaeda Valley or between the Akie and the Maasai in Kiteto.

There has been a sharp decline in cattle rustling in Tanzania.¹⁵⁰ Some of the worst areas included the Ngorongoro District of Arusha, where much of the stolen livestock was being smuggled over the border into Kenya. The decreasing amount of cattle rustling cases has been attributed to better coordination between the Tanzania National Parks (TANAPA), the Ngorongoro Conservation Area Authority (NCAA), the Pastoralist Indigenous Non-Government Organizations (PINGOs) Forum and village leaders.

By-law No. 1 of 2002 provides for the establishment of conflict resolution committees at village level to serve as fora through which the pastoralists and farmers can meet and resolve resource-use conflicts at local levels. Experiences of the effectiveness of these committees are mixed.

2.5.4 Access to Justice

Tanzania has a poor judicial infrastructure in the rural areas, with few courts of law and few judicial officers.¹⁵¹ The government only provides free legal aid in the case of major offences such as murder or treason, and the majority of people who need legal representation are therefore forced to represent themselves or seek independent legal aid providers. The latter can be costly and, taken together with other constraints, makes access to justice very difficult.

Land disputes can be heard by both formal and informal tribunals. The Courts (Land Disputes Settlements) Act of 2002 and the 1999 Land Acts recognize the jurisdiction of informal elders' councils, village councils and ward-level tribunals. Village councils can establish an adjudication committee, with members elected by the village assembly. The primary mode of dispute resolution in these forums is negotiation and conciliation.

There are many cases indicating that Tanzanian tribunals are not free from executive and government influence. At the national level, experience from the court cases filed by the Barabaig and the Maasai shows that the courts tend to openly side with the "development" thesis of the government and the need to "civilize" the indigenous groups so that they can move away from their "backwardness" and enter the government's mainstream programs. Even in situations where the rights of the indigenous groups are recognized and their claims accepted by the courts of law, however, both the High Court and the Court of Appeal have been very restrictive when it comes to making awards. Common losses to the community such as those relating to the environment or to access to resources such as water are conveniently ignored as each and every plaintiff is forced to prove "specific and individual" loss, and quantify it. Practice has also shown that even when all these stiff conditions set by the courts of law are met by the plaintiffs, the compensation ordered is still generally small, insignificant and, at best, symbolic.¹⁵²

At the local level, people such as the Akie are often not treated fairly because the magistrates (who are in fact the chairmen of the villages) do not believe them (because of their stigmatized heritage), or because they were not able to pay enough money to get a fair trial.¹⁵³

¹⁵⁰ From 11,845 reported cases of cattle rustling in 2010, there were only 4,428 cases in 2011. See "Cattle rustling decreases in Tanzania" (16.02.2012) at <http://arusha.wantedinafrica.com/where-to-live> (accessed 25.05.2012).

¹⁵¹ The number of advocates in Tanzania translates into one for every 31,000 Tanzanians.

¹⁵² See Peter, "Human Rights" (2007), 35.

¹⁵³ Schöpferle, "The Economics of Akie Identity" (2011), 62.

2.6 The situation of indigenous women

Most indigenous communities are highly patriarchal and traditional.¹⁵⁴ Women's status and role may however vary from one ethnic group to another.¹⁵⁵ Gender relationships within hunter-gatherer communities thus tend to be more egalitarian than within pastoralist communities. Among pastoralists, the Barabaig/Datoga women appear to play a more central role in their communities' political and religious life. They have their own "women's councils" or *ghadoweeda*, which are able to enforce sanctions against men who threaten their well-being or procreation; they also have status as mediators between humans and the ancestral spirits.¹⁵⁶

This being said, and despite their crucial role in carrying out domestic chores and productive activities, most indigenous women enjoy few rights. They are often denied the right to education: relatively few are enrolled in primary school, fewer still in secondary school, and many leave school before completion at the age of 12-14 in order to get circumcised and married. Female Genital Mutilation (FGM) is prohibited for girls under the age of 18 years¹⁵⁷ but most Maasai women get circumcised.¹⁵⁸

Marriages are usually forced upon the young girls and their husbands are often double their age or more and may already have one or two wives. Large families are favored but maternal mortality rates are estimated to be higher than for Tanzanian women in general. Wife-battering is a widespread, and largely condoned, practice.¹⁵⁹

Pastoral women are greatly affected psychologically and socially by the evictions and displacements from their communities, the periods of drought and the loss of livestock, the promotion of farming and the prolonged migration of their men away from home. The women's work load has increased and now includes tasks and responsibilities previously pertaining to men. The overall number of *de facto* female-headed households has increased and forces pastoralist women to face more household production demands as well as the need for a cash income to buy food, pay medical bills, etc. To meet these needs, Maasai women undertake informal work in urban areas selling traditional medicine, artifacts, or engaging in tourist-related activities. However, socio-economic marginalization and modernization have also contributed to the erosion of social ties, limiting the networks that women rely on for help. The Barabaig women use the *ghadoweeda* to express distress and respond to social inequality and socio-economic marginalization on a community level but also to express concern over resource

¹⁵⁴ Among many pastoralists, livestock is often ranked higher than a girl and her only value is the bride wealth her father can obtain.

¹⁵⁵ Dorothy L. Hodgson, *Rethinking Pastoralism in Africa: Gender, Culture and the Myth of the Patriarchal Pastoralists* (2000) notes that the situation of Maasai women will differ depending on their age, kinship, clan and age set affiliation as well as their order of marriage and their ability to manage their household property.

¹⁵⁶ Charles Lane, "Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania (1991), 253ff.; Astrid Blystad, "'Dealing with Men's Spears': Datooga Pastoralists Combating Male Intrusion on Female Fertility" (1999), 187ff.

¹⁵⁷ Sexual Offences Special Provisions Act (1998). A National Plan of Action to combat Female Genital Mutilation (2001-2015) has been adopted. The Penal Code, Cap. 16 [R.E 2002.] provides that: '...anyone having custody, charge or care of a girl under 18 years of age who causes her to undergo Female Genital Mutilation (FGM) commits the offence of cruelty to children...'. But the prohibition is weakly enforced and 15% of all women still undergo FGM. The age limit is not always respected and one-third of women are circumcised before their first birthday. Manyara is the second-leading region with 54% of all circumcisions. FGM is most commonly performed by a traditional circumciser (73%) followed by a traditional birth attendant (22%). See TNBS & ICF Macro, "2010 Tanzania Demographic and Health Survey: Key Findings (2011), 13.

¹⁵⁸ The age limit is not always respected and one-third of women are circumcised before the first birthday. Female circumcision is most commonly performed by a traditional circumciser (73%) followed by a traditional birth attendant (22%). See LHRC, "Annual Report 2010" (2011), 167.

¹⁵⁹ A recent study from a traditional Datoga community shows that more than 47% of the women had been beaten by their husbands and, of these, almost 15% stated that they had suffered injuries. The major reason for being battered was related to cattle issues. See Marina L. Butovskaya, "Wife-battering and Traditional Methods of its Control in Contemporary Datoga Pastoralists of Tanzania" (2012), 35-36. In 2000, 3,242 cases of wife-beating were recorded in the Arusha Region over a five-year period, and 99% of married women had scars indicative of heavy beating by their husbands. See Nicodemus Odhiambo "Tanzanian Women In Dire Straits After Marriage" (2000).

insecurity and hunger, loss of cattle, workload, and more recent concerns related to modernization, such as alcoholism and increasing violence.¹⁶⁰

Pastoral women, with a few exceptions, lack effective access to land ownership even though the law provides for such access.¹⁶¹ Issues of land ownership between spouses are, however, influenced by custom and traditions that build on the perception that women are inferior to men and should have no influence over ownership of resources. Moreover, the Land Act 1999 stresses the fact that customary land tenure is based on clan ownership, which also traditionally discriminates against women when it comes to their inheritance rights.¹⁶² In general, women have a limited knowledge of their rights regarding land ownership and they also lack the capacity to claim these rights.

Indigenous women have little say in community decisions. Maasai women are traditionally not allowed to speak in public/community meetings and they complain at not having fora where they can speak out on issues that are important to them, such as forced marriages, HIV/AIDS, domestic violence and property ownership.

On a more positive note, there are clear indications that indigenous girls and women have been empowered and are beginning to let their voices be heard. The lack of opportunities for indigenous girls' education in Arusha has begun to be addressed through private initiatives.¹⁶³ At the village and district level, women's representation is provided by law and they may fully participate in the decision-making processes within the respective councils as well as in the village land-use planning process. However, in many communities this representation still needs to become effective and independent.¹⁶⁴ Several grassroots organizations have been established by and for pastoralist women (e.g., the Pastoral Women's Council, the Feminist Activist Coalition, the Maasai Women Development Organization, etc.) and Maasai and Barabaig women are now publicly protesting for the rights of their communities.¹⁶⁵

2.7 Political and other participation

Indigenous communities complain about their lack of participation in the governance structures in which policy decisions relevant to their situation are made. They face, however, a number of constraints ranging from the general discrimination of hunter-gatherers and the prejudices and myths existing about pastoralists and their production systems, to the fact that they live in remote areas, are mobile, have little access to information or civic education and are in general poorly educated. Another main obstacle is the "first past the post" electoral system, which makes it difficult for indigenous groups to be represented by one of their own even at the village level unless they constitute a majority.

Hunter-gatherer communities are those at the greatest disadvantage. As stigmatized and impoverished minorities within villages controlled by other ethnic groups, they are

¹⁶⁰ Young. "Young Child Health" (2008), 67.

¹⁶¹ These legal provisions include the Land Policy of 1997, which guarantees equal access to land between male and female. The Land Act of 1999 also affirms the equality of women and men over rights of access to land; it also protects women's rights of property control within marriage. The Village Lands Act No. 5 (1999) gives women the right to acquire, own and use land equally with men. The Courts (Land Disputes Settlements) Act No. 2 of 2002 provides for the composition of Land Courts with no less than 43 % women members.

¹⁶² IFAD, "Strengthening Women's Access to Land: the Tanzanian experience of the Sustainable Rangeland Management Project" (2010), 9.

¹⁶³ E.g., the Maasai Girls' Secondary School and the Emusoi Center. The latter targets girls aged 13 to 22 years old from the Maasai, Barabaig, Hadzabe and Akie communities.

¹⁶⁴ IFAD, "Strengthening Women's Access" (2010), 11-12.

¹⁶⁵ In April 2010, about 3,000 women from 12 villages in Loliondo in Ngorongoro District carried out demonstrations in front of the district offices asking for, among other things, the Parliamentary report on the OBC case and their inclusion in the Land Use Plan process. They also declared that the CCM was the source of all their problems and therefore wanted to return their CCM membership cards. See LHRC, "Annual Report 2010" (2011), 161. Regarding Barabaig women, see IWGIA, *The Indigenous World 2007* (2007), 488.

marginalized politically and economically. It is difficult for the Akie and the Hadzabe to gather the prescribed number of people to form a village or even a sub-village that can be certified and where, as a majority, they would have some control over village affairs.¹⁶⁶ On the whole, hunter-gatherers are widely excluded from local and regional decision making processes and it is usually only in elections years that they become interesting and their electoral participation is encouraged.¹⁶⁷

Unlike other indigenous communities, the Maasai have been participating actively in politics for a number of years.¹⁶⁸ However, the general picture is that pastoralists have little influence. The mobility of pastoral communities has made it difficult for them to participate in the mainstream political processes at local level. Their representation has been greatly reduced in districts which they share with other more sedentary communities as well as in the participatory planning techniques which assume a permanent residency for the participants, which may not be the case for many pastoral communities.¹⁶⁹ This means that pastoralists have a weak voice in cases of land allocation or dispute and risk being further marginalized in the political processes. This lack of representation also affects all areas of service delivery, from schools, veterinary services and healthcare provision, to markets and communications infrastructure.¹⁷⁰ Pastoralists are also not adequately represented in parliament.

While this decline in influence at the local level can be seen as an outcome of poverty and vulnerability, and local people's lack of confidence or motivation to participate in local politics,¹⁷¹ pastoralists and their organizations have been active at other levels, and have, e.g., formed the Pastoralist Livelihood Task Force (PLTF) in order to use the possibilities that now exist for participating as key stakeholders in policy debates and formulation. Examples of this are the Poverty Reduction Strategy (PRS) process, the National Strategy for Growth and Reduction of Poverty (NSGRP), the Livestock Policy and the Wildlife Act, and the Strategic Plan for Implementation of the Land Laws (SPILL). In 2009, a National Indigenous Peoples' Coordinating Committee on REDD (NIPCC-REDD) was formed.¹⁷² A Pastoralist Parliamentarian Group¹⁷³ has been established to interact with representatives from pastoral organizations and pursue pastoralists' issues in parliamentary discussions, and to contribute to the political debate about the rights of pastoralists. Some of the network organizations are also active internationally, producing shadow reports, and sending "list of issues" as inputs to the Treaty Bodies when preparing their examination of Tanzania¹⁷⁴ or communications to complaint mechanisms such as the Special Rapporteur on indigenous peoples and the ACHPR.

¹⁶⁶ Such a registration depends very much on local political will. See the case of an Akie sub-village in IWGIA, *The Indigenous World 2011* (2011), 430; and the case of the Hadzabe in IWGIA, *The Indigenous World 2012* (2012), 444-445.

¹⁶⁷ Such as, for example in 2010, when the government launched a campaign in Mbulu District along the Yaeda Chini valley to promote the Hadzabe's participation in the 2010 general election. One major outcome was the election of a Hadzabe to the post of ward councilor. See LHRC, "Annual Report 2010" (2011), 200.

¹⁶⁸ E.g., the late Moringe Sokoine, a former Prime Minister in the early 1980s, was a Maasai.

¹⁶⁹ See IIED, "Ambivalence and Contradiction" (2006a), 34.

¹⁷⁰ Sørensen, "Study on main policy issues" (2006), 16; LHRC "Annual Report 2010" (2011), 200.

¹⁷¹ On 27 October 2010, more than 700 pastoralists from Ngaita sub-village in Kilosa District, Morogoro Region, northern Tanzania, marched to the office of the District Commissioner to return their voter registration cards prior to the 31 October 2010 elections. They declared that they had decided not to vote because they were tired of oppressive practices perpetrated by investors who had told them that they were to vacate their ancestral land prior to the general elections. See IWGIA, *The Indigenous World 2011* (2011), 427.

