

**The Research and Information Visit to the  
United Republic of Tanzania**

**21<sup>st</sup> January to 6<sup>th</sup> February, 2013**

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## **Abbreviations and main terms**

ACHPR – African Commission on Human and peoples’ Rights  
AD – After Dominion  
AU – Africa Union  
AWF – African Wildlife Foundation  
CCM – Chama Cha Mapinduzi  
CHRAGG – Commission on Human Rights and Good Governance  
CIDA – Canada International Development Agency  
CORDS – Community Research and Development services  
CSO – Civil Society Organizations  
DADP – District Agricultural Development Plan  
DC – District Commissioner  
DED – District Executive Director  
EAC – East African Community  
FAMOGATA – Fanya Morogoro Gala La Taifa  
FFU – Field Force Unit  
FGM – Female Genital Mutilation  
FPIC – Free Prior and Informed Consent  
GDA – Grazing Development Area  
GOT – Government of Tanzania  
HIV/AIDS – Human Immuno deficiency Virus  
IDP – Internally Displaced Person  
IUCN – International Union for the Conservation of Nature  
ILO – International Labour Organization  
JOLIT – Joint Oxfam Livelihood Initiative for Tanzania  
LGA – Local Government Act  
LHRC – Legal and Human Rights Centre  
MKUKUTA – National Strategy for Growth and Reduction of Poverty  
MLFD – Ministry of Livestock Development and Fisheries  
MGR – Mkomazi Game Reserve  
NAFCO – National Agricultural Finance Company  
NAPASO – Naramatisho Pastoralist Society  
NCA - Ngorongoro Conservation Area  
NFGG- National Framework for Good Governance  
NCAA – Ngorongoro Conservation Area Authority  
NGOs – Non Governmental Organizations  
NPRS – National Poverty Reduction Strategy  
NSGRP – National Strategy for Growth and Reduction of Poverty  
OBC – Ortello Business Corporation  
PINGOS – Pastoralist Indigenous Non-Governmental Organization  
PCCB – Prevention Combating Corruption Bureau  
PC – Pastoralist Council  
PPG – Pastoralist Parliamentary Group  
RC – Regional Commissioner

REDD – Reduced Emission from Deforestation and Forest Degradation  
PASS – Private Sector Support  
SPILL – Support Programme for the Implementation of Land laws  
SAGCOT – Southern Agricultural Growth Corridor of Tanzania  
SULEDO – Sunya Lengatei Dongo  
TAMWA – Tanzania Media Women Association  
TAPHGO – Tanzania Pastoralists and Hunters and Gatherers Organization  
TANU – Tanzania African National Union  
TAZARA – Tanzania Zambia Railway  
TIC- Tanzania Investment Centre  
TNRF – Tanzania National Resources Forum  
TOR – Terms of Reference  
UAE – United Arab Emirates  
USAID – United States Agency for International Development  
UPR- Universal Periodic Review  
URT - United Republic of Tanzania  
UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples  
UNESCO – United Nations Education and Scientific Organization  
VGDC – Village Grazing Land Development Committee  
VLA – Village Land Act  
WCA – Wildlife Conservation Act  
WGIP – Working Group on Indigenous Populations/Communities  
WMA – Wildlife Management Areas  
WHO – World Health Organization  
WWF – World Wildlife Fund

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## **Preface**

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 about 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 on the nation-state which they belong. The ACHPR has responded to this calls. 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 to advance discussions and formulate recommendations, the ACHPR set up a Working Group on the Rights of indigenous Peoples/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 peoples/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 one of which is to undertake 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 on 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 on the situation of indigenous peoples' situation in this part of Africa and prove useful in establishing dialogue in identifying 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**

The objective of the Research and Information visit to the United Republic of Tanzania is to fulfill one of the mandates of the WGIP of the ACHPR which includes: 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 on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous populations/communities.

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 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 delegation composed of Dr. Naomi Kipuri, Head of the delegation and Ms. Nanta Mpaayei. The following were the objectives of the mission:

1. Examine the steps taken by the Government of the United Republic of Tanzania towards the recognition, promotion and protection of the rights of indigenous peoples particularly to:
2. Engage with authorities, indigenous communities, NGOs and other stakeholders with the view to further promote and protect the rights and freedoms of indigenous peoples in the United Republic of Tanzania;
3. Consider what technical assistance the WGIP and other partners could bring 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 on the problems and challenges that indigenous people 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 had deliberately tried and to a large extent succeeded in creating a nationalist ideology, image and spirit among its more than 130 different ethnic groups free from tribal sentiments. 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 in building togetherness and nationalism and discouraging negative ethnicity which is the bane of many a country. This has been done through the adoption of Swahili as a national language and the adoption of one nationalist 'culture'.

But this nationalist culture disappears when considered in relation with pastoralist 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 somewhat created a clear cultural divide between mainstream Tanzanians who are largely farmers on the one hand and pastoralists and hunter/gatherers on the other. It touches on ways of dressing, choice of language and ways of making a living.

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 ways of dressing were outlawed. This unwittingly set the trend against diversity and against communities, who are most visible in their traditional attire. This was discriminative and racist and its effect was intimidation of indigenous peoples when they display their cultures and today indigenous people we spoke to<sup>1</sup> 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,' perhaps also illiterate, 'alien' or not 'real' Tanzanians, and are resistant to 'progress.' The matter does not seem to have been subjected to any public debate or forum.

The exception is seen for purposes of marketing and advertisement of various products when the colourfulness and exotic styles of indigenous peoples are exploited to the limit on television, on billboards and are even heard on radio with typical accents of non-native-speakers of the national language.

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 to be indigenous in the country: the Hadzabe, Akiye and/or 'Dorobo.'<sup>2</sup>

While hunter-gatherers are sometimes accepted as indigenous because they have kept to their traditional ways of life, some pastoralists are not included in the category reportedly because a few of them are educated. Clearly, there is no logical explanation for acceptance or rejection of the term 'indigenous' 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 uniqueness of the circumstances that pastoralists and hunter/gatherers find themselves in.

Discussions with different development partners revealed that debate about the concept 'indigenous' are going on 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) which included the word 'indigenous' were rejected by the United Republic of Tanzania. The conclusion is that there has been no official discussion nor 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 had ever taken place on the issue purely because of lack of funding. But the CHRAGG had the intention of holding such a seminar for awareness raising.

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<sup>1</sup>This view is shared by indigenous peoples in Morogoro, Manyara, Ngorongoro and Arusha.

<sup>2</sup> There was mention of Wa-Bahi but on enquiry, it was established that there was no community by that name, but 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.

Meanwhile indigenous pastoralists hunter/gatherers have been facing evictions in many parts of the country mainly in order to make room for wildlife sanctuaries, for 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, they are not implemented as they 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 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 Iparakuyio who are scattered in many regions in the country but the majority are in Handeni, Morogoro and Iringa Regions. They share the same language and some cultural elements as other Maasai, and are often referred to as Maasai although they refer to themselves also as Iparakuyio.

The Barbaig are an indigenous community whose best grazing lands were turned into wheat fields for local consumption and for export and in the process their rights were violated to make this possible. Their cases were dismissed on technical grounds and the Barbaig are now found in many parts of the country looking for alternative grazing for their livestock. They are being evicted from everywhere they try to settle and they face extreme prejudice according to them. In recent months, a French investor was also allocated more Barbaig land at an area called Vilima Vitatu ('Three Hills') for a tourist lodge. The Barbaig were contemplating taking their cases to a higher court and discussion with one of the judges of the East African Court of Justice<sup>3</sup> suggest that despite the lapse of time, so long as justice has not been realized, it should still be possible to examine old cases. But that decision would have to be made by the court.

The Iparakuyio 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 regions of the country to look for alternative grazing. But wherever they move to they experience evictions and sometimes they are told to go back to where they came from. The law supposedly allows all citizens to live wherever they wish so long as they do not break the law. But pastoralists felt that the law only applies to farmers since eviction of pastoralists is becoming very frequent. Officials of the state have been known to make public statements telling pastoralists to go back to where they came from.

The Maasai experiences include massive evictions to make room for wildlife sanctuaries and hunting concessions to massive invasion by farmers in their traditional territory. Meanwhile laws seem to be in place to ensure protection of villagers and their resources, but they are either not implemented or they are violated without any consequences to 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.

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<sup>3</sup> Justice Isaac Lenaola, Arusha, 2<sup>nd</sup> Feb. 2013.

The recent announcement by the Prime Minister to return village land to villagers in Loliondo and leaving them to negotiate directly with hunting investors suggests a commendable direction since it upholds the essence of the Village Land Act and needs to be applauded and replicated everywhere in the country as a measure of promoting and protecting the rights of citizens to their resources..

Overall, the net effect of negative policies is the alienation of land on which the pastoralists had depended for their livelihood and pastoralists have become economically marginalized. The decline of 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, outside pastoralism, the pastoralists remain on the fringes of the national economic activities and sinking deeper into poverty.

Their moving away from home has also brought about a breakdown of families, disintegration of the communities, increased vulnerability and diseases, loss of culture among other effects.

Religion has also had negative effects on indigenous peoples particularly the Iparakuyio 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. The cultural dressing was viewed as atheistic resulting in some community members, mostly those who took up roles as religious leaders to abandon them for 'modern' wear.

**It is recommended that the government of the United Republic of Tanzania takes appropriate measures to correct the situation of indigenous peoples in the country and to promote and protect their human rights for long term sustainable and peaceful development for all.**

## **1.0 Introduction**

### **1.1 Objectives and TOR of the visit**

The objective of the research and Information visit to the United Republic of Tanzania is to fulfill some of the mandates of the WGIP which includes: 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; and to undertake country visits to study the human rights situation of indigenous populations/communities; and to formulate recommendations and proposals on 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**

The research and information visit to the republic of Tanzania has been long overdue. Circumstances beyond the control of all parties have in the past led to the postponement of this visit hence 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 the mandate of guaranteeing 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 researches on African problems in the field of human and peoples' rights, organise 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 is in this context that, in October 2000 that the African Commission established a Working Group on Indigenous Populations/Communities in Africa (WGIP) and was mandated to, among other things, to 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 has 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 is composed of Dr. Naomi Kipuri, the Head of the delegation and Ms. Nanta Mpaayei. The following were the 5 objectives of the mission:

Examine the steps taken by the Government of the United Republic of Tanzania towards the recognition, promotion and protection of the rights of indigenous peoples particularly to:

1. Ensure that indigenous peoples are included in all decision-making processes involving laws, policies and development projects that affect them;
2. Engage with authorities, indigenous communities, NGOs and other stakeholders with the view to further promote and protect the rights and freedoms of indigenous peoples in the United Republic of Tanzania;
3. Consider what technical assistance the WGIP and other partners could bring 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 on 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 information that went into this research and information visit report. The background information was obtained from written sources as well as the web. Also, besides observation, focused group discussions were used in meetings with groups 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, CBOs, academics, lawyers and independent researchers.

Below are meetings held with different categories of people.

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

Those met include the Ministry of Foreign affairs for a courtesy call; the Ministry of Justice and Constitutional affairs to verify the programme and make contacts with various other institutions with regards to the visit. With the Minister of Justice and Constitutional Affairs, Mr. Mathias Chikawe the delegation raised the issue of perception and existence of indigenous peoples in the country. The office of Prime Minister holds the docket of the regional and district administration, hence the situation of the villages where the majority of indigenous pastoralists and hunter/gatherers are found; the Ministry of Lands, Housing and Urban development was visited because its role is critical in highlighting the various laws governing land and implementation of the same within indigenous peoples' areas and also to solve land related conflicts. The Ministry of Natural resources and Tourism is central to the issues facing indigenous peoples in Tanzania particularly on the conflicts and contradictions emerging from conservation of wildlife and other natural resources and human activities including displacement of indigenous peoples within or adjacent to national parks, game reserves and forests. The legal advisor acknowledged the existence of indigenous peoples in Tanzania although the term is restricted to hunter/gatherer communities. He also underscored the lack of FPIC 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 and discussions were held on various issues facing pastoralists and the livestock sector in general and role of the Ministry in addressing some of them. The Ministry shared the new livestock policy with the team.

