

HUMAN RIGHTS DEFENDERS' ADVICE ON LAND DISPUTE IN NGORONGORO DISTRICT

1.0 Introduction

We Human Rights Defenders who work in various parts of the country, have been closely monitoring the human rights situation in the on-going land dispute in Ngorongoro District and some of us have been participating in trying to foment a lasting solution to this dispute. For almost two weeks now there has been a great panic among the people of Ngorongoro after they had become aware of the information about deliberate strategies to evict them from their ancestral land. The people of Ngorongoro are constantly worried about the government move to take away their land and others to be evicted from Ngorongoro Division (Ngorongoro Conservation Area) to be relocated to other places outside the district.

In recent days there has been a litany of complaints from the people of Ngorongoro about a few media organizations and different people who, for reasons known to themselves have been misleading the society by giving false information and demonize the dignity of the people living in Ngorongoro Conservation Area Authority (NCAA). Various false claims have been disseminated in various local media. Surprisingly even few Members of Parliament and people of authority have joined the fray to antagonize the people of Ngorongoro. This unproven information has caused great panic to the pastoral communities, who have been demoralized to the extent of reducing their zeal of working hard to eke out a living. Presently this pastoral community has ended up in the circumstances where the people feel they are being isolated and stigmatized for choosing to embrace their traditional way of life in a natural environment.

- The people have expressed their complaints against the said media outlets for continuing to vilify them in their reports probably with intent to influence public institutions to believe that the people are living there illegally thus are supposed to be removed from their traditional settlement. We have also been disappointed by the reports that a few journalists who sought to hear the other side of the story from the people have been harassed by the authority while performing their duties in Ngorongoro.

- The Prime Minister's directive to the Ministry of Tourism and Natural Resources as well as its various institutions to conduct a seminar to enlighten members of parliament about the history of Ngorongoro and the real situation on the ground, whereas such institutions are part of the conflict is against the principles of dispensation of justice since they are likely to peddle their propaganda by giving one sided information with the aim to fulfill their long-time strategies.
- The allegations leveled against Civil Society Organizations that they receive funding from neighboring countries with the aim to fuel the dispute are baseless and totally false, and if an individual person or an institution have any evidence, they should publicly present it. For many years now this kind of propaganda against CSOs in Ngorongoro has been spreading like wild fire and has been used as an excuse to undermine CSOs work in Ngorongoro District.
- We advise the government to have a dialogue with the people and discuss the problems related with the on-going conflict in Ngorongoro Conservation Area Authority and get rid of misleading information fueled by some media organizations, people with vested interests and other organizations in order to come to a joint consensus.

Meanwhile we would like to congratulate Her Excellency President Samia for instructing Hon. Prime Minister Kassim Majaliwa to meet with the people of Ngorongoro and Loliondo in order to hear their side of the story and probably to jointly solve the existing challenges. Also, we congratulate the Speaker of the Parliament of the United Republic of Tanzania, Hon Tulia Akson for instructing the government to find a lasting solution to this land conflict. We continue to insist that this conflict must be carefully resolved in a participatory way involving the people who are the main victims of this conflict.

We strongly condemn the utterances made by various leaders who have publicly insinuated that the people of Ngorongoro should be forcefully evicted where necessary using military firearms and artillery tanks to remove them. These wretched utterances are tantamount to condemning these innocent people for the offence they never committed since they are there legally in accordance with NCA act of 1959 which recognized multiple land use system.

2.0 About Ngorongoro Resource Based Conflicts

Land conflict in Ngorongoro District has been raging for a long time now. Although various efforts to foment a lasting solution are yet to bear fruits. Before Tanganyika's independence, pastoral communities had lost their grazing land in Serengeti when they were evicted and settled in the Ngorongoro Division and Loliondo, where they were promised that never again shall they be evicted from their traditional grazing land. Ngorongoro district has a total of 14,000 square Kilometers. More than 75% of land area in Ngorongoro is currently being used for tourism and nature conservation activities. At the moment only 4000 square kilometers are remaining for human settlement and community activities.

Since 1992, the people of Ngorongoro have constantly been living in fear. The people of Ngorongoro have repeatedly been threatened to be evicted in the process their human rights have grossly been violated. For instance, the state's ploys to grab village land in Loliondo Division , some people had their homes set ablaze, people lost their lives, livestock killed and people's property destroyed.

The only consolation for the people is the fact that top government leaders have always intervened and allay fear the people have been engulfed in. We also believe that the current government leaders from the echelons of power will now find a lasting solution to this dispute. For example, the plan to take away 1500 square kilometres of village land in Loliondo failed after the former Prime Minister Hon. Mizengo Pinda issued a decree to stop it and status quo be maintained until when the government would come up with a new plan which would take into consideration the people's right as rightful land owners.

Land disputes involving the people, conservators or conservation authorities and the Ministry of Tourism and Natural Resources has been growing in Ngorongoro District when plans to evict the people living in areas surrounding the Ngorongoro Conservation Area started to emerge in April 2021. The Ngorongoro Conservation Area Authority (NCAA) ordered the removal of some local people in the conservation area on the claims that they were illegal immigrants, others in their hundreds had been ordered to demolish their buildings including government's owned primary schools, health centres, polices posts, churches, mosques and private home. After many

complaints from the people, this exercise was halted until this year where many such strategies, which again do not involve the people, have been conceived to tell the people to prepare to get out of Ngorongoro district.

2.1 Reasons for evicting people in Ngorongoro

First of all we acknowledge to a great extent the importance and the need to protect Ngorongoro Conservation Area and we are ready to join forces with the government to ensure that this area continues to be conserved. However, we still think the reasons given to influence the eviction of people from Ngorongoro District still need participatory research in order to come up with a viable joint decision with the community. Some of those reasons are as follows;

- i. An increase of human population. The claims that there are more than 100,000 people residing in Ngorongoro without having any scientific reference are likely to be mistaken. It can be remembered that even the census conducted involve the employees of various government institutions who are not pastoralists. For example, teacher, health workers, employees of the Ngorongoro Conservation Area Authority (NCAA), workers in different tourist hotels and even drivers who drive vehicles for carrying tourists. Moreover, an increase in human population in Ngorongoro is in retrospect not a mistake of the local people since it is a natural right of anybody to reproduce. We have witnessed this criterion of increasing human population being used as a weapon to attack the people of Ngorongoro as if they have broken a law for reproducing themselves which comes so naturally. This is an important concern but it needs more inclusive research and adherence to principles of human rights when conducting research and eventually to deliberate and jointly agree with the community on whatever decision based on the principles of human rights.
- ii. About the extinction of wild animals. It is true that there are many wild animals in Ngorongoro including those considered as endangered species such as black rhinos. In the past years there were many black rhinos in many parts of Tanzania, such as in National Parks including Serengeti where pastoralists and their herds of cattle, goats and sheep are prohibited to enter. Half of the remaining black rhinos in Tanzania are in Ngorongoro because the Maasai community has developed a good relationship of

conserving the natural resources. Moreover, we still advise the government to devise a clear strategy to weigh the effects of evicting people from that area in favor of the wellbeing of wildlife and plants.

- iii. Regarding the availability of a huge number of domesticated animals. This is not a genuine reason. The available livestock such as cows, goats, sheep and donkeys have thrived in the area in a very small ratio given that the village land have to a great extent been reduced. The livestock (mostly cattle) situation in Ngorongoro and elsewhere in the country has been declining due to various reasons including the impact of climate change, shortage of pastures, diseases and rural and urban migration of the youth.
- iv. The reason of safeguarding “national interests” has been wrongly used to justify eviction of pastoralists on the Serengeti side and currently the said is still undergoing demarcation with the aim to take it away from the people thus affecting their livelihoods. The Maasai community has for many years had a great contribution to protect the Ngorongoro Conservation Area but sadly their immense contribution has not been honoured instead they are being perceived as trouble makers without any contribution in protecting the national resources.

3.0 The state of Human Rights and Human Rights Defenders

Because of the existing land disputes in Ngorongoro and Loliondo the people in those area have been subjected to hardship and are living in constant fear. Lack of basic services such as education, health, water have been fueled by these unending conflicts. Unfortunately, some people have taken advantage of the lack of these important services to mislead the general public in Tanzania.

The truth of the matter is that poor living condition of the people and lack of basic services in that area is caused by the failure of the Ngorongoro Conservation Area Authority to fulfil its responsibility to foresee its primary objectives for the establishment of the shared ecosystem. These people have been facing many hurdles which have to a greater extent contributed to poor living conditions of those people. Many challenges are as a result of restrictions and poor management of the Ngorongoro Conservation area which does not take into consideration fairness and rights of the people, which is taken today as the reason for evicting the people in Ngorongoro.

The challenges facing the Ngorongoro District have intensified because of the difficulties for human rights defenders, journalists and lawyers who are willing to work and defend the interests of the people in those areas. In the past years some activists were arrested and charged with espionage and sedition.

Some journalists and select media organization too have been facing difficulties to access the right information about Ngorongoro. It can be recalled that on February 3 2022, six journalists were temporarily detained and interrogated on accusations of going into the Ngorongoro Conservation Area without permit. These are some of the incidents which cause fear among the people, Human Rights Defenders and Journalists.