¹⁷² This committee will monitor the design and implementation of the national REDD program.

¹⁷³ This is a group of MPs from pastoral communities or sympathetic towards pastoralists. Similar groups have been quite successful in Ethiopia and Kenya.

¹⁷⁴ See IWGIA, *The Indigenous World 2012* (2012), 444.

3. Laws of Tanzania and indigenous peoples

3.1 The Constitution and indigenous peoples

The current Constitution of the United Republic of Tanzania dates from 1977 and has been amended fourteen times from 1979 to 2005. Pressure for political changes in Tanzania began to emerge in earnest in the late 1980s. After almost three decades and several Commission Reports, the process has now been resumed. The most critical issues at stake are the separation of powers, presidential powers, the right to education and health and the right to information.¹⁷⁵ In late 2011, a Constitutional Review Bill was enacted (2011).¹⁷⁶ The new Act was met with massive criticism, in particular for not taking into account the desires for a broad participatory consultation process. Before the end of the year and after the president had agreed to the recommendations made by the opposition party, CHADEMA, a Bill on the amendment of the Constitutional Review Act was introduced. This amendment offers the possibility of broader representation within the Constitutional Review Commission and a more participatory and consultative process. It is uncertain whether pastoralist organizations will be represented and consulted but they have formed a Technical Working Group—the Pastoralists and Hunter-Gatherers' Katiba Initiative (PHGKI)—to formulate their demands and expectations with regard to the constitutional process.¹⁷⁷

3.2. Other relevant legislation and policies

Tanzania has no specific legislation recognizing or addressing indigenous peoples' rights. There are, however, a large number of policies, strategies and laws dealing with overall national issues as well as sector and thematic issues which touch directly or indirectly on pastoralism and pastoralists' livelihoods.

Whilst there has been some acknowledgement, such as in the NSGRP, of the wisdom and need to protect the pastoral livelihood system, most of these policies, strategies and laws are not supportive of pastoralism. Some are even directly critical of pastoralists and small-scale farmers (e.g. SPILL) and "there is a consistent view that the productivity of the pastoral system needs to be increased and the most popular approach being proposed by the government in almost all policies and strategies is based on modernization (probably by adopting western ranching models), ... [d]emarcation and titling of land and elimination of mobility".¹⁷⁸ There has been little effort to translate policy into action to ensure that pastoralists are legally guaranteed access to land and water through clearly demarcated areas. The few policies advocating the protection of pastoralists' rights have not been given legal force. At the same time, the trend towards the expansion of protected areas for conservation purposes, of attracting large-scale investors into agriculture, and of commoditizing land are being given legal force, and will work against the interests of pastoralists.¹⁷⁹

A list of the most relevant documents is given in Annex 5.

¹⁷⁵ See Mwesiga Baregu, "Tanzania's Hesitant and Disjointed Constitutional Reform Process" (2000), 5 at Web page of Policy Forum at <http://www.policyforum-tz.org/>

¹⁷⁶ "An Act to provide for the establishment of the Constitutional Review Commission for purposes of co-ordination and collection of public opinions on the Constitution; to examine and analyse public opinions; to provide for fora for constitutional review; to provide for preparation and submission of report on the public opinions; to provide for the procedure to constitute the Constituent Assembly, the conduct of referendum and to provide for related matters." See <http://www.parliament.go.tz/>

¹⁷⁷ See IWGIA, *The Indigenous World 2012* (2012), 441.

¹⁷⁸ IIED, "Ambivalence" (2006a), 35-36. See also Benjaminsen et al., "Wildlife Management" (2011), 10-12.

¹⁷⁹ IIED, "Ambivalence" (2006a), 35-36.

4. International and regional human rights treaties and instruments

Tanzania has signed and ratified a wide range of international and regional human rights instruments, including a number of international environmental conventions (see list in Annex 6).

In 2007, Tanzania voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).¹⁸⁰ Tanzania has not ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries.

4.1 International human rights treaties

Tanzania is party to six of the nine core international human rights treaties:¹⁸¹

- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹⁸²
- The International Covenant on Civil and Political Rights (ICCPR)¹⁸³
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of the Child (CRC) and its Optional Protocol CRC-OP-AC and OPSC
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol OP-CRPD

Tanzania has ratified several universal human rights instruments related to armed conflicts, a number of UN conventions and several UNESCO conventions of importance to indigenous peoples.

Tanzania is a member of the International Labor Organization (ILO) and has ratified 22 of its conventions, including C29 and C105 (on forced labor), C100 and C111 (on discrimination within employment and occupation), and C138 and C182 (on child labor), which are specifically relevant to indigenous peoples.

Tanzania is also Party to the main international conventions and agreements related to environment, biodiversity and climate change as well as intellectual property rights.

Finally, Tanzania has signed up to the UN Millennium Declaration.

4.2 Regional human rights instruments

Tanzania has ratified or signed the following regional human rights instruments:

- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child
- The Protocol to the ACHPR on the Rights of Women in Africa (signature)
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights

Tanzania is a member of the regional EACJ (EAC Court of Justice).¹⁸⁴

¹⁸⁰ Kenya, Burundi and Nigeria abstained, while more than 30 African states voted in favor of the Declaration. See Albert K. Barume "Responding to the Concerns of the African States" (2009), 170.

¹⁸¹ Tanzania is not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its optional protocol; the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW); and the Convention for the Protection of All Persons from Enforced Disappearance (CPPED).

¹⁸² Tanzania does not recognize Individual Complaints (art. 14).

¹⁸³ Tanzania does not recognize Inter-State complaints (art. 41) and is not party to ICCPR-OP 1 and OP 2.

¹⁸⁴ Any person who is resident in a Partner State is allowed to file complaints on the legality of any Partner State/Community Act, regulation, directive, decision or action as beyond the powers of the Treaty.

4.3 Other relevant regional instruments

Tanzania has ratified several African conventions and is a member of several regional institutions, including the Southern Africa Development Community (SADC), EAC (East African Community),¹⁸⁵ EALA (East African Legislative Assembly) and EACM (East African Common Market), EAPCCO (Eastern Africa Police Chiefs Cooperation Organization)¹⁸⁶, NEPAD (New Partnership for Africa's Development), the APRM (African Peer Review Mechanism) and COMESA (Common Market for East and Southern Africa).

5. National and grassroots organizations

5.1 Governmental Human Rights Institutions

The Commission for Human Rights and Good Governance (CHRAGG) was established in 2001. The independence of the Commission has been challenged over the years. Although the Commission is supposed to be an independent statutory body, it is highly constrained by the political environment within which it operates as well as by financial constrictions. It has failed in several cases to intervene on emerging and serious human rights violations, for instance, the forcible evictions in Loliondo.

5.2 National and local non-governmental organizations

Tanzania has a sizable number of national and local indigenous organizations as well as several support NGOs. The following list is therefore by no means exhaustive.

Association for Law and Advocacy for Pastoralists—ALAPA (2009) is based in Arusha. Its mission is to advocate and promote respect for economic social and cultural rights (ESCR), civil and political Rights (CPR) as well as collective rights of pastoralists, in pursuit of economic development. <http://www.alapa.or.tz/>

Community Research and Development Services—CORDS (1999) works out of Arusha with NGOs, CBOs and local communities to enhance the security of resource tenure among pastoral communities in Kiteto, Monduli, Ngorongoro and Simanjiro and to promote sustainable livelihoods. <http://www.cordstz.org>

Feminist Activist Coalition—FEMACT is a grassroots organization based in Dar es Salaam. It is a member of the Tanzania Gender Networking Programme (TGNP), an activist organization committed to challenging patriarchy and neo-liberalism at all levels, and advocating for gender equality/equity, women's empowerment, social justice and social transformation in Tanzania and beyond. <http://www.tgnp.org/>

Haki-Ardhi (1994) is a membership organization based in Dar es Salaam. Its purpose is lobbying for and defending the security of land tenure for ordinary people in Tanzania. The organization has programs on creating public awareness of land rights and good governance, covering several districts in the country. <http://www.hakiardhi.org>

Haki Kazi Catalyst (2000) is an NGO based in Arusha that is engaged in policy dialogue particularly on issues related to human rights and good governance. It has been particularly successful in 'demystifying' various government policies and strategies in order to make them accessible to the general public through simplified easy to follow publications. <http://www.hakikazi.org/>

Indigenous Peoples Coordinating Committee on REDD (NIPCC-REDD) (2009) has been formed to monitor the national REDD program, with a focus on indigenous peoples' livelihoods and traditional practices.

¹⁸⁵ The EAC is a regional intergovernmental organization of five countries: Burundi, Kenya, Rwanda, Tanzania and Uganda.

¹⁸⁶ EAPCCO has 12 members (Kenya Djibouti, Eritrea, Ethiopia, Somalia, Sudan, South Sudan, Seychelles, Rwanda, Burundi, Uganda and Tanzania). It was created in 1998 to promote, strengthen and perpetuate co-operation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications (terrorism, drugs, cattle rustling, environmental and wildlife crime, illegal firearms, trafficking in human beings and illegal immigrants).

Legal and Human Rights Centre—LHRC (1995) works out of Dar es Salaam and Arusha. Its main objective is to create legal and human rights awareness and to empower the general public, in particular underprivileged sections of society, through legal and civic education, advocacy, research, monitoring and follow-up of human rights violations and provision of legal aid. It publishes an Annual Report on the human rights situation in Tanzania. <http://www.humanrights.or.tz/>

Maasai Women Development Organisation—MWEDO (2000) in Arusha empowers women to enhance sustainable equitable and human development for Maasai women through access to education, women's economic empowerment and maternal health and HIV/AIDS education. MWEDO is a membership organization with over 5,000 grassroots women members from Arusha and Manyara Regions. <http://www.maasaiwomentanzania.org/>

Parakuiyo Pastoralists Indigenous Community Development Organisation—PAICODEO (2003) is a membership, non-profit organization for pastoralists in Tanzania. The overall vision is to have the indigenous pastoralist community achieve sustainable development and have its culture recognized, respected and preserved. Contact Person: Adam Kuleit Ole Mwarabu Coordinator P.O BOX 63 Kimamba, Kilosa, Morogoro.

Pastoralists Indigenous Non-governmental Organisation—PINGOs Forum is based in Arusha, and acts as an umbrella organization for more than 50 pastoralist and hunter-gatherer organizations. Its mission is to strengthen the capacity of the local NGOs in governance, lobbying and advocacy and to sensitize communities as to their rights, strengthen networking among the local NGOs and influence national policies in favor of pastoralists and hunter-gatherers. <http://www.pingosforum.or.tz/>

Ngorongoro Non-Governmental Organizations Network—NGONET is based in Loliondo and works on pastoralist issues in the Ngorongoro district. Contact person: Samuel Nangiria. Tel. 0784 834873.

Pastoral Women's Council (1997) is a community-based organization in Loliondo that works on long-term structural solutions to the poverty and marginalization of pastoralist and agro-pastoralist women and children. <http://www.pastoralwomenscouncil.org/index.html>

Tanzania Natural Resources Forum (TNRF) is an Arusha-based collective of civil society organizations with a common interest in improving natural resource management in Tanzania by addressing the issue of governance. TNRF is hosting the **Pastoral Livelihood Taskforce-PLTF** (a consortium of more than 15 pastoral NGOs in Tanzania). <http://www.tnrf.org>

Tanzania Pastoralist, Hunter-Gatherers Organization—TAPHGO (2000) is based in Arusha, and acts as an umbrella organization for 32 pastoralist and hunter-gatherer member organizations. It endeavors to lobby and advocate for the rights of pastoralist and hunter-gatherer communities. <http://www.taphgo.org/>

Ujamaa Community Resource Trust—UCRT (1998) is a community-based organization established in Arusha in order to strengthen the capacity of local ethnic minorities in northern Tanzania, principally pastoralists and hunter-gatherers such as the Maasai, Datoga, Akie (Dorobo), Sonjo and Hadza, to better control, manage and benefit from their lands and natural resources. <http://www.dorobofund.org/ucrt>

6. IFAD projects and operations in Tanzania

IFAD has funded projects in Tanzania since 1978. It has a Country Office and has developed a Rural Poverty Portal (<http://www.ruralpovertyportal.org/>). As of May 2012, IFAD had five large ongoing operations in Tanzania.

In response to the government's MKUKUTA and MKUZA¹⁸⁷ goals and the agricultural sector challenges, IFAD's country strategic opportunities programme 2007-2013 (COSOP) revolves around four strategic objectives: (1) Improved access to technologies

¹⁸⁷ The National Strategy for Growth and Poverty Reduction is popularly known by the Kiswahili acronym MKUKUTA, for the strategy on the mainland, and MKUZA, for the strategy in Zanzibar).

(mechanization) and services that enhance productivity; (2) Greater participation of farmer organizations in ASDP planning. Through grants, this objective will build the capacity of small farmer and pastoralist organizations to participate more effectively in district planning processes, by improving the advocacy, planning and negotiating capacities of these organizations; (3) Increased access to sustainable rural financial services. IFAD aims to increase the bargaining power of microfinance institutions; (4) Increased opportunities for rural enterprise and access to markets by facilitating the development of sustainable agricultural markets.

IFAD defines its target group as rural poor and food insecure men and women who have the potential to gain access to opportunities and assets for agricultural production and rural income-generating. One project specifically addresses pastoralists (Maasai) and agropastoralists in the northern part of Tanzania:

AGRICULTURAL SECTOR DEVELOPMENT PROGRAMME – LIVESTOCK: SUPPORT FOR PASTORAL AND AGRO-PASTORAL DEVELOPMENT

Project type	Livestock
Project ID	1306
Approval date	8 September 2005
Implementation period	2007-2015
Total cost	USD 29.1 Million
IFAD loan	USD 20.6 million
Total cost benefiting ethnic minorities and pastoral groups	USD 23.6 million
Executive agencies	Ministry of Water and Livestock Development for the mainland and Ministry of Agriculture, Natural Resources, Environment and Cooperatives for Zanzibar
Ethnic and pastoral groups beneficiaries	Pastoralists, among them Maasai

Beneficiaries

The main participants of this programme are the poorest members of herder and agropastoralist groups who depend mainly on livestock for their livelihoods. Women, young people and marginalized groups, and some Zanzibar fishing households, will be a particular focus. The programme will also address the special needs of the large numbers of poor rural people affected by HIV/AIDS.