The Prime Minister's Office holds the docket of local government, regional, District and village administration and so the team met with officers of that office in the Dar es Salaam offices. 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 NCAA.

### **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 whose main mandate is to monitor the human rights situation in the country. Their experiences and knowledge of the situation was of much value to the team. Legal and Human Rights Center is 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 Law Associate Advocates comprise of both academics as well as lawyers some of whom had handled some of the litigation on behalf of Barbaig pastoralists and the Maasai of Mkomazi that had exhausted all local legal remedies. They shared with the team the manner in which the cases were conducted 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 continuous support both to the government and to projects touching on the livelihoods of indigenous peoples including the constitution 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 the said challenges. Similarly a number of other EU members also have Human Rights Strategies or specific policies on indigenous peoples' and these guide their development work in partnership with the United Republic of Tanzania.

The World Bank was also visited for two reasons: first, to do bidding for Indigenous communities some of whom wished to find out the reasons why a number of projects that were reportedly said to be 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. Secondly, considering that the World Bank has a safeguard Indigenous Peoples Policy Framework, it was felt appropriate to ascertaining 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 Conservation area where they were faced with 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 and the media**

Civil Society in Tanzania has been on the forefront advocating for the rights of indigenous pastoralists and hunter/gatherers. These include 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 still faced a wide range of issues especially on 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 process of the constitutional review, which indigenous peoples have been noted to have largely participated in, and had high hopes that their issues will be taken on board in the design of the new constitution. The delegation also conducted meetings with many indigenous peoples' representatives of local civil society organizations in many locations including Morogoro, Kiteto, Hanang, Mono Wa Mongo, Ngorongoro, Loliondo and Arusha. The meetings summarized challenges and recommendations on issues facing indigenous peoples as summarized below.

### **1.4 Visit to indigenous communities**

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; Ole Sokoine Village in Morogoro District where insecurity was rife and conflicts between farmers and pastoralists are frequent and security of tenure for lands they occupy is not guaranteed. Then the team also held discussion with the representatives of the Pastoralists including Iparakuyo and Barbaig communities in Morogoro to get their views on what their concerns are and how they are 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 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 is a demonstration of a good practice by the government to allow communities to manage forests and natural resources therein for their own benefits and for future generations. It was observed that the initiative was successfully managed by the Maasai community together with neighboring farming communities despite serious challenges.

The Akiye hunter/gatherers of Napilukunya Village of Kiteto District were then visited and it was observed that they were receiving relief food from Kiteto District head quarters in Kibaya. Their land has been much encroached by farming communities and this has led to the depletion of trees and other natural resources upon which they had depended particularly 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 development challenges faced by pastoralists and hunter/gatherers in their district. The DED particularly highlighted the depressed situation of the girl child who is subjected to negative traditional practices such as FGM and early marriages and denied rights to education.

The team then drove to Dodoma and had meetings with the representatives of the Pastoralist Parliamentary Group on how they are voicing development challenges of their constituents in Parliament. The team then visited Katesh in Hanang District which is home to the Barbaig pastoralists whose main development and human rights challenge is the experience of facing evictions 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 continued 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 Mongo with the Hadzabe who too were 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 peoples' livelihoods resulting in serious human rights violations including starvation in an area which is the source of much foreign exchange earnings. Meetings were also held with the Acting Conservator in NCAA and pastoralist NGOs working in the area. On the other part of the same District is Loliondo which is widely know for evictions and burning of Maasai Villages in their own village lands, 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 community leader of over 80, Olkosikos Ole Yiaile whose home had been burnt 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 ago he and the community had been living there. This matter has since become history because the Prime Minister has since announced the restoration of the rights of villagers to their lands, and recording an extremely good practice by the Government of Tanzania (see below).

The last area visited was Simanjiro District to observe the effect of large-scale farming on the livelihood of pastoralists and also their experiences with the mining of Tanzanite, the precious diamond-like gem so far only found in Tanzania. The meeting was held in Arusha to bring together NGOs and CBOs working with pastoralists in the surrounding areas. Then the delegation held a press conference with the electronic and Print media in Dar es Salaam where a Press Release was issued on the mission, and which was published in various newspapers.

## **2.0 Background**

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 are water bodies and the remaining 88.2 million hectares is land area while conservation which is mainly wildlife and forestry consume about 30% of all land area in Tanzania<sup>4</sup>.

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<sup>4</sup> Human Rights Report by PINGOS Forum

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 Southwest 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, Oldoinyio 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>5</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.

## **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 for 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 northwest, which was ceded to Belgium and later became Rwanda and Burundi, as well as a small area in the southeast (Kionga Triangle) incorporated to 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 continued as Prime Minister when Tanganyika officially became independent in 1961. On its part, Zanzibar (along with Pemba) too became independent in 1963 following the Zanzibar revolution at 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 organisations 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.

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<sup>5</sup> Guardian Newspaper 23<sup>rd</sup> Oct. 2013

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 vide the Village Council 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 vide Local Government (District Authorities) Act No. 7 of 1982 (hereafter LGA). This Act established the District Councils, Township Councils, and the 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, whereas English is the language of secondary education, universities, technology, and higher courts. Still in an effort to create uniformity, indigenous outfits were outlawed in public places.

Tanzania became economically aligned with China and in 1970 to 1975 China financed and helped in the construction of the 1,860-kilometer-long (1,160 mi) Tanzania/Zambia (TAZARA) railway from the port city of Dar Es Salaam to Zambia. From the mid 1980's the country's economy took a turn for the worse and it was forced to borrow from the International Monetary Fund as many other countries did the same. 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) which has been in power since independence.

## **2.2 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 ones that are most important with regards to the protection of indigenous peoples include the following:

1. The international Convention on Economic, social and cultural rights, acceded to on 11<sup>th</sup> June 1976;
2. The International Convention on Civil and Political rights which was also acceded to on 11<sup>th</sup> June 1976;
3. The Convention on the Elimination of All forms of Racial Discrimination, acceded to on 27<sup>th</sup> November 1972;
4. 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;
5. Protection from Torture, Ill-treatment and disappearance, has not been signed;

6. 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 involvement of children in armed conflict was acceded to on 11<sup>th</sup> Nov. 2004;
7. 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;
8. Protocol to the African Charter on Human and Peoples' Rights on the Rights of women in Africa was signed in November 2003;
9. 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;
10. The African Charter on the Rights and Welfare of the Child was signed on 23<sup>rd</sup> Oct. 1998 and ratified on 16<sup>th</sup> March 2003;
11. The United Nations Declaration on the Rights of Indigenous Peoples was signed on 13<sup>th</sup> Sept. 2007;

From the foregoing, it can be seen that the URT is party to many useful human rights instruments that could be utilized in the promotion and protection of the rights of all its citizens including indigenous peoples.

### **2.3 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 today in a country popularly characterized by a peaceful and united society, political stability and sound macroeconomic performance. However, this has been achieved at a great expense to communities dependent 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 type of competitive multi-party parliamentary system. However, *Ujamaa* or socialism was adopted in the mid-1970's 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 so long as those resources were not 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 convey on rural people is among the foremost legacies of the Nyerere-*Ujamaa* era. This meant that, the rights of use, management, and ownership in 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 the village level. This legislation now provides the foundation for 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 the former Tanganyika. There are 132 Districts and 516 Divisions on the Mainland. A region is headed politically by a Regional Commissioner, the District by the District Commissioner as the

principal assistant to the Regional Commissioner at that level. Then there is the Divisional Secretary heading the Division and at the village level there is the village secretary appointed by the government

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 in the completion of 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 fifteen 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<sup>6</sup>.

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

## **2.4 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 but 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.

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 live in rural areas engaging in hunting and gathering, pastoralism, agro-pastoralism and pure crop farming. Dar es Salaam, largest city in the country, was previously the capital but has since been designated as the commercial capital while Dodoma is the new capital, .

The country has Bantu-speaking groups and they are either engaged in farming activities or they combine farming and livestock keeping. About 1% of Tanzanians are of Asian origin, mainly engaged in micro and macro-businesses in cities.

The major pastoralist communities include the Maasai who are found in Arusha and Manyara regions of the country, the Ilparakuyio (or Baraguyu or Parakuyio) who speak the same language with the Maasai and are scattered in more than 10 regions and Barbaig whose original home is Hanang District in Manyara region. Hunting/gathering communities include the Hadzabe who are approximately 1200 in population and Akiye who are sometimes called 'Dorobo' by their Maasai neighbours. They all speak different languages although 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 languages of instruction. Local (vernacular) languages are not spoken in schools, public gatherings or in the media. Tanzania has very few community radios, all of which are required to transmit all messages in Swahili. This is because the law regulating Tanzania Communication and Regulatory Authority (TCRA) restricts the establishment of community radios and use of local languages. The culture policy however aims at promoting all local languages and cultures without a clear mechanism on how this could be achieved.

## **3.0 Conceptualization of Indigenous peoples in the URT: Nationalism and the distinctive 'other'**

The URT is one African country that had deliberately tried and to a large extent succeeded in creating a nationalist ideology, image and spirit among its more than 130 different ethnic groups free from tribal orientations. 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 in building togetherness and nationalism and discouraging negative ethnicity which is the bane of many a 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 exactly a person’s actual ethnicity. With this generalized notion of ethnic origins, negative ethnicity is effectively suppressed.

Over the years, among farming communities no one knows or cares about ones ethnic origins. Inter-marriage is very widespread all over the country and this also tends to minimize the significance of ethnicity especially among younger generations. So if one asks a Tanzanian whether there is tribalism in Tanzania, they would adamantly respond in the negative. And from the foregoing they would be presenting an accurate scenario. But this healthy tribally blind image disappears in reference to the peoples of Tanzania who have identified with the indigenous peoples movement: pastoralist and hunter-gatherers. Most people spoken to during the visit agree that pastoralists and hunter/gatherers are generally perceived as different.<sup>7</sup>

### **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 outfits were outlawed in favour of shirts and trousers to be worn in all public places. This unwittingly set the trend against diversity hence against indigenous pastoralists who are 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 be worn each time they needed to access public utilities such as markets, health facilities, etc. Sometimes a few outfits were bought and hung on trees outside the settlements to be worn by anyone with business outside the village.

Many indigenous communities met during the visit reported that they faced discrimination, stigmatization and harassment in public places whenever they are 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>8</sup>.

Swahili being a Bantu language 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 infrequency of usage, most either do not speak the national language or they do so poorly or with an accent that makes them again stand out as different or not mainstream. In other cases, they may understand it but are not able to speak it fluently.

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<sup>7</sup> In all meeting with groups of pastoralists differences were displayed in dress and in the fact that some people had to have translation from Swahili to their languages.

<sup>8</sup> Talek, an educated Maasai said that his friends are always surprised when he speaks his language and when he dresses in traditional attire although none are formally forbidden.

Along with this, indigenous communities also indicated that they are accused of being tribalists when they appear different and 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 those 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, no radio or television would find it difficult to speak a language other than their own. This is the situation of most indigenous peoples in the country. The matter has never been subjected to any public debate or forum.

The exception is seen for purposes of marketing and advertisement of various products or as tourist attractions when indigenous communities come in very handy and they appear on television, on billboards, carvings, 'T' shirts, etc. and are even heard on radio with typical accents of non-native-speakers of the national language. This in effect publicizes, perpetuates and legitimizes the differences that are at the same time undesirable.

