

REPORT OF THE AFRICAN  
COMMISSION'S WORKING GROUP ON  
INDIGENOUS POPULATIONS/COMMUNITIES

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RESEARCH AND INFORMATION  
VISIT TO THE REPUBLIC OF TANZANIA

21 January – 6 February 2013

The African Commission on Human and Peoples' Rights  
adopted this report at its 15<sup>th</sup> Extra-Ordinary Session, 7-14 March 2014



African Commission on  
Human and Peoples' Rights  
(ACHPR)



International  
Work Group for  
Indigenous Affairs

2015

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# TABLE OF CONTENTS

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|   |    |
|---|----|
| Abbreviations and main terms.....   | 10 |
| Acknowledgements .....  | 12 |
| Preface .....   | 13 |
| Executive Summary.....  | 15 |
| 1.0 Introduction .....  | 22 |
| 1.1 Objectives of the visit .....   | 22 |
| 1.2 Terms of Reference of the Research and Information Visit.....                       | 22 |
| 1.3 Methodology/Work Plan.....  | 23 |
| 2.0 Background.....   | 28 |
| 2.1 Political history.....  | 29 |
| 2.2 Administrative and governance structure.....  | 30 |
| 2.3 Demography, population composition and distribution.....                            | 32 |
| 2.4 Laws and the legal system.....  | 33 |
| 2.5 International human rights obligations.....   | 34 |
| 3.0 Conceptualization of indigenous peoples<br>in the United Republic of Tanzania ..... | 36 |
| 3.1 Nationalist culture and space for diversity .....                                   | 37 |
| 3.2 Lack of awareness and appreciation of pastoralism .....                             | 38 |
| 4.0 Hunter/gatherers in the United Republic of Tanzania.....                            | 41 |
| 4.1 The Hadzabe .....   | 41 |
| 4.2 The Akiye.....  | 43 |
| 5.0 Pastoralists in the United Republic of Tanzania .....                               | 44 |
| 5.1 The Barbaig.....  | 45 |

|      |  |    |
|------|--|----|
| 5.2  | The Maasai .....   | 47 |
| 5.3  | The Iparakuyio Maasai .....  | 54 |
| 6.0  | Land question and denial of tenure rights to indigenous peoples.....                               | 58 |
| 6.1  | Village Land Act: Formalization<br>and insecurity of tenure for pastoralists .....                 | 58 |
| 6.2  | The Local Government Acts.....   | 62 |
| 7.0  | Alienation of pastoralist lands for wildlife-based tourism<br>and conservation interests .....     | 64 |
| 7.1  | The administration of tourist hunting activities/investments<br>in village Lands .....             | 66 |
| 7.2  | Forest management and restricted rights .....  | 67 |
| 8.0  | Alienation of pastoralist lands for commercial agriculture.....                                    | 69 |
| 9.0  | Ministry of Livestock without a policy on pastoralism .....  | 71 |
| 10.0 | Experiences of the Maasai of Kiteto District.....  | 76 |
| 11.0 | Experiences of the Iparakuyio of Morogoro Region .....   | 81 |
| 12.0 | The gender question among indigenous peoples and<br>violations of the rights of girl children..... | 83 |
| 13.0 | Other challenges affecting indigenous pastoralists and hunter/gatherers.....                       | 85 |
| 13.1 | Climate change .....   | 85 |
| 13.2 | Poor services .....  | 85 |
| 13.3 | Education .....  | 86 |
| 13.4 | Health.....  | 87 |
| 13.5 | Water.....   | 88 |
| 13.6 | Lack of skills and advocacy .....  | 88 |
| 13.7 | Inadequate representation .....  | 89 |
| 14.0 | Some positive measures undertaken<br>by government to remedy the situation .....                   | 90 |
| 14.1 | The Department of Pastoral Systems Development .....   | 90 |

|  |         |
|--|---------|
| 14.2 National Strategy for Growth and Reduction<br>of Poverty MKUKUTA.....   | 91      |
| 14.3 Grazing Lands Management and Utilization Bill.....  | 91      |
| 14.4 Constitutional review process .....   | 91      |
| 14.5 Decentralization to the local government level to facilitate<br>investments and development at the village level..... | 92      |
| 14.6 Pastoralist Council in NCAA .....   | 93      |
| 14.7 SULEDO Community Forest: a positive government initiative .....   | 93      |
| 14.8 Commission on Human Rights and Good Governance has latent<br>potential to protect and promote human rights.....       | 95      |
| 14.9 Pastoralist Parliamentary Group.....  | 95      |
| <br>15.0 Development partners and their potential role<br>in alleviating the problems of IPs.....                          | <br>97  |
| <br>16.0 Civil society organizations and their role in promoting the rights<br>of pastoralists and hunter/gatherers .....  | <br>100 |
| <br>17.0 Recommendations .....   | <br>101 |
| <br>References .....   | <br>104 |
| <br>Appendix – List of People met/interviewed in groups.....   | <br>106 |



## ABBREVIATIONS AND MAIN TERMS

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|                 |   |
|-----------------|---|
| <b>ACHPR</b>    | African Commission on Human and Peoples' Rights       |
| <b>AD</b>       | Anno Domini   |
| <b>AU</b>       | African Union   |
| <b>AWF</b>      | African Wildlife Foundation                           |
| <b>CCM</b>      | Chama Cha Mapinduzi                                   |
| <b>CHRAGG</b>   | Commission on Human Rights and Good Governance        |
| <b>CIDA</b>     | Canada International Development Agency               |
| <b>CORDS</b>    | Community Research and Development Services           |
| <b>CSO</b>      | Civil Society Organizations                           |
| <b>DADP</b>     | District Agricultural Development Plan                |
| <b>DC</b>       | District Commissioner                                 |
| <b>DED</b>      | District Executive Director                           |
| <b>EAC</b>      | East African Community                                |
| <b>FAMOGATA</b> | Fanya Morogoro Gala La Taifa                          |
| <b>FFU</b>      | Field Force Unit                                      |
| <b>FGM</b>      | Female Genital Mutilation                             |
| <b>FPIC</b>     | Free Prior and Informed Consent                       |
| <b>GDA</b>      | Grazing Development Area                              |
| <b>GoT</b>      | Government of Tanzania                                |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus                          |
| <b>IDP</b>      | Internally Displaced Person                           |
| <b>IUCN</b>     | International Union for the Conservation of Nature    |
| <b>ILO</b>      | International Labour Organization                     |
| <b>JOLIT</b>    | Joint Oxfam Livelihood Initiative for Tanzania        |
| <b>LGA</b>      | Local Government Act                                  |
| <b>LHRC</b>     | Legal and Human Rights Centre                         |
| <b>MKUKUTA</b>  | National Strategy for Growth and Reduction of Poverty |
| <b>MLFD</b>     | Ministry of Livestock Development and Fisheries       |
| <b>MGR</b>      | Mkomazi Game Reserve                                  |
| <b>NAFCO</b>    | National Agricultural Finance Company                 |
| <b>NAPASO</b>   | Naramatisho Pastoralist Society                       |
| <b>NCA</b>      | Ngorongoro Conservation Area                          |



|               |  |
|---------------|--|
| <b>NCAA</b>   | Ngorongoro Conservation Area Authority                           |
| <b>NFGG</b>   | National Framework for Good Governance                           |
| <b>NGOs</b>   | Non-Governmental Organizations                                   |
| <b>NPRS</b>   | National Poverty Reduction Strategy                              |
| <b>NSGRP</b>  | National Strategy for Growth and Reduction of Poverty            |
| <b>OBC</b>    | Ortello Business Corporation                                     |
| <b>PASS</b>   | Private Agricultural Sector Support                              |
| <b>PINGOS</b> | Pastoralist Indigenous Non-Governmental Organization             |
| <b>PCCB</b>   | Prevention and Combating of Corruption Bureau                    |
| <b>PC</b>     | Pastoralist Council  |
| <b>PPG</b>    | Pastoralist Parliamentary Group                                  |
| <b>RC</b>     | Regional Commissioner  |
| <b>REDD</b>   | Reducing Emissions from Deforestation and Forest Degradation     |
| <b>SPILL</b>  | Support Programme for the Implementation of Land laws            |
| <b>SAGCOT</b> | Southern Agricultural Growth Corridor of Tanzania                |
| <b>SULEDO</b> | Sunya Lengatei Dongo   |
| <b>TAMWA</b>  | Tanzania Media Women's Association                               |
| <b>TAPHGO</b> | Tanzania Pastoralists and Hunters and Gatherers Organization     |
| <b>TANU</b>   | Tanzania African National Union                                  |
| <b>TAZARA</b> | Tanzania Zambia Railway  |
| <b>TIC</b>    | Tanzania Investment Centre                                       |
| <b>TNRF</b>   | Tanzania National Resources Forum                                |
| <b>ToR</b>    | Terms of Reference   |
| <b>UAE</b>    | United Arab Emirates   |
| <b>USAID</b>  | United States Agency for International Development               |
| <b>UPR</b>    | Universal Periodic Review  |
| <b>URT</b>    | United Republic of Tanzania                                      |
| <b>UNDRIP</b> | United Nations Declaration on the Rights of Indigenous Peoples   |
| <b>UNESCO</b> | United Nations Educational, Scientific and Cultural Organization |
| <b>VGDC</b>   | Village Grazing Land Development Committee                       |
| <b>VLA</b>    | Village Land Act   |
| <b>WCA</b>    | Wildlife Conservation Act  |
| <b>WGIP</b>   | Working Group on Indigenous Populations/Communities              |
| <b>WMA</b>    | Wildlife Management Areas  |
| <b>WHO</b>    | World Health Organization  |
| <b>WWF</b>    | World Wildlife Fund  |

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The delegation is very grateful to the Government of Tanzania for warmly welcoming it to the country and the city of Dar es Salaam. The Research and Information Visit to the United Republic of Tanzania went smoothly despite a tight programme. A member of staff from the Ministry of Foreign Affairs - Mr. Abdalla Mtibora - was designated to introduce the delegation to the host Ministry and provide guidance in making contacts with foreign missions, development partners and bilateral agencies. Mr. Abdalla Mtibora was prompt and gracious in getting the plans for the visit in place and dutifully getting in touch with relevant stakeholders. For this, the team is very appreciative. The Minister for Constitutional Affairs and Justice was very gracious and extremely generous with his time during a period when the parliamentary session was just about to begin. Besides being open in his responses to all the questions asked, the Minister also offered support to the delegation by appointing one of his officers, Mr Patience Ntwina, to liaise with relevant ministries, the district and provincial administration, to alert them about the visit and to arrange meetings with them and provide introductory letters at short notice. His initiative ensured easy travel and a smooth stay in the country. The team is extremely grateful to the Minister, his personal assistant, Mr. Charles Mmbando, and other staff for all their assistance. All government officials met were civil, welcoming and honest in their presentation of facts, as were the development partners, and the team wishes to express its gratitude to all of them. The civil society organizations were also well-organized as they brought other organizations, communities and the media together for meetings to provide the delegation with information. They were all welcoming and displayed typical Tanzanian generosity. The same was true of all leaders, individuals and professionals we met. For all this, the delegation is extremely grateful. ○

## PREFACE

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The African Commission on Human and Peoples' Rights (ACHPR), which is the human rights body of the African Union, has been debating the human rights situation of indigenous peoples since 1999. Indigenous peoples are some of the most vulnerable and marginalized peoples on the African continent and their representatives have, since the 29<sup>th</sup> Ordinary Session in 2001, been participating in the ACHPR sessions. Indigenous representatives have given testimonies on their situation and the human rights violations they suffer. Their message is a strong request for recognition and respect, and a call for the protection of their civil, political, economic, social and cultural rights. It is also a request for the right to live as peoples and to have a say in their own future, based on their own culture, identity, hopes and visions. Moreover, indigenous peoples wish to exercise these rights within the institutional framework of the nation-state to which they belong. The ACHPR has responded to this call. The ACHPR recognizes that protecting and promoting the rights of the most disadvantaged, marginalized and excluded peoples on the continent is a major concern, and that the African Charter on Human and Peoples' Rights must form a framework for this.

In order to achieve a better basis from which to advance discussions and formulate recommendations, the ACHPR set up a Working Group on the Rights of Indigenous Populations/Communities (Working Group) in 2001. The Working Group implemented its initial mandate by producing its comprehensive document "*Report of the African Commission's Working Group of Experts Indigenous Populations/Communities*" on the human rights situation of indigenous peoples and communities in Africa (the full report can be downloaded from <http://www.achpr.org>). The report was adopted by the ACHPR in November 2003 and published in book form in 2005. The report is the ACHPR's official conceptualization of indigenous peoples' human rights in Africa.

In 2003, the Working Group was given a number of mandates on the basis of which it developed a comprehensive activity programme, including the conducting of country visits to study the human rights situation of indigenous peoples/communities and produce a report for the ACHPR. Other activities include organizing sensitization seminars, cooperating with relevant stakeholders and publishing reports and sharing information for the purpose of promoting and protecting indigenous peoples' rights in Africa.

This report is part of the series of country specific reports produced by the Working Group to be presented and adopted by the ACHPR. The reports emanate from an engagement with various stakeholders including government, national human rights institutions, civil society organizations, development partners, indigenous representatives both women and men, and other stakeholders. The visits have sought to involve all relevant actors in indigenous peoples' human rights and to provide information on the position of the ACHPR. The visits are meant to generate constructive dialogue between the ACHPR, the various African Union member states and other interested parties.

It is hoped that this report will raise awareness of the situation of indigenous peoples' rights in Tanzania and prove useful in establishing a dialogue to identify appropriate ways of addressing and improving the situation of indigenous peoples.

It is sincerely hoped that, through our common effort, the critical human rights situation of indigenous peoples will be widely recognized and that all stakeholders will work towards promoting and protecting indigenous peoples' rights in their respective areas. ○

## EXECUTIVE SUMMARY

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The overall objective of the research and information visit to the United Republic of Tanzania (URT) was to study the human rights situation of indigenous populations/communities in the country by gathering information from all relevant sources (including governments, civil society, indigenous populations and their communities) on violations of human rights and fundamental freedoms of indigenous communities and to formulate recommendations and proposals for appropriate measures and activities to prevent and remedy these violations of the human rights and fundamental freedoms of indigenous populations/communities.

It is in line with this mandate that the Working Group on Indigenous Populations/Communities (WGIP) planned and undertook a Research and Information Visit to the URT from 21 January to 6 February 2013. During the visit members of the team met with and engaged in constructive dialogue with government officials, indigenous peoples' representatives, leaders and communities, civil society organizations, the media and other stakeholders in meetings, interviews and focused group discussions with stakeholders. The team also gathered relevant information and documentation.

The team was composed of Dr. Naomi Kipuri, Head of the Team and Ms Nanta Mpaayei. The following were the specific objectives of the mission:

1. Examine the steps taken by the Government of the URT towards the recognition, promotion and protection of the rights of indigenous peoples;
2. Engage with authorities, indigenous communities, NGOs and other stakeholders with a view to further promoting and protecting the rights and freedoms of indigenous peoples in the URT;
3. Consider what technical assistance the WGIP and other partners could provide to the URT for the better promotion and protection of indigenous peoples' rights;
4. Meet with higher learning institutions, civil society organizations and the media in order to raise awareness of the problems and challenges that indigenous peoples are facing and their rights and freedoms;
5. Visit indigenous communities.

The Research and Information team came up with the following findings:

The URT is one African country that has deliberately tried and, to a large extent succeeded, in creating a nationalist ideology, image and spirit among its more than 130 different ethnic groups. For this, she is the envy of her neighbours and, indeed, the whole continent. Since the early days of independence, the founding fathers have put much effort into building togetherness and nationalism and discouraging negative ethnicity, which is the bane of many countries. This has been done through the adoption of Swahili as a national language and the adoption of one nationalist "culture".

This nationalist culture disappears, however, when considered in relation to pastoralists and hunter/gatherers, who have identified with the indigenous peoples' movement and suffer from marginalization, oppression, discrimination and some form of stigmatization as communities. The problem has historical roots that have created a fairly clear cultural divide between mainstream Tanzanians, who are largely farmers, and pastoralist and hunter/gatherer indigenous communities. It touches on ways of dressing, choice of language and livelihood.

The marginalization of pastoralists and hunter/gatherers in Tanzania may have started during the early years of independence when one mode of dress was promoted and indigenous clothing was outlawed. This unwittingly set the trend against diversity and against some communities, who are most visible in their traditional attire. This was discriminative and racist and its effect was to intimidate indigenous peoples when they displayed their cultures. Today, indigenous peoples we spoke to stated that some elements of this tendency persist both openly and in more subtle forms.

Since it was adopted as a national language, it is generally assumed that - to be politically correct - one has to use Swahili as the preferred language of communication. Yet indigenous peoples who have not embraced schooling and reside in far flung and isolated parts of the country with poor road networks, no radio or television find it difficult to speak a language other than their own. Because of this, indigenous communities stand out among the rest of the population as being tribalistic, non-nationalistic, rebellious, illiterate, alien or not real Tanzanians, and as resistant to progress. The matter does not seem to have been subjected to any public debate or forum.

The official perception of pastoralists is clearly negative and, since pastoralists are the ones who associate themselves with the term "indigenous", the same negativity is transferred to the term. The position of government as documented by the Ministry of Natural Resources and Tourism is that only three communities are accepted as indige-

nous in the country: the Hadzabe, Akiye and/or “Dorobo”.<sup>1</sup> Clearly, there is no logical explanation for acceptance or rejection of the term “indigenous” as being associated with some communities.

Many officials seem to be uncomfortable with the term “indigenous”, which they associate with tribalism. Among a number of these officials there is also very little understanding, appreciation or even sympathy of the unique circumstances that pastoralists and hunter/gatherers find themselves in.

Discussions with different development partners revealed that debates about the concept “indigenous” are ongoing behind the scenes and that there may be *de facto* acceptance of the term although not yet *de jure*. Meanwhile, the concept remains problematic and all recommendations raised in the Universal Periodic Review (UPR) that included the word “indigenous” were rejected by the United Republic of Tanzania. The conclusion is that there has been no official discussion or agreement of the meaning of the term “indigenous” in the country.

According to the Commission on Human Rights and Good Governance (CHRAGG), no public meeting or dialogue has ever taken place on the issue, purely because of a lack of funding. The CHRAGG does, however, intend to hold such a seminar for awareness raising.

Meanwhile indigenous pastoralists and hunter/gatherers have been facing evictions in many parts of the country, mainly in order to make room for wildlife sanctuaries, farming investments or simply for environmental protection. All the areas traditionally occupied by indigenous pastoralists and hunter/gatherers are being invaded by farming communities and this constitutes a violation of their rights as peoples. Although there is legislation that could be used to guard against such violation, it is not being implemented as it should be.

The hunter/gatherers – Hadzabe, Akiye and/or Dorobo - are few in number, isolated in far flung areas with no services and no protection against encroachment into their areas. They face serious threats of extinction if their rights to the lands they occupy are not guaranteed and protected.

Pastoralist communities in the URT are the Barbaig, mainly in Katesh District in Manyara Region; the Maasai, whose traditional home is Manyara (in particular Kiteto and Simanjiro Districts) and Arusha Regions (Monduli and Ngorongoro Districts) and the IIParakuyio who are scattered in many regions in the country but with the majority in Handeni, Morogoro and Iringa Regions. The IIParakuyio share the same language and

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1 There was mention of Wa-Bahi but, on enquiry, it was established that there was no community by that name although there is an administrative district known as “Bahi” with very many different people living there. Dorobo and Akiye are one and the same people but the confusion arises because, while they call themselves Akiye, other people refer to them as Dorobo.

some cultural elements as other Maasai, and are often referred to as Maasai although they refer to themselves as Ilparakuyio.

The Barbaig are an indigenous community whose best grazing lands were turned into wheat fields for local consumption and for export in the 1960s and this led to violations of their rights. The Barbaig brought a case to the Tanzanian courts in the 1980s but it was dismissed on technical grounds. The Barbaig are now found in many parts of the country trying to look for alternative grazing for their livestock. They are being evicted from every place that they try to settle in and, according to them, they face extreme prejudice. In recent months, a French investor was allocated yet more Barbaig land in an area called Vilima Vitatu ("Three Hills") for a tourist lodge. At the time of the visit, the Barbaig were contemplating taking their cases to a higher court and, during the visit, the team discussed this possibility with one of the judges of the East African Court of Justice<sup>2</sup> who suggested that, despite the lapse of time, until justice had been done, it should still be possible to examine old cases. That was a decision, however, that would have to be made by the court.

The Ilparakuyio have found their traditional areas in Handeni, Kiteto and Morogoro Districts largely invaded by farmers such that they have had to move massively to many other regions of the country to look for alternative grazing. And yet wherever they move they experience evictions and are sometimes told to go back to where they came from. According to Tanzanian law, all citizens are allowed to live wherever they wish so long as they do not break the law. Pastoralists, however, feel this only applies to farmers since evictions of pastoralists are becoming very frequent. State officials have been known to make public statements telling pastoralists to go back to where they came from; this is not an option, however, as where they come from is now occupied by others.

The Maasai experience ranges from mass evictions to make room for wildlife sanctuaries and hunting concessions to mass invasions by farmers onto their traditional territory. Meanwhile, although laws seem to be in place to ensure the protection of villagers and their resources they are either not implemented or they are violated without any consequences for the violators.

This situation is further complicated by an unclear regulatory framework with respect to wildlife management activities on village lands, and this increases conflicts over the rights of villagers and the rights of central policy-making and regulatory authorities. This has had major implications for the rights of village governments to use lands and resources to improve the lives of their members.

It is clear that, legally, the village governments do possess powers to regulate tourism on village lands and to enter into agreements with tourism operators. The Village Land

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<sup>2</sup> Justice Isaac Lenaola, Arusha, 2<sup>nd</sup> Feb. 2013.



Act (1999) has additionally given more powers to the Village Assembly regarding the final say as to who can enter into an agreement with the village government on the use of village land. The recent announcement by the Prime Minister that village land would be returned to villagers in Loliondo, leaving them to negotiate directly with hunting investors, suggests a commendable direction since it upholds the essence of the Village Land Act (1999) and needs to be applauded and replicated elsewhere in the country as a way of promoting and protecting the rights of citizens to their resources.

