



TANZANIA

**Criminalization of,
and human rights violations
against Indigenous Peoples in
conservation: a country report**



**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights

Acknowledgement

The report was written by Edward Porokwa with research support from Navaya Ndakoi and Pastoralists Indigenous Non-Governmental Organizations (PINGOs).

Copy editor: Luchie Maranan

Design and layout: Paul Michael Nera

Citation:

Indigenous Peoples Rights International. Criminalization of and human rights violations against Indigenous Peoples in conservation in Tanzania: a country report. November 2021. Baguio City, Philippines.

Caption photo cover:

(above) Lenina Satulo of the indigenous Maasai community is standing on what used to be his home before it was burned by park rangers of the Mkungunero Game Reserve. (Photo by Edward Porokwa)

(below) Barabaig women and children were left homeless after their homes were set on fire during an eviction in 2019. (Photo by Navaya Ndaskoi).

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Executive summary

Indigenous Peoples and other tribes in Tanzania consider half of the designated wildlife protected areas as their ancestral lands, which currently make up 40 percent of the country's total land area. There are 657 wildlife protected areas in Tanzania today. The people who traditionally occupied these areas have suffered incessantly from violent eviction and displacement, criminalization, and other human rights violations. This report notes that within the period of January 2020 to June 2021 there had been two incidents of violent evictions resulting in the burning of 23 settlements and the death of a four-year-old girl; an incident of criminalization of two members of the Maasai community; and two incidents of abuse of power by armed wardens resulting in the suicide of a young pastoralist and the destruction of property and confiscation of 135 cattle belonging to a group of Maasai young men out grazing their livestock.

The designation of protected areas of natural resources was first introduced in Tanzania during its colonial period. Today, there are six major categories of protected areas, i.e., (1) national park, (2) game reserve, (3) forest reserve, (4) game-controlled area, (5) marine reserve, and (6) Ngorongoro conservation area, which is a category on its own and has a specific law on its governance. These areas have been sustained and have expanded over the years. Four of them are UNESCO World Heritage sites namely, Ngorongoro Conservation Area, Serengeti National Park, Kilimanjaro Mountain National Park, and Selous Game Reserve.

The insecurity of land tenure and historical discrimination of the Indigenous Peoples' identity and way of life in Tanzania have resulted in poverty, hunger, and general deterioration of the human condition, particularly of those living within and around Ngorongoro Conservation Area. Furthermore, tourism revenues from the Ngorongoro Conservation Area and other wildlife protected areas do not transform into effective programs that address Indigenous Peoples' need for proper and adequate access to education and health care services.

There are around a hundred tribes in Tanzania but only four ethnic groups namely, Barabaig, Maasai, Hazabe and Akie, self-identify as Indigenous Peoples as defined by the UN Declaration on the Rights of Indigenous Peoples. They have organized themselves and have been taking part in the growing global movement of Indigenous Peoples, particularly with regards to defending their collective rights to lands, territories, and natural resources.

The recent laws on protected areas that gravely impact their land rights are the Wildlife Conservation Act no. 5 of 2009, the Ngorongoro Conservation Act no. 14, and the Forest Rights Act no. 14 of 2012. These laws allow nature-based tourism, commercial hunting, scientific education, and research, but restrict Indigenous Peoples from accessing and using these protected areas. Indigenous Peoples are criminalized for hunting for food, grazing their livestock, and practicing subsistence cultivation within and around these protected areas. They are constantly harassed and intimidated by armed wardens and their settlements burned and violently demolished.

Several families are forced to permanently leave their lands to seek and access livelihood and other basic social services. Many also leave in search of refuge and to escape the looming violence that has been normalized in their lives. Indigenous women wanting to provide for their families work as laborers in nearby industrial maize fields despite the risk of getting abused and raped. Some of them are mothers and for many, it is a constant cycle of being forced to leave their infants for days and returning only to breastfeed.

In Tanzania, Indigenous Peoples are not recognized, and they remain invisible in the national population census. However, their efforts to become more organized have resulted in several remarkable court decisions— even at the highest level, the Court of Appeals — that favor Indigenous Peoples and recognize their collective rights to lands, territories, and natural resources. But the government ignores these decisions and human rights violations continue to be committed with complete impunity against Indigenous Peoples. Similarly, inter-governmental institutions for conservation like the UNESCO and IUCN are often able to wash their hands clean from the human rights violations and negative impacts that Indigenous Peoples are subjected to as a result of these bodies' recommendations to the State to ensure the preservation of these wildlife areas.

This report recommends that the government of Tanzania create a law recognizing and protecting Indigenous Peoples' collective rights to lands, territories and natural resources, culture and identity, and self-determination. It also recommends that conservation and protected areas accord the same, if not more, protection to the Indigenous Peoples who are traditionally occupying, managing, and using these lands and territories, as they do with the wildlife and natural resources thriving in these areas.

