

THE SITUATION OF HUMAN RIGHTS IN NGORONGORO, LOLIONDO AND MSOMERA

**CHALLENGES AND RECOMENDATIONS
BY HUMAN RIGHTS DEFENDERS**



APRIL - SEPTEMBER 2023

THE SITUATION OF HUMAN RIGHTS IN NGORONGORO, LOLIONDO AND MSOMERA: CHALLENGES AND RECOMMENDATIONS BY HUMAN RIGHTS DEFENDERS

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Tanzania Natural Resource Forum
Jumuiko la Maliasili Tanzania



HakiMadini
LAND RIGHTS RESEARCH & RESOURCES INSTITUTE



NAMGWO



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SUMMARY

This report of Human Rights Defenders in Tanzania was prepared after conducting the fact-finding mission at Msomera village, Handeni District in Tanga Region, Ngorongoro, Loliondo and Sale divisions which form the Ngorongoro district which is in Arusha Region. The fact-finding mission were made in the wake of the Government decision to relocate some of the residents of Ngorongoro division to Msomera village in 2022 ostensibly due to increasing human population as well as conservation of the Ngorongoro Conservation Authority's area.

The objective of the fact-finding mission was to monitor the human rights situation in Ngorongoro and the residents of Msomera (residents and newly arrived residents from Ngorongoro). The objective of the fact-finding mission in Loliondo and Sale divisions was also to monitor the human rights situation and livestock after the government move to demarcate 14 village land area of 1,502 square kilometres in June 2022 thus declaring it as Pololeti Game Controlled Area.

This Report has SIX main Sections. Section one describes general Introduction about this Report. Section two describes the review of various documents which we reviewed in the process of preparing this report. Such documents include legislations and various regional and international conventions. Section three provides the overview of human rights situation in Msomera village. Section three is divided in four parts. Part, one describes the Msomera village and what happened after the relocation of Ngorongoro residents to that village, including the existing land dispute between the residents of Msomera and the residents who moved in from Ngorongoro. Part two describes the outcome of the tour, which include various projects implemented by the government in that village as well as the existing challenges. Section three describes the analysis and specific recommendations for the government, the people, human rights defenders, and development Partners. Part four describes general recommendations and conclusion.

Section Four describes human rights situation in Ngorongoro division, including social services and the state of livestock. This section too has four parts. Part one is Introduction, part two describes the process and the manner in which the people had been evicted from the multiple land use area in the Ngorongoro Conservation Area. Part three describes the analysis of various points of view and the people's claims, and specific recommendations to the government, the people, the Media, human rights defenders and development partners. This section also describes provision

of social services situation including the transfer of development funds to Msomera and the suspension of development projects in this ward. Part four describes general recommendations and conclusion.

Section five describes human rights situation in Loliondo and part of Sale divisions. This section is divided into five parts. Part one is Introduction, part two describes the process of demarcating the 1502 square kilometres area and upgrading it to the status of Pololeti Game Controlled Area. The acquired land belonged to 14 villages, but the government singlehandedly acquired it without the involvement of local residents. Part three describes emerging challenges after the government acquisition of the 1502 square kilometres area and converting it to Pololeti Game Controlled Area.

Those challenges include the absence of grazing land and water for livestock, imposition of hefty fines and seizure of livestock accused of sneaking into the Pololeti Game Controlled Area, the rise of poverty after the death of livestock caused by lack of pasture due to drought spells. Part four describes the analysis and specific recommendation for the government, the people, human rights defenders, and development partners.

Section six describes general recommendations and conclusion of this report. The following is a summary of the results of this fact-finding mission which took place in the Msomera area, Loliondo and Ngorongoro Divisions. This summary aims to briefly provide the findings of this monitoring as well as its recommendations albeit in brief as follows.

A. Msomera village

During this fact-finding mission to Msomera village, we met about 100 people who were displaced from the Ngorongoro division and now live in Msomera. But we also met the 300 inhabitants of Msomera and held a meeting with them in that village.

(i) The Findings in Brief

- **48 households were not given houses to live in**
The number of people displaced in the first phase from Ngorongoro is 3,010 which is a total of 551 households. But the houses built are 503 only. This is to say 48 families relocated to Msomera were not given houses.
- **The Ngorongoro residents have been assigned one house irrespective of household size or number of family members.**
Each household is assigned a three-bedroom with a living room regardless of the number of family members. For example, one of the households we visited has 10 family members: a husband, wife, two children, a mother, a

brother with two wives and two children, all of them have been given one house with three rooms, a situation that has affected the culture, shelter and thus led to some family members to seek refuge for the local residents.

- **The available drinking water in Msomera is salty**

Local people including Msomera secondary school students told us that the water does not come out regularly, but it is also salty so in general they said that the infrastructure is not up to par with their needs.

- **People relocated from Ngorongoro were not fully involved**

The people have complained that the relocation process was done without involving their political leaders at various levels from the Village to the District level (District Council). Until now they do not know when this procedure was discussed and adopted in the District Council meetings and also in the Ngorongoro Pastoralists Council which is a legal body with the authority to manage all the affairs of the residents of the Ngorongoro Division.

- **Existence of Land Dispute between relocating residents and Locals of Msomera.**

The relocating resident who were transferred to Msomera informed us about the existence of a land dispute between them and the locals. The land assigned to them is legally owned by the locals as the locals showed them the ownership documents of those areas.

- **There is a risk of death or disappearance of the Maasai and Datoga culture.**

During this visit, the people expressed their concern about the disappearance or death of their culture and traditions as the current environment of Msomera does not warrant the Maasai and Totoga communities to enjoy and develop their culture, for example the culture of staying with livestock at home, rituals, traditional ceremonies, places of worship, rite of passage and and rite of retirement.

- **Lack of food for people relocated from Ngorongoro.**

The people are facing hunger because they did not get food contribution on time as they had been previously promised by the Ngorongoro Conservation Area Authority. The citizens had been promised they would be given a bag of maize every three months while in Msomera during the visit we found that they have been starving for three months.

- **Livestock die for lack of Pastures.**

The environment of Msomera Village does not have pasture for livestock, especially cattle, this situation has led to the death of many cattle that had

been relocated from Ngorongoro for lack of pasture. Thus, the people have had to relocate the remaining livestock to various places outside Msomera such as Kilindi, Gendagenda, Kabuki, Korogwe, Mzeri etc.

- **Lack of Clinics and Health Centres. In Msomera, there is a shortage of clinics, so** people are forced to walk long distances to secure social services. For example, the residents of Mkababu sub-village where 100 houses have been built and assigned to people who were relocated from Ngorongoro do not have a clinic, so they must walk about 16 kilometres to seek those services in the central hamlet located in Msomera Village.
- **Shortage of teachers and schools according to the number of students.** The residents of Mkababu hamlet do not have a school and therefore must walk about 16 kilometers to follow the services in the central hamlet located in the village of Msomera. Samia Suluhu Hassan Primary School located in the central hamlet of Msomera village, has a total of 883 students but only 7 teachers (5 male and 2 female) so there is a shortage of 12 teachers, 186 desks and classrooms. Msomera secondary school has a total of 206 students but there are only 8 teachers and only one is female and she is the only teacher who teaches science subjects.
- **The residents of Msomera were not involved during the acquisition of their land** Local citizens of Msomera, explained to us that they were not involved during the preparation of housing and later the relocation of people from the Ngorongoro division to the village of Msomera. All the villagers who were reached by this fact-finding mission explained that their residential areas, farms, cemeteries and grazeland were taken by force without their consultation.
- **The Ngorongoro residents had not been given correct information about the Msomera area** Before their relocation, the people had been promised that the place where they are relocated has a beautiful landscape, fertile land that is not owned by anyone. They were also told that the area is a Game Controlled Area owned by the Government, so no one lives in that area. They emphasized that the area is suitable for farming and animal grazing. After relocation, they found Msomera to be a registered village with about 6000 villagers and there are no grazing areas because most of the areas are owned by people and the rest are forests without grass. The Msomera area is arid and unsuitable for livestock grazing.

- **The land belonging to the inhabitants of Msomera was acquired without legal procedure**

Msomera village was registered in 1992 and a certain number of citizens were living in the village before independence, others moved after independence. After the Village was registered, it had full authority and since then various development projects such as irrigation, ponds, markets, clinics, schools, the village office and recently in 2014 the President of the fourth phase Hon. Jakaya Kikwete launched the male cow breeding project. In 2016, they prepared and adopted a Land Use Management plan until the year 2026. Many citizens showed us the land ownership documents in Msomera Village that they obtained legally. And there are also cases decided by the High Court of Tanzania on land ownership in Msomera Village. For example, the case of Juma Iddi Chambo against Julius Leki [Land Case Appeal No. 12 of 2019] The High Court of Tanzania, the Tanga Zone recognized the legality of the land allocated by Msomera Village on 01/02/2010.

- **Threats and Denial of Freedom of Expression**

Since the practice of relocating Ngorongoro residents to the village began, the residents of Msomera have been facing various threats including being beaten, being incarcerated, being threatened not to make any media statement.

- **Msomera residents called Invaders**

The original inhabitants of Msomera, complained about the Government's statement branding them as invaders in the Village of Msomera, while they are legal residents of the Village. They also claimed that the Government has for a long time brought development such as construction of a primary school, clinic, road, dam, market, and the male-cow breeding project of in 2014.

ii) Recommendations in Brief

- We advise the Government to act against some of its employees who are threatening and intimidating the people of Ngorongoro, especially when they demand their rights.
- We advise the Government to solve the challenge of salty water during dry season in Msomera.
- We advise the Government to speed up the acquisition of a new primary school and the construction of a dormitory for secondary school students in Msomera.
- We request the President of the United Republic of Tanzania to halt the relocation exercise of people from the Ngorongoro Division to provide an opportunity to work on these challenges and to provide an opportunity to jointly prepare a

long-term and short-term voluntary relocation plan based on the principles of justice human rights and collaboration.

- We ask the people to maintain peace and consider the judicial method in claiming their rights.
- We urge the residents to hold meetings and discuss how to resolve the challenges related to social services provision in Ngorongoro.
- We urge the people to get on with development activities in the areas that have been assigned to them.
- We are calling upon development partners to contribute to various development projects in Msomera Village
- We encourage human rights defenders and Civil Society Organizations to continue monitoring the human rights situation in Msomera Village
- We will continue to advise the Government on the best way to solve the challenges in Msomera Village and Ngorongoro Division
- We urge some journalists to stop spreading hate propaganda and lies against the people of Msomera Village and Ngorongoro Division
- Journalists should stick to the principles of journalism profession by providing true and balanced information.
- The government should prepare a “resettlement plan” first before moving people from one area to another.
- The residents of Ngorongoro have asked the Government to review the compensation process because it was neither participatory and nor transparent. And that the amount of ten million as compensation money for each household should be raised to 50 million with a house and land or 100 million for those who want to choose to take the money and move to where they want.

B. Ngorongoro Division

During this fact-finding mission to the Ngorongoro Division, the following issued were observed.

- **Non-Participation of the people**

On January 11, 2022, the Government through the Arusha Regional Commissioner announced a call for the residents to voluntarily relocate from Ngorongoro Division to Msomera Village located in Handeni in Tanga Region. After the Regional Commissioner’s instructions, the residents in collaboration with their traditional and political leaders held various meetings and efforts to seek their involvement but they were not involved. In addition to the public meetings, the people held various internal meetings discussing the steps to be taken to salvage their land from being acquired without their consent as well as discussing the challenges facing the Ngorongoro land defenders.

Human rights organizations also coordinated meetings with local residents, land defenders and human rights in general to widely discuss and prepare their proposals before the implementation of the Regional Commissioner's order for people to move voluntarily from the Ngorongoro division, all these efforts did not bear fruit because no opportunity had been given to involve the citizens and social groups.

- **Deterioration of Basic Social Services.**

The people informed us that one of the biggest challenges during the voluntary relocation exercise is the denial of social services to the citizens to force them to relocate to Msomera village. Various community services such as dormitory services for primary and secondary schools, toilet services in schools, health services, road services, water services, construction permits, etc.

- **The people of Ngorongoro did not have the freedom to choose their destinations**

The people who were relocated from Ngorongoro were not given a choice if they want to go to Msomera or another place they would like to move to.

- **The compensation assessment process was shrouded in secrecy**

The process was confidential, and the people were not given feedback on the assessment that was made and the amount they were entitled to receive. The only known money from the beginning is ten million Tanzanian shillings in cash, popularly known as "**thank you, mother**" **they say is a token from President Samia**. But the compensation also did not consider the fact that the people of Ngorongoro were deterred from doing developmental activities such as building modern houses, farming, and owning means of transport. Many citizens had been given compensation ranging from one million to three million.

- **Citizens were given a meagre compensation which is not in line with reality**

Because there was no coherent system to govern the voluntary relocation of people many residents ended up getting meagre compensation and some of them surprisingly haven't received any compensation until now. The people were not fully and transparently involved in calculating their compensation. They claimed they had not been accorded with the chance to discuss and accept the procedure that will be used to calculate their compensation based on the distinctive lifestyle they were leading in the Ngorongoro Division. The Ngorongoro Conservation Area Authority authority opened bank accounts for them to deposit the compensation money. Those who already had their accounts were rejected.

- **Transfer of Social Services funds**

An amount of Tanzanian shillings, 355,500,000 of the Covid-19 relief funds that had been allocated for development projects in the Ngorongoro division were transferred to the Handeni District Council without the approval of the Council of Councillors of the Ngorongoro District. The funds were transferred under two letters with Ref. No. NGOR/DC/F.1/02/VOLIII/68 and Ref. No. NGOR/DC/F.1/02/VOLIII/69 dated 31/03/2022. The funds had been earmarked for building classrooms and student dormitories in three Government schools namely Nainokanoka, Embarway and Ngorongoro Girls' School as well as Endulen, Misigiyo and Esere primary schools. After a letter from the Director of the Ngorongoro District Council, they were transferred to Handeni District in Tanga. In general, more than 3 billion Tanzanian shillings allocated for running various projects in the Ngorogoro Division were directed to go elsewhere.
- **Lack of dormitories, classrooms, and toilets in schools**

Students in all schools in Ngorongoro currently do not have classrooms, dormitories with toilets, a situation that can lead to health challenges for students and the outbreak of epidemic diseases as students are forced to sleep two in one bed due to the lack of dormitories. For example, Enduleni primary school alone has a shortage of 42 toilets.
- **Deterioration of health services and blocking of Emergency Health Care**

Health services have deteriorated significantly in Ngorongoro division. Ngorongoro Division has one health centre, eight clinics, one Enduleni Hospital managed by the Catholic Church. These services serve the entire Division with 11 wards and 25 villages and approximately 110,000 people. There was also an emergency service with vaccination through the Flying Medical Service project under the Catholic Church which provides vaccination services and emergency services in peripheral areas including Ngorongoro. On 08/04/2022 the Government suspended the emergency health service provided by the Flying Medical Service. Flying Medical Service was prevented from carrying out its operations and led to many casualties. All these services have deteriorated in different ways, including lack of repairs, lack of new buildings, the prevention of flights, removal of funds for projects, denial of building permits, renovation, and denial of modern housing.
- **Water service disconnected by NCAA**

Water services have deteriorated especially in all Ngorongoro wards. The citizens also told us that, even in the Ngorongoro, Misigiyo and Nainokanoka wards that were getting water services after being prevented from rearing their livestock into the crater for water and salt, they are now claiming that the water service be cut off by the NCAA.

- **Poor Road Conditions**

Local residents complained about poor road conditions, while the roads that go to the citizens and connect the villages are in deplorable conditions and sometimes completely impassable, but the roads that heading to the investors' areas such as hotels, lodges and tourist camps are in good condition and have all the infrastructures.

- **Denial of Construction Permits**

During the voluntary relocation exercise, the Ngorongoro Conservation Area Authority suspended permits for construction or renovation of any kind for people's houses and institutions that provide community services. For example, renovation of hospitals, primary schools, public servants' houses, etc. For example, Endulen primary school toilets are full, and students must relieve themselves outside or in the forest.

For example, in Enduleni school, students sleep 4 in one bed due to the stalled construction of dormitories. This school has a total of 1,900 students (785 females and 1054 males) has only two dormitories. Of these, 617 students live in a dormitory (272 females and 345 males) and there are only two dormitories.

Enduleni Hospital has also failed to repair the buildings used to provide services to the people due to lack of permits. The issue of permits is used as a big weapon to ensure that nothing is going on in the Ngorongoro Division. Government buildings as well as ward offices have failed to do any repairs. For example, the school and the office of the Mokilal Village Executive office whose roof had been eroded by heavy rains is yet to be repaired as we write this report.

- **Cattle fed with poisonous salt and ends up dying**

Before the year 2016, the herders residing in the wards near the Ngorongoro Crater used to rear their livestock in the Crater because it is an area with plenty of pasture, water and salt for livestock. In 2016, the Government through the Hon. Prime Minister deterred pastoralists from bringing livestock into the crater and the Prime Minister ordered that the Ngorongoro Conservation Authority bring alternative salt, set and improve water service in those areas which are; Ngorongoro ward, Misigiyo ward and Nainokanoka ward.

The authorities did so but in 2021 the residents discovered that the salt that was being brought was poisonous and this was confirmed by laboratory tests including the national veterinary laboratory where on 27/12/2021 a sample of salt in Kayapus, Mokilal, Erkeepus and Misigiyo villages was sent

to the national veterinary laboratory and was examined on 27/12/2021 and the laboratory analysis revealed that the salt was poisonous. In the wake of the disaster, many livestock died, which led to poverty for the people, and until now no legal or administrative measures have been instituted against the authorities and no compensation has been given to the people.

- **Ngorongoro natives denied employment**

In hotels and other places of employment within the Ngorongoro division, the locals are not given priority due to the propaganda spread that if the locals are given employment, they will go to rear cattle within the Ngorongoro reserve area and cause destruction. This is also confirmed by a letter from the NCAA with Ref No. DE 70/341/04/40 to the lodges, tourist camps and hotels which has issued instructions for the transfer of local employees working in those areas and sent to other places.

- **There are allegations of stigmatization and discrimination against local/Maasai workers**

There have been actions that indicate discrimination against local employees working in the Ngorongoro Conservation Area Authority, local employees within the NCAA have been given questionnaires to explain the properties they own and the survey is aimed at local employees only and not all employees within the NCAA.

- **Parking fee for residents of Ngorongoro division**

Residents of Ngorongoro division are facing the challenge of paying for the cost of parking a car in their residence. Anyone who owns a car and is a resident of Ngorongoro division must pay Tshs. 118,000 for a private car and Tshs 300,000 for a commercial vehicle per year. In addition to the cost of packing the car, if someone has not entered the gate at 11:30 in the evening, they are not allowed to enter even if the person is a resident of Ngorongoro.

- **Weakening of the Activities of the Pastoralists Council**

The Ngorongoro Pastoralists Council council is a body established by the Government Announcement of the year, 2000 with the aim of managing the interests of the locals within the NCAA. At present, the activities of the Council have weakened and stopped completely after the Council's operational funds were confiscated and after the transfer of the projects of the Council to be under the supervision of the Community Development Officer.

ii) Recommendations in brief about Ngorongoro

- We recommend the Government at the District and Regional level to deliver the projects/social services allocated in the local government budget in the Ngorongoro division because it is the right of the residents of Ngorongoro to receive community services like other Tanzanians.
- We advise the Government, the Ministry of Natural Resources and Tourism, the Ngorongoro Conservation Authority, organizations involved in conservation to discuss with the public and re-evaluate the reasons that push the Government to reduce the population of Ngorongoro.
- We urge the Government to allow the independent media to investigate and find the truth in the Ngorongoro area, that is the side of society and conservation, to come up with results that will help find solutions to the challenges facing society and conservation.
- The Ngorongoro Conservation Authority should improve the original houses in Ngorongoro as it is a tourist attraction in the area.
- The relevant authorities, such as the Ministry of Information and Communications, should question and take action against the owners and editors of some newspapers and other media, which at different times have spent a lot of time spreading hatred and lies, making derogatory statements against the people of Ngorongoro.
- The Ngorongoro Conservation Authority should see the importance of issuing permits for important social services for human survival such as the construction of toilets, community service buildings, Endulen hospital, health centres, clinics, classrooms, housing and students' dormitories.
- In order to prevent people from dying due to lack of treatment, the Government should allow emergency health care for the community that was provided by Flying Medical Service Ngorongoro.
- The government should suspend the exercise of the relocation of citizens to conduct a collaborative assessment on the challenges that emerged in the first phase of voluntary relocation.
- We request the Government to take legal action and order the Ngorongoro Conservation Area Authority officials to pay compensation to the people who lost their livestock after eating salt that was proven by experts to be poisonous.
- We ask the Government to advise and ask the Ngorongoro Conservation Area Authority to issue permits to civil organizations and other stakeholders to provide basic services to the community in the Ngorongoro Division

- The government should see the importance of returning to the people of the Ngorongoro division the funds for the Covid-19 project that were transferred to the Handeni District Council.
- The district government should prepare and announce the procedure for the election of councilors and other leaders who have moved so that the people can get representation in the decision-making bodies.
- Civil Society Organizations are advised to find funds for the implementation of various development projects in the Ngorongoro division. For example, health projects, water, education, economic empowerment especially for mothers etc.
- We encourage human rights defenders and civil society organizations to continue monitoring the human rights situation in Ngorongoro Division.
- The government in collaboration with civil society organizations, community and community leaders and district leaders should prepare a voluntary relocation plan, which will provide a vision of how the people of Ngorongoro can be reduced through voluntary relocation without violating their human rights. For example, this program will have opportunities for the residents to choose how they want to leave voluntarily, as many have suggested to be given an opportunity to choose.
- The residents of Ngorongoro have asked the Government to review the compensation process because it was neither participatory and nor transparent. And that the amount of ten million as compensation money for each household should be raised to 50 million with a house and land or 100 million for those who want to choose to take the money and move to where they want.
- Continue to provide legal assistance to the residents of Ngorongoro Division

C. Loliondo and Sale

In the Loliondo and part of Sale Division we noted the following things during and after the Government acquired an area of 1502 square kilometres.

i) Facts in Brief

- **The acquisition of the 1502 square kilometres area did not comply with the law**

The government has taken over an area of 14 villages with a size of 1502 square kilometers as Pololeti Game Controlled Area and later it was re-announced by the President as Game Reserve. The seizure of the land was dominated by serious violations of human rights such as; people were shot, people mysteriously disappeared, citizens were arrested and locked in prison for a long time as well as arrests and fines for livestock

and thousands of other people fled to the neighboring country of Kenya for fear of being arrested and tortured. The 1502 square kilometres area is the legally owned area belonging to 14 villages.