Project Objective

The overall objective is to improve food security and increase incomes within these communities. Specifically, the programme will work to improve livelihoods for the target groups by: (1) helping farmers identify and manage their own development needs; (2) boosting livestock production through research and technology; (3) improving marketing systems and infrastructure for livestock products; (4) strengthening national and local government institutions to improve services to livestock farmers; (5) promoting a participatory approach to natural resource management within local administrations; and (6) investing in improved healthcare and water management.

Moreover, IFAD has financed two projects in Tanzania under the **Indigenous Peoples Assistance Facility (IPAF)**:

- **The Indigenous Maasai Cultural Centre (IMCC), 2008**

Organization: Indigenous Heartland Organization (IHO)
Grant amount: USD 20,000
Area of project implementation: Ngorongoro conservation area
Indigenous peoples group: Maasai

- **Pastoralists Re-herding project , 2011**

Organization: Parakuiyo pastoralists indigenous community development organisation

Area of project implementation: Kilosa district in Morogoro region

IP Group: Parakuiyo Pastoralists

Grant amount: USD 24,000

The project aims to address the plight of pastoralist communities evicted from their habitats and who are now displaced. The negative repercussions of the eviction is poverty, breakdown of social systems and services, outmigration and potential general decadence particularly from the youth. The project will assist the communities in regaining their dignity by contributing towards their self-sustenance with strengthened social fabric and cohesion. This is expected to be achieved by:

- reducing poverty of 60 families through a livestock mutual assistance mechanism;
- reducing outmigration of family members to the urban centre; and
- protecting biodiversity by avoiding possible poverty driven destruction of forest resources.

7. International organizations

As of 2010, Tanzania was receiving USD3 billion a year in ODA.¹⁸⁸ More than 40 development partners provide support to Tanzania. Key donors, in terms of financial transfers, are the World Bank, the United Kingdom's Department for International Development (DFID), Japan and the European Union, although some donors who do not publish their aid, such as China, are also thought to be within this group.¹⁸⁹

7.1 UN agencies

The UN System in Tanzania is represented by the following agencies and offices: FAO (UN Food and Agriculture Organization), IFAD (International Fund for Agricultural Development), ILO (International Labour Organization), UNAIDS (Joint United Nations Programme on HIV/AIDS), UNCDF (UN Capital Development Fund), UNDP (UN Development Programme), UNESCO (UN Educational, Scientific and Cultural Organization), UNFPA (UN Fund for Population Activities), UN-HABITAT (UN Human Settlements Programme), UNHCR (UN High Commissioner for Refugees), UNIC (UN Information Center), UNICEF (UN Children's Fund), UNIDO (UN Industrial Development Organization), UNOPS (UN Office for Project Services), UNV (UN Volunteers Programme), WFP (World Food Programme), WHO (World Health Organization) and UN Women. In addition, other UN agencies, including IAEA (International Atomic Energy Agency), OHCHR (Office of the High Commissioner for Human Rights) and UNEP (UN Environment Programme), are operational in the country but based elsewhere.

The 2011-2015 UN Development Assistance Program (UNDAP) is a new integrated business plan for all the UN agencies and national partners in Tanzania based entirely on the development priorities set by the government. It draws upon the collective expertise of all resident and non-resident UN agencies working in Tanzania.¹⁹⁰ The four-year USD\$ 777 million UNDAP adopted in mid-2011 will cover 100% of the UN's development work in the country and is expected to ensure greater program coherence and a considerable reduction in the duplication of efforts among UN agencies.

¹⁸⁸ With 2% of the total disbursements in 2010, Tanzania was no. 6 in the top 10 ODA recipients in the world.

¹⁸⁹ WBG, Country Partnership Strategy (2010), 34. OECD. "Aid Effectiveness 2005-10: Progress in implementing the Paris Declaration" (2011), 1.

¹⁹⁰ Tanzania is the first country to use the UNDAP methodology. The UNDAP replaces the 11 Joint programs funded by the One Fund under the UNDAF 2007-2010.

The UN in Tanzania is a signatory to the Joint Assistance Strategy for Tanzania (JAST), which was developed jointly by multilateral and bilateral development partners and the government to enhance aid effectiveness at country level.

7.2 Bilateral international and regional development agencies

A large part of Tanzania ODA is provided by bilateral agencies (development partners) representing the following countries: Belgium, Canada, Denmark, EU institutions, Finland, France, GAVI Alliance, Germany, Global Fund, Ireland, Italy, Japan, Korea, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom and the USA.¹⁹¹

7.3 International financial institutions

7.3.1 The World Bank

As of 01.05.2012, there were 25 WB operations with a commitment of nearly USD 2.9 billion, the largest share of which is allocated to transport (see Annex 8).¹⁹² The Country Assistance Strategy (CAS) for Tanzania covering 2012 to 2015 (2011) is organized around four objectives: Promote Inclusive and Sustainable, Private Sector-led Growth; Build Infrastructure and Deliver Services; Strengthen Human Capital and the Social Safety Net; and Promote Accountability and Governance.

In early 2012, the URT issued an Indigenous Peoples Policy Framework and, so far, only one project (Tanzania Third Social Action Fund Productive Social Safety Net Project 2012-2017 has triggered the OP4.10 policy and an IPPF (IPP547) has been elaborated.

7.3.2 Other international and regional development banks and funds

These institutions include: the African Development Bank (AfDB)—a main donor, the Arab Bank for Economic Development in Africa (ABEDA) and the OPEC Fund.

7.3.3 Environmental Funding Mechanisms

Tanzania receives GEF funding. A National Framework and a National Strategy for REDD+ (2011) have been developed and several pilot projects are being implemented. Main partners are the Norwegian government and the UN-REDD program.¹⁹³

7.4 International NGOs

A large number of INGOs work in Tanzania, some in collaboration with UN or bilateral agencies, others with their own development programs. They include, among many others: Action Aid, AMREF (African Medical and Resource Foundation), Care, Cordaid (Catholic Organisation for Relief and Development Aid), FARM-Africa, Flying Medical Service (FMS), IWGIA, IIED/RECONCILE, JOLIT (Joint Oxfam Livelihoods Initiative for Tanzania), PACT Tanzania, Save the Children, SNV (Netherlands Development Organization), Terre des Hommes, Trocaire (Ireland), VetAid and World Vision.

Environmental organizations include African Conservation Foundation, AWF (African Wildlife Fund), Frankfurt Zoological Society, IUCN (World Conservation Union), WCS (Wildlife Conservation Society) and WWF (World Wildlife Fund).

¹⁹¹ The Development Partner Group has its own website at <http://www.tzdp.org/tz/external/aid-modalities.html>

¹⁹² "Welcome Message" World Bank at: <http://go.worldbank.org/GM0URJJGR0> (accessed June 2012).

¹⁹³ The Ministry of Natural Resources and Tourism of Tanzania has initiated a REDD Task Force to oversee the implementation of technical and operational issues in relation to REDD+ readiness. See <http://www.reddtz.org/>

8. Opportunities and challenges

The government of the United Republic of Tanzania has, since independence in 1961, denied the existence of indigenous peoples, undervalued their livelihood systems and repeatedly violated their fundamental rights. Although this hostile environment persists, some opportunities can be identified for the indigenous communities and may, despite many challenges, lead to the empowerment of these communities and to improvements in their situation.

One opportunity is the ongoing local government reform program. This is potentially a very powerful process, in which the citizens are key stakeholders. They now have the possibility to more directly participate in shaping their own future, since responsibility is vested in the elected, local governments.¹⁹⁴ So far, the process has been slow, uneven and extremely bureaucratic. It has also been hampered by gaps between formal policies and actual organizational practices and a lack of competences at the local level.¹⁹⁵ Trends towards re-centralization have also been observed (e.g., within the area of wildlife conservation). Still, it seems unlikely that the process will not continue; it is also expected to be strengthened by the forthcoming constitutional reform.

Indigenous peoples' organizations have already taken advantage of some of the possibilities offered by the process at the national policy level in terms of participatory consultations and representation in important taskforces. It is now the turn of the indigenous communities to make use of the other possibilities, namely being actively engaged and getting their views represented in the decision-making bodies at village, district and regional level. As discrete communities within a larger context, the challenge is to avoid , pastoralists and hunter-gatherers from becoming further marginalized if they are represented only weakly, or not at all, at these different levels. Hence the importance of indigenous men and women being informed about their civic rights and being trained so they can engage meaningfully in local politics and other structures where decisions that are relevant to their livelihood are or will be made (e.g., structures related to REDD+ and Climate Change projects).

Indigenous organizations should also realize that, without local engagement, land and other resources may be lost despite successes in engaging with policy processes at the national level. There is a need for indigenous organizations to become more involved at the level of local governments and provide them with information and training about indigenous livelihood systems in order for local government institutions to understand and value what local hunter-gatherers and pastoralists are doing. This includes documenting, among other things, the potential these indigenous systems have from an economic point of view;¹⁹⁶ how the pastoral management system and practices, which have traditionally been able to cope with and adapt to changing climatic conditions, are now threatened by the fragmentation of rangelands, which has reduced the mobility of pastoralists and their access to natural resources.

Another opportunity is an increased understanding of the importance of indigenous rights and livelihood systems at the continental level and within the UN system in Tanzania,¹⁹⁷ which has led GoT to issue a Draft Indigenous Peoples Policy Framework. This document should be seen as a first important step towards official recognition of the concept of

¹⁹⁴ Local government is responsible for the provision of basic services—primary education and health, agricultural extension, local water supply and roads—targeted at people's real needs. They are also heading the process of recognizing existing rights and issuing titles. Transfers from central government currently make up 80-90% of local government revenue.

¹⁹⁵ See Hundsbæk Pedersen, "The Forgotten Villages" (2011), 1.

¹⁹⁶ See TNRF, "Integrating Pastoralist Livelihoods" (2011), 25.

¹⁹⁷ See African Union, "Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities" (2010); and the declaration of the UNCT during the UPR process (HRC/UPR, "Compilation" (2011a)).

indigenous peoples. Together with a few recent milestone achievements,¹⁹⁸ this definitely raises some hopes which indigenous organizations and supporters should capitalize on. One important aspect will be to ensure that the Maasai and the Akie at least are included on the list of indigenous peoples in Tanzania and that future World Bank projects also take them into consideration. Another will be to ensure that the UN agencies in Tanzania that are members of the Inter Agency Support Group on Indigenous Issues (IASG) follow the UNDG Guidelines (2008).

Finally, these developments can be used to establish an effective dialogue with conservation and land-use decision makers. The lack of such dialogue has been identified as one of the roadblocks to improving the pastoral situation.¹⁹⁹ Land fragmentation as a threat to the traditional adaptation of pastoral systems to climate change and the compatibility of cultivation with wildlife are two of the important issues to be dealt with. While extensive livestock herding as practised by traditional pastoralists is now generally accepted as being compatible with wildlife,²⁰⁰ cultivation in these ecosystems is not. Recent research, however, suggests that some level of cultivation does not have as large an impact on wildlife distributions as might be assumed.²⁰¹

All this requires indigenous organizations to present a strong and united front both when taking advantage of the opportunities and dealing with the many challenges. To help them tackle some of these tasks, international donor support could look at the following areas:

- Provision of civic education, information on the rights of indigenous peoples in the national and international context and other capacity-building for indigenous men and women at village level so they can participate in decision-making structures;
- Research and documentation on indigenous livelihood systems with a focus on opportunities and challenges in the face of climate change;
- Provision of training and information at district and regional level targeting local government staff, councilors, etc.;
- Facilitation of dialogue and awareness raising on indigenous rights and issues among decision-makers, including conservation and environmental decision-makers, at national and regional level;
- Funding interventions that take indigenous peoples' own priorities as their point of departure.

¹⁹⁸ I.e., the recent certification of a Hadzabe village; and the representation of indigenous pastoralists and hunter-gatherers in the Legal, Governance and Safeguards Unit of the National REDD Technical Working Group.

¹⁹⁹ Stacy Lynn, "The Pastoral to Agro-Pastoral Transition in Tanzania: Human Adaptation in an Ecosystem Context" (2010), 17.

²⁰⁰ See Fred Nelson "Sustainable Development and Wildlife Conservation in Tanzanian Maasailand" (2000).

²⁰¹ Lynn, "The Pastoral to Agro-Pastoral Transition" (2010), 11-12.

Bibliography and Websites

ACHPR

- 2005** *Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities*. Banjul & Copenhagen: ACHPR & IWGIA.
- 2006** *Indigenous Peoples in Africa: The Forgotten Peoples?* Banjul & Copenhagen: ACHPR & IWGIA.
- 2008a** "Supplemental/Shadow Report of Tanzania to the African Commission on Human and Peoples' Rights" Submitted by CORDS
- 2008b** "Concluding Observations of the African Commission on the Second – Tenth (2nd – 10th) Periodic Report of the United Republic of Tanzania" 43rd Ordinary Session. 7 – 22 May 2008

African Development Fund

- 2006** "Multinational (Kenya-Tanzania): Athi River-Namanga-Arusha Road— Environmental and Social Impact Assessment". At <http://www.afdb.org>

African Union

- 2010** Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities. Addis Ababa, Ethiopia

Barume A.K

- 2009** "Responding to the Concerns of the African States" in *Making the Declaration Work*, edited by Claire Charters and Rodolfo Stavenhagen. Copenhagen: IWGIA.
- 2010** *Land Rights of Indigenous Peoples in Africa*. Copenhagen: IWGIA.

Basstanie, Hilde and Rafael Ole Moono,

- 2004** "Ngorongoro District HIV/AIDS Programme Formulation Report". Ereto-NPP and Oxfam Ireland.

Baregu Mwesiga

- 2000** "Tanzania's Hesitant and Disjointed Constitutional Reform Process". Paper presented at Conference on Constitution-Making Processes in Southern Africa. 26-28 July 2000. At <http://www.policyforum-tz.org/node/7856>

Benjaminsen, Tor A., Mara J. Goldman, Maya Y. Minwary and Faustin P. Maganga

- 2011** "Wildlife Management in Tanzania: Recentralization, Rent Seeking, and Resistance". At <http://www.amandlapublishers.co.za/>

Bishop, Elisabeth

- 2006** "The Policy and Practice of Educational Service Provision for Pastoralists in Tanzania". Paper presented at "Pastoralism and Poverty Reduction in East Africa: A Policy Research Conference 27-28 June 2006.