Furthermore, inter-governmental institutions like the UNESCO and IUCN should adhere to its policies respecting Indigenous Peoples' rights and ensure their meaningful participation to implementation of recommendations and programs that will affect them. They should also facilitate an independent investigation on the human rights violations that resulted from their ongoing and/or past recommendation and programs.

About this report

As part of its work to confront criminalization of, and human rights violations against Indigenous Peoples, Indigenous Peoples Rights International (IPRI) decided to contribute to the ongoing calls for a human rights-based approach to conservation. As a start, we conducted a research study on the issue and commissioned global and country reports covering the Democratic Republic of Congo, Kenya, Tanzania, Nepal, and Thailand. Each report is published independently and can be read as stand-alone publications.

The study aims to contribute in raising awareness and attention to the issue of criminalization and violations of Indigenous Peoples' rights in relation to environmental conservation. We hope that it will be useful for Indigenous Peoples and human rights organizations in their advocacy initiatives at the national, regional, and global levels. We also hope the reports will be useful for states and conservation institutions when developing programs and policies that aim to address human rights violations in conservation, including the access to justice and remedy of the victims of criminalization and human rights violations in conservation areas.

The analyses and discussions presented in the country report of Tanzania were based on desktop review of various relevant policies, legislation, court cases, plans, strategies and reports available on Indigenous Peoples in Tanzania. Interviews with development partners including parliamentarians, civil society and government leaders were also conducted from the period of June to July 2021. The names of the interviewees are kept anonymous for security reasons. The cases of criminalization and human rights violations presented in this report cover January 1, 2020 to July 31, 2021.

Overview of the Extent of Wildlife Protected Areas

Tanzania is estimated to cover an area of 945 087 km². The country is endowed with rich biological resources. The Germans made the first ever statutory laws and policies to preserve fauna and flora in then German East Africa and later British protectorate of Tanganyika.¹ German colonists entered Tanganyika which is the current Tanzania Mainland in the 1880s, and in 1891. The Germans declared the region a protectorate as part of German East Africa. By 1911, Germany had officially declared 15 protected areas where hunting is prohibited.

During World War I, Britain captured the German holdings including Tanganyika, which became a British mandate (1920) under the name Tanganyika Territory. After World War I, Tanganyika became a British protectorate with the British Imperial Government as their rulers. The British enacted many more similar laws which turned the ancestral lands of the Indigenous Peoples into various forms of protected areas. Nearly all Maasai lands in Northern Tanzania were turned into protected conservation areas. Over 50 percent of all protected land in Tanzania were ancestral lands of Indigenous Peoples.

Major Categories of Protected Areas in Tanzania

The different categories of protected area in Tanzania are:

1. National Parks: these are protected areas established under National Parks Act Chapter 282 of the 2002 revised edition of the Laws of the United Republic of Tanzania. These are the most protected areas where human activities are strictly prohibited.
2. Conservation area: this is the Ngorongoro Conservation area which is governed by the Ngorongoro Conservation Act where both humans and wildlife are allowed to co-exist with different imposed restrictions by the Act.

3. Game Reserves: these are wildlife protected areas which are declared for the purpose of conservation. No human activities are allowed, unless, with permission granted by the Director of Wildlife. Game Reserves are governed by the Wildlife Conservation Act of 2009.
4. Forest reserves: these are forest areas designated for protection and conservation where human activities and access are restricted.
5. Game Controlled Areas (GCAs): these are protected areas provided for in the Wildlife Conservation Act 1974 (WCA). Before 2009, unlike the Game Reserves, land and resource uses in GCAs other than wildlife were not restricted under the law. Residence, cultivation, and livestock keeping were allowed. However, with the enactment of the Wildlife Conservation act of 2009, activities have been restricted just as in Game Reserves.

Table 1: Types, number and sizes of core wildlife protected areas in Tanzania

Type	Number	Percentage of total Land Area
National Parks	16	4
Conservation Area	1	1
Game Reserves	28	13
Forest Reserves	570	12
Game Controlled Areas	44	8
Marine Reserves	8	2
Total	657	40

