



Forced evictions of Maasai people in Loliondo, Tanzania



Maasai homestead set on fire

Forced evictions and human rights violations

According to reliable information received by IWGIA, forced and illegal evictions of Maasai pastoralists and serious human rights violations are right now happening in Tanzania. These violations take place on registered village land in Loliondo Division of Ngorongoro District, Arusha Region.

Reports indicate that Maasai houses/bomas have been burned down, livestock have been lost, people have been forced to pay fines, and have been harassed and threatened. It is reported that there is lack of water and food and that men, women, children and the elderly have to sleep out with no shelter. Families are being separated, and many people are now suffering from psychological trauma because of the evictions and harassment. The evictions are creating food insecurity and lead to impoverishment.

Precise data at this time is not available, but according to the information received the following violations have taken place:

- On the 13th and 14th of August 2017, an estimated 185 Maasai bomas (homesteads) were burned down by Serengeti National Park (SENAPA) and Ngorongoro Conservation Area Authority (NCAA) rangers, supported by police from Loliondo. As a result, it is estimated that approximately 6.800 people have been rendered homeless, had most of their property destroyed and been left without any shelter, food or water. The number is still increasing since the violent eviction is still going on. People's livestock are also unprotected and many have scattered into the surrounding areas.

- It is yet to be established how many live-stock have been lost. However, it is reported that more than 2000 livestock have been lost in Ololosokwa village alone.

The eviction operation started on the 13th of August in Ololosokwan village, and on the 14th of August the operation reportedly continued in several other areas: Oloosek, Illoibor Ariak, Endashata areas in Ololosokwan village, Oleng'usa area in Kirtalo village, Oloorkiku area in Oloipiri village and Loopilukuny area in Oloirien village. All the affected areas are classified as legally registered village land as per the Village Land Act no. 5 of 1999 under the formal administration of their respective village governments as per the Local Government Act.

The evictions take place at a point of time where pastoralists are trying to cope with a serious drought in the area, which has diminished the quantity and quality of pastures for their livestock. There are incidents reported of pastoralists grazing their livestock within the Serengeti National Park, and having to pay massive fines

to the SENAPA rangers. It is also reported that even pastoralists grazing their cattle outside the park boundaries have been fined. In conjunction with this, it is also reported that at least one young man from Olosokwan village has been shot and seriously injured by SENAPA rangers outside Serengeti National Park. Now the ongoing evictions and harassment, coupled as it is with the drought, make the local peoples' situation even more desperate.

Who ordered the evictions and why?

It is not entirely clear who ordered the eviction. Reportedly there was no consultation at either District Council or Village Government level, nor with the people directly affected, which means there was no agreement on the evictions either. There was no warning given.

The evictions and human rights violations are carried out by armed SENAPA and NCAA rangers supported by Loliondo police officers.

It is also not clear why the evictions are happening and no official reason has so far been given.



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It will be important to clearly establish who ordered the evictions and why such that these relevant authorities can be held responsible. The latest development is that a press statement released by the Ministry of Natural Resources and Tourism stated that the purpose of the operation is to remove livestock and housing from Serengeti National Park and also from the boundary areas, which are legally registered village land, and it is clear from the press release that houses/bomas are being burned on village land.

The evictions, harassment and human rights violations take place within an area of where several other attempts of forced evictions have taken place over the years (such as in 2009 where thousands of people lost their homes and properties). Local leaders say that the ongoing eviction is an operation organized to ensure that there will be no more people or livestock living in the villages of the area. This area, which is legally registered village land encompassing 8 villages, covers 1.500 km² and has long been leased by the Government of Tanzania as the key hunting block in the Loliondo Game Controlled Area.

A powerful player in the area is the United Arab Emirates company Otterlo Business Cooperation (OBC), which has since 1992 carried out hunting activities in the area for international elites including royalty. This has for many years caused local residents serious concern about the security of their land rights, and OBC has previously campaigned for the government to turn the 1.500 km² of village land into a protected area where people and livestock would not be allowed to live. It is not clear if the OBC is involved in the ongoing eviction operation, however, it has been alleged that OBC is the main financial supporter of the operation.

In 2009 the government launched an operation to forcefully and extrajudicially evict people and

livestock from this 1.500 km² area of Loliondo village land that serves as OBC's core hunting area. Hundreds of houses were burned and thousands of cattle were chased into an extreme drought area, which did not have enough grass or water to sustain them. See IWGIA Briefing Note for more information: http://www.iwgia.org/publications/search-pubs?publication_id=745. After these evictions people eventually moved back.