Blystad, Astrid

- 1992** "The pastoral Barabaig: fertility, recycling and the social order" MA (Social anthropology) dissertation. Bergen University, Norway.
- 1999** "Dealing with Men's Spears': Datooga Pastoralists Combating Male Intrusion on Female Fertility" in *Those who Play with Fire. Gender Fertility and Transformation in East and Southern Africa* edited by Henrietta L. Moore, Todd Sanders and Bwire Kaare. London School of Economic Monographs on Social Anthropology. London: The Athlone Press.
- 2004** "On HIV, Sex and Respect: Local-Global Discourse Encounters among the Datooga of Tanzania". *African Sociological Review*, 8 (1).

Butovskaya, Marina L.

2012 "Wife-battering and Traditional Methods of its Control in Contemporary Datoga Pastoralists of Tanzania". *Journal of Aggression, Conflict and Peace Research*, Vol. 4, no. 1.

Dahl, Jens

1995 "Editorial". *Indigenous Affairs* No. 2-3/1995. Copenhagen: IWGIA

FAO/LINKS

2005 "The Utilization of Indigenous Knowledge in Range Management and Forage Plants for Improving Livestock Productivity and Food Security in the Maasai and Barbaig Communities". By Nelson Kilongozi, Zabron Kengera, Samwel Leshongo. Report 41.

FEMACT

2009 "FEMACT-Loliondo Findings". At <http://www.tanzanialandportal.org/>

FitzGerald, Janine, R.S.

2008 "The Last of the Maasai in Northern Tanzania? – Redefining Cultural Identity". MA dissertation, Oxford Brookes University. at <http://www.oisd.brookes.ac.uk>

Hodgson, Dorothy L.

2000 *Rethinking Pastoralism in Africa: Gender, Culture and the Myth of the Patriarchal Pastoralist*. London: James Currey Publishers; Athens, USA: Ohio University Press.

2001 *Once Intrepid Warriors: Gender, Ethnicity, and the Cultural Politics of Maasai Development*. Bloomington: Indiana University Press.

2011 *Being Maasai, Becoming Indigenous. Postcolonial Politics in a Neoliberal World*. Bloomington: Indiana University Press.

Homewood, K., E. Coast, S. Kiruswa, S. Serneels, M. Thompson, P. Trench

2006 "Maasai Pastoralists: Diversification and Poverty". Conference brief presented at Pastoralism and Poverty Reduction in East Africa—a Policy Research Conference, Nairobi June 27-28th, organized by the International Livestock Research Institute (ILRI). At <http://www.saga.cornell.edu/saga/ilri0606/pastconf.html>

HRC/UPR (Human Rights Council/Working Group on the Universal Periodic Review)

2011a Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 United Republic of Tanzania Twelfth session. Geneva, 3–14 October 2011.

2011b Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 United Republic of Tanzania* Twelfth session Geneva, 3–14 October 2011. A/HRC/WG.6/12/TZA/3

2012 Report of the Working Group on the Universal Periodic Review United Republic of Tanzania Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review A/HRC/19/4/Add.1.

Hundsbaek Poulsen, Rasmus

2010 "Tanzania's Land Law Reform; the Implementation Challenge". DIIS Working Paper. Copenhagen: Danish Institute for International Studies (DIIS).

2011 "The Forgotten Villages —Land Reform in Tanzania." DIIS Policy Brief. Copenhagen: Danish Institute for International Studies (DIIS).

IFAD (International Fund for Agricultural Development)

2010 "Strengthening Women's Access to Land: the Tanzanian experience of the Sustainable Rangeland Management Project". Report prepared by F. Carpano. Rome: IFAD.

IIED (International Institute for Environment & Development)

1990 "Displaced Pastoralists and Transferred Wheat Technology in Tanzania" by Charles R. Lane and Jules N. Pretty. IIED Gatekeeper Series no. 20

2006a "Ambivalence and contradiction: A review of the policy environment in Tanzania in relation to pastoralism", by A.Z. Mattee and M. Shem. Issue Paper no. 140.

2006b "Pastoralism: drylands' invisible asset?" by Ced Hesse & James MacGregor. Issue Paper no. 142.

2007 "Emergent or illusory? Community wildlife management in Tanzania" by Fred Nelson. Issue Paper 146.

2008 "The Pastoral Women's Council Empowerment for Tanzania's Maasai" by Maanda Ngoitiko. IIED Gatekeeper series 137.

2010 "Participatory Land Use Planning as a Tool for Community Empowerment in Northern Tanzania" by Ujamaa Community Resource Team. IIED Gatekeeper Series 147.

IIED and SOS Sahel International

2010 "Modern and Mobile — The Future of Livestock Production in Africa's Drylands", edited by Helen de Jode. London: IIED.

IWGIA (International Work Group for Indigenous Affairs)

2002- *The Indigenous World*, Section "Tanzania" in issues from 2002 to 2011.

2011 "Report on the Tanzania UPR Process", by Marianne Wiben Jensen. Copenhagen: IWGIA.

Kipuri, Naomi

2001 "Seeking Space in Postcolonial Politics: The Case of Indigenous Peoples in East Africa". In *Challenging Politics: Indigenous Peoples' Experiences with Political Parties and Elections*, edited by Kathrin Wessendorf. Copenhagen: IWGIA.

Kweka, Opportuna

2011 "Being and Staying Pastoralists: In search of a livelihood Security for Maasai Displacement". Paper presented at the International Conference on the Future of Pastoralism, University of Sussex, March 2011.

Lane, Charles R.

1991 "Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania". Doctoral Thesis, University of Sussex.

1996 *Pastures Lost – Barabaig Economy, Resource Tenure, and the Alienation of their Land in Tanzania*. Nairobi: Initiatives Publishers.

LHRC (Legal and Human Rights Center)

2011 "Tanzania Human Rights Report 2010 Part One: Tanzania Mainland". Dar es Salaam: LHRC. At [http:// www.humanrights.or.tz](http://www.humanrights.or.tz)

LHRC and PINGOs Forum

2011 "The Joint Fact Finding Mission Report on the Land Conflict Involving the Eviction of Pastoralist and Hunter-Gatherer Communities from their

Ancestral Land of Meatu District in Seven Villages". At <http://www.pingosforum.or.tz>

Lewis, M. Paul (ed.)

2009. Ethnologue: Languages of the World, Sixteenth edition. Dallas, Tex.: SIL International. Online version: <http://www.ethnologue.com/>.

Lovett, J.C. & T. Pócs.

1993 "Assessment of the condition of the Catchment Forest Reserves, a botanical appraisal. Arusha Region". Available from <http://www.easternarc.or.tz/downloads/eastern-arc/arusha.pdf>

Lynn, Stacy

2010 "The Pastoral to Agro-Pastoral Transition in Tanzania: Human Adaptation in an Ecosystem Context". Report from Project "Economics of Climate Change in the United Republic of Tanzania". At <http://www.economics-of-cc-in-tanzania.org/home.html>

Macpherson, Ian

2007 "Tanzania Non-formal education". Country profile prepared for the Education for All Global Monitoring Report 2008 Education for All by 2015: will we make it? UNESCO (2008 /ED/EFA/MRT/PI/48)

Madsen, Andrew

2000 *The Hadzabe of Tanzania—Land and Human Rights for a Hunter-Gatherer Community*. IWGIA Document 98. Copenhagen: IWGIA.

Mapinduzi, Arnold L., Gufu Oba, Robert B. Weladji and Jonathan E. Colman

2003 "Use of Indigenous Ecological Knowledge of the Maasai Pastoralists for Assessing Rangeland Biodiversity in Tanzania". *African Journal of Ecology*, 41, 329-336.

Marlowe, Frank W.

2002 "Why the Hadza are Still Hunter-Gatherers". In *Ethnicity, Hunter-Gatherers, and the "Other": Association or Assimilation in Africa*, edited by Sue Kent. Washington D.C.: Smithsonian Institution Press.

2004 "Mate Preferences among Hadza Hunter-Gatherers". *Human Nature*, Vol. 15, No. 4, 365-376.

Miguel, Edward

2004 "Tribe or Nation? Nation Building and Public Goods in Kenya versus Tanzania". *World Politics* 56 (April 2004), 327-62.

Mkenda, Adolf F., Luvanda, E.G.; Rutasitara, L; Naho, A.

2004 "Poverty in Tanzania: Comparisons across Administrative Regions. Dar es Salaam: Poverty and Economic Policy Network.

Muhammad, Musa Argungu

2008 *Pastoralists Girls' Education in Africa: A Study of Emusoi Center in Northern Tanzania*. Master's Thesis. GRIN at <http://www.grin.com>

Mung'ong'o, Claude G.

2010 "Climate Change and Changing Patterns of Pastoralism in Semi-Arid Tanzania: Case of Pastoralist Maasai." Power Point at: http://www.slidefinder.net/c/climate_change_changing_patterns_pastoralism/claude_maasai_pastoralism/25845511

Ndagala, D.K.

- 1982** "Operation Imparnati': the Sedentarization of the Pastoral Maasai". *Nomadic Peoples*, No. 10.
- 1991** "The Unmaking of the Datoga: Decreasing Resources and Increasing Conflict in Rural Tanzania". *Nomadic Peoples*, No. 28.
- 1998** "Tanzania" in *Custodians of the Commons – Pastoral Land Tenure in East and West Africa*, edited by Charles R. Lane. London: Earthscan.

Nelson, Fred

- 2000** "Sustainable Development and Wildlife Conservation in Tanzanian Maasailand". *Environment, Development and Sustainability 2*: 107-117.

Odgaard, Rie

- 2009** Report to IWGIA. (Unpubl.)

Odhiambo, Nicodemus,

- 2000** "Tanzanian Women In Dire Straits After Marriage." *Panafrican News Agency*, 20 January 2000 at <http://www.hartford-hwp.com/archives/36/387.html>

Odhiambo, Michael Ochieng

- 2008** "Conflicts in Ngorongoro District: Causes, Consequences and Possible Solutions". A Report of a Consultancy Commissioned Jointly by ERETO Ngorongoro Pastoralist Project (ERETO-NPP) and the Ngorongoro District Local Government and Managed by Ngorongoro NGO Network (NGONET). At <http://www.ere-to-npp.org/>

OECD

- 2011** Aid Effectiveness 2005-10: Progress in implementing the Paris Declaration – Volume 2 (Country Chapters).

Ojalammi, Sanna

- 2006** "Contested Lands: Land Disputes in Semi-arid Parts of Northern Tanzania". Case Studies of the Loliondo and Sale Divisions in the Ngorongoro District" Academic dissertation. University of Helsinki.

Otto Jonathan, Byarugaba Kamara Tundu, Antiphias Lissu

- 1998** "Closing Corridors: Impact of Policy, Practices and Privatisation on Wildlife movements in the Tarangire-Manyara Area". Study for EPIQ Tanzania.

Peter, Chris Maina

- 2007** "Human Rights of Indigenous Minorities in Tanzania and the Courts of Law". *International Journal on Minority and Group Rights*, Vol. 14, No. 4.

PINGO's Forum

- 2009** "NGO Fact Finding Mission Report on Loliondo". Unpublished report.
- 2010a** "Hadzabe Livelihood in Quandary. A Report on Hadzabe Livelihood. Prepared by Seif Mangwangi. Available from <http://www.pingosforum.or.tz>
- 2010b** **Testimonies from the Community Members and Predominantly Women.**
- 2011** The Study on Hunter-Gatherers' Current Livelihoods Challenges. Prepared by Isaya Naini. Available from <http://www.pingosforum.or.tz>
- 2011** "Research on the Impact of Climate Change to Pastoralists and Hunter-Gatherer Communities in Tanzania: A case study of Kiteto and Simanjiro". Available from <http://www.pingosforum.or.tz>

PINGO's Forum, Hakiardhi, HIMWA, LHRC, ITV and Majira

2007 "A Report on Eviction and Resettlement of Pastoralists from Ihefu and Unsagu Mbarali District to Kilwa and Lindi Districts". Available at <http://www.pingosforum.or.tz>

PINGOs Forum/NYDA

2011 "Report after Visiting NCA on 9th-12th November 2011". Available at <http://www.pingosforum.or.tz>

PMO-RALG (Prime Minister's Office – Regional Administration and Local Governance)

2006 "Regional Administration and Local Governance Hanang—Survey on Poverty, Welfare and Services in Hanang DC". Dar es Salaam: EDI (Economic Development Initiatives).

Savage, Angela Ruth

2010 "Child Vulnerability in the Iraqw and Datoga of Haydom Village, Northern Tanzania". Doctoral Thesis, University of South Africa

Schöpferle, Florian

2011 "The Economics of Akie Identity: Adaptation and Change among a Hunter-Gatherer People in Tanzania". MA Thesis for the Research Masters' Degree in African Studies, University of Leiden & African Studies Centre, Leiden.

Shivji, Issa

2002 "Village governance and common pool resources in Tanzania" Common Pool Resource Policy Paper 3. University of Cambridge, Geography Department.

Spear, Thomas,

1993 "Introduction" in *Being Maasai*, edited by Thomas Spear and Richard Waller. Eastern African Studies. London: James Currey.

Sundet, Geir

2005 "The 1999 Land Act and Village Land Act". Working Draft. <http://www.oxfam.org.uk/landrights>

Sørensen, Carol

2006 "Study on main policy issues impacting on the livelihoods of pastoralists and hunter-gatherers in Tanzania & mapping of key organizations". Internal report for IWGIA.

Talle, Aud

1988 *Women at a Loss. Changes in Maasai Pastoralism and their Effects on Gender Relations*. Doctoral Dissertation. Stockholm Studies in Social Anthropology.

Tenga, Ringo W.

2010 Minority Rights in Tanzania. Mimeo at <http://www.scribd.com/drtenga8020/d/33239801-Minority-Rights-in-Tanzania>

Tenga, Ringo W., Amon Mattee, Ntengua Mdoe, Raymond Mnenwa, Sengondo Mvungi and Martin Walsh

2007 A Study on Options for Pastoralists to Secure their Livelihoods in Tanzania. Current Policy, Legal and Economic Issues. TNRF report. See <http://www.tnrf.org>

The Guardian

2012 "Hunger Threatens Kiteto's Akiye". (February 26-March 3, 2012).