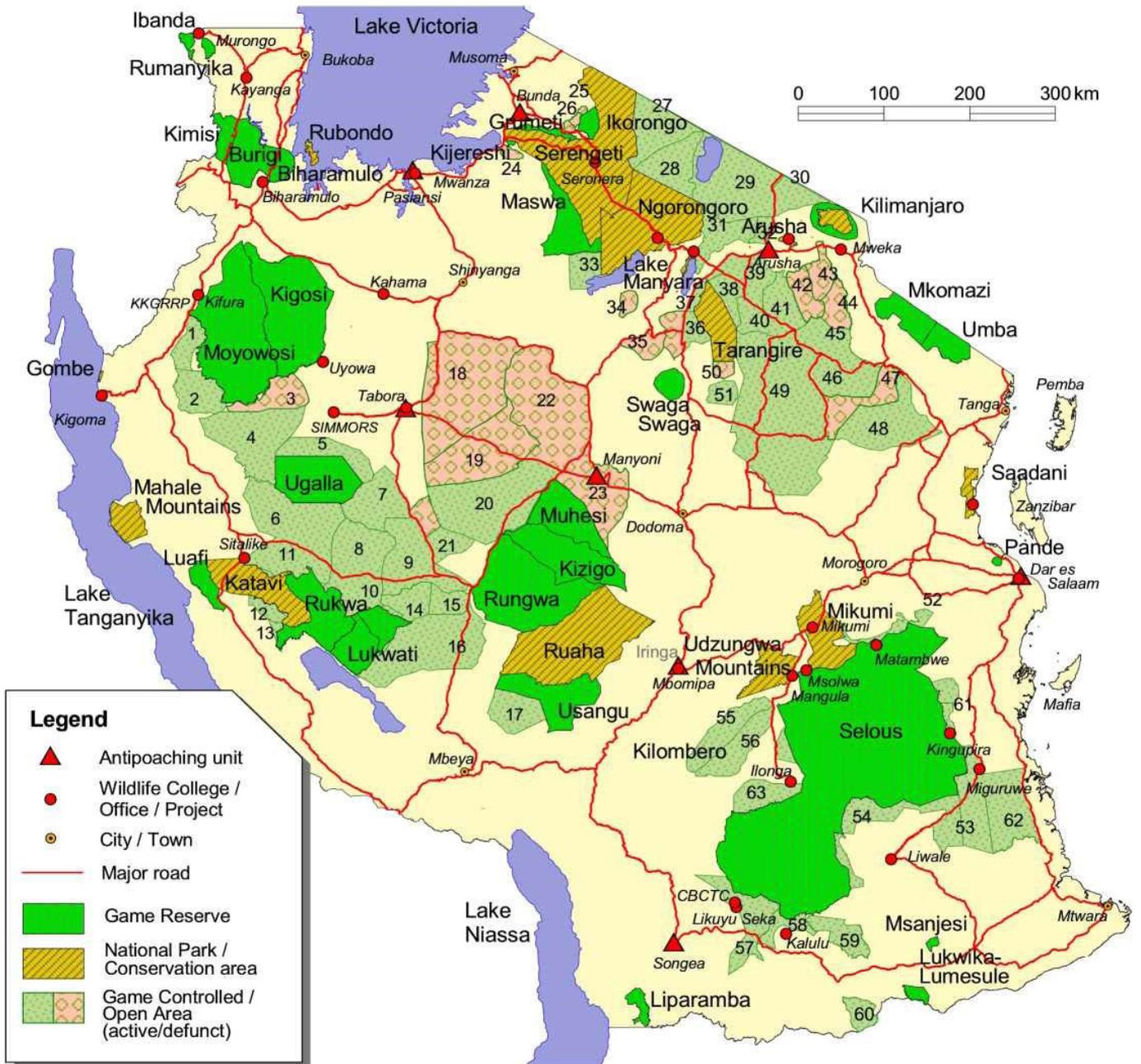
Source: Ministry of Natural Resources and Tourism, 2008.

Four of the wildlife preserved areas are World Heritage sites. These are Ngorongoro Conservation Area, Serengeti National Park, Kilimanjaro Mountain National Park, and Selous Game Reserve. All of these have been inscribed without consent of Indigenous Peoples. Further, the government increases the coverage of wildlife preserved areas in Tanzania from the original land sizes. Some of the preserved areas are expanded while new ones are established at the expense of indigenous communities. These include National Parks, the Ngorongoro Conservation Area, and Game Reserves. For Ngorongoro land, it is earmarked for both the Maasai community and conservation while the other parts are for farming and it is no longer available for grazing.

Table 2: Land size of National Parks, Ngorongoro Conservation Area and others

Preserved Area	Initial (km ²)	Current (km ²)
Ruaha	10 300	20 226
Serengeti	14 663	14 763
Ngorongoro	8 292	8 100
Tarangire	2 600	2 850
Mount Kilimanjaro	756	1 688
Lake Manyara	330	649
Arusha	137	552

Map of Wildlife Protected Areas



Other categories of Protected Area

A more recent category of protected areas is Wildlife Management Areas (WMAs) which was first implemented in 2003. In that same year, Tanzania established 16 pilot WMAs² to enhance conservation and alleviate poverty through sustainable utilization of natural resources. This conservation initiative intended to support the conservation of biodiversity by empowering local communities to be in charge of their land's wildlife, using the benefits to boost livelihoods and reduce poverty. By establishing a WMA, communities were to participate in a process of land use and resource management planning, setting up an Authorized Association to manage the operations. They were to negotiate with private tourism investors to generate revenue. These are preserved areas established under village land to enable the villages to benefit from natural resources within their boundaries. However, the establishment of this category caused further land alienation. With time, the government started to evict Indigenous Peoples from the WMAs.³ This is illustrated in the conflicts in Burunge WMA and Isawima WMA discussed below.