There have been several attempts to change the legal status of the area from village land to some form of protected game reserve/game controlled or Wildlife Management Area and this has always been strongly resisted by the pastoralists/local villagers and District Council. For example, in 2010-2011 OBC funded the Land Use Planning Commission to develop a draft district land use plan that proposed turning the coveted 1.500 km² of village land into a Game Controlled Area (where people and livestock would not be allowed to live). This plan was strongly rejected as illegal by the Ngorongoro District Council.

The current eviction operation is surprising because it comes at a time where a commission has been working to try to identify a solution to the Loliondo land conflict. This committee was set up in December 2016 by Prime Minister Kassim Majaliwa and led by the Regional Commissioner for Arusha Mrisho Gambo. The committee comprises representatives from the Ministry of Natural Resources and Tourism, the Ministry for Lands and Human Settlements, TANAPA, TAWA, the Regional Commissioners office, the National Security Committee, conservation organizations, 4 community members, OBC and Thomson Safaris. The committee has completed its report and it was sent to the Prime Minister on the 20th of April 2017. There has not been any reaction from the Prime Minister so far.

Shortly after the committee had been established, the Minister for Natural Resources and Tourism made on the 25th of January 2017 a declaration that the 1.500 km² of land (coveted by OBC) had to be taken away from the villages. This is in stark contrast to a speech delivered by Prime Minister Mizengo Pinda Kayanda in Loliondo in 2013 where he declared that the land in question is village land and belongs to the people. This speech gave people hope – a hope that has unfortunately been crushed by the recent events.

Threats against human rights defenders

It is reported that individuals and organizations which seek to protest against the evictions and human rights violations are being threatened and there have allegedly been threats to de-register NGOs, which attempt to raise their voices on these issues. Serious harassment and arbitrary arrests and torture of human rights defenders from the area took place in 2016 (see IWGIA Briefing Note: http://www.iwgia.org/publications/search-pubs?publication_id=748) and it is feared that this will now happen again. Leaders at district level such as councilors and Members of Parliament are also threatened not to speak out.

Violation of Tanzanian Law

The ongoing evictions in Loliondo are a violation of the Village Land Act of 1999, which makes provisions for information and consultation procedures with the Village Council and Village Assembly in cases where evictions are deemed necessary/where the President orders the transfer of village land into general public or reserved land. The Village Land Act also includes provisions and procedures for full, fair and prompt compensation. For further information see IWGIA report on evictions and human rights violations towards pastoralists in Tanzania: http://www.iwgia.org/publications/search-pubs?publication_id=727

Violation of international law

Under international law, forced evictions are considered a gross violation of human rights that can only be justified in the most exceptional circumstances and only then if they comply with specific standards and respect specific legal processes. None of this is the case for the ongoing forced evictions in Loliondo, which constitute a clear violation of numerous international human rights frameworks, including among others the African Charter on Human and Peoples' Rights, the UN Declaration on the Rights of Indigenous Peoples, the Right to Food and the Right to Adequate Housing.

Recommendations

IWGIA calls upon the international community to urgently establish dialogue with the responsible authorities in Tanzania and to urge them to:

- Immediately stop the illegal eviction operation and human rights violations
- Compensate the victims for the losses they have suffered, including loss of property
- Ensure that the victims have sufficient access to humanitarian assistance such as food and shelter, and if necessary provide food aid.
- Take legal action against the people who ordered the operation and against all those who conducted it.
- Ensure that the right to freedom of expression is upheld and make sure that the human rights defenders, civil society organizations and journalists who speak up on the Loliondo eviction issue are in no way intimidated or harassed.
- Make sure that the land tenure security of the villages in Loliondo is protected as per

their status as legally registered villages, and make sure that there will be no further attempts of land grabbing and forced evictions. The government should recognize and respect that the 1,500km² of land in question is legally registered village land and it should leave it entirely to the villages to manage their land according to the Village Land Act No.5 of 1999 and the Local Government (District Authority) Act No.7 of 1982.

- Make sure that evictions in Tanzania, if deemed necessary, comply with the provisions in Tanzanian law and comply with international human rights obligations.

We also call upon the Tanzanian Commission for Human Rights and Good Governance to investigate the violations.



IWGIA

**International Work Group
for Indigenous Affairs**

Classensgade 11 E
2100 København Ø

T: (+45) 3527 0500

E: iwgia@iwgia.org

iwgia.org