The 1502 square kilometres area is the area of 14 villages located in Loliondo and Sale divisions. All those villages are registered and have documents and therefore its acquisition must involve the leaders and stakeholders of all the villages who are the victims if their areas are taken over. The acquisition of the village land to become Game Controlled Area and later to become Game Reserve did not follow the legal procedure, including the involvement of leaders and stakeholders who are the biggest victims of the land being confiscated.

In the case of Ndalamia Taiwap and 4 others against the Minister of Natural Resources and Tourism and others, No. 21 of 2022, the Court ruled that the Minister of Natural Resources and Tourism did not follow the procedure when taking the village area as a game-controlled area. At the same time, the high court of Tanzania in the case of Latang'amwaki Ndewati and 7 others v. Attorney General, Advice No. 178 of 2022 has suspended the implementation of the President's announcement until the case opposing the announcement is heard and decided by the court.

- **The acquisition of the 1502 square kilometres area was not a participatory exercise.**

The exercise of apportioning the 1502 square kilometres area was not collaborative and therefore did not have the consent of the people or their leaders. The principles of good governance and the rule of law has to be followed in any exercise that affects the areas used by citizens.

- **Excessive use of force**

Various information from the people in all the eight wards where the acquisition of land operation has passed shows that there was a excessive use of force during this exercise of acquiring 1502 square kilometres. Approximately more than 50 vehicles of various security forces are believed to be deployed to carry out exercise in all these eight districts within 1502 square kilometres area. Many heavily armed security forces with tear gas had been spotted surrounding all the areas where the beacons were planned to be installed.

In this exercise, residents have complained that there was an arbitrary use of bullets and bombs. Shots were fired frequently, and teargas was fired to disperse the people. The gunshots caused a lot of panic and shock in the community. Some of those who ran had abortions due to the shock, livestock were shot, and others were lost.

- **Loss of life and mysterious disappearance of people**

The following are some information about the disappearance of people on the day of the operation and the deaths resulting from the operation as described by the victims in each ward.

- i. Due to the excessive use of force in this exercise, and through our monitoring, we have identified the existence of reports of the death of one Soldier (Name) who was allegedly shot with an arrow during the confrontation between the people and the police in Ololosokwan ward.
- ii. It has been revealed that there was an elderly person Oriasi ole Ng'iyo, 80 years old who was affected by the operation and is still missing to date.
- iii. It has been revealed that there is also one child from Piyaya Village who went missing during this operation and to this day his whereabouts are unknown.
- iv. The people of Piyaya also told us about a child who lost his life when the women who were running trampled on him thus causing his death.
- v. There are also more than 30 people who were beaten and injured and had to seek treatment abroad.
- vi. There is also information suggesting that there is a person from Malambo ward who was hit by Operation vehicles and lost his life.

- **The mass arrest of people including political and community leaders**

The exercise to place beacons went hand in hand with the arbitrary arrest of citizens in the respective areas. This research has revealed that at least each ward had at least 30 people arrested during this exercise. Since the start of this exercise, a total of 200 people have been arrested and charged with various offenses such as murder, Immigration offences, trespassing in a restricted area and other offences.

Many ended up in police stations and each person paid a bribe of three million to the police. Those who were charged in court included 27 citizens including leaders who were accused of murder in the Arusha Resident Magistrate's Court (Preliminary Case No. 11 of the Year 2022 Republic against Molongo Daniel Paschal and 26 others) and stayed in prison for more than six months until when the Director of Public Prosecutions decided to remove the case from court.

Also, 62 citizens were in different cases accused of not being citizens of Tanzania and later decided by the court to release the accused after the prosecution failed to substantiate their claims (For example, the case of the Republic against Paulo Yale Mako and his 4 colleagues, Case 15 of in

2022, Case 16 of 2022 Republic against Samson Joseph Kipukya and 6 colleagues etc., these cases had been filed in Ngorongoro district court located in Loliondo).

- **People fled the country**

Due to the great force that was used during this operation, approximately two thousand (2,291) citizens were able to flee to the neighboring country of Kenya to avoid being beaten, arrested, and connected in various cases. About 2,291 of these citizens (1,652 children, 528 women, 100 men and 30 other defenders) left with their relatives to Neighbouring Countries.

Among the people who fled, there were also about 30 human rights defenders who were wanted, possibly connected to the murder case that was a crime. Until now, there is no complete information as to whether all these people have returned to society and continued their normal activities.

- **Beaten and injured people denied treatment**

Due to the tension that emerged between the forces and the people, there are people who were hurt and needed urgent treatment. For example, in Olosokwan ward alone, only 30 people were beaten and injured with rubber weapons and live ammunition. Many say they were denied medical treatment in Loliondo health centres because they were required to have a PF3 police form, something they fear going to the police they felt was leading to more trouble.

- **Emergence of the practice of calling people as non-citizens**

Another challenge that accompanies the exercise of placing beacons or that makes this exercise look like a large use of force to intimidate people is the issue of citizenship. Since the Maasai community exists on both sides of the border (Kenya and Tanzania). This issue of citizenship resulted into the arrest of about 150 people of Loliondo on immigration offences. Many ended up in the initial stages, but 62 people came to court and had their cases heard and determined.

- **Lack of freedom of information**

During this fact-finding mission, we have also discovered that there was a serious violation of freedom of expression and the media freedom to collect and share information about this operation. Many local media received threats and unofficial instructions to avoiding covering the real situation on ground, instead some media outlets were used to fuel propaganda against the people of Loliondo.

Many journalists failed to go to Loliondo to report what was on the ground due to the threats and fear for their safety. For example, on February 03, 2022, a total of 6 journalists were arrested by Ngorongoro Conservation Area Authority warders after monitoring a meeting of more than 200 villagers who held a meeting in Nainokanoka ward in Ngorongoro division.

- **Lack of independence of Human Rights Defenders**

Human Rights Defenders as well as organizations protecting the rights of pastoralists have been in a very difficult time to do their advocacy work throughout this exercise. Some defenders of the community found themselves fleeing the country to save their lives while others had been charged for trumped up murder case.

Every government leader who arrived in the Loliondo area clearly stated that they would fight against human rights organisations and other community defenders. These organizations were regularly searched, and their leaders were asked to report to the police. In February 2022, the Tanzania Human Rights Defenders Coalition (THRDC) in collaboration with 20 religious and human rights organizations was prevented from visiting the Ngorongoro district to monitor the state of human rights. The visit was stopped by the Regional Commissioner for Arusha after the organizations arrived in Arusha claiming that they did not have permission to do the fact-finding mission from the Prime Minister's office, and the office of Regional Administration and Local Government.

- **Loss of livestock and being eaten by wild animals**

Livestock escaped during the operation, and some were eaten by wild animals such as goats, sheep, cows and donkeys and others were shot by the operation soldiers. For example, in Arash ward, 17 cows were shot.

- **People were displaced from their homes and others left their property.**

In this exercise there are also citizens whose permanent residences were destroyed. The wards most affected by people having their houses destroyed during this exercise include Arash, Ololosokwan and Malambo wards. For example, in Malambo ward, the two townships of Ndiyeka and Sanjani are the most affected by this exercise. These neighborhoods have lost many livestock, houses, community service areas such as churches, health centers and water wells. For example, in Sanjani neighborhood, 120 houses (81 traditional fences along with 40 tin houses) were built and had 450 households equal to a total of 1982 people, two primary schools, 4 clinics and one large church, three rainwater tanks.

Another township in the same Malambo ward that was affected is Ndinyeka, it had 100 houses (89 mabomas, 11 tin houses) with 287 households equal to 1468 people. There was one primary school, two centers to provide vaccination services for women and two children, a large church that has not yet been demolished: seven pools of water.

- **Livestock seized, confiscated, and fined. This is a very big challenge for the residents** of Kirtalo, Soitsambu, Arash, Malambo, Sale, Piyaya, Loliondo, Ololosokwan, etc. Their livestock has been seized in large numbers, sold at auction and some will be nationalized. Citizens told us that livestock perpetrators, if found, have been prosecuted in court and fined one hundred thousand shillings (Tshs. 100,000) for cattle and twenty-five shillings (Tshs. 25,000) for goats or sheep. For example, in the month of November alone in 2022, 2,276 cows were nationalized in Arash ward for allegedly entering the Serengeti national park. For the entire Ward of Arash from June 2022 to April 2023, the fine paid by the pastoralists is 860 million for allegedly allowing their livestock to enter the remote forest of Pololeti and the Seerengeti national park.

Wardens arresting Livestock and Bringing them into the Serengeti National Park Wardens guarding the Pololeti reserve forest have had the habit of arresting livestock and bringing them into the Pololeti Game reserve and finally into the Serengeti national park with the aim of charging a fine or confiscating the livestock if the owner does not show up.

- **Livestock Dying due to Drought and Lack of Water**
Many livestock have died in large numbers due to drought within 8 months since this area was acquired. The area taken by the Government was the source of water and feed for livestock for the entire division of Loliondo and Sale, especially during the dry season.

The rivers with water sources are Ormungushi, Orkereyani, Esiyaiti and Emurgur and they have all been taken. Before the Pololeti area was taken over by the Government, there were about 973,745 livestock, but immediately after the area was taken over, all the wards surrounding this area of 1502 square kilometers decreased by almost half of the livestock, especially cattle. For example, Arash Ward had 56,000 cows, but after the area was taken over by the Government, 25,000 cows have died due to drought.

- **Citizens Lacking Home to Live**
During the exercise of taking over 1,502 square kilometres area, the citizens were given a notice to move to their enclaves within 24 hours. Their houses

were surrounded by the security forces who were doing the operation and asked them to move immediately. So many had to move without knowing where they are going to live, a situation that has led them to become homeless and therefore have no place to live. There are also no places for them to build houses because the remaining area is very small. For example, in Malambo ward alone, more than 600 households have lost a place to live after their homes were demolished during the demarcation exercise.

- **Children Failing to go to School due to lack of fees.**

Students have failed to go to school due to family poverty caused by seizure of livestock, auctioned and fined and livestock and livestock deaths due to lack of pastures. 90% of the economic activities for the livestock community in this area are traditional pastoralism activities that are highly dependent on the area taken.

- **Lack of grazing areas, water, and salt**

The people currently do not have grazing areas since the area they set aside for grazing has been taken by the Government. For example, the size of Ololosokwan Village was 51,230 hectares before it was taken over by the Government. The government has taken 25,000 hectares to become part of the Pololeti Game Controlled Area and this entire area was only for grazing and not for housing.

- **Termination of Various Projects**

The people of Ololosokwan village had invested in a joint venture project with the End Beyond tourism company before the area was confiscated where they leased their land. As a result of that investment, the village was getting a profit of 240 to 250 million shillings per year and they were paying for health insurance for 30 poor families in each village per year, the cost of treatment for critically ill patients, and educating students from poor families, until the year 2022 600 students benefited from the program. After their land was taken, the villages lacked income and the services that were being provided were stopped.

- **Hunger and Poverty Increase**

Residents of Loliondo and Sale are herders by nature and it was the only activity that brought them income including getting food like meat and milk. After the area was taken and the livestock died, they have lost their livelihoods, a situation that has brought them great poverty and thus they are facing hunger. This situation has forced them to donate food to each other so that they do not die of hunger and there are claims that some people have died due to lack of food.

- **Citizens Lacking Water Service**

After the acquisition of the 1,502 square kilometres area which is part of the source of drinking water for humans, the people do not have drinking water service at present. Currently, mothers walk 18 square kilometers in search of drinking water and most of that water is found in ponds. There are no water wells for human consumption.

ii) **Recommendations in Brief**

- We recommend the government to intervene and stop the current procedure of capturing livestock in the Pololeti area and charging a lot of money to the people.
- We recommend that an Independent Commission of Judges be formed to investigate the violation of Human Rights that occurred during the exercise of taking the land of the Villages and turning it into a Game Controlled Area.
- The government should see the importance of returning the money collected to the respective villages for providing food services, paying for student fees.
- Due to the fact that the Maasai have been at the forefront in taking care of the environment, then the Government allows the people to graze in the Pololeti area and continue to use traditional methods in preserving those areas for the use of livestock and animals.
- The government should see the importance of having a dialoge with the people on the use of t 1,502 square kilometres area which was the only support for them.
- The government should complete the construction of the Loliondo - Mto wa Mbu road at the level of bitumen
- District and Regional governments should open doors and create a condusive environment for organizations and human rights defenders to work in Ngorongoro District.
- Government to conduct a collaborative assessment on the challenges that emerged during the operation to remove people and put beacons in the Sale and Loliondo division. The existence of a discussion and reconciliation commission to ensure that what happened will not happen again.
- The people as well as traditional and political leaders should look for the opportunity to discuss with the Government so that they can solve the challenge of livestock being caught and the whole issue of fines and livestock grazing area.
- People should hold various meetings and discuss how to solve the challenges they face.

- People should diversify various other activities to develop their economy instead of relying on pastoralism alone which is largely restricted by the current environment.
- We are asking development stakeholders to fund various development projects in Loliondo and Sale divisions.
- In terms of civil society organizations, now is the time to implement various development projects in Loliondo and Sale divisions.
- We encourage human rights defenders and civil society organizations to continue monitoring the human rights situation in Loliondo and Sale divisions.

APPRECIATION

This report wouldn't be completed without the cooperation accorded to us by the people from all areas we visited. Special thanks go to the people of Msomera, Ngorongoro, Loliondo and Sale for their kind cooperation. The residents in those areas useful insights which helped in the compilation of this report, covering human rights situation and livestock in their respective areas.

We would also like to extend our heartfelt thanks to the office of the Handeni District Commissioner for the kind hospitality and cooperation during our tour in Msomera village, Handeni District, Tanga region. The views presented by the Handeni District Commissioner's on the history and development projects implemented by the government in Msomera village were very instrumental to accomplish this work.

We would also like to thank everyone who in one way or another supported us to make the fact-finding mission a success. We acknowledge their time and deep commitment to the accomplishment of the tour/.

We also acknowledge the cooperation accorded to us by the Ngorongoro Pastoral Council, Councillors' Council, and traditional and customary leaders of Ngorongoro. Lastly, we thank all organisations that devoted time and human resources to monitor human rights situation in Msomera, Loliondo, Sale and Ngorongoro. Many of such organisations, which are the members of THRDC, include Pastoral Women's Council (PWC), Civil and Legal Aid Organisation (CILAO), the Maasai Heritage Institute, Pastoralists Indigenous Non-Governmental Organisation Forum (PINGOs), Ujamaa Community Resource Team (UCRT), Legal and Human Rights Centre (LHRC), Tanzania Land Alliance (TALA), Tanzania Natural Resource Forum (TNRF), Media Aid for Indigenous and Pastoralist Community (MAIPAC), Haki Madini, Women and Children Welfare Support (WOCWELS), Pastoral Livelihood Support and Empowerment Program (PALISEP), Traditional Ecosystems Survival Tanzania (TEST), Community Research and Development Services (CORDs), Namnyaki Maasai Girls and Women Organization (NAMGWO), HakiArdhi, Maasai Pastoralist Development Organization (MPDO – LARETO), Tobacco Control Forum and Pan African Legal Empowerment Initiatives (PALEI).

ACRONYMS

- BBC** - British Broadcasting Corporation
- CCM** - Chama Cha Mapinduzi
- CILAO** - Civic Legal Aid Organisation
- CORDS** - Community Research and Development Services
- CSO** - Civil Society Organisations
- FPCT** - Free Pentecost Church of Tanzania
- LHRC** - Legal and Human Rights Centre
- MAIPAC** - Media Aid for Indigenous and Pastoralist Community
- MPDO** - LARETO - Maasai Pastoralist Development Organization
- NAMGWO** - Namnyaki Maasai Girls and Women Organization
- NCA** - Ngorongoro Conservation Area
- NCAA** - Ngorongoro Conservation Area Authority
- NLUPC** - National Land Use Planning Commission
- NPC** - Ngorongoro Pastoral Council
- OBC** - Ortello Business Company
- PALEI** - Tobacco Control Forum and Pan African Legal Empowerment Initiatives
- PALISEP** - Pastoral Livelihood Support and Empowerment Program
- PGCA** - Pololeti Game Controlled Area
- PINGOs** - Pastoralists Indigenous Non-Governmental Organisation Forum
- POLGRA** - Local Government's and Regional Administration
- PWC** - Pastoral Women's |Council
- TALA** - Tanzania Land Alliance
- TEST** - Traditional Ecosystems Survival Tanzania
- THRDC** - Tanzania Human Rights Defenders Coalition
- TMHI** - Tanzania Maasai Heritage Institute,
- TNRF** - Tanzania Natural Resource Forum
- UCRT** - Ujamaa Community Resource Team
- UNESCO** - United Nations Educational Scientific and Cultural Organisation
- WOCWELS** - Women and Children Welfare Support



SECTION 1

GENERAL INTRODUCTION

1.0 General Introduction

This chapter describes general Introduction about this report prepared by human rights defenders after their fact-finding mission to Msomera village, Handeni District, Tanga region as well as their mission to three wards of the Ngorongoro district (Ngorongoro, Loliondo and Sale). This chapter also describes the general structure of this report. This report was prepared by human rights defenders in Tanzania, majority of them being the members of the Tanzania Human Rights Defenders Coalition (THRDC). These organisations work diversely in land rights, climate change, pastoralists' rights, natural resources protection, civic rights, women's pastoralists' rights, indigenous rights, and human rights in general.

In April 2023 human rights defenders under the umbrella of THRDC visited Msomera village, Handeni District, Tanga region. The fact-finding mission was aimed at monitoring human rights situation and the emerging challenges in Msomera village after the move to relocate people from the Ngorongoro division, to get correct and balanced information from all parts to advise the government, residents and various stakeholders on the best way to resolve such challenges in accordance with the principles of human rights.

In May 2023, the defenders who visited the Msomera village also visited the Ngorongoro, Loliondo and Sale divisions to get correct and balanced information about the involvement of the people of Ngorongoro on the relocation process and to find out whether appropriate land acquisition procedures had been followed before the demarcation of the 1,502 square kilometres area in Loliondo and part of Sale Division.

During this mission various human rights issues emerged, thus forced the team to write letters seeking government's clarification. Unfortunately, up to the time of drafting this report, we have not been able to get government's views on areas we sought clarification. Therefore, we browse on social media to retrieve previous government statements. This report describes human rights situation, livestock

situation and the challenges people in respective areas face. The report also provided recommendations to the people, government, defenders/ human rights organisations, journalists, and various development partners in relation to the raised challenges.

1.1 Structure of this Report

This report contains five main sections whereas section one describes general Introduction about this report. Section two describes the review of various documents including laws and various regional and international conventions. Section three describes human rights situation in Msomera village, Handeni district, Tanga region. This section has four parts. The first part describes the existing land disputed in Msomera village after the relocation of residents from Ngorongoro. Part two describes the outcome of the fact-finding mission by human rights defenders. Part three describes specific analysis and recommendation about human rights situation in Msomera village. Part four describes general recommendations and conclusion.

Section four presents basic facts about Ngorongoro ward, Ngorongoro Conservation Area, about this fact-finding mission together with the emerging challenges. This section has four parts. Part one is Introduction, part two describes the process of relocating people from Ngorongoro Conservation Area. Part three describes the analysis of the specific recommendations. Part four describes general recommendation and conclusion. Section five describes human rights situation in Loliondo and part of Sale divisions. This section has four parts. Part one describes Introduction, part two describes the process of demarcating the 1502 square kilometres area and giving it a new status of Pololeti Game Controlled Area. Part three describes various emerging challenges after the demarcation of the 1502 square kilometres area to become Pololeti Game Controlled area. Part four describes the analysis and specific recommendations. While Part five explains general recommendations and conclusion.

1.2 The objective of this Report

The objective of this report is to show the human rights situation and the emerging challenges in Msomera village after the relocation of the people from Ngorongoro during the first phase where more than 3000 people have been relocated.

This report closely monitored the human rights situation for the residents of the Ngorongoro Division especially after the onset of the exercise to relocate people in 2022. The report has also analysed the arrangement used to relocate people from the Ngorongoro ward.

Also, this report is aimed at assessing the human rights situation in Loliondo and part of Sale divisions after the demarcation of 1502 square kilometres area in 2022. The report depicts the challenges that the people and livestock face after the government's decision to acquire the area which the people depended for livestock grazing and livelihoods.

1.3 Methodology of this Report

While preparing this report we have employed various methodologies to get relevant information. The following methods were used too collect information:

- a) The meeting with the Handeni district leaders,
- b) Interviews
- c) Questionnaires
- d) Focused group discussion with various institutions,
- e) Interviews with various community and politital leaders in Loliondo and Ngorongoro wards,
- f) Site visits,
- g) Analysis of various documents,
- h) Public meetings with residents of the areas visited.
- i) A meeting to review and jointly going through report with local councillors of Loliondo, Sale and Ngorongoro divisions as well as some of the organisation and social justice defenders was held in Moshi town, Kilimanjaro on 8th and 9th August 2023.

1.4 Expectations of this Report

The expectation of this report is to see the implementation of the people's needs in all visited areas. Its implementation includes temporary halting of the exercise to relocate people from the Ngorongoro to provide an opportunity for the people to actively participate in the process transparently.

Other expectations include, the people to temporarily be granted access to 1502 square kilometres area in Loliondo and part of Sale division for animal grazing since the livestock presently do not have any grazing area and have no access to water. This situation has led to the deaths of animals and others have been seized and the owners have been forced to pay hefty fines whenever their livestock sneak into the game reserve in desperate search for pastures and water.

We also expect that through this report, the opportunity for dialogue between the government and the people of Ngorongoro along with their defenders will be secured. This is due to the fact that up to now there has never been any meeting between the

government and the people, community leaders as well as human rights defenders. All the incidents related to violation of human rights and everyday cries of the people will come to an end if residents in Ngorongoro will be part of the strategies to protect reserved areas.

Other expectation includes the formation of a join Voluntary -Relocation and Resettlement Plan) which will serve as a panacea to all emerging challenges in the relocation of people.