Overall, the net effect of these negative policies is the alienation of land on which the pastoralists had depended for their livelihood and their economic marginalization. The decline in productivity in pastoralist lands has resulted in a dismal economic situation. As a consequence, increasing numbers of pastoralists are moving in large numbers to urban areas to seek alternative work as a coping mechanism. They diversify into other economic activities, including crop farming, petty trade and urban wage employment, mostly as watchmen. However, the pastoralists remain on the fringes of national economic activity and sink ever deeper into poverty. Moving away from home has also brought about a breakdown of families, disintegration of the communities, increased vulnerability and diseases, a loss of culture, among other effects.

Religion has also had negative effects on indigenous peoples, particularly the Ilparakuyio who raised the issue during the visit pointing out that, beside the school system, religion had also contributed greatly to the erosion of culture by portraying cultural practices as bad and retrogressive. Cultural attire was viewed as atheistic, resulting in some community members, mostly those who take up roles as religious leaders, abandoning it for “modern” clothes.

## **The team makes the following recommendations:**

To the government of URT

1. Provide guarantees of land ownership to ensure security of tenure to all indigenous pastoralists and hunter/gatherers irrespective of their livelihood system;
2. Should it be necessary to relocate indigenous communities from their lands, it should be done through consultation and only with their free, prior and informed consent;
3. Ensure that all victims of evictions are resettled according to acceptable international standards;
4. Ensure that the constitution, laws and policies address the identity, promotion and preservation of the cultures and languages of indigenous pastoralists and hunter/gatherers in conformity with international human rights instruments;

5. Prevent abuses of legal and administrative processes by state organs and individuals and implement relevant laws against perpetrators of inhumane acts;
6. Develop a policy for indigenous pastoralists and hunter/gatherers, defining the parameters of the economy and livelihoods and their contribution to the national economy;
7. Develop a clear cultural policy that accommodates diversity in language and culture within a unified nation;
8. Disclose reports by probe committees and commissions – e.g. Ihefu, to avoid suspicion of the government being complicit in human rights violations and also to facilitate a process of resolution and healing on the part of those affected;
9. Set up a probe committee to investigate alleged mysterious disappearances of persons, especially indigenous peoples, mistreatment, arbitrary arrests, imprisonment, harassment and intimidation by state agencies;
10. Institute a national equality program aimed at redressing injustices and imbalances in the provision of social services such as education, health, water, and improved infrastructure, also taking into consideration the self-determined development needs of indigenous pastoralists and hunter/gatherers;
11. Establish creative culturally-sensitive programmes to ensure that indigenous pastoralist and hunter/gatherer children have access to education;
12. Ensure that the new constitutional dispensation reflects human rights for all, including indigenous rights, good governance, democratization and gender equity for and among indigenous peoples;
13. Make arrangements for the adoption and ratification of relevant international human rights instruments, particularly the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organisation Convention 169, and transpose the African Union pastoralist policy framework into domestic law;
14. Take concrete steps to address the challenges facing indigenous peoples, especially their exclusion, and establish mechanisms to ensure that indigenous peoples are represented and freely consulted (if necessary through affirmative action) at higher levels of governance and administration, and particularly in policies affecting them;
15. Facilitate the conducting of a census on indigenous peoples and a disaggregation of data to reflect their actual socio-economic realities;
16. Ensure that the design, planning and implementation of government development programmes are sensitive to the specific situation of indigenous peoples and that special measures are taken to ensure that they do not have deleterious effects on their livelihoods;

17. Take deliberate measures to implement regional instruments to protect and promote the rights of women and children from negative cultural practices;
18. Take advantage of established partnerships with international and regional human rights institutions to ensure that the URT is kept updated on progressive mechanisms that have been identified as best practices;
19. Take deliberate measures to implement the Kampala Convention.

#### To the ACHPR

1. Conduct an official country mission to the URT and engage the government on the human rights situation of indigenous peoples;
2. Work with the Government of the URT through its national human rights institution to create awareness among government officials and other relevant stakeholders on international and regional human rights mechanisms, including good practices existing on the continent. This would afford them the necessary exposure to growing human rights jurisprudence concerning indigenous peoples, which could strengthen the existing peace through longer lasting justice, democracy and respect for human rights for all in the URT.

#### To the development partners

1. Demonstrate true partnership by engaging the URT strategically and sharing information on policies, mechanisms and human rights instruments with the URT that could benefit the country in the long term.
2. Development partners are urged to discuss and coordinate their activities, including investments, so that they can contribute to overall development without worsening the situation of indigenous pastoralists and hunter/gatherers by supporting programmes that have a negative effect on their livelihoods. ○

# 1.0 INTRODUCTION

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## 1.1 Objectives of the visit

The objective of the Research and Information Visit to the United Republic of Tanzania was to fulfil a number of the mandates of the Working Group on Indigenous Populations/Communities (WGIP), including: to gather information from all relevant sources (including governments, civil society, indigenous populations and their communities) on violations of human rights and fundamental freedoms of indigenous communities; to undertake country visits to study the human rights situation of indigenous populations/communities; and to formulate recommendations and proposals for appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous populations/communities.

## 1.2 Terms of Reference of the Research and Information Visit

A research and information visit to the United Republic of Tanzania has long been overdue. Circumstances beyond the control of all parties have led to the postponement of this visit and so its success was greatly appreciated.

The African Commission on Human and Peoples' Rights (African Commission) is an African intergovernmental human rights mechanism created by the African Charter on Human and Peoples' Rights (the Charter). The United Republic of Tanzania ratified the Charter on 18 February 1984. The African Commission has a mandate to guarantee the promotion and protection of human and peoples' rights on the African continent. To this end, it collaborates with several actors, including African governmental institutions, international organizations and NGOs.

Under Article 45 of the Charter, the African Commission is mandated, *inter alia*, to collect documents, undertake studies and research on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to governments. It was in this context that, in October 2000, the African Commission established a

WGIP and was mandated to, among other things, undertake country visits to study the human rights situation of indigenous populations/communities on the continent. The WGIP is composed of nine (9) members, three (3) from the African Commission and six (6) independent experts.

It is in line with this mandate that the WGIP planned and undertook a research and information visit to the United Republic of Tanzania from 21 January to 6 February 2013. During the visit, members of the delegation engaged in constructive dialogue with government officials, indigenous peoples' representatives and communities, NGOs and other stakeholders.

The delegation was composed of Dr. Naomi Kipuri, Head of the Delegation and Ms Nanta Mpaayei.

The following were the five objectives of the mission:

1. Examine the steps taken by the Government of the URT towards the recognition, promotion and protection of the rights of indigenous peoples;
2. Engage with authorities, indigenous communities, NGOs and other stakeholders with a view to further promoting and protecting the rights and freedoms of indigenous peoples in the United Republic of Tanzania;
3. Consider what technical assistance the WGIP and other partners could provide to the United Republic of Tanzania for the better promotion and protection of indigenous peoples' rights;
4. Meet with higher learning institutions, civil society organizations and the media in order to raise awareness of the problems and challenges that indigenous people are facing and their rights and freedoms;
5. Visit indigenous communities.

### **1.3 Methodology/Work Plan**

A number of methods were used to gather the information that went into this Research and Information Visit report. The background information was obtained from written sources as well as the web. Besides observation, focused group discussions were also used in meetings with groups and communities and semi-structured interviews were carried out with a wide range of other relevant stakeholders, including national, district and village government officials, staff of development partners and international development organizations, embassies, NGOs and other civil society organizations, community based organizations, academics, lawyers and independent researchers.

## **Meetings with senior officials of the country and other relevant institutions**

The delegation met with the Ministry of Foreign Affairs for a courtesy call. They met with the Ministry of Justice and Constitutional Affairs to verify the programme and make contacts with various other institutions with regard to the visit. They met with the Minister of Justice and Constitutional Affairs, Mr. Mathias Chikawe, where they raised the issue of perception and the existence of indigenous peoples in the country. They met with the Office of the Prime Minister, which has responsibility for regional and district administration, and hence for the situation of the villages where the majority of indigenous pastoralists and hunter/gatherers are found. They met the Ministry of Lands, Housing and Urban Development to discuss its critical role in highlighting the various laws governing land and their implementation within indigenous peoples' areas and also solving land-related conflicts. They met with the Ministry of Natural Resources and Tourism, which is central to the issues facing indigenous peoples in Tanzania, particularly the conflicts and contradictions emerging between the conservation of wildlife and other natural resources and human activities, including the displacement of indigenous peoples within or adjacent to national parks, game reserves and forests. The legal advisor to the Ministry of Natural Resources and Tourism acknowledged the existence of indigenous peoples in Tanzania although felt the term was restricted to hunter/gatherer communities. He also underscored the lack of free, prior and informed consent in the design and implementation of development programmes but stated that no major activity ought to take place within the village without villagers being aware of it. The Ministry of Livestock Development and Fisheries was met to discuss the various issues facing pastoralists and the livestock sector in general and the role of the Ministry in addressing some of them. The Ministry shared the new livestock policy with the team. During the visits, the delegation also paid courtesy calls to the local administration in the areas visited and to the Conservator in the case of Ngorongoro Conservancy Area Authority.

## **Meeting with the Commission on Human Rights and Good Governance, diplomatic missions and relevant UN agencies**

The delegation conducted meetings with the Commission on Human Rights and Good Governance which is the national human rights institution the main mandate of which is to monitor the human rights situation in the country. Their experiences and knowledge of the situation was of much value to the team. The team also met with the Legal and Hu-

man Rights Centre, an NGO that has been active in various aspects of human rights in the country, including training and advocacy, some of which they shared with the team. The team met with the Law Associate Advocates, comprising both academics and lawyers, some of whom had handled some of the litigation on behalf of the Barbaig pastoralists and the Maasai of Mkomazi when they had exhausted all local legal remedies. They shared the way in which the cases were conducted with the team and also deliberated on the legal status of existing legal suits involving indigenous pastoralists.

The embassies of Ireland and Denmark were visited because of their continued support both to the government and to projects touching on the livelihoods of indigenous peoples, including the constitutional review process, land rights and food security, among others. The delegation had discussions with them on the constraints facing these communities and their contribution towards alleviating said challenges.

The World Bank was also visited for two reasons: first, to make representations on behalf of some indigenous communities who wished to find out why a number of projects reportedly being funded by the World Bank had all stalled. There was a need to establish whether there had been Free, Prior and Informed Consent (FPIC) or full and effective participation of the concerned communities in the identification and implementation of these projects. Second, given that the World Bank has a safeguard policy for indigenous peoples, it was felt appropriate to ascertain the application of the policy in the United Republic of Tanzania.

UNESCO is said to be the custodian of the World Heritage Sites and one such site is the Ngorongoro Conservation Area, which was considered for both its natural and cultural values. The delegation met with UNESCO to discuss, among other issues, the plight of indigenous peoples within the Ngorongoro Conservation Area where they were facing hunger and alleged threats of eviction. The team also met with the EU (European Union) Delegation, UNDP and the Embassy of Finland.

### **Meetings with civil society, including indigenous peoples' organizations, the media and visit to indigenous communities**

Civil society in Tanzania has been at the forefront of advocating for the rights of indigenous pastoralists and hunter/gatherers. It includes both local and international organizations that have been working on human rights issues and or specific development concerns. Oxfam, an international NGO met by the delegation during the visit, has for many years worked with pastoralists and hunter/gatherers, both directly and through other organizations. During the visit, it was noted that indigenous peoples were still facing a wide

range of issues, especially land, food security and effective participation. It was also noted that the voice of women, though critical, remained weak within indigenous communities. Oxfam supported the Katiba Initiative, a part of the constitutional review, and one that indigenous peoples have been seen to participate widely in, and the organization had high hopes that their issues would be taken on board in the design of the new constitution.

The delegation also conducted meetings with many indigenous peoples' representatives from local civil society organizations in many locations, including Morogoro, Kiteto, Hanang, Mono Wa Mongo, Ngorongoro, Loliondo and Arusha. The challenges and recommendations emerging from these meetings are summarized below.

The delegation visited various indigenous communities to discuss their challenges and establish the situation on the ground. Those visited were the Iparakuyo in Chalinze, where the community has a Milk Cooperative and in Ole Sokoine village in Morogoro District, where insecurity and conflicts between farmers and pastoralists are frequent and security of tenure for the lands they occupy is not guaranteed. The team then also held discussion with the representatives of the pastoralists, including Iparakuyo and Barbaig communities in Morogoro, to obtain their views on what their concerns were and how they were being addressed. The team also visited a livestock market in Morogoro where tension was high following the closure of the road by farming communities and the destruction of a number of businesses belonging to the Iparakuyo people in a nearby town known as Dumila.

The team next visited SULEDO Community Forest, which demonstrates government good practice in allowing communities to manage forests and the natural resources therein for their own benefit and that of future generations. It was observed that the initiative was successfully managed by the Maasai community together with neighbouring farming communities, despite serious challenges.

The Akiye hunter/gatherers of Napilukunya village in Kiteto District were then visited and it was observed that they were receiving relief food from Kiteto District headquarters in Kibaya. Their land has been much encroached upon by farming communities and this has led to the depletion of the trees and other natural resources upon which they had depended, particularly for honey. Discussions were next held with the representatives of NGOs in Kiteto District who were active in different socio-economic sectors. A meeting was also held with the Kiteto District Executive Officer (DED) and a Member of Parliament for the District about the development challenges facing the pastoralists and hunter/gatherers in their district. The DED particularly highlighted the sad situation of girl children, who are subjected to negative traditional practices such as female genital mutilation and early marriage, and denied the right to education.



The team then drove to Dodoma and had meetings with the representatives of the Pastoralist Parliamentary Group with regard to how they are voicing the development challenges of their constituents in Parliament. The team then visited Katesh in Hanang District, which is home to the Barbaig pastoralists. Their main development and human rights challenge relates to the evictions they are facing from their lands to make room for the production of wheat for local consumption and for export. It was observed that the evictions were still ongoing and land dispossession was continuing both for wheat growing and for tourism interests. A meeting was held with their representatives in Katesh town before proceeding to Mongo Wa Mono, the home of the Hadzabe hunter/gatherers. A meeting was held at Mono Wa Mono with the Hadzabe who were also found to be on famine relief.

The Maasai were visited in Ngorongoro Conservation Area (NCA) where the main challenge is the failure to create a balance between the interests of conservation and those of people's livelihoods, resulting in serious human rights violations, including starvation, in an area which is the source of significant foreign exchange earnings. Meetings were also held with the Acting Conservator in Ngorongoro Conservation Area Authority (NCAA) and pastoralist NGOs working in the area. In the other part of the same district is Loliondo, which is widely known for evictions and burning of Maasai villages on their own village lands, and the destruction of food reserves to make room for a hunting company owned by Ortello of the United Arab Emirates. The burnt villages were visited and a one-to-one talk was held with a community leader of over 80 years old, Olkosikos Ole Yiaile, whose home had been burnt down more than ten times and who had made a plea to the African Commission to intervene to have his village land and livelihood restored. He showed the team the graves of his mother and father to demonstrate how long he and the community had been living there. This matter has since become history because the Prime Minister has announced the restoration of the villagers' rights to their lands, demonstrating extremely good practice by the Government of Tanzania.

The last area visited was Simanjiro District to observe the effects of large-scale farming on the livelihoods of pastoralists and also their experiences with the mining of tanzanite, the precious diamond-like gem so far only found in Tanzania. A meeting was held in Arusha to bring together NGOs and Community based organizations working with pastoralists in the surrounding areas. The delegation then held a press conference with the electronic and print media in Dar es Salaam where a press release on the mission was issued, and which was published in various newspapers. ○

## 2.0 BACKGROUND

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The United Republic of Tanzania is bordered to the north by Kenya and Uganda, to the west by the Democratic Republic of the Congo, Burundi and Rwanda, to the south by Malawi, Mozambique and Zambia, and to the east by the Indian Ocean. It is one of five countries which form the East Africa Community (EAC). This country has a total land area of 945,090 sq. kms, which makes it the largest country in East Africa. Of this area, 6.15 million hectares is made up of bodies of water and the remaining 88.2 million hectares is land, while conservation - which is mainly wildlife and forestry - consumes about 30% of all land in Tanzania.<sup>3</sup>

Tanzania shares and borders three of the largest lakes on the African continent: Lake Victoria, which is the world's second-largest freshwater lake, is in the north-western part of the country; Lake Tanganyika, the world's second-deepest lake, is in the western part of the country; and Lake Nyasa is in the south-west of the country along the border with Malawi.

Tanzania is one of Africa's premier tourist destinations, bestowed with natural beauty and attractions such as Mt. Kilimanjaro, the Great Lakes, Ngorongoro Crater, Serengeti National Park, Lake Natron, Oldoinyo le Ngai and the Islands of Zanzibar and Pemba, to name but a few. Tanzania is also rich in natural resources, including hydropower, tin, iron ore, phosphate, coal, diamonds, gemstones, gold, natural gas and nickel. The discovery of oil has also recently been reported.<sup>4</sup>

Since 1996, the official capital of Tanzania has been Dodoma where the country's parliament and some government offices are located. Between independence and 1996, the main coastal city of Dar es Salaam served as the country's political capital and, today, it remains Tanzania's principal commercial city and *de facto* seat of most government institutions. It is the major seaport for the country and its landlocked neighbours.

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3 Human Rights Report by PINGOS Forum.

4 Guardian Newspaper 23<sup>rd</sup> Oct. 2013.

## 2.1 Political history

Prior to any intervention from the West in the region, merchants from the Middle East, Persia and India had been operating along the East African Coast since the first millennium AD. The Sultan of Oman moved his capital to Zanzibar in 1840, claiming the coastal strip. During this time, Zanzibar became the centre of the Arab slave trade.

In the late 19th century, Imperial Germany conquered the regions that are now Tanzania (minus Zanzibar), Rwanda and Burundi and incorporated them into German East Africa. The post-World War I accords and the League of Nations Charter designated the area a British Mandate except for a small area in the north-west, which was ceded to Belgium and later became Rwanda and Burundi, as well as a small area in the south-east (Kionga Triangle) incorporated into Portuguese East Africa (later Mozambique).

British rule came to an end in 1961 after a relatively peaceful transition to independence, with Nyerere becoming the Minister in British-administered Tanganyika in 1960 and continuing as Prime Minister when Tanganyika officially became independent in 1961. For its part, Zanzibar (along with Pemba) also became independent in 1963 following the Zanzibar revolution in which the Arab dynasty was overthrown. Shortly after independence of the two separate countries, Tanganyika and Zanzibar merged to form the United Republic of Tanganyika and Zanzibar in 1964 and, later the same year, was renamed the United Republic of Tanzania.

In 1965, the country became a *de jure* single party state, and a socialist economic system was proclaimed in 1967 and codified in the Arusha Declaration. Independent organizations and civil society, in particular trade unions, were neutralized by being brought into the ruling party (Kelsall and Mmuya, 2005). The economy was largely nationalised, as were many large industries. A huge village resettlement programme was carried out leading to the formation of Ujamaa villages, which assumed control of and responsibility for the lands and resources in the designated villages.

In 1975, village governments were established for the first time and they were intended to spearhead the building of socialism throughout the young nation and to enable its rural people to live and work together in a cooperative and communal fashion. The village governments or Village Councils were made the local administrative units, with council members elected into office by Village Assemblies comprising all adult members of the village. In 1982 the village government was brought into the fold of the local government structure. This was after the re-introduction of local governments in 1982 via the Local Government (District Authorities) Act No. 7 of 1982 (hereafter LGA). This Act established the District Councils, Township Councils and Village Councils.

Swahili was also adopted as the national language and it remains the language of the social and political sphere as well as primary and adult education, while English is the language of secondary education, universities, technology and the higher courts. In an effort to create uniformity, indigenous attire was outlawed in public places.

Tanzania became economically aligned with China and, from 1970 to 1975, China financed and helped in the construction of the 1,860-kilometer-long (1,160 mile) Tanzania/Zambia (TAZARA) railway from the port city of Dar es Salaam to Zambia. During the mid-1980s, the country's economy took a turn for the worse and, like many other countries, it was forced to borrow from the International Monetary Fund. Other major international events influenced the political climate in the country as the party leadership also decided to open up the political system and institute some constitutional revisions that were endorsed by parliament in 1992. One-party rule came to an end in 1995 following constitutional amendments that legalized political parties, allowing for the holding of the first democratic elections.

Tanzania today features a semi-presidential system with elements of the Westminster parliamentary model. The president is elected by direct vote while the government is formed from members of parliament. The constitution vests enormous powers in the executive, and presidential power was further increased in 2000 by restoring the right to appoint 10 members of parliament, and by providing that the president needed to be elected by a simple majority only. The ruling party, Chama Cha Mapinduzi (CCM) has been in power since independence.

## 2.2 Administrative and governance structure

The post-independence United Republic of Tanzania (URT) has followed a distinct path of nation-building in Africa which has resulted in a country today popularly characterized by a peaceful and united society, political stability and sound macroeconomic performance. However, this has been achieved at the great expense of communities who depend on natural resources for their livelihoods, much of which is not made public.

At independence, Tanzania inherited a market-based economic regime and adopted the Westminster style of competitive multi-party parliamentary democracy. However, *Ujamaa* or socialism was adopted in the mid-1970s as the government carried out a massive resettlement of rural people in its villagization campaign. All land and resources were placed under the control of the village governments unless those resources were directly controlled by the central government through a specific Act of Parliament. In 1982, the

village governments were brought into the framework of the local government structure through the Local Government (District Authorities) Act No. 7.

The creation of village governments gave legal powers to the villagers and established a system for local people to administer their lands, resources, and socio-economic development. The legacy of village government and the rights this village-based system endowed on rural people is among the foremost legacies of the Nyerere-*Ujamaa* era. This means that the rights of use, management and ownership of land are among the most important powers possessed by villagers in terms of their livelihoods and prosperity. In 2001 the Tanzanian Parliament enacted the Land Act No. 4 of 1999 and the Village Land Act No. 5 of 1999 in order to clarify the nation's land tenure framework and the rights held at village level. This legislation now provides the foundation for the land rights held by villagers and exercised by their elected governments.

The country is divided into 30 regions: five on the semi-autonomous Island of Zanzibar and 25 on the mainland or former Tanganyika. There are 132 Districts and 516 Divisions on the mainland. A region is headed politically by a Regional Commissioner, and a District by the District Commissioner as the principal assistant to the Regional Commissioner at that level. Then there is the Divisional Secretary who heads the Division and, at the village level, there is the village secretary appointed by the government. The Research and Information Visit was carried out in mainland Tanzania, in which there are three levels of central government administrative units, that is, the regions, districts and divisions.