TNBS (Tanzania National Bureau of Statistics) and ICF Macro.

2011 "2010 Tanzania Demographic and Health Survey: Key Findings". Calverton, Maryland, USA: NBS and ICF Macro.

TNRF (Tanzania Natural Resource Forum)

2003 "Wildlife Conservation in Northern Tanzanian Rangelands". Authors: Alan Rodgers, Lota Melamari and Fred Nelson. TNRF Occasional Paper No. 3

2006 "The Place of Pastoralism in Modern Tanzania". Paper presented at Workshop organized by the Rangelands and Livelihoods Working Group. TNRF Workshop Report No. 11.

2011 "Integrating Pastoralist Livelihoods and Wildlife Conservation? Options for Land Use and Conflict Resolution in Loliondo Division, Ngorongoro District." TNRF and Maliasili Initiatives.

Tomikawa, Morimichi

1978 "Family and Daily Life – An Ethnography of the Datoga Pastoralists in Mangola" (1). *SENRI Ethnological Studies*. Tokyo.

UNDP

2011 Human Development Report. Washington, DC: UNDP

URT (United Republic of Tanzania)

1995 "Education and Training Policy". Dar es Salaam: Ministry of Education

2001 "Basic Education Master Plan (BEMP) - Medium Term Strategic and Programme Framework 2000-2005". Dar es Salaam: Ministry of Education.

2005a "Agricultural Statistics Basic Data 2004/2005". Dar es Salaam: Ministry of Agriculture Food Security and Cooperatives. Web site: <http://www.kilimo.go.tz>

2005b National Strategy for Growth and Reduction of Poverty I (NSGRP—MKUTUTA I)". Dar es Salaam: Ministry of Finance and Economic Affairs.

2006 "National Livestock Policy". Dar es Salaam: Ministry of Livestock and Fisheries.

2007 "Primary Health Services Development Programme (PHSDP) 2007 – 2017". Dar es Salaam: Ministry of Health and Social Welfare.

2009 Fourth National Report on Implementation of Convention on Biological Diversity (CBD). Dar es Salaam: Vice President' Office – Division of Environment.

2010a "National Strategy for Growth and Reduction of Poverty II NSGRP (MKUTUTA) II." Dar es Salaam: Ministry of Finance and Economic Affairs.

2010b "Tanzania in Figures 2010". Dar es Salaam: NBS.

2010c "Livestock Sector Development Strategy". Dar es Salaam: Ministry of Livestock Development.

2011a "Livestock Sector Development Programme". Dar es Salaam: Ministry of Livestock Development.

2011b "The Tanzania Five Year Development Plan 2011/2012-2015/2016: Unleashing Tanzania Latent Growth Potentials". Dar-es-Salaam: President's Office, Planning Commission. Dar es Salaam: Ministry of Livestock Development and others.

2011c Tanzania: 2010 Demographic and Health Survey— Key Findings. Calverton, Maryland, USA: Tanzania National Bureau of Statistics and ICF Macro.

2012a Draft TASAF III Indigenous Peoples Policy Framework. Available from <http://www.tasaf.org/>

2012b National Sample Census of Agriculture Small Holder Agriculture. Vol. III. Livestock Sector—National Report. Dar es Salaam

Walsh, Martin T.

- 2006** "Pastoralism and Policy Processes in Tanzania. Case Study and Recommendations".
TNRF Report. See <http://www.tnrf.org>

WHO (World Health Organization)

- 2012** Tanzania Health Profile. At <http://www.who.org>

WISP (World Initiative for Sustainable Pastoralism)

- 2006** "Global Review of the Economics of Pastoralism. The World Initiative for Sustainable Pastoralism". Prepared and edited by Richard Hatfield and Jonathan Davies. Nairobi: IUCN.
- 2007** WISP Policy Brief No. 6.

World Bank

- 2012a** IPP547: Draft TASAF III Indigenous Peoples Policy Framework.
- 2012b** World Bank Country Assistance Strategy. At <http://go.worldbank.org/A907QAVDA0>

World Resource Institute

- 2010** "Focus on Land Africa Brief—Tanzania". Prepared by LANDESA (Land and Natural Resource Tenure in Africa Program). Available at http://www.wri.org/property-rights-africa/wriTest_Tanzania/documents/Tanzania_LessonBrief_4.pdf

Yanda, Pius Z and Christopher Williams

- 2010** "Livelihoods diversifications and implications on food security and poverty levels in the Maasai plains: The case of Simanjiro District, Northern Tanzania". *African Journal of Environmental Science and Technology* Vol. 4(3), 154-166. Available online at <http://www.academicjournals.org/AJEST>

Young, Alyson G.

- 2008** "Young Child Health among Eyasi Datoga: Socio-economic Marginalization, Local Biology, and Infant Resilience within the Mother Infant Dyad". Doctoral Dissertation, University of Arizona.
- 2009** "Current research on health among Tanzanian pastoralists, and future directions for improving pastoral health in East Africa" at http://florida.academia.edu/AlysonYoung/Papers/316059/Current_research_on_health_among_Tanzanian_pastoralists_and_future_directions_for_improving_pastoral_health_in_East_Africa

USEFUL WEBSITES

- National Bureau of Statistics** <http://www.tanzania.go.tz/statistics.html>
- World Bank** <http://www.worldbank.org>
- World Bank**
- Permanent URL for Tanzania** <http://go.worldbank.org/A907QAVDA0>
- Permanent URL for Country Brief** <http://go.worldbank.org/7SUHE823V0>
- Hadzabe** <http://www.hadzafund.org/Culture.html>
- PINGOs Forum** <http://www.pingosforum.or.tz>
- TNRF** <http://www.tnrf.org>

Annexes

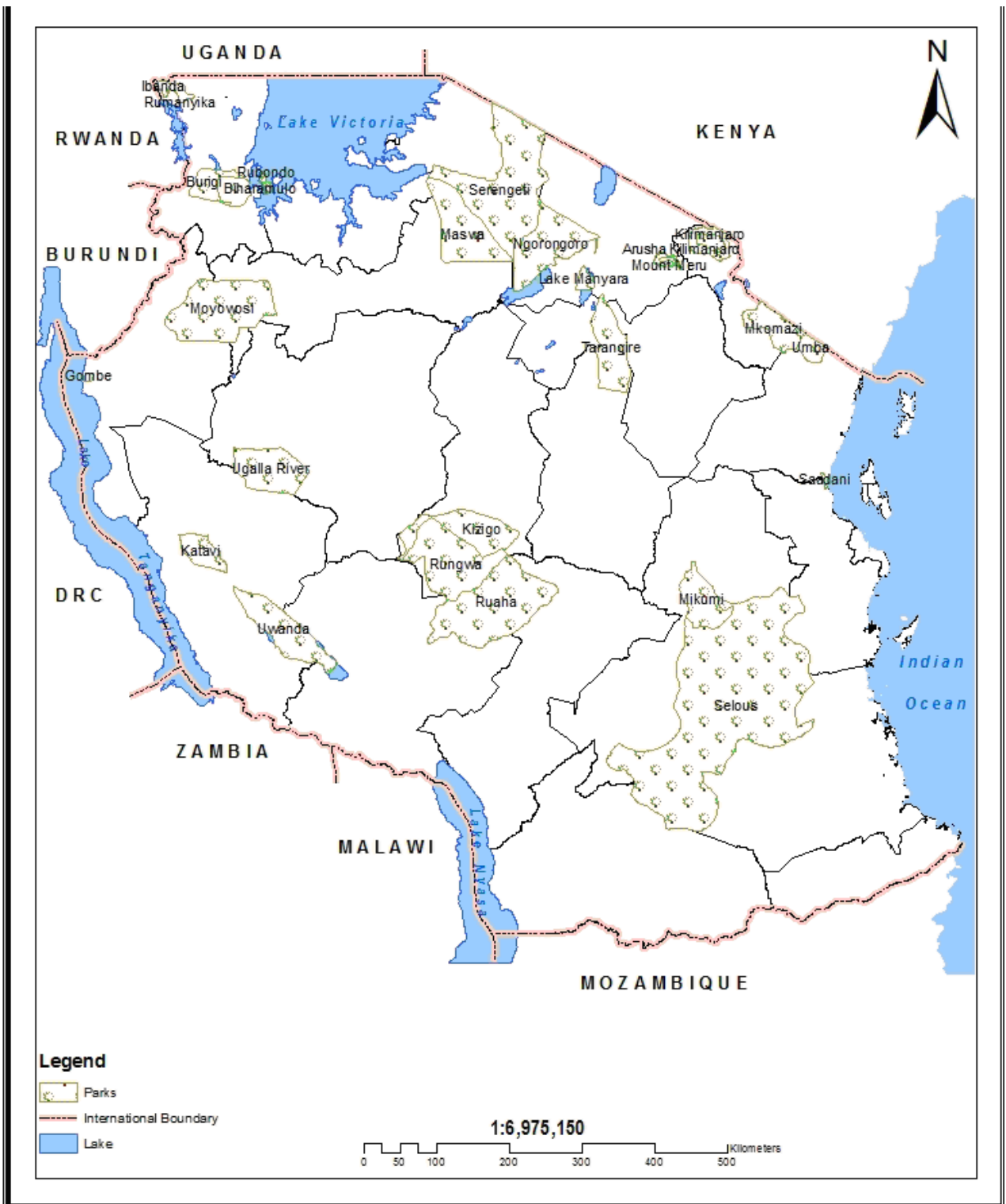
Annex 1. Maps

1.1 Political Map



Source: www.mapsofworld.com

1.2 Location of National Parks



Source: Tanzania in Figures 2010.

Annex 2. The hunter-gatherers of Tanzania

The Hadzabe (plural form of the word Hadza) are estimated to number between 1,000 and 3,000 people.²⁰² They live around Lake Eyasi, a large salt-water lake that almost completely dries up in the dry season and is located south of the Ngorongoro Conservation Area (NCA), in the central Rift Valley (Arusha Region). The Hadzabe are believed to be the descendants of Tanzania's aboriginal hunter-gatherer population; they differ from the Bantu and tend to be small in stature, physically slight, and have lighter colored skin. Their language—Hadzane—is a click language and is still widely spoken. These physical and linguistic characteristics have led people to believe that they were somehow related to the San of Southern Africa. However, their DNA seems to be totally unrelated.²⁰³

The Hadzabe are traditional nomadic hunter-gatherers. Organized into bands or “camps”, typically of 20–30 people, they move frequently and seasonally between dry-season and wet-season areas in search of game, honey and wild plants and roots. This may involve travelling sizable distances on both sides of the lake, in search of better hunting and foraging grounds. Camps are easy to set up. Shelters are made of grass woven by the women and can be constructed in a matter of a few hours. Most of the possessions owned by individuals can be carried on their backs. Hadza men usually forage individually or in pairs and hunt with bows and arrows tipped with poison. Women forage in larger parties. While men specialize in procuring meat, honey and baobab fruit, women specialize in tubers, berries and greens. This division of labor, however, is not always strictly maintained.

Hadza men are not traditionally circumcised and only a certain unknown fraction of women are.²⁰⁴ They are predominantly monogamous. They worship their own God (Hainei) and they have many sacred places in their ancestral land where they go to pray and worship. Gender relations and relations within the bands are fairly egalitarian and leadership is only a quality for specific purposes at specific times. There is no tribal or other governing hierarchy, and conflict may be resolved by one of the parties voluntarily moving to another camp. This lack of pronounced leadership with a range of responsibilities and duties is said to make working with hunter-gatherers difficult.²⁰⁵

Until a hundred years ago, the Hadzabe were able to follow their basic way of life. Failed attempts to settle them were made by the British in 1927 and 1939..²⁰⁶ The attempts made by the Ujamaa program were also unsuccessful and several of the villages constructed by the government were abandoned and have now been taken over by other ethnic groups. The presence of the Hadzabe is currently strongest around Mongo wa Mono in the Yaeda Valley, (Mbulu District), south of Lake Eyasi.

The Hadzabe are strictly hunter-gatherers and do not raise any livestock, although some do keep fields of domestic crops. It is also estimated that some 300 to 400 individuals subsist entirely on foraging. Whilst conservation laws prohibit hunting in the area, the Hadzabe have been allowed a special license.

The Akie (or Akiek, Akyie) are also called Ndorobo—a Swahili term derived from “Il Torobbo”, the Maasai term for “poor”, or by inference “those without cattle”. The Akie are estimated to number 5,200 individuals. They are found in different parts of northern Tanzania, but some 2,000 are believed to live in Kiteto District (Manyara Region) while

²⁰² Population censuses do not provide ethnically disaggregated data,

²⁰³ See Frank W. Marlowe, “Why the Hadza are Still Hunter-Gatherers” (2002), 3.

²⁰⁴ Marlowe, “Why the Hadza”, (2002), 9.

²⁰⁵ Andrew Madsen, *The Hadzabe of Tanzania: Land and Human Rights for a Hunter-Gatherer Community* (2000), 46.

²⁰⁶ See Albert K. Barume, *Land Rights of Indigenous Peoples in Africa* (2010), 56, and Marlowe, “Why the Hadza” (2002), 11.

other smaller groups are found in the neighboring districts of Simanjiro and Kilosa (in Morogoro Region) and Kilindi (in Tanga Region).²⁰⁷ The Akie are believed to have originated from Kenya as their original language—Akie—is closely related to the language of the Ogiek, a hunter-gatherer people living in southern Kenya. This language is almost extinct with few speakers left, and the Akie now use Maa—the language of the Maasai among whom they have lived and with whom they have interacted for several generations.

Besides the language, the Akie have also adopted other customs and cultural traits from the Maasai, including age grades/age-sets, and initiation rites for young men and women. There exists a certain interdependence between the two groups and the Maasai depend on the Akie for their honey (used as food and as medicine) and for helping them prepare specific rituals. Marriages between the two groups have always occurred but they have now become more common since the bride price for Akie girls is generally lower than that for Maasai girls, and therefore makes it easier for young Maasai without much livestock or money to get a wife.