1.5 Challenges encountered when preparing this Report.

In the course of preparing this report there were several challenges encountered. The main challenge is lack of cooperation from the government and government institutions which we sought clarification of various issues observed from the ground. Despite writing letters and delivered them to respective offices followed by reminder emails we did not get any responses on the people's grievances expressed during our tour. Such government institutions include Prime Minister's Office, Arusha Regional Commissioner's Office, Handeni District Commissioner's office, Ngorongoro Conservation Area Authority, Ministry of Education, Ministry of Health, Ministry of Lands, Ministry of Natural Resources and Tourism and PO-RALG.

Other challenges encountered include limited access to relevant statistics in some areas within the Ngorongoro district. Some of the residents did not keep track records of the incidents therefore they failed to provide correct information for some areas.

SECTION 2

REVIEW OF VARIOUS DOCUMENTS

2.0 Introduction

This chapter is focused on giving brief explanation related to the review of regulations, policy and various documents related to this report. This section analyses laws, policy and various local and international guidelines on pastoralists issues, land ownership, conservation, and human rights in the country especially for the existing residents of the Msomera village in Handeni, Ngorongoro, Loliondo and part of Sale Divisions.

2.1 Laws and Various Policies

In this report we have been able to review and analyse Laws and various local, regional and International Policies on land ownership, land management and land acquisition in Tanzania. Also, about human rights, good governance, rule of law and the concept of people' participation.

2.1.1 Laws and International Guidelines

2.1.1.1 Universal Declaration of Human Rights

The Universal Declaration of Human rights of 1948 is the origin of all inalienable basic rights which every human being is entitled to have for the sake of being human. Among those inalienable rights include the right to possess property without being taken by someone else. After this declaration other conventions of human rights followed suit.

2.1.1.2 The United Nations Declaration on Indigenous People's Rights

This declaration of 2007 categorically stated in article 10 that indigenous people shall not be forcibly removed from their lands or their territories, no relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option to return .

The meaning of Indigenous people is described by the Africa Commission on Human Rights as related to land use, language, words of worship and their cultural traditions. According to a report compiled by the Africa Commission on Human Rights Special Rapporteurs on indigenous people of 2005, there is no special description of the meaning of indigenous people that is uniformly used globally, but that report describes the qualities of indigenous people in the context of the African Union.¹ Those qualities are such that their traditions and their way of life is different from the conventional cultural practices, but also their lives are directly linked to their ancestral land and the natural resources found in that land.

These people are being discriminated against due to the negative perception against them on the grounds that they are primitive as compared to other tribes that embrace conventional cultural practices. This kind of discrimination has led to violation of their rights as a community thus endangering their cultural heritage and development. Some of the communities recognised by the Africa Commission of Human and People's Rights as indigenous people are the Maasai who are the native inhabitants of Ngorongoro. This is well captured by the Africa Commission on Human and People's Rights in the case of **Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya, Communication 276 / 2003.**

The qualities explained in the said case have also been explained in the case of **African Commission on Human and Peoples' Rights v Kenya (merits) (2017) 2 AfCLR 9** popularly as "**Ogiek Case**".

With this explanation, the Maasai from Ngorongoro qualify the criteria mentioned by the Africa Commission for Human and People's Rights and by the African Court of Justice on Human and People's Rights.

2.1.1.3 The International Covenant of the Economic, Social and Cultural Rights of 1966

This Convention on its preamble clearly explains that the ideal of free human being enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his/her economic social and cultural rights as well as his civil and political rights.

Furthermore, article 1,3,6 and 15 of this covenant stipulate that every body has the right to self-determination, socially and culturally and obliges the government to

¹Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities 2005 P 87-89

ensure that it creates conducive and fair environment for all people in order to enjoy their rights. Given this circumstance where the Maasai pastoralists are forcefully relocated from their ancestral homes in Ngorongoro to other places with different environment and ecology obviously there is likelihood for them to fail to promote their culture and there is a danger for the Maasai Culture to wane.

2.1.2 Laws and Regional Directives

2.1.2.1 Africa Charter on Human and People's Rights of 1981

This Charter obliges member states to recognise human rights that are stipulated in the document. In articles 14, 21 and 22 of this charter the rights to own property are stipulated as human rights. Land is a property therefore it is among the rights that have been stipulated in this charter. The Maasai communities from Ngorongoro and the residents of Msomera village have equal rights to own land as their property. The acquisition of land that belongs to the people must adhere to the legally binding acquisition procedure and compensation. Residents in Msomera have complained against the government's move to take away their land without adequately compensating them.

2.1.2.2 The Treaty for Establishing East African Community

This treaty established the East African Community in 1999. The treaty obliges member states to adhere to the rule of law, human rights, democracy, and universally acceptable principles of good governance. During this mission, the people who were forcibly relocated from Ngorongoro explained that the laws and their respective rights had not been respected. For example, the right to be informed, they were not effectively involved before the relocation exercise. The residents of Msomera likewise claimed that they had neither been effectively involved nor given adequate compensation which is their right in accordance with the law.

2.1.2.3 The Cultural Charter for Africa

This charter is ratified by 55 African states including Tanzania which ratified it in 1976 and it came into effect in 1990 for all member states. Article one of this charter is about one of the objectives of this treaty is preservation and promotion of the African cultural heritage which include recognising the fact that the culture heritage is promoted by the people of respective countries. The current circumstances surrounding the Msomera village, and the manner in which the village is planned, can hardly promote the cultural heritage of the Maasai people living in that village since there are no specific areas earmarked by the government for traditional worship and customary activities.

2.1.2.4 Policy Framework for Pastoralism in Africa

This policy framework on securing, protecting and improving the lives of Africa pastoralists of 2010 emphasized the need to honour pastoralists rights and the range lands in African continent. This policy framework also obliges African Union member states to respect the indigenous people way of life. In the existing stance of involving relocation of people from Ngorongoro, grossly violate this policy framework obliging member states to respect and protect pastoralism and the range lands for pastures.

2.1.3 National Laws

2.1.3.1 Constitution of the United Republic of Tanzania of 1977

The Constitution is a mother of all Laws of Tanzania therefore any Law, policy, declaration, and various directives shall adhere to the needs of the Constitution, contrary to that they will be violating the Constitution and thus becoming nul and void.

According to article 24 (1) of the constitution, every person is entitled to own property, and has the right to protect his property in accordance with the law. The right to own property is among basic human rights. In legal interpretation, property include land as a property like any other. The Court of Appeal has issued a land right interpretation as a property as follows:

“Land rights governed by traditional customs, although in their very nature are the right to stay and use land, are still the property protected by article 24 of the Constitution of the United Republic of Tanzania and the acquisition of the customary rights without compensation of the right is prohibited by the constitution.”²

The constitution states in its article 24(2) that , it shall be unlawful for any person to be deprived of his property for the purposes of nationalization or any other purposes without the authority of law which makes provision for fair and adequate compensation.

2.1.3.2 Land Act No 5 of 1999

According to section 4(1) of the Land Act it states that all the land of Tanzania shall continue to be publicly owned and shall be in the hands of the President as a trustee on behalf of the people of Tanzania.

² Attorney General Against Lohay Akonaay and Joseph Lohay [1995] TLR 80,page 81.

The laws states the word shall "continue" for historical reasons since 1923 when the colonial land law stated that all the land in the country is publicly owned and it shall be entrusted to the gavanor. Such system continued to exist after independence except for the word "Gavanor" was replaced by the word 'President'. The Land Act has sustained this land ownership system in Tanzania.

Therefore, the interpretation of this section land is not a public property, but rather publicly owned because being a trustee doesn't guarantee ownership of the land. The Law does not grant land ownership to the public, the President or the Government but the owner is the one with official title deed or Certificate of Customary Right of Occupancy.

Section 4 (3) has given the answer of who is the rightful owner of land in Tanzania. That section explains every person lawfully occupying land, before the Land Act of 1999, whether under the right of occupancy, wherever that right of occupancy was granted or deemed to have been granted , or under customary tenure,occupies and has always occupied that land ,the occupation of such land shall be deemed to be property and include either use of land from time to time for depasturing stock under customary tenure.

Further more section 4(6) of the Land Act insists that, a person who lawfully owned land by official title or in accordance with customary right of occupancy before 1999 shall continue to be recognised as a lawful owner.

In general the Land Act is a mother law on matters governing land ownership, therefore in order to ensure good land management, all the land in Tanzania is categorized in three main groups which are, village land, reserve land and general land, this is according to section 4(4) of the Land Act of 1999.

2.1.3.3 Village Land Act No. 4 of 1999

According to section 7 up to 21 of the Village Land Act, the management of village land is explained in details. For instance Section 8(1) explains that the Village Assembly is the only body with the authority to manage the village land on behalf of the villagers. Section 8(5) has imposed a caveat that the village council cannot distribute or issue the certificate of customary right of occupancy without the consent of the village assembly, it must take into consideration the opinion and advice of the village assembly.

During this mission, it was discovered that in 2016 the Msomera village passed the land use management plan and enacted a by-law to manage that plan. On this plan the village land had been classified into, settlement area, farm and grazing land which were previously a communal land. This classification is in line with the requirement

of section 13 of the Village Land Act which stipulates that, the village council can apportion an area and make it a public property and plan accordingly the said area to be used for certain purposes such as pastureland.

2.1.3.4 Land Acquisition Act

This law clearly stipulates the procedures to follow and consider when the government wants to acquire someone's land for the wider interests of the public. The procedures are as follows: The President shall seek a resolution of the National Assembly and by order be published in the government Gazette that the said land shall be acquired for the interest of the public, notice of intent to acquire land from a person whose land shall be acquired and be compensated accordingly.

2.1.3.5 Local Government (Urban Authority) law of 1982

This law manages registration of villages and Local Governments including the village council. During this visit, it was discovered that the Msomera village was registered in 1992 in accordance with this law, along with a certificate of registration. Since then, the village has been electting complete leadership authority comprising Village Chairman, Village Council and Village Executive Officer.

2.1.3.6 Ngorongoro Conservation Area (NCA) Act

The NCA established the Ngorongoro Conservation Areas Authority (NCAA). NCAA is a lawful authority which was established by the law of 1959 for the purpose of managing this reserve as well as to manage other mixed land uses in the area.

The Ngorongoro Conservation Area is a unique area with multiple land uses. The NCA Act recognise this area as a protected land, is for tourism but also for human settlement especially the Maasai community who have been acknowledged by the law. This area is also being used for pastoralism and various customary activities. Major parts of the land area are covered by forests, also there is natural vegetation of the northern highlands which covers 20 percent of the NCA, there are also many hills, plain savanna and valleys including 5 craters.

The Ngorongoro Conservation Area Authority (NCAA) which is within the Ngorongoro Division was established with three main objectives.

- (a) To conserve this area
- (b) To manage tourism activities
- (c) To promote welfare of pastoral community in this area

The Maasai community has traditionally and historically co-existed with wildlife without having any major problems, they deserve to continue living in these areas since they do not pose any threats on conservation activities. Therefore, NCAA had

been granted with a legal mandate to promote the welfare of this pastoral community along with other conservation and tourism activities.

2.1.3.7 Wildlife Conservation Act of 2009

This law was enacted in 2009 and repealed a previous legislation of 1974. This law was legally binding in all conservation areas across the country except for the Ngorongoro Conservation Area and in Tanzania's National Parks.³ Section 16 generally stipulates the procedure for establishing Game Controlled Areas. The law clearly states, the Minister may, after consultation with the relevant local authorities, and by order in the Gazette, declare any area of land in Tanzania to be a game-controlled area.

Since this law was enacted in 2009 there were 48 Game Controlled Areas across the country, Section 16(4) required the Minister to make review of all GCA across the country to gain understanding of which Game Controlled Areas qualified to retain their status so that he/she can officially promulgate them within 12 months. Such Game Controlled Areas include:

Burunge, Chabula Marsh, Endulen, Gombe, Handeni, Igombe Dam, Kalimawe, Kigosi, Kihirumira Pool, Kilombero, Kitwai, Kongwa, Lake Daramatai, Lake Kwela, Lake Manka, Lake Natron, Lihogosa, Loliondo, Lolkisale, Longido, Luganzo, Lunda Mkwindwa, Masasi River, Maswa, Meserani Dam, Mkungunero, Mlele, Moyowosi, Msima, Mto-Wa-Mbu, Muhuwesi, Mwadui Diamond Mine, Mwambesi, Nchwa-Nkima, Ngeju-Njiro Dam, Ngorongoro, Nyanga, Rau Forest, Rukwa, Rungwa River, Ruvu Masai, Ruvu Same, Sanya-Lelatema, Simanjiro, Speke Gulf, Ugunda, Umba River na Utengule Swamps.

However, the Minister did not fulfil his/her legal mandate within a specified time frame imposed by the law. Section 16(5) of the Law states that the Minister shall ensure that no land falling under the village land is included in the game controlled area.

This is because previous laws that established Game Controlled Areas, such as that of 1951 and 1974 respectively did not deter people from establishing settlements and engage in community activities, cultural and economic activities within Game Controlled Areas. This means that, the Minister was supposed to make a review of all Game Controlled Areas, along with those that do not fall within the village land and declare them within 12 months. Failure to do so implied that there wouldn't be Game Controlled Areas.

³ Section 8 of the Wildlife Conservation Act of 2009.

2.2 Various Documents

2.2.1 Summary of the Msomera Village Council Meeting

During this visit , the team collected a summary of the Msomera Village Council Meeting, discussing the Land Use Management Plan of the village held at the Free Pentecoste Church of Tanzania (FPCT) auditorium on 24/08/2016. During the meeting some of the agenda discussed and passed include Msomera village Land Use Management Plan, Village bounderies, members of a special committee on Land Use Management Planning as well as land ownership.

2.2.2 Msomera Village Land Use Management Plan

During this mission , it was discovered that there is Msomera village Land Use Management Plan for Misima ward, Sinden Division, Handeni District of 2016 to 2026. The plan was facilitated by the people of Msomera village and was passed by the Msomera village assembly on Agosti 2016.

In this Land Use Management Plan, land was categorised in four groups, settlement area, social service area(primary school, dispensary, and water reservour, public auction area, play ground, meeting ground,animal pond) farmland and domestic rearing as well as grazing land.

2.2.3 The By-laws (Land Use Management Plan) of the Msomera Village Council of 2016

These By-laws were enacted to facilitate the village Land Use Management Plan and are being used within the precinct of the Msomera Village Council Authority. Second section of those By-laws outlines and describes all planned land uses as follows: settlement and agriculture, farms, community services, forests, water sources, wilderness, and animal grazland. The By-laws clearly state that any changes to the land use in any specified area shall only be made by the village council to review and amend the original Land Use Management Plan and approved by the Village Assembly. During our visit, local people informed us the village council has never reviewed nor amended the Village Land Use Management Plan of 2016.



SECTION 3

PART ONE

HUMAN RIGHTS SITUATION IN MSOMERA VILLAGE

3.1 Preliminary Information

The team of HRDs , made a fact finding mission between April 24-25, 2023 at the Msomera village, Handeni district, Tanga region. The first day of the visit, the team met and held talks with the local authorities in Handeni and subsequently those authorities under the leadership of the District Commissioner Hon. Albert Msando as well as visiting government funded development projects in Msomera village.

This section describes the historical background and origin of the relocation plan , the history of the Msomera village, land dispute in Msomera village , objectives of conducting this mission in Msomera village, methodology used to gather information as well as challenges encountered in Msomera village.

3.1.1 About relocation of People from Ngorongoro Division

On January 11, 2022 the government through the Arusha Regional Commissioner announced a call for the people to be relocated from Ngorongoro division to Msomera village. After that call, the Regional Commissioner and the people held different meetings to discuss the fate of their lives as well as their land in Ngorongoro division. During the meetings, the people discussed and asked questions as to why the government did not fully involved them on the plan to voluntarily relocate people. Where was the voluntary nature of the exercise given that the people had not been involved in the plan?

They made several attempts including preparing recommendations on the best way to conserve the area belonging to the Ngorongoro Conservation Area Authority. They prepared their recommendations which were officially presented to the Prime Minister of the United Republic of Tanzania, however the government did not work on those recommendations.

On February 17, 2022 Prime Minister visited Ngorongoro and held a public meeting explaining about the so-called “ voluntary relocation exercise”. However, local residents did not get adequate time to present their facts about that exercise of voluntary relocation. On June 07, 2022 approximately four months since the Prime Minister visited them, local residents in Ngorongoro woke to the grim reality when they saw heavily armed police troops roving in their residential areas. The troops widely scattered on different areas of the Ngorongoro Division.

Meanwhile local residents in Ngorongoro were visited by government leaders including District executive director, a representative from the Ministry of Natural Resources and Tourism, a representative from the District Commissioner’s Office, a representative from the Ngorongoro Conservation Area Authority and a representative from lands department who conducted assessment and financial evaluation of the properties owned by the families.

A day before they were relocated they were informed by phone and asked to go to the headquarters of the Ngorongoro Conservation Area Authority in Karatu where they had been asked to sign a document on a sum of money they were supposed to receive as a compensation. As they were moving to Karatu, their traditional homes (Bomas) had been demolished. The trip to Karatu was the onset of their trip to new settlements in Msomera village.

Prior to relocating to Msomera local residents in Ngorongoro had been promised that Msomera is the government owned land with adequate pastures and that nobody stays in that area. A total of 3,010 people moved to Msomera village. During this visit they told HRDs that the real situation in Msomera was contrary to the information provided earlier since the area does not have pastures, it is a village land registered since 1992 and the open space are bare plains without pastures for feeding livestock.

3.1.2 History of the Msomera village

Msomera is a village located at Misima division, Sinden ward, Handeni district, Tanga region. Msomera village was registered in 1992 and was granted a registration certificate no TA/KIJ/576. Before its registration, the Msomera village, was part of the Mbagwi village which was registered during the village operation of the 1970. Since its registration the Msomera village has continued to benefit from various social services including schools, dispensary, water project, village office and other important social services.

In 2014 the fourth phase president Jakaya Kikwete launched a modern ox cow breeding project at the Msomera village. While launching that project, the President encouraged local residents to widen areas for animal keeping and pastures. Following those directives given by the President in 2016 local residents prepared

and approved the village's Land Use Plan of 2016-2026. Through this plan, the village council apportioned residential areas, agriculture, grazing and areas for social services as well as enacting by-laws for the purposes of managing that plan.

3.1.3 Origin of Land Dispute in Msomera Village

In 2022, the Msomera village provoked discussion in the Media following the relocation of people from the Ngorongoro ward to that village. The relocation of people from Ngorongoro ward was made possible following reports that the designated areas at Msomera village was a Game Controlled Area and therefore nobody was residing in that area. However, after the relocation of the people from Ngorongoro a litany of complaints from the local Msomera residents started to spread in the media to the effect that the government has acquired legitimate village land belonging to the local residents and give it to incoming Ngorongoro residents without giving any compensation.

The Handeni Regional Commissioner informed the team that it was true some of the areas in Msomera village have been distributed to new residents from Ngorongoro. He further informed us that each family present in Msomera had been given 2.5 acres of residential area and 5 acre for agriculture irrespective of the residential status (whether local or newly arrived from Ngorongoro). The decision to distribute land equally stemmed from what the District Commissioner says about the status of the village land. DC says that the Msomera village was wrongly registered in 1992 since the entire area was previously part of the Handeni Game Controlled Area since 1974.

This study found out that local residents were dissatisfied by the government's decision. Many of them claimed that they started living in that area before the country's independence and they have all along been engaging in farming activities and the government has been supporting them in terms of social services such as schools, dispensary, roads, water project, ox -cow breeding project launched in 2014 by President Jakaya Kikwete. Therefore local residents feel that they are not encroachers as such and are deeply convinced the area is their legitimate property recognised by the government.

Other fact presented by the Msomera residents is that the new inhabitants from Ngorongoro had been assessed and given compensation prior to their relocation. Surprisingly the area belonging to Msomera residents have not been assessed except that the government forcefully acquired their land without giving any compensation to that effect and they have been branded as invaders.

The manner in which the Msomera village land was acquired has triggered outcry from the local people who woke up to a grim reality when security forces entangled their area and new homes were hurriedly built and handed over to new dwellers from Ngorongoro.

Local residents further claimed that they do not have enough land for cultivation since their farms have been distributed to new inhabitants from Ngorongoro division who are already using the land for farming. Therefore, the Msomera residents envisioned a simmering dispute involving uprooting of crops planted by the people from Ngorongoro as everyone is trying to grow food crops.

3.1.4 Objectives

3.1.4.1 Main Objective

The main objective of this mission was to monitor the human rights situation and the emerging challenges at the Msomera village after the relocation of people from Ngorongoro division to Msomera. The plan was to get correct and balanced information for the purpose of advising the government, the people and various stakeholders on the best way to resolve those challenges in line with the principles of human rights.

3.1.4.2 Specific Objectives

- i. To get correct information on the complaints that local residents in Msomera raised as well as the opinion of the people who were relocated to Msomera.
- ii. To get correct information on the Msomera's residents and those from Ngorongoro on the process of relocating pastoralists from Ngorongoro.
- iii. To examine if the land allocation procedure at Msomera village was in line with Human Rights and Good Governance Principles.
- iv. To be informed on government's accountability in implementation of development projects for the people of the Msomera village.

3.1.5 Methodology.

During our fact-finding mission, we managed to reach more than 400 people, including local residents at Msomera (300) along with those who had been transferred from Ngorongoro (100) as well as various local leaders. We employed the following methods to collect information: Meeting with the Handeni District Leaders under the District Commissioner Hon. Albert Msando as well as the district's defense and security committee who provided short description on the security situation at Msomera village. Also through interviews, questionnaire, focused-group discussion, study tours, analysis of various documents and public meeting.

3.1.6 Fact-finding mission's location and time

This monitoring mission in Msomera village was conducted on April 24 – 25, 2023. On the first day we held a meeting with leadership of the Handeni District and thereafter we inspected all community service projects at Msomera village under the leadership of the District Commissioner and some of the members and of the

district's defence and security committee. On the second day we visited the people in their own areas, held one on one interviews, interview with focused group as well as conducting interviews during public meetings.

Our fact-finding mission focused on the Msomera village along with its sub-villages (Orkung', Ormoti, Mkababu and Central). In order to get further clarification we had also made a tour to Mbagwi village which is considered a mother village of Msomera. We managed to hold talks with the Mbagwi village government chairman, as well as acting Village Executive Officer.

3.1.7 Challenges of the fact-finding mission

The main challenges during the fact-finding mission was shortage of time. We did not have enough time to talk to people in their respective areas even though they wanted to be reached in their respective houses. Consequently, it was not easy to reach every single citizen. Some of the people especially those who relocated from Ngorongoro did not speak freely due to fear. For example, one of them said that "**We have already been compensated and moved on, even if I say something what benefit will I get given that I have already vacated from Ngorongoro?**" Some village leaders did not give us good cooperation divulging the information we sought. There were also some people especially those who moved in from Ngorongoro who feared to express themselves on the grounds that they had been instructed to not to disclose any challenges they might have encountered.