The Parliament of the United Republic of Tanzania consists of two parts: the President and the National Assembly. The President exercises authority vested in him by the constitution to assent to laws as a necessary aspect of completing the enactment process. The National Assembly is the principal organ of the United Republic and has authority on behalf of the people to oversee and advise the government and all its organs in the discharge of their respective responsibilities. The National Assembly consists of four categories of Members of Parliament, namely:

1. members elected directly to represent constituencies;
2. five members elected by the House of Representatives from among its members;
3. the Attorney General;
4. ten members nominated by the President; and
5. women members, being not less than 15 percent of the members of all other categories on the basis of proportional representation among those parties in the Parliament.

The Parliament is headed by the Speaker who is assisted by the Deputy Speaker and the Clerk to the National Assembly as Head of the Secretariat of the National Assembly.

### 2.3 Demography, population composition and distribution

The total population of the United Republic of Tanzania currently stands at 44,929,002 as per the 2012 census. The population consists of more than 130 ethnic groups but only a few of them have more than one million members. The majority of Tanzanians are Bantu-speaking and they are either engaged in farming activities or they combine farming and livestock keeping. There are also some Nilotic-speaking communities, and a few small groups speak languages of the Khoisan family peculiar to the indigenous San peoples of southern Africa. Also found in the URT are a few Cushitic-speaking peoples. About 1% of Tanzanians are of Asian origin, mainly engaged in micro and macro-businesses in cities.

Population distribution in Tanzania is extremely uneven. Density varies from 1 person per square kilometer in arid regions to 51 per square kilometer in the mainland's well-watered highlands to 134 per square kilometer in Zanzibar. More than 80% of the population lives in rural areas, engaging in hunting and gathering, pastoralism, agro-pastoralism and pure crop farming. Dar es Salaam, the largest city in the country, was previously the capital but has since been designated as the commercial capital while Dodoma is the new administrative capital.

The major pastoralist communities include the Maasai, who are found in Arusha and Manyara Regions of the country, the Iparakuyio (or Baraguyu or Parakuyio), who speak the same language as the Maasai and are scattered across more than 10 regions, and the Barbaig, whose original home is Hanang District in Manyara Region. Hunting/gathering communities include the Hadzabe, who are approximately 1,200 in number, and the Akiye, sometimes called the "Dorobo" by their Maasai neighbours. They all speak different languages although the Akiye mainly speak *Maa* (the language of the Maasai).

The national language of the URT is Swahili and the education system uses both English and Swahili as the languages of instruction. Local (vernacular) languages are not spoken in schools, public gatherings or in the media. Tanzania has very few community radios, and all of them are required to transmit in Swahili. This is because the law regulating the Tanzania Communication and Regulatory Authority (TCRA) restricts the establishment of community radios and use of local languages. The cultural policy, however, aims to promote all local languages and cultures albeit without a clear mechanism as to how this could be achieved.

## 2.4 Laws and the legal system

Most of the laws, ordinances and other legislations that have varying impacts on indigenous peoples in the URT will be covered under the following chapters. This section is therefore simply an overview of the legal system and of some experiences in recent court cases.

The URT has a five-level judiciary combining the jurisdictions of tribal, Islamic and British common law. Appeal is from the primary courts through the district courts, resident magistrate courts, to the high courts, and Court of Appeal.<sup>5</sup> The High Court of Tanzania has three major divisions dealing with land, labour and commercial matters, respectively. Tanzania lacks a pastoralist land tenure regime so the government has continued using the same land laws introduced by the colonial legal systems in land administration. The absence of legal protection for pastoralists' land ownership has led to a lack of recognition of pastoralism as a viable and actually valuable land-use system.

Through a comparative analysis of two recent Tanzanian lawsuits concerning pastoralist/ farmer disputes over land, academics argue that the judicial system is being used as a vehicle for legitimizing dispossession at the expense of their less educated and poorer opponents, and acquiring land through illegitimate means.<sup>6</sup> While there is a degree of independence in the court system and some non-rich people do succeed in cases, manipulation of the judicial system is quite rampant. Two land cases in Kiteto District have demonstrated serious manipulation of the legal process.

The dispute in the first case in Lesoit village in Kiteto District was over 32 hectares contested by a farmer from a neighbouring village who claimed that he had acquired the land through the customary mechanism of clearing virgin land. The second case involved some 250,000 hectares of an important salt lick, Embolieye Murtangos, utilized by seven villages in the same District. It was contested by one farmer and 49 others, claiming that they had obtained the land through customary law.

Both cases took twists and turns with invisible pressures being exerted from different directions, national, regional and district based-forces, including the police, showing a personal interest. This indicated that there were huge and powerful interests outside the district. Even after losing the case and being instructed to vacate the salt lick, farmers still remain, cultivating season after season. Pastoralists had to raise funds to pay the court bailiff to evict them. The struggle continues to this day, with powerful forces trying hard to

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5 Republic of Tanzania Country Profile.

6 Askew, K.F. Maganga and R. Odgaard. *Africa* 83 (1): 120-41.

get the case returned to the lower court. There is even talk of a local investor being identified to cultivate the land as soon as the pastoralists have been removed.

The legal fraternity expressed frustration at the application of law at local level and about the conduct of cases in defending pastoralist resource rights and the negative attitude of the courts. They suggest that, in order for pastoralists to achieve justice, they need to resort to constitutional rights cases (right to livelihood) through the international fora, e.g. the East African Court of Justice, the African Court of Human and Peoples' Rights and the UN Human Rights System.<sup>7</sup>

## 2.5 International Human Rights Obligations

The United Republic of Tanzania has acceded to a number of important International Human Rights Treaties and Conventions which, if implemented, should take into account the rights of indigenous peoples.

Of these instruments, the most important with regard to the protection of indigenous peoples are the following:

- The International Convention on Economic, Social and Cultural rights, acceded to on 11<sup>th</sup> June 1976;
- The International Convention on Civil and Political Rights, also acceded to on 11<sup>th</sup> June 1976;
- The Convention on the Elimination of All forms of Racial Discrimination, acceded to on 27<sup>th</sup> November 1972;
- The Convention on the Elimination of All Forms of Discrimination against Women was signed on 17<sup>th</sup> July 1980 and ratified on 20<sup>th</sup> August 1985;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment has not been signed;
- The Convention on the Rights of the Child was signed on 1<sup>st</sup> June 1990 and acceded to on 10<sup>th</sup> June 1991; and the Optional Protocol on the involvement of children in armed conflict was acceded to on 11<sup>th</sup> November 2004;
- The African (Banjul) Charter on Human and Peoples' Rights was signed on 31<sup>st</sup> May 1982 and ratified on 18<sup>th</sup> February 1984;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was signed in November 2003;

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<sup>7</sup> R. Tenga, Options study, 2008.



- The Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights, signed on 9<sup>th</sup> June 1998;
- The African Charter on the Rights and Welfare of the Child was signed on 23<sup>rd</sup> October 1998 and ratified on 16<sup>th</sup> March 2003;
- The United Nations Declaration on the Rights of Indigenous Peoples was signed on 13<sup>th</sup> September 2007. ○

### 3.0 CONCEPTUALIZATION OF INDIGENOUS PEOPLES IN THE UNITED REPUBLIC OF TANZANIA

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The URT is one African country that has deliberately tried and, to a large extent succeeded, in creating a nationalist ideology, image and spirit, free from tribal orientations, among its more than 130 different ethnic groups. For this, she is the envy of her neighbours and indeed the whole continent. From the early days of independence, the founding fathers put great efforts into building togetherness and nationalism and discouraging negative ethnicity, which is the bane of many country. This has been done through the adoption of Swahili as a national language and the adoption of a semblance of one nationalist “culture”. Tanzanians largely speak Swahili and where a person comes from is generalized in regional terms “people from the south” or “people from the lake zone”, and so on. Even though everyone knows the communities that reside in those regions, one is unable or unwilling to pinpoint a person’s actual ethnicity. With this generalized notion of ethnic origins, negative ethnicity is effectively suppressed.

Over the years, farming communities have come to neither know nor care about ethnic origins. Inter-marriage is widespread all over the country and this also tends to minimize the significance of ethnicity, especially among younger generations. So if you ask a Tanzanian whether there is tribalism in Tanzania, they will adamantly respond in the negative. And, in light of the above, they would be presenting an accurate scenario. But this healthy tribally-blind image does not exist in relation to the peoples of Tanzania who identify with the indigenous peoples’ movement: pastoralists and hunter-gatherers. Most people spoken to during the visit agreed that pastoralists and hunter/gatherers are generally perceived as different.<sup>8</sup>

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<sup>8</sup> In all meeting with groups of pastoralists, differences were displayed in dress and in the fact that some people needed translation from Swahili into their languages.

### 3.1 Nationalist culture and space for diversity

Negative ethnicity against pastoralists and hunter/gatherers in Tanzania may have started during the early years of independence when traditional dress was outlawed in favour of shirts and trousers to be worn in all public places. This unwittingly set the trend against diversity and hence against indigenous pastoralists, who are the most visible in their traditional attire. This ban was a cause of great distress to indigenous communities who were forced to buy “Swahili” or “Western” clothes to wear whenever they needed to access public utilities such as markets, health facilities, etc. Many indigenous communities met during the visit reported that they faced discrimination, stigmatization and harassment in public places whenever they were dressed in their indigenous attire. Indeed, some of them dress differently at home and change when they go to public places. And they are not much appreciated by the rest of the population when they speak their own languages.<sup>9</sup>

Swahili being a Bantu language, it is easily spoken by Bantu-speakers as a language of everyday communication. On the other hand, indigenous communities only speak Swahili to non-speakers of their native languages. And because of this infrequent use, most either do not speak the national language or they do so poorly or with an accent that again makes them stand out as different or not mainstream. In other cases, they may understand it but are not able to speak it fluently. Alongside this, indigenous communities also indicated that they are accused of being tribalist when they appear different or speak their native languages instead of Swahili. They say that it is as if people feel impatient with diversity and would like to see uniformity in language, culture and behaviour.

Then there is the socio-political-economic side to the language question. Since it was adopted as a national language, it is generally assumed that, to be politically correct, one has to use Swahili as the only language of communication. Yet people who have not embraced schooling (or have no schools) and reside in far flung and isolated parts of the country with poor road networks, and no radio or television find it difficult to speak a language other than their own. This is the situation for most indigenous peoples in the country and the matter has never been subjected to any public debate or forum.

One exception to this is in the marketing and advertisement of various products or as tourist attractions, when indigenous communities come in very handy and they therefore appear on television, on billboards, carvings, “T” shirts, etc. and are even heard on radio

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9 Talek, an educated Maasai, said that his friends were always surprised when he spoke his language and when he dressed in traditional attire although neither are formally forbidden.

with the typical accent of a non-native speaker of the national language. This in effect publicizes, perpetuates and legitimizes differences which, at the same time, are undesirable.

Despite the difficulties, indigenous communities report that they want to speak their own languages and stick to their own culture so that their children grow up speaking their language and being a part of their culture. They fear being “swallowed” up or getting “lost” or being assimilated into Bantu or Swahili groups. There is thus a conscious effort among indigenous communities to preserve their languages, cultures and social institutions from a strong tide of nationalism and homogeneity. Some indigenous communities are losing the battle, however, and have had to adopt “foreign” names, change their appearance and hide their identity in order to “survive” in comfort. In recent years, this intolerance has been gradually manifesting itself as religious intolerance against people of opposing faiths and churches and mosques have been burnt down and some priests killed or assaulted, with acid being increasingly used in such attacks.

At present, it is only the Barbaig, the Maasai and Ilparakuyio, the Hadzabe and Akiye who have identified with the indigenous peoples’ movement and have been vocal about it, but they agree that a number of other communities are in similar situations and might identify with the term if they were aware of it. The Batemi, the Taturu and others were said to be in similar situations to other indigenous communities.

### **3.2 Lack of awareness and appreciation of pastoralism**

There is an historic notion on the part of government officials and mainstream communities that pastoralism is a backward practice of little value. One government official said during the visit that if he had his way he would “kill all the livestock”.<sup>10</sup> Similar sentiments were expressed at various times and some such comments make it into the press (see for example the Guardian [Dar es Salaam] March 2<sup>nd</sup>, 2006).

The official perception of pastoralists is clearly negative and, since pastoralists are among those who associate with the term “indigenous”, this same negativity is transferred to the term. The position of the government as outlined by the Ministry of Natural Resources and Tourism is that only three communities are officially accepted as indigenous in the country: the Hadzabe, “Dorobo” and/or Akiye, all of whom are hunter/gatherers. When asked why only those communities are considered “indigenous”, the response is that they have kept to their “traditional” way of life by hunting. There is no adequate ex-

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<sup>10</sup> Attributed to an official in the Office of the Prime Minister, Jan. 2013. The name will remain anonymous.

planation as to why pastoralists are excluded even though they have also truly kept to their “traditional way” of life apart from the fact that they do not hunt.<sup>11</sup>

Another Ministry official then stated that, “*as a country, we do not recognize the concept of indigenous people, but we recognize special groups whom the government has tried to get to stay in one place instead of moving all about...*” On further explanation as to why pastoralists are not considered indigenous is because “*many of them, especially the Maasai are highly educated. Some of them are even professors.*” The argument advanced for accepting some communities as ‘indigenous’ while rejecting others on account of traditional livelihoods or according to levels of education does not seem adequately rational. The conclusion is that there is no conclusive official position or agreement on the meaning of the term “indigenous”.

Different ministries and individual officers hold different perceptions but all of them seem to be uncomfortable with the term ‘indigenous’ and they associate it with “tribalism”, which damages national unity.

Many officials refer to different groups in Tanzania according to the type of livelihood pattern they pursue, that is, pastoralists, hunter/gatherers etc. Pastoralists stated that there is little understanding, appreciation or even sympathy of the uniqueness of the circumstances in which pastoralists and hunter/gatherers find themselves and, when pastoralists complain of harassment, some people feel impatient and see them as always complaining, and so their concerns are disregarded and not addressed.<sup>12</sup> Some state officials feel that by using the term “indigenous” they are making special demands that set them apart from other Tanzanians.

It is apparent that the concept has never been questioned, either among Tanzanians themselves or with the development partners. Even the World Bank, which has a very clear indigenous peoples’ policy framework, is waiting for the government to show the way on who is indigenous and who is not in the country. Additionally, following the adoption of the United Nations Declaration on the Right of Indigenous Peoples (UNDRIP), to which Tanzania is a signatory, no discussion has taken place between the government and the UN office on how to tackle the subject of the Declaration conceptually. It seems everyone is afraid that any such discussion might create animosity with the host government. As one official put it, “If the government tells us to go to hell, then what do we do?”

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11 The official of the Ministry of Natural Resources and Tourism was amused at his own logic, which suggests that if pastoralists decided to start hunting and consuming wildlife instead of simply preserving it then they would be considered indigenous.

12 Pastoralists are spread out across many parts of the country and, since many people do not know the difference between different pastoralist groups and since they are indeed often harassed, it seems to some people that it is the same group of people complaining all the time.

And another partner indicated that there was ongoing discussion and debate but that most people in government, when confronted, agree that the Maasai are indigenous but that the challenge is how to walk the walk.<sup>13</sup> Yet another partner stated that "actually there is 'de facto' agreement on the term but 'de jure'... not yet." "The concept," they indicated, "needs a lot of unpacking, after which a road map to cultural diversity is needed and the government wants to own and embrace it"<sup>14</sup>. Meanwhile, the concept remains problematic and all recommendations given in the Universal Periodic Review that included the word "indigenous" were rejected by the state on account of the fact that the country does not accept that this word applies to a section of the population.

Following subsequent discussions with the National Commission on Human Rights and Good Governance, however, it emerged that the country has never had the benefit of discussing the topic of indigenous peoples. Due to the Commission's lack of funding, no public meeting or dialogue took place either before or after the country voted in favour of the UNDRIP. The Commission intends to hold such a seminar in order to raise awareness of and exposure to the concept among relevant stakeholders, especially government officials. Discussions on how to go about this are ongoing. ○

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13 Oxfam, staff January 2013.

14 Oxfam staff, January 2013.

## 4.0 HUNTER/GATHERERS IN THE UNITED REPUBLIC OF TANZANIA

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### 4.1 The Hadzabe

**T**he Hadzabe (sing. Hadza), also called Watindiga, are hunter/gatherers who number about 1,200 people. They live in four regions of Northern Tanzania: Karatu District in Arusha Region; Meatu District in Shinyanga Region; Mbulu District in Manyara Region; and Iramba District in Singida Region. They live on wildlife, wild fruits, tubers, nuts and honey from the forest.

The main problems facing this forest-dependent community vary from area to area. The Research and Information Visit team visited Mongo Wa Mono village and established that this community lives in utter poverty, with no access to medical attention, education or other critical social services. Although this particular village had previously enjoyed access to forest resources, unlike other Hadzabe villages, the recent and ongoing establishment of the Wildlife Management Area (WMA) had reversed their fortunes. While WMAs are supposed to be located on village lands and hence benefit communities, the local community feared that this was another land dispossession scheme on the part of hunting and conservation investors.

The Hadzabe were allegedly informed that, once the WMA had been established, hunter/gatherers and pastoralists would be able to use the land with few restrictions and that no lawful person living within the area would be evicted. In practice, however, lawful villagers had been labelled trespassers and subjected to violent eviction. An impression was also given that it was the community that had spearheaded the formation of the WMA, which was not the case at all. There was little community involvement in the establishment and demarcation of areas for human activities or in allowing access and use to other areas.

Although structures exist to ensure that communities receive a percentage of the revenue collected from hunting or tourism, little goes back into the community so the structures remain on paper and are not implemented. This is despite the fact that their livelihood systems have conformed to nature, preserving it to the best levels possible.

In Arusha Region, the main problem suffered by the Hadzabe is caused by Barbaig pastoralists who are their neighbours and who use the land for grazing. In the process they chase away game and make it difficult to find. They also cut lower tree branches to feed small livestock and this destroys the habitat of small mammals. The land has multiple uses and, as other users are using it, the hunters lose out and they become food insecure.

In Shinyanga Region, the Hadzabe living there suffer from a lack of access to forest resources and this hampers their well-being. The restriction has been imposed by Mwiba Holding - a Wildlife Conservation Investment Company which was issued a concession for the area. It restricted the Hadzabe from hunting, collecting honey, accessing medicinal plants and restricted their cultural rights since the forest also provides ritual and sacred places for the community. This has created serious livelihood difficulties for the Hadzabe.

Besides the wildlife investor, the Hadzabe are also faced with charcoal burning by their agro-pastoralist neighbours and this leads to deforestation and reduced tree cover which, in turn, reduces the shelter for wild animals. In Singida Region, the main challenge faced is that of invading agro-pastoralists and Barbaig pastoralists who have lost their grazing lands to wheat production on the part of government and investors. The destruction is the same and so are the results. The Hadzabe were receiving food relief from government at the time of the visit, although they complained that the amount received was very little and that they would go for two months without getting anything.

In Manyara Region, the Hadzabe have more access to forest resources as a community forest reserve has been set aside for them, with the District Council of Mbulu issuing a certificate of customary title in October 2011. However, the land is still being invaded by outsiders who cut down trees for fencing farms and the Hadzabe have no way of controlling these movements and activities. At the time of the Research and Information Visit, a beacon was found to have been placed inside this area by the African Wildlife Foundation (AWF). When the community leaders asked what the beacon was for, they were told that it was none of their business. On questioning the Ministry of Natural Resources about the beacon, the team was told that the villagers should be consulted by anyone entering the village and that the beacon should never have been placed there without the express knowledge and consultation of the Hadzabe. The Hadzabe, however, are ignorant about this aspect of the law since no one has informed them.<sup>15</sup> If AWF knew the regulation then they did not share it with the community and instead took advantage of their ignorance.

Over all, it is appropriate to observe that the Hadzabe live in hard conditions and that service delivery in their areas is non-existent. The schools are far distant as are the health

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<sup>15</sup> While the Hadzabe were frustrated that they had no control over access to their land by outsiders, the CHRAGG was not convinced that the customary title meant that the Hadzabe now truly owned the land.



facilities. Since they are a minority, they state that they are discriminated against and marginalized by the majority even in areas that have been set aside for their sole use. Indeed, one of the reasons cited for not sending their children to school is that they face discrimination and prejudice. Besides having no access to information, the Hadzabe also do not have their own leaders representing them on any political level and they feel that their marginalization mainly stems from this fact.

## 4.2 The Akiye

The hunter-gatherers of Kiteto call themselves the Akiye. Their Maasai neighbours call them “Dorobo” which is a Maa word for “people without livestock” and it also includes pastoralists when they lose their stock. The Akiye live in two villages in Kiteto District – Nkapapa, which is their own village and where they number less than 600 people, and Napilukunya, which is a sub-village where they make up a population of less than 200.<sup>16</sup>

The main challenge they face is loss of their land through invasions by farmers who cut down trees and cultivate at will. In the process, the wildlife disappears since it is hunted down and consumed unsustainably<sup>17</sup> and the trees and plants that attract bees also decline, making the Akiye food insecure. At the time of the visit the team was unable to meet the village secretary in the village because he had been waiting at the district headquarters for two days to collect food relief on behalf of the community.<sup>18</sup>

The Akiye had reportedly been food insecure for a long time. An NGO, Community Research and Development Services (CORDS) had been supplying them with food relief for many years, and helping them to process and market their honey so that it would fetch a better price. The continuing encroachment of farms into their territory had led to dwindling amounts of honey, however, making it uneconomical to process. The conclusion was that the problem was far bigger than an NGO could handle and called for intervention from the higher institutions of government in order to establish safety measures to protect vulnerable indigenous communities such as these hunter/gatherers. ○

16 Community Research and Development Services (CORDS) meeting in Kibaya 29<sup>th</sup> Jan. 2013.

17 Hunter/gatherer communities do not often kill female animals, so that they continue to reproduce. This indigenous knowledge is not shared by farmers, who hunt all animals and, in the process, deplete them.

18 Information given by the villagers at Napilukunya, Kiteto.

## 5.0 PASTORALISTS IN THE UNITED REPUBLIC OF TANZANIA

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The pastoralist communities in Tanzania include the Barbaig, the Iparakuyio and the Maasai, who practise almost pure pastoralism (with minimal farming) and over 90% of their livelihood sources are dependent upon it. The Maasai are identified as three slightly different communities: the Maasai, the Iparakuyo and the Wa-Arusha, the latter group being agro-pastoralists.

In terms of human rights, according to the legal fraternity,<sup>19</sup> Tanzania's pastoralists have struggled for the right to own, live in and use their traditional land for decades, despite intrusions, transgressions, trespasses and compulsory acquisition on the part of diverse interests and authorities.