The Akie used to be nomadic hunter-gatherers, moving and finding their subsistence in much the same way as the Hadzabe. They too have experienced attempts from the government and NGOs to have them settle and become farmers. Since increasing pressure on their ancestral woodlands, and the ensuing environmental changes (e.g., deforestation), have made it ever more difficult for them to pursue their particular lifestyle, many Akie have eventually settled and cultivate crops and/or breed animals. Their attachment to the forests, however, remains strong. Many still consider the forest their home and the forest is what forms their identity. The forests are also where their religious activities and rites take place, and where their extensive indigenous knowledge of their environment comes into its own.

Many Akie have today converted to Christianity. This does not deter them from continuing to worship their god (*Tororeita*) and their ancestors. According to elders, hunting is more than a lifestyle, it also recalls the spirits of the ancestors and god himself.

²⁰⁷ This and the following data on the Akie is largely drawn from Florian Schöpferle, "The Economics of Akie Identity: Adaptation and Change among a Hunter-Gatherer People in Tanzania" (2011).

Annex 3. The indigenous pastoralists of Tanzania

Among Tanzania's large number of pastoralists and agro-pastoralists, two groups—the Maasai and the Barabaig—identify as indigenous.

The Maasai belong to the Nilotic language group and are found in both Tanzania and Kenya. The Maasai are believed to originate from what is today known as Sudan and they arrived in northern Kenya around the first millennium. From there, they moved southward and settled with their cattle in the Rift Valley and the adjacent land from Mount Marsabit (Kenya) to Dodoma (Tanzania). In Tanzania they total around 450,000.²⁰⁸ They are traditionally semi-nomadic pastoralists (cattle, goats and sheep), practising transhumance as well as some agriculture whenever conditions allow for it.²⁰⁹ They are divided in territorial sections, within which all members have access to the grazing resources. A section is also the largest political unit among the Maasai, and in the past, sections have engaged each other in war.²¹⁰ The largest sections today are the Laitaiok, the Serengeti, the Salei and the Kisongo, who live in the northern part of the country, just south of the border with Kenya, in Ngorongoro, Monduli, Arusha, Simanjiro, Moshi and Kiteto districts among others (Arusha and Manyara regions), and part of what is often called "Maasailand" or the "Maasai steppe", the other part being in Kenya (Narok and Kajiado). Another section, the Parakuyo (estimated population: 50,000) are found in Manyara and Tanga but large numbers are also found more to the south, dispersed over several regions (Morogoro, Iringa and Mbeya), where they are still considered as "migrants", although many of them came as early as in the 1950s.

The Barabaig, too, belong to the Nilotic language group. They are the largest section of the Datoga people and are often designated under that name. The Datoga are found in several northern regions but 70% live in the Hanang and Mbulu districts of Manyara Region. This includes the Barabaig who occupy the northern volcanic highlands near their sacred Mount Hanang and the Rift Valley. Their population is estimated at 30,000-50,000. The Barabaig are semi-nomadic and herd cattle, sheep and goats. Today, many have become agro-pastoralists and farm maize, beans and millet.²¹¹

Both the Maasai and the Barabaig have, to a large extent, kept their traditional features and customs, including their traditional way of dressing and their own languages—the Maasai speak Maa and several dialects (Kisongo and Parakuyo), the Barabaig speak a Datoga dialect.

The Maasai and Barabaig are essentially patriarchal and are organized in patrilineally related households, clans and sections. The clan forms the basic unit for territorial occupation and regulates access to it, as well as for mutual aid and redistribution of livestock. They are politically acephalous societies and authority and decision-making within a community is vested in assemblies of senior elders, hierarchy being determined by skills of oratory, knowledge and wisdom.²¹² The elders also have primary responsibility with respect to the management of natural resources and coordinating with outside bodies.

²⁰⁸ This is an estimate since the Population Census of 2002 does not disaggregate data by ethnic affiliation. This figure includes the Arusha Maasai, who are a sedentary agro-pastoralist community that culturally share a number of customs and rituals with the pastoralist Maasai.

²⁰⁹ According to some, the adoption of agriculture among the Maasai began with the period known as *Emutai* which occurred in the 1880s and 1890s. Claude G. Mung'ong'o, "Climate Change and Changing Patterns of Pastoralism in Semi-Arid Tanzania: Case of Pastoralist Maasai" (2010), 26.

²¹⁰ The Kisongo, for instance, defeated the Parakuyo, who were driven southward.

²¹¹ See D.K. Ndagala, "The Unmaking of the Datoga: Decreasing Resources and Increasing Conflict in Rural Tanzania" (1991), 72.

²¹² Charles Lane, *Pastures Lost* (1996), 138.

Another basic social unit is the age-set system, in particular among the Maasai who have five age grades of 15 years each. Only boys/men belong to the Maasai age-set system. Young boys are circumcised at around the age of 10-15, and become "warriors" or morans. This is followed by the next grade, Junior Elders, when men may marry. This first marriage is arranged by the father who also provides the cattle for the bride wealth. The senior elder age-set has primary responsibility for traditional administration and make the important decisions in the community.

The Datoga traditional age-set system was slightly different since girls/women, too, had their own age grades. The initiation rites for Barabaig boys included both circumcision and facial scarification and, from the age of 17 to their mid-thirties, young men were classified as "warriors".²¹³ Today, the age-set system is reported to have been formally discontinued only living on in a simplified form, in relation to marital alliances.²¹⁴

Both the Maasai and the Barabaig have traditionally attached many values to warriorhood, which was a period when young men could develop and assert their bravery and fierceness in wars and cattle raids. Stock raiding by and between the Barabaig and their immediate neighbors (Sukuma, Iraqw, Nyaturu) was particularly bloody as it was often accompanied by the killing of "enemies". Several large-scale murders took place in the 1970s-1980s and the situation in the early 1980s escalated to the extent that it ended in a full-blown battle between the Barabaig and the Sukuma in which the former were killed or driven out of their villages, their homes looted, their cattle stolen, etc., all of which led to their "unmaking".²¹⁵ Today the Maasai and Barabaig warriors' main duty is to provide security for the community and to move with livestock to better grazing land during periods of drought.

Barabaig girls are circumcised in their infancy, Maasai girls at puberty. They get married between 13 and 17, while the men may not marry before they have finished their warriorhood, at the age of 30-35. Polygamy is widespread and a sign of wealth. Pastoral women, besides their domestic chores, building their dwellings, etc., also take part in livestock management, looking after the cattle and small stock which have been allocated to their sub-household. They are responsible for milking and dairy processing and have the right to the milk. They will help with planting and harvesting if their families also farm. Despite their general subjugation, women play an important complementary role and, when they reach menopause, they may attain a high and important status. Barabaig women are central actors in Datoga political and religious life. They have their own "women's council", which is able to enforce sanctions and fines against men who threaten their well-being or procreation. Datoga women also have status as mediators between humans and the ancestral spirits.²¹⁶

Cattle are an important part of the Maasai's and the Barabaig's status, identity, culture and world view. Cattle are widely used to establish strong forms of social exchange at specific stages of life, such as circumcision, bride wealth and other rituals where prescribed numbers of livestock are involved. Livestock are given to warriors as praise for courage and paid as compensation for crimes such as murder. Livestock may also be given as short or long-term loans and as gifts. The exchange of animals leads to life-long commitments of friendship and assistance and constitutes a kind of insurance mechanism against droughts or epidemics.

The Maasai and the Barabaig adhere primarily to their indigenous religious beliefs and worship one god—called *Enkai* or *Engai* by the Maasai and *Aset* by the Barabaig. Ancestor

²¹³ See Tomikawa "Family and Daily Life—an Ethnography of the Datoga Pastoralists in Mangola" (1) (1978), 8.

²¹⁴ See Astrid Blystad, "On HIV, Sex and respect: Local-Global Discourse Encounters among the Datoga of Tanzania" (2004), 52.

²¹⁵ See Ndagala, "The Unmaking of the Datoga" (1991), 77-79.

²¹⁶ See Charles R. Lane, "Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania" (1991), 253.

worship is an important part of the Barabaig culture and their burial places (*bung'ed*) play an important role as a lasting focus for their cultural and spiritual life.

Annex 4. Socioeconomic indicators

Table 4.1 Human Development Index (2011)

Tanzania Rank 2011			152	
Year	Tanzania	Low human development	Sub-Saharan Africa	World
2011	0.466	0.456	0.463	0.682
2005	0.420	0.422	0.431	0.660
2000	0.364	0.383	0.401	0.634

Source: UNDP, *Human Development Report* (2011).
Kenya (143), Uganda (161) and Mozambique (184)

Table 4.2 Demographic data

Indicators	Value	Year
Population, total both sexes*	44,841,226	2010
Density (people/km ²)	50.6	2010
Rural population % of total population	73.6	2010
Population growth rate	3.0	2010
Fertility rate, total (births per woman)	5.4	2010
Fertility rate, rural	6.1	
Life expectancy at birth	56.6	2010
Crude birth rate (‰)	41.5	2009
Crude death rate (‰)	10.9	2009

Sources: IFAD Rural Poverty Portal accessed March 2012.

Note: * estimated population.

Table 4.3 Urbanization Arusha and Manyara 1988-2002

Region	Total population		Urban %		Rural %	
	1988	2002	1988	2002	1988	2002
Arusha	744,479	1,292,973	12.4	31.3	88.6	68.7
Manyara*	603,691	1,049,461		13.6		86.4
Mainland Tanzania	22,816,994	34,083,726	18.0	22.6	82	77.4

Source: STATOIDS at <http://statoids.com/utz.html> accessed March 2012.

Note: *The Manyara Region was, until 2003, part of Arusha Region.

Table 4.4 Key Economic Indicators

	2010- 2011
GDP (USD billion)	23.0
GDP annual growth %	6.5 – 6.1
GDP per capita (USD)	1,500.0
Labor force (millions)	24.06
- In agriculture (%)	74
- In industry and service (%)	20
Population below poverty line (2007) %	33.6
SECTOR CONTRIBUTION TO GDP (%)	
Agricultural sector	25.3
- Livestock sector	4.0
Industrial sector	24.2
Service Sector	48.0
- Tourism	13.0
EXPORT EARNINGS (%)	
- Mining	(2007) 52.0
- Tourism	25.0

Sources: URT, "Livestock Sector Development Strategy" (2010c); CIA Factbook Tanzania 2010 & 2011.

Table 4.5 Land Use Patterns in Tanzania, Arusha and Manyara.

	National	%	Arusha	Manyara
Population	34,446,603		1,665,000	1,388,000
Land Use	Million ha		'000' ha	'000' ha
Total area	95.5			
Total land surface area	88.5		3,600	4,636
Land suitable for agriculture	38.5			
- Cultivated land	10.5			
- Cash crops	1.0		4.06	1.47
- Food crops	9.5		107.3	349.5
Rangeland	50.0			
- Land under livestock	24.0			
- NARCO ranches	0.6			17.9
Of which Protected Areas cover	38.7	43.7		
- Wildlife protected areas incl. GCA	24.8	28.0	*1,192	
- Forest reserves	13.9	15.7	**56.7	**60.0

Sources: Table compiled from data found in URT, "Livestock Sector Development Strategy" (2010c); "Fourth National Report on Implementation of Convention on Biological Diversity (CBD)" (2009), 6; "Agricultural Statistics Basic Data 2004/2005" (2005a); J.C. Lovett, & T. Pócs, "Assessment of the condition of the Catchment Forest Reserves, a botanical appraisal. Arusha Region" (1993).

Notes: * This figure includes National Parks and Reserves in both Arusha and Manyara but not GCAs. The PAs are the Arusha, the Lake Manyara and the Tarangire National Parks and the NCA.

** Only includes Catchment Forest Reserves.

Table 4.6 Livestock population in Arusha and Manyara 2008

Livestock population	Mainland	Arusha		Manyara	
	Millions	Millions	Density /km ²	Millions	Density /km ²
Cattle*	21.2	1.8	50	1.7	37
- Smallholders	21.1	n.d.		n.d.	
- Large-scale farms	0.1	n.d.		n.d.	
Goat	15.1	1.8	55	1.5	45
Sheep	5.7	1.4	39	0.6	14
Pigs	1.5	0.3		1.0	
Poultry	42.0	1.0		1.0	

Sources: Tanzania Agriculture Sample Census Livestock – 2007-2008 (2012b).

Note *Average herd size in smallholder sector was 13.

Table 4.7 Total Number of Households Rearing Cattle in Arusha and Manyara during 2007/2008 Agricultural Year

Regions	Total Agriculture households	Households rearing cattle		Household not rearing cattle		Households rearing livestock	
		Number	%	Number	%	Number	%
Arusha	205,547	148,049	72	57,617	28	167,562	81.5
Manyara	198,513	120,249	61	78,263	39	137,902	69.5
Mainland	5,706,329	1,659,160	29	4,047,289	71	2,284,257	40.0

Source: Tanzania Agriculture Sample Census Livestock – 2007-2008 (2012b).

Table 4.8 Some basic poverty indicators 1960 – 2010

BASIC INDICATORS	1960	1999	2010
Population (millions)	10.33	32.92	44.84
Average life expectancy	35	48	57
Male	32		54.6
Female	38		56.2
Infant mortality rate	190	99	51
Child death rate 1-5 years	300	158	81
Maternal mortality rate (per 100,000 live births)	453		454
NUTRITION			
% of infants with low birth weight	12	8.2 (1995)	
% of children <5years suffering from malnutrition	31	27	16
% of stunted children <5 years in urban areas			32%
In rural areas			45%
HEALTH			
% with access to improved water	20	50.5	53
% rural	10		45 (2008)
% with access to improved sanitation			
% rural			21 (2008)
% children 12-23 months with all basic vaccinations		68	75
% HIV prevalence (per 1000 adults aged 15-49)			56
POVERTY			
% of population below national poverty line		33.6 (2007)	33

Sources: Shivji, "Village Governance" (2002), 28; URT, "Tanzania 2010 Demographic and Health Survey: Key Findings. (2011c); URT: Tanzania in Figures 2010 (2011b);WHO, Health Profile (2012).