SECTION 3

PART TWO

FINDINGS OF THE FACT-FINDING MISSION

3.2 Introduction

This chapter describes the human rights situation at Msomera village, existing challenges for local and new residents of the Msomera village, citizens views, government's point of view, and the analysis of the recommendations for the people of Msomera, Government and the Handeni District Authorities, Development Partners, Human Rights Defenders and Civil Society Organisations.

3.2.1 Human Rights Situation of the relocated people from Ngorongoro Division

This mission met with approximately 100 people among those who had been relocated from Ngorongoro division and are currently residing at Msomera village. The total number of people who have been relocated is 3,010 that's a total of 551 families. About 503 houses have been constructed. In this sub -section, this report presents the social service provision situation for the residents of Ngorongoro who relocated to Msomera as well as various challenges as explained by the resident of Msomera.

3.2.2 Social Services and Community Development Projects

During our visit we had witnessed the improvement of the community development projects that were present earlier on for example , reservour, animal ponds, primary schools , dispensary and new projects which include, health centre, police post, secondary school, Samia Suluhu Hassan Primary School, water project, milk collecting centre, auction ground, telecommunications service, new cattle dipping trough, new post office and roads.

3.2.2.1 CATTLE DIPPING TROUGH

During our fact finding mission we were able to see one cow dipping trough out of 7 which we were told have been built and improved for livestock purposes especially cows. These troughs are scattered across the Msomera village.

Photo No. 3.1: New cattle dipping trough built at Msomera village



3. 2.2.2 Cattle Water Ponds

During our tour we had witnessed one big reservoir which is being improved out of two reservoirs (cattle water ponds) which we were told they have been constructed at Msomera village. One of them is reportedly built at Mlondizi and another one at Msomera.

During our fact-finding mission we were informed that these reservoirs had been constructed a long time ago as a project funded by the World Bank during previous political administrations thus they are currently being renovated. These reservoirs have been built due to the growing needs of drinking water for livestock.

We were informed by the district leaders that presently the Msomera village has a total of 86,000 livestock, out of those only 15,000 livestock moved from Ngorongoro division. Therefore those livestock will be using the reservoirs for drinking water.

Despite having these two reservoirs, local residents say the local situation in Msomera is not friendly and no longer supports pastoralism since the village is designed as a township forcing many livestock to be reared in distant places outside Msomera in search of pastures.



Photo No.3.2: Modern reservoir (Cattle water pond) constructed at Msomera village

3.2.2.3 Health centres

During this fact-finding mission we managed to visit and inspect construction of new dispensary which is about to be completed. Also during our fact-finding mission we have been told that the health centre which is under construction contains different sections. When the health centre is completed it will be of great assistance to pregnant women, children and other patients in surrounding areas.

The only challenge lies at Mkababu hamlet where Ngorongoro residents have been relocated to. This hamlet doesn't have health services therefore local residents are thus forced walk a distance of 16km seeking such services at the central hamlet located at Msomera village. Another challenge is shortage of public servants as well as servants quarters for health workers especially for a health centre that exists for a long time. There is only one house occupied by a single health worker.



Photo No 3.3: A health centre under construction in Msomera village

3. 2.2.4 Police post

During our fact-finding mission we observed a new police post being constructed at Msomera village for the purpose of strengthening defence and security for the people and their property. However, some residents claimed that the police post has been wrongly used to arrest and detain human rights defenders who dares openly express the challenges the villagers face instead of suspected criminals. We appreciate the presence of these infrastructures which are useful for improving community services for Msomera villagers. The provision of these services must follow human rights-based approaches for all the residents of Msomera.

3.2.2.5 Water Services

The monitoring team was also managed to see good water infrastructures in Msomera village. The government has constructed 7 water wells to cater for the growing needs of the Msomera residents. There is a huge water reservoir with the capacity to hold 775,000 litres per day. The water caters for the needs of the residents of Msomera village. Some of the residents have connected water to their own homes, although they said sometimes the water does not flow for up to two weeks.

Ensuring that water services are accessible to the people is a good move for improving social welfare. Despite the presence of these services, local residents told us during interviews that all the water is tainted by seeping sea salt and was unfit for human consumption. However, local district leaders said the problem is affecting the entire district and they are in the process of pumping fresh water to supply in the whole Handeni district.

Photo No. 3.4:
Water well at central hamlet in Msomera village.



3.2.2.6 Education Services

During our fact-finding mission we saw a new secondary school at Msomera village which was constructed along with Samia Suluhu Hassan primary school. We are convinced these schools are up to the standards and would like to congratulate the government for this progress. Samia Suluhu Hassan primary school has a total of 883 pupils out of those 674 pupils had been transferred from Ngorongoro. Moreover, this school has a total of 7 teachers (2 female and 5 males).

Despite the beauty of these schools, we discovered some shortfalls. For example, the Samia Suluhu Hassan primary school has a shortage of 12 teachers, shortage of 186 desks as well as shortage of classrooms. In the Mkababu hamlet located approximately 16 kilometres from the Msomera village, there is no primary or secondary school therefore some pupils who had been transferred from Ngorongoro division have not been able to attend school shortly after arriving in Msomera village.



Photo No. 3.5:
Handeni District
Defence and
Security Team
members speak
to some students
from Msomera
secondary school
during the tour.
Also seen on
the photo is one
of the modern
classrooms.

At the Mkababu hamlet the government has constructed 2 classrooms for nursery school pupils. Also at central hamlet in Msomera, we saw a computer project where students learn digitally. Msomera secondary school has a total of 205 students, 8 teachers with only one female teacher who teaches all science subjects from form I up to form IV. In general, the students are satisfied by the quality of this school even though they miss their brothers and sisters who remained in Ngorongoro.

Other challenges in this school include shortage of teachers, lack of dormitories given that some students live in distant areas, and it is the only school in the entire village forcing some students to travel a long distance. Furthermore, this school has shortage of teacher's accommodation.

3. 2.2.7 Milk collecting centre

We had also succeeded to visit a new centre being constructed for collecting, storing and distributing milk in the Msomera village. This centre has the capacity to receive 5000 litres of milk daily. One of the slogans used to motivate harvesting of milk products at Msomera village is **harvest livestock, increase efficiency**.

3.2.3 Challenges Facing Residents from Ngorongoro Division

During this visit, especially after holding talks with residents who have been relocated from Ngorongoro division, we discovered various challenges related to the relocation process, modality of compensation, community participation, inadequate social services such as clean and safe water, shortage of teachers, shortage of grazing land, livestock keeping situation, food security, double allocation of land owned by local residents.etc.

3.2.3.1 Single Home Allocation Irrespective of Family Size

Each family was given one three-bedroom house with a sitting room irrespective of family size. For example, one of the visited family has the following family members: husband, wife, two children, grandmother, brother with two wives and two children but they were given only one three bedroom home. The situation has affected their cultural norms, shelter, consequently forcing some family members seeking refuge in local residences. This is a reality to many families that we had visited.

Photo No. 3.6:
A model three-bedroom house built at Msomera village



During our talks with the residents, they informed us 48 family that relocated to Msomera village still do not have shelters. As the Ngorongoro residents were being transferred to Msomera they were handed over two sacks of maize for food and had been promised that they would be given food rationing for 18 consecutive months. However, the residents claimed that they have not been given food rations for three months after relocation.

Moreover, residents including students from Msomera secondary school informed us that water supply is erratic and the water is tainted by seeping salts. In general, the residents said the infrastructures do not adequately suit their needs.

3.2.3.2 Claims of lack of Citizen's Participation

The concept of participation has been described by the people from various areas involved in the relocation from Ngorongoro division to Msomera village. The citizens complained that the relocation process did not consider the participation of their political leaders at various levels from the village level to the district level (District council). They still do not know when this process had been conceived, discussed and approved by the district council meetings and also by the Pastoralists Council of Ngorongoro which has legal authority to manage all matters related to pastoralists in Ngorongoro Division.

Because of lack of community participation during the voluntary relocation of people from Ngorongoro, many residents got meagre compensation and some of them have not received compensation to date. For example, Maasai pastoralists who have been transferred from Ngorongoro ward complained that they had not been fully involved in calculating their compensation. They claimed that they had never been given a chance to negotiate and agree on the modality that would be used to compute their compensation given the nature of their distinctive lifestyle in the Ngorongoro ward.

(a) Structure of Compensation Committee

The people queried about the structure of the committee tasked to assess compensation. They explained that they simply saw a group of people comprising.

- (i) District Administrative Secretary,
- (ii) Representative from the Ministry of Natural Resources and Tourism,
- (iii) Representative from District Commissioner's office,
- (iv) Representative from the Ngorongoro Conservation Area Authority and,
- (v) Representative from Land department

This committee was tasked to assess the estimates of property owned by the people. The people had neither been given any papers to fill in their possessions, actual value of their possessions nor the assessment report, except that they were informed by telephone a day before departure to go to the headquarters of the Ngorongoro Conservation Area Authority in Karatu where as they were instructed to sign a document in agreement of the amount of money they were supposed to be paid.

(b) The opening of new bank accounts for depositing the money

The people further told us that the compensation money had been deposited in bank accounts opened by the NCAA. Those who had their personal bank accounts had been turned down, instead new bank accounts had been opened by officials from the Ngorongoro Conservation Areas Authority. After a long period, the money was deposited in their bank accounts, and they had been given passwords to access the accounts and withdraw the money. Such an arrangement has never been used anywhere in the world given that money saving culture is an individual matter.

This is a very big challenge. The Ngorongoro residents have been treated like children who needed to be assisted to open bank accounts. The prevailing situation may lead to the loss of substantial amount of public money allocated for this task. The people should have been given the freedom to decide the way they prefer to receive their compensation and the process should've been more transparent.

(c) Secrecy in Compensation

During this fact-finding mission local residents informed us that the evaluation process had been shrouded in deep secrecy. They had not been given any feedback of the assessment done and the amount of money they should receive. The only official compensation that had been known from the beginning is Tanzania shillings ten million popularly "**thank you mother**" or **President's Samia's funds** given in cash. Worse still the compensation offered did not take into account the fact that Ngorongoro residents had been banned to carry out any economic activities such as building modern homes, agriculture and owning means of transportation.

Ultimately, the residents of Ngorongoro received meagre compensation, some of them received between Tanzanian shillings one million to 3 million. The people claimed that the modality used to disburse compensation did not take into account the unique nature of the Ngorongoro area and their distinctive lifestyle. It was wrong to use compensation law as a basis to calculate the legal compensation for the people of Ngorongoro, who have for a long time been prohibited from engaging in economic and development activities. The Maasai pastoralists of Ngorongoro should have been compensated in a unique way considering the amount of natural resources they have conserved and leave behind instead of considering only movable assets.

Approximately 100 people shared with us the information on the amount of money they received in compensation as it is depicted in the table below. These are the lowest rates, had it not been for the Tanzanian 10 million "thank you mother" token some people would end up getting Tshs 500,000/- or 3million only. This situation has resulted into many people becoming poor in abject poverty soon after relocating to Msomera.

Table No. 3.1: The Amount of Compensation each family received

No	Compensation according to evaluation	Funds disbursed by the President "Thank You Mother"	Total
1	3, 424, 211.5	10, 000, 000	13, 424, 211.5
2	5, 784, 217.94	10, 000, 000	15, 784, 217.94
3	8, 681, 393.17	10, 000, 000	18, 681, 393.17
4	3,865, 383.2	10, 000, 000	13, 865, 383.2
5	76,620.01	10, 000, 000	10, 076, 620.01
6	4, 794, 927.4	10, 000, 000	14, 794, 927.4
7	3, 759, 601.5	10, 000, 000	13, 759, 601.5
8	9,607, 533.36	10, 000, 000	19, 607, 533.36
9	12, 700, 297.44	10, 000, 000	22, 700, 297.44
10	2, 282, 671.3	10, 000, 000	12, 282, 671.3
11	6, 843, 576.9	10, 000, 000	16, 843, 576.9
12	4, 386, 005.5	10, 000, 000	14, 386, 005.5
13	2, 127, 726.71	10, 000, 000	12, 127, 726.71
14	4, 567, 812.84	10, 000, 000	14, 567, 812.84
15	3, 901, 981.8	10, 000, 000	13, 901, 981.8
16	4, 362, 109.88	10, 000, 000	14, 362,109.88
17	3, 268, 856.7	10, 000, 000	13, 268, 856.7
18	3, 644, 464	10, 000, 000	13, 644, 464
19	6, 584, 324.18	10, 000, 000	16, 584, 324.18
20	12, 516, 087.07	10, 000, 000	22, 516, 087.07
21	3, 520, 247	10, 000, 000	13, 520, 247
22	2, 149,333.5	10, 000, 000	12, 149, 333.5
23	3, 524,416.25	10, 000, 000	13, 524, 416.25
24	2, 496, 954.1	10, 000, 000	12, 496, 954.1
25	5, 886, 518.5	10, 000, 000	15,886, 518.5
26	5, 679, 657.44	10, 000, 000	15, 679, 657.44

27	3,094,269.93	10,000,000	13,094,269.93
28	4,255,116.5	10,000,000	14,255,118.5
29	3,976,447.7	10,000,000	13,976,447.7
30	1,985,949.6	10,000,000	11,985,949.6
31	22,864,358.5	10,000,000	32,864,358.5
32	9,175,868.06	10,000,000	19,175,868.06
33	1,455,741.2	10,000,000	11,455,741.2
34	3,743,070	10,000,000	13,743,070
35	22,864,358.5	10,000,000	32,864,358.5
36	9,175,868.06	10,000,000	19,175,868.06
37	22,864,358.5	10,000,000	32,864,358.5
38	5,314,769.46	10,000,000	15,314,769.46
39	13,581,232.72	10,000,000	23,581,232.72
40	3,133,867	10,000,000	13,133,867
41	3,780,821.1	10,000,000	13,780,821.1
42	9,576,679.81	10,000,000	19,576,679.81
43	1,727,325.25	10,000,000	11,727,325.25
44	2,332,597.5	10,000,000	12,332,597.5
45	4,183,128.9	10,000,000	14,183,128.9
46	13,581,223.72	10,000,000	23,581,233.72
47	3,143,190.23	10,000,000	13,143,190.23
48	6,397,838.69	10,000,000	16,397,838.69
49	2,396,800	10,000,000	12,396,800
50	76,620.01	10,000,000	10,076,620.01
51	14,822,579.24	10,000,000	24,822,579.24
52	25,640,133.14	10,000,000	35,640,133.14
53	8,628,937.6	10,000,000	18,628,937.6
54	6,991,686.4	10,000,000	16,991,686.4
55	7,864,016.44	10,000,000	17,864,016.44

3.2.3.3 Lack of Correct Information on Msomera Village

Maasai pastoralists who relocated to Msomera village informed the team that, before their relocation, they had been assured that they were going to a good area suitable for indigenous pastoralist life, farming, and grazing. Moreover, they had been told that the new destination is a government-owned Game Controlled Area with no inhabitants. However, after arriving in the Msomera village they realised the area is a legitimate village land with rightful owners.

The area doesn't have pastures since many portions of land are owned by residents and the remaining areas were barren wild land. They also said that the Msomera village is too arid and inappropriate for grazing and even the farms allocated to them were embroiled in disputes with local Msomera residents.

This mission found out that the Msomera area is a legitimate village land but also a barren land with no pastures for feeding livestock especially cows which are being kept in large numbers by the Maasai and Wadatoga ethnic groups relocated from the Ngorongoro. This matter has been discussed and analysed in detail in the following chapters.

3.2.3.4 Land Dispute between local Msomera residents and Maasai pastoralists

Maasai pastoralists who moved to Msomera village informed us about a raging land dispute between them and the local Msomera residents. The land allocated to Maasai pastoralists is a legitimate village land. According to them some residents hold land titles to support their claims. This dispute has caused deterioration of social relations between two groups of people. Some people who relocated from Ngorongoro division accused local Msomera residents of growing crops on areas allocated to new inhabitants and in some cases the dispute escalated further to the extent that some individuals had to uproot crops planted on the disputed areas.

Some of the Ngorongoro residents who relocated to Msomera told us during interviews that some farmland allocated to them had been occupied and used by the local people.

For example, one local resident said,

 "A piece of farmland allocated to me belonged to another person who was growing crops. I have not used it because I don't want any confrontation with the owner of that farm"

3.2.3.5 Lack of freedom to choose a place to go

The residents of Ngorongoro complained that during the relocation process they had not been given the opportunity to choose places they would like to move to. They also told us they had not been given the option to be paid for moving to Msomera or any

other place. Therefore the entire relocation process did not take into consideration their views and decisions.

Some of the Ngorongoro residents claimed that they were willing to take the money spent for constructing houses in Msomera and relocate to other places of their choice given that not all who have moved to Msomera own livestock. They further said the money spent to construct the Msomera houses shouldve have been given to them so that they have the freedom to decide where to live.

3.2.3.6 Extinction of Maasai and Datoga traditional culture

Local residents expressed fear on possible extinction of their traditions and culture. According to them, the local conditions in Msomera village do not support traditional lifestyles and culture of the Maasai and Wadatoga communities such as staying with livestock at home, rituals, traditional festivals, places of worship, right of passage and rite of retirement.

For example, Ngorongoro usually have special areas for performing traditional rituals, worship and also to carry out other traditional festivities. The Ngorongoro Division has so many places used by the people of Ngorongoro during initiation and rite of passage seasons. However, the local environment in Msomera village does not support the sustenance of traditions for these indigenous communities.

This tradition cannot be sustained at Msomera due to the interferance of various traditions. Worse still the area is designed as a township and the local situation does not support the tradition to live with livestock at home. Moreover, the traditions and customs of the Maasai and Wadatoga have a direct relationship with land, given that many traditional festivities are usually performed under the trees, roots and on the hills.

3.2.3.7 Food security

The Ngorongoro residents in Msomera explained that they're currently facing starvation because they have not received food rations for three months. This is contrary to what they had been promised by the NCAA. According to them there was a special arrangement for them to get a suck of maize after every three months. However to their surprise such plan has not been implemented and many people remain without food.

It should be remembered that the relocation exercise to Msomera took place during dry season. Worse still, huge portion of farmland owned local Msomera residents had been acquired in 2022 consequently local residents did not grow food crops thus the village is facing food shortage crisis. Also the Ngorongoro residents complained about meagre compensation which had only been spent and finished within the first week after relocation.

The local ecology of Msomera does not support pastoralism, and the Ngorongoro residents claimed many of their livestock have died. They no longer proudly owning big herds of livestock. Some of the residents have been forced to take their herds of livestock to distant places. The Ngorongoro residents currently living in Msomera village are traditionally pastoralists. They depend on cattle keeping as a livelihood. These people are not used to any other lifestyle not even farming. Therefore the food insecurity, they have been through was a big setback to them since they don't own livestock which they depend for food. This state of affairs shows a looming humanitarian crisis for the Maasai community in Msomera village. The situation on the ground suggests that the government need to conduct a thorough assessment before it gets on with the move to relocate people from Ngorongoro.

3.2.3.8 Livestock Deaths for Lack of Pastures

The local environment in the Msomera village does not support pastoralism due to lack of pastures. Many cows that had been transferred from Ngorongoro have reportedly died for lack of pastures. Some pastoralists have been forced to move the remaining livestock to distant places outside Msomera in desperate search for pastures. Such areas include Kilindi, Gendagenda, Kabuki, Korogwe, Mzeri etc. For instance one family told us that when they moved to Msomera they owned 70 cows but 32 of them died. Another villager claimed his 30 cows have all died. Some of the major reasons that led to the death of livestock after the relocation of people to Msomera village include:-

- a) The Msomera area is semi-arid (Orpukel in Masai language) as compared to Ngorongoro which has a lot of natural vegetation and is nestled on the hilly terrain of the northern highlands.
- b) The relocation exercise to Msomera was implemented during the dry season.
- c) The natural vegetation in Msomera is different from that in Ngorongoro.
- d) There is no enough grazing land in Msomera village.
- e) A big part of land in Msomera village are barren and it is quite small as compared to the number of livestock.

3.2.3.9 Shortage of Dispensary and Health Centres

Although the construction of modern health centre is being completed, local residents complained about shortage of dispensaries. Some of them have been forced to walk a long distance to seek medical services. For example the residents of Mkababu hamlet where 100 houses have been constructed for Ngorongoro residents, do not have a dispensary. They're being forced to seek medical services at Msomera village which is 16 kilometres away.

3.2.3.10 Shortage of Schools and Teachers v/s influx of students

Local residents at Mkababu sub-village do not have a school, therefore children walk 16 kilometres to go to school at the central sub-village located at Msomera village. This situation has caused the problem of truancy many students have stopped going to school. The Samia Suluhu Hassan primary school in Msomera, has a total of 883 pupils (674 of them come from Ngorongoro). The school has 7 teachers (5 males na 2 females).The school has a shortage of 12 teachers 186 desks and classrooms.

The Msomera secondary school, which has total of 206 students has only 8 teachers including the only female teacher who teaches science subjects. The school whose laboratory construction is underway, has shortage of dormitories and teachers. The shortage of dormitories in school has forced students from Ngorongoro to walk a long distance. These students are not used to this situation given that they were previously residing in hostel.

3.2.4 The Needs of the People who relocated from Ngorongoro Division

- a) The exercise to relocate people from the Ngorongoro division should be halted pending the establishment of a participatory approach approved by the representatives of the community in the councillors' council and also the pastoralists' council of Ngorongoro.
- b) Thorough assessment must be conducted to examine the first relocation exercise for the Ngorongoro people.
- c) People should be given the option to choose where they want to go instead of forcing them to go to Msomera.
- d) Construction of houses in Msomera should prioritize construction of water infrastructures.
- e) Residential homes should be constructed to accommodate 48 families that are still homeless.
- f) 130 Ngorongoro residents who have not been compensated and are already living in Msomera should be paid their rightful compensation
- g) The government should stop acquiring village land in Msomera and give it to Ngorongoro residents because doing so causes unnecessary disputes.
- h) The compensation received is too small, there should be another modality to conduct the evaluation which would take into account the distinctive lifestyle of the Ngorongoro residents
- i) They should be given free grazing area with enough pastures and water.