Indigenous Peoples Living in Protected Areas

Tanzania is said to have well over 100 tribes divided into four categories namely Bantu, Cushite, Nilo-Hamite and San. While there may be more ethnic groups in the country that identify themselves as Indigenous Peoples, four groups namely the Cushite (Barabaig/Datoga), Nilo-Hamite (Maasai) and San (Hazabe and Akie) have organized themselves and their struggles especially for land rights around the concept and movement of Indigenous Peoples. Maasai and Barabaig pastoralists as well as Akie and Hadza hunter-gatherers identify themselves as Indigenous Peoples. Tanzania discourages identification of groups as tribes due to the negative perception. Tribal groups are not counted in national population censuses making it extremely difficult to ascertain the number of these groups. Estimates put the Maasai in Tanzania at 430 000, the Barabaig/Datoga group at 87 978, the Hadza at 1 000 and the Akie at 5 268. These groups are quite diverse with different cultures.

These Indigenous Peoples share a strong attachment to the land. They have distinct cultures and livelihood identities where they mainly practice livestock raising and hunting and gathering. They are extremely vulnerable and marginalized because of their communal way of managing their natural resources. Traditionally, they own land communally as land is used in a shared manner as a common resource. The Council of Elders which is based on age set and clan, decide when and how to use the resources. Society respected these norms and, in this way, land was managed sustainably.

Indigenous Peoples in Tanzania are victims of historical injustices. They experience similar problems in relation to land tenure insecurity, poverty, and inadequate political representation. Official data on their poverty and representation are not made available as national development data do not disaggregate information based on livelihood.

The Maasai, the largest pastoral ethnic group in East Africa, are unique for their cultural code which precludes consumption of meat from wild animals. They have never been a threat to wildlife and have a very tolerant attitude towards these. Although they have historically been impacted by wildlife that prey on

and transmit diseases to their livestock, the Maasai have no record of destroying, killing, poaching, or eating wild meats.

Traditionally, the Akie and Hadza hunter-gatherers hunted wild animals for their source of food and livelihood. Gathering of tubers, wild leaves, and fruits was another source of food. Honey was collected as a source of nutrients and to make alcohol consumed traditionally by elders. Wild fruits, honey and meat are sustainably used and shared in the community.

Wildlife Conservation Act No. 5 of 2009⁴

Wildlife management in Tanzania is protected by the Wildlife Conservation Act which provides for the institutional arrangement of wildlife management authorities and establishes the wildlife protected areas. It also provides for uses of wildlife; addresses human-wildlife conflicts; handles trophies (any animal alive or dead, and any horn, ivory, tooth, tusk, bone, claw, hoof, skin, meat, hair, feather, egg or other portion of any animal including a manufactured trophy), wildlife ranching, farming, breeding and sanctuaries; and provides for wildlife offences, and penalties as provided in Part XVII of the Wildlife Conservation Act. The act also provides for responsibilities and restrictions to local communities, users and other beneficiaries of wildlife resources. It outlaws hunting without permission as per section 40 of the Wildlife Conservation Act of 2009 which hunter-gatherers have done for centuries where permission is only given to commercial hunters. It gives power to the minister for Natural Resources and Tourism to establish preserved areas on land belonging to Indigenous Peoples including a 500-meter corridor around preserved areas.⁵

The Act further provides for the wildlife conservation areas and authorities that include all National Parks managed under the Tanzania National Parks Authorities (TANAPA), and the Ngorongoro Conservation Area managed by the Ngorongoro Conservation Area Authority (NCAA). All other protected areas are managed by Tanzania Wildlife Authority (TAWA). This law negatively affects Indigenous Peoples probably more than any other law which manages all protected areas outside national parks and the Ngorongoro Conservation area. These include game-controlled areas, wildlife management areas, game reserves and wildlife which are inside village lands. Indigenous Peoples are seriously affected by the TAWA because a major part of wildlife is within village land or in wildlife management areas which are within village land or adjacent to villages occupied by Indigenous Peoples. There are also serious boundary conflicts between TAWA protected areas and Indigenous Peoples' lands.

Ngorongoro Conservation Area Act No.14 of 1975

This law is dedicated to managing the Ngorongoro Conservation Area (NCA) which was established in 1959 by virtue of NCA Ordinance No 413 of 1959. The NCA Act aims to control entry to and residence within the NCA, and to make provision for the conservation of natural resources and development. Functions and all primary responsibilities for the administration and management of NCA is vested in NCAA (Section 6). Part III of NCAA (sections 21, 22 and 23) provides for restriction of entry and residence in NCA and provides power to the conservator to issue certificate of entry or residence to any person and to control residence and settlement. Part IV (sections 24-28) controls cultivation and grazing, and protection of natural resources. The imposition of these sections of the law violates different human rights of Indigenous Peoples who are residents of Ngorongoro. These rights include the right to free movement and entry to their homes, right to settlement and decent homes, and right to livelihood/life. There is violation when they are denied the right to practice cultivation and grazing, and to access their natural resources.