Table 4.9 Some health data regarding rural and urban women 2010

	Total	Rural	Urban
Total fertility rate	5.4	6.1	3.7
% women aged 15-19 who are mothers or currently pregnant	23	26	15
Median age at first intercourse for women aged 25-49	17.4	17.3	17.8
Median age at first marriage for women aged 25-49	18.8	18.18	19.8
Median age at first birth for women aged 25-49	19.5	19.4	19.9
Ideal number of children	5	5.6	4.5
% married women aged 15-49 who want no more children	26.0	28.0	31.0
% FGM	15.0		
Maternal mortality/100,000 live births	454		
Births assisted by a skilled provider (%) 51 8342	51	42	83
Experience of violence (women aged 15-49):			
Ever experienced physical violence since age 15 (%)	39	40	36
Ever experienced physical or sexual violence committed by a husband/ partner	44	44	42
% Women in polygamous marriages	20		
Life expectancy	56.2		

Source: URT, "Tanzania 2010 Demographic and Health Survey: Key Findings. (2011c); URT: Tanzania in Figures 2010 (2011b); MEASURE DHS, at <http://www.measuredhs.com> (Accessed 27.04.2012).

Table 4.10 Education data 2005-2010

Indicators	Value
Public spending on education:	
% of GDP	2.17
% of government expenditure (% of GDP)	11.37
Average years of schooling (adults)	2.7
Illiteracy rate %	
Men aged 15 and above	14.2
Women aged 15 and above	29.4
Mean years of schooling (of adults over 25) (years)	2.7
School life expectancy (years)	
Men	5.1
Women	5.0
Education enrolment ratio (Primary level)	
Men	99
Women	97
Persistence to grade 5 (%)	
Men	75.6
Women	76.0

Source: NationMaster – Tanzanian Education Statistics (2010). Accessed at <http://www.nationmaster.com/red/country/tz-tanzania/edu-education&all> (May 2012)

Annex 5. Relevant Constitutional provisions and other legislation

Policy Paper on Local Government Reform and Local Government Act 1982. The main objective of decentralization is to improve the delivery of services to the public and to further democratize the system of public service management. The process has involved political, financial and administrative decentralization whereby local government authorities have a mandate to formulate policies, programs and operational plans for their respective areas within overall national policy frameworks.

The Tanzania National Vision 2025 (1999) provides the overall framework for the formulation and implementation of other (sector) policies.

The National Strategy for Growth and Reduction of Poverty 2005-2009 (Mkututa I) (2004) For the first time, pastoralism is officially recognized as a form of livelihood rather than simply as a mode of production. Furthermore, some of the specific actions proposed by the Strategy could be of benefit to pastoral communities. Followed in 2010 by Mkututa II 2010/11–2014/15.

The 1999 Land Acts—Land Act No 4 governing land in cities and other areas and Village Land Act No. 5 governing land in village areas—and the **Strategic Plan for Implementation of the Land Acts (SPILL) of 2005**— a planning tool with a ten-year time frame.

Tanzania Investment Act of 1997 that allows non-citizens to own land for the purpose of investment. It also created the Tanzania Land Bank Scheme to facilitate the identification of land suitable for investment and set aside 2.5 million hectares of land for prospective investors.

The Land Amendment Act of 2004 creates a legislative framework “allowing for and regulation of sale of bare land”. Since all land in Tanzania is public land vested in the president, he may ‘in the interest of the public’ excise not only from general land but also from registered village land if “considered bare”.

The Land Use Planning Act (2007) provides that land-use plans are prerequisites for issuing certificates of Customary Rights of Occupancy (CCROs). Guidelines for Participatory Land Use Management (PLUM) and Participatory Village Land Use Planning (PVLUP) have been issued. The National Land Use Planning Commission prepares regional physical land-use plans; formulates land-use policies for implementation by the government and specifies standards, norms and criteria for protecting beneficial uses and maintaining the quality of the land.

The Agricultural Sector Development Strategy (ASDS 2001) promotes the commercialization of agriculture; agricultural and livestock investment zones; the demarcation of grazing lands for pastoralists and agro-pastoralists and the development of plans for settling pastoralists. The Agricultural Sector Development Programme (ASDP 2005) has a 15-year program horizon and is national in scope. It does not directly address the interventions regarding livestock outlined in ASDS.

The Rural Development Strategy (RDS) 2001 complements ASDS, and one of its objectives is to resettle pastoralists on a permanent basis by identifying and demarcating pastoral land, issuing land title deeds to livestock keepers, improving water infrastructure in all livestock keeping areas and launching disease control campaigns. The Strategy sees sedentarization as the way of addressing the problems of pastoralists.

The National Livestock Policy of 2006 promotes the development of a commercially-oriented, efficient and internationally competitive livestock industry. The desire to commercialize goes hand in hand with steps to strengthen the private sector, which is supposed to drive the commercialization process. The government has accordingly facilitated the formation of a number of forums (e.g., the National Private Sector Forum, the Investors Round Table of Tanzania, the Tanzania National Business Council, and Regional Business Councils in all the Regions of Tanzania) that are expected to negotiate with the government and ensure that commercial interests are well accommodated in

national policies. Its intention is to modernize the livestock sector through extensive and sedentarized modes of livestock production and settling of pastoralists.

The Livestock Sector Development Strategy of 2010 has the following among its objectives: to accelerate ongoing efforts to institute land-use planning in all districts at the village level; and to designate certain Districts and/or Regions for specific livestock commodities, especially for ruminant meat and milk production; to commercialize livestock production, control livestock diseases and public health and ensure livestock development support services.

The Grazing Land and Feed Resources Act of 2010 has been criticized for having been designed for commercial livestock keeping. This system constitutes a minor part of the livestock sector in Tanzania but it has, however, received more government attention and investment because it is perceived by the government to contribute more to the market-oriented national economy than pastoralist production. The 2010 Act also presents a number of potential problems that may undermine pastoralism as a livelihood system. These problems are, in particular, related to how the rangelands will be managed and used; the establishment of a National Grazing Lands Council, and an Animal Feed Resources Advisory Council without proper non-governmental pastoral and agro-pastoral representation and the creation of a "Livestock Inspector" vested with the power to control the so-called "stock rate"—or the number of livestock permitted within a given unit of land and take measures if such rate is exceeded. Potential problems with this Act, as far as pastoralism is concerned, were identified and presented to Parliament in March 2010 by the Pastoral Livelihood Taskforce-PLTF (a consortium of more than 15 pastoral NGOs in Tanzania).²¹⁷

The Wildlife Conservation Act of 1974 is one of the most significant pieces of legislation as far as pastoralism is concerned since it grants unlimited powers to the government authorities (vis-à-vis the ancestral users of the land) to acquire any piece of land for the purposes of protecting wildlife. Many of the protected areas in the country are either pastoral lands or were used by pastoralists in the past. For example, 28% of the 123,165 sq. km designated as Game Controlled Areas by the Act are in areas traditionally used by pastoralists.

The National Environmental Policy of 1997 and the **Wildlife Policy of 1998** seek to regulate the use of the natural resources traditionally used by pastoralists. Among the strategies is a proposal to increase the areas classified as Protected Areas, including wetlands. The 1998 Wildlife Policy included a focus on the rights of local people to benefit from wildlife conservation, and the role that wildlife management—by establishing Wildlife Management Areas (WMA)—could play for rural development.

The Wildlife Act of 2004 provides the legal basis for implementing the Wildlife Policy of 1998, and effectively replaces the Wildlife Conservation Act of 1974. In line with the policy, the 2004 Act offers the possibility of community participation and local benefits.

The Wildlife Policy of 2007 and the **Wildlife Conservation Act No. 9 of 2008**, including Non-Consumptive Utilization of Wildlife regulations, recentralizes control over wildlife. Under the 2008 Act, the Minister of Natural Resources and Tourism has the authority to: 1) establish new protected areas; 2) designate wildlife corridors, dispersal areas, buffer zones and migratory routes and species management areas; and 3) declare any animal or class of animals to be a national game. According to the new Act, pastoralists need written permission in order to graze livestock in Game Controlled Areas (GCA) even where these areas overlap with village lands, which is the case of most Maasai village lands. The Wildlife Division has always controlled wildlife on these lands (through hunting concessions)—now they are expanding their reach to control the land. The Wildlife Division has also taken over control of income from both sport hunting and safari tourism. This control was previously vested in the village government and the CBOs managing the WMA.²¹⁸ This has serious implications for Ngorongoro District since

²¹⁷ See IWGIA, *The Indigenous World 2011* (2011), 428.

²¹⁸ See Benjaminsen et al., "Wildlife Management" (2011), 10-11.

almost all GCA in the district encroach on village land. The government has therefore come up with the Ngorongoro Land Use Plan aimed at demarcating the required land for Game Controlled Areas from village lands. This has happened without the free, prior and informed consent of the villages.²¹⁹

The National Forest Policy of 1998 and the **Forest Act (No.7 of 2002)** introduced Community Based Forest Management.

The Environmental Management Act 2004 mandates the Division of Environment in the Vice President's Office (VPO) to coordinate all climate change issues, including their adaptation and mitigation. Furthermore, the government has put in place a National Climate Change Steering Committee (NCCSC) and National Climate Change Technical Committee (NCCTC) to oversee and guide the implementation of climate change activities in the country.

A REDD Policy Framework (2009) and **a National Strategy for REDD+ (2011)** have been adopted. See website of Tanzania REDD+ Initiative at <http://www.reddtz.org/> Indigenous pastoralists and hunter-gatherers are represented in the Legal, Governance and Safeguards Unit of the national REDD Technical Working Group which is under the National REDD Taskforce.

²¹⁹ See TNRF "Integrating Pastoralist Livelihoods and Wildlife Conservation? Options for Land Use and Conflict Resolution in Loliondo Division, Ngorongoro District" (2011).

Annex 6. List of international and regional human rights and other legal instruments

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

International human rights treaties²²⁰

- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD)²²¹
- The International Covenant on Civil and Political Rights (ICCPR)²²²
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol
- The Convention on the Rights of the Child (CRC) and its Optional Protocol CRC-OP-AC and OPSC
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol OP-CRPD

Universal human rights instruments related to armed conflicts

- The Four Geneva Conventions of 1949 and the additional 1977 protocols I and II
- The Convention relating to the Status of Refugees and its 1967 Protocol
- The Rome Statute of the International Criminal Court

Other international Conventions

UNITED NATIONS

- The Convention relating to the Status of Refugees and its 1967 Protocol on Statelessness.
- The Convention against Transnational Organized Crime (CTOC) and the Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- The Convention on the Law of the Sea (UNCLOS III)

UNESCO conventions

- The Convention concerning the Protection of the World Cultural and Natural Heritage
- The Convention for the Safeguarding of the Intangible Cultural Heritage
- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions

ILO conventions

- C87 (Freedom of Association and Protection of the Right to Organise)
- C98 (Right to organize and to collective bargaining)
- C29 & C105 (Elimination of Forced and Compulsory labor)
- C100 and C111 (Elimination of Discrimination in respect of Employment and Occupation)
- C138 and C182 (Abolition of Child Labor)

International conventions related to environment, bio-diversity and climate change

- CBD—The Convention on Biological Diversity (1992) and its Cartagena Protocol on Biosafety • Agenda 21
- UNFCCC—UN Framework Convention on Climate Change and its Kyoto Protocol on the Reduction of Overall Emissions
- The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer

²²⁰ Tanzania is not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT and its optional protocol, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) and the Convention for the Protection of All Persons from Enforced Disappearance (CPPED).

²²¹ Tanzania does not recognize Individual Complaints (art. 14).

²²² Tanzania does not recognize Inter-State complaints (art.41) and has not signed ICCPR-OP 1 and OP 2.

- The Ramsar Convention on Wetlands²²³
- CITES—Convention on International Trade in Endangered Species
- CMS—Convention on the Conservation of Migratory Species of Wild Animals
- UNCCD—UN Convention to Combat Desertification...particularly in Africa
- The Nuclear Non-Proliferation Treaty (NPT)
- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their disposal
- The Rotterdam Convention. On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in internal Trade
- The Stockholm Convention on Persistent Organic Pollutants
- The Amended Nairobi Convention for the protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region

International conventions regarding intellectual property rights

- WIPO Convention
- The Berne Convention for the Protection of Literary and Artistic Works
- TRIPS—Agreement on Trade-related Aspects of Intellectual Property Rights

The UN Millennium Declaration

Regional human rights instruments

- The Charter of the African Union
- The African Charter on Human and Peoples' Rights
- The African Charter on Rights and Welfare of the Child
- The Protocol to the ACHPR on the Rights of Women in Africa
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights

Tanzania is a member of the regional EACJ (East African Court of Justice),²²⁴ and of the EALA (East African Legislative Assembly).

Other regional conventions and agreements

- The African Union Convention on the Prevention and Combating of Corruption
- The African Union Convention Governing Specific Aspects of Refugee Problems in Africa
- The African Economic Community Treaty
- Cultural Charter for Africa
- African Convention on the Conservation of Nature and Natural Resources 1968
- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements and Management of Hazardous Wastes within Africa
- Pelindaba Treaty on the African Nuclear Weapons-Free Zone
- CEWARN Protocol²²⁵

Membership of regional bodies

East African Community (EAC)

East African Common Market (EACM)

Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO)

New Partnership for Africa's Development (NEPAD)

African Peer Review Mechanism (APRM).

²²³ Tanzania has four Ramsar sites: Kilombero Valley Floodplain (Morogoro Region), Lake Natron Basin (Arusha Region), Malagarasi-Muyovozi Wetlands (Kigoma, Shinyanga, & Tabora Regions), Rufiji-Mafia-Kilwa Marine Ramsar site (Coast and Lindi Regions).

²²⁴ The EACJ allows any person who is resident in a Partner State to file complaints on the legality of any Partner State/Community Act, regulation, directive, decision or action as beyond the powers of the Treaty.

²²⁵ Protocol on the Establishment of Conflict Early Warning and Response Mechanism, signed in Khartoum in January 2002). The signatory states undertake, among other things, to establish national conflict early warning and response units.

Annex 7. World Bank projects in Tanzania²²⁶

1. P124045—Tanzania Third Social Action Fund Productive Social Safety Net Project 2012-2017

Total Project Cost: USD 240.90 million

Commitment amount: USD 220.00 million

Major Sectors (%): Public administration, Other social services (70%); General water, sanitation and flood protection sector (10%); General agriculture, fishing and forestry sector (10%); Microfinance (10%).