Pastoralists have been marginalized socially, politically and economically historically and right through to the present time. The main causes of this marginalization are: first, policies and their implementation have acted against pastoralism by limiting mobility across extensive areas hence denying access to rangeland resources; second, pastoralists receive inadequate services from local government; and, third, the weaknesses of pastoralist organizations have reduced their ability to effectively voice the concerns of the communities and advocate for better conditions and services.

Colonial and post-colonial policies and laws have resulted in the displacement and eviction of pastoralists to make room for other land-use systems. Most policies were and still are based on the underlying notion that pastoralism is not the most efficient use of land and, as such, is to be replaced by conservation in the form of game parks, game reserves and game controlled areas, by large or small-scale farming and by investments. Small-scale farmers invade pastoralists' lands and displace them from lands that were traditionally theirs. In doing so, they cause serious land conflicts.

Unfriendly policies combined with official bias and failure to implement or observe relevant laws have resulted in the loss of the resource base on which pastoralists depend for livelihoods. Lack of access to productive resources and services has also been detrimental to pastoralism as a livelihood system since it has resulted in poor living conditions, low incomes, poor health and low literacy. Lack of access to support services, especially

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<sup>19</sup> R. Tenga, Options study, 2008.

livestock extension and health services, markets and infrastructure, have combined to gradually reduce the viability and sustainability of pastoralism. This has also been compounded by social marginalization and relative exclusion from political processes, including participation in decision-making processes and structures.

The replacement of pastoralism by other land-use systems has been achieved in recent years through violent evictions conducted extremely cruelly by government officers such as the police, field force units, sungusungu, etc. The experiences and examples of evictions and violent land conflicts, often exacerbated by vested political interests, go to make up a long list of human rights violations towards indigenous communities. The cruelty and human rights violations reportedly detailed in the 2007 Ihefu evictions were so extreme that the report emerging from the investigation has not been made public to this day. The 50 years of independence are replete with painful experiences for pastoralist communities, some of whom commented that they felt like Internally Displaced Persons (IDPs) in their own country. A few experiences, discussed below, illustrate the serious violations of human rights suffered by indigenous pastoralists in the country.

## 5.1 The Barbaig

The Barbaig reside in Hanang District, mainly around Katesh. Between 1986 and 1988, the government confiscated about 100,000 acres of Barbaig pastoralists land for the joint Tanzania-CIDA Canada Wheat Complex in Hanang District of Manyara Region in Northern Tanzania. The National Agricultural Finance Company (NAFCO) evicted the Barbaig from their best grazing lands and planted wheat, a project that was funded by CIDA Canada. In 1988 another 10,000 acres were again appropriated for the same purpose and yet another 20,000 acres was put under wheat. Altogether, a total of 100,000 acres was expropriated without compensation. Many people lost their lives, many livestock died or were locked up and starved to death, property worth millions was burnt down, women were raped and graves were desecrated and burnt (the Barbaig build tall structures on top of their graves).<sup>20</sup>

In three cases, according to the Options study,<sup>21</sup> the Barbaig took NAFCO to court charging it of trespass on their lands. In all three cases, the pastoralists lost on flimsy grounds. In one account, the Barbaig pastoralists failed to show the court that they were

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20 See Charles Lane, *Pastures Lost*.

21 R. Tenga, Options Study, 2008.

natives of Tanzania even though they are found only in Tanzania and nowhere else in the world. In another case, although the court initially found that the pastoralists had been illegally disposed and granted the application, this was later withdrawn since not all claimants had appeared to give evidence of their losses in court. The court reasoned that orders for compensation could only be provided to individuals who had given evidence in court and, since this related only to a few individuals, the court felt constrained to nullify the whole title over extensive tracts of land to the benefit of a few pastoralists. This is a case in which the owners of the land were able to prove trespass but were denied justice because the court was sympathetic to the title of the trespasser, which happened to be a state corporation. The claimants appealed but the case was never heard for several years. Then one day the case was scheduled for hearing but the appellant's advocate told the court that he had no instructions. In the upshot, instead of allowing the appellants to instruct another advocate, the court took the opportunity to strike down the appeal on yet more flimsy grounds.

The third case was similarly dismissed on the grounds that the government had priority for food security and that the acquisition of the Barbaig land was proper because national interest overrides all others. It has been more than 15 years since the case was heard and all local legal remedies have been exhausted but the Barbaig still feel they have not received justice.

The Barbaig have never recovered from the losses during this experience. Following the evictions they found themselves scattered everywhere in search of grazing for their livestock. Some went as far as Morogoro only to be evicted yet again and told to go back to where they came from. During the visit, one Barbaig who had gone to Morogoro was asked to narrate how it was for those who ventured out of Hanang District for alternative grazing. He said:

*“venturing out is like courting death. I found very bad people, they attack children, they cut legs of livestock and they even poison grass. I lost almost all the livestock and I am even lucky to have come back alive.”*

In the meantime, CIDA Canada pulled out from the project following negative exposure in the press of violations of Barbaig rights. The land was idle for many years while ordinary residents suffered inhumane acts in other areas.

During the team's visit to Katesh, in Hanang, it was learnt that the government had yet again identified an investor, this time from neighbouring Kenya, to grow wheat on the Barbaig grazing lands. The investor had planted only a small portion of the field, however, way below the agreed capacity and the rest of the land was still lying fallow. It was said

that plans were under way to cancel the lease or find yet another investor. Meanwhile, the Barbaig pastoralists are watching and still suffering from lack of grazing and from being evicted from wherever else they try to settle in the URT. Being completely at the mercy of the government, they are making arrangements to take a delegation to see the Head of State to plead for the government to consider returning some of their land. Hanang, which 15 years ago was inhabited by over 80% pastoralists, is now 84% occupied by farmers.<sup>22</sup>

While wheat investment is taking place on part of the Barbaig land, yet another investor, this time a tourist developer, has necessitated another eviction of Barbaig from a place called Vilima Vitatu “Three Hills”. Villages were burnt along with small livestock, money and all other valuables, leaving women and young children homeless. It was reported that some young farmers were responsible for the burning but no one was held responsible. The pastoralists said they had no faith that the law would ever take its course. A Frenchman was the identified investor and he reportedly even attended and supervised the eviction of the Barbaig from the area. The burning of the villages reportedly took place late in the evening and, as night fell, the old and the sick, small babies, were left in the cold with no shelter, wondering where to go. The Barbaig we met during the research and information visit were wondering when the persistent violations of their rights would come to an end and who would come to their rescue.<sup>23</sup>

## 5.2 The Maasai

The Maasai were originally found in an area that the colonial administration referred to as “the Maasai steppe”, which extends from Loliondo on the border with Kenya through the present districts of Longido, Monduli, Simanjiro to Kiteto. In all areas they have systematically lost land and critical resources, undermining the productivity of pastoralism. In the final analysis, land and other resources that were set aside by the colonial administration for pastoralism have been gradually alienated. Not only has the original “Maasai steppe”<sup>24</sup> been invaded and taken over by farms and conservation but the demographic composition of traditional pastoralist districts in Tanzania is rapidly changing at the expense of the pastoralists. Hanang and Kiteto Districts in Manyara Region provide examples of this trend, as shown below.

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22 Options study, 2008.

23 Barbaig community members in Katesh, Hanang District.

24 This is a stretch of territory in which the Maasai were found during colonial and pre-colonial times.

Maasai experiences of evictions are many and go to demonstrate the serious human rights violations they suffer as they are forced to make room for other land-use activities.

## **Experiences in Serengeti and in Ngorongoro**

Serengeti National Park was created in 1959 by moving the resident Maasai to join other Maasai groups in Ngorongoro so that the land could become an exclusive national wildlife area. This was done following an agreement or accord between the colonial government and the residents with the clear understanding that they would reside in Ngorongoro henceforth and that a balance would be observed equally between the interests of the resident Maasai population, and conservation of the environment and wildlife.

A few years later, Ngorongoro residents were moved from the Ngorongoro Crater and the movement of their livestock was progressively curtailed in many other places to make room for more exclusive wildlife areas. These restrictions had the effect of systematically reducing the herd numbers to unsustainable levels. It was reported that, on average, each household had only two livestock units and no other form of sustenance since subsistence cultivation was also banned. In the 1990s, help was forthcoming in the form of a restocking programme initiated and supported through a donation by the Government of Denmark. But recently grazing restrictions have continued to be imposed and livestock numbers have continued to dwindle to the extent that, at the time of the Research and Information Visit, the Maasai of Ngorongoro were on famine relief yet again and a number of children were reported to have died of hunger.

Civil society organizations working in the area reported that, in 2011, a measles outbreak affected 494 children, with 194 deaths. Their names were compiled by the civil society organizations, who further attributed the hunger situation to a harsh and hurriedly made decision by the government in 2009 to re-impose the ban on cultivation without establishing alternative means of livelihood and food security for the local community in the Conservation Area. During this tragic and unfortunate incident, pastoralists' civil society organizations issued a press release on the state of hunger and starvation in the Ngorongoro Conservation Area (NCA). UNESCO and IUCN, international conservation actors, were blamed for mounting pressure on the government to re-impose the ban on cultivation owing to a perceived deterioration in the integrity of the Ngorongoro Conservation Area as a World Heritage Site, a situation UNESCO denied during the meeting.

According to the acting Conservator, Ngorongoro generates US \$54 million per annum just from gate fees collected by central government. There is also income from hotels, lodges and camping sites.

On the other side of Ngorongoro is Loliondo, where residents indicated that, to this day, the boundaries of Serengeti are still being moved stealthily towards village lands.

### **Burning of villages in Loliondo to make way for the wildlife hunting investment**

Ortello Business Corporation (OBC) is a hunting investor based in the United Arab Emirates (UAE) with links to the UAE royal family. The hunting operations branch of OBC was given exclusive hunting rights in Loliondo Game Controlled Area (north and south) in 1992. Its contract expired in 2009 and was renewed in 2011. There has always been opposition from the local communities to this arrangement between central government and OBC because of continued allegations of abuse of local people and their rights. Most villages in this area were registered villages, even before the 1999 Village Land Act was passed. However, the villages were not consulted when the hunting block was set up and have always felt overlooked in the processes. In addition, OBC reportedly reneged on its original agreement by erecting various infrastructure including airplane runways, roads, accommodation, storage sheds and so on and also interfered with the grazing patterns of the resident pastoralists by stating that they should not graze in their hunting areas during the hunting season (the area happens to be regularly used as dry-season grazing by pastoralists). Despite this, however, OBC continues to be granted land in the area for hunting.

From 1992 to 2008, OBC reportedly paid a token fee (reportedly 3 million Tz shillings per village, equivalent to USD 1,800) through the District Council but the villages were dissatisfied with this arrangement. In 2008, the government reportedly encouraged OBC to reach direct agreements with the eight villages in the area. OBC entered into agreements with the villages to develop and negotiate management plans in relation to the hunting and grazing regime needs of both partners. OBC also agreed to increase payments. A contract was signed to this end by six of the eight villages, but two (Ololokwan and Maaloni) objected to the clauses concerning exclusive land use by OBC during the hunting season in areas that were significant for livestock watering and grazing.

Despite the agreements, OBC and the village governments reportedly never met to develop and agree on actual management plans. Instead, in May 2009, the Ngorongoro District Commissioner (DC) sent letters to the villages ordering that cattle be removed from the hunting areas. The village governments did not respond, as the village agreement on hunting had been made with OBC and not the government. The villages, on the other hand, were preparing to enter into negotiations with OBC, as stipulated in their agreement, regarding what to do about grazing that year as there was a severe drought.

There were reportedly no consultations between OBC and the village authorities, although the government apparently requested that customary leaders persuade people to move. However, on 4th July 2009, the FFU (Field Force Unit – the Tanzanian equivalent of riot police) started to burn the bomas and homes that were considered to be obstructing the OBC hunting concession.

They began to evict the local people from areas of interest to the OBC hunting company, which has a hunting concession on their land, burning down their homes and livestock enclosures, and setting fire to maize and bean fields. All this burning occurred on village land without the involvement of the legally-recognized village governments, and affected the Maasai pastoralists resident in the area. The names of the villages are Arash, Loosoi, Maaloni, Oloirien, Magaiduru, Soitsambu and Oloosokwan, all in Loliondo District. It is reported that more than 400 houses were burnt down, making around 600 people homeless. More than 40,000 livestock were left without shelter (fenced enclosures or bomas), and many have since been lost or killed by wild animals. Several women miscarried during the turmoil, and a number of children were lost. One child remained unaccounted for. One of the women who miscarried attended one of the sessions of the African Commission on Human and Peoples' Rights and gave her testimony.

There were reports that people were beaten, women and children raped by the FFU as they carried out the evictions/burning. Gun shots and force were used to effect the evictions. People's homes, food supplies (maize, beans, ghee), milk storage and milking utensils, tools, personal effects and personal papers (school certificates, medical cards, birth certificates and so on), beddings, clothing, veterinary drugs, cash, etc. were all destroyed by the fire.

Herders were driven out by armed guards and livestock dispersed with shots, making it difficult to gather the herds together. The guards further threatened to kill the herders if they approached the area again. There was no other water available in the area, however, and the land was too dry to move the cattle as people searched for pasture and water. It created a humanitarian disaster.

The regional and district authorities were reportedly trying to ensure that the evictions, violence and burning of bomas was kept quiet. Local civil society leaders were both directly and indirectly threatened and told to keep quiet. On her visit to Loliondo, the Minister of Natural Resources and Tourism warned local leaders and CSOs that they were being trouble makers and should be reported to the district authorities.

The Minister refused to meet the 5,000 local people, including local government and elected leaders, gathered together and waiting to see her. She also refused to go to the scenes of the burnings. Initially, when questioned in Parliament, both the Minister and the Prime Minister denied all knowledge of the actions in Loliondo. This is an extraordinary



situation, as the FFU were allegedly deployed to the area and commanded to burn the bomas by the Regional and District Administration under the Office of the Prime Minister.

Over 50,000 cattle were left without grazing land or water due to their exclusion from their traditional grazing areas, and more than 200 Maasai homesteads were burnt down. At community level, people who had their homes and bomas burnt down lost everything they owned. Some livestock was left but many animals died a few months later following the conditions of extreme drought and denial of access to water by OBC in areas where the Maasai had always lived, grazed and watered their herds.

What happened in Loliondo is a clear demonstration of a violation of village land rights and of all legislative measures governing access by outsiders, contrary to the laws of the country. As the village chairman of Arash village asked, "How can the government break its own laws and attack its own citizens?" Other village chairmen and leaders were also frustrated and commented that the actions undertaken by FFU on behalf of the government and OBC were against the law.

Pastoralist CSOs recorded videos of the burning scenes and compiled detailed reports with the name of each affected person and what they had lost in the fires. These were edited, published and disseminated widely in the Swahili newspapers and, later, in the English papers. Pastoralist CSOs engaged other national CSOs to build up an advocacy case for the displaced people, and villagers contributed money to cover court cases.

Nevertheless, reforms are in the pipeline in which it is proposed that the hunting block which was part of village lands should be replaced by the introduction of community-managed Wildlife Management Areas (WMAs). The communities could thus deal with the hunting investor directly if they so wish. Ultimately, however, it has been suggested that, in order to end the long standing land tenure conflict in Loliondo, the government needs to create a system whereby communities and wildlife investors can live together in harmony, each respecting the rights of the other.

Some of the recommendations made to government by the community through the civil society organizations have yet to be implemented. They include the following:

1. To provide adequate veterinary services for livestock in the newly beginning season to prevent livestock calf mortality as a way of addressing the dwindling livestock economy.
2. In the medium and long term, to increase the number of local people who are employed by Ngorongoro Conservation Area Authority and for the government to make it mandatory for businesses operating in Ngorongoro Conservation Area to give priority in employment to local people who have the required qualifications.

3. To consider allowing local communities to practise minimal cultivation until such time when a permanent solution to their food security has been worked out. The government should also consider finding/purchasing land outside the NCA to be distributed to poor families for farming, hence affording an opportunity for local communities to diversify their livelihoods.
4. To take deliberate measures to make sure that the income accruing from tourism is distributed equally between the three objectives for which the area was established for: human settlement, tourism and conservation. In this connection, we urge the government to make sure that at least 30% of the income be allocated to the Pastoral Council.
5. To take deliberate measures to make sure that the local community is sufficiently represented in the different decision-making bodies of Ngorongoro Conservation Area Authority, including senior Management and the Board of Directors.
6. That UNESCO and affiliated conservation organizations should immediately stop pressuring the Government of Tanzania to take measures which are counter to the interests of local communities in Ngorongoro Conservation Area.
7. To take deliberate measures to repeal and re-enact Ngorongoro Conservation Area Act, a draconian piece of legislation which denies the local community an opportunity to co-manage the Conservation Area or obtain equitable benefits from the income accrued from tourism.
8. There is a need for the government to come up with a specific policy on pastoralism and treat pastoralism with due importance. The slogan “kilimo kwanza” elevates farming above other forms of livelihood, and so a call for equal investment in the sector is urgently needed.<sup>25</sup>

## Experiences from Mkomazi Game Reserve

The Mkomazi Game Reserve (MGR) is established in the north-east of Tanzania along the border with Kenya, south of the Tsavo National Park. The game reserve was established in 1952 and pastoralist rights were preserved in the enabling Charter. However, by 1987, the Maasai pastoralists had begun to face serious and systematic mass expulsions from the reserve. According to Tenga, the establishment of a Game Reserve, now a National Park, has led to one of the most “unjustified evictions in Tanzania’s history”.<sup>26</sup> The

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<sup>25</sup> Documented by CSOs and community members in Loliondo.

<sup>26</sup> Options Study, *ibid*.

eviction of the Maasai from Mkomazi was reportedly justified as being necessary for conservation. The pastoralists went to the High Court in Moshi where they lodged two cases challenging the eviction.<sup>27</sup>

The applicant pastoralists claimed to have been native residents “for hundreds of years” of an area in north-east Tanzania known as “Alaililai Le Mwazuni” in the Maasai language and today styled by law as the Mkomazi Game Reserve. The area was made a game reserve under the *Fauna Conservation Ordinance*, Chapter 302 of the laws of Tanzania, in 1951. However, its creation did not affect the pre-existing or future customary land rights of the natives as these were expressly safeguarded by statutory and positive assurances by the government that these rights would not be disturbed without the consent of the resident pastoralists. Neither did the legislative changes brought about by the *Wildlife Conservation Act*, 1974 affect these safeguards. The Game Division itself made a list of pastoralists who were found on the Game Reserve and whose rights were safeguarded in 1952, 1963, 1968 and 1971. The first government directive aimed at getting all pastoralists out of the reserve came out in 1987. The Maasai complained, however, and obtained a brief extension. Nevertheless, in 1988, a directive from the Principal Secretary of the Ministry of Land and Urban Development, the Wildlife Division, ordered all pastoralists out of the MGR.

The applicants claimed in court that they had been forcibly evicted from their ancestral lands, their homesteads burnt down and their livestock maimed or killed; and that their customary way of life had been destroyed, leading to the emigration of members to Kenya and to urban areas. In court they claimed that their constitutional right to live and enjoy their respective lives and to own, occupy and use their ancestral lands had been infringed. They challenged their eviction, which they claimed constituted a serious infringement of their customary land rights as natives of Tanganyika, as recognized by the land laws of Tanzania. Their claims were indicative of the corpus of rights that go hand-in-hand with the collective title of the Maasai pastoralists.

The High Court judge held that the pastoralists had been unlawfully evicted but, instead of nullifying the eviction, confirmed it and ordered payment of paltry damages and the granting of alternative land on a “self-help” basis. The claimants appealed to the Court of Appeal which then nullified even those facts proved by the trial, turning a blind eye on undisputed historical facts.

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27 Lekengere Faru Parutu Kamunyua and 16 Others versus (1) Minister for Natural Resources, Tourism and Environment, (2) the Director, Wildlife Division, (3) Project Manager, Mkomazi Game Reserve and (4) The Attorney General (HC-Moshi) Civil Case No. 33 of 1995. The Mkomazi pastoralists’ case, which was similar to this one and also lodged in Court by Legal Aid Committee Advocates, was styled: Kopera Keiyya Kamunyua & 44 Ors vs. The Minister for Natural Resources Tourism and the Environment & 3 Ors [HC-Moshi] Civil Case No. 33 of 1995. Both cases were later consolidated.

To this day, the pastoralists of Mkomazi or *Alaililai le Mwazuni* have not been allocated suitable alternative land. The land they were shown in Handeni was discovered to be totally unsuitable for livestock, with no water or infrastructure for livestock keeping.

These cases show that not only has the post-colonial state deliberately marginalized pastoralists by taking their traditional pasture land without providing adequate compensation and alternative land but that the courts in Tanzania have failed to defend the legal and human rights of pastoralists over the last half century. As Tenga puts it: *"Courts have demonstrated lack of sympathy by readiness to invoke legal technicalities to defeat justice, and slavishly upholding authoritarian anti-pastoralist state policies and laws."*<sup>28</sup>

### 5.3 The Iparakuyio Maasai

The Iparakuyio Maasai are a sub-community of the Maasai whose original home is Kibirashi (*Kipirash*) in present-day Handeni District. However, following the massive influx of farmers into their traditional area, cultivating everywhere, most of them have migrated to other areas in search of pasture for their livestock and, in the process, they find themselves in a minority, not belonging anywhere and with no political representation. During the visit, they were visited in three locations. In Chalinze, one hour west of Dar es Salaam, where they are operating a milk cooperative, Naramatisho Pastoralist Society (NAPASO), and sending the milk to the city;<sup>29</sup> in Morogoro, where they live in a number of villages including Iparakuyio village, Ole Sokoine, Mabwegere, Kilosa, Kilombero; and in the towns of Dumila and Morogoro, among others, where they also run businesses, particularly guest houses.

The main challenge facing the Iparakuyio is lack of security of tenure and this puts them in constant conflict with farming communities and conservation. As Isaiah Ole Kairanga puts it: *"Pastoralism has no place in Tanzania, wildlife have special places that have been set aside for them, but there is none for pastoralism."* This echoes former President Nyerere's 1981 speech in Morogoro when he said:

*"We have, for instance, specific zones for crops like cotton, coffee, tobacco and sisal but nothing like that for livestock keeping. We even have special areas for zebras (National Parks) but livestock keepers are hanging".*<sup>30</sup>

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28 Options study, 2008.

29 The team was told that the main milk distributor in Tanzania *Tanga Fresh* sources almost all its milk from Iparakuyio pastoralists.