The Forest Act No. 14 of 2012

Tanzania has 570 forest reserves that are preserved and managed under the Forest Act No.14 of 2012. Similarly, there are forests managed by district councils. The law, like the Wildlife Conservation Act, encourages establishment and expansion of forest reserves. The following are the reasons given for the expansion of forest reserves as provided in the National Forest Policy of 1998:⁶

- a) Ensured sustainable supply of forest products and services by maintaining sufficient forest area under effective management;
- b) Increased employment and foreign exchange earnings through sustainable forest-based industrial development and trade;
- c) Ensured ecosystem stability through conservation of forest biodiversity, water catchments and soil fertility; and
- d) Enhanced national capacity to manage and develop the forest sector in collaboration with other stakeholders.

The most recent example of the implementation of the policy is based on the complaints raised to the media by members of Makuyuni, Esilalei, Lepurko and Selela wards in Monduli district. As a result of the implementation of the National

Forest Policy, there are threats to the security of land tenure of Indigenous Peoples living in neighbouring villages whose lands are within the designated forest reserves.

The designation and expansion of forests in Monduli district in Arusha Region is a recent example. The Essimingori Forest was established in 1954 through the Government Gazette No. 187 of 1954. This year, while submitting the ministry budget for 2021/2022, the Minister of Natural Resources announced in the National assembly at Dodoma that the Essimingor Forest was upgraded to a natural forest without the knowledge of Indigenous Peoples⁷. This means the state-owned forest is managed by the Tanzania Forest Services (TFS) Agency which can impose restrictions on the extraction of wood or animal species and disallow any human activities in the area. Further, it means the forest is restricted to research, education, and nature-based tourism. The process of upgrading and expansion of the Essimingori forest was not participatory and the people who use the forest for various reasons were not aware of the changes as they access the forest for their needs without any disturbance. The impact of expansion and upgrading the forest is enormous as it is used by the Makuyuni, Esilalei, Lepurko and Selela pastoralist communities for various purposes and activities including worship, traditional medicine, pasture, water, and as settlement. It is also clear that the government expanded the size of the forest to include a big part of established villages. From the original government Gazette No. 187 of 1954 declaring the size as 4,649 hectares, the land area was increased to 6,070 hectares without taking into account the free, prior and informed consent of the affected Indigenous Peoples.

Catalogue of incidents of criminalization and killings of Indigenous Peoples in Protected Areas



Barabaig women and children were left homeless after their homes were set on fire during an eviction in 2019. (Photo by Navaya Ndaskoi).

On February 7, 2020, the state burnt 23 traditional settlements of Barabaig pastoralists in Maramboi area in Vilima Vitatu, Babati District. More than 60 households were rendered homeless. This happened even though the victims won the case at the Court of Appeal; the highest court in the country.⁸ Vilima Vitatu Village is one of the areas that the Barabaig pastoralists consider ancestral land. About 13,000 hectares out of 19,800 hectares of the village were annexed to form Burunge Wildlife Management Area (WMA) in 2000, after a purported decision by the Village Council on December 11, 1999 and Village Assembly on December 14, 1999 to be part of the WMA. The village gave a French

establishment, the UN EN-Lodge Afrique a total of 4,084 hectares of the Vilima Vitatu without the consent of Barabaig pastoralists.⁹ The state sued pastoralists for trespassing and they lost in two lower courts. In 2013 the Court of Appeal in Civil Appeal No.77 of 2012 ruled in favour of the Barabaig pastoralists declaring that a WMA had been established without the free, prior and informed consent of the Barabaig pastoralists and that the land should be returned to the community. As of this day of writing, the state has not returned the land and continues to attack the pastoralists.

On September 18, 2020, pastoralists Leiyolai Kedianyi and Samuel Dorop were arrested and for two days put under police custody at the police post within the Ngorongoro Conservation Area. Trumped-up charges were filed against them, including grazing livestock in prohibited areas within the preserved area.