3.2.5 Government's Clarification

During our fact-finding mission to Msomera village we discovered that residents who relocated from Ngorongoro were facing various challenges. As mentioned above we sought government clarification in writing on the people's woes. Despite our

reminders, we did not get any government responses in writing or through meetings. We addressed our letters to the Arusha Regional Commissioner, Ngorongoro District Authorities, Ngorongoro Conservation Area Authority, Ministry of Natural Resources and Tourism as well as Prime Minister's Office. However, up to the time of writing this report, the government has not clarified any of the issues we presented to them.

3.2.6 Human Rights Situation for Msomera's local residents

This fact-finding mission met more than 300 local residents of Msomera. According to the people interviewed, there are approximately 6500 people living at Msomera. All these people have been living in this village for many years and some of them hold land ownership documents. According to local residents, in 2022 they spotted a convoy of many cars and when then investigated they realised it was a convoy carrying regional commissioners from three regions: Manyara, Tanga and Arusha. When the regional commissioners left without talking to the people. The regional commissioners' visit was followed by heavy presence of security forces in the village. They were arbitrarily arresting and detaining people and some villagers were made to squat and jump like a toad.

3.2.6.1 The Challenges described by Local Msomera Residents

Local residents described to us various challenges related to acquisition of their land leaving them without residential areas, grazing and farmland. Land survey and subsequent beacon placing was done in residential areas and on farmland. The local Msomera residents also explained the placing of beacons exercise was followed by the building of residential homes and thereafter the relocation of people from Ngorongoro Division. According to the people anyone questioning or opposing beacons placement was threatened to be detained.

Presently many local residents of Msomera do not have farmlands and grazing areas because the areas they previously owned have been distributed to foreign residents from Ngorongoro. These people spoke with human rights defenders and explained the following issues in details.

(a) Lack of participation in Land acquisition

Local residents at Msomera had claims that they have not been involved in the preparation of the settlement and subsequent relocation of the people from Ngorongoro ward.

"I woke up in the morning and saw a house being constructed on my land, when I asked I was told it was for the new residents from Ngorongoro, I hold a certificate of customary right of occupancy but I have not been compensated." – says a resident of Msomera

All the people we were able to reach during our fact-finding mission to Msomera village informed us that their residential areas, farms, graveyards and grazeland have been forcefully taken to build residential homes for the Ngorongoro residents and several other projects without the participation of the local residents who are the rightful owners.

" My slashed area was taken by the government and given to the people from Ngorongoro, I don't have a place to farm therefore my family will probably suffer from hunger, I don't know the fate of my family" – Resident of Msomera

(a) Illegal Acquisition of local people's land

Local residents in Msomera village informed us that the village was officially registered in 1992 and some of them were already living in the area before the country's independence from Britain, although some of them moved in after independence. They further said before attaining a village status, Msomera was part of Mbagwi village which was registered in 1970's during operation "villagilisation". In the wake of its registration the village attained its full legal authority. Since then various development projects had been implemented including construction of livestock pond, reservoirs, market, dispensary, schools village office and recently the President Jakaya Kikwete of the fourth phase regime launched in 2014 a modern ox breeding project.

“ Our father had 4 wives, we are 37children and more than 50 grand children. We were owning 50 acres of land but the enture area has been taken and we have been left with merely 7 acres, we don't have grazing area for livestock, we don't know what to do because the livestock die” Local resident of Msomera village.

The President encouraged them to widen areas for livestock keeping and grazing. Therefore in 2016 the villagers prepared and approved the village's Land Use Management Plan. This plan is expected to be valid until 2026. Many residents presented to us legitimate Certificates of Custormary Rights of Occupancy. Furthermore, there were cases decided by the High Court of Tanzania on land ownership at Msomera village.

"Our family of more than 37 people owned a farm with the size of 200 acres, but we are currently possessing two and half acres as part of residential area which is engulfed in all sides and has no passage way,"- Resident of Msomera

For example, on the Case of Juma Iddi Chambo against Julius Leki [Appeal of Land Case No. 12 of 2019] The High Court of Tanzania, Tanga registry recognised the legality of the land distributed by the Msomera village on 01/02/2010, and the said land which provoked a heated debate during the primary case had been acquired and was used for constructing 27 residential homes for the people relocating from Ngorongoro without the participation of the local people and no compensation had been given.

"I bought 8 acres in 2018 for Tshs. 370,000. A total of 3 acres had been acquired where a school has been constructed and no compensation had been given," A resident of Msomera

Many claimed that those certificates had been issued by the government although their legitimately owned land was acquired in 2022 without adhering to legal formalities , without compensation. The beacons had been erected and the same land was being distributed to the people who moved in from the Ngorongoro ward.

"My father, my brothers and I owned 297 acres of land, our father was married to 4 wives who had 21 children, 30 people were residing in one traditional enclave(Boma). We were issued with a title deed in 2010 but all our land has been acquired and we have only been left with 7 acres only" Resident of Msomera village.

c) Threats and suppression of freedom of expression

In the course of the discussion with local residents, it came to our attention that since the beginning of the relocation exercise for people from Ngorongoro, local residents have been facing many threats including beatings, arbitrary arrests, threatened to be incarcerated etc. For example one of the local residents said.

“ My land was distributed to the people who moved in from Ngorongoro, when I queried, I was arrested and locked in my own house by the armed police officers for six hours, I was only released when my area had been distributed and beacons being erected.”

Another local resident said “ Before the exercise began we saw a convoy of cars of Tanga, Manyara and Arusha regional commissioners, we were banned from holding meeting, even our traditional meetings had been prohibited, and if you happen to passby near area where those leaders gathered you were made to squat and jump like a toad”

d) Local Msomera residents branded Invaders

During this fact-finding mission local residents of Msomera complained against the government’s statement branding them as invaders, where in fact they are legitimate residents of that village. They also claimed that the government was for a long time engaging in development activities such as constructing primary schools, dispensary, roads, reservoir market and the modern male cow breeding project in 2014.

“ They built schools, dispensary, if schools were constructed in the village, who was it meant for if it was not for us? They are simply playing tricks to deceive us,” said one Msomera resident.

During our meeting with the Handeni District Commissioner he explained that the locl Msomera residents are considered invaders because in 1974 the Handeni Game Controlled areas was established which included a wrongly registered Msomera village in 1992.

e) The threat of Food Insecurity

Local residents in Msomera emphasized that they currently don’t own farms to grow crops because all the farms have been distributed to people relocating from the Ngorongoro division and they have been left without any areas to farm. They expressed fear their families would probably face starvation in the years to come. Before the arrival of the people from Ngorongoro the indigenous Msomera residents were engaging in farming and livestock keeping on their areas.

For example, they were growing maize, beans and other crops for food. But when visitors from Ngorongoro started to arrive, their farms had been distributed to them.

They no longer have land for farming. Some of them who tried to forcefully use the plots allocated to residents from Ngorongoro ended up in dispute thus threatening peace and tranquillity.

" I don't have a farm for cultivation because my areas has been distributed to the people from Ngorongoro, I don't have a place to grow crops, I will be forced to uproot the crops grown in my farm so that I grow my own crops since I don't have any other areas to cultivate." - A local resident said.

f) Livestock deaths for lack of pastures

The current situation in Msomera village does not support traditional pastoralism due to the way the village land is designed. The village is planned as a township, and there is no passageway for livestock to roam given that all nearby areas are designated as farms and human settlements. The areas designated for grazing is far away and is a small wild jungle with no without pastures.

3.2.6.2 People's needs

- a) The government should stop relocating people to Msomera village since there is no remaining free land to accommodate them.
- b) Local residents are requesting to be compensated for their land that has been acquired to construct various social projects. They want their farms returned in places where construction has not taken place.
- c) Local residents urge the government to remove beacons in their land, to deter any move to relocate people in disputed and.
- d) Local residents are calling for investigation be conducted to assess the effects of relocating people from Ngorongoro.
- e) Local residents urge government officials to stop intimidating people who are demanding their rights.
- f) The government should stick to a legally-binding participatory approach to acquire village land so that the owner are adequately compensated.

3.2.7 Government clarification on the issues

During our fact-finding mission to Msomera village, various challenges were identified. We had therefore written letters seeking government's clarification to that effect. Apart from sending the letter and made frequent reminders, we did not get any government response in writing or through the meeting. Our letters were addressed to the Handeni District Commissioner, Arusha Regional Commissioner, Ngorongoro District Authorities, Ngorongoro Conservation Area Authority, Ministry of Natural Resources and Tourism as well as the Prime Minister's office. As this report is being prepared have not received any clarification whatsoever.

Therefore the only clarification here is the one the government had in various occasions provided in the Parliament or in past public meetings. The Prime Minister Hon. Kassim Majaliwa had once said when speaking to the people, that the government has officially handed over the Msomera village to the Handeni and Kilindi districts of the Tanga region as part of the plan to develop the village whose inhabitants are mostly the people who voluntarily relocated from the Ngorongoro Conservation Area in Arusha.

Prime Minister Majaliwa made the statement during the meeting with sectoral Ministers, Regional Commissioners of Tanga and Arusha, traditional leaders and people's representatives in the Msomera village, Handeni district. *"I have come today to officially handover this project of the Msomera village so that you can include it in your development plans as it has been done by the central government," said Prime minister⁴.*

The Prime Minister ensured the Ngorongoro residents who voluntarily vacated from the conservation area to Msomera village, Handeni District, Tanga region that none of their livelihood activities will be affected adding that they will get on with livestock keeping in a better and conducive environment. The Prime Minister said this on Thursday, June 23, 2022.

“I pray so that you can travel peacefully with open hearts. Heed to the call of your government led by President Samia Suluhu Hassan. You are now free, go and live in your country peacefully,” he insisted.

On his side, the former acting conservationist of the Ngorongoro Conservation Areas Authority, Dr. Christopher Timbuka said the second phase of the exercise to voluntarily relocate the residents of the Ngorongoro started in June 2022 where as 27 families with a total of 127 people and 488 livestock were relocated. Moreover, one family relocated to Karatu. According to Timbuka until now the family that have voluntarily vacated the Ngorongoro area during the first and second phases is 48 with a total of 233 family members with 899 livestock. He said the relocation exercise follows various guidelines including the evaluation of the number of people.

In another development the residents who voluntarily vacated from Ngorongoro during the second phase had been instructed to sign in compensation books. Also, they counted and put marks on their livestock to be transported. They also evaluated and identified the type of residential houses before being demolished.

⁴ <https://habarileo.co.tz/serikali-yakabidhi-kijiji-cha-msomera-kilindi-na-handeni/>

Dr Timbuka said apart from accommodation, compensation and a farm, all the beneficiary families would also be given two bags of maize for three consecutive months to support their subsistence during the transition period pending the onset of the farming season.

The government officially announced nullification of the Msomera Game Controlled Area, Handeni district, Tanga region and that the land would be assigned to other uses, such as distributing it to the people for development activities. The government statement was issued during a special meeting of the Msomera village which involved the local residents and those relocating from Ngorongoro. The Handeni district commissioner Albert Msando said the land would be handed over to the village government for other uses.

" After removing people from the Game Controlled Area, let's nullify GCA and convert it to general land and give the commissioner of lands the authority to distribute the land to the people equally and fairly. Local resident would get two and a half acres and a farm of five acres, as it was the case for the land assigned to the visitors. – Handeni district commissioner Albert Msando⁵.

Moreover, as he was moving with the visitors to inspect development projects of the Msomera village, DC Msando insisted that the directives given by the Prime Minister Kassim Majaliwa the previous month in Handeni district, Tanga region about the timely completion of existing development projects in Msomera village, are being implemented by local district authorities.

" Speaking during this mission at Msomera village, the Handeni District Commissioner Albert Msando said livestock ponds and water projects have been completed and some of them have its construction reached more than 90%"⁶.

The government has started the process to survey and distribute land to the people who happen to be falling within the Msomera village project in Handeni district Tanga region so that they can also own land. As he was inspecting the areas, the Handeni District Commissioner, who was flanked with various experts as well as members of the defense and security committee emphasized that human rights will be respected.

5 https://www.youtube.com/watch?v=gq_lirFjti8

6 <https://www.youtube.com/watch?v=2uVkJXmWQZ8>

According to DC Msando, the President has instructed them to protect the rights of every citizen in this area.

“We respect human rights of the people, even though they invaded a Game Controlled Area. They broke the law but when we find who has constructed a house in this area, President Samia Suluhu Hassan has instructed us to set aside areas and give to these inhabiting in respective areas. Therefore, we have come today to inspect and conduct due diligence the manner in which the commission we assigned to do this task has performed. We are satisfied by the manner in which the commission has done its job.- Handeni District Commissioner Albert Msando7.

The government had once made a statement suggesting that the activity to relocate people from the Ngorongoro Conservation Area in Arusha to Msomera village, Handeni district in Tanga region followed procedures and observed human rights protection. Such clarification was made after some Civil Society Organisations claimed that human rights had not been respected during the relocation process. The statement was made in Dodoma by certain ministers during the meeting that brought together a team of experts from the African Commission of Human and People's rights led by its commissioner Dr Litha Ogana.

Those experts came to Tanzania to monitor the relocation of the people from Ngorongoro, whereas before holding the talks, the commission had the opportunity to visit and held talks with the people of Ngorongoro as well as those of Msomera. The Minister of natural resources and tourism Dr Pindi Chana informed the commission that the people's relocation process observed human rights principles. The exercise was participatory and that people are still voluntarily registering themselves to relocate.

“The government embarked on this move because the residents of Ngorongoro were unable to own land, to build better permanent settlements and get on with their development activities for the future of their families,” Dr Pindi Chana.

7 <https://www.youtube.com/watch?v=rRgBCMvKnJc>

SECTION PART THREE

3

ANALYSIS OF SPECIFIC RECOMMENDATIONS

3.3 Introduction

This section provides general analysis of the claims, grievances of the Ngorongoro residents and indigenous residents of Msomera as well as the clarification provided by the government. This section is aligned with the principles of good governance and human rights in the analysis, conclusion and recommendations. This section also recognises the government objective to protect conservation areas although it is critical of the approaches used by the government to attain these good objectives for the wider interests of the nation.

In general, this section depends on the facts presented by the people, facts presented by the government, real situation on the ground, understanding of the experts, the country's laws and various policies to come up with the conclusion for this report. The recommendation of this report are general, touching upon the people, the government and its institutions, human rights defenders as well as development partners.

3.3.1 Analysis of the claims by the Ngorongoro residents and government's clarification

This small section of the report collectively analyses the claims, grievances from the Ngorongoro residents who relocated to Msomera as well as the government's clarification responding to such claims. The analysis of the report considers professional approach by weighing the arguments from both sides.

a) Transparency and Participation during the entire relocation exercise

During this mission residents complained against the relocation process that did not involve their political leaders at various levels from village level up to district level (District Council). The outcome of lack of a participatory approach to relocate people voluntarily led to unfair compensation the people received although others did not get it at all until now. The residents claimed that they had not been given chance to bargain and agreed on the modality that would be used to calculate their compensation considering their distinctive lifestyle in the Ngorongoro Division.

The government has repeatedly clarified in the media and through various meetings that the relocation exercise was participatory. However, as we were drafting this report we did not get any written evidence proving the Ngorongoro residents and those in Msomera village had indeed been fully involved in that operation.

In our basic questions we sought government's clarification to know how people have been involved in the decision-making process to determine their future. Unfortunately, we did not get it.

For example, the Ngorongoro residents even wrote a report containing their recommendations and presented it to the Prime Minister. However, they have not been called to discuss about their recommendations with the government. The Ngorongoro District Council, which is the main district's decision-making body does not have any record related to the process of relocating people from the Ngorongoro division. Worse still the Pastoralists Council of Ngorongoro, which has legal mandate to oversee the welfare of the local pastoralists in the Ngorongoro Division does not have any official document showing the participation of residents in this process.

The resident of Msomera village have also complained about acquisition of their land contrary to laid out legal procedures. These people, as presented in this report have repeatedly queried as to why their land is being taken without being involved. The government explained that the people had been involved although there is no any summaries or legal references of the village proving the procedure that was followed to acquire the village land. Up to the drafting of this report we did not get clarification proving the manner in which the government involved the people of Msomera on the land acquisition process.

The lack of effective participation of the people and their leaders in the decision making process has also been revealed by the preliminary findings of the Commission for Human and People's Rights of Africa report released on 28th January 2023. This preliminary report asserted that the challenges encountered during the relocation process was lack of participation and transparency.⁸ Moreover the Controller and Auditor's General Report of Public Funds show the operation had some procedural shortcomings.

b) Meagre Compensation for the residents who relocated to Msomera.

The structure of the Compensation Committee, included District Executive Secretary, a Representative from the Ministry of Natural Resources and Tourism, Representative from the District Commissioner's Office, Representative from the Ngorongoro Conservation Area Authority and Representative from Land department. The residents had not been made aware of the relocation exercise thus leading to disbursement of unfair compensation that does not suit the needs of the family.

No clarification had been given by the government on the modality of compensation, thus it is hard to make objective analysis of the challenges expressed by the people. The state of affairs suggest that people received unfair compensation of Tanzanian shillings 500,000 up to Tanzanian shillings 3000,000. This is due to lack of participation of the people and their leaders in the entire process. For example, new bank accounts had been opened and compensation money had been deposited therein contrary to the wishes of the people.

During the visit by the African Commission on Human and People's rights in Tanzania to monitor the relocation exercise of Maasai pastoralists from Ngorongoro to Msomera, the former Minister of Natural Resources and Tourism Pindi Chana explained to the commission that :

"Those who have relocated to Msomera have been compensated, have been provided with decent accommodation as well as being issued with title deeds, they have access to all social services which they did not get while living in Ngorongoro they have been paid rightful compensation as well as freight charges for their property and livestock toward their new settlements and this is the principle of human rights"

This mission found that compensation process was too secretive and not transparent. There was no special arrangement for evaluation of property before the actual compensation is paid, and nobody knew how much he/she would be receiving in compensation except that they were aware of the departure date since they had been summoned to show up at headquarters of the Ngorongoro Conservation Area in Karatu and made to sign a document in agreement to the terms therein.

- The compensation received did not take into account the wealth or property left at Ngorongoro due to the fact that throughout their lives in Ngorongoro they had not been permitted to build modern homes or to engage in economic activities except pastoralism alone.
- The compensation given did not consider the family size.
- Some of the residents received less than 500,000/-, many of them received between 1,000,000/- and 3000,000/-.
- During this fact-finding mission we discovered that 48 families did not get accommodation and had not received any compensation at all. Those families have a total of 130 people who have been living at Msomera village without being paid their rightful compensation.
- Moreover the indigenous residents of Msomera complained about acquisition of the land without being duly compensated although they legally owned the land and were possessing land titles.

This analysis suggests out of 500 families that have relocated to Msomera, each family received Tsh 10 million as a token from President Samia Suluhu Hassan popularly known as "Thank you Mother". However 80% of the residents received compensation of less than Tsh 3 million. The decision to give a Tsh 10 million token for each family shows that the compensation process for the people of Ngorongoro has to go beyond individual possessions.

We congratulate the government for paying the Ngorongoro residents additional Tsh 10 million without of which their social conditions would have deteriorated. If all the residents had left based on the evaluation done by the team expert assigned for that task they wouldn't be any better. However, 10 million shilling is not enough to meet growing economic needs. The Ngorongoro residents proposed a compensation of Tsh 100 million for each family. The residents wish there would be another chance to sit down with the government and draw up a better relocation plan.

The local residents informed this mission that the NCAA was the one opening special bank accounts and deposited the compensation money. Some of the residents who already had bank accounts had not been allowed to use them. As this report was being drafted the government did not clarify on this matter despite various attempts made to seek government clarification.

Worse still the evaluation process had also been shrouded in secrecy because there was no feedback given on the evaluation that had been conducted and the amount of money that local Ngorongoro residents would be paid in compensation. The only funds that had been known from the start was Tsh. 10 million, popularly "Thank you mother" which was paid in cash. Worse still the compensation did not consider the fact that the Ngorongoro residents had been banned from conducting any economic activities including constructing modern houses, farming and possessing means of transportation. The compensation issued was inadequate as shown in the table in this report above.

Because residents have not been part of these processes, it is better for the government to see the need to suspend the relocation exercise pending proper participatory approach that would be approved by the representatives of the community through the Council of councillors of Ngorongoro and the Pastoralists Council of Ngorongoro. This is due to the fact that local residents had not been involved in the first phase of people's relocation. Also, there is no strategic plan or work plan for people's relocation from the Ngorongoro Division.

c) Freedom of Movement

It is important for the people who want to move out of Ngorongoro to be granted the freedom to choose the place they want to go, they shouldn't be forced to relocate to Msomera. Forcing people to relocate to Msomera wipe off the voluntary nature of the relocation exercise.

This matter had not been clarified by the government up to the time of drafting of this report. It is increasingly difficult to draw up any objective analysis of this situation as government explanations is lacking. Our monitoring revealed that the absence of better voluntary relocation approach which entails various options to choose how to voluntarily move out has serious effects on both sides (government and the community)

If the voluntary relocation plan had been well conceived, written down, transparent and that the people had been given the freedom to choose, many residents would probably show up when seeing their basic rights are being respected.

3.3.2 Analysis of the claims by indigenous Msomera residents and Government's clarifications

Handeni District Commissioner, Albert Msando told this mission that all human rights have been protected during the surveying and distribution of land for the Ngorongoro residents and the local Msomera residents. The DC said:

"President Samia Suluhu Hassan has instructed us to protect the rights of every individuals in this area. The main thing we are doing is to protect people's human rights even the people who unlawfully invaded the Game Controlled Area. Any person who has constructed a house in prohibited land will be recognised, the President instructed that such areas will be apportioned and handed over to the residents of the respective areas."⁹.

Although the Handeni district commissioner said the human rights have been protected, the situation on the ground is proving otherwise. The views expressed by the people which are being processed in this report suggest the land acquisition process at Msomera village was flawed and did not follow legal procedures according to the findings of this mission because Msomera was legally registered village. Therefore, acquiring village land without local people's participation and contrary to the legal formality grossly violated constitutional rights of the people of Msomera.

However, according to our monitoring mission, efforts made by the current Handeni District Commissioner to come closer to the people, hearing their grievances has helped easing tension between the residents and those from Ngorongoro. The residents confirmed that district authorities are determined to resolve raging land disputes in Msomera village.