Themes (%): Social safety nets (50%); Other social protection and risk management (30%); Participation and civic engagement (10%); Gender (10%).

Environmental Category: B

Project Development Objective: to increase income and consumption and improve the ability to cope with shocks among targeted vulnerable population groups, while enhancing and protecting the human capital of their children.

OP 4.10: IPP547 Draft TASAF III Indigenous Peoples Policy Framework. (2012a)

2. P125740—Basic Health Services Project 2011-2015

Total Project Cost: USD 2,721.80 million

Commitment Amount: USD 100.00 million

Major Sector (Sector) (%): Health 80% Sub-national government administration 20%

Themes (%): Health system performance 70%; Decentralization 30%

Environmental Category: B

Project development Objectives: to improve the geographic accessibility and use of basic health services by financing health service delivery and encouraging effective and efficient management of health services at the local level.

OP 4.10: N/A

3. P126206—Tanzania Transport Sector Support Project – Additional Financing 2011-N/A

Total Project Cost: USD 59.0 million

Total Commitment: USD 59.0 million

Major Sector (Sector) (%): Aviation 97%; Ports, waterways and shipping 3%

Themes (%): Rural services and infrastructure 40%; Infrastructure services for private sector development 30%; Trade facilitation and market access 30%

Environmental Category: B

Project development Objectives: to improve the condition of the national paved road network, to lower transport cost on selected roads, and to expand the capacity of selected regional airports.

OP 4.10: Policy not triggered

4. P125824—Additional Financing for the Tanzania Energy Development and Access Expansion Project 2011-N/A

Total Project Cost: USD 43.38 million

Commitment Amount: USD 27.88 million

Major Sector (Sector) (%): Transmission and Distribution of Electricity 98%; Public administration - Energy and mining 2%

Themes (%): Other urban development 34%; Infrastructure services for private sector development 33%; Rural services and infrastructure 33%

Environmental Category: B

²²⁶ This list includes projects approved since 2007 and still active as of 1 May 2012. See WB website at <http://web.worldbank.org/external/projects/>

Project Development Objective: to improve the quality and efficiency of the electricity service provision in the three main growth centers of Dar es Salaam, Arusha and Kilimanjaro and to establish a sustainable basis for energy access expansion and renewable energy development in Tanzania.

OP 4.10: Policy not triggered

5. P111155—Zanzibar Urban Services Project 2011-2016

Total Project Cost: USD 38.0 million

Commitment Amount: USD 38.0 million

Major Sector (Sector) (%): Flood protection 36%; Sub-national government administration 29%; Solid waste management 25% ; General water, sanitation and flood protection sector 10%

Themes (%): City-wide Infrastructure and Service Delivery 39%; Urban services and housing for the poor 39%; Municipal finance 11%; Cultural Heritage 11%

Environmental Category: A

Project Development Objective: to improve access to urban services in Zanzibar and conserve the physical cultural heritage at one public location within the stone town.

OP 4.10: Policy not triggered.

6. P107722—Development of a National Statistical System Project for Tanzania 2011-2016

Total Project Cost: USD 63.18 million

Commitment Amount: USD 30.00 million

Major Sector (Sector) (%): General public administration sector 80%; Public administration - Other social services 20%

Themes (%): Economic statistics, modeling and forecasting 50%; Poverty strategy, analysis and monitoring 40%; Other public sector governance 10%

Environmental Category: B

Project Development Objective: to develop a national statistical system that effectively and efficiently delivers reliable and timely statistics in accordance with international standards and best practices.

OP 4.10: Policy not triggered.

7. P123786—Rural Food Fortification Project in Tanzania 2011-2015

Total Project Cost: USD2.63 million

Commitment Amount: USD2.63 million

Major Sector (Sector) (%): Health and other social services (Health) (100%)

Themes (%): Nutrition and food security (100%)

Environmental Category: B

Project Development Objective: to strengthen the health sector

OP 4.10: N/A

8. P121961—Tanzania ICT and Services Incubator (AFR 5) 2010-2012

Total Project Cost: USD .57 million

Commitment Amount: USD .57 million

Major Sector (Sector) (%): Information and communications (General information and communications sector) (100%)

Themes (%): Micro, Small and Medium Enterprise support (100%)

Environmental Category: C

Project Development Objective: N/A

OP 4.10: N/A

9. P111598—Backbone Transmission Investment Project 2010-2015

Total Project Cost: USD 468.45 million

Total Commitment: USD 150.0 million

Major Sector (Sector) (%): Transmission and Distribution of Electricity 97%; Public administration - Energy and mining 3%

Themes %: Other urban development 100%

Environmental Category: A

Project Development Objective: to increase the availability, reliability and quality of the grid-based power supply to northern regions of Tanzania.

OP 4.10: Policy not triggered.

10 P 120881—Second Additional Financing for TASAF II 2010-N/A

Total Project Cost: USD 35.0 million

Total Commitment: USD 35.0 million

Major Sector (Sector) (%): Health and other social services

Themes: Industry; Social Protections and Labor; Poverty Reduction; Communities and Human Settlements

Environmental Category: B

Project Development Objective: to scale up TASAF-II activities in vulnerable districts on the Mainland and in Zanzibar as determined by the Rapid Vulnerability Assessment Report of October 2009.

OP 4.10: Policy not triggered

11. P120930—Second Additional Financing for Agriculture Sector Development Project 2010-N/A

Total Project Cost: USD 35.0 million

Total Commitment: USD 35.0 million

Major Sector (Sector) (%): Irrigation and drainage 96%; Public administration - Agriculture, fishing and forestry 4%

Themes (%): Rural services and infrastructure 100%

Environmental Category: B

Project Development Objective: support to ASDP.

OP 4.10: N/A

12. P055120—Transport Sector Support Project 2010-2015

Total Project Cost: USD 281.70 million

Commitment Amount: USD 270.00 million

Major Sector (Sector) (%) Roads and highways 72%; Aviation 21%; Public administration - Transportation 7%

Themes (%): Rural services and infrastructure 72%; Infrastructure services for private sector development 26%; Other public sector governance 2%

Environmental Category: B

Project Development Objective to improve the condition of the national paved road network, to lower transport cost on selected roads, and to expand the capacity of selected regional airports.

OP 4.10: Policy not triggered.

Note: According to project documents, one of the roads to be rehabilitated is the Arusha-Minjingu Road (approximately 98 km) that passes "through predominantly Masai pastoralist plains to Makuyuni town, which is a junction to Manyara, Ngorongoro Crater and Serengeti National Parks".

13 P111153—Tanzania Strategic Cities Project 2010-2015

Total Project Cost: USD 175.50 million

Commitment Amount: USD 163.00 million

Major Sector (Sector) (%): General transportation sector 32%; Sub-national government administration 27%; Roads and highways 25%; Solid waste management 12%; Flood protection 4%

Themes (%): Municipal governance and institution building 6%; Other urban development 92%; Administrative and civil service reform 1%; Public expenditure, financial management and procurement 1%

Environmental Category: B

Project Development Objectives: to improve the quality of and access to basic urban services in participating Local Government Authorities (LGAs).

OP 4.10: Policy not triggered.

14. P114866—Secondary Education Development program II 2010-2015

Total Project Cost: USD 469.30 million

Commitment Amount: USD 150.00 million

Major Sector (Sector) (%): Secondary education 100%

Themes (%): Education for All 67%; Education for the knowledge economy 33%

Environmental Category: B

Project Development Objective: to improve the quality of secondary education with a focus on under served areas.

OP 4.10: Policy not triggered

15. P 117260—Additional financing – Energy Development and Access Expansion Project

Total Project Cost: USD 25.00 million

Commitment Amount: USD 25.00 million

Major Sector (Sector) (%): Renewable energy 100%

Themes (%): Rural services and infrastructure 54%; Other financial and private sector development 46%

Environmental Category: B

Project Development Objectives: to improve the quality and efficiency of the electricity service provision in the three main growth centers of Dar es Salaam, Arusha and Kilimanjaro and to establish a sustainable basis for energy access expansion and renewable energy development in Tanzania

OP 4.10: Policy not triggered.

16. P117242—Tanzania Housing Finance Project 2010-2015

Total Project Cost: USD 42.00 million

Commitment Amount: USD 40.00 million

Major Sector (Sector) (%): Housing finance 100%

Themes (%):

Environmental Category: B

Project Development Objective: to develop the housing mortgage finance market through the provision of medium and long-term liquidity to mortgage lenders.

OP 4.10: Policy not triggered.

17. P096302—Sustainable Management of Mineral Resources 2009-2014

Total Project Cost: USD 55.00 million

Commitment Amount: USD 50.00 million

Major Sector (Sector) (%): Public administration - Energy and mining 74%; Mining and other extractive 26%

Themes (%): Administrative and civil service reform 4%; Other public sector governance 65%; Participation and civic engagement 2%; Micro, Small and Medium Enterprise support 18%; Other financial and private sector development 11%

Environmental Category: B

Project Development Objective: to strengthen the government's capacity to manage the mineral sector in order to improve the socio-economic impacts of large and small-scale mining for Tanzania and Tanzanians and enhance private local and foreign investment

OP 4.10: Policy not triggered.

Note: Part of the project will take place in Arusha and Manyara regions, and deals with mines in which many Maasai are employed.

18. P114291—Tanzania Accelerated Food Security Project 2009-2012

Total Project Cost: USD 299.00 million

Commitment Amount: USD 160.00 million

Major Sector (Sector) (%): Crops 90%; Public administration - Agriculture, fishing and forestry 6%; Agro-industry, marketing and trade 4%

Themes (%): Global food crisis response 100%

Environmental Category: B

Project Development Objective: to provide credits to Tanzania in support of its Accelerated Food Security Program. The program responds to an urgent request from the Government of Tanzania (GoT) to support its efforts to achieve greater food security by increasing food production and productivity and providing social protection for vulnerable groups and the rural poor.

OP 4.10: Policy not triggered

19. P115952—Additional Financing for Tanzania Second Social Action Fund (TASAF II) 2009-N/A

Total Project Cost: USD 30.0 million

Commitment Amount: USD 30.0 million

Major Sector (Sector) (%): Other social services 37%; Irrigation and drainage 18%; General water, sanitation and flood protection sector 18%; Public administration - Other social services 15%; Animal production 12%

Themes (%) Global food crisis response 100%

Environmental Category: B

Project Development Objective: to provide credits to Tanzania in support of its Accelerated Food Security Program. The program responds to an urgent request from the Government of Tanzania (GoT) to support its efforts to achieve greater food security by increasing food production and productivity and providing social protection for vulnerable groups and the rural poor.

OP 4.10: Not triggered

20. P115873—Additional Financing for Agricultural Sector Development Project 2009-N/A

Total Project Cost: USD 30.00 million

Commitment Amount: USD 30.00 million

Major Sector (Sector) (%): Irrigation and drainage 96%; Crops 3%; Agricultural extension and research 1%

Themes (%): Global food crisis response 100%

Environmental Category: B

Project Development Objective: to provide credits to Tanzania in support of its Accelerated Food Security Program. The program responds to an urgent request from the Government of Tanzania (GoT) to support its efforts to achieve greater food security by increasing food production and productivity and providing social protection for vulnerable groups and the rural poor.

OP 4.10: Policy not triggered

21. P098496—Science & Technology Higher Education 2008-2013

Total Project Cost: USD 100.00 million

Commitment Amount: USD 100.00 million

Major Sector (Sector) (%): Tertiary education 88%; Central government administration 12%

Themes (%): Education for the knowledge economy 100%

Environmental Category: B

Project Development Objective: to increase the quantity and quality of higher education graduates, with special emphasis on science, technology and education, through an improved learning environment.

OP 4.10: Policy not triggered.

22. P103633—Second Central Transport Corridor Project 2008-2014

Total Project Cost: USD 241.60 million

Commitment Amount: USD 190.00 million

Major Sector (Sector) (%): General transportation sector 56%; Roads and highways 32%; Aviation 9%; Central government administration 3%

Themes (%): Other urban development 40%; Infrastructure services for private sector development 40%; Trade facilitation and market access 20%

Environmental Category: A

Project Development Objective: to support Tanzania's economic growth by providing enhanced transport facilities that are reliable and cost effective, in line with Mkakati wa Kukuza Uchumi na Kuondoa Umasikini Tanzania (MKUKUTA) and the national transport policy and strategy.

OP 4.10: Not triggered

23. P092154—Tanzania – GEF Energy Development and Access Expansion 2007-2015

Total Project Cost: USD 59.60 million

Commitment Amount: USD 0.00 million

Major Sector (%): Renewable energy 57%; Central government administration 31%; Power 12%

Themes (%): Rural services and infrastructure 40%; Climate change 40%; Other urban development 20%

Environmental Category: B

Project Development Objective: to a) improve the quality and efficiency of the electricity service provision, and b) to establish a sustainable basis for access expansion

OP 4.10: Policy not triggered.

24. P101645—Energy Development and Access Project 2007-2015

Total Project Cost: USD 105.00 million

Commitment Amount: USD 105.00 million

Major Sector (%): Power 86%; Renewable energy 11%; Central government administration 3%

Themes (%): Infrastructure services for private sector development 40%; Other urban development 20%; Rural services and infrastructure 20%; Climate change 20%

Environmental Category: B

Project Development Objective: to improve the quality and efficiency of the electricity service provision in the three main growth centers of Dar es Salaam, Arusha and Kilimanjaro and to establish a sustainable basis for energy access and renewable energy development in Tanzania. The changes under this restructuring relate to: (i) a reallocation of the currently unallocated amounts; and (ii) an amendment to the two financing agreements for project credits and to the grant.

OP 4.10: Policy not triggered.

25. P092898—Tanzania Performance Results and Accountability Project (APL2) 2007-2012

Total Project Cost: USD 103.80 million

Commitment Amount: USD 40.00 million

Major Sector (%): Central government administration 100%

Themes (%): Administrative and civil service reform 50%; Other public sector governance 25%; Other accountability/anti-corruption 25%

Environmental Category: B

Project Development Objective: to enhance the capacity, performance and accountability of ministries, departments and agencies (MDAs) in the use of public resources and service delivery to levels consistent with timely and effective implementation of the strategic and priority programs under the National Strategy for Growth and Reduction of Poverty (MKUKUTA).