On January 11, 2021, pastoralist Pawa Kandago aged 22 of Mapogoro Village in Mbarali District, Mbeya Region, committed suicide. Prior to this, the state captured and auctioned his over 50 heads of cattle near Ruaha National Park.¹⁰ His death is said to be directly related to the capture of all his family's livestock following the ultimatum by Mbeya Regional Commissioner Albert Chalamila, for all pastoralists to vacate the region because of what he termed environmental destruction. This is an initiative to preserve wildlife protected areas. "I will make sure that this order is observed to the brim to save our protected areas and commercial farms owned by investors," said Chalamila.¹¹

On June 16, 2021 in Songambe Sub-village, Kombe Village, in Kaliua District of Tabora Region, a girl named Nyanzobe Mwandu aged 4 was burnt to death inside her family house. The burning was said to be initiated by the police and wildlife wardens, as part of the eviction in the name of wildlife preservation.¹²

On July 4, 2021, armed wardens of Mkungunero Game Reserve captured 135 cattle belonging to the Maasai who were driven deeper into the preserved area. In the process, about 30 motorbikes belonging to Maasai pastoralists were destroyed.

To this day, various human rights including the right to food continue to be violated in Ngorongoro Conservation which is the core wildlife preserved area inhabited by Indigenous Peoples. The ban on crop cultivation and restriction of livestock to access the rangeland causing domestic animals' poor health and meager yield of milk and meat results to food shortages. The livestock which Indigenous Peoples depend on have lost pasture and access to water sources.



Indigenous Peoples in Ngorongoro, Tanzania are protesting with placards saying (from left to right), "We are tired of living and depending on relief food;" "15 kilograms of grains for three months for 8 people;" and "Education is our right."

Violations of human rights are associated with forceful eviction including demolition of homes where people become homeless or deprived of shelter. These have dire consequences on children, people with disabilities, women, and the elderly. In cases like in Loliondo in 2017 and in Vilima Vitatu in 2019, women were reportedly raped during eviction. Mental scars are inflicted on children in particular, as they witnessed fire and gun blasts with the killings or injury of their relatives, friends and neighbors. Memories will hound them in the years to come, with some of them dropping out of school as their families are forced to leave home for safety.

Loss of property is another common impact of human rights violations associated with eviction. Livestock are captured and forfeited, leaving families destitute. Landlessness is another result of eviction because when people try to save their lives and domestic property, they flee from their ancestral land and some never return. The number of these people is not documented. They end up in conflicts and deadly clashes with other land users en route to finding new settlements.

Ngorongoro is the leading tourist attraction in Tanzania. In the fiscal year 2019/2020, it was projected to collect Tanzania Shillings 160 billion (around US\$ 69 million). The Tanzanian state view Ngorongoro as an economic resource through tourism. In contrast, Indigenous Peoples living inside Ngorongoro are impoverished. For the first time in 2013, the government admitted that indeed 97 percent of the residents of Ngorongoro are living in poverty.¹³ In 2017, the National Bureau of Statistics arrived at the same conclusion.¹⁴ In 2019, the government declared, “Human conditions are deteriorating in Ngorongoro.”¹⁵ The state party has admitted that 70 percent of the residents of Ngorongoro are facing hunger. Malnutrition is extreme in Ngorongoro with 87 percent of perinatal deaths result from malnutrition. Furthermore, Endulen Hospital, the only reliable health facility in the area, reported needing to organize a feeding program for children, expectant mothers and the elderly to address the issue of malnutrition.

There were unofficial reports of residents leaving the area as hunger intensified.¹⁶ Women had to leave behind their children and families in Ngorongoro for several months to go to Karatu, Makao, Bashnet, Dongobesh, Mto-wa-mbu which are several hundred kilometers away. They scavenge in harvested maize fields belonging to other neighboring communities where they go through untold stories of hardships including being raped, before returning home. Worse still, there are reports of lactating mothers who leave their infants behind only to return in two days for the young to suckle and leave once again. The situation of youths and old men is not any better. They desert families to seek daily-wage labor¹⁷ in dangerous towns like Arusha, Mwanza, Dar es Salaam, Dodoma and even Nairobi and Kigali.¹⁸ There are also reports of some families that left Ngorongoro for good.

According to the report of the Reactive Monitoring Mission of UNESCO of April 29 to May 5, 2007,¹⁹ water for all the hotels/lodges in the NCA is drawn from the spring within the Ngorongoro crater. This includes water for cooking, washing and even for swimming pools while Indigenous People residents of Ngorongoro have serious water scarcity.²⁰

Mechanism to Access Justice

Indigenous Peoples have filed cases in various courts including the Court of Appeal and the highest court in the land. In most cases however, the state ignores court decisions. With Civil Appeal No.77 of 2012, the court ruled favorably, declaring that a Wildlife Management Area had been established without consultation with the Barabaig pastoralists and that the land should be respected. The state however, categorically refused to implement the court decision and continued to attack the victims.

On behalf of the Maasai, the Arusha-based Pan-African Lawyers Union (PALU) filed a case (Reference No.10 of 2017) at the East Africa Court of Justice (EACJ) First Instance Division against the Tanzanian state. The case concerns a dispute over ownership and usage of land in Loliondo Division. The hearing of both parties (the pastoralists and the government) has already been conducted by the court with both parties' final submission but the handing out of court verdict is yet to be scheduled.