⁹ <https://www.youtube.com/watch?v=rRgBCMvKnJc>

a) Transparency and Participation in Land Acquisition process in Msomera

After analysing the facts presented by the government as well as the people's grievances, this report revealed that Msomera was a legitimate village belonging to the people of Msomera. The local residents of Msomera village have lived in that village for several decades therefore they are not invaders as being perceived, because even the law governing the establishment of the Handeni Game Controlled area did not categorically prohibit the people from living and conducting their economic activities in those areas.

The Msomera village was legally registered in 1992. Before that the Msomera area was part of Mbagwi village which was established in 1970's during the so-called operation villagilazation. Although district authorities are convinced the land acquisition process adhered to procedure , this report reveals the acquisition of the Msomera village land did not follow legal procedures of acquiring land in accordance with the Land Acquisition Act.

Principles of good governance, the rule of law and human rights had been violated during both processes, i.e the relocation of people from Ngorongoro division and the indigenous Msomera residents to pave way for the coming of new visitors as well as acquisition of their land. The Land Acquisition law was not followed because the indigenous Msomera residents had not been involved nor given any compensation whatsoever.

b) Livestock situation at Msomera village

The local situation at Msomera village currently does not support pastoralism since the area is devoid of any pastures to feed the cattle. The village is designed as a township not as a livestock setting observing traditional pastoralism system. The main priority for traditional pastoralists is having big grazing land and Msomera currently does not have such areas. The traditional cattle keeping method is suitable in other areas such as Ngorongoro district, Kilindi etc not in Msomera.

3.3.3 Specific Recommendations

This section provides the recommendations by the human rights defenders after they had conducted a thorough analysis on the people's claims and the government's clarifications. These recommendations focused more to ensure that genuine grievances expressed by the people in this report are addressed to avoid violating the citizens rights in Msomera as well as the right of the people moving in from the Ngorongoro Division.

These recommendations focus on important groups such as the government and all its institutions that had been involved in the relocation of people from Ngorongoro ward, the local people themselves, human rights defenders, the media, and development partners.

3.3.3.1 Recommendations on the claims by the people of Ngorongoro

a) Recommendations to the government and Handeni District authorities.

- i. We advise the government to take disciplinary action against its officials who threatened Ngorongoro residents whenever they demanded their rights
- ii. The residents of Ngorongoro have asked the Government to review the compensation process because it was neither participatory and nor transparent. And that the amount of ten million as compensation money for each household should be raised to 50 million with a house and land or 100 million for those who want to choose to take the money and move to where they want.
- iii. We advise the government to resolve the problem of seeping salty water in Msomera
- iv. We advise the government to speed up the construction of a new primary school in Mkababu hamlet as well as the construction of a dormitory for secondary school students
- v. We urge the President of the United Republic of Tanzania to suspend the exercise to evict people from the Ngorongoro in order to pave way for the resolution of these challenges and to give way for the preparation of a short and long-term joint voluntary relocation program which is participatory and in line with human rights principles.
- vi. The government should respect and uphold human rights in all matter related to the welfare of the people.

b) Recommendations for the people

- i. We call upon the people to uphold peace and they should stick to judicial process when demanding for their rights.
- ii. We call upon the people to hold meetings and discuss on the best way to resolve problems related to provision of social services.
- iii. We call upon the citizens to carry out development activities on the areas allocated to them.
- iv. We call upon the citizens whose areas have been acquired for the purpose of constructing various social development projects to take appropriate steps to claim their compensation.

c) Recommendations for Development Partners

- i. We call upon the development partners to support various development projects in Msomera village.
- ii. They should emphasize on the upholding of human rights and the rule of law in the entire process to relocate people.

d) Recommendations for Human Rights Defenders and CSOs

- i. We call upon Human Rights Defenders and Civil Society Organisations (CSOs) to keep monitoring the human rights situation in the Msomera village.
- ii. To keep providing legal aid to the residents of Msomera village.
- iii. To keep advising the government on the best way to resolve a myriad of challenges in the Msomera village and the Ngorongoro Ward.
- iv. To keep monitoring the principles of human rights, good governance, in the process to relocate people and in the land acquisition process at the Msomera village.

e) Recommendations for the Media

- i. We urge certain journalists to stop spreading hate propaganda and malicious falsehood against the people of Msomera village and those from the Ngorongoro Division
- ii. Journalists should stick to journalism ethics and professionalism when reporting balanced news based on the truth.
- iii. Journalists should reject being used for money to inflict pain on innocent citizens instead they should help to create harmony between the government and the people and they should stop inciting the people against the government.

3.3.3.2 Recommendations on the claims by indigenous residents of Msomera

a) Recommendations for the Government and the Handeni District Authorities

- i. We urge some of the government officials to stop threatening the local Msomera residents especially when those people are demanding for their rights.
- ii. We urge the government to resolve seeping salt water problem.
- iii. We urge the government to speed up the construction of a new primary school at Mkababu sub-village as well as the construction of a dormitory for secondary school students.
- iv. We call upon the President of the United Republic of Tanzania to suspend the exercise to evict people from the Ngorongoro ward.
- v. The government must respect and uphold human rights in all matters related to the interests of the people.
- vi. The government should prepare “resettlement plan” first before relocating people from one area to another.

b) Recommendations for the People

- i. We urge the people to uphold peace and they should stick to judicial channels when seeking for their rights.
- ii. We call upon the people to hold meetings and discuss on the best way to resolve the challenges related to provision of social services.
- iii. We call upon the people to carry out development activities on the areas allocated for them.
- iv. We urge the residents whose areas have been acquired for the purpose of erecting various community projects should take action to demand for their compensation.

c) Recommendations on Development Partners

- i. We call upon Development Partners to support various development projects at the Msomera village
- ii. They should emphasize on the upholding of human rights and the rule of law in the whole process of relocating people.

d) Recommendations on Human Rights Defenders and CSOs

- i. We urge Human Rights Defenders and Civil Society Organisations to keep monitoring the unfolding human rights situation in the Msomera village.
- ii. To keep providing legal aid for the residents of Msomera village.
- iii. To keep advising the government on the best way to resolve the challenges in Msomera village and the Ngorongoro ward.
- iv. To keep monitoring human rights principles, good governance, the rule of law in the process to relocate people as well as on the acquisition of land in the Msomera village.

a) Recommendations for the Media

- i. We call upon members of the media and journalists to stop spreading hate propaganda and malicious falsehood against the people from the Msomera village and the Ngorongoro ward.
- ii. Journalists should uphold journalismethics and professionalism by reporting accurately and giving balanced information based on the truth.

SECTION 3

PART FOUR

GENERAL RECOMMENDATIONS AND CONCLUSIONS

3.4 Introduction

This last part of the third Section of this report provides general recommendations about the findings of this mission in the Msomera village as well as providing the conclusion of this part of the report.

3.4.1 General recommendations

- a) The government is advised to halt and review the entire process of relocating the residents of Ngorongoro to Msomera because it is marred by many challenges.
- b) Residents of Ngorongoro who had been relocated to Msomera village have urged the government to suspend the exercise to relocate their fellow residents from Ngorongoro in order to resolve some the challenges that emerged from the previous exercise.
- c) The residents of Ngorongoro have asked the Government to review the compensation process because it was neither participatory and nor transparent. And that the amount of ten million as compensation money for each household should be raised to 50 million with a house and land or 100 million for those who want to choose to take the money and move to where they want.
- d) Residents in Ngorongoro have urged the government to examine grazing land areas as among one the challenges they face.
- e) Local residents at Msomera village have urged the government to examine the land allocation exercise for the people who relocated from Ngorongoro, since such exercises did not follow legal procedures something that led to grabbing of individuals land regardless of the title deeds that the local people possessed.

3.4.2 Conclusion

We appreciate the cooperation accorded to us by the Handeni district authorities during this mission at Msomera village in Handeni district. Special thanks go to the people who selflessly provided various useful information in this report. The main challenges that emerged was lack of citizen participation in the relocation process to Msomera, and also lack of participation for the local Msomera residents on the coming of the residents from Ngorongoro. Moreover, both sides have not been adequately compensated and some of them, especially the local Msomera villagers have not been compensated at all. The exercise to relocate people from Ngorongoro division must be stopped since the Msomera village does not have enough grazing land for livestock from Ngorongoro. The village is designed as a township it is not designed to support farming nor pastoralism therefore it is not friendly for the Maasai from the Ngorongoro who are used to traditional pastoralism.



SECTION 4

PART ONE

HUMAN RIGHTS SITUATION IN NGORONGORO DIVISION

4.1 Introduction

The fourth chapter of this report describes the human rights situation in the Ngorongoro Division (Ngorongoro Conservation Area). Also this chapter analyses various issues presented by the people as well as government responses and coming up with recommendation for respective groups.

4.1.1 About Ngorongoro Division

Ngorongoro District is one of the six (6) districts and one of the seven(7) district concils of the Arusha region which was officially established in July 1979 after the government divided it from part of Monduli district which was then called Maasai District, where as this name had been derived from a word 'Masailand', adopted by colonialists who found a huge number of indigenous people in those areas are the Maasai. According to National Census of 2022 the Ngorongoro has a total of 273,549 inhabitants , where as the Ngorongoro division has a total of 100,793 inhabitants¹⁰

The Ngorongoro district has the area size of 14,036 square kilometres . Administratively, the district is divided into three wards. (Ngorongoro/NCAA, Loliondo and Sale). The Ngorongoro division currently has the area size of 8,100 square kilometres, which include 11 divisions and 25 villages. Geographically and legally this ward is where the Ngorongoro Conservation Area is found. The Ngorongoro division is bordering Karatu district on the south, Loliondo and Sale divisions which are located in the north, Serengeti National Park as well as the Maswa Game Reserve are in the west of the Ngorongoro Ngorongoro division, whereas Longido and Monduli districts are in the East.

This division is one of the area with better natural vegetation, spectacular hills and attractive valleys, grass, cool air and attractive natural environment, wild animals, livestock, humans and a horde of tourists. Geographically this division is the biggest in the whole of Ngorongoro district which occupies more than half of the entire district area.

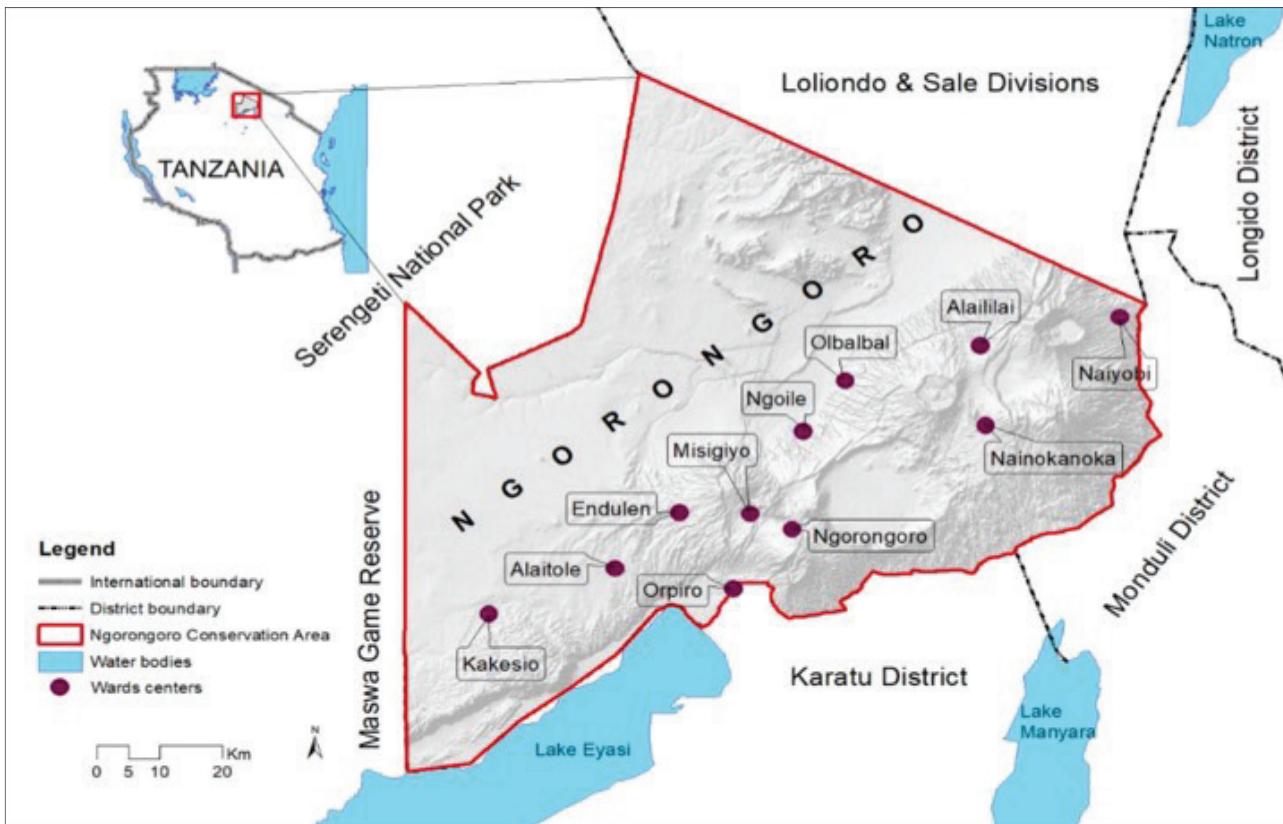


Fig. 3: The Ngorongoro Conservation Area where the review exercise targeted. This is the place where the pastoralist population close to 90,000 individuals are threatened by the looming evictions.

Map of Ngorongoro ward¹¹

4.1.2 About the Ngorongoro Conservation Area

The Ngorongoro Conservation Area (**NCA**) is one of independent conservation areas in the country. This reserve is not managed by the Tanzania National Parks Authority (TANAPA) since it was founded by its own law (The Ngorongoro Conservation Act) in 1959. **This area is managed by the Ngorongoro Conservation Area Authority (NCAA)**. NCAA is the authority established by its law in 1959 for the sole purpose of managing this special area with three objectives of its establishment including to protect the interests of the indigenous group, conservation, and tourism. The Ngorongoro Conservation area is unique with multiple land use plan.

The NCA Act recognises this area for conservation, tourism, but also for human settlements especially the indigenous Maasai community whose population is big and other tribes such as the Hadzabe and the Barbaig who are also recognised by

¹¹ The Truth Falsity and Mismanagement, Need for an Interdisciplinary Community-led multifunctional landscape management model in Ngorongoro, 2022

the law.¹² This area is also being used for various pastoral activities and several other customary rituals. A huge percentage of the area is forest land, there is also northern highland natural vegetation which occupies 20 percent of the NCA, it has also many hills and plains and valleys including 5 located in the crater.

4.1.3 History of the Ngorongoro Conservation Area Authority (NCAA)

Before the establishment of the Ngorongoro Conservation Area Authority (NCAA) the Maasai community used to live in the entire area in the Ngorongoro including the current Serengeti National Park area. Since 1951 the Maasai community embarked on discussion with the colonial government under the British on the possibility to release the entire area comprising Serengeti National Park, as well as releasing Ngorongoro and Loliondo areas for multiple land use purposes.

In 1958 the Maasai community agreed in principle with the colonial government, and they were relocated to Ngorongoro division and joined others who were already living in that area including inside the Ngorongoro crater which contained human settlements.

Ngorongoro is renowned for its spectacular craters including the Ngorongoro crater, the Empakai crater, the Odupai crater—which is believed to be the origin of humankind. NCA is also renowned for its unique tree species with spectacular view. Moreover, the Ngorongoro crater was declared by UNESCO among the World Heritage Sites due to its unique nature and abundance of wildlife living in that area.

4.1.4 The Objectives of Establishing NCAA

The Ngorongoro Conservation Area Authority which is located in the Ngorongoro division, was established by the Ngorongoro Conservation Act of 1959 with three main objectives;—¹³:

- (a) To sustain the welfare of pastoral community in the area
- (b) To manage conservation and wildlife and plants
- (c) To manage and develop tourism activities.

The Maasai community, who have historically and culturally co-existence with wildlife without being harmed, had been thought as appropriate to continue living in this area since they do not pose any direct threats to conservation efforts. Therefore the NCAA had been given the legal mandate to sustain the wellbeing of this community along with other conservation and tourism activities.¹⁴

12 Section 6 of the Ngorongoro Conservation Area Act

13 Section 4 and 6 of the Ngorongoro Conservato Area Act 284.

14

4.1.5 Objectives of the Monitoring

The general objective for monitoring human rights situation in the Ngorongoro Conservation Area Authority is to assess and to keep the record on the on-going exercise to evict people from the area on the so-called "voluntary relocation" scheme, to monitor violations of the law and human rights during this exercise, to monitor and put the record clear on the claims of banning social services in the Ngorongoro division as well as documenting the people's recommendations.

4.1.6 Expectation of the Fact-Finding Mission

- a) Availability of correct and sufficient information about violation of human rights that happened and keep on happening during the voluntary relocation exercise of people from the Ngorongoro conservation areas.
- b) Availability of correct information related to the challenges of providing social services that continue to emerge in all areas of the Ngorongoro Division
- c) Availability of the recommendations of the people on what should be done to resolve the on-going challenges.
- d) Opportunity for dialogues and discussions between Civil Society Organisations, the people and the government on the other side will be found to resolve the emerging challenges.
- e) Retaining Peace, tranquillity in these areas through mediation between the government and the local people.
- f) We also expect that after the publication of this report, the exercise to relocate people to Msomera village will be suspended in order to allow the government, Civil Society Organisations and the people from the Ngorongoro to sit together to prepare a transparent joint plan for voluntary relocation of people as it was the case in 1950 when the British came up with "Serengeti Settlement Scheme".
- g) The provision of social services and various development project in Ngorongoro division will improve and to open doors for many development partners to conduct their work freely without fear.

4.1.7 Methodology

This fact-finding mission managed to reach more than 100 people including local residents, community leaders, human rights defenders, village and sub-village leaders, ward councillors in all 11 wards, District authorities, and regional authorities. This mission used the following methods to collect information;

- Meeting with district authorities,
- meeting with local villagers,
- meeting with community leaders as well as human rights defenders.

- We have also gathered information through various interviews with focus groups,
- Review of various documents and public meetings with the people.

4.1.8 Location and Time of the Fact-Finding Mission

This monitoring mission spent approximately two days in the Ngorongoro Division. The team focused on all 11 wards including villages facing various challenges on provision of social services.

4.1.9 The Challenges of the Fact-Finding Mission

The main challenge during this mission was inadequate time. There were a lot of people who would like to speak to the team from their respective areas which was not possible to visit all wards. The other challenge was lack of good cooperation from the district authorities, regional authorities, the Ngorongoro Conservation Area Authority as well as from the Ministry of Natural Resources and Tourism. All the issues presented to them for clarification have not been responded to up to now.

SECTION PART TWO

4

THE RELOCATION PROCESS FROM NGORONGORO

4.2 Introduction

This chapter describes the process to evict people from the Ngorongoro Division. It delves on the origin and objective of reducing human population, strategies and tactics used. The Chapter also describes the concept of voluntary relocation by assessing the relocation exercise of people to Msomera village during the first phase. This chapter also analyses various challenges related to provision of social services in this Division. Government position and people's needs form part of the chapter. This chapter also presents specific recommendations to respective authorities.

4.2.1 The History of Decreasing Human Population in Ngorongoro Division

The strategy to evict people from the Ngorongoro Conservation Area started a long time ago. A few years after the establishment of the Ngorongoro Conservation Area, there was intense pressure from various conservation stakeholders who wanted relocation of people from the conservation area to allow only conservation activities to take place.

The situation worsened for the Ngorongoro inhabitants in 1974, when the Ngorongoro Conservation Area Act was amended ostensibly to ban subsistence farming as well as granting the Ngorongoro Conservation Area Authority sweeping powers to deter human activities within the area. The strategy to evict people had also been approved by the National Executive Council (NEC) of the ruling Chama Cha Mapinduzi (CCM) party and the NCAA in 1980's.

Since then, the government along with NCAA ventured into a long-term strategy to evict Maasai communities from the Ngorongoro area. The reasons presented as main course for planned evictions include increasing human population, increasing livestock as well as community activities. The government of Tanzania as well as the NCAA requested UNESCO to sponsor scientific research that would justify relocation of people from the Ngorongoro conservation area.¹⁵

¹⁵ Homewood .K. M & Rodgers, W.A Maasailand Ecology: Pastoral development and Wildlife Conservation in Ngorongoro, Tanzania, Cambridge University Press, Cambridge, 1991

UNESCO sent Katherine Homewood and Allan Rodgers who conducted research on the ecology of the Ngorongoro and effects caused by the Maasai pastoralists who continue to live in the conservation for the period of ten years. The researcher found out that the presence of Maasai pastoralists in Ngorongoro conservation area has positive benefits for the area. The added that the Maasai lifestyle is in line with conservation adding that the Maasai are natural conservationists who have never posed a threat to conservation.

The conclusion of their report on Multiple Land Uses in Ngorongoro, Homewood and Rodgers said :

" We have found that the quality of NCA conservation is inseparable to the presence of pastoralists... Humans and wildlife have peacefully coexisted. Secondly, from a wider research on the biology of the Ngorongoro, we can clearly state that there is no direct effects caused by the Maasai use of natural resources..."¹⁶

In their research Homewood and Rodgers recommended that:

" We continue to strongly state that there is no any conservation reasons or any other reason to that matter to evict the Maasai. There must be strong political will and administrative decision that will appreciate the presence of the Maasai as future pastoralists in the NCA..."

After the publication of this research, the scheme for relocating people from the conservation area ceased. In 1992, the government through the former Prime Minister John Malecela allowed subsistence farming in Ngorongoro conservation Area as a way to cope with acute food shortage. The move came in the wake of the looming starvation for the indigenous communities who made emotional appeal for the government to allow them to grow food crops.

Also, in a bid to ensure that the people living in NCA are represented within the NCAA, the third phase government under President Benjamin Mkapa approved the establishment of a body that would be a voice of the people in NCAA which acts as a bridge between the people living in the NCA and the government. This body is the Pastoralists Council of Ngorongoro which was established by the government notice in 2000.

¹⁶ Homewood.K. M & Rodgers, W.A Maasailand Ecology: Pastoral development and Wildlife Conservation in Ngorongoro, Tanzania, Cambridge University Press, Cambridge, 1991. P.265.

The government also continued to provide various social services such as schools, health, and other services. The subsistence farming continued in Ngorongoro until 2009 when the government banned it.

Therefore, there have been many strategies going on for a long time and various attempts to evict people from this area. Some of the tactics used by the government include reduced provision of social services, banning of subsistence farming activities as well as banning of construction of permanent living homes.