30 President Julius Nyerere, Morogoro, 1981

How the pastoralists were left hanging and what interventions would have been necessary to reverse the situation may be too complicated to address here.

The Iparakuyio were among the large numbers of pastoralists and agro-pastoralists who were violently evicted from Ihefu, Mbarali and the Usangu plains of Mbeya Region in the period 2006 to 2007. Others included the Sukuma agro-pastoralists, the Taturu and the pastoralist Barbaig. The reason advanced by the government for the evictions was that the activities of the pastoralists in the plains were threatening important water sources, needed mainly for rice farming, for the Kidatu Hydroelectric Power and for wildlife conservation in the Ihefu wetlands.

To the Iparakuyio, land conflicts are a daily occurrence. "Blood is spilt daily" is how one person put it in reference to the perpetual conflict with farming communities and evictions. Many compared their situation to that of their farming neighbours. They indicated that the main problem is that farmers do not respect the title to pastoralist lands even when some of the titles have been held since the 1970s. They have cases going through court trying to defend what already legally belongs to them because pastoralist titles are not respected. Even then, court cases are never straightforward. They said that when the government decided to privatize ranches only small portions were given to them even though the then Minister of Livestock Development & Fisheries suggested that priority should go to the pastoralists. They also mentioned an Iparakuyio group in Mbeya that had bought a portion of the ranch but had seen it all invaded by farmers. They mainly blame the government for not taking measures to ensure that boundaries are respected by all. However, they said the problem is that the government favours farmers. They cite the example of crop failure following dry spells when farmers are assisted with food aid, seeds and implements, but nothing is given to pastoralists when livestock dies from drought. Following floods in Kilosa, they reported that the whole government had arrived there to empathize and offer food and humanitarian aid. Nothing is done for pastoralists, however, even when people lose all their livestock. They said that since widows are more vulnerable, they are identified and offered some assistance among the farming community but that pastoralists also have widows who are never assisted.

To the Iparakuyio, "pastoralism has been portrayed as illegal trade and because of this, there is no more peace in being a pastoralist. Pastoralists are perpetually told to reduce their herds because they are destructive to the environment, yet they have never heard of a person being told to reduce the acreage of their farms which are even more destructive to the land, and no one is told to reduce riches or money in the bank".<sup>31</sup>

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31 Olairritani Daniel, Morogoro, 25<sup>th</sup> Jan. 2013.

The Ilparakuyio list experiences of evictions and ensued human rights abuses as though they were reading from a calendar. In 1987/88, they were evicted from Mkomazi, then from Ihefu in 2006/7; in 2009 they were evicted from Kilosa (as their cousins were also being evicted from Loliondo); in 2012 they were evicted from Ulanga and Kilombero, etc. Some of them were moved from Ihefu to Morogoro and then again evicted from Morogoro to Lindi. Along the way, they had to bribe policemen just to let them pass. When they got to Lindi they were told that no information had been received about their move to that place. They then had to pay daily fines to remain there, which ranged from Tsh. 100,000 to 1 million to be allowed to tend livestock or Tsh. 200,000 for every ten cows per month.<sup>32</sup> Those who were forced to hire lorries by the District Commissioner paid Tsh. 3million per lorry, which was said to have gone to the District Commissioner herself.<sup>33</sup> However, when she was questioned by the Commission of Inquiry she denied everything. There were no consequences for her or the other offenders and the report was never made public.

In between evictions, the Ilparakuyio said that they are never left in peace either by farmers or state officials. One of them said that it was not government attacking them but the farmers. Another one, however, insisted that if the government was not behind the attacks it would be possible to arrest the perpetrators of the heinous crimes committed against them. They say that no farmer has ever been arrested for cultivating on grazing areas, but when livestock step onto the farms huge fines are levied.<sup>34</sup>

They say that having been victimized, they are then further demonized by being portrayed as bad people and this is why they are hated in Tanzania. And they say that each time they are moved, they are told to take their livestock to Pugu market in Dar es Salaam and to cease being pastoralists.

When found in National Parks, huge fines are imposed and people are irresponsibly killed by the park rangers.<sup>35</sup> With little justice to be obtained through the lower courts, the Ilparakuyio state outright that they have to buy justice as the only means of achieving it and surviving.

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32 1USD is equivalent to Tsh 1600.

33 The lorries were reportedly owned by the DC, Hawa Ngulume who was said to be extremely cruel to pastoralists. It was reported that she said to them: "We shall take away your land, your livestock and your children, but you are like dogs, you keep coming back". This was reported by Adam Kuleit Ole Mwarabu in Morogoro on 27<sup>th</sup> Jan. 2013.

34 It is said that Tsh 70,000 is charged per hoofprint and two cows are charged for each cow wandering into farms. This information emerged from a group discussion that took place in Morogoro at the offices of PAICODEO.

35 Gambadiay Michael Kipara, a 20-year-old, was reportedly shot dead from behind and his body burnt. His clothes were found along with the hat of the ranger who shot him. Extrajudicial killings have been reported, and not infrequently.

Prejudice is also reportedly common against the Iparakuyio and it can be seen in terms of people not being referred to by their own name but by the name of their community, "Maasai". The Iparakuyio also indicated that they face discrimination and assimilation by the more dominant groups among whom they live. It is because of this prejudice that almost all Iparakuyio have decided to adopt the names of farmers so that they are not easily identified and negatively prejudged. In so doing, however, they also lose their identity, culture and possibly their language. In an effort to retain their identity, some Iparakuyio have deliberately decided to avoid involvement in the school system. This is because the education system in the URT does not accommodate the cultural aspects that are deemed important by indigenous communities.

However, it is not only the government that bears the blame for cultural loss in a free society. Numerous faith-based groups, particularly Calvary Assemblies, arrived in the 1990s and created even more confusion among the Iparakuyio. This resulted in the breakup of previously polygamous families and the abandonment of women and children. Some of them had nowhere else to go, ending up selling traditional medicine, tobacco, snuff and other small items in urban centres. The community has also abandoned most of its traditional rituals and ceremonies since the missionaries dubbed them atheistic. Some people were said to have sold all they had since they were told that having property was "sinful" and that to be "pious" one has to be "poor". Some community members were also influenced into shunning their cultural attire in order to embrace the newly-found religion and culture. Misinterpretation of the Bible arose from the fact that those who took up church leadership roles had no formal education or training in theology. ○

## 6.0 LAND QUESTION AND HOW ITS ADMINISTRATION DENIES TENURE RIGHTS TO INDIGENOUS PEOPLES

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Land is at the centre of all the woes affecting indigenous pastoralists and hunter/gatherers in the United Republic of Tanzania. The administration of land has gone through many radically different phases from colonial times to the present and, over the years, it has resulted in a myriad of legislation. In 1895, the German colonial power issued an Imperial Decree which stated that all land in German East Africa was to be regarded as “unowned” or *terra nullius*. When the British took over Tanganyika as a protectorate after the First World War, they continued this practice, issuing a Land Ordinance in 1923 which stated that all land was public, under the Governor. In 1958, the colonial government proposed the introduction of individual ownership of land, so-called “freehold”. This reform was not implemented due to strong opposition from TANU (Tanganyika African National Union).

At independence, in 1961, President Julius Nyerere declared that land was a free gift from God and this established a basic right of universal access to land. This meant that, for indigenous pastoralists, as for all Tanzanians, land was and it still is perceived as both a birth right and a fundamental human right. In order to concretize this right or to curtail it, different land categories have been legalized by different Acts of Parliament. However, these seem to have denied pastoralists and hunter/gatherers their fundamental rights to land and natural resources.

### 6.1 Village Land Act: Formalization and insecurity of tenure for pastoralists

Informal tenure (or customary land tenure) has been a perennial issue in the jurisprudence of Tanzania since colonial times. The Germans chose to recognize customary tenures as the “law of the natives”, without delving much into its mechanics. The Imperial Decree of 1895 did declare all land to be Crown Land but somehow allowed the continuation of the native title to land. This approach was taken by the British colonialists who, through the Land Ordinance of 1923 (Cap.113), established the Right of Occupancy sys-



tem of land tenure and the Governor could issue Certificates of Titles for use and occupation of land to, largely, non-native residents. The majority of African peoples were “deemed” to have rights of occupancy on the land they possessed, provided such lands were held under African native law and custom, which had to be proved through oral evidence given that written records were absent. These deeming provisions allowed the British administration to avoid recording and codifying native customary tenures. For pastoralists, it is assumed that such land is *terra nullius* (no man’s land) since no official records exist of their customary tenure.

Today, customary land tenure is recognized under the Land Acts but the practice does not seem to tally with the legal framework largely because customary tenure has not been codified, leaving a question mark as to whether or not the Village Land Acts were meant to formalize or to dispossess indigenous pastoralists and hunter/gatherers, since most of their land concerns derive from insecurity of tenure to their lands and resources.

In 2001, the Land Ordinance of 1923, long the principal governing statute regarding land tenure and management in Tanzania, was repealed and replaced by two pieces of legislation, Land Act No. 4 of 1999 and Village Land Act No. 5 of 1999, which came into force on 1 May 2001. The Land Act establishes three categories of land: general land, reserved land and village land. The Village Land Act deals with the management of village land while the Land Act deals primarily with the management of reserved land and general land in line with the sectoral pieces of legislation under which the reserved lands are established.

The Village Land Act (or VLA) establishes and defines village land to include land within the boundaries of the registered village, which may be legally determined through demarcation that has been carried out under a previous administrative action (e.g. titling). Alternatively, villages bordering one another may mutually agree on a boundary. Village governments are supposed to manage land within their boundaries. In this regard, the VLA is one of the most progressive pieces of land legislation in the region.

According to section 22(1) of the LGA, the Registrar of Villages, in the Ministry of Regional Administration and Local Government, is empowered to register an area where a prescribed number of people live as a village. Once a village is formed, a Village Assembly and Village Council must be established. As soon as the first Village Council is elected, the Registrar of Villages is required by section 26 of the LGA to issue the certificate of incorporation making that particular Village Council a body corporate. This gives the Village Council perpetual succession, official seal and the capability of being sued and to sue in its own name, with the ability to hold, purchase, acquire and dispose of any immovable property.

As a body corporate, the Village Council is empowered by law to enter into legal relations with anybody, whether natural or corporate, in order to better ensure the prosperity of the village and its people. In doing so, it has to have regard to the principle of sustainable development in the management of village land.

The Village Council cannot allocate land or grant a customary right of occupancy without the prior approval of the Village Assembly. Section 14 of the VLA also recognizes the right of different users of land in forest reserves, as regulated by the Forest Ordinance (now Forest Act of 2002), Ngorongoro Conservation Area or in any National Park where, since the enactment of the Ngorongoro Conservation Ordinance and the National Parks Ordinance, customary residents were permitted to reside and use the land by the respective heads of those authorities. Conspicuously absent is the Wildlife Conservation Act, which means the Director of Wildlife or the Minister has no right to regulate the use of customary land rights in Game Controlled Areas and Open Areas.

Section 18 of the VLA declares the customary right of occupancy to be of equal status to the granted rights of occupancy. It states that customary rights of occupancy are capable of being allocated by the Village Council to different people, including a corporate body. Despite this, however, and the fact that customary land tenure is recognized under the Land Acts, in 1992 the Minister for Lands moved a statute in parliament to abolish all customary land tenure. The courts, however, declared the statute unconstitutional.<sup>36</sup>

The Director of Wildlife has the power to issue hunting licenses to any person to hunt an animal on the village land but that person cannot enter the village land without the permission of the village government. The person or company granted the hunting licence can only do so if he/she is given written permission by the Director of Wildlife, exercising his/her powers under section 40(2) of the WCA, when the hunting or capturing of said animal on the village land is done in the public interest. The person or company given this authority must present it to the owner of the private land - in this case the village government. Failure to present this authority is a criminal offence. Yet it is also an offence for the owner of private land to prevent the person given the written authority from hunting if it is in the public interest. The law does not define what is meant by the "public interest".

Most hunting companies not only bring their guides, clients and vehicles onto village land but also build temporary and permanent hunting camps. This is often done without the permission of the village government and the respective Village Assemblies. For example, in Loliondo Game Controlled Area, on village lands in Loliondo Division, a hunting company has reportedly built an airstrip (actually a huge airport) and several large permanent houses without the permission of the relevant village governments. Such actions are

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<sup>36</sup> Issa G. Shivji, 1994.

contrary to the VLA, section 17 of which requires any non-village organization that intends to use any portion of the village land to carry on its operations to apply for that land to the Village Council, which will then forward that application and its recommendation for approval or rejection to the Commissioner for Lands. This condition was not met in the case of Loliondo.

Village governments have the power to prevent such illegal activities from occurring on village lands. Permission for the construction or erection of any structures on village lands must be authorised by the Village Council and Village Assembly. This is because the management of the village land is vested, by section 8 (1) of the VLA, in the Village Council. While the Director of Wildlife has powers to issue hunting licences to any person to hunt wild animals, in the event that said animals are found on village land, whomsoever is given a licence to hunt those animals must obtain the permission of the Village Council to conduct activities on the village land. This law was violated in the case of Loliondo (see section 5.2 of this report).

The above provisions provide villagers with important rights and functions and, as such, legally, no person or department of government can challenge this right so long as the said agreement is intended to bring economic and social development to the village and is not in infringement of any other written law. And this is sometimes a serious catch since “there are many other written laws” which can be cited at any time to nullify or reduce the significance of otherwise progressive Village and Local Government Acts.

The Village Land Act, for instance, has provisions that indicate recognition of common property for pastoralists, such that land sharing arrangements are possible.

There are several provisions that are pro-pastoralist, especially the issuance of a Customary Certificate of Right of Occupancy over land held under traditional pastoral tenure. Official practice, however, does not appear to recognize customary pastoralist title to land. It only recognizes the usufruct – a mere licence to use someone else’s property.<sup>37</sup>

The Draft Grazing Areas Act is similarly guilty of this perception. Pastoralist communities are not directly recognized in the Bill as having customary titles, written or unwritten, over grazing land. The Bill goes on to regulate the management of grazing lands in pastoral areas as if the pastoralists were mere licensees who are temporary, with no permanent rights over their lands.<sup>38</sup> In fact, under the provisions of the Bill, a Joint Village Land Management Committee may review plans for managing the gazetted village’s grazing land. The Joint Committee has the power to amend, alter, adjust or abolish “any of those

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37 A usufructuary right is defined as “A legal right to use and derive profit from property belonging to someone else provided that the property itself is not injured in any way”.

38 Letai, “An Audit of the Rangelands Act.”(TAPHGO, 2007).

*customs, practices and rights which in the opinion of the Joint Committee would be likely to impede the management of the gazetted village in accordance with the revised village Grazing development area (GDA) management plan".* The traditional pastoral land title and rights, unless formally registered under the VLA, are highly vulnerable and insecure under the proposed Grazing Land Bill. Although the constitution protects the right to property absolutely, when it comes to pastoralists, the drafters of the Bill are oblivious to its protections.

From the foregoing, the conclusion that can be arrived at is that pastoralists are not able to use and control access to their village lands and benefit from the resources found therein, that their rights to land in the URT are only on paper and, even then, unclearly documented, with huge loopholes for dispossession. At other times, they are not even on paper, since for instance the residents of Ngorongoro have villages that are recognized as legal entities and yet their status under the auspices of Ngorongoro Conservation Area Authority (NCAA) places them in an amorphous category of residents without rights to land and under perpetual threat of eviction. The NCAA Ordinance infringes all human rights and the constitution.

In the rest of the country, the incidence and frequency of evictions, and the displacement of large numbers of pastoralists, effectively demonstrates a lack of recognition of their rights to security of land tenure.

## **6.2 The Local Government Acts**

There are also the Local Government Acts, which govern some operations at the village level and, in doing so, introduce more administrative and parallel structures and complications to the implementation of the Village Land Act.

Local governance structures are regulated on Tanzania Mainland principally by two Acts, one rural and the other urban: Local Government (District Authorities) Cap. 287, R.E. 2002 [Act No. 7 of 1984]; and, Local Government (Urban Authorities) Cap. 288, R.E. 2002 [Act No. 8 of 1984]. Local government authorities operate at the district level and are thus separate from the central government, which operates nationally. The districts are divided into divisions (Tarafa), the divisions into wards (Kata), and the wards into villages (Vijiji). The village is the lowest rung of local governance but, administratively, it is also divided into sub-villages. The sub-village, however, is not a governance level but an administrative and representative structure for the governance of the village.

The District Authorities Act sets out the governance structures of the village and, in matters related to policy, election and supervision of the Village Council, etc., the Village

Assembly is the supreme organ of governance, made up of all adult members of the Village. Executive functions in terms of running the affairs of the village are bestowed upon the Village Council.

Since pastoralists have been reduced to a numerical minority in most villages, the village governments often ignore them in meetings requiring the whole Village Assembly, particularly where decisions affecting them are made. ○

## 7.0 ALIENATION OF PASTORALIST LANDS FOR WILDLIFE-BASED TOURISM AND CONSERVATION INTERESTS

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Environmental conservation has been a major factor in the promulgation of policies that have impacted negatively on pastoralism as a livelihood system and hence on pastoralists themselves. The Wildlife Policy of 1998, the National Environmental Policy of 1997, the Wildlife Act of 2003 and at the time of the visit, the proposed Grazing Areas Act all seek to protect land from degradation and to regulate the use of the natural resources that have traditionally been used by pastoralists.<sup>39</sup> Forty percent of the land in the URT is protected and there are 16 national wildlife parks of various sizes and they keep expanding. Conservation policies have, by and large, worked to the detriment of pastoralists, who have consistently been blamed for environmental destruction of the natural rangelands, which the government is determined to stop. Most of the areas established for wildlife management in Tanzania fall under the category of reserved lands. Section 6(1) of the Land Act defines reserved lands as including: land reserved, designated or set aside under the provisions of Forests Ordinance; National Parks Ordinance; Ngorongoro Conservation Area Ordinance; Wildlife Conservation Act, 1974, etc.

The Wildlife Conservation Act No. 12 of 1974 (WCA) was enacted at the same time as rural villagization was formalized across the countryside and it establishes the legal structure for management of the nation's wildlife. The Act regulates the use and consumption of wildlife and establishes several protected area categories designed to safeguard wildlife resources. This piece of legislation repealed the Fauna and Flora Conservation Ordinance Cap. 302 and serves as the primary governing legislation for wildlife in the country today.

**Game Reserves** are the foremost category of protected area under the WCA. Only the President, using his powers under section 5 of the Act, can establish this category of protected area. Entry into a Game Reserve without the express permission of the Director of Wildlife is prohibited by the WCA. The only people that are allowed to enter the Game Reserve without such permission are those who are ordinarily resident within the reserve,

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39 Mattee and Shem, 2005.

or persons traveling along a highway passing through the reserve. Under section 8, it is prohibited for anyone to be in possession of a firearm or bow or arrow in a Game Reserve without the express permission of the Director of Wildlife. Section 9 restricts the setting of fires, felling, cutting, burning, injuring or removing any standing tree shrubs, saplings, seedlings or any part thereof without the express permission of the Director of Wildlife. People ordinarily resident in Game Reserves are allowed to fell trees for the purposes of building dwellings for themselves, their dependents and domestic employees. This permission is, however, not in prejudice of any written law restricting the felling of trees in any forest reserve or other areas.

No one is allowed to hunt, capture, kill, wound or molest any animal in a Game Reserve without the written permission of the Director of Wildlife. It is further prohibited for anyone to dig, lay or construct any pitfall, net, trap, snare or other device whatsoever that is capable of killing and capturing or wounding an animal. Section 11 prohibits the carrying of weapons that may be used to hunt, kill, wound or capture any animals. Grazing of livestock in game reserves is also prohibited without the written permission of the Director of Wildlife. Many indigenous peoples have suffered because of this legislation.

**Game Controlled Areas** are a less restrictive form of protected area created by the WCA. As in Game Reserves, the hunting, killing, wounding, molesting and capturing of an animal is prohibited in Game Controlled Areas unless with the written permission of the Director of Wildlife. It is prohibited in the Game Controlled Areas for anyone to dig, lay or construct any pitfall, net, trap, snare or other device capable of killing, wounding or capturing an animal without the express permission of the Director of Wildlife. Wildlife consumption is restricted in Game Controlled Areas but the entry of people for various land uses is not and nor is the grazing of livestock, cultivation or human settlement, unlike in Game Reserves.

It must be noted that certain reserved lands, including most Game Controlled Areas, are found mainly within village lands. The use of the land in those areas has to be in conformity with the restrictions imposed by the Wildlife Conservation Act of 1974, which does not remove the rights of villagers and Village Councils to utilize the lands and resources found within.

Previously, under the repealed Wildlife Conservation Act of 1974, the Game Controlled Areas (GCA) in Loliondo were part of village lands. However, the Wildlife Conservation Act of 2009 that came into force in June 2010 has radically changed this situation. The new Act was enacted to justify the presence of long-term and unregulated hunting investors on pastoralists' lands.

The Wildlife Conservation Act 2008 (passed by Parliament in January 2009 with some minor recommended changes) strengthened the powers of the President to declare any part of Tanzania a game reserve, thus prohibiting uses such as grazing of livestock in such areas. This has had a far-reaching and negative impact on pastoralist livelihoods.

There are also National Parks, which are governed by separate legislation, as well as Ngorongoro Conservation Area, which seems to be a law unto itself since its operation overrides all other legislation. The Ngorongoro Conservation Area (NCA) Act has a provision that prohibits the right to access, own, use and transfer lands as provided for by the Village Land Act No. 5 of 1999. The NCA Authority (NCAA) thus has more power over land management in Ngorongoro Division than do the local communities. This power is unconstitutional because it curtails the rights of the Maasai pastoralists living in Ngorongoro to own and use land both customarily and according to the land laws. It is therefore accurate to state that wildlife-based tourism has not supported pastoralist production systems but has instead tended to lead to the privatization and enclosure of rangelands, leading to a loss of access and restrictions on mobility. Yet the revenue generated from tourism hardly trickles down to indigenous communities. In this way, poor policies and governance structures have combined to increase poverty among pastoralists and hunter/gatherers living in or near reserved areas.

### **7.1 The administration of tourist hunting activities/investments in village Lands (The Wildlife Conservation (Tourist Hunting) Regulations, 2000 (GN. No. 306/2000))**

The Minister for Natural Resources and Tourism promulgated the Wildlife Conservation (Tourist Hunting) Regulations 2000, i.e. GN. No. 306/2000 (hereinafter GN. 306). This is intended to establish procedures for the allocation of hunting blocks to tourist hunting companies and to attach conditions to each hunting company while performing its hunting activities. It imposes fines and the possible cancellation of a hunting block licence for any company or person that conducts activities contrary to it. It states that: "No person shall conduct tourist hunting, game viewing, photographic safari, walking safari or any wildlife-based tourist safari within a hunting block or within any wildlife protected area outside Ngorongoro Conservation Area, and National Park, except by and in accordance with the written authority of the Director of Wildlife previously sought and obtained."