Despite the difficulties though, indigenous communities reported that they want to speak their own languages and stick to their culture so that their children would grow up speaking their languages and being a part of their cultures for fear of being 'swallowed' up or getting 'lost' or being assimilated into Bantu or Swahili groups. Thus, there is a conscious effort among indigenous communities to preserve their languages, cultures and social institutions against 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 is gradually manifesting itself as religious intolerance against people of opposing faiths where churches and mosques have been burnt down and some priests have been killed or molested in which acid is increasingly being used in such attacks.

At present, it is only the Barbaig, the Maasai with 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 could identify with the term except that they are not yet aware. The Batemi, the Taturu and others were said to be in similar situations as other indigenous communities.

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

There is a historic notion by government officials and mainstream communities that pastoralism is a backward practice with not much value. One government official said during the visit that if he had his way he would 'kill all the livestock.'<sup>9</sup> Similar sentiments were expressed at various times some comments make it to the press (see for example the Guardian [Dar es Salaam] March 2, 2006).

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<sup>9</sup> Attributed to an officer in the office of the Prime Minister, Jan. 2013. The name will remain anonymous.

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 the Government as outlined by the Ministry of Natural Resources and Tourism is that only three communities are officially accepted to be 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 explanation as to why pastoralists are excluded even though they have also truly kept to their ‘traditional ways’ of life except that they do not hunt<sup>10</sup>.

Then another Ministry official 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, pastoralists are not considered indigenous 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 tampers with 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 their concerns are disregarded and not addressed<sup>11</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 interrogated, neither among Tanzanians themselves nor 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 UNDRIP, in which Tanzania is signatory, no discussion has taken place between the government and the UN office on how to tackle conceptually the subject of the Declaration. 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?’ And another partner indicated that there is discussion and debate going on, but most people in government when confronted agree that the

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<sup>10</sup> The official of the Ministry of Natural Resources and Tourism was amused at his own logic that suggests that if pastoralist decided to start hunting and consuming wildlife instead of simply preserving it then they would be considered indigenous.

<sup>11</sup> Pastoralists are spread out in many parts of the country and since many people do not know the difference between different pastoralist groups, and since they are indeed harassed many times, it would seem to some peoples that it is the same people complaining all the time.

Maasai are indigenous, but the challenge is how to walk the talk<sup>12</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>13</sup>. Meanwhile, the concept remains problematic and all recommendations given in the UPR which included the word ‘indigenous’ were rejected by the state on account of the fact that the country does not accept the word ‘indigenous’ to be applied to a section of the population.

But following subsequent discussions with the National Commission on Human Rights and Good Governance (CHRAGG) it emerged that the country has never had the benefit of holding discussions on the topic of indigenous peoples. Due to lack of funding by the commission no public meeting or dialogue had taken place before or after the country voted in favour of the UNDRIP. The Commission had the intention of holding such a seminar in order to raise awareness and exposure among relevant stake holders, especially government officials, on the concept. Discussions on the modalities of such a function are ongoing.

## **4.0 Hunter/gatherers in the United Republic of Tanzania**

### **4.1 The Hadzabe**

The Hadzabe (sing. Hadza) also called Watindiga are hunter/gatherers who number about 1200 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 subsist 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 enjoyed access to forest resources unlike other Hadzabe villages, the recent and ongoing establishment of the WMA had reversed their fortunes. While WMAs are supposed to be located in village lands and hence benefit communities, the local community feared this was another land dispossession scheme by the hunting and conservation investors.

The Hadzabe were allegedly informed that once the WMA has been established hunter-gatherers and pastoralists could use the land with minimum restriction and that no lawful person living within the area would be evicted. But once established, lawful villagers were eventually labeled trespassers and subjected to violent eviction. An impression was also given that it was them as a community that had spearheaded the formation of the WMA which was not the case at all. There was little community involvement in establishing and demarcating areas for human activities and allowing for access and use of other areas.

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<sup>12</sup> Oxfam, staff January 2013

<sup>13</sup> Oxfam staff, January 2013

Although structures exist to ensure that communities receive a percentage of the revenue collected from hunting or tourism, little goes back to 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 brought about by Barbaig pastoralists who are neighbours and who use the land for grazing and in the process they chase away game to distant places making them difficult to find. They also cut lower tree branches to feed small stock and this takes away the habitat of small mammals. The land is for multiple uses and as other users utilize it, hunters lose out and they become food insecure.

In Shinyanga region, the Hadzabe living there suffer from 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, collection of honey, accessing medicinal plants and 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 undertaken by agro-pastoralist neighbours and this also leads to deforestation and reduced tree cover which in turn reduces shelter for wild animals. In Singida Region the main challenge faced is by invading agro-pastoralists and by Barbaig pastoralists who lost their grazing lands to wheat production by government and investors. The destruction is the same and so are the results. The Hadzabe were receiving food relief from government during the time of the visit, although they complained that the amounts received was so little and they would go for two months without getting anything.

In Manyara Region, the Hadzabe here have more access to the forest resources since a community forest reserve has been set aside for them, so that in October 2011, the district Council of Mbulu issued a certificate of customary title. 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. During the time of the research and information visit, a beacon was found to have been placed inside this area by the African Wildlife Foundation. 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 villagers should be consulted by anyone entering the village and that the beacon should never have been placed there without express knowledge and consultation with the Hadzabe. But the Hadzabe were ignorant about this aspect of the law since no one had informed them<sup>14</sup>. If AWF knew the regulation they did not share it with the community and instead took advantage of their ignorance.

Over all, it is an appropriate observation to state that the Hadzabe live in hard conditions and service delivery in their areas is non-existent. The schools are far and so are the health facilities. Since they are a minority, they indicated that they are discriminated against and marginalized by the majority even in areas that had been set aside for their sole use. Indeed one of the reasons

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<sup>14</sup> While the Hadzabe were frustrated that they had no control over accesses of their land by outsiders, the CHRAGG was not convinced that the customary title meant that the Hadzabe now truly own the land.

sited for not sending their children to school is that they faced discrimination and prejudice. The Hadzabe also, besides having no access to information, do not have their own leaders representing them in 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 are less than 600 people and Napilukunya which is a sub-village where they make up a population of less than 200 people<sup>15</sup>.

The main challenge they face is losing their land through being invaded by farmers who cut down trees and cultivate at will. In the process the wildlife disappear from being hunted down unsustainably and consumed<sup>16</sup> and the trees and plants that attract bees also reduce making the livelihoods of the Akiye food insecure. During the time of the visit the team was unable to meet the village secretary in the village because for two days he had been waiting at the district headquarters to collect food relief on behalf of the community<sup>17</sup>.

It had reportedly been long since the Akiye had been food insecure. For many years, an NGO, Community Research and Development Services (CORDS) had been supplying them with relief food and assisted them to process and market their honey where they could fetch better prices. But the continuing encroachment of farms into their territory have led to the dwindling of the amounts of honey obtainable making it uneconomical to process. The conclusion is that the problem is much bigger than what an NGO can handle and it calls for intervention from higher institutions of government to institute safety measures to protect vulnerable indigenous communities such as these hunter/gatherers.

## 5.0 Pastoralists in the United Republic of Tanzania

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

In terms of human rights, according to the legal fraternity<sup>18</sup>, the Tanzania pastoralists have for decades struggled for the right to own, live in and use their traditional land despite intrusions, transgressions, trespasses and compulsory acquisition made by diverse interests and authorities.

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<sup>15</sup> Community Research and Development Services (CORDS) meeting in Kibaya 29<sup>th</sup> Jan. 2013

<sup>16</sup> Hunter/gatherer communities do not often kill female animals so that they continue reproducing, This indigenous knowledge is not shared by farmers who hunt all animals and in the process they deplete them.

<sup>17</sup> Information given by the villagers at Napilukunya, Kiteto.

<sup>18</sup> R. Tenga, Options study, 2008.

Historically, pastoralists have been marginalized socially, politically and economically over time even to the present time. The main causes for the 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 organisations 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 displacement and evictions of pastoralists to make room for other land use systems. Most of the policies were and still are based on the underlying notion that pastoralism is not the most efficient use of land and as such it is replaced by conservation in the form of game parks, game reserves and game controlled areas; by farming whether large or small scale farming and by investments. Small scale farmers invade pastoralists lands and displace them from lands that were traditionally theirs. As they do 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 have also been detrimental to pastoralism as a livelihood system since it has resulted in poor conditions of living, low incomes, poor health and low literacy. Lack of access to support services, especially livestock extension and health services, markets and infrastructure, combined have gradually been reducing the viability and sustainability of pastoralism. These have also been compounded by social marginalisation and relative exclusion from political processes including participation in decision-making processes and structures.

The replacement of pastoralism for 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. Experiences and examples of evictions and violent land conflicts often exacerbated by vested political interests make a long list of human rights violations toward indigenous communities. The cruelty and human rights violations reportedly detailed in the 2007 Ihefu evictions were so much so that the report emerging from the investigation has not been made public even to the present time. The fifty years of independence are replete with painful experiences for pastoralists communities some of whom commented that they felt like Internally Displaced Persons (IDPs) in their own country. A few experiences discussed below illustrate serious violations of human rights of indigenous pastoralists in the country.

## **5.1 The Barbaig**

The Barbaig reside in Hanang District whose headquarters is Katesh. From 1986 to 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 again 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 built tall structures on top of graves)<sup>19</sup>.

In three cases, according to the Options Study, the Barbaig took NAFCO to court charging it of trespass on their lands. But in all three cases, the pastoralists lost on flimsy grounds. In one account, the Barbaig pastoralists failed to show the Court that they were natives of Tanzania even though the Barbaig are only found in Tanzania and nowhere else in the world. In another case, although the court found that the pastoralists had been illegally disposed and initially granted the application, it was later withdrawn since all claimants had not appeared to give evidence to prove their losses in court. The court reasoned that orders for compensation may only be provided to individuals who gave evidence in court; and since only a few individuals gave evidence the court felt constrained to nullify the whole title over extensive tracts of land to benefit a few pastoralists. This is a case in which owners of the land proved 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. Yet another flimsy ground.

The third case was similarly dismissed on grounds that the government has priority in food security and the acquisition of the Barbaig land is proper, as national interest overrides all other interests<sup>20</sup>. It has been more than 15 years since the case was heard and had exhausted all local legal remedies, and the Barbaig still feel that they had not received justice.

From this experience, the Barbaig have never recovered from the losses. Following the evictions they found themselves scattered everywhere looking for grazing for their livestock. Some of them 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'* he narrated his ordeal.

In the meantime, CIDA Canada pulled out from the project following negative exposure in the press of violating rights of the Barbaig. And for many years, the land was idle while the 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 next door Kenya to grow wheat once again on Barbaig grazing lands. But the investor planted only a small portion of the field, way below the agreed

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<sup>19</sup> See Charles Lane, *Pastures Lost*

<sup>20</sup> R. Tenga, Options study, 2008

capacity and the rest of the land is 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 under the mercy of government, they were making arrangements to take a delegation to see the head of state to plead their case for the government to consider giving them back some of their land. Now, Hanang which 15 years ago was inhabited by over 80% pastoralists is now 84% occupied by farmers<sup>21</sup>.