4.2.2 Steps Taken to Resolve Conservation Related Challenges

Various conservation challenges have been identified in the NCA area sometimes without even involving the native people. Although reports from independent observers and those by the government suggest that conservation problems are not only caused by a single factor of increasing human activities, but the government has also decided to deal with just one factor, reducing human and livestock population from the area. Other challenges that pose a direct threat to the conservation of the NCA include mushrooming of hotels in NCA, swarming motor vehicles as well as exotic plants and diseases.

Since 2021 the government has focused on reducing humans and livestock population in the NCA. This measure started when the residents of the Ngorongoro division had been issued with letters instructing them to demolish their shacks as well as demolition of government buildings used for providing various social services in 2021. This decision was hurriedly halted and the government embarked on another scheme called "Voluntary Relocation". It was through this scheme the government implemented various initiative such as acquiring land for building settlements for the people who would be relocating to Msomera village.

This scheme officially started in 2022. The government allocated areas for relocating people in Msomera village in Tanga and Kitwai in Simanjiro. The tactic used is the so-called "Voluntary Relocation".

4.2.3 Challenges Related to Voluntary Relocation

During our fact-finding mission and especially after we had spoken with the people we discovered various challenges engulfing the entire process of the so-called voluntary relocation of the people exercise as follows;:-

4.2.3.1 Lack of community participation

On January 11, 2022 the government through the Arusha Regional Commissioner made a call for the people to voluntarily relocate from the Ngorongoro division to Msomera village located in Handeni district in Tanga region. After those

directives made by the regional commissioner, the people in collaboration with their traditional and political leaders held several public meetings to discuss the regional commissioner's statement .The group claimed they had not been fully involved in the government's decision making process.



Photo No. 4.1: Local people captured attending a public rally

Apart from public rallies, the people held various meetings discussing the steps to be taken in order to deter the acquisition of their ancestral land without their consent as well as to discuss the challenges that land right defenders have been facing in Ngorongoro. Human Rights Groups also coordinated various meetings with the people, land and human rights defenders in general in order to widely discuss and come up with their recommendations before the implementation of the Regional Commissioner's order requiring people to voluntarily vacate from the Ngorongoro Division.

On February 17, 2022 Prime Minister visited Ngorongoro area and spoke with the people to clarify on the voluntary relocation exercise . However, local residents did not get the opportunity to present their views about the challenges they were facing. Local journalists from private media houses were not allowed to participate in that meeting and others had been arrested.

Also on 3rd and 4th April 2022 a meeting of local Ngorongoro residents, some of the pastoralists rights organisations (PWC, UCRT,PINGOs FORUM) and the Tanzania's Human Rights Defenders Coalition held in Arusha city to discuss and collect information about the origin of the conflict, existing challenges which human rights defenders experienced in the Ngorongoro district. A total of 60 people participated in that meeting.

During that meeting a committee of 60 people had been formed and given the mandate to collect relevant information about the land conflict in the Ngorongoro division as well as preparing a report . The main initial challenge discovered was that local residents and their leaders had not been involved at all by the government. This situation forced committee members to hold a meeting with the Prime Minister Hon. Kassim Majaliwa in Dodoma city on April 6 , 2022 and requested to be given chance to be heard.

The Objective of going to see the Prime Minister was to inform him about the challenges of not being involved but also to inform him about various efforts taken by the committee along with the people of Ngorongoro to ensure that a permanent solution of resolving the problem of multiple land use management is attained in the Ngorongoro district.

On 25 April 2022, the committee held a two-day meeting involving the people to go thorough a draft report prepared by the committee. After a deep deliberation about the information that had been collected along with the recommendations of the committee, the participants made a statement through the media requesting the government to suspend its scheme of relocating people from Ngorongoro in order to pave way for this people's committee to present its recommendations which should have been used to set out strategies containing people's recommendations. Basically the people through this committee were ready to work together with the government in preparing a joint scheme to resolve these challenges which would have taken into account the people's rights.

Moreover the people requested the government to suspend the exercise of arrest land rights defenders in Ngorongoro, local leaders and some ward councillors who had already started being arrested and threatened to be charged with various offences, local journalists too had been banned to publish any reports related to the on-going situation in Ngorongoro and some of them had been arrested. In that media statement, local residents requested the government to continue providing social services in the Ngorongoro division which had been suspended and lastly they requested the government to give them more time so that they can complete their report which they planned to present it to the Prime Minister on the best way to conserve the Ngorongoro Conservation Area while people are still living there.

On 25 May May 2022 Hon. Kassim Majaliwa, Prime Minister of the United Republic of Tanzania held a meeting with members of the committee along with some of the local residents from Ngorongoro including a Member of Parliament for Ngorongoro Constituency who presented a report prepared by the committee filled with numerous recommendations on the resolution of the land dispute in Ngorongoro.



Photo No. 4.2: Hon. Prime Minister along with Committee Members and Ngorongoro residents after they presented the report in Dodoma.

Implementation of the report's recommendations had not taken place consequently leading to the relocation of the people and acquisition of their land effectively from June 07, 2022. Local residents in Ngorongoro woke up to a grim reality when they saw heavily armed troops patrolling their areas. The police troops engulfed various areas by conducting roving patrols in the Ngorongoro Conservation Area Authority. Some of the people we had met during our tour had this to say:

“Any community thrives through dialogue and mediation, all solutions can be found at a negotiating table, we should look for amicable solutions”- A resident of Ngorongoro said.

Despite all these desperate efforts to find a way to get involved in people's relocation process, residents still claim they had been ignored and there is no documented evidence suggesting the local people were deeply involved in the implementation of this exercise. Even the decision-making bodies such as Ngorongoro District Council, is not aware of information related to people's relocation scheme. Lack of community participation on these important issues is the root cause of the current problems.

4.2.3.2 Misleading information about Msomera village

Residents in Ngorongoro Division informed the team that, they had been promised that Msomera has a good environment, fertile soil, enough pastures for livestock which is not owned by anyone. They had also been told that the area in question was a Game Controlled Area with no inhabitants currently staying in that area. And that the area is good and is appropriate for farming and for grazing.

The residents claimed further that after the arrival of some of their relatives in Msomera village in 2022 they found out they had been relocated to a village land, without grazing areas since many areas had been occupied by the local people and the remaining areas were barren jungle without pastures. The local residents emphasized that according to the information given by their relatives who relocated to Msomera, the area is semi-arid and inappropriate for animal grazing and even the farms distributed belong to local residents consequently they have caused land disputes.

“Some of our colleagues who relocated to Msomera told us that the local conditions there are troubling, there is no grazing land, there is no water and the area is semi-arid and their livestock have died in great numbers” said a resident of Ngorongoro

4.2.3.3 Secretive Evaluation, Meagre compensation

Residents informed us that in the asset evaluation process for them to be compensated and relocated, they had not been fully involved along with their leaders. They said that government authorities including the District Executive Director, representative from the Ministry of Natural Resources and Tourism, representative from District Commissioner’s Office, representative from the Ngorongoro Conservation Area Authority and a representative from Land Department came and conducted assessment and asset evaluation owned by individual families and left. This problem is well explained and analysed in part three of this report.

4.2.3.4 Lack of Freedom to Choose a Place to Go

The Ngorongoro residents, as it was the case for those who relocated to Msomera, informed us that during the relocation process they had not been given the option to choose whether they want to go to Msomera or to any other area of their choosing. They also said they had not been given the option of choosing to receive financial compensation or to relocate to Msomera or any other area. They have also complained about lack of coordination for the relocation exercise, since it was not known to them what was being done. The entire process did not consider the opinion of the people.

The people queried that, if the relocation process was voluntary, why did the government choose the destination? According to them, voluntary relocation entails choices that people are given to decide where they want to go and there should be a modality to bargain on the amount of compensation. Because of the lifestyle led by the people of Ngorongoro, our tour revealed that lack of transparency and poor

17 https://citizenshiprightsafica.org/wp-content/uploads/2018/12/Mubanga_Proof-of-Citizenship-Tanzania_OULJ2013.pdf

management of the compensation process has demoralised people who would've otherwise be willing to voluntarily relocate.

This process was conducted secretly and without proper coordination. Residents have been gripped with fear, they don't want to end up being the victims as their colleagues who have already moved to Msomera. This report has found out that due to the secret nature of the relocation exercise, there was widespread corruption and abuse of public resources.

4.2.3.5 Deterioration of Basic Social Services

Residents of Ngorongoro explained that the major challenges encountered during the voluntary relocation process was denial of social services provision for the people as a means to coerce them into heeding to relocate to Msomera village or elsewhere. Various social services such as dormitory services for primary and secondary schools, toilet facilities in schools, health services, road services, water services etc have been halted.

a) Tactics used to deteriorate social services

These social services have deteriorated after the government banned construction of modern schools, new classrooms, dispensaries, and new health centres, also construction of water wells and pit latrines was banned. Worse still the government halted any renovation activities for these basic social services. Another tactic used was to transfer development fund from the PO-RALG such as Burst project and others funded by various development partners.

For example, in 2022 a total of Tshillings 195,500,000 had been transferred to Handeni District Council in Tanga. The Ngorongoro Division has various social services although they are insufficient to meet growing needs of the people. There are 25 primary schools, 3 secondary schools, 1 hospital (Endulen) and three health centres (3).

b) Education Services

For example a total of Tanzanian shillings , 355,500,000 of the Covid-19 relief funds that had been earmarked for implementing development projects in the Ngorongoro Division was transferred to Handeni District Council without the approval of the local councillors of the Ngorongoro District Council. The said funds had been transferred as attested by two letters with Ref No.NGOR/DC/F.1/02/VOLIII/68 and Ref. No.NGOR/DC/F.1/02/VOLIII/69 of 31/03/2022.

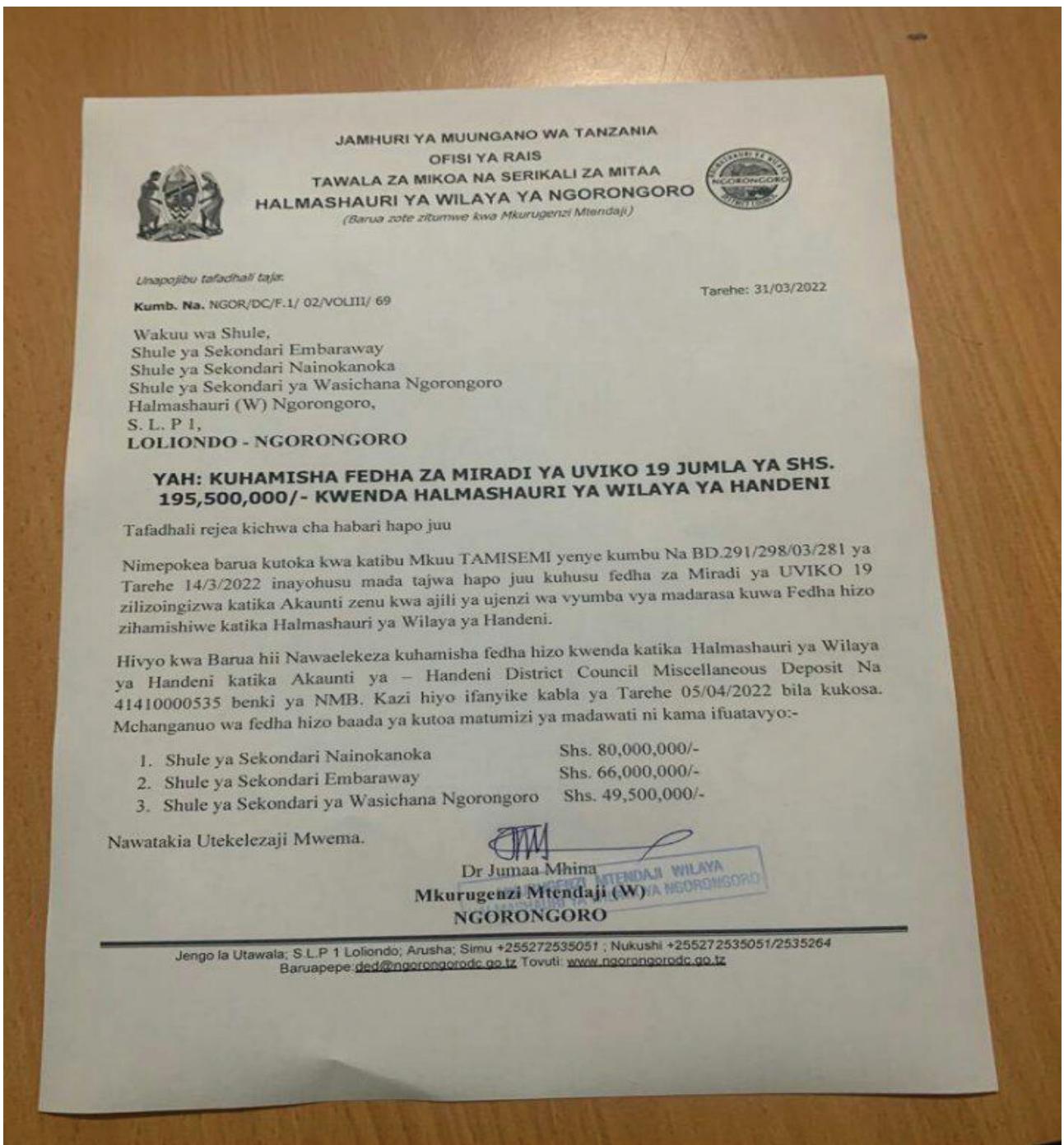


Photo No. 4.3: A letter from Ngorongoro District Director Instructing Tsh 195 million be transferred from Ngorongoro District to Handeni District.

The said funds depicted in Photo no 4.3 had been set aside for construction of students' classrooms and dormitories in three government schools which are Nainokanoka, Embarway and the Ngorongoro girls school as well as Endulen primary school, Misigiyo and Esere. After the letter had been written by the Ngorongoro Municipal Director, the funds had been transferred to Handeni District in Tanga.

THE UNITED REPUBLIC OF TANZANIA
PRESIDENT OFFICE
REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT AUTHORITIES
DESIGN DISTRICT COUNCIL
(All letters should be sent to Executive Director)

31/03/2022

When responding please refer
Ref. No. NGOR/DC/F.1/02/VOLIII/69

Head Masters,
Embarway Secondary School
Nainokanoka Secondary School
Ngorongoro girls secondary school
Ngorongoro District Council,
P.O.BOX 1
LOLIONDO-NGORONGORO

REF: TRANSFER OF COVID-19 PROJECT FUNDS TSHS.
195,500,000 TO HANDENI DISTRICT COUNCIL

Please refer to the headline above
I have received a letter from the Secretary General PMO-RALG with reference No. BD.291/298/03/281 dated 14/03/2022 regarding the above-mentioned subject regarding COVID-19 project Fund deposited in your accounts for the construction of classrooms and boarding hostel that the money should be transferred to Handeni District Council.

Therefore, with this Letter I direct you to transfer the funds to Handeni District Council via Handeni District Council Account Miscellaneous Deposit account No. 41410000535 NMB bank. This should be executed before 05/04/2022 without fail.

The breakdown of such funds transfer after deducting the expenses for desk is as follows

1. Nainokanoka Secondary School	Tsh 80,000,000
2. Embarway Secondary School	Tsh 66,000,000
3. Ngorongoro girls Secondary School	TSH 49,500,000

I wish you all the best in execution

Dr Jumaa Mhina
District Executive Director
Ngorongoro

Photo No 4.4: Letters confirming transfer of Covid-19 relief funds from Ngorongoro District to Msomera village.

These are some of many letters which have been crafted to transfer development projects funds and basic services for the people of Ngorongoro division. All the funds allocated to Ngorongoro ward are currently not directed to Ngorongoro Division. Some of the funds have been diverted to finance development projects in Loliondo and Sale divisions. As a result the students in all Ngorongoro schools face shortage of classrooms, dormitory as well as pit latrines something likely to cause health problems for the students and outbreak of epidemic diseases since the students are now being forced to cram in a single bed due to the shortage of dormitories.



Photo No. 4.5: Endulen Boarding Primary School currently face shortage of pit latrines with 700 pupils forced to sleep four in a single bed. The school has two dormitories each with the capacity to accomodate 40 pupils.

In general the provision of education services in Ngorongoro Division have hugely deteriorated leading to the denial of many children of Maasai ethnic group the right to education contrary to the legal principles that established the Ngorongoro Conservation Area, Contrary to the country's Constitution as well as the principles of human rights. Divisions and many villages surveyed have been affected by lack of new construction of educational infrastructures, lack of funds for renovating school buildings, lack of permits to complete construction of building already under construction, lack of toilet facilities for students etc. These challenges are briefly described in the following table;

Table No.4.1: Education Services challenges in Ngorongoro Division

No	Ward	Required Dormitories	Required Pit latrines	Required Classroom	Office/ Teachers homes needed
1.	Enduleni	4	42	10	8
2.	Ngorongoro		25	6	5
3.	Alaitole		4	4	6
4.	Misigyo		16		
5.	Nainokanoka	4	20	3	3
6.	Olbalbal		15		
7.	Kakesio		16	4	2
8.	Alailelai	2	24	1	3
9.	Naiyobi		10		2
10.	Eyasi	2	20	2	2
11.	Ngoile		4	3	3
Total		12	194	33	33

ii) Health Services

Health Services have hugely deteriorated in the Ngorongoro Division. According to the findings of this tour the Ngorongoro ward has only one health centre, eight dispensaries, One Endulen hospital managed by the catholic church. These services cater for the entire division with 11 wards and 25 villages with approximately 110,000 inhabitants. Also there used to be emergency as well as vaccination services through the Flying Medical Service project under the Catholic Church, providing vaccination and emergency services in remote areas including Ngorongoro.

Flying Medical Services was stopped to provide service, thus affecting many people. All these services have deteriorated in many ways such as lack of maintenance, lack of new buildings, lack of flying permit, transfer of development funds, denial of building permits, renovation and ban on modern residential homes.

On 08/04/2022 the government suspended emergency health services which was being provided by Flying Medical Service. The company was providing various medical services including vaccinations for infants, clinic for pregnant women, tuberculosis patients and emergency medicines. Such services were being provided in remote areas that are not easily accessible by conventional modes of transportation. Between 1985 to 2021 Flying Medical Service reached a total of 765,947 patients including 138,036 children.

“If the relocation exercise is voluntary, it has to be truly voluntary, whoever is remaining should not be perceived as a rebel” – **One of the villagers said.**

Table No. 4.2: Heath Services Challenges in Ngorongoro

No	Wards	Challenge/ Dispensary	Challenge- Health Centre	Hospital Challenge
1.	Enduleni	-Denial of building and renovation permits	- Denial of building and renovation permits	a. Shortage of health workers b. NCAA Medical services halted (300 milion) c. Denial of permit to renovate buildings
2.	Ngorongoro	Denial of building and renovation permits		
3.	Alaitole	Renovation of the Dispensary needed		

4.	Misigyo	Denial of building a perimeter fence donated by crater lodge		
5.	Kakesio	Denial of building and renovation permits	Health centre stopped working	
6.	Alailelai	Dispensary does not have maternity ward		
7.	Nayobi	Denial of building and renovation permits		
8.	Ngoile	Ngoile Dispensary building failed to be completed for lack of permits from NCAA		

iii) Water

When we made a fact-finding mission at Ngorongoro division, local residents told us water services have deteriorated especially in all divisions of Ngorongoro. Local residents also told us even in Ngorongoro, Misigyo and Nainokanoka wards which used to get water services after their livestock had been banned from grazing in the crater for water and salt nourishment, now claim their water service has also been halted by NCAA.

According to the residents, the government banned them from grazing their livestock in the crater in 2016 in search of water, pastures, and salt on the promise that they would be supplied water and salt in their respective villages. However, the residents claimed that the initiative was halted by NCAA when the dispute related to people's relocation erupted. Worse still, the salt that local people had been promised after the government banned them to get it from the crater was tested in ten laboratory and it was confirmed to be tainted with poisonous substance therefore it was unfit to feed livestock.

iv) Roads

During this tour in Ngorongoro division, residents complained about poor road conditions. According to them the roads linking villages are in poor conditions and sometimes completely impassable. In contrast the roads heading to other areas where affluent businesses flourish such as hotels, lodges and tourists camps have been equipped with all good infrastructures. For example, roads heading to Ndutu area where luxurious lodges and tourists camp sites are found, have good infrastructures. The roads that local people depend for delivering important social services are in poor conditions.

4.2.3.6 Denial of Building Permits

Local residents informed us, during the voluntary relocation exercise, the Ngorongoro Conservation Area Authority stopped issuing permits for construction or renovation of any kind for the houses belonging to local residents as well as those belonging to organisations that provide social services. For example, renovation of hospitals, primary schools, public servants quarters etc. The Endulen primary school, for instance is in a pathetic condition as its pit latrins are full forcing pupils to relieve themselves outside in the bush.

At this school, 4 pupils are being forced to cram themselves in a single bed because the constriction of dormitories which was underway has been suspended. This school has a total of 1900 pupils (785 girls and 1054 boys). Out of those 617 pupils stay in the dormitories (272 girls and 345 boys) The school has only two dormitories.

Photo No. 4.6:

A dilapidated toilet at Endulen Primary School



The administration of the Endulen hospital has also failed to perform any renovation of building used for providing services to the people for failure to secure relevant permits. The denial of permits is being used by authorities as a weapon to punish locals by ensuring that no single infrastructural development is taking place in Ngorongoro division. Interestingly, even some government buildings such as ward office have not been renovated . For example a school and the office of the village execute officer had their roofs eroded during a heavy rains and have not been repaired up to the drafting of this report.



Photo No. 4.7:

Mokla village office has not been repaired after its roof was eroded by heavy winds.

4.2.3.7 Cattle died after being fed with tainted salt

During our visit local residents told us, in 2016 pastoralists residing in villages adjacent to Ngorongoro crater who used to rear their livestock in the crater in search of water, pasture and salt had been banned from grazing their livestock in the crater. The government through the Prime Minister Kassim Majaliwa banned livestock from entering in the crater. Prime Minister instructed the Ngorongoro Conservation Authority to alternatively bring salt, install and improve water services in those areas including; Ngorongoro, Misigiyo and Nainokanoka wards.