The Minister's action in adding conditions on the use of Game Reserves, Game Controlled Areas and unprotected areas as hunting blocks are contrary to section 19 of the WCA, which provides:



*“The president may, by order in the Gazette, modify any of the restrictions imposed by this part in relation to game reserves, game controlled areas and partial game reserves, and where such order is made, the provisions of this Part shall take effect subject to the provisions of the order.”*

It is only the President who is given powers to modify the restrictions imposed by the WCA on the management of Game Reserves, Game Controlled Areas and partial Game Reserves. This means the President can only modify the restrictions imposed by Parliament, and not add to them. It is Parliament that has the power to add more restrictions if needed.

It is also worthwhile noting that, with respect to section GN16.5, said Regulations are contrary to the spirit and intent of the Wildlife Policy of Tanzania. This Policy was approved by Parliament and therefore embodies the desires of the legislature. The Policy advocates, “Locating future major tourist developments outside PAs [protected areas] in order to reduce negative impacts and enhance benefit sharing with local communities”.

However, many hunting blocks exist in Open Areas often on village lands and not in areas designated as Game Reserves or Game Controlled Areas. In both Open Areas and Game Controlled Areas, the only regulatory powers granted to the Director of Wildlife and the Ministry relate to killing, consuming or capturing wildlife, and to commercial game photography. The power to regulate walking, game viewing, and non-commercial wildlife photography does not exist in these areas. No protected area category entitled a “hunting block” exists. Because they are located on village lands, benefits accruing from hunting or tourism ought to be shared with communities. This is what the regulation (GN. 306) of the Wildlife Conservation (Tourist Hunting) Regulations of 2000 illegally attempt to prohibit and preclude.

## **7.2 Forest Management and restricted rights**

There are also some elements of the institutional framework that may entail problems for the rights of indigenous peoples and other vulnerable groups. It is stipulated in the Forest Act (p. 42) that once a national or local authority reserve has been declared: “..... the rights to land, trees or forest produce which may be exercised within that national or local authority forest reserve are those rights which have been determined to be exercisable in that national or local authority forest reserve .....”. The Act also contains a long list of activities that are prohibited without prior permission (licence, permit etc.), including the collection of honey, fruits, roots etc. and land clearing, cultivation and grazing (Forest Act,

pp. 44-45). Such restrictions may seem far-reaching for villagers who look on village public land as a communal resource to be used by all villagers in order to satisfy various subsistence needs, particularly indigenous hunter/gatherers and pastoralists, who are totally dependent on those resources for their livelihoods.

There is a provision in the Forest Act that the Director of Forestry and Beekeeping Division may withdraw the authority to exercise management functions from the village if it is found that such functions are not being undertaken in a sustainable way. A village may therefore run the risk of losing the right to exercise authority over a large part of their village land should it be found (by the Forest Authorities in the Ministry) that they have not been able to manage the area in what is seen as a sustainable way (Forest Act, August 2000, Section 9, subsections 4 and 5, pp. 14-15).

While most forests in the URT are designated as government protected forests, a few are under the protection and management of the community. SULEDO is one of these and it is a positive initiative on the part of the government, challenges notwithstanding. ○

## 8.0 ALIENATION OF PASTORALIST LANDS FOR COMMERCIAL AGRICULTURE

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The government has been promoting the commercialization of agricultural production, including that of livestock. The National Livestock Policy of 2006, for example, seeks to promote the commercial production of beef and dairy cattle, sheep, goats, poultry and pigs. The desire to commercialize goes hand-in-hand with steps to strengthen the private sector, which are supposed to drive the commercialization process. The government has, accordingly, facilitated the formation of 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. All these are fora that are expected to negotiate with the government to ensure that commercial interests are well accommodated in national policies.

In Simanjiro District, the main problem encountered is the intrusion of large-scale farming onto pastoralist lands. Sukuro village, which was visited by the team, used to have large grazing areas that have now been turned into farmlands, decreasing the grazing area and depressing the livestock economy and livelihood of pastoralists.

The agricultural sector in the URT has, in recent years, developed very rapidly, attracting many programmes, project labels and slogans, making them intertwined and difficult for ordinary citizens to fully comprehend. The Southern Agricultural Growth Corridor of Tanzania (SAGCOT) is an investment blueprint initiated at the World Economic Forum Africa Summit held in Davos in May 2010 and launched in Tanzania in 2011. It covers approximately one-third of mainland Tanzania and runs from Dar es Salaam to the northern areas of Zambia and Malawi. It is associated with “Kilimo Kwanza” (prioritizing agriculture), *Fanya Morogoro Gala La Taifa* (FAMOGATA), making Morogoro a national granary, etc.

SAGCOT is reportedly aimed at improving investment opportunities in the corridor and lays out a framework of institutions and activities required to reap the development potential of increasing agricultural productivity, food security and livelihoods. For indigenous pastoralists, any agricultural programme makes them worried since they see it as another excuse for evictions. Indigenous peoples suffer from a lack of recognition of their

identity and rights of belonging and therefore less deserving than all other citizens. The *Kilimo Kwanza* drive is becoming a major reason to push more people off of their land, supposedly for the “public good” seen to derive from investment. Indeed, some areas targeted for SAGCOT within the corridor, including Mbarali, Rufiji and Kilombero, have already witnessed violent evictions of pastoralists. The overall problems besetting pastoralists and hunter/gatherers vis-à-vis commercial agriculture is that opportunities for investment can only be gained by a denial of rights to land and natural resources. ○

## 9.0 MINISTRY OF LIVESTOCK WITHOUT A POLICY ON PASTORALISM

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Since the middle of the 1980s, the Tanzanian economy has been undergoing a gradual and fundamental transformation towards a market-based economy. Macroeconomic policy reforms have been necessary in order to redefine the roles of the public and private sectors in livestock development. These changes have paved the way for the withdrawal of government involvement in direct production, processing and marketing activities, which could be better performed by the private sector.

The first Poverty Reduction Strategy Paper (PRSP) developed in 2005 by the Tanzanian government clearly recognized the importance of:

*Promoting efficient utilization of rangeland, empowering pastoralists to improve livestock productivity through improved access to veterinary services, reliable water supply, recognising pastoralism as a sustainable livelihood.*<sup>40</sup>

This is a pivotal statement which seems to support pastoralism as a production system but also as a livelihood system. The statement is not however, repeated in the updated version of the National Strategy for Growth and the Reduction of Poverty 2010 (i.e. MKUKUTA II), nor are any of its principles reflected in the livestock policy.

The laws affecting land tenure in Tanzania have tended to promote private ownership and exclusive rather than shared use. In production strategies, livestock development is seen, according to government policy documents, to require “modernization”, which seems to depend on more intensive production rather than extensive pastoralism.

The United Republic of Tanzania is said to have the third largest cattle population in Africa after Ethiopia and Sudan and yet the sector seems to be producing minimally for the market. The Botswana model seems to provide an official blueprint with which to re-vamp the livestock sector, by replacing pastoralism with ranching. This is reflected in the first livestock policy, which was launched in 1983 with the aim of stimulating livestock

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40 Poverty Strategy Reduction Strategy Paper 2005.

development in the centralised economy. Emphasis was on large-scale parastatal institutions for production, processing and marketing. The Agricultural and Livestock Policy of 1997, which was the second policy to be formulated, was in line with the ongoing reforms and redefined roles of public and private sectors. However, during the implementation of this policy, other reforms emerged, thus necessitating a review and formulation of yet a third policy along the same lines as the previous ones. A reading of the policy indicates that the negative image of pastoralism in the URT has its roots in the policy framework of the Ministry of Livestock, the technocrats promulgating it as well as the leadership in general.

The Ministry of Livestock Development and Fisheries has to be applauded for having a Department of Pastoral Systems Development. However, dismal resource allocation continues to impede operations within the Ministry. Moreover, there are no specific policies focusing on pastoralism as a sector. Rather, the available documents focus on livestock, such as the Grazing Land and Animal Feed Resources Act and the Livestock Identification and Traceability Act. These policies mostly focus on livestock commercialization without offering any improvements for the development of the sector.

While acknowledging that over 90% of the livestock population is of "indigenous" types, placing URT in a high position for possessing them, it goes on to deride these types of livestock when it states that "*they are known for their low genetic potential*". The system that generates these types of livestock is said to be "*constrained by poor animal husbandry practices*", a "*lack of modernization*", an "*accumulation of stock beyond the carrying capacity*" and a "*lack of market orientation*". And it is "*based on seasonal availability of forage and water thus resulting in 'uncontrolled mobility'*".

Conversely, the policy gives credit where it is not due when discussing the so-called "intensive system" when it states that "*...though limited in size, it has been receiving more emphasis in investment and improvement because of its contribution to the market oriented economy*". The facts do not support this claim, however. It is claimed that, in Botswana, the annual income from 2.5 million head is around USD 12 million whereas in Tanzania the annual income from 17 million head is around USD 6 million. However, this calculation does not consider a monetization of subsistence production, or barter trade, or even a lot of trade within Tanzania that is not recorded officially. People buy and sell from each other and that is not recorded anywhere.

Furthermore, Botswana is able to sell almost all its meat to the EU since it has invested heavily in livestock feeds, drugs, fencing and other infrastructure for the sector. In Tanzania, the sector is poorly funded and, indeed, is struggling to fend for itself. Despite government support, the 13 government ranches of 70,000 acres each have been operating at a loss, hence the recent decision to reduce their size to 25,000 acres each and distribute the remaining areas as chunks of 4,000 acres each for investment.

It should also be pointed out that none of the government ranches have any wildlife inside and therefore generate no income from tourism as do areas where pastoralists and hunter/gatherers live. All tourist attraction sites have local communities, mainly pastoralists and hunter/gatherers. Ngorongoro alone contributes USD 54 million annually coming from tourism, and sheep from Ngorongoro are said to be exported to the Middle East while many cattle are trekked across the border with Kenya to be sold and slaughtered every week. Their value, however, has not been assessed. It is also estimated that 90% of Tanzania's meat and milk production is in the hands of extensive livestock pastoralists. Many observers attribute the contemporary abundance of wildlife in East Africa to the historic influence of pastoralists in savannah landscapes, and in the general ecological compatibility between pastoralists and wildlife,<sup>41</sup> including the "Big Five" that tourists seek as they tour the region.

Pastoralists take care not only of livestock for themselves and others but, as they do so, they also take care of all other fauna and numerous species of flora within the ecosystem. Many pastoralists do not consume wildlife meat and only hunt rogue predators for self-defence. Many pastoralist communities also do not cut down whole trees but instead simply trim tree branches and remove dry wood. This is why areas occupied by pastoralists are covered with vegetation and are also home to many varieties of wildlife species. As one Barbaig commented as the team was traveling to their area:

*'You will know when we get to our area because there are many trees. We do not cut down whole trees.'*

Pastoralists in Northern Tanzania's savannah ecosystem thus provide an economically valuable ecology by conserving the wildlife on their lands which, in turn, helps to sustain the natural assets upon which Tanzania's growing tourism industry depends.<sup>42</sup>

This information is not available to senior officials of the state, however, who cannot be blamed for not having it. Indeed, no public assessment has been carried out to determine the economic contribution of pastoralism to the national economy although some attempts have been made recently by academics.<sup>43</sup> And, because of this knowledge gap, the sector is not portrayed in very positive terms.

The policy, however, mentions two positive qualities of these indigenous livestock types: "*that they are well adapted to harsh environmental conditions and have high resist-*

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41 See for example Collet, 1987; Western, 1989; Homewood and Rogers, 1991.

42 Options study, 2008.

43 *Op cit.*

ance to diseases." And about the system (i.e. pastoralism), it states, "*in spite of the constraints, this system has sustained the livelihood of the pastoral communities for many decades*".<sup>44</sup> The reality is that the system, i.e. pastoralism, has sustained not just pastoralists but also other Tanzanians as well in terms of domestic consumption, especially on special occasions.

More official bias against pastoralism is further illustrated in the Strategic Plan for the Implementation of the Land Laws.<sup>45</sup> Based on a number of very negative statements about the present livelihood pattern practised by pastoralists (p. 14), the strategy concludes that nomadism must stop and that pastoralists must be forced to settle and change their production system into a ranching system.<sup>46</sup> This shows that the bias is ingrained in the body politic and that these are not just isolated cases.

Likewise, reviews of other policies<sup>47</sup> reveal the lack of appreciation and general lack of information and understanding of the economics and ecological needs of pastoralist production systems and the push for pastoralists to settle and to modernize livestock production as a result of this.

The overall conclusion is that the absence of a pastoralist policy, combined with the meagre resource allocation to the livestock sector (a slight increase in budgetary allocation was witnessed during the 2013 financial year, following intense lobbying) has resulted in an underperforming sector.

The United Republic of Tanzania has also been hesitant to embrace the African Union (AU) Policy Framework for Pastoralism in Africa, insisting that it has to be ratified by the government before it can be made public.<sup>48</sup> This is a serious drawback.

The AU policy framework aims to secure, protect and improve the lives, livelihoods and rights of African pastoralists. It is also a platform for mobilizing and coordinating political commitment to pastoral development in Africa, and emphasizes the need to fully involve pastoralist women and men in the national and regional development processes from which they are supposed to benefit. It is critical for the Government of the URT to realize the importance of pastoralism as a whole and establish relevant policies to promote it and to also embrace and implement existing policies that portend benefits to the sector and the Tanzanian peoples who are dependent upon it for livelihoods.

So far, the government has not managed to place any value on pastoralism as a production system, nor appreciate its contribution to the environmental management of

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44 See the new Livestock policy.

45 SPILL, URT 2006.

46 Ibid: 2006 p.14.

47 Mattee and Shem, 2005, Ole Nasha, 2004, Sorensen, 2006.

48 TNRF personal communication.



wildlife parks and forest reserves. Knowledge of the sound environmental protection techniques practised by pastoralists is not widely known in official circles. The implication is that, in order for government policies to be favourable to pastoralists, the government ought to appreciate the economic or commercial or conservation value of pastoralism. ○

## 10.0 EXPERIENCES OF THE MAASAI OF KITETO DISTRICT

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This section simply cites a few experiences of the pastoralists and hunter/gatherers of Kiteto in order to explain how they are losing the rights to their land and resources despite legal mechanisms that are supposed to protect all citizens.

In Kiteto District, the predominant livelihood is pastoralism, with livestock numbering about 340,000 cattle, goats and sheep and contributing 54% of the district's GDP. However, the decisions and official actions on the ground do not reflect this reality, nor do they support the production system. The district does not have a single Veterinary Officer, and the few extension officers there are posted at the level of ward. Only 19 out of 50 villages have any access to extension services. Of the 66 staff required, only 32 are in post, leaving a deficit of 34 staff. The situation is the same for most other pastoralist districts.

Yet in a community where the majority of the population are pastoralists, about two-thirds of the District Agricultural Development Plan's (DADP) budget for 2007/08 is directed at supporting crop production.

The report demonstrates serious bias, and hence a major challenge to the advancement of pastoralism, when it states that:

*"...due to uncontrolled grazing, uncontrolled livestock movement plus grazing on cultivated land and lack of proper land use management plan, has resulted in the escalation of land use conflicts by different land users competing for access to land".*

The historical fact is that land-use conflicts have not been brought about by the uncontrolled movement of livestock but by the uncontrolled migration of crop farmers from other districts into Kiteto District. It was a policy of the then Arusha Region to regard the pastoralist areas of Simanjiro and Kiteto Districts as expansion areas for surplus people from densely populated districts like Arusha and Meru.<sup>49</sup> More recently, the District has seen an influx of immigrants from other areas such as Babati, Kondoa, Kongwa, Kilosa and Same Districts, all seeking to set up farms in areas that used to be exclusively for grazing, and these are the ones that have exacerbated land conflicts.

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49 Ole Lengisugi, 1997.

Service delivery is also low, including livestock drugs, and cattle dips and crushes, markets, etc. are very poor. In some of the areas visited, communities stated that the last time such services were provided was in the 1970s during a USAID-supported project dubbed “The Maasai Range Development Area”. When the project came to an end, the whole infrastructure collapsed. The situation became so bad that some pastoralists lost their whole herd. In Kiteto District, out of 21 cattle dips constructed during the 1970s, only two were still functioning. The result is that the sector has been totally neglected, with hardly any inputs from the government. In the process, pastoralists’ rights to development have been systematically denied.

Villages of pastoralists and hunter/gatherers are invaded from all directions by farmers, hunting companies and investors despite the existence of clear laws and village land-use plans. This is how Iltirkishi village of Kiteto District lost its only forest, which was set aside by pastoralists for dry-season grazing as part of the resource management expected on village lands. The team was informed that, one night, many farmers arrived at night with machetes and chain saws and set out to clear the land of all trees, pouring diesel and setting fire to them and preparing the land for planting maize. When village residents intervened, they were attacked and one of them was hacked to death.<sup>50</sup>

Following the incident, it took the District Council and police many days to get a vehicle and diesel to travel to the area. When they got there, they found people who were not village residents but invaders from outside the district carrying on with their cultivation as if nothing had happened. Some were arrested and charged for trespass but, within a few days, villagers noted, they were back and continuing to farm. No one was held responsible for the hacking to death of the pastoralist, or many others in similar incidents narrated by villagers. The whole district is replete with a litany of heinous crimes such that the residents live in perpetual fear and have lost faith in the court system since crimes continue to be perpetuated with complete disregard for the law.

Some residents reported that, when the men are not around, farmers scare away the women, children and the elderly and burn down their homes. Some women and children even reported spending the day and sometimes even the night hiding in the bush for fear of being attacked by farmers. Quite frequently, houses are randomly set on fire so that the villagers move away and the land is “freed up” for cultivation. At other times, with the frequency of attacks, pastoralists decide to move farther away and farmers take over the land and cultivate it. And it goes on, as the list of atrocities is a long one. As one pastoral-

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50 This incident happened earlier but it was reported to the team during the meeting with the civil society organizations in Kibaya town on 29<sup>th</sup> January 2013. Many such incidents were reportedly common.

ist put it, *"It is as if farmers had been set loose to attack pastoralists systematically and take over their lands by force"*.

Children are attacked and little girls molested while taking care of their livestock. It was reported that, in one such incident, a young girl was raped and when the perpetrator was caught he appeared in court and pleaded guilty to the crime. He pleaded for clemency, however, stating that he was overcome by lust since the girl was so beautiful. The child was between 12 and 13 years of age and it was reported that she became pregnant from the rape. There was no confirmation that a long (30 years) jail term was imposed for the crime, but it was reported that many rapists get away. Of course, no one in government can be held directly responsible for any of these acts. Because of poor governance and a lack of implementation of existing laws, however, the optimal conditions are created for certain actions to take place. In this way, perpetrators go unpunished and their crimes against pastoralists are not taken seriously by the courts, so the rights of pastoralists continue to be violated.

The Commission on Human Rights and Good Governance conducted a fact finding mission in Kiteto and confirmed that serious violations of rights were being committed against pastoralists and that some of the crimes pastoralists are accused of are purely concocted. They also confirmed what pastoralists themselves said, namely that when farmers plant crops in livestock grazing areas and the livestock step on them, it is the pastoralists who are charged for trespass, even though it is the farmers who are actually trespassing on long-term grazing areas. The courts do not seek to find out what land-use plans exist or whether farmers might sometimes be in the wrong. Encouraged by a pro-farmer court system, farmers cultivate on settlement areas, stock routes even at entrances to livestock enclosures where the livestock cannot avoid stepping on crops as they enter and leave. As they do so, farmers get rich from the hefty fines imposed on pastoralists for trespass. Even when crops fail for lack of rain, farmers still manage to recoup their losses from fines imposed on pastoralists. It was reported that even though pastoralists do not graze on farms, individual farmers have been seen scaring away young shepherd children from their stock so that this would wander into the fields and the farmers could be compensated.

This and many other human right violations have been ongoing in Kiteto for so long, according to civil society organizations, that the percentage of pastoralists living in their own traditional areas is declining drastically. And by constantly paying what seems like irregularly imposed fines, pastoralists are becoming debilitatingly poor. Many of them have moved out of the district to look for grazing elsewhere. In March 2013, some pastoralists from Kiteto who had moved to Korogwe and found a place without farms reported that farmers had burnt down 12 homes in their settlement and destroyed property, includ-

ing small livestock. Some of the arsonists were arrested but were later released and there was no compensation for the losses incurred. This situation is reportedly repeated in many places.

Another alternative sought by pastoralists is to move to the city in search of alternative livelihoods, and many young pastoralist are doing this. A majority of young men looking for jobs in Dar es Salaam (and not necessarily finding them) confirmed that they had originated from Kiteto although some were from Ngorongoro and Simanjiro. This social disruption has been necessitated largely by the socio-economic conditions described above.

During the visit, the team observed and held discussions with a number of Maasai youth from Kiteto District who were loitering in the streets of Dar es Salaam, some so young they should be in school but they had dropped out to search for a better living. With no education or marketable skills, however, the only available jobs are as poorly-paid watchmen. However, the majority of young men remain in pastoralism although they are becoming increasingly vulnerable to stresses, including drought, disease outbreaks, unpredictable market forces and political pressures from more powerful interests.

There are other explanations for the problems besetting pastoralists and hunter/gatherers. As indicated earlier, these communities have their own traditional socio-economic governance structures that have governed the management of resources since time immemorial and which are still useful to their lives and livelihoods. No matter how useful these systems have been, however, they have not been integrated into formal or “modern” governance structures. Nonetheless, the “modern” governance structure also very significantly affects the welfare of the pastoralist and hunter/gatherer communities. This has presented many challenges to the communities in terms of how to deal with two separate structures that often seem to act in contradictory ways. Very often they are little involved in the formal governance structures with legal powers from village to district levels and, as a result, many decisions that are made at these levels do not take their interests into account. In the process, important decisions affecting their livelihoods are made without them being informed or consulted.

At the same time, and this is true of all communities, there is also a great deal of ignorance on matters pertaining to land issues, given the technicality involved. This contributes to land conflicts and, sometimes, dispossession of the land by outsiders. For example, in Kiteto District, an NGO (CORDS) tried to help communities to reduce land-related conflicts by placing billboards strategically showing the different uses of the land in different areas of the district. The farmers pulled them all down, either out of ignorance or impunity, and they continued cultivating everywhere haphazardly. As a result, the conflicts have failed to be resolved and human rights violations persist.

