



UNITED REPUBLIC OF TANZANIA

Unrepresented Nations and Peoples Organization (UNPO)

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The Unrepresented Nations and Peoples Organization (UNPO is an international, nonviolent, and democratic membership organization. Its members are indigenous peoples, minorities, and unrecognized or occupied territories who aim to protect and promote their human and cultural rights and to find nonviolent solutions to conflicts which affect them.

Introduction

Key Words: *Maasai, indigenous groups, ILO Convention 169 UN Declaration on the Rights of Indigenous Peoples, land rights, ownership, territorial plight, livelihoods, civil and political rights*

This report is structured in the following manner:

Section A deals with the **Normative and Institutional Framework & International Obligations**

Section B deals with the **Promotion and Protection of Minority Rights on the Ground**

Section C outlines **UNPO's Recommendations** based on the preceding areas of concern

1. According to the United Nations (UN), the population of the United Republic of Tanzania (from here on Tanzania) in 2003 was estimated to be 36,977,000¹. Indigenous groups, including the Maasai, Barabaig, Taturu and Sukuma constitute around 10% of the Tanzanian population.² Though difficult to account for the number of Tanzanian Maasai, due to the lack of official data disaggregated by ethnicity, they have been estimated to have a population of 646,000.³ This population resides notably in the northern Loliondo district of Ngorongoro, in the Arusha region. Maasai communities are not to populate the Ngorongoro Conservation Area, a UNESCO World Heritage site.

2. The Maasai are represented at UNPO by three organisations: The Mainyoito Pastoralist Integrated Development Organisation (MPIDO), is aimed at securing land rights, stimulating community development and responding to food insecurity in Kajiado District. The Kitengela Ilparakuo Land Owners Association (KILA) acts as a focal point for stakeholders concerning wildlife lands in the region of Kitengela. The Maasai Women for Education and Economic Development (MAWEED), a community based organisation who campaign for the rights of Maasai women and the educational rights of youth.

¹ Advameg Inc., 2009

² Gesellschaft für bedrohte Völker (2010), "The Masai struggle against land evictions to make way for big game hunters".

³ Committee for International Coordination of National Research in Demography, 1991



Normative & Institutional Framework & International Obligations

3. The Constitution of Tanzania was approved in 1977 and has been amended 15 times, largely related to the developments of the union between the Tanzania Mainland and Zanzibar. The Constitution fails to adequately recognize, and thus fails to protect, the rights of indigenous groups and pastoralist Maasai groups in in Ngorongoro, Tanzania. UNPO believes that with the present in place Constitution, Maasai are at risk and vulnerable because access to their traditional lands is not currently recognized under Tanzanian Constitution. Former court-cases have argued that the term 'property' in Article 24 of the Constitution of Tanzania, which guarantees the right to property, must include the 'bundle of rights' that would encapsulate the pastoralists' concept of property.”⁴

4. Regarding the above, UNPO is concerned about the Constitution and its intrinsic prejudice towards indigenous Maasai groups by failing to recognize property rights being pastoral land. UNPO is additionally concerned that the State takes no measures to identify alternative lands for relocated Maasai communities in Ngorongoro, or to compensate them so they may continue their traditional livelihoods.

5. In 1989 the International Labour Organization adopted the [*Indigenous Tribal Peoples Convention No.169*](#), in order to promote and protect the rights of indigenous groups. UNPO is concerned that the government of Tanzania has not yet endorsed *ILO Convention 169*, and consequently there are no provisions to uphold the rights of the Maasai. Furthermore, the *UN Declaration on the Rights of Indigenous Peoples* which the United Republic of Tanzania abstains from supporting stresses the collective right of groups to maintain their livelihoods and identity.

Promotion and Protection of Minority Rights on the Ground

6. Land Security and Ownership.

In 1959 British colonial government began to eliminate pastoralist communities from East Africa. The land belonging to pastoralists was considered unproductive and thus need to be resettled or developed. Large areas of land were obtained by colonial administrators which developed into national parks and game reserves. As a result Maasai communities grazed towards the Ngorongoro basin. In 1961, the new Tanzanian government began to evict the Maasai in northern Tanzania. Evictions continue to this day. This is discriminatory treatment represents a violation of Article 26 of the *International Covenant on Civil and Political Rights* and the *Convention on the Elimination of All Forms of Racial Discrimination* both to which the Tanzania is a party.

⁴ Tenga, W. Ringo (1998). “Legitimizing Dispossession: The Tanzanian High Court's Decision on the Eviction of Maasai Pastoralists from Mkomazi Game Reserve” *Cultural Survival*



7. UNPO makes note of the follow up of the 2009 *Human Rights Committee*, “that the State does not recognize the existence of indigenous peoples in its territory”. The State then further rejects to recognize the land rights of the Maasai. Without access to the land previously owned by them, the Maasai are not able to maintain their livelihoods and subsist as pastoralists. Land security and ownership of land is central to the cultural survival of the Maasai in northern Tanzania. Land ownership is intrinsically linked to the right to movement, residence and protection of property.