The NCAA did so but in 2021 local residents realised that the imported salt had been tainted by poisonous substances as it was confirmed by laboratory tests including the tests conducted by national veterinary laboratory on 27/12/2021. Salt samples from Kayapus, Mokilal, Erkeepus and Misigiyo villages had been sent to the national veterinary laboratory for analysis on 27/12/2021. The analysis found that the salt was tainted with poisonous substances. After the happening of that tragedy, which led to the deaths of many livestock thus plunging many people to poverty, no legal or administrative measures have been taken against the NCAA and no compensation has ever been given to the people who suffered losses. We can conclude that these were some of the tactics used to force the people to vacate from the Ngorongoro division.

Photo No. 4.8:

Carcasses of dead cows feasting on poisonous salt



4.2.3.8 Some Wards and Villages Lack leadership representation

During our visit local residents told us, during the voluntary relocation exercise, two councillors (Eyasi and Kakesio ward) moved to Msomera. The chairman of Olpiro village has also moved to Msomera. Until now there was no election held and these councillors have continued to attend Ngorongoro district council meeting even though they are no longer the residents of the Ngorongoro ward. This scenario is quite problematic in the council's representation since these councillors do not know the challenges that people face in Eyasi and Kakesio.

4.2.3.9 Denial of employment for local Ngorongoro residents

During our tour in Ngorongoro ward, local residents told us people from Ngorongoro have repeatedly been denied employment in hotels and other sectors of employment within the division. The move is caused by hate propaganda being spread against the local people. Local residents have been denied employment on the grounds that when given employment they would likely to graze their cattle back in prohibited areas within the NCA.

This is attested by a letter from NCAA with Ref No DE 70/341/04/40 to lodges, tourists camps and hotels managers instructing them to transfer the employees who are native to Ngorongoro currently working there to other areas.

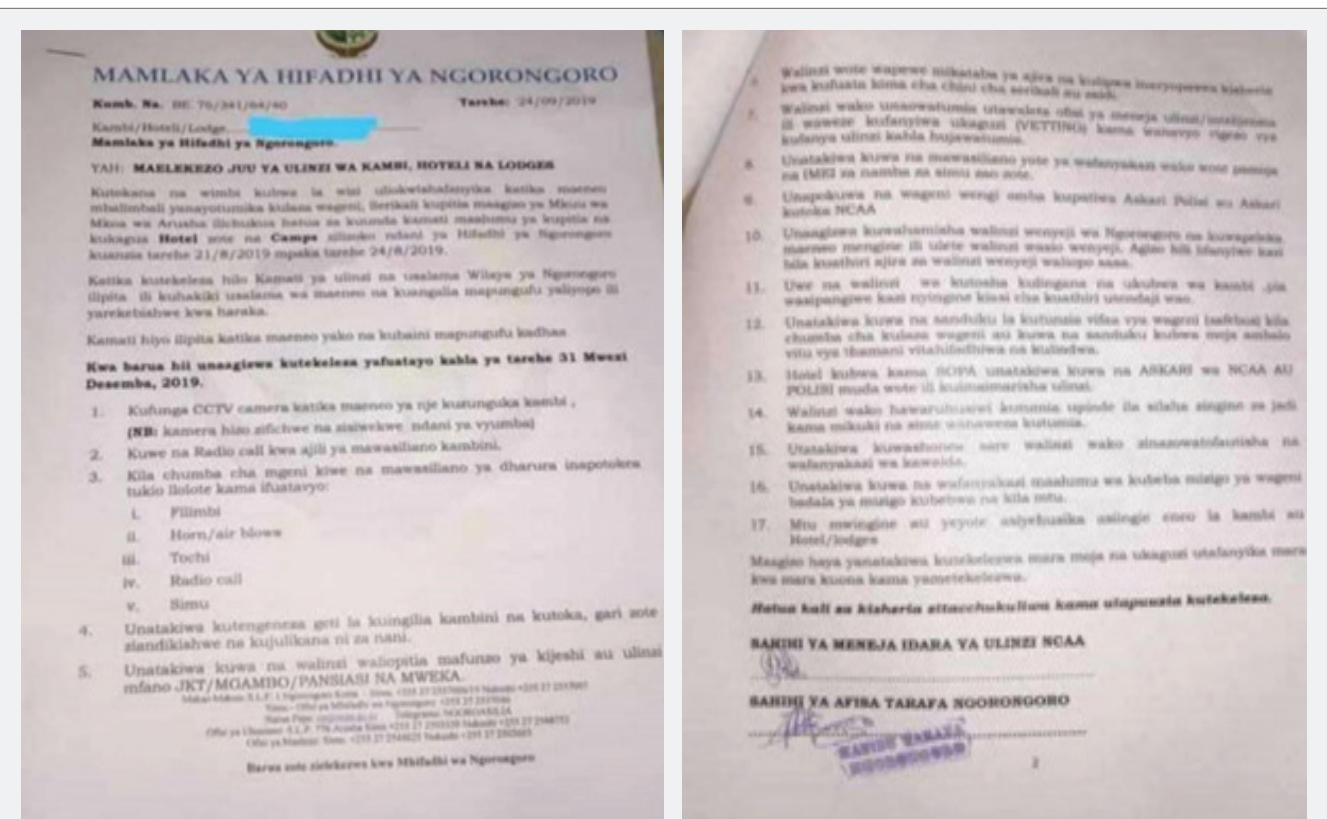


Photo No. 4.9: Letter from Ngorongoro Conservation Area Authority instructing hotel owners to transfer employees native to Ngorongoro.

It is important to note that employment is a right to everybody who is able to work, therefore the native people of Ngorongoro call upon the government and hotel owners, NCAA, tourists camps and lodges to refrain from any acts of discrimination in matters related to employment. Someone's tribe or a place where he/she comes from should not be taken as a reason/ criteria to be denied employment since doing so is against the constitution.

4.2.3.10 Claims of Stigmatisation and Discrimination Against Native Maasai employees

During this mission in Ngorongoro Division , local residents claimed that there have been some acts that have signalled discrimination against native Maasai people working in the Ngorongoro Conservation Area Authority. According to them, native Maasai employees at NCAA have been made to fill in a questionnaire to list down the assets they own. Sadly, such letter target only native Maasai employees and not other employees within the NCAA.

Moreover, NCAA has repeatedly made an announcement calling for public servants who are native Maasai working within NCAA to attend a meeting where they had been told to choose between vacating from the reserve or to lose employment. In other words, employment for the native NCAA servants is also being used as a weapon to force some public servants working in the NCAA to relocate from the reserve.

DOKEZO SABILI

Kwenda: Makamshna Wasaidizi Waandamizi,
Idara/Vitengo.

Kutoka: Kaimu Kamishna Msaidizi Mwandamizi,
Rasilimali Watu na Utawala.

Tarehe: 27 Aprili, 2022.

Yah: FOMU MAALUM KWA WATUMISHI WENYEJI/WAZAWA WANAOISHI NDANI YA ENEO LA MAMILAKA YA HIFADHI YA NGORONGORO

Tafadhali rejea somo tajwa hapo juu.

2. Mnajulishwa kuwa mnatakiwa kuwajulisha watumishi walio chini ya Idara zenu kujaza fomu maalum kwa watumishi wazawa/wenyeji wanaoishi ndani ya eneo la Mamalaka ya Hifadhi ya Ngorongoro. Katika fomu hiyo mtumishi atapaswa kujaza taarifa zake zinazohusu umiliki wa mifugo na makazi. Fomu hii ijazwe na kuwasilishwa ofisi ya MHRA ifikapo ya tarehe 29/4/2022 siku ya Ijumaa
3. Pamoja na dokezo hili nimeambatanisha fomu husika kwa ajili ya utekelezaji wa maagizo yaliyotolewa.
4. Naomba kuwasilisha kwa hatua zenu.


S. O. Chisonga
Ag. SACC-HRA

Photo No. 4.10: Hint on asset evaluation of native servants(Maasai) with the objective to know their belonging to facilitate further actions especially forcing them to vacate

It is important to take note that any action likely to be perceived as discrimination at work place especially when such discrimination is aimed at someone's ethnicity is against the constitution, labor laws and various international conventions which Tanzania has signed and ratified.

MAMILAKA YA HIFADHI YA NGORONGORO

FOMU MAALUM KWA MTUMISHI MWENYEJI/MZAWA ANAYEISHI NDANI YA ENEO LA MAMILAKA YA HIFADHI YA NGORONGORO.

Fomu hii inakutaka mtumishi/mwajiriwa wa Mamlaka ya Hifadhi ya Ngorongoro mwenye makazi ndani ya eneo la Hifadhi ya Ngorongoro kutoa taarifa zako sahihi kuhusu umiliki wa mifugo na makazi. Taarifa zako zitasaidia serikali katika kutolea maamzi dhidi ya kukabiliana na changamoto zinayohusu ongezeko la watu, mifugo na ujenzi holela ndani ya eneo la Hifadhi ya Ngorongoro.

A. TAARIFA BINAFSI ZA MTUMISHI:

1. JINA KAMILI.....
2. KITONGOJI UNACHOISHI.....
3. KIJUJI UNACHOISHI.....
4. KATA UNAYOISHI.....
5. NAMBA ZA SIMU

B. TAARIFA ZA MAKAZI NA MIFUNGO UNAYOMILIKI NDANI YA ENEO LA HIFADHI YA NGORONGORO:

IDADI YA NYUMBA			IDADI YA MIFUGO			
NYUMBA ZA ASILI	NYUMBA ZILIZOJENGWA KWA MITI NA BATI.	NYUMBA ZA KUDUMU	NG'OMBÉ	MBUZI	KONDOO	PUNDA

SAHIHI.....

TAREHE.....

Photo No.4.11: Special form for the Maasai public servants in Ngorongoro conservation area

4.2.3.11 Parking fee for the people of Ngorongoro Division

The residents in Ngorongoro ward are being charged parking fees within their own houses. Any person owning a motor vehicle in Ngorongoro division is supposed to pay approximately Tshs. 118,000 for a personal car and Tshs 300,000 for a commercial car per year. Apart from car parking fee, local residents are being obliged to enter the Ngorongoro gate by 05:30 pm and no one is allowed to enter beyond that time even if he/she is a resident of Ngorongoro.

As human rights defenders, we advise the government to stop charging Ngorongoro residents car park fees since it is increasing burden and cost of living and it is also against the NCA law and it violates the constitution of Tanzania. Since NCAA and government vehicles are not charged parking fees when they are within reserve, residents too are not supposed to incur any costs to park their cars.

4.2.3.12 Deterioration of the activities of the Pastoralist Council

The Pastoralists Council is an instrument established by the Government Notice in 2000 for the purpose of managing the interests of indigenous people within the NCAA. Currently the activities of the council have deteriorated and completely grounded to a halt after its funding had been stopped and after all its projects been transferred to the district council under the management of the community development officer.

Since the pastoralist council was dispossessed its projects, its employees have not been paid their salaries to date. It is important to note that the Pastoralist Council of Tanzania was an important organ for the residents of Ngorongoro and its activities have been weakened without due procedure being followed.

4.2.4 The Needs of the People of Ngorongoro Division

- a) The relocation exercise should be stopped since it grossly violates human rights but also it is against the law establishing the Ngorongoro Conservation area authority which recognises three main objectives including sustaining the interests of the indigenous people. The voluntary relocation scheme should only continue after members of the community agree in principle with the government and draw up a coherent Joint-Voluntary Relocation Plan contrary to the current situation where people are forcefully evicted.
- b) The government should assess all the emerging challenges during relocation of people in previous regimes and collaborate with the community to find the best way possible to implement this exercise.
- c) Avoiding using the voluntary relocation exercise as a weapon to persecute indigenous people in Ngorongoro who have chosen to remain in the area.
- d) Condemning intimidation and sheer discrimination of the people of Ngorongoro through the media and through government leaders in a manner that protects the culture and traditions of a person.
- e) There should be a debate between the government and the local people to build a strong and resilient community in Ngorongoro that caters for the interests of the people and conservation.
- f) To improve the current deteriorating relationship between the NCAA, government, and the people of Ngorongoro through negotiation and dialogue.
- g) The government should provide social services within the Ngorongoro Division as it is the case in other parts of Tanzania. This is because since the emergence of this conflict, development projects and social services have been halted.

4.2.5 Government's clarification

To be better informed about the exercise to relocate people from the Ngorongoro conservation area, a team of human rights defenders sent letters to district authorities, Ngorongoro Conservation Area Authority, regional authorities, Ministry of Natural Resources and Tourism and Prime Minister's Office seeking clarification. However, up to the time of drafting this report, we have not been able to get any response from the government nor from the Ngorongoro Conservation Area.

However, the Ngorongoro Conservation Area Authority and the government have reiterated that the exercise to relocate people from Ngorongoro to Msomera or elsewhere is voluntary.

Some of the issues that the government presented as a root cause for the people's relocation in the area include increasing human population, increasing livestock population and mushrooming of squatters.

There is nowhere the government explained that the rising number of tourist vehicles, construction of posh hotels, tourist camps and lodges are affecting the area's conservation efforts. The main argument that the government presented is that indigenous people are the ones contributing to the destruction of the Ngorongoro conservation area. Furthermore, the government is yet to explain about the fate of people who do not want to move out of Ngorongoro conservation area.

The government has also not disclosed the reasons for stopping provision of social services for the people living inside the Ngorongoro ward since 2021. The act of halting development projects and stopping important social services from being provided in the Ngorongoro conservation areas is disconcerting and raise doubts about the government's real intentions to relocate people voluntarily.

Previously the government explained that the task to relocate people from the Ngorongoro Conservation Area in Arusha region to Msomera village, Handeni district, Tanga Region followed procedures and was in line with human rights protection. This statement was made after some Civil Society Organisations claimed that human rights had been violated during relocation of people Ngorongoro.

The statement was made in Dodoma city by some ministers during a meeting that brought together a team of experts from the Africa Commission of Human Rights and People led by its commissioner Dk Litha Ogana.

Those experts came to Tanzania to monitor the relocation of Ngorongoro residents. Before that meeting members of the commission had the chance to visit and held talks with local people in Ngorongoro and Msomera. The Minister for Natural Resources and Tourism Dr. Pindi Chana informed the commission that the exercise to relocate people was in line with human rights principles since it was a participatory affair adding that the people are still enlisting themselves to relocate voluntarily.

"The government reached that decision because the people of Ngorongoro were unable to own land , to build better permanent settlements and get on with their development activities for the future of their families," **Dr Pindi Chana.**

Hon. Kassim Majaliwa, the Prime Minister of the United Republic of Tanzania said this in the parliament before the postponement of the Seventh Session of the 12th Parliament on 30th June 2022.

"The management of the Ngorongoro conservation area has failed to strike a balance between conservation, promoting tourism and community development due to various challenges"

The Prime Minister insisted that the situation has been caused by many conservation challenges and community development especially a huge increase of human and livestock population, informal settlements and human activities. For example, when the reserve was being established in 1959 there were approximately 8,000 people and 161,000 livestock. But the statistics show currently the human population in Ngorongoro is estimated to be around 110, 000 along with more than 1,000,000 livestock. It is up to the government to impose directives that would suit people's welfare as well as making conservation more sustainable for the wider interests of the nation.

Hon. Prime Minister further said there was also another challenge related to rapid deterioration of the way of life of the native people of Ngorongoro in various aspects of development such as education, health, economy, food security and nutrition, lack of basic constitutional right to use and own land for their own development in accordance with the existing laws, narrow alternative source of community livelihood, poor settlements , also the changes in natural vegetation due to emergency of exotic plant species. Therefore, the existing system affects sustainable management of natural resources which is a big source of revenue the government depends for funding development activities for the welfare of all Tanzanians.

This situation has led the government on different occasions to take various measures to solve the problems related to the management of the reserve such as conducting environmental assessment from 2017 to 2021 for the purpose of resolving problems related to the system of Multiple Land Use plan. After that assessment, the government decided to use its Game Controlled Areas in Handeni Tanga and Kitwai in Simanjiro district, and Kilindi for relocating the people from Ngorongoro so that they can get on with their lives and engage in various economic activities.

The government reiterated that it has decided to use Handeni and Kitwai areas because they are suitable for farming and livestock keeping. It also said that the traditional customs of the community in Handeni and Kitwai are inter-related to those from the pastoral community from Ngorongoro adding that their economic activities in such areas are similar where majority of people are engaging in pastoralism.

To ensure that the designated areas suit the intended objectives, the government has continued to construct important infrastructures at Msomera area. Such infrastructures are being developed on surveyed plots of land planned for human settlements, farmland. Five hundreds houses (500) are being constructed by the National Service of Tanzania of which 103 have been completed and 400 others are

still under construction. Also, electricity and water services are already operational and the construction of a primary and secondary school is completed. The construction of health service infrastructure, animal ponds and roads is underway.

The government said that it will continue to provide public education about various social and economic opportunities available in the Msomera area in Handeni through various meetings and through the people of Ngorongoro including traditional Maasai leaders (Laigwanak), ward councillors, Ward Executive officers (WEO) and Village Executive Officers (VEO) women representatives, youths and other stakeholders. Until now there has been a big success in the managing the implementation of that exercise as the government continued to mobilise people and register families that are willing to move out voluntarily.

The exercise to register local residents who have requested to relocate voluntarily is going on very well according to the government. By 09 June 2022, a total of 293 families with 1,497 people had already registered. The government says, to ensure that the relocating citizens are leading a better life in their new settlements at Msomera, President Samia Suluhu Hassan agreed to give various motivations to these residents as follows:-

- One:** The vacating family is compensated for the house they were living in;
- Two:** All families that are voluntarily relocating to Msomera get three-bedroom house built on a 2.5 acre land, mattress, torch, and a bucket;
- Three:** Each family gets a 5 acre farm and will be handed over official land title deeds for house and farm ownership. Also there is a free grazing area;
- Four:** Each family gets 10 million shillings to start a new life in new settlement; and
- Five:** Each family gets two bags of maize grain for the period of three months for their subsistence needs during transition period while the residents are preparing for the coming farming season.

4.2.6 On-going violation of human rights in Ngorongoro Division

Since July 2023 until now there are reports of human rights violation in Ngorongoro division whereas residents informed us wildlife wardens working at NCAA have been assaulting and injured innocent people and no legal measures have been taken against them.

For example, on 13.07.2023, Joshua Parato, a 15-year-old boy living at Nainokanoka in Ngorongoro District, was hit by a rowdy NCAA warden crushing his 3 teeth. However, although the suspect had been identified by Joshua during the police identification parade, the suspect has not been arrested and charged in the court until now.

Also, between the end of July 2023 and the beginning of August 2023 residents at Endulen ward, Ngorongoro ward have been raising voices putting pressure on the government to issue permits for renovating Ndian primary school whose classrooms are about to crumble. The residents also requested the government to allow implementation of development projects that have been banned since 2021. However, the government used excessive force to silence these residents and some of them have been arrested.

The NCAA ignored the people's woes instead it sent a horde of journalists in Ngorongoro to make false reports purporting that the residents are tired to stay in the conservation area and were requesting the government to relocate them. Surprisingly, none of the purported journalists was able to objectively report on the people's outcry on building permit and denial of development projects.

It is important to note that these were not journalists as such. They are a group of paid propagandists recruited to spread hate propaganda against Maasai pastoralists and their distinctive culture. This malicious group has been used by NCAA to write false news with intent to mislead the society at the same time create a false impression for top political leaders as if everything was under control in Ngorongoro. This group is reportedly using a huge budget of public money for propaganda purposes. Those funds should've been used to bring harmony in the society.

For example, on 15.08.2023, the purported reporters were reportedly assaulted by the rowdy Maasai youths at the Endulen Market after holding public rallies in local areas without the knowledge of the community leaders. After that report police and NCAA conducted a man-hunt to arrest every citizen on their sight in Endulen ward. Approximately 60 people had been arrested during that operation.

Among those arrested include a tuberculosis(TB) patient, two children (one of them a pupil at Ndian primary school), two persons with mental health problems, a Member of Parliament for Ngorongoro constituency, Councillors, two women, traditional leaders, village chairman and several other residents. More than 30 people had been arrested and remained in custody for 8 days and others were illegally detained for one week contrary to the law which prohibits detention of suspects for more than 24 hours.

All the residents who have been interviewed by HRDs informed that they have been badly tortured while in police custody at various stations. The residents said they were assaulted by NCAA warders and police at NCAA offices in Endulen. They also told us as part of punishment cold water had been poured on them, they were made to carry buckets of water and forced to jump. They were also forced to kiss a wall and utter the words "I love you" they were kicked, punched by barrel of a gun.

The interviewed respondents claimed that upon arrival at the Karatu police station they were interviewed in absence of their relatives or lawyer. The people further said during police interrogation they had been forced to append their signatures or affix their thumbs on the statement without getting the chance to read it and nobody knew what was written during the interrogation. During police interrogation local people had also been questioned as to why they don't want to relocate to Msomera and to what extent they have been involved in demanding for building permits. The people also informed us they were made to wear posters and were photographed without knowing the motive nor the message written on those posters.

The police and NCAA wardens have continued to intimidate residents in Ngorongoro by breaking into people's homes around midnight and seize valuables as well as abusing women. For example, NCAA warders and police are accused of raiding the residence of the chairman of Nasipooriong village around midnight and seized 10 buckets of honey abused women by removing their clothes in public. During the night the police and NCAA wardens are accused of breaking into two other homes. No legal measures have been taken against them until now. .

4.2.6.1 Denial of Political Activities and Right of Association

The citizens of Ngorongoro ward have been denied the right to socialize and engage in social activities which are constitutional rights. For example, on 07 and 08 August 2023 the police prevented the meetings of Tundu Lissu, the Vice Chairman of the CHADEMA Party to be held in the Ngorongoro district. Many police were dispersed in the Ngorongoro Division to prevent citizens from gathering and enjoying their political rights like other citizens. Opposition leader Tundu Lissu's convoy was prevented from holding its meeting in Ngorongoro Division by being prevented from passing through the Ngorongoro Gate where he was being awaited by thousands of citizens.

Apart from preventing citizens from meeting political leaders, the government is also accused of preventing international human rights observers from visiting Ngorongoro and Loliondo divisions such as members of the European Parliament, the United Nations Special Observer on Indigenous People and observers from UNESCO.

SECTION 4

PART THREE

ANALYSIS AND SPECIFIC RECOMMENDATIONS

4.3 Introduction

This section describes the analysis of the issues raised by the citizens during the fact-finding mission as well as the clarifications that the government has given in various places including the Parliament or in past meetings with the people.

4.3.1 Government's Clarifications

The Prime Minister of Tanzania, Kassim Majaliwa, assured the residents who voluntarily relocated from the Ngorongoro Conservation area to Msomera village, Handeni District, Tanga region that none