This problem might be addressed through the provision of sustained civic education on governance, the Land Acts, Local Government Acts and land-use planning for village leaders and communities. This would empower communities to better protect and manage their land resources for the benefit of all community members. It would also ensure that the voices of pastoralists are heard and that their issues are not taken for granted by policy makers. Nonetheless, whatever the case, urgent intervention is required. ○

## 11.0 EXPERIENCES OF THE ILPARAKUYIO OF MOROGORO REGION

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In Morogoro Region, the very day the team was traveling through Morogoro<sup>51</sup> and visiting the pastoralist Ilparakuyio communities, farmers blocked the main road linking the two major cities of Dar es Salaam and Dodoma. The reason for this was that a new District Commissioner (DC) had made a declaration that, according to records available to him, a particular parcel of land in Mabwegere village in Morogoro District belonged to the pastoralists. This angered the farmers, who went on the rampage, looting and burning down a number of pastoralists' business premises in the town of Dumila (along the same main road), beating up pastoralists (including children) and blocking the road for more than five hours. It was reported that they were determined not to open the road until the declaration by the DC had been reversed. And, sure enough, the Regional Commissioner arrived and declared that the land in question did indeed belong to the farmers. The conflict was thus resolved and the situation returned to normal. Two days later,<sup>52</sup> the RC went personally and admitted to the pastoralists that he knew that the land belonged to them but that he had had no choice but to say something that would appease the farmers so that the road would be opened to allow government officials to travel without hindrance, otherwise he would have been personally responsible for not finding a solution to the conflict. He had not said anything about compensation for losses incurred, not even for the personal harm suffered by pastoralists and their children, by the time we went to press.

The pastoralists indicated that they experience similar harassment very often and no action is ever taken against the perpetrators. They cited a similar incident in 2010 in Rufiji where only pastoralists' business premises were identified and torched, and again the perpetrators were never arrested or charged. This demonstrates that discrimination against pastoralists is tolerated even by those agents whose responsibility it is to guard against impunity. It is actions such as these that make indigenous pastoralists declare that after half a century of independence they still feel colonized, alienated and unable to gain protection from the law.<sup>53</sup>

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51 The incident happened on 25<sup>th</sup> January 2013.

52 Personal communication, Pololet Mgema, Ilparakuyio Office Morogoro.

53 Discussion with Pololet Mgema in Morogoro on 26<sup>th</sup> Jan 2013.

The law allows any Tanzanian the right to live anywhere in the United Republic as long as they do not break the law but, according to the Iparakuyio community, this freedom seems to be enjoyed only by farmers. Pastoralists find themselves harassed wherever they move since they are portrayed as immigrants and outsiders in the area, despite the fact that many farmers are also immigrants and, in some cases, had arrived in the areas in question much later than the pastoralists. Conflicts in Kilosa and Kilombero resulting in numerous deaths and great destruction of property attest to the fact that pastoralists have been there since the 1950s, and yet they are still regarded as outsiders and not belonging, even by farmers who arrived much later.<sup>54</sup>

It is very common to hear state officials telling pastoralists to go back to where they came from, on the assumption that they are destroying the environment or causing conflicts. Such statements have the effect of inciting hatred and possibly violence between communities and, in other countries, such utterances could land one in jail for inciting ethnic hatred. It is possible that the officials have no idea of the impact of their words and so the statements go unnoticed, along with the ethnic hatred they fan between communities. This is evidenced by increasing numbers of conflicts.

Following disasters such as mass livestock deaths from disease or drought, the Iparakuyio reported that they had never been assisted. When there were floods in Morogoro, however, according to them the whole government responded and offered assistance. They see this as clear discrimination.

Evictions of pastoralists from protected areas, the confiscation of livestock and injustices meted out to pastoralists, partly at the hands of government officials, amount to very serious violations of citizens' human rights. The way things are progressing, without adequate lands and resources, indigenous peoples will be pushed to the very edges of economic, cultural and political extinction. ○

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54 A. Brehony 2004.



## 12.0 THE GENDER QUESTION AMONG INDIGENOUS PEOPLES AND VIOLATIONS OF THE RIGHTS OF GIRL CHILDREN

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While the situation of indigenous communities is generally depressed, that of women and children is doubly so. Their rights are violated by the system in general and by indigenous peoples themselves, particularly inside pastoralists' communities. The violation of children's rights takes many forms, from being subjugated and put through negative cultural practices such as female genital mutilation (FGM) to being denied a right to education and being married early and against their wishes.

Negative cultural practices are contrary to the law; however, the law is often not effectively applied. In some cases such practices have gone underground making them difficult to detect, and so they continue unabated. At the same time, little is being done in terms of raising awareness about such practices in the rural areas where they mostly take place. Consequently, communities are not aware of the negative effect of their own customs on the health of their children.<sup>55</sup>

The right to an education for girl children is complicated by a number of factors, including distances to school, the presence of wildlife<sup>56</sup> and discrimination. However, there are many occasions when girl children are removed from school in order to marry them off as young as nine years of age. While there are laws which proscribe such practices, the parents are assisted by teachers who prepare transfer documents to make it seem like the children are simply being transferred from one school to another. Some teachers provide advice and clever tricks to parents and get huge bribes for

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55 The District Executive Officer in Kiteto District was very passionate about negative cultural practices and suggested that more should be done, especially by civil society organizations, to raise awareness since the government may not be able to rid communities of hidden customs.

56 An elder in Ngorongoro by the name of Ngatait pointed out that the NCAA had buses that ferry children of employees to the nearby school at the headquarters but that the service is not provided to Maasai children. He wondered whether the NCAA perceived Maasai children as being children, and if indeed they did, why they didn't extend the same service to them in order to protect them from exposure to the possible dangers resulting from proximity to wildlife en route to and from school.

these services,<sup>57</sup> enriching themselves. By using their position to conduct clearly illegal acts, the teachers are breaking the law and ought to be charged. However nothing ever happens despite a very progressive national gender policy and a women's lobby group, TAMWA, raising concerns about such matters. These initiatives do not reach the isolated areas occupied by pastoralists.

Indigenous women, however, have on a number of occasions displayed bravery and commitment whenever critical issues related to the development and human rights of their communities are concerned. This has been demonstrated over and over again in Loliondo and in Morogoro when they have stood their ground against evictions. ○

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57 It was reported that, in one incident in Kiteto District, a man sold three huge oxen to pay the teacher who helped him get his class 6 child out of school from one village to another where there was no school so that she could be married off. The head teacher built a huge house in Kibaya town through the proceeds obtained from such lucrative deals. The Department of Education is reportedly well aware of the deals.

## 13.0 OTHER CHALLENGES AFFECTING INDIGENOUS PASTORALISTS AND HUNTER/GATHERERS

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### 13.1 Climate change

Climate change adds a range of challenges to the situation of pastoralists. The pastoralist strategy of flexible tracking of resources is well-adapted to short-term climate variability and is pre-adapted to more frequent extreme events and more long-term climate changes. However, the resilience and adaptive strategies of pastoralists may be blocked by restrictions on mobility imposed by inappropriate policies resulting from a lack of awareness of the significance of mobility to livestock management. As one Morogoro pastoralist put it: “Even when it does not rain, pastoralists are blamed and evicted.” As climate changes and long dry spells become frequent, more pastoralists are bound to be blamed and there will perhaps be more evictions.

At the same time, it has been observed that increased rainfall encourages farmers to move into previously dry areas and this leads to reduced access to pasture for pastoralists. Conversely, severe flooding also prompts farmers to move away from flooding-prone areas to new areas occupied by pastoralists and this again results in conflict with the use of land by pastoralists. These scenarios are already being witnessed and they illustrate the fact that many impacts and changes cannot be predicted with any certainty but that there must be awareness of what they portend and a sense of flexibility in potential viable options. While mobility is essential to optimum pastoralism, the government has been unable to recognize its significance.

### 13.2 Poor services

During the colonial and post-colonial eras, the attitude of governments towards pastoralism has ranged from outright hostility to benevolent neglect. Where governments have intervened in pastoral areas, the result has been failed projects informed by imperatives that are totally inconsistent with the reality on the ground. Indigenous peoples' territories

are marked by such failed projects, either on the part of government or the development institutions. Ghosts of water projects dotted almost everywhere are quite alarming as are health facilities without water, staff, laboratory facilities or even medicines. People are told to go and buy medicine from chemists owned by health personnel, and the law turns a blind eye to the obvious conflict of interest.

### 13.3 Education

Education in the URT is compulsory for seven years, until children reach the age of 15. For indigenous pastoralists and hunter/gatherers, school attendance is much lower and the drop-out rate much higher, although there are no disaggregated figures. Most children do not attend school this long, and some do not attend at all. The reasons for non-attendance and for dropping out range from distances to schools, proximity of wildlife, collusion between education officials and parents to keep children out of school, and a curriculum that is completely at variance with the interests of indigenous peoples.

Education is a fundamental right recognized by the Government of Tanzania. The Legal and Human Rights Centre, together with the Ministry of Education, noted in its survey that performance in primary and secondary level education in Tanzania is declining dramatically. It noted that it has been dropping year on year and results show that examination pass rates have decreased from 72% in 2009 to 53% in 2011. Among indigenous communities, the situation is worse. There are fewer schools to begin with and they lack trained personnel and other essentials, making it difficult for children to succeed in national examinations. In a number of cases, schools built by them have been taken over by invading farmers. In Kiteto District, for example, the oldest secondary school built by the Maasai does not have a single Maasai child studying in it. In Katesh, the boarding schools that were built for the Barbaig<sup>58</sup> during Nyerere's time have been taken over by the majority population, some even changing the names of their children in order to qualify and there are now only a few Barbaig children in those schools. There is also a high illiteracy rate among parents, which greatly affects school enrolment, retention and completion. Since education is key to understanding various laws and the judicial system, indigenous peoples have had to pay for their ignorance, even if unfairly accused. As discussed above, there are many incidents where pastoralists have been detained, jailed and fined outside the court process. The Legal and Human Rights Centre has documented a number of cases that have been framed or involved torture, illegal fines, and

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<sup>58</sup> The schools were dubbed 'Asante Nyerere' or 'Thank you Nyerere'.

delays in taking suspects to court but, due to low levels of literacy, those victimized have no idea that illegalities are being committed.

Education, especially at the regional and district levels, has been a major hindrance to indigenous peoples' participation in political and governance structures. Very few indigenous peoples have had access to education due to lack of or poor infrastructure and or ignorance. This has limited their ability to hold leadership positions that require some form of formal education. However, even in a few exceptional cases such as Ngorongoro where there are 64 graduates and some have had training in wildlife management, when it comes to recruitment none of them are employed within the NCAA despite their credentials. Instead, the management has decided to employ a woman from outside the area (reportedly for purposes of gender balance), excluding a well-educated and qualified pastoralist. Yet the accord signed in 1959 did not include outsiders taking jobs in the area, gender considerations notwithstanding.

### 13.4 Health

According to the World Health Organization (WHO), the under-five mortality rate in 2010 in the URT was estimated at 76 in every 1,000. Life expectancy at birth was estimated at 53 years in 2012. The 15–60-year-old mortality rate in 2009 was 456/1000 for men and 311/1000 for women.

The leading cause of death in children who survive the neonatal period is malaria. Other leading causes of death in the under 5s are pneumonia and diarrhoea. The HIV/AIDS epidemic is a significant problem in Tanzania. In 2009, prevalence was estimated at 5.6% of the adult population. Anti-retroviral treatment coverage for people with advanced HIV infection was 30% in 2011 (7% below the average for the continent). With poor infrastructure in indigenous peoples' areas, it is likely that they have fewer health facilities than other areas and are less able to access healthcare. For this reason, indigenous women (and, by extension, babies and children) are likely to be more vulnerable.

The information campaigns for HIV/AIDS in indigenous community areas are mostly carried out by Christian organizations which do not advocate the use of condoms in general. At the same time, information materials used for the campaigns are in Swahili, which is not understood by many indigenous communities and, even then, many of them are illiterate.

Overall, the services received from local government by pastoralists and hunter/gatherers are often inadequate, making for low incomes<sup>59</sup> and therefore poverty and low literacy and educational achievement.<sup>60</sup> This includes education, health and animal health services. Services are inadequate for a number of reasons, including poor implementation of decentralization policies and the limited resources under the control of local government offices. Since data is not disaggregated, however, it is difficult to assess the actual situation of indigenous peoples.

### 13.5 Water

World Health Organization figures show that, in 2006, 55% of the population in the URT had sustainable access to improved drinking water sources and 33% had sustainable access to improved sanitation. All the indigenous communities visited indicated that water was a major problem both for people and for livestock. In a number of areas, it was noted that a number of water projects had been stalled for many years after people had been asked to contribute a percentage as a condition for the project to begin. The people had duly paid the prescribed amounts but, in every single case, no water connection was made. In Mabwegere village in Morogoro, the deposit was paid in 2001 by the Iparakuyio but, 12 years later in 2013, there was still no water. People knew that the water projects were supported with funding from the World Bank. In pastoralist societies, it is the women (including lactating women) who walk long distances to fetch water and this has a negative effect on their health and that of their children, who are often left the whole day without breast milk.

### 13.6 Lack of skills and advocacy

Because of poor educational levels, pastoralists often lack skills and knowledge and the ability to advocate effectively for their rights and needs. This situation is compounded by a lack of capacity on the part of pastoralist organizations to act in unison and to promote

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59 Research by Homewood and all in Longido suggests incomes far below the poverty definition of \$1/person/day with a median of \$304/household/year for a median household of eight adult/equivalents. They further cite seven other publications to support their suggestion that pastoralists are “*on a one-way trajectory ... into poverty and livelihoods on the margin.*”

60 Bishop quotes school enrolment rates of about 50% in pastoralist communities compared with the national average of 95%. <http://www.saga.cornell.edu/saga/ilri0606/brief18.pdf>

the rights of pastoralists. The situation is often aggravated by other forms of marginalization and discrimination, and the negative perceptions that underpin all the causes of pastoralist poverty. Again, women are worse off in this regard.

### **13.7 Inadequate representation**

Political representation is a major challenge facing indigenous peoples in Tanzania. While some communities have a few policy makers at the national level, the Hadzabe, the Akiye/ "Dorobo", Barbaig and Ilparakuyio have none and they attribute their problems to the fact that they have no one to raise issues affecting them at the policy-making levels.

It therefore emerges that, more often than not, decisions and policies proposed and implemented do not favour and indeed often flout indigenous peoples' rights. In Morogoro, for example, the Ilparakuyio reported that in order for politicians and other office bearers to gain votes, they have to promise that if elected they will chase away the pastoralists. Yet the pastoralists moved to the area in 1984 when there were no farmers and, as newcomers move in, they start talking ill of the residents, a somewhat ingrained "habit" from neighbours. The leaders, they say, do not push any development agenda for pastoralists: no areas are set aside for livestock, high fines are imposed for misdemeanours and they are never consulted, plus they are called derogatory names and so on. According to the pastoralists, all this happens because they have no political representation and nobody seems to care about their plight. ○

## 14.0 SOME POSITIVE MEASURES UNDERTAKEN BY GOVERNMENT TO REMEDY THE SITUATION

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This section discusses the role of various actors, including government, bilateral organizations, development partners, civil society organizations and others, in implementing different programmes aimed at promoting and protecting the rights of indigenous peoples in Tanzania. It also includes actions or ideas with the potential to have a positive impact.

### 14.1 The Department of Pastoral Systems Development

While a pastoralist policy has yet to be developed, the creation of the Department of Pastoral Systems Development within the Ministry of Livestock Development and Fisheries is a positive step and a move in the right direction. The new structure of the Ministry was approved in April 2006. It includes a new Department of Pastoral Systems Development, which is responsible for range management and animal feed development. Range management in turn includes all natural resources for livestock such as pasture, water, salt licks, infrastructure such as stock routes and markets, livelihoods and resolution of conflicts with other land uses. It signifies some degree of awareness of the significance of pastoralism to the country.

This department seems to provide a window of opportunity for addressing pastoralist issues on the part of both the government, civil society organizations working with pastoralists and partner organizations. Indeed, having a separate department dealing with pastoralist issues makes it possible to develop a policy with which to guide the work of the department. It also provides an opportunity to examine, interrogate and possibly borrow from the policy framework proposed by the African Union as the URT develops its own pastoralist policy.



## 14.2 National Strategy for Growth and Reduction of Poverty MKUKUTA

The stated political meta-goal has been growth and poverty reduction for years and is anchored in the National Strategy for Growth and Poverty Reduction (NSGPR) or Mku-kuta (2005). If properly adhered to and implemented, this strategy has the potential for achieving improved services and development for indigenous pastoralists and hunter/gatherers in the country.

## 14.3 Grazing Lands Management and Utilization Bill

The Grazing Lands Management and Utilization Bill 2007 envisages the creation, under Clause 17, of Village Grazing land Development Areas (VGDA) in which another village committee is set up to regulate these areas, namely, the *Village Grazing Land Development Committee* (VGDC). The VGDC is mandated to be the principal village or villages' body concerned with managing the VGDA and must report on a regular basis to, and take account of, the views of the Village Council or assembly with regard to its management of the village range development area.

Various reviews have lauded the new Bill as an attempt to somehow address some structural problems in the Village Land Acts, suggesting that it is partly positive to pastoralists.<sup>61</sup> However, the Bill does not directly refer to pastoralists' participation in the VGDC and goes on to state in the following provision (Clause 18[3]) that the VGDA may be managed by the VGDC or "*in accordance with such other arrangements as may be proposed by the village council and agreed to by the village assembly*". Without any clarity as to the meaning of "other arrangements", this clause is odd as it seems some other, unspecified, entity may as well be given control of the VGDA.

## 14.4 Constitutional review process

At the moment of the visit, the constitutional review process was ongoing in the URT and community views were collected and compiled. Pastoralists and hunter/gatherers have

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61 John Letai, "An Audit of the Rangelands Act and its Implications on Pastoral Livelihoods in Tanzania: A Report for Tanzania Pastoralists and Hunter-Gatherer Organization (TAPHGO)," (Arusha, TAPHGO, August 2007).

articulated their opinions in a number of fora. According to most opinions, they mainly included land and security of tenure; governance structure, essentially to create more space for consultation in resource allocation and guaranteeing fundamental rights; and management and benefit sharing, particularly of those resources deriving from wildlife-related activities. Discrimination in the delivery of all services was also mentioned as another serious concern. Although there were doubts as to whether the final draft would contain the views expressed, it is expected that the outcome will indeed be indicative of the will of the people, including a reflection of indigenous peoples' desires for better livelihoods and overall protection of human rights.

#### **14.5 Decentralization to the local government level to facilitate investments and development at the village level**

Following the government's decision to decentralize some of its functions to lower levels, through the Local Government Act of 1982 and the Regional Authorities Act of 1997, the local government authorities at district, municipal and village level are empowered to formulate their own policies, which may be passed as legally-binding by-laws.

At the local government authority level, District Councils and village governments have adopted policies that are meant to attract private investors to their areas. Often, such policies relate to allowing the exploitation of the natural resources (land, forests, wildlife etc.) by these private investors, in return for payment of "royalties" to the district or village.

In Ngorongoro and Monduli districts, for example, private tourist operators and professional hunters are now allowed to acquire large tracts of land on which to set up tourist camps and to enter into contracts with village governments, even without the involvement of the relevant district authorities. The promotion of Wildlife Management Areas (WMAs) under the Wildlife Act is also meant to facilitate the exploitation of wildlife in collaboration with local communities. The recent pronouncement by the Prime Minister that the Hunting Block in Loliondo was indeed located on village lands and that individual villagers could negotiate with the hunting investor if they so wished is a very positive move. It will resolve the long drawn out conflict between investors and communities over natural resources in the area. It would be most useful if similar measures could be adopted in areas with similar problems in order to resolve issues of human rights violations against indigenous peoples.

## 14.6 Pastoralist Council in NCAA

The research and information team also noted that although the creation of the Pastoralist Council (PC) within the NCAA was a noble idea, the effectiveness and efficiency of the structure was defective. Over 90% of the PC members were illiterate and this has led to poor prioritization of issues. The PC was a toothless dog as the key decisions regarding its management were made by the NCAA. Since its inception, the PC has never received the whole budget allocated to it (even though it is only a drop in the whole NCAA budget), and the NCAA has blamed the PC for its inability to absorb the budget. Community members cited bureaucracy from the NCAA as a major challenge affecting its implementation of activities. Besides illiteracy, corruption was also noted as a major problem besetting the PC, whose office bearers have remained the same for far too long. There is a need to revise their tenure and facilitate a change of guard.

## 14.7 SULEDO Community Forest: a positive government initiative

SULEDO is an acronym coined from the names of three wards, namely Sunya, Lengatei and Dongo, in which the nine villages that co-own this forest are located. The nine villages are Sunya, Olgirra, Oltepesi, Asamatwa, Lengatei, Lesoit, Olkitikiti, Enkang'u-Enkare and Alaiseri. It is essentially a Village Land Forest Reserve under the management of the nine villages. The nine villages are legally registered and have prepared a Participatory Land-Use Management Plan for better land use. SULEDO is located in the south-east of Kiteto District, Manyara Region. It occupies an area of 167,416 hectares and consists mainly of miombo woodlands, acacia and other bush vegetation. Twenty-seven species of wild animal are found in the forest, as well as many varieties of birds.

The central government intended to gazette this pristine forest as a national forest reserve in 1993 but a study conducted in the area showed that the surrounding areas were involved in land-use disputes which hampered social and economic viability. It was therefore felt that a participatory involvement of local communities in the conservation and development of the forest was imperative. The implementation of this decision commenced in 1995.

The management of SULEDO conforms to the administrative setup of the respective villages. Each village owns and manages a portion of the forest, which has been surveyed and beacons. The village environmental committee, in collaboration with the legally appointed forest scouts, manage the respective village forest areas.

Long before the establishment and management of the forest by village communities, the area was exclusively a habitat for wild animals and a common grazing area for the Maasai communities around it who utilized it as a source of traditional medicine, poles for house construction, firewood and water for humans and animals. It was also an important recreational area for ceremonies and meat camps (*ilpuli*).