Indigenous Peoples have accessed the mass media to amplify their voices regarding human rights violations, but mainstream media have not been truly sensitive to Indigenous Peoples' issues. As an alternative, campaigns via social media with support from international organizations have been useful to highlight issues within and beyond Tanzania.* These actions are done in parallel with other local actions such as victims of human rights violations bringing their case to the National Assembly to debate on the issue in the hope of passing resolutions that alleviate their situation on the ground.

* On May 3, 2021, Indigenous Peoples Rights International launched a sign-on petition addressed to the President of Tanzania including the International Union for Conservation of Nature (IUCN) and UN Educational, Scientific and Cultural Organization. (see: <https://bit.ly/3BzLFjD>) Similar campaigns were also conducted through AVAAZ (see: <https://bit.ly/3mrPWRP>) and with the Oakland Institute (see: <https://bit.ly/3EvKcwD>).

Case Studies of Human Rights Violations in Wildlife Preserved Areas

Isawima Wildlife Management Area

Isawima Wildlife Management Area was established in 2000 by several legally registered villages as a community-based wildlife management area with the aim of earning income from the tourism industry to benefit the community. The area is considered a source of the Malagarasi River, a tributary of the Tanganyika River in Kigoma Region.

On January 24, 2021, the government, through the Regional Commissioner announced that it had decided to hand Isawima WMA to TAWA. AW It was stated that the decision was due to the mismanagement of the WMA by the local community and failure of the villagers to manage the area. Pastoralists were ordered to move out of the area, while several villages claim that their ancestral land had unlawfully been included in the wildlife preserved area.

On June 16, 2021, in Songambebe Sub-village, Kombe Village, in Kaliua District of Tabora Region, a girl named Nyanzobe Mwandu, aged four was burnt to death inside her family house.²¹ The house where the child was sleeping in was allegedly torched by the wildlife wardens of Tanzania Wildlife Authority (TAWA) in collaboration with the police from Igagala Namba 5. They executed the then Kaliua District Commissioner's order to evict the pastoralists from the Isawima Wildlife Management Area. Villagers say they were attacked within village land.²²

The government did not take any legal action against the suspected perpetrators. Expectedly, the District Commissioner was not reappointed in the reshuffle of district commissioners that took place around the time that this assault took place. It is unclear if the non-reappointment was related to the order of forced eviction. What is clear though is that most such crimes are committed with impunity and the victims are the ones blamed.

For example, the police were quick to suggest that the death was a deliberate act aimed at tainting the image of the state. Tabora Regional Police Commander Assistant Commissioner Safia Jongo, speaking to local radio station CG FM, confirmed the incident. She said that a thorough search was conducted in broad daylight before demolishing and torching the houses. Even the house owner said that she fled with all her children. "So who burnt the child, when, and why?" she asked. She even added that it was possible that bad people burnt the child to weaken the operation.²³

A few months prior to the eviction, the military conducted an armed training in the area for seven days. This was, according to pastoralists, an act of intimidation.

In a video posted in YouTube, the officers are seen celebrating the end of the training.²⁴ Brig. Gen. Julius Gambosi, Head of Western Brigade, said that the training was conducted to protect the forests.²⁵ Tabora Regional Commissioner, Dr. Philemon Sengati congratulated the army for performing what he called an “international exercise,” and said the government is planning to continue with this exercise in Isawima.



Maasai pastoralists move their motobikes that had been crushed by game trucks after they themselves were allegedly beaten by Mkungunero park rangers.

Mkungunero Game Reserve and Tarangire National Park

Mkungunero Game Reserve was established in 1996 in Kondoa District, Dodoma Region. The Reserve is a corridor for wildlife from Tarangire National Park. Since its establishment, Indigenous Peoples' rights have been seriously violated by park rangers with support by TAWA. The Game Reserve is within Kondoa District, however the two villages of Irkiushioibor and Kimotorok are both in Manyara Region, in Simanjiro and Kiteto Districts which are 30 kms away from Mkungunero Game Reserve. The villages are neither in Kondoa District nor in Dodoma Region where Mkungunero Game Reserve is, but a great part of its wildlife is to be found within Simanjiro and Kiteto Districts.

During its establishment, the government through the Ministry of Natural Resources proposed to extend the Mkungunero Game Reserve to include parts of village lands without consulting the communities. These communities are currently suffering a great deal from corporal punishments, livestock seizure and deaths, unlawful and heavy fines, and above all, restrictions to access and use their lands. In February 2018, the Minister for Natural Resources and Tourism visited Kimotorok and announced that the area claimed by Mkungunero Game Reserve in Irkiushioibor village and the part of Tarangire National Park in

Kimotorok village have to be vacated by these pastoral communities. The Minister ordered the communities to leave the areas within the nine month period from the date of announcement. Seizure and appropriation of these village lands for state-backed conservation, and restricting access will simply mean poverty and death to these communities because these are the only parts of the village they can access during dry season pasture when they need water for people and livestock.

