

Excellencies:

H.E. Jakaya Mrisho Kikwete - President and Commander-in-Chief of the Armed Forces of the
United Republic of Tanzania
Hon. Mizengo Kayanza Peter Pinda - Prime Minister
H.E. Dr. Mohamed Gharib Bilal – Vice-President
Hon. Khamis Kagasheki - Minister for Natural Resources and Tourism
Mr. James Lembeli - Chairman of Parliamentary Committee on Land, Environment & Natural
Resources

Bugnau (Switzerland), 6 March 2013

***Ref: Letter of concern regarding the Loliondo Game Controlled Area Conflict in
Relation to Global Best Practices for Conservation***

Dear Sirs,

The ICCA Consortium is an international association under Swiss law uniting federations and organizations of indigenous peoples, local communities and NGOs concerned with the appropriate recognition of the ***territories and areas conserved by indigenous peoples and local communities (ICCAs)*** throughout the world. We are a partner organization of the Secretariat of the Convention on Biological Diversity (CBD), the United Nations Development Programme (UNDP/GEF/SGP) and the International Union for the Conservation of Nature (IUCN).

The ICCA Consortium's worldwide engagement is part of the global recognition of the importance of indigenous peoples' and local community conservation practices to achieve global conservation goals and targets. This recognition is enshrined in the ***Convention on Biological Diversity***, which asks Parties to "***recognize the role of indigenous and local community conserved areas in biodiversity conservation and diversification of governance types***" (COP 10/ X 31), a role considered fundamental to reach ***Aichi Biodiversity Targets 11 and 18***, among others. Various other international agreements and best practice guidelines— including the United Nations Declaration on the Rights of Indigenous Peoples— lend support to the rights of indigenous peoples and local communities to manage and conserve their territories according to their own values, institutions, and practices. Such agreements and best practice guidelines also recognise indigenous peoples' and community conservation as compatible with, and actually promoting, local sustainable livelihoods and poverty eradication efforts. Drawing lessons from numerous successful examples and the experience of problems round the world, the ICCA Consortium works to support understanding and appropriate practice in the integration of conservation, sustainable livelihoods and the respect of human and indigenous peoples' rights.

We write this letter to communicate our ***deep concern*** regarding public statements recently made by the Tanzanian Ministry of Natural Resources and Tourism to establish a Game Controlled Area, as defined by the Wildlife Conservation Act of 2009, on 1,500 km² of land in Loliondo.

In particular we would like to express the concern of the ICCA Consortium in light of the following well documented facts surrounding this situation:

- The land that is proposed to be excised as Game Controlled Area is, by customary law and according to Tanzanian legislation, the ***rightful land of the communities of Loliondo***, based on both traditional use and legal documentation of rights to this land.
- The Maasai pastoralist communities of Loliondo have ***a track record of conserving wildlife and other natural resources through their indigenous rangeland management practices***. This role is well known and a major reason for the abundance of wildlife that persists today in northern Tanzania, as well as in other pastoralist areas in East Africa. Abundant scientific research documents the historic and continuing co-existence of livestock, people, and wildlife in northern Tanzanian ecosystems.
- The roots of the Loliondo conflict are understood as residing in the change in legal meaning of “Game Controlled Areas” contained in the 2009 Wildlife Conservation Act. Prior to this Act, there were no restrictions on community residence or livelihood activities in Game Controlled Areas, which overlap significantly with legally recognized Village Lands in Tanzania as defined by the Village Land Act. The 2009 Act introduced prohibitions on residence and livestock grazing in Game Controlled Areas that require the spatial separation of Game Controlled Areas and Village Lands in a way that was not necessary under the previous statute.
- Excising 1,500 km², or nearly 40% of the total land area of Loliondo Game Controlled Area, which has historically been used and managed by the resident communities, could only have a ***major negative effect on local livelihoods and social well being***. This would likely create long-term conflicts about land access and natural resource use, and severely impoverish the Loliondo communities. Ultimately, it could create a ***serious and lasting impediment to sustainable conservation practices in the broader Serengeti region***.

The ICCA Consortium would like to respectfully highlight for the consideration of the Tanzanian government and other international observers that ***international standards*** recognise that ***effective and sustainable conservation takes into account and is compatible with the sustainable livelihoods and collective rights of concerned indigenous peoples’ and local communities***. Conservation efforts that damage human and indigenous peoples’ rights and the basis of local livelihoods— as currently proposed in Loliondo— are unlikely to foster effective, long-term conservation results. For this reason, global conservation policy promotes the integration of community rights and conservation targets through mechanisms such as ICCAs, whereby communities, supported through suitable incentives, can practice conservation while gaining their livelihoods. This position is confirmed in numerous ***policy statements*** of bodies such as the ***International Union for Conservation of Nature and Natural Resources (IUCN)***, the leading international technical authority on conservation policy and practice, the latest example being ***IUCN Resolution 5.094 (Respecting, recognizing and supporting Indigenous Peoples’ and Community Conserved Territories and Areas) of September 2012***.

Further, the ICCA Consortium would like to respectfully draw attention to a landmark decision for African indigenous peoples in the ***Communication 276/2003, Centre for Minority Rights Group on behalf of the Endorois Welfare Council vs Kenya***, argued before the African Commission on Human and Peoples Rights and confirmed by the African Union in March 2010. This decision referred to a Kenyan community dispossessed of its ancestral lands, which had been gazetted by the Kenyan government in 1973. As a result, the community was unable to access its land ever since and lost its rights to property and religion. In conjunction, the

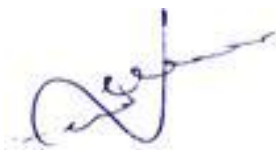
Endorois people also lost their rights to development and to freely dispose of their natural resources. The Endorois had no formal title to land but sought to prove their customary ownership in terms of its 'aboriginal title'. They argued that ***'in cultivating the land and enjoying unchallenged rights to pasture, they exercised an indigenous form of tenure, holding the land through a collective form of ownership.'***¹ ***The African Commission on Human and Peoples Rights found that the eviction did in fact violate the Endorois' rights as indigenous people to property, health, culture, religion and natural resources. It ordered Kenya to restore the Endorois to their historic land, and to compensate them.***

Finally, the ICCA Consortium would also like to respectfully note that ***a mechanism for reconciling local land rights and development interests with conservation goals is readily available, in Tanzania, in the form of Wildlife Management Areas (WMAs).*** WMAs are established on village lands in areas very similar to Loliondo and, in WMAs, communities are granted rights to manage and benefit from wildlife. WMAs that are carefully designed and implemented are believed to be effective for both conservation and livelihood goals.

In light of global interests and experiences and in full respect of the concerns and interest of the Tanzanian country and peoples, ***the ICCA Consortium would like to strongly recommend the Tanzanian government:***

- ***to promote a resolution of the current conflicts in Loliondo in a way that takes into account international policy and best practice for conservation, sustainable livelihoods, poverty eradication and the respect of human and indigenous peoples' rights—*** as highlighted by the CBD and the African Commission on Human and Peoples Rights, as well as by international technical bodies such as the IUCN;
- ***to utilize its own existing policy mechanisms— such as WMAs— to achieve a reconciliation of wildlife conservation, sustainable livelihoods and community land rights for Loliondo in particular and for the Serengeti ecosystem in general.***

We thank you very much for your kind consideration and we look forward to hearing from you on a positive resolution of this matter, crucial for both conservation and the sustainable livelihoods of the Tanzanian people.



Dr. M. Taghi Farvar
President, The ICCA Consortium



Dr. Grazia Borrini-Feyerabend
Global Coordinator, The ICCA Consortium

¹ Endorois, par 78