SULEDO faces serious challenges, particularly invasion by farmers who steal the wood at night. As the manager put it: "All the surrounding districts Kilindi, Kilosa, Kongwa, Gairo all steal from us and we have many cases in court relating to theft of forest resources". In addition, although the boundary is clear, the Member of Parliament for Kilindi, the neighbouring district, does not recognize the boundary with Kiteto, and this makes villagers unsure of the boundary so invaders take advantage of this.

There is also no map of land-use plans and there is no agreement as to the present land uses because farmers reportedly want to cultivate bigger areas than presently allocated while pastoralists do not wish to move out of areas they have always used as dry-season grazing but which have since been set aside for agriculture. By far the most serious challenge to sustainability, however, is the threat posed by shifting cultivation from neighbouring districts, poor land-use practices in crop cultivation areas and illegal logging.

On the positive side, SULEDO has contributed to increased awareness of the usefulness of protecting forest resources. The behaviour of ordinary people has reportedly changed from the carelessness with which they regarded the forest to responsibility among the populace, who now report any misuse or damage to forest resources. Water sources have also been tended well and this has been demonstrated by increased water resources and forest cover in some places. Wood and honey has been harvested for the benefit of all community members. What is most significant is that the community has continued to utilize forest resources for subsistence needs without the usual exclusive utilization governing government protection areas. And, thanks to this government initiative, SULEDO is now a world class forest that people travel from afar to visit - Canada, Ethiopia, Mozambique and Kenya - to see how communities can manage forests. University students have also been given tours of SULEDO.

Since 2011/12, the conflicts have taken a different form, involving invaders with guns, and they have begun to terrorise local residents. At the same time, some villagers are threatening to pull out of the SULEDO cooperative without any explanation and the management does not know how to approach such an issue, worrying that there is a sinister motive behind this.

One concern relates to planned pilot REDD projects and, specifically, a lack of clarity as to how funds accruing will be utilized. It is possible that the programme carries risks

both for legally-recognized community forests and for communities seeking state recognition of customary forest rights and benefit sharing.

There is also concern that the increase in REDD funds could result in a sudden increase in the value of woodlands, an acceleration in the process of declaring community forests and, perhaps, alienation of community lands. Both of these scenarios would have serious implications for indigenous peoples in the URT.

Overall, however, the fact that the government has placed trust in the community to manage and utilize forest resources is a move in the right direction. Similarly, communities have also demonstrated that, given a chance, they can indeed utilize and manage forest resources sustainably.

### **14.8 Commission on Human Rights and Good Governance has latent potential to protect and promote human rights**

The URT's national human rights institution (CHRAGG) is a rather progressive institution but it is poorly financed, making it difficult for it to operate and play its rightful role in the promotion of human rights in the country. It has the potential to uniquely contribute to the protection and promotion of the rights of indigenous peoples while at the same time raising awareness and increasing sensitivity to this important issue. Legally and structurally, human rights for all falls under its mandate and, under this auspices, it could partner with and advocate for the rights of indigenous peoples. As conduits between the national, regional and international human rights spheres, this national human rights institution is uniquely placed to contribute to the genuine implementation of the UNDRIP and other progressive legislation for the ultimate realization of the rights of indigenous peoples in the URT.

### **14.9 Pastoralist Parliamentary Group**

Some notable efforts by pastoralist communities to create a platform and quorum to address their issues have led to the creation of the Pastoralist Parliamentary Group. The PPG has been especially useful in raising issues in Parliament, such as the Loliondo and Mbarali evictions, the Ngorongoro hunger and others. Although it is a critical lobbying platform, the PPG has not lived up to its expectations. It had not sat since the last election as some MPs failed to secure seats during the general election. It also suffers from internal conflicts as the group was composed of pastoralist and agro-pastoralist members

whose interest did not necessarily tally. At the same time, some members were quite inactive. The Sukuma, who commanded a larger representation in Parliament (63 members in the current parliament), are agro-pastoralists and important growers of cotton as a cash crop. Since their interests are not shared by pastoralists, the result is divergent interests in the group. In addition, the fact that the Sukuma are also perhaps the largest population group in the country means they do not share the same status of numerical minority as other pastoralists. Further, because cotton growing demands the clearing of all vegetation, it means they are perceived as being environmentally destructive by both pastoralists and farmers. This sets them apart in terms of livelihood, in ethnic terms and in terms of the issues that need lobbying for.

Moreover, the magnitude of other conflicts in the rest of the country tends to lead to reduced interest in pastoralist issues among some members of parliament which, in turn, diminishes continuity in lobbying. Where pastoralists are represented in parliament by MPs who are not from their ethnic group, there has been little commitment on the part of the MP (with minor exceptions) to lobby for pastoralist issues. Indeed, Barbaig and Il-parakuyio issues have tended to take a back seat in parliament's list of lobbying issues. Some members of the PPG also indicated that, whenever they raise issues for other constituencies, this is not taken well by the MPs concerned. One said that he was accused by a colleague of thinking he knew about the issues facing his constituents better than the MP himself. He got the message that he was being told to keep off the MP's turf.

While lobbying has not always been successful, there is one exception. When things got so bad following a serious drought in 2008/2009, pastoralist Members of Parliament lobbied the president to provide restocking for households that had lost all their herds in Longido and Ngorongoro districts, two areas that were hardest hit in the northern part of the country. They also lobbied successfully for relief food for Ngorongoro District towards the end of 2012 and 2013 following a serious famine. In addition, in the very recent past, overwhelming cross-party and inter-ethnic support among MPs for an increase in the budget of the Ministry of Livestock Development and Fisheries has ignited a glimmer of hope that strategic lobbying within parliament could be bearing positive fruit. ○

## 15.0 DEVELOPMENT PARTNERS AND THEIR POTENTIAL ROLE IN ALLEVIATING THE PROBLEMS OF IPS

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According to some development partners, it is easier to do what the government wants because of official priorities. Because of official bias against indigenous peoples, however, most donor support stops at district level, resulting in few development initiatives reaching indigenous peoples at community or sub-district level. Because of a lack of understanding of their specific situations, development partners do not offer long-term assistance to alleviate the situation of indigenous peoples in the country. The one exception to this is the Danida sector support programme of the 1990s.

The **Royal Danish Embassy** or Danida has been a faithful partner to the URT since time immemorial. Its main support for indigenous peoples has famously focused on restocking the pastoralists of Ngorongoro through the *Ereto* (“mutual help”) programme. The aim was to assist pastoralists to re-build their herds at a time when livestock numbers had fallen so low that it could not sustain livelihoods. It was reported that each household had only two stock units and there was no other source of food since cultivation was banned. The programme, which was implemented as a sector programme, was timely and very much welcomed even though it did not follow a rights-based approach.

Though the programme was good and successful while it lasted, the policy environment that created such extreme poverty among the indigenous residents of Ngorongoro has remained the same leading to successes gained not being sustained. Wildlife diseases infected livestock and support for livestock drugs was not available and free movement of stock to access water, pastures and salt licks was still restricted.

The Royal Danish Embassy has continued to take a pragmatic approach when dealing with the government and to try to work with people directly in order to achieve sustainable livelihoods. It spearheaded a fact finding mission following the evictions of pastoralists in 2009 and 2011 and is supporting the constitutional review process and policy dialogue on pastoralism, among other initiatives.

Other important development and bilateral partners to the United Republic of Tanzania include:

**OXFAM** has been active and vocal in defending the cause and rights of pastoralists. The organization was accused of being extremist to the extent that the country representative was even threatened with the possibility of being asked to leave the country by the Ministry of Agriculture.

Because of a lack of coordination among the development partners, there has been a tendency for donors to support initiatives that are not necessarily beneficial to indigenous peoples. Perhaps a closer monitoring of programmes and projects funded by partners is required for positive results to be realized for indigenous peoples.

The Government of **Ireland** has been at the forefront of supporting indigenous peoples in the URT. It funds development activities through CARE, NRTF and others.

The Embassy of **Finland** supports the Tanzania Pastoralist Community Forum based in Loliondo, whose aim is to raise awareness about land rights and land laws. It is among the many partners that visited Loliondo in 2011 following the evictions there. It also supports forestry and natural resource issues, including land-use planning and land registration, which touch on the livelihoods of indigenous peoples.

The Lutheran Church in Finland is also offering support to Iparakuyio pastoralists in Morogoro by training young teachers for Early Childhood Education (ECD) and developing readers in the local Maa language.

The **European Union Delegation** has been raising the issue of human rights every year with the government and feels that some progress is being made. There has been a Governance Working Group that held discussions with the Government of Tanzania (GoT) ahead of the Universal Periodic Review and agreed on all issues. The outcome of the review was a surprise to the EU delegation, however. They do not know what happened but assumed there could have been a wrong interlocutor. Now the delegation is using a pilot approach through the Ministry of Lands: since communities are supposed to determine the use of their lands, all they need is guidance, which they will provide. They pointed out that, at the local level, the GoT is willing to address problems but that investors complicate matters.

**The World Bank** has a very progressive Indigenous Peoples' Policy Framework that has been applied effectively in other countries in the region, but it has never been mentioned in its work with the United Republic of Tanzania. During our visit, the officer in charge was more interested in finding out from the delegation who the government considers to be indigenous.



**Germany** supported an initiative to bring all of the pastoralist groups in Mbarali into a single organization (MUWAMBA, *Muungano wa ushirika wa Wafugaji Wilaya ya Mbarali*). The departure of the adviser responsible for the project led to the collapse of the positive initiative they had started.

The **Frankfurt Zoological Society** has been funding the NCAA for a long time and promoting negative and exclusive tourism and conservation in which people are not a part of the equation. This may have influenced many Tanzanians, according to the indigenous communities, who have nothing positive to say about them. **Tourism Concern** – a UK-based NGO, is on the opposite side of the spectrum, trying to promote ethical tourism that takes into consideration the concerns and rights of people within and in close proximity to conservation areas. ○

## 16.0 CIVIL SOCIETY ORGANIZATIONS AND THEIR ROLE IN PROMOTING THE RIGHTS OF PASTORALISTS AND HUNTER/GATHERERS

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There are many civil society organizations working in various places, and concerned in different ways with improving the welfare of pastoralists and hunter/gatherers. Many of them are loose associations based on locality and/or common ethnicity and are involved in improving access to social services such as education, health and water, the provision of livestock services, promoting alternative income-generating activities, especially for women, and promoting the cultural identity of pastoralists and hunter/gatherers.

There are two main umbrella organizations representing many smaller pastoralist and hunter gatherer NGOs and CBOs and these are the Tanzania Pastoralists and Hunter/Gatherers organization (TAPHGO) and Pastoralist Indigenous Non-Governmental Forum (PINGOs). Many of the CBOs are members of both organizations. The umbrella organizations operate at the national level with the aim of strengthening the capacity of the local NGOs in terms of governance, lobbying and advocacy and sensitizing communities on their rights, strengthening networking among the local NGOs, and influencing national policies in favour of pastoralists and hunter/gatherers.

The location of the two organizations in Arusha rather than in Dar es Salaam, at the centre of policy-making, also means that they are not always up to date with current policy processes in the country. This is why Community Research and Development Services (CORDS), along with the northern NGOs, decided to have one staff member move to Dar es Salaam for the purposes of ensuring that pastoralists' issues were also discussed in policy-making circles. Funding to cover the costs of such a person ran out, however.

Other organizations working at national level and which, although they are not indigenous organizations, are working on issues pertinent to indigenous peoples include: the Legal and Human Rights Centre (LHRC), *Haki-Ardhi*, FARM-Africa, Haki Kazi Catalyst and Tanzania Natural Resources Forum (TNRF), to name but a few. ○

## 17. RECOMMENDATIONS

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### To the government of URT

1. Provide guarantees of land ownership to ensure security of tenure to all indigenous pastoralists and hunter/gatherers irrespective of their livelihood systems;
2. Should it be necessary to relocate indigenous communities from their lands, it should be done through consultation and only with their free, prior and informed consent;
3. Ensure that all victims of evictions are resettled according to acceptable international standards;
4. Ensure that the constitution, laws and policies address the identity, promotion and preservation of the cultures and languages of indigenous pastoralists and hunter/gatherers in conformity with international human rights instruments;
5. Prevent abuses of legal and administrative processes by state organs and individuals and implement relevant laws against perpetrators of inhumane acts;
6. Develop a policy for indigenous pastoralists and hunter/gatherers defining the parameters of the economy and livelihoods and their contribution to the national economy;
7. Develop a clear cultural policy that accommodates diversity in language and culture within a unified nation;
8. Disclose reports by probe committees and commissions – e.g. Ihefu, to avoid suspicion of the government being complicit in human rights violations and also to facilitate a process of resolution and healing on the part of those affected;
9. Set up a probe committee to investigate alleged mysterious disappearances of persons especially indigenous peoples, mistreatment, arbitrary arrests, imprisonments, harassment and intimidation by state agencies;
10. Institute a national equality program aimed at redressing injustices and imbalances in the provision of social services such as education, health, water, and improved infrastructure, also taking into consideration the self-determined development needs of indigenous pastoralists and hunter/gatherers;

11. Establish creative culturally-sensitive programmes to ensure that indigenous pastoralist and hunter/gatherer children have access to education;
12. Ensure that the new constitutional dispensation reflects human rights for all including indigenous rights, good governance, democratization and gender equity for and among indigenous peoples;
13. Make arrangements for the adoption and ratification of international human rights instruments particularly the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organization Convention 169, and transpose the AU pastoralist policy framework into domestic law;
14. Take concrete steps to address the challenges facing indigenous peoples especially their exclusion and establish mechanisms to ensure that indigenous peoples are represented and freely consulted (if necessary through affirmative action) at higher levels of governance and administration, and particularly in policies affecting them;
15. Facilitate the conducting of a census on IPs and disaggregation of data to reflect their actual socio-economic realities;
16. Ensure that the design, planning and implementation of government development programmes are sensitive to the specific situation of indigenous peoples and that special measures are taken to ensure that they do not have deleterious effects on their livelihoods;
17. Take deliberate measures to implement regional instruments to protect and promote the rights of women and children from negative cultural practices;
18. Take advantage of established partnerships with international and regional human rights institutions to ensure that the URT is kept updated on progressive mechanisms that have been identified as best practices;
19. Take deliberate measures to implement the Kampala Convention.

## **To the ACHPR**

1. Conduct a country mission to the URT and engage the government on the human rights situation of indigenous peoples;
2. Work with the Government of the URT through its national human rights institution to create awareness among government officials and other relevant stakeholders on international and regional human rights mechanisms including good practices existing on the continent. This would afford them the necessary exposure to growing human rights jurisprudence concerning indigenous peoples

which could strengthen the existing peace through longer lasting justice, democracy and respect for human rights for all in the URT.

### **To the development partners**

1. Demonstrate true partnership by engaging the URT strategically and sharing information on policies, mechanisms and human rights instruments with the URT that could benefit the country in the long term.
2. Development partners are urged to discuss and coordinate their activities including investments so that they can contribute to overall development without worsening the situation of indigenous pastoralists and hunter/gatherers by supporting programmes that have a negative effect on their livelihoods. ○

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## APPENDIX

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### List of People met/interviewed in groups

| No  | Name                  | Civil Society Organization     |
|-----|-----------------------|--------------------------------|
| 1.  | Matayo Mguluko        | Naramatisho                    |
| 2.  | Joseph                | NAPASO                         |
| 3.  | Kondai Lawrence Makko | UCRT                           |
| 4.  | Nangutut Bwili        | Irkiramat                      |
| 5.  | Mark Talash           | Palisep                        |
| 6.  | Robert Kamakai        | Palisep                        |
| 7.  | Julius Longoi         | Palisep                        |
| 8.  | Sharon Koyei          | PWC                            |
| 9.  | Sandau Olekasikwa     | KIDUPO                         |
| 10. | Marco Mathayo         | NYDA                           |
| 11. | Daniel Rogey          | OSEREMI                        |
| 12. | Metui M. Ole Tipap    | LADO                           |
| 13. | Samwel Nangoira       | NGONET                         |
| 14. | Alais Nangoro         | SULEDO                         |
| 15. | Kosianto Lempulung    | Naadutoro Pastoralist Survival |
| 16. | Samua Korincha        | KINAPA                         |
| 17. | Samuel Latara         | UCRT                           |
| 18. | Paulo Tunyon          | MWEDO                          |
| 19. | Shukumu               | CORDS                          |
| 20. | Paulina               | CORDS                          |
| 21. | Kondai Lawrence Makko | UCRT                           |



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| 22.  | Nangututi Bisili          | IRKIRAMAT                                |
| 23.  | Mark Talash               | PALISEP                                  |
| 24.  | Robert Kamakai            | PALISEP                                  |
| 25.  | Julius Longoi             | PALISEP                                  |
| 26.  | Sharon Koyei              | PWC                                      |
| 27.  | Sandau Olekasikwa         | KIDUPO                                   |
| 28.  | Marco Mathayo             | NYDA                                     |
| 29.  | Daniel Rogey              | Oseremi                                  |
| 30.  | Metui Ole Tipap           | LADO                                     |
| 31.  | Samwel Nangirio           | NGONET                                   |
| 32.  | Kimai Lentukai            | NYDA                                     |
| 33.  | Lanyor Kuya               | NYDA                                     |
| 34.  | Monica Gorman             | Oxfam                                    |
| 35.  | Anna                      | Oxfam                                    |
| 36.  | Napi Lekinyau             | Kimotorok Village, Simanjiro District    |
| 37.  | Loomoni Ole Ndooki        | Kimotorok Village, Simanjiro District    |
| 38.  | Daniel K. Melau           | Chair, Kimotorok Village Simanjiro Dist. |
| 39.  | Moses Ndiyaine            | Oikonerei Mass Media                     |
| <b>Embassies, MPs and Government Departments</b> |                           |  |
| 40.  | Mathias Chikawe           | Minister, Constitutional & Legal Affairs |
| 41.  | Obey Assery               | Director, Government Business, OPM       |
| 42.  | Sarah Mshiu               | Economist, OPM                           |
| 43.  | Adam Bambi                | Law Reform Commission of Tanzania        |
| 44.  | Jane Mutangarwa           | District Executive Director, Kiteto      |
| 45.  | Cristina Mndeme           | District Commissioner, Hanang District   |
| 46.  | Lars Bo Kirketerp Lund    | 1st Secretary, Embassy of Denmark        |
| 47.  | Dr. Sizya Lugeye          | Chief Advisor, Embassy of Ireland        |
| 48.  | Aileen O'Donovan          | Dev. Specialist, Embassy of Ireland      |
| 49.  | Hon. Benedict Ole Nangoro | M.P. Kiteto                              |

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|--------------------------|------------------------|---|
| 50.                      | Hon. Kaika Ole Telele  | M.P. Ngorongoro   |
| 51.                      | Hon. Laizer Ole Lekule | M.P Longido   |
| 52.                      | Tom Vens               | Head of Section, Politics, Press & Info.                            |
| 53.                      | Helena Taubert         | Programme Officer, Embassy of Finland                               |
| 54.                      | Clara Ruhara           | Prog. Assistant, Embassy of Finland                                 |
| 55.                      | Vibeke Jensen          | Repr. & Director, UNESCO  |
| 56.                      | Philippe Dongier       | Country Director, World Bank  |
| 57.                      | Anna Jacob             | Snr. Executive Assistant, World Bank                                |
| 58.                      | Dr. Helen Kijo-Bisimba | Executive Director, Legal & HR Centre                               |
| 59.                      | Harold G. Sungusia     | Advocate, Legal & Human Rights Centre                               |
| 60.                      | Monica Gorman          | Country Programme Director, Oxfam                                   |
| 61.                      | Anne Bwana             | Programme Officer, Governance, Oxfam                                |
| 62.                      | Dotto Stanley Deteba   | Snr. Investment Facilitation Officer                                |
| 63.                      | Bruno O.P. Kawasange   | Conservationist, NCAA   |
| 64.                      | Dr. Hygaimo            | Acting Dir. of Vet. Services,<br>Min. of Livestock Dev. & Fisheries |
| 65.                      | Peter Mashishanga      | Retired, Regional Commissioner                                      |
| 66.                      | Dr. P.Z. Njau          | Ass. Director, Vet. Services MLD & F                                |
| 67.                      | Simon L. Lazaro        | Ag. Dir. Policy & Planning, Lands Min.                              |
| 68.                      | Epiphania Mfundo       | Res. & Documentation, CHRAGG  |
| 69.                      | Happy Mtei             | Investigation Officer, CHRAGG                                       |
| 70.                      | Peter Njau             | Trans-boundary Animal Diseases                                      |
| 71.                      | Dr. Christine Bakuname | Animal Welfare Desk, MLDF   |
| 72.                      | Ole Shonko             | Production and Marketing  |
| 73.                      | Rheihard Rweyamamu     | Senior Advisor, Legal Advisor                                       |
| 74.                      | Mashaka B. Mgeta       | Journalist, The Guardian Newspaper Ltd.                             |
| 75.                      | Nehemiah Murusuri      | UNDP, Dar es Salaam   |
| <b>Community Members</b> |                        |   |
| 76.                      | Grace Sikore           | Coordinator, NAPASO   |

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|------|---------------------|--|
| 77.  | Mathayo Maguluka    | Accountant, NAPASO                     |
| 78.  | Jose Joshua Ntohole | Communications Officer, NAPASO         |
| 79.  | Esther Moreto       | Iparakuyio Pastoralist Chalinze        |
| 80.  | Olairritani Daniel  | Iparakuyio member, Morogoro            |
| 81.  | Marthat Ngoоче      | Iparakuyio member Morogoro             |
| 82.  | Endeko Endeko       | Hadzabe member                         |
| 83.  | Masaga Shushuda     | Hadzabe member                         |
| 84.  | Mbisha Chaloga      | Chair Megenge                          |
| 85.  | Matayo              | Pastoralist Chairman                   |
| 86.  | Ardhi Augo          | Barbaig community Member               |
| 87.  | Jonas Weoga         | "                                      |
| 88.  | James Gejaro        | "                                      |
| 89.  | Halima              | "                                      |
| 90.  | Daudi Matayo        | "                                      |
| 91.  | Dendir              | "                                      |
| 92.  | Mangi               | "                                      |
| 93.  | Raela               | "                                      |
| 94.  | Samuel Gaoga        | "                                      |
| 95.  | Sabina Manuda       | "                                      |
| 96.  | Abraham Korinko     | C'ttee member – Sukuro village council |
| 97.  | Omari Hashim        | Village council secretary              |
| 98.  | Lazaro Mosonik      | Member                                 |
| 99.  | Bakari Hamisi       | "                                      |
| 100. | Elizabeth Lapaayia  | "                                      |
| 101. | Margaret Moisari    | "                                      |