The public was unaware of this land appropriation and the predicaments that the pastoral communities were experiencing in the area. The marginalization is neither reported in the media nor is it documented and disseminated to those who make decisions.

The two villages of Irkiushioibor (in Kiteto district) and Kimotorok (in Simanjiro district) all in Manyara Region, Northern Tanzania, were registered under sub-section 22 of the Local Government (District Authorities) Act, No. 7 of 1982. After meeting the criteria as per the Local Government (District Authority) Act, the villages were registered in 1989 and 2000, respectively, and mandated to make by-laws to protect their land, boundaries and natural resources in their respective villages. The villages are inhabited by the Maasai pastoralists who keep and depend on livestock such as cattle, sheep, goats and donkeys for their survival and to meet their basic needs.

The two villages border the Mkungunero Game Reserve and Tarangire National Park in the north-west and by virtue of being in the Tarangire-Manyara Ecosystem, the area harbours varieties of wildlife species that use the rangelands for pasture and as safe grounds for breeding purposes. In 2004, the Tarangire National Park commenced a process of defining its boundaries. The task was given to surveyors from the Ministry of Lands and from Simanjiro, Kiteto, and Babati Districts in Arusha Region. The result of this survey was to push the national park boundary to the area currently under the management of the village council.

On July 5, 2021, the game wardens from Mkungunero Game Reserve captured 135 cattle belonging to the Maasai and drove them deeper into the preserved area to look like they were grazing in unrestricted areas. It was alleged that the pastoralists were beaten, their properties destroyed, and their motorbikes crushed by game trucks, as well as their tires cut in pieces. The Manyara Regional Commissioner told the press that he was aware of the conflict and that he had asked the Mkungunero park rangers to release the animals while the conflict was being addressed. Livestock were indeed released, but 30 motorbikes belonging to Maasai Indigenous Peoples were destroyed²⁶ and five others were assaulted.

Prior to the above case, on March 5, 2018, Mkungunero Game reserve game wardens seized the herds of cattle of Mzee Lenina Satulo while these grazed at Irkiushinoibor village. The wardens claimed that the herd had entered and grazed in the Mkungunero Game Reserve. Mzee Lenina Satulo's sons Sekut, Lee Lenina and Baraka Lenina were arrested, tortured and charged in Kondoa District Court with criminal case No. 85 of 2018 for unlawfully entering Mkungunero Game Reserve without a written permit from the Director of the Wildlife Management Area. This was contrary to sections 15 (1) and 20 of the Wildlife Conservation Act of 2009; unlawful grazing livestock in a game reserve contrary to sections 18 (2) and (4) together with section 111 (1) (a) of the WCA; unlawful grazing of livestock without written permission from the Director; and unlawfully destroying vegetation in a Game Reserve contrary to section 18 (1) and (3) of the WCA.

On September 16, 2018, the District Court at Kondoa District found them not guilty of any offences, hence acquitted them of the charges and ordered that confiscated livestock be returned to Lenina. His livestock were never released. Mkungunero Game Reserve, through the Director of Public Prosecution, appealed to the High Court but the latter upheld the decision of the District Court and ordered the livestock returned. Again, Mkungunero Game Reserve did not honor the order of the High Court. The Director of Public Prosecution appealed to the Court of Appeal which dismissed it and the order of the District Court was maintained to return the seized cattle to the owner. To date, Lenina has not gotten back any of his cattle because the Mkungunero Game Reserve refuses to cooperate. When he tried to collect his livestock, he found that there were only 95 cattle left which to date have not been given back to him as per court orders. The court decision was fair and in favor of Lenina, but the implementation of the courts' decisions is still ignored by the Mkungunero Game Reserve.

Conclusions and Recommendations

Tanzania has allotted a huge percent of its territory for different categories of wildlife preserved areas. Forty percent of these areas were, and some still are ancestral land of Indigenous Peoples who were evicted or threatened to be evicted for the creation of preserved areas. Forceful evictions are often associated with gross violations of human rights in general, and the rights of Indigenous Peoples in particular. Indigenous Peoples have undergone untold stories of suffering as a result of state sponsored human rights violations.

Tanzania as a member of the community of nations should, as a matter of urgency, recognize the existence and identities as Indigenous Peoples with distinct culture that inextricably linked to their lands, territories and natural resources. The government of Tanzania should align its laws and policies to international instruments on human rights and ensure protection of their individual and collective rights. Also, inter-governmental institutions like the UNESCO and IUCN should adhere to its policies respecting Indigenous Peoples' rights and ensure their meaningful participation to recommendations and programs that will affect them. They should also facilitate an independent investigation on the human rights violations that resulted from their ongoing and/or past recommendation and programs.

In relation to land rights as a human right, the government should accord the same protection to areas of Indigenous Peoples as it does to wildlife preserved areas.

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