While wheat investment is going on in part of Barbaig land, yet another investor, this time a tourist developer has necessitated yet another eviction of Barbaig in a place called Vilima Vitatu 'Thee Hills.' Villages were burnt along with small stock, money and all other valuables leaving women and young children homeless. It was reported that some young farmers did the burning but no one was held responsible. The pastoralists said that they had no faith that the law will 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. It was reported that each family was to be allocated three acres to settle in, disregarding the needs for mobility in extensive pastoralism. The burning of villages reportedly took place late in the evening and as night fell the old and sick with small babies were left in the cold with no shelter, wondering where to go. The Barbaig were marveling and wondering when the persistent violations of their rights would come to an end and who would come to their rescue<sup>22</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 which have undermined productivity of pastoralism. In the final analysis, land and other resources that were set aside by the colonial administration for pastoralism has been gradually alienated. Not only have the original 'Maasai steppes'<sup>23</sup> been invaded and taken over by farms and conservation, but demographic composition of traditional pastoralist Districts in Tanzania is rapidly being changed at the expense of pastoralists. Hanang and Kiteto Districts in Manyara region provide examples of this trend as shown below.

The Maasai experiences with evictions are many and it goes to demonstrate serious human rights violation 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 in Ngorongoro so that the land can be made an exclusive national wildlife area. This was done following an agreement or accord between the colonial government and residents with the clear

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<sup>21</sup> Options Study, 2008

<sup>22</sup> Barbaig community members in Katesh, Hanang District.

<sup>23</sup> This is a stretch of territory where the Maasai were found during colonial and pre-colonial times.

understanding that they will reside in Ngorongoro henceforth and that a balance would be observed equally between the interests of the resident Maasai population, 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 and these restriction had the effect of reducing numbers of herds systematically to unsustainable levels. It was reported that on average each household had only two livestock units and and no other form of sustenance since subsistence cultivation was also banned. In the 1990's, help was realized in form of a restocking programme initiated and supported through a donation by the government of Denmark. Grazing restrictions have continued to be imposed and livestock numbers have continued to dwindle and 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, measles outbreak affected 494 children and 194 succumbed to it and their names were compiled by 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. 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 of 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 that is collected by central government. There is also income from hotels, lodges and camping sites.. During this tragic and unfortunate incidence, pastoralists civil society organizations issued a press release on the state of hunger and starvation in the Ngorongoro Conservation Area (NCA).

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

## **The burning of villages in Loliondo to make room for OBC, the wildlife hunting investment**

Ortello Business Corporation (OBC) – The Hunting Investor is based in the UAE and has links with 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 by 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 in setting up the hunting block, and have always felt overlooked in the processes. In addition, OBC reportedly infringed on its original agreement by erecting various infrastructure including airplane runways, roads, accommodation, storage sheds and so on and also infringed on the grazing patterns of the resident pastoralists by demanding 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 Government reportedly encouraged OBC to make direct agreements with the eight villages in the area. The OBC entered into agreements with the villages to develop and negotiate management plans concerning the hunting and grazing regime needs of both partners. OBC also agreed to increase payment. A contract to this effect was signed by six of the eight villages, but two (Ololosokwan and Maaloni) objected to the clauses concerning exclusive land use by OBC in the hunting season in areas that were significant for livestock water and grazing.

Despite the agreements, the OBC and 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. Village governments did not respond, as the village agreement about hunting was made with OBC and not government. Villages on the other hand were preparing to enter into negotiations with OBC as stipulated in their agreement, on what to do with grazing that year as there was severe drought. There were reportedly no consultations between OBC and the village authorities, although government apparently requested customary leaders to persuade people to move. However, on 4<sup>th</sup> July 2009, FFU (Field Force Unit – the Tanzanian equivalent of riot police) started to burn the *bomas* and homes that were considered to obstruct the OBC hunting concession.

They commenced to evict local people from areas of interest to the OBC hunting company who have a hunting concession on their land, by burning down their homes and livestock enclosures, as well as setting fire to maize and beans fields. All burnings occurred on Village Land without the involvement of the legally recognised Village Governments, and affected the Maasai pastoralists resident in the area. The names of the villages are Arash, Loosito, Maaloni, Oloirien, Magaiduru, Soitsambu, and Ololosokwan, all in Loliondo District. It is reported that more than 400 houses had been burned down making about 600 people homeless. More than 40,000 livestock were left without shelter (fenced enclosures or *bomas*), and many have been lost or killed by wild animals. Several women miscarried during the turmoil, and a number of children were lost. One child was un-accounted for. One of the women who miscarried attended one of the sessions of the African commission and gave her testimony.

There were reports that people were beaten, women and children were raped by the FFU as they were carrying 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 by shots making it difficult to gather the herds together. The guards further threatened to kill the herders if they approached the area again. But there was no other water available and the land was too dry to move the cattle as peoples 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. The Minister of Natural Resources and Tourism on her visit to Loliondo, warned local leaders and CSOs for being trouble makers and should be reported to the district authorities<sup>24</sup>.

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 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 the exclusion from their traditional grazing areas, and more than 200 Maasai homesteads were burnt down. At community level, people who have had their homes and 'bomas' burned down lost everything they owned, and only some livestock were left, but a lot died a few months later following conditions of extreme drought and denial of access to livestock 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 violation of village land rights and 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 names 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 soon after the events. 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 on the pipeline in which it is proposed that the hunting block which was part of village lands be replaced by the introduction of community managed Wildlife Management Areas

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<sup>24</sup> This information was provided by CSOs in Loliondo and corroborated by national organizations and development partners who visited the area as well as by some affected persons during the Ordinary Sessions of the African Commission.

(WMAs). In this way, communities could 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 where communities and wildlife investors can live together in harmony, each respecting the rights of the other.

Some recommendations presented to government by the community through the civil society organizations are yet to be implemented, and they include the following:

1. To provide adequate veterinary services to livestock in the just beginning season to prevent livestock calf mortality as a measure to address 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 that the government should make 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 practice minimum cultivation until such a time when a permanent solution to food security has been worked out. The government should also consider finding/purchasing land outside NCA to be distributed amongst poor families for farming and hence affording an opportunity for local communities to diversify their livelihoods.
4. To undertake deliberate measures to make sure that the income accruing from tourism is distributed equally amongst 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 undertake deliberate measures to make sure that the local community is sufficiently represented in 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 undertake measures which are counter to the interests of local communities in Ngorongoro Conservation Area.
7. To undertake 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 as well as getting equitable benefits from the income accrued from tourism.
8. There is 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 over other forms of livelihoods, 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 alongside the border with Kenya, south of the Tsavo National Park. The game reserve was established in 1952 and in the enabling Charter pastoralist rights were preserved. However, by 1987 the Maasai Pastoralists started to face serious systemic mass expulsions from the Reserve. According to Tenga the establishment of a Game reserve that has now been changed into a National Park has led to one of the most 'unjustified evictions in Tanzania's history'<sup>26</sup>. The eviction of the Maasai

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

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

from Mkomazi was justified as necessary for conservation. The eviction of the Maasai from Mkomazi was reportedly justified as necessary for conservation. The pastoralists went to the High Court in Moshi where they lodged 2 cases challenging the eviction.<sup>27</sup>

The Applicant pastoralists claimed to be native residents “for hundreds of years” of an area in north-east Tanzania known as “Alaililai Le Mwazuni” in Maasai language and today styled by the law as 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 pre-existing and 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 the safeguards. The Game Division itself in 1952, 1963, 1968 and 1971 made a list of pastoralists who were found in the Game Reserve and whose rights were safeguarded. The first government directive came out in 1987 to get all pastoralists out of the reserve. They, however, complained and got a brief extension. Nevertheless, in 1988 by a directive from the Principal Secretary of MLUD, the Wildlife Division ordered all pastoralists out of the MGR.

The Applicants claimed in court that they were forcefully evicted from their ancestral lands, their homesteads were burnt down and livestock maimed or killed; and that their customary way of life had been broken down resulting in emigration of their members to Kenya and to urban areas. In the 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 constitutes a serious infringement of the claimants’ customary land rights of natives of Tanganyika as recognized by land laws of Tanzania. Their claims were indicative of the corpus of rights that go along with the collective Title of the Maasai pastoralists.

At the High Court the judge held that the pastoralists had been unlawfully evicted but instead of nullifying the eviction, the court confirmed it and ordered payment of paltry damage and grant 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 by turning a blind eye on undisputed historical facts.

Up to this day the pastoralists of Mkomazi or *Alaililai le Mwazuni* have not been allocated alternative land after the land they were shown in Handeni was discovered to be totally unsuitable for livestock, there was no water and the 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 pasture land, but the courts in Tanzania have failed to defend the legal and the human rights of the pastoralists in the last half century. As Tenga puts it<sup>28</sup>: ‘*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>29</sup>

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<sup>27</sup> *Lekengere Faru Parutu Kamunyu 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 1r Mkomazi pastoralists’ case which was similar to this one and also lodged in Court by Legal Aid Committee Advocates was styled: Kopera Keiya Kamunyu & 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.*

<sup>28</sup> Options study, 2008.

<sup>29</sup> *Ibid*

### 5.3 The Iparakuyio Maasai

The Parakuyio Maasai is a sub-community of the Maasai whose original home is Kibirashi (*Kipirash*) in present day Handeni District. But following massive influx of farmers into their traditional area and 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 the 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, they were operating a milk co-operative Naramatisho Pastoralist Society (NAPASO) and sending the milk to the city<sup>30</sup>; in Morogoro they live in a number of villages including Iparakuyio village, Ole Sokoine, Mabwegere, Kilosa, Kilombero and the towns of Dumila and Morogoro among others where they also operate businesses particularly guest houses.

The main challenges facing Iparakuyio is lack of security of tenure and this puts them in constant conflict with farming communities and conservation. As Isaiah Ole Kairanga put 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 echoed 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>31</sup>.*

How the pastoralists got left hanging and what intervention 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 that were evicted violently from Ihefu, Mbarali and Usangu plains of Mbeya region in the period 2006 to 2007. Others included Sukuma agro-pastoralists, the Taturu and pastoralist Barbaig. The reasons for the evictions advanced by the government were that the activities of the pastoralists in the plains threatened important water sources which were needed mainly for rice farming, for the Kidatu Hydroelectric Power and for wildlife conservation in the Ihefu wetland.

To the Iparakuyio, land conflicts are a daily occurrence. ‘Blood is spilt daily’, is how one person put it in reference to perpetual conflict with farming communities and evictions. They had many comments comparing their situation with that of their farming neighbours. They indicated that the main problem is that farmers do not respect title to pastoralist lands even where some of the titles were held since 1970s. They have cases in courts trying to defend what already legally belongs to them because pastoralist titles are not respected. Even then, court cases are never straight forward, they zigzag. They said that when government decided to privatize ranches only small portions were given to them even though the then Minister of Livestock Development & Fisheries suggested that

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<sup>30</sup> The team was told that the main milk distributor in Tanzania *Tanga Fresh* sources almost all its milk from Iparakuyio pastoralists.

<sup>31</sup> President Julius Nyerere, Morogoro, 1981

priority should go to pastoralists. They also reported of an Iparakuyio group in Mbeya that bought a portion of the ranch but it has all been invaded by farmers. They mainly blame the government for not taking measures to ensure that boundaries are respected by all. But they said that the problem is that 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 arrived there to empathize and offer food and humanitarian aid. But nothing is done to pastoralists even after some people lose all their livestock. They said that since widows are more vulnerable they are identified and offered some assistance, but pastoralist also have widows but they 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>32</sup>

The Iparakuyio list experiences of evictions and ensued human rights abuses as through they were reading from a calendar. In 1987/88 they were evicted from Mkomazi, then from Ihefu in 2006/7; 2009 they were evicted from Kilosa (as their cousins were also being evicted from Loliondo); 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 100,000 to 1 million to be allowed to tend livestock or 200,000 for every ten cows per month<sup>33</sup>. Those who were forced to hire lorries by the District Commissioner paid Tsh. 3million per lorry which was said to belong to the DC herself<sup>34</sup>. But when she was questioned by the Commission of Inquiry she denied everything. Nothing was done to her or to all other offenders and the report was never made public.

In between evictions the Iparakuyio said that they are never at peace either from farmers or state officials. One of them said that it is not government that is attacking them, it is farmers. But another one insisted that if the government was not behind the attacks they could arrest perpetrators of heinous crimes committed against them. They say that no farmer has ever been arrested for cultivating on grazing areas, but when livestock step on farms huge fines are levied<sup>35</sup>.

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<sup>32</sup> Olairritani Daniel, Morogoro, 25<sup>th</sup> Jan. 2013

<sup>33</sup> 1USD is equivalent to Tsh 1600

<sup>34</sup> 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.

<sup>35</sup> It is said that Tsh 70,000 is charged per hoof print and two cows are charged for each cow wondering into farms. This information emerged out of a group discussin that took place in Morogoro at the offices of PAICODEO.

They say that after being victimized, they are further demonized by being portrayed as bad people and that 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, to cease being pastoralists.

When found in National Parks, huge fines are imposed and people are killed carelessly by park rangers<sup>36</sup>. With little justice to be obtained through legal means from the lower courts, the Iparakuyio outrightly state that they have to buy justice as the only way of getting it and getting by.

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

But 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 1990's and created even more confusion among the Iparakuyio. This resulted in the breakup of previously polygamous families and 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 their traditional rituals and ceremonies since the missionaries dubbed them as atheistic. Some people were said to have sold all they had since they were told that having property is 'sinful' and that to be 'pious' one has to be 'poor'. Also, some community members were influenced to shun their cultural attire 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 IPs**

Land is at the center of all the woes affecting indigenous pastoralist 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 through the years it has carried a myriad of legislation. In 1895 the German colonial power issued an imperial Decree which stated that all land in German East Africa shall 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 in 1923 a Land Ordinance which stated that all land was public, under the Governor. In 1958, the colonial government proposed an introduction of individual ownership of land, so

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<sup>36</sup> Qambadiay Michael Kipara, a 20 year old, was reportedly shot dead from the back and his body was burnt. His clothes were found along with a hat of a ranger who shot him. Extrajudicial killings have been reported and not infrequently.

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 is a free gift from God and this established a basic right of universal access to land. This meant that, for indigenous pastoralists, as it is 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. But they 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 the colonial times. The Germans chose to recognise 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 existence 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 system 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 as written records were absent. These deeming provisions allowed the British administration to avoid a 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 recognised 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 whether or not the Village Land Acts were meant to formalize or to dispossess indigenous pastoralists and hunter/gatherers since most of their land concern 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, the Land Act No. 4 of 1999 and Village Land Act No. 5 of 1999, which came into force on May 1, 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 land legislations 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 which shall make that particular village Council a body corporate. This gives the Village Council perpetual succession, official seal, capability of being sued and to sue in its own name and with the ability of holding, purchasing, acquiring and disposing any immovable property.

By virtue of being a body corporate, the Village Council is empowered by law to enter into legal relations with any body, 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 forests 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 with 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 recognised under the Land Acts, in 1992 the Minister for Lands moved in parliament a statute to abolish all customary land tenures! The Courts declared the statute unconstitutional.<sup>37</sup>

The Director of Wildlife has the power to issue hunting licenses to any person to hunt an animal in the village land, but that person cannot enter into the village land without the permission of the village government. The person or company granted the hunting license 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 the said animal in 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 a private land to prevent the person given the written authority to hunt in the public interest from doing so. The law does not define what is meant by the 'public interest'.

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<sup>37</sup> Issa G. Shivji, 1994.

Most hunting companies do not only bring their guides, clients, and vehicles into 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 contrary to the VLA which under section 17 requires any non-village organization that intends to use any portion of the village land for carrying 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 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 to the Village Council. While the Director of Wildlife has powers to issue hunting licenses to any person to hunt wild animals, in the event the said animals are found in the village land whoever is given a license to hunt those animals must obtain the permission of the Village Council to conduct his activities in the village land. This law was violated in the case of Loliondo.

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 the pastoralists, such that land sharing arrangements are possible. There are several provisions that are pro-pastoralists 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 recognise a customary pastoralist title to land. It only recognises a usufruct – a mere license to use someone else’s property.<sup>38</sup>

The Draft Grazingland Development Bill is similarly guilty of this perception. Pastoralist communities are not directly recognised in the Bill as having customary titles, written or unwritten, over grazingland. The Bill goes on to regulate the management of grazing lands in pastoral areas as if the pastoralists are mere licensees who are temporary with no permanent rights over their lands.<sup>39</sup> In fact, under the provisions of the Bill a Joint Village Land Management Committee may review plans for managing the gazetted village grazingland area. The Joint Committee has power to amend, alter, adjust or abolish ‘*any of those customs, practices and rights which in the opinion of the Joint Committee would be likely to impede the management of the gazetted village GDA in accordance with the revised village GDA management plan*’. The traditional pastoral land title and rights, unless formally registered under

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<sup>38</sup> *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’*

<sup>39</sup> Letai, “An Audit of the Rangelands Act.”(TAPHGO, 2007)

the VLA, are highly vulnerable and insecure under the proposed Grazingland Bill. Although the Constitution protects the right to property absolutely, when it comes to pastoralists, the drafters of the Bill are oblivious of 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 resources found therein, that their rights to land in the URT is only on paper but 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 recognised as legal entities, 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 on all human rights and on the Constitution.

In the rest of the country, the incidents and frequency of evictions and 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**

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

Local Governance structures are regulated in 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 from the District level and are thus separate from the Central Government, which operates nationally. The Districts are divided into Divisions (Tarafa), and the Divisions are divided into WARDS (Kata), and Wards into Villages (Vijiji). The Village is the lowest rung of local governance, but administratively it is also divided into sub-villages. However, the sub-village 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 and is made up of all adult members of the Village. Executive functions for running the affairs of the Village are bestowed upon the Village Council.

Since most pastoralists have been reduced to 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 Pastoralists lands for Wildlife-based tourism and Conservation Interests**

Environmental conservation has been a major factor in the promulgation of policies that have impacted negatively on pastoralism as a livelihood system, hence on pastoralists themselves. The Wildlife Policy of 1998, the National Environmental Policy of 1997, the Wildlife Act of 2003 and 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>40</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, and for 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 to include: 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 was enacted during the same period 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, may 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, or persons traveling in a highway passing through the reserve. Under section 8 it is restricted for anyone to be in possession of a firearm or bow or an arrow in a Game Reserve without the express permission of the Director of Wildlife. Section 9 restricts setting of fires, felling, cutting, burning, injuring, or removing any standing tree shrubs, sapling, seedling 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, dependants 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 restricted for any one to dig, lay or construct any pitfall, net, trap, snare or other device of whatsoever capable of killing and capturing or wounding an animal. Section 11 prohibits the carrying of weapon 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, in Game Controlled Areas the hunting, killing, wounding, molesting and

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<sup>40</sup> Mattee and Shem, 2005

capturing of an animal is prohibited unless one receives the written permission of the Director of Wildlife. It is prohibited in the Game Controlled Areas for one to dig, lay, or construct any pitfall, net, trap, snare, or other device capable of killing, wounding and capturing an animal without the express permission of the Director of Wildlife. In Game Controlled Areas, only wildlife consumption is restricted, but the entry of people, for various land uses is not restricted neither is 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 mainly found 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 take away the rights of the villagers and the Village Councils to utilize lands and resources found within.

Previously, under the repealed Wildlife Conservation Act of 1974, the Game Controlled Areas (GCA) in Loliondo was part of village lands. But 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 far-reaching and negative impact on pastoralist livelihoods.

Then there are National Parks which are governed by separate legislation and Ngorongoro Conservation Area which seems to be a law unto itself since its operation overrides all other legislations. The Ngorongoro Conservation Area (NCA) Act has a provision that prohibits both the right to access, own, use and transfer land as provided by the Village Land Act No. 5 of 1999. Thus NCAA has more power in land management in Ngorongoro Division than do 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 privatisation and enclosure of rangelands leading to 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) which 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 license 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 action of the Minister of adding conditions on the uses of Game Reserves, Game Controlled Areas and unprotected areas in 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 may only modify the restrictions that were imposed by the Parliament and not add to them. It is Parliament which has powers to add more restrictions if needed.

It is also worthwhile to note that the said Regulations, with respect to section GN16.5 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 in 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 photography of wildlife does not exist in these areas. No protected area category called ‘hunting blocks’ exists. Because they are located in village lands, benefit accruing from hunting or tourism ought to be shared with communities. This is what the regulation (GN. 306) of the Wildlife Conservation (Tourist Hunting) of 2000 illegally attempts to prohibit and preclude.

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

There are also some elements in the institutional framework which 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 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 to satisfy various subsistence needs particularly indigenous hunter/gatherer 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 eventually 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 provides a positive initiative of the government, challenges notwithstanding (see below).

## **8.0 Alienation of pastoralist lands for Commercial Agriculture**

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 is 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 forums 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 in pastoralist lands. Sukuro Village which was visited by the team had large grazing areas that have been turned into farmlands decreasing grazing and depressing the livestock economy and livelihood of pastoralists.

The agricultural sector in the URT has in recent years developed very fast attracting many programmes, projects 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 in May 2010, in Davos 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 development potential of increasing agricultural productivity, food security and livelihoods. For indigenous pastoralists, any agricultural programme makes them worried since they see them as more excuses for evictions. Indigenous peoples suffer from a lack of recognition of their identity and rights of belonging and therefore deserving as all other citizens. *Kilimo Kwanza* drive is becoming a major reason to push more people out of their land supposedly for the ‘public good’ seen to derive from investment. Indeed some areas within the corridor including Mbarali, Rufiji and Kilombero, targeted for SAGCOT have already witnessed violent evictions of pastoralists. The overall problems besetting pastoralist and hunter/gatherers vis a 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 but no policy on pastoralism**

Since the middle of 1980’s, the Tanzanian economy has been undergoing gradual and fundamental transformations towards a market-based economy. The macro-economic policy reforms have been made necessary for a redefinition of the roles of the public and private sectors in livestock development. These changes have paved the way for the withdrawal of the Government involvement in direct production, processing and marketing activities, which could be better performed by the private sector.

According to government reports pastoralism works optimally where common land based resources are accessible for relatively free movement for seasonal mobility for optimum utilization of forage which in turn also allows sound environmental conservation. This was clearly recognised and supported by the first Poverty Reduction Strategy Paper (PRSP) developed in 2005 when it states that one key aim is:

*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>41</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 “modernisation” 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 yet the sector seems to be producing minimally to the market and needs to be

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<sup>41</sup>Poverty Strategy Reduction Strategy Paper 2005

made to do so. The Botswana model seems to provide an official blue print to revamp 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 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. Secondly, 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 any improvement to the development of the sector.

While acknowledging that over 90% of the livestock population is of ‘indigenous’ types, placing URT in a high position through 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*’, ‘*lack of modernization*’, ‘*accumulation of stock beyond the carrying capacity*’, ‘*lack of market orientation*’. *And it is based on seasonal availability of forage and water thus resulting into 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*’. But the facts do not support this claim. It is claimed that in Botswana the annual income from 2.5 million heads is around USD12 million, whereas in Tanzania the annual income from 17 million heads is around USD 6 million. However, this calculation does not consider a monetarization 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 can sell almost all its meat to EU since they had invested heavily in livestock feeds, drugs, fencing and other infrastructure for the sector. In Tanzania the sector is poorly funded and indeed it is struggling to fend for itself. The 13 government ranches of 70,000 acres each, despite government support have been operating at a loss, hence the recent decision to reduce their size to 25,000 acres each, and distribute the remaining areas into 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 they generate no income from tourism as do areas where pastoralists and hunter/gatherers do. All tourist attraction sites have local communities, mainly the pastoralist and hunter-gatherers. Ngorongoro alone contributes USD54 million annually from tourism and sheep from Ngorongoro are said to be exported to the Middle East and a lot of cattle are trekked across the border with Kenya to be sold and slaughtered every week. But their value 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>42</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 they only hunt rogue predators for self defense. Many pastoralist communities also do not cut down whole trees, instead they trim tree branches and remove dry wood. This is why areas occupied by pastoralists are covered with vegetation and are also homes to many varieties of wildlife species. As one Barbaig commented as the team was traveling to their area, he said

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

Pastoralist in Northern Tanzania's savannah ecosystem thereby provide an economically valuable ecology by conserving wildlife on their lands, which in turn helps to sustain the natural assets upon which Tanzania's growing tourism industry depends<sup>43</sup>.

But this information is not available to senior officials of the state 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>44</sup>. And because of the knowledge gap the sector is portrayed in not 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 resistance 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>45</sup>.

The reality is that the system, i.e. pastoralism, has sustained not just pastoralists, but also other Tanzanians as well in domestic consumption especially in special occasions.

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<sup>42</sup> See for example Collet, 1987; Western, 1989; Homewood and Rogers, 1991.

<sup>43</sup> Options study, 2008

<sup>44</sup> *Op cit*

<sup>45</sup> See the new Livestock policy

More official bias against pastoralism is further illustrated in the Strategic Plan for the Implementation of the Land Laws<sup>46</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>47</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>48</sup> reveal the lack of appreciation and a 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 is a result of this.

The United Republic of Tanzania has also been hesitant to embrace the AU Policy Framework for Pastoralism in Africa by insisting that it had to be ratified by the government before it can be made public<sup>49</sup>. This is a serious drawback.

The overall conclusion is that the absence of a pastoralist policy, combined with the meager resource allocation to the livestock sector (a bit more budgetary allocation was witnessed during the 2013 financial year following intense lobbying) has resulted in the sector under performing.

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 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 environmental management of wildlife parks and forest reserves. Knowledge of sound environmental protection techniques practiced 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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<sup>46</sup> SPILL, URT 2006

<sup>47</sup> Ibid: 2006 p.14

<sup>48</sup> Mattee and Shem, 2005, Ole Nasha, 2004, Sorensen, 2006

<sup>49</sup> TNRF personal communication

This section simply cites a few experiences of the pastoralists and hunter/gatherers of Kiteto to explain how they lose rights to their land and resources despite legal mechanism 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 GDP. But 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, while the few extension officers are posted at the level of the Ward. Only 19 out of 50 villages have any access to extension services. Out of the 66 staff required, only 32 are on post, leaving a deficit of 34 staff. The situation is the same for most of the other pastoralist Districts.

Yet in a community where the majority of the population are pastoralists, about two-thirds of the DADPs budget for 2007/08 is directed at supporting crop production!

The report demonstrates serious bias, 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 uncontrolled movement of livestock, but by the uncontrolled migration of crop farmers from other Districts into Kiteto District! It had been a policy of the then Arusha Region to regard the pastoralist areas of Simanjiro and Kiteto Districts to be expansion areas for surplus people from the densely populated Districts like Arusha and Meru.<sup>50</sup> More recently, the District has seen an influx of immigrants from other areas like Babati, Kondoa, Kongwa, Kilosa and Same Districts, all seeking to open farms in areas that were exclusively for grazing, and these are the ones that have exacerbated land conflicts.

Service delivery is also low including livestock drugs, cattle dips and crushes, markets, etcetera are very poor. In some of the areas visited, communities stated that the last time such services were provided was in the 1970's 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 all their herds. In Kiteto District out of 21 cattle dips that had been constructed during the 1970's, only two were still functioning. The result is that the sector had been totally neglected with hardly any inputs from the government. In the process, pastoralists' right to development has 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 Itirkishi Village of Kiteto district lost its only forest that was set aside by pastoralists for dry-season grazing as part of resource management expected in village lands. The team was informed that:

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<sup>50</sup> Ole Lengisugi, 1997

One night many, many farmers arrived at night, and with machetes and chain saws set out to clear the land of all trees, poured diesel and set fire on them and prepared the land for planting maize. When village residents intervened, they were attacked and one of them was hacked to death.<sup>51</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 the cultivation as if nothing had happened. Some were arrested and charged for trespass, but within a few days, villagers noted, they were back and continued to cultivate. No one was held responsible for the hacking to death of the pastoralist and many others through similar incidents narrated by villagers. The whole District is replete with a litany of such heinous crimes such that residents live in perpetual fear and they have lost faith in the court system since crimes continue to be perpetuated with complete disregard of the law.

Some residents reported that when men are not around, farmers scare away women, children and the old and burn down their homes. Some women and children even reported that they spend the day and sometimes even the night hiding in the bush for fear of being attacked by farmers. Quite frequently houses are set on fire at random so that the villagers move away and the land is ‘freed’ for cultivation. At other times, with frequency of attacks, pastoralists decide to move farther away and farmers take over the land and carry on with cultivation. And so on, as the list of atrocities is long. As one pastoralist 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 are molested when taking care of stock. It was reported that in one such incident, a little girl was raped and the perpetrator was caught and he appeared in court and pleaded guilty for the crime. But he pleaded for clemency 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 got 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. But because of poor governance and lack of implementation of existing laws optimal conditions are created for certain actions to take place. In this way, so perpetrators go unpunished as crimes against pastoralists are not taken seriously by the courts and they continue to have their rights violated.

The Commission on Human Rights and Good Governance conducted a fact finding mission in Kiteto and confirmed that serious violations of rights are committed against pastoralists and that some of the crimes pastoralists are accused of are purely concocted. They also confirmed what pastoralists themselves said, that when farmers plant crops in livestock grazing areas and livestock step on them, it is the pastoralists who are charged for trespass, yet it is farmers who actually trespassed on long term grazing areas. The courts do not seek to find out what land use plans exist and 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

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<sup>51</sup> 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.

enclosures where livestock cannot avoid stepping on crops as they enter and leave enclosures. As they do so, farmers get rich from hefty fines imposed on pastoralists for trespass. Even when crops fail for lack of rain, farmers still manage to scoop up their losses from fines imposed on pastoralists. It was reported that even if pastoralists do not graze on farms, individual farmers have been seen scarring away young Shepard children from tending stock so that livestock could wander into fields and farmers can be compensated.

This and many other human right violations have been going on in Kiteto for so long according to civil society organizations so that the percentage of pastoralists in their own traditional areas is dropping drastically. And by constantly paying what seems like irregularly imposed fines, pastoralists are getting debilitatingly impoverished. 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 burned down 12 homes in their settlement and destroyed property including small stock. 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 instances.

Other alternatives sought by pastoralists have been moving to the city in search of alternative livelihoods which many young pastoralist are doing. The majority of young men looking for jobs in Dar Es Salaam (and not necessarily getting them) confirmed that they have originated from Kiteto but some are from Ngorongoro and Simanjiro. This social disruption has been necessitated mainly by the socio-economic conditions described above.

During the visit, the team observed and held discussion with a number of Maasai youth from Kiteto Districts loitering the streets of Dar es Salaam, some so young to be in school but dropped out to search for a better living. But with no education or marketable skills the available jobs are working as watchmen with poor remuneration. But the majority of young men are those that remain in pastoralism and 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 they are still useful to their lives and livelihoods. But, no matter how useful these systems have been, they have not been integrated with formal or 'modern' governance structures. Nonetheless, the 'modern' governance structure also affects very significantly the welfare of the pastoralist 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. In many cases pastoralists are not very much involved in the formal governance structures from village to the District levels which have legal powers, and as a result many decisions that are made at these levels do not take the pastoralists' 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 lot of ignorance on matters pertaining to land issues considering the technicality involved. This contributes to land conflicts and sometimes dispossession of land by outsiders. For example, in Kiteto District, an NGO (CORDS) tried to help communities to reduce land related conflicts by placing bill boards strategically showing different uses of land in different areas in the district. The farmers pulled them all down perhaps from ignorance or impunity and they continued cultivating everywhere haphazardly and 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. This would also ensure that the voices of pastoralists are heard and that their issues are not taken for granted by policy makers. But whatever the case, urgent intervention is required.

### **11.0 Experiences of Iparakuyio of Morogoro Region**

In Morogoro, the very day the team was traveling through Morogoro<sup>52</sup> and visiting the pastoralist Iparakuyio 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 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 farmers who went on a rampage, looted and burnt down a number of pastoralists business premises in the town of Dumila (along the same main road), beat up pastoralists including children and blocked 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 to the farmers that the land in question belonged to the farmers. The conflict was then resolved and the situation returned to normal. Two days later<sup>53</sup>, the RC went personally and confessed to the pastoralists that he knew that the land belonged to them but that he had no choice but to say something that would appease farmers so that the road would be opened to allow government officials to travel without hindrance, otherwise he would personally be responsible for not finding a solution to the conflict. He never said anything about compensation for losses incurred including personal harm to 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 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 agents whose responsibility it is to guard against impunity. It is actions such as these that

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<sup>52</sup> The incident happened on 25<sup>th</sup> January 2013

<sup>53</sup> Personal communication Pololet Mgema, Iparakuyio Office Morogoro.

make indigenous pastoralists say that after half a century of independence, they still feel colonized, alienated and get no protection under the law<sup>54</sup>.

The law allows any Tanzanian a right to live anywhere in the United Republic as long as they do not break the law, but according to Iparakuyio community this freedom seems to be enjoyed only by farmers. Pastoralists find themselves harassed wherever they move to since they are portrayed as immigrants and not belonging to the areas, 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 that resulted in a lot of deaths and destruction of property, attest to the fact that pastoralists had been there since 1950's, yet they were still regarded as outsiders and not belonging, even by farmers who had arrived much later<sup>55</sup>.

It is very common to hear state officials telling pastoralists to go back to where they came from, usually because 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 about the impact of their utterances 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 diseases or drought Iparakuyio reported that they have never been assisted. But when there were floods in Morogoro, according to them the whole government responded and offered assistance. They see this as clear discrimination.

Eviction of pastoralist from protected areas, the confiscation of livestock and injustices meted out against pastoralists partly in the hands of government officials amount to very serious violations of human right of citizens. The way things are progressing, without adequate lands and resources indigenous peoples will be pushed to the edge of economic, cultural and political extinction.

### **11.1 The Gender Question among Indigenous Peoples and the violations of rights of the girl children**

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 pastoralists. The violation of children's rights takes many forms, from being subjugated and put through negative cultural practices such as 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 and in other 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 awareness creation against such practice in the rural areas where they mostly take place. Consequently,

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<sup>54</sup> Discussion with Pololet Mgema in Morogoro on 26<sup>th</sup> Jan 2013

<sup>55</sup> A. Brehony 2004

communities are not aware of the negative effect of their own customs on the health of the children<sup>56</sup>.

The right to education for girl children is complicated by a number of factors including distances to school where girl children may find it difficult to access them, the presence of wildlife<sup>57</sup>, discrimination and the like. However, there are many occasions where girl children are removed from school in order to get them married off when they are as young as 9 years. While there are laws which proscribe such practices, the parents are assisted by teachers who prepare transfer documents to make it seem like children are simply being transferred from one school to another. Teachers broker deals, providing advice and clever tricks to parents and for these services they get huge bribes<sup>58</sup> and enrich themselves. By using their positions to conduct clearly illegal acts the teachers are breaking the law and ought to be charged. But nothing ever happens despite a very progressive national gender policy and a women's lobby group TAMWA raising concerns on such matters. But they do not get to isolated areas occupied by pastoralists.

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

## **12.0 Other challenges affecting indigenous pastoralists and Hunter/gatherers**

### **12.1 Climate change and its impacts on pastoralists**

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 derived from unawareness of the significance of mobility to livestock management. As a Morogoro pastoralist put it: 'Even when it does not rain, pastoralists are blamed and evicted.' As climate changes and long dry spells become manifest, more pastoralists are bound to be blamed and they would perhaps witness more evictions.

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<sup>56</sup> The District Executive Officer in Kiteto District was very passionate against 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.

<sup>57</sup> An elder in Ngorongoro by name of Ngatait pointed out that the NCAA has buses that ferry children of employees to the nearby school at the headquarters. But the service is not provided to Maasai children. And he wondered whether NCAA does not perceive Maasai children as being children, and if they indeed do, he wonders why they don't extend the same service to them to protect them from exposure to possible dangers emanating from proximity to wildlife en route to and from school.

<sup>58</sup> 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 she could be married off. The head teacher built a huge house in Kibaya town through proceeds obtained from what became such lucrative deals. The department of education is reportedly well aware of the deals

At the same time, it has been observed that increased rainfall encourages farmers to move into previously dry areas and this leads to reduction of 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 pastoralist. These scenarios are already being witnessed and they illustrate that many impacts and changes cannot be predicted with any certainty but there must be awareness of what they portend and a sense of flexibility for potential viable options. While mobility is essential to optimum pastoralism, the government has been unable to recognize its significance.

## **12.2 Poor services**

During the colonial and postcolonial 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 by the government or development institutions. Ghosts of water projects dotting nearly everywhere are quite alarming and so are health facilities without water, staff, lab facilities and even medicine. People are told to go and buy medicine in chemists owned by health personnel, and the law turns a blind eye on the obvious conflict of interest.

## **12.3 Education**

Education in the URT is compulsory for seven years, until children reach age 15. For indigenous pastoralists and hunter/gatherers school attendance is much lower and the drop out rate is much higher, although figures are not disaggregated. Most children do not attend school this long, and some do not attend at all. The reasons for non-attendance and 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 so at variance with the interests of indigenous peoples, and so on.

Education is a fundamental right that the government of Tanzania recognizes. The Legal and Human Rights Center alongside the Ministry of Education noted in their survey that performance in primary and secondary education in Tanzania is dropping dramatically. It noted that secondary and primary education performance has been dropping yearly and results show that examination pass rates has 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, there are schools that had been built by them were 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. In Katesh, the boarding schools that were built for the Barbaig<sup>59</sup> during Nyerere's time were taken over by the majority populations, some even changing names of their

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<sup>59</sup> The schools were dubbed 'Asante Nyerere' or 'thank you Nyerere'

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 affect school enrolment, retention and completion. Since education is key in 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. Legal and Human Rights Centre has documented a number of framed-up cases, torture, illegal finings, and 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 had training in wildlife management, when it came to recruitment none of them is employed within NCAA despite their credentials. Instead, the management decided to employ a woman from outside the area (reportedly for purposes of gender balance) in order to exclude a well educated and qualified pastoralist. Yet the accord signed in 1959 did not include outsiders taking jobs in the area, gender considerations notwithstanding.

## **12.4 Health**

According to the World Health Organization (WHO) the under-five mortality rate in 2010 in the URT was estimated to be 76 out of 1,000. Life expectancy at birth is estimated to be 53 years in 2012. The 15–60 year old adult mortality 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 under 5s is pneumonia and diarrhea. The HIV/AIDS epidemic is a significant problem in Tanzania; in 2009, the prevalence was estimated to be 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 indigenous peoples have fewer health facilities than other areas and are less able to access health care. 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 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, services received by pastoralists and hunter/gatherers from local government are often inadequate making for low incomes<sup>60</sup> therefore poverty and low literacy and educational

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<sup>60</sup> Research by Homewood et al 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 8 adult/equivalents. They

achievement<sup>61</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. But since data is not disaggregated, it is difficult to assess the actual situation of indigenous peoples.

## **12.5 Water**

The 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 stalled for many years after people had been asked to contribute some percentage as a condition for the project to begin. Very dutifully, people 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 Iparakuyio but 12 years later, in 2013 there was still no water. What people knew was that the water projects were supported by funding from the World Bank. In pastoralists societies it is women (including lactating women) who walk long distances to fetch water and this has a negative effects on their health and that of the children who are often left the whole day without breast milk.

## **12.6 Lack of skills and advocacy**

Because of poor educational levels, pastoralists often lack skills and knowledge and the abilities to advocate effectively for their rights and needs. This situation is compounded by a lack of capacity of pastoralist organisations to act in unison and to promote the rights of pastoralists. The situation is often aggravated by other forms of marginalisation and discrimination, and the negative perceptions that underpin all the causes of pastoralist poverty. Again women are worse off in this regard.

## **12.7 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 Iparakuyio 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 comes out therefore that more often than not, decisions and policies proposed and implemented do not favor and often flout indigenous peoples rights. In Morogoro, for example, the Iparakuyio reported that in order for politicians and other office bearers to get votes, they

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further cite seven other publications to support their suggestion that pastoralists are “*on a one-way trajectory ... into poverty and livelihoods on the margin.*”

<sup>61</sup> 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>

have to promise that if elected they will chase away pastoralists. Yet the pastoralists moved to the area in 1984 when there were no farmers, and as new comers move in they start talking ill of residents, a somewhat ingrained 'habit' from neighbours. The leaders, they say do not push any development agenda for pastoralism; no areas are set aside for livestock; high fines are imposed on misdemeanors; and they are never consulted, and they are called derogatory names and so on. According to the pastoralists, all these happen because they have no political representation and nobody seems to care about their plight.

### **13.0 Laws and the Legal system**

Most of the laws existing in the URT have already been covered under the various Acts, Ordinances and other legislation which have varying impacts on indigenous peoples. Therefore, this section is simply an overview of the legal system and 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>62</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 acquire land through illegitimate means<sup>63</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 of the first case in Lesoit village in Kiteto District was over 32 hectares contested by a farmer from a neighbouring village claiming that he acquired the land through the customary mechanism of clearing virgin land. The second case involved some 250,000 hectares of an important salt lick Emboliley e Murtangos utilized by 7 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 personal interest. This indicated that there are 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

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<sup>62</sup> Republic of Tanzania Country profile.

<sup>63</sup> Askew, K, F. Maganga and R. Odgaard. *Africa* 83 (1): 120-41

season. Pastoralists had to raise funds to pay the court broker to evict them. The struggle continues to this day with powerful forces trying hard to get the case to be returned to the lower court. There is even talk that a local investor had been identified to cultivate the land as soon as pastoralists have been removed.

The legal fraternity expressed frustration with the application of law at the 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 realize justice, they need to resort to constitutional rights cases (right to livelihood) through the international fora, e.g. East African Court of Justice, the African Court of Human and Peoples' Rights and the UN Human Rights avenues<sup>64</sup>.

## **14.0 Some positive measures undertaken by government to remedy the situation**

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 rights of indigenous peoples in Tanzania. It also includes actions or ideas that simply have potential of creating positive impact.

### **14.1 The Department of Pastoral Systems Development, MLFD**

While a pastoralists policy is yet been 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 feeds development. Range management in turn includes all natural resources for livestock such as pasture, water, salt licks, infrastructure like stock routes and markets, livelihoods and resolution of conflicts with other land uses. It signifies some degree of awareness of the significance of pastoralism in the country.

This Department seems to provide a window of opportunity for addressing pastoralist issues by 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 to guide the Department in its work. It also provides an opportunity to examine, interrogate and possibly borrow a leaf from the policy framework proposed by the African Union as the URT develops its own pastoralist policy.

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<sup>64</sup> R.Tenga, Options study, 2008

## **14.2 National Strategy for Growth and the Reduction of Poverty MKUKUTA (policy)**

The declared 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 Mkukuta (2005). If properly adhered to and implemented, this strategy has the potential of realizing improved services and development for indigenous pastoralists and hunter/gatherers in the country.

### **14.3 Grazing Lands Management and Utilisation Bill, 2007**

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

Some reviews have lauded the new Bill as an attempt to somehow address some structural problems in the Village Land Acts, in which case it is partly positive to pastoralists.<sup>65</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 clarity of what the connotation of what 'other arrangements' may be, this clause is odd as it seems some other entity, unspecified, may as well be given control of the VGDA.

### **14.4 Constitutional review process**

The Constitutional review process is ongoing in the URT and so far community views have been collected and are being compiled. Pastoralists and hunter/gatherers have 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; management and benefit sharing particularly for 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 on whether the final draft will contain the views expressed, it is expected that the outcome will indeed carry the will of the people including a reflection of indigenous peoples' desires for better livelihoods and overall protection of human rights.

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<sup>65</sup> **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)

## **15.0 Decentralization to the Local Government Level to facilitate investments and development at the village level**

Following the government's decision to decentralise some of its functions to lower level, 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 that 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 'royalty fee' 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, 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 may negotiate with the hunting investor if they so wish, 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 to resolve issues of human rights violations against indigenous peoples.

### **15. 1 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 on its management were made by NCAA. Since 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 blamed the PC of its inability to absorb the budget. Community members sited bureaucracy from 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 much too long. There is need to revise their tenure and facilitate a change of guard.

### **15.2 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 co-owning this forest are located. The nine villages are Sunya, Olgirra, Oltepesi, Asamatwa, Lengatei, Lesoit, Olkitikiti, Enkang'u-Enkare and Alaiserri. 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 it consists mainly of miombo woodlands, acacia, and other bush vegetation. In the forest are found 27 species of wild animals 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'. Also, 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 to be unsure of the boundary and invaders take advantage of this.

There is also no map of land use plans and there is no agreement of the present land uses because reportedly farmers want to cultivate bigger areas than presently allocated while pastoralists do not wish to move out of areas that they had always used as dry-season grazing but which have since been set aside for agriculture. But by far, the most serious challenge to sustainability 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 forests 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 witnessed 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 far -Canada, Ethiopia, Mozambique and Kenya- to see

how communities could manage forests. University students have also been given tours to SULEDO.

Recently, in 2011/12 conflicts are taking different forms with invaders having guns and they have begun to terrorise local residents. At the same time, some villagers are threatening to pull out of the SULEDO co-op without any explanation and the management does not know how to approach such an issue and they worry that there is a sinister motive under way.

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

But overall, 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 sustain-ably.

### **15.3 Commission on Human Rights and Good Governance: has latent potential for the protection and promotion of human rights**

The National human rights institution of the URT (CHRAGG) is a rather progressive institutions 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 of uniquely contributing to the protection and promotion of the rights of indigenous peoples while at the same time raising awareness and increasing sensitivities on this important subject matter. Legally and structurally, human rights for all falls under its mandate and under this auspices they 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.

### **15.4 Pastoralist Parliamentary Group**

Some notable efforts by pastoralists communities to create a platform and quorum to address their issues have led to the creation of a platform such as the Pastoralist Parliamentary Group. The PPG has been useful especially in raising issues in the 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. They also experience 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 orientation. Also, the fact that the Sukuma are also perhaps the largest population group in the country makes them not share the same numerical minority status with other pastoralists. Further, because cotton growing demands clearing of all vegetation, makes them to be perceived as environmentally destructive by both pastoralists and farmers. This sets them apart in terms of livelihood in ethnic terms and in terms of issues needing lobbying for.

Also the magnitude of conflict issues in the rest of the country tends to reduced interest in the 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 the Barbaig and Iparakuyio issues have tended to take a back seat in the lobby list in parliament. Some members of the PPG also indicated that whenever they raise their issues of other constituencies, it is not taken politely by the concerned MPs. One said that he was accused by a colleague of thinking he knew issues of his constituents better than the MP himself did. He got the message that he was being told to keep of the MP's turf.

While lobbying has not always been successful, there is an exception to this. When things got so bad following a serious drought in 2008/2009, pastoralists members of parliament lobbied the president for restocking households which had lost all their herds in Longido and Ngorongoro District, two areas that were hardest hit in the northern part of the country. They also lobbied successfully for relief food for Ngorongoro District toward the end of 2012 and 2013 following a serious famine. Also, in the very recent past, overwhelming support across parties and across ethnic divides among MPs for the increase in the budget of the Ministry of Livestock Development and Fisheries has ignited a glimmer of hope that strategic lobbying within parliament could bear positive fruit.

## **16.0 Development partners and their potential role in alleviating problems of IPs**

According to some development partners, it is easier to do what the government wants and because of official priorities 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 in order to alleviate the situation of indigenous peoples in the country. The exception to this is the DANIDA sector support programme of the 1990's.

The **Royal Danish Embassy** or Danida has been a faithful partner to the United Republic since time immemorial. Its main support to indigenous peoples has famously focused on restocking pastoralists of Ngorongoro through the *Ereto* ('mutual help') programme. The aim was to assist

pastoralists to re-build their herds at the 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 welcome even though it did not follow a rights-based approach.

While the programme was good and successful while it lasted, the policy environment that had created extreme poverty among indigenous residents of Ngorongoro had 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 use a pragmatic approach when dealing with the government and trying to work with people directly in order to achieve sustainable livelihoods. It has spearheaded a fact finding mission following 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 which has been active and vocal in defending the cause and rights of pastoralists. They were accused of being extremists 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 lack of coordination among development partners, there has been a tendency for donors to support initiatives that are not necessary beneficial to indigenous peoples. Perhaps a close 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 in the forefront in supporting indigenous peoples in the URT. It funds development activities through CARE, NRTF and others.

The **Finland** embassy supports 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 resources issues including land use planning and land registration that touch on the livelihoods of indigenous peoples.

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

**European Union Delegation** has been raising the issue of Human Rights every year with government and they feel that some progress is being made. There has been a Governance Working Group which held discussion with GOT ahead of the Universal Periodic Review and

agreed on all issues. But the outcome of the review was a surprise to the EU delegation. 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 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 collaboration with the United Republic of Tanzania. During the time of the visit, the officer in charge was more interested in finding out from the delegation who the government considers to be indigenous.

**Germany**, perhaps not government supported an initiative to bring all of the pastoralist groups in Mbarali into a single organisation (MUWAMBA, *Muungano wa ushirika wa Wafugaji Wilaya ya Mbarali*). The group departed, and their departure saw the collapse of the positive initiative they started.

**Frankfurt Zoological Society** has been funding NCAA for a long time and promoting negative exclusive tourism and conservation where people are not part of the equation. This may have influenced many Tanzanians according to indigenous communities who have nothing positive to say about them. Tourism Concern – 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.

There are other partners that are equally active in promoting various activities in the URT.

## **17.0 Civil Society Organizations and their role in promoting rights of pastoralists and hunter/gatherers**

There are many civil society organisations working in various localities, 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 service, 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 gatherers NGOs and CBOs and these are 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 governance, lobbying and advocacy and to sensitize communities on their rights, to strengthen networking among the local NGOs, and to influence national policies in favour of pastoralists and hunter gatherers.

The location of the two organisations 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) decided along with the northern NGOs to have one staff member move to Dar es Salaam for purposes of ensuring that pastoralists issues are also discussed in policy-making circles. However, funding to engage such a person ran out.

Other organisations working at national level which, although they are not pastoralist organisations, are working on issues pertinent to pastoralists include: Legal and Human Rights Centre (LHRC), *Haki-Ardhi*. FARM-Africa Haki Kazi Catalyst and Tanzania Natural Resources Forum (TNRF) to name but some.

## **18.0 Recommendations**

### **To the government of URT**

1. Provide guarantees to land ownership to ensure security of tenure to all indigenous pastoralists and hunter/gatherers irrespective of the livelihood systems;
2. Should it be necessary to relocate indigenous communities from their lands, it should be done through consultation and only effected 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 cultures and languages of indigenous pastoralists and hunter/gatherers in conformity with international human rights instruments;
5. Check 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 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 government being complicit in human rights violations and also to facilitate a process of resolution and healing by affected persons;
9. Set up a probe committee to investigate alleged mysterious disappearances of persons especially indigenous peoples, mistreatments, arbitrary arrests, imprisonments, harassment and intimidation through 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 to also take into consideration 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 UN and other relevant international human rights instruments particularly UNDRIP, ILO 169 and domesticate the AU pastoralist policy framework;
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, policies particularly those affecting them;
15. Facilitate conduct of 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 be 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 against 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 and have been identified as best practices; and
19. Take deliberate measures to implement the Kampala Convention.

### **To the ACHPR**

1. To conduct a country mission to the URT and engage the government on the human rights situation of indigenous peoples;
2. To 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 and indigenous peoples which could strengthen the existing peace through longer lasting justice, democracy and respect for human rights for all in the URT.

### **To Development Partners**

1. To demonstrate true partnership by engaging the URT strategically and sharing information on policies, mechanisms and human rights instruments which 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 for indigenous pastoralists and hunter/gatherers through supporting programmes that have a negative effect on the livelihoods of indigenous peoples.

## References

- Askew Kelly, Faustin Maganga and Rie Odgaard. *'Of land and Legitimacy: a tale of two lawsuits.'* Africa 83 (1) 2013: 120-41
- Brehony, Eamonn, Amon Mattee & B.N Ole Nangoro (2004) Inclusion & Opportunity, a way to reduce marginalization and vulnerability: a study on the development of a pastoralist policy component for Ereto II Ngorongoro pastoralist project. May.
- Hesse, C. and M. Ochieng Othiambo (2002) In search of a vision for the future of pastoralism in East Africa. Discussion Paper for RPCS-EA.
- Homewood K.M & W. Rogers, (1991) Maasailand Ecology, pastoralism and wildlife conservation. University Press: Cambridge.
- Hussmann, Karen and Max Mmuya, Tanzania – Anti-corruption policy making in practice: A Country Case Study. U4 Report 1:2007 Part 2E
- Kipuri, Naomi & C. Sorensen (2008) Poverty, Pastoralism and Policy. ERETO/IIED: Dar es Salaam.
- Kiteto District Council (2007) Kiteto District Council, District Agricultural Development Plan and Budget, 2007/2008 – 2008/2009.
- Legal and Human Rights Centre: Annual Progress report (June 2008).
- Letai, John "An Audit of the Rangelands Act."(TAPHGO, 2007).Mattee, A. Z. and M. Shem (2006) Ambivalence and contradiction: A review of the policy environment in Tanzania in relation to pastoralism. IIED Issue Paper No 140, March, 2006, London, International Institute for Environment and Development.
- Mung'ong'o, C. and D. Mwamfupe (2003) Poverty and changing livelihoods of migrant Maasai pastoralists in Morogoro and Kilosa Districts, Tanzania. Research Report No. 03.5, Research on Poverty Alleviation, Mkuki Na Nyota Publishers Ltd Dar es Salaam.
- Ole Nasha, W. (2004) Analysis of policy environment for pastoralist production in Tanzania
- Ole Mwarabu, Kuleit (Feb. 2009) Brief report on the eviction of Pastoralists from Kilosa District, Morogoro Region. PAICODEO
- Press Release by Pastoralist civil Society organizations on state of hunger and starvation in the Ngorongoro Conservation Area (NCA). Hunger in a World Heritage Site? : Where is the World? (21<sup>st</sup> Dec. 2012).
- Ole Kosyando, M. Lembulung "A Participation Report of the Pilot Project in Handeni District, Sept.18-Dec. 8, 2006," Mkurabita and the implementation of the Village Land Law Act no 5 of 1999 (Arusha, TAPHGO, January, 2007).
- Mustafa, K: "Eviction of Pastoralists from Mkomazi Game Reserve in Tanzania: A Statement". Unpublished Paper, IIED, March 2003.
- Ole Nasha, William "Formalisation of Land in the Commons: the Future or the End of Pastoralism in Tanzania?" MKURABITA Newsletter (Dar Es Salaam), March, 2007.
- Ole Ndaskoi, N. (n.d.) The Root causes of Maasai predicament.
- Rugemeleza Nshala: Village Rights Relating To Land Management, Tourism and Tourist Hunting. A Report of the Lawyers' Environmental Action Team (LEAT), June 2002
- Shivji, G. Issa 1994. A Legal Quagmire: Tanzania's Regulation of Land Tenure (Establishment of Villages) Act, 1992, Pastoral land Tenure Series No. 5 (London: International Institute for Environment and Development [IIED]).
- Sorenson, C (2006) Study on the main policy issues impacting on the livelihoods of pastoralists and hunter-gatherers in Tanzania & mapping of key organisations. Report for IWGIA April, 2006.
- SULEDO Forest Conservation and Sustainable harvesting Plan (2009).
- Tanzania Natural Resources Forum Policy brief Loliondo: resolving the Loliondo Conflict (Sept. 2010).

Tenga, Ringo et al. 'Study on Options for pastoralists to secure their livelihoods in Tanzania: Current policy, Legal and Economic issues,' Vol. 1.(Feb. 2008). Commissioned by Community Research and Development Services and co-funded by PWC, IIED, MMM Ngaramtoni Centre, TNRF & UCRT.

United Republic of Tanzania (June 2012) Tanzania Five Year Development Plan 2011/12-2015/16 Unleashing Tanzania's Latent Growth Potentials.

United Republic of Tanzania (2009) Tanzania Investment Report. National Bureau of Statistics.

United Republic of Tanzania (2009) Ministry of Finance and Economic Affairs 'Kilimo Kwanza.' In Mapambano Magazine: June to Dec. 2009, pp. 26-27.

URT National Strategy for Growth and Reduction of Poverty (NSGRP), Vice President's Office, June 2005.

URT National Framework for Reduced Emissions from Deforestation & Forest Degradation (REDD) August 2009

United Nations: Committee on Economic, Social and Cultural Rights: Concluding Observations on the Initial to Third report on the URT adopted by the committee on its 49<sup>th</sup> Session (12-30 Nov. 2012).

United Nations, Report by the Special Rapporteur (James Anaya) on the situation of human rights and fundamental freedoms of indigenous peoples, 14<sup>th</sup> Sept. 2010 for cases examined by the SR June 2009 – July 2010. Human Rights Council, A /HRC/15/37/ADD.1.

UPR NGO Report 'Joint Stakeholders (NGOs) Submission to the HR Council 11<sup>th</sup> March 2011.

Walsh, M. (2007) Pastoralism and Policy Processes in Tanzania: Case Study and Recommendations. Report to TNRF, September, 2007.

Western, 1989

Wily, Liz Alden "Land Rights Reform and Governance in Africa: How to Make it Work in the 21st Century," Discussion Paper, UNDP Oslo Governance Centre (New York: UNDP Drylands Development Centre, 2006).

## Appendix 2 Programme of the Research and Information Visit

### Appendix 3 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	Irkiramamat
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
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	1 <sup>st</sup> 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
50.	Hon. Kaika Ole Telele	M.P. Ngorongoro
51.	Hon. Laizer Ole Lekule	M.P Longido
52.	Tom Vens	Head of Section, Pol,itics, 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	Ag. Dir. of Vet. Services, 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
77.	Mathayo Maguluka	Accountant, NAPASO
78.	Jose Joshua Ntohole	Communicatons Officer, NAPASO

79.	Esther Moreto	Iparakuyio Pastoralist Chalinze
80.	Olairritani Daniel	Iparakuyio member, Morogoro
81.	Marthat Ngooche	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	“