4.0 Our Advise

Because the President of the United Republic of Tanzania, Her Excellency Samia Suluhu Hassan has instructed the government to prepare a participatory plan to directly involve the people and later the said plan to be practically affected by the Prime Minister; in order to get independent views from the people it is necessary to consider the following.

- i. We call upon Hon. Prime Minister to give special opportunity to independent observers such as the people of Ngorongoro, Human Rights Defenders and other stakeholders, to participate in awareness raising seminar to Members of Parliament about the real situation in Ngorongoro District. This is due to the fact that the Ngorongoro Conservation Area, TAWA, TAWA and the Ministry of Tourism and Natural Resources are accused by the people of Ngorongoro for harboring a threatening agenda to sabotage them. We ask the Prime Minister to see that the decision to give the Ministry of Tourism and Natural Resources, NCAA and TAWA the opportunity to organize a public seminar to decision makers including Members of Parliament without according the people similar opportunity can potentially promote one-sided information from the disputed parties in Ngorongoro.
- ii. We remind the government to bear in mind that, in 1958 when the Ngorongoro Conservation Area was established, there were three main objectives which are:
 - Conservation

- To protect the rights of the indigenous people who had been evicted from Serengeti on a treaty with colonialists
- Tourism.

These three objectives had been incorporated in the Ngorongoro Conservation Area Act during the colonial era and they are still there in the current law governing the Ngorongoro Conservation Area. The Governor of Tanganyika, Richard Turnbull said, “...If there will be a conflict of interest in Ngorongoro between the interests of the Maasai and their livestock on one side and the interest of wildlife and tourists on the other side, the Maasai and their livestock should be given the priority,”

- iii. We call upon the government to recognize that the existing state of poverty in Ngorongoro District and lack of social services is a direct product of the authority’s failure to coordinate the primary objective of establishing the Ngorongoro Conservation Area Authority (NCA). The government must recognize that the decision to evict people of Ngorongoro and Loliondo will cause great suffering to those communities such as disturbing people’s peace of mind, freedom and development in their respective villages. Also the said people would be greatly compensated because for many years they have been involved in conserving the area and have been deterred from engaging in any other economic activities. The compensation in that area is completely different from the conventional valuation of what is available on the land in question.
- iv. The government should form an independent commission which will involve native pastoralists of Ngorongoro, conservation experts, human rights defenders, tourism stakeholders, livestock experts human rights stakeholders, and native pastoralists so that they can jointly conduct research on the disputed issues and thereafter come up with recommendations which will bear in mind the protection of the area as well as the right of the community of Ngorongoro.
- v. The ministry of Tourism and Natural Resources as well as NCAA must abandon its plans to evict pastoralists from Ngorongoro and take away village land in Loliondo with the view to protect the primary objective of establishing NCA and also to protect the right of the native people who live in the area in accordance with the law. It can be remembered that conservation activities in the Ngorongoro area very much depend the presence of the

native people as native conservators. Also all the tourists are flocking in Ngorongoro to see the unique multiple land use system and the way of life of the Maasai people.

- vi. We call upon our Parliament to fairly moderate parliamentary debates about the Ngorongoro issue and to discourage utterances that denigrate the dignity of the people of Ngorongoro who have for many years sacrificed their lives to protect the natural resources in the area. Let it be remembered to the people of Ngorongoro are innocent because an increase in population of wildlife and humans in a natural phenomenon and is not a crime.
- vii. The law which establishes the Ngorongoro Conservation Area Authority should be reviewed with the view to improve management of the area and protection of the rights of the people as well as ensuring the area continues to be conserved and developed.
- viii. To prevent other human activities resulting from an increase in tourism activities in Ngorongoro. For example to prevent construction of hotels and an increase of motor vehicles.
- ix. To abandon plans to take away village land in 14 villages in Loliondo with a total of 1500 square kilometres instead there should be an agreement between the government and the people to protect the said area for livestock and wildlife activities.
- x. To avoid any plans to evict pastoralists of Ngorongoro and other areas because already the conflicts between pastoralists and farmers are rife in many parts of the country.
- xi. To jointly plan with the people about all remaining areas earmarked for conservation activities at Ngorongoro Conservation Area and to leave the people in areas or wards with no great interference with conservation activities in the Ngorongoro which has a large area of 8,400 square kilometres.
- xii. To give various stakeholders including journalists, human rights defenders, and researchers the freedom to closely monitor the existing land dispute with the aim to seek the opinions of many stakeholders.

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