8. Eco-tourism and agribusinesses have developed throughout the district of Ngorongoro. For example, the *Otterlo Business Corporation*, which is said to have ties with the Royal Dubai family, declare their right to land in northern Loliondo where Maasai reside, quoting it as “hunting grounds purchased from the government of Tanzania”.⁵ A report to the *African Commission on Human and Peoples’ Rights* (published in May 2008) details how the Ngorongoro Conservation Authority prioritizes tourism over the interests of indigenous groups, which notes the Maasai. The Ngorongoro Conservation Authority, an arm of the government of Tanzania, has the power to “prohibit, restrict, or control residence or settlement in the area”. It reserves the right to evict or relocate families who they deem not to be ‘original’ inhabitants of the area. This rights significantly hampers Maasai movements, banning them from cultivating certain land areas. This makes Maasai pastoralist practice greatly unattainable.

9. *Territorial Plight and Livelihoods of the Maasai.*

The State, through supporting foreign investors to develop natural parks and game reserves for tourists, push Maasai communities off their land. This overcrowds grazing land and also limits grazing choice for the Maasai. Due to expanding development projects, Maasai are evicted from their land, sometimes involved the burning of villages. Evictions are reported to involved violence and harassment leaving Maasai to become displaced without food and shelter. UNPO is concerned by the State’s action to sell the land of the Maasai to foreign investors, without consulting Maasai communities and without over redress or compensation after eviction.

10. The State fails plan ahead and appropriate land allocation once the Maasai are forced to leave their land. Danger that conflict will arise between evicted and resettled, Maasai requires proper action by the State to monitor the effect of developing land project. Without the State providing appropriate adjustment and relocation programmes for resettled Maasai, their livelihoods continue to be disrupted, so drastically even that it could lead to their extinction.

11. The territorial plight of the Maasai is a serious problem, which UNPO believes requires immediate attention and action by the international community. The Maasai rely on the land to graze their cattle and to maintain their livelihoods. The Ngorongoro Conservation Authority, being an arm of the government of Tanzania, uphold the right to settle on where Maasai pastoralists may graze their cattle. Reports make public that at least 8000 livestock

⁵ Office for Global Concern (February 2010) “Tanzania: Maasai face land loss, extinction”



have been seized.⁶ Owners of livestock are requested, sometimes forced, to pay a fine per animal on the charged of “alleged environmental degradation”.⁷ These acts have a very negative impact on the health of Maasai whose diet depend heavily on the milk, meat and fat these animals.

12. Civil and Political Rights.

Due to the lack of official data, problems affecting Tanzanian Maasai tend to remain hidden and unaddressed. UNPO is concerned over the lack of differentiated recognition and protection of Maasai within Tanzania. Access to education is problematic for the Maasai, largely because lack of facilities. In Ngorongoro endeavors to build secondary schools are stalled by bureaucratic procedures, with the excuse that the areas are ecologically delicate and sensitive. However, resorts and hotels have been built in areas where Maasai schools have been forbidden. UNPO believes such pretexts reflect a fundamental lack of appreciation of the State on special plight of the Maasai.

Recommendations

UNPO makes the following recommendations to the State of the United Republic of Tanzania to positively address the situation of the Maasai pastoralists:

1. Immediately discontinue evictions of indigenous pastoralist Maasai groups from their traditional lands, including within the Ngorongoro Conservation Area.
2. Seek to bring about widespread perceptual change, by acknowledging pastoralism as a viable economic system in the Northern Loliondo district of Ngorongoro.
2. Identify and protect Maasai rights to land in accordance with their customary laws and land tenure practices, and uphold the duty to recognize and protect indigenous rights in lands and natural resources, as is stated in the Article 26 of the United Nations Declaration on the Rights of Indigenous People (see appendix)
3. Ensure projects led by the national government, and national and international corporations are not to the detriment of indigenous Maasai communities, that they are involved in all stages of planning and implementation and that they benefit economically from the schemes.
4. Stop penalization of owners of livestock for purported environmental degradation of the land in lieu of the owners of large development projects.

⁶ United Nations Special Rapporteur on Indigenous Issues [A/HRC/15/37/Add.1](#), 15 September 2010

⁷ United Nations Special Rapporteur on Indigenous Issues [A/HRC/15/37/Add.1](#), 15 September 2010



5. Permit independent investigations of and reporting on forced removal of indigenous Maasai communities in the Ngorongoro District and develop specific legislation and special measures to protect, preserve and promote their traditional way of life.
6. Institute a sufficient mechanism of redress and compensation for the Maasai communities following their displacement.
7. Improve social service infrastructure in pastoral regions.
8. Sign ILO Convention 169 and take measures to implement its advisory guidelines that protect indigenous communities within domestic law.



Appendix

Article 26 United Nations Declaration on the Rights of Indigenous People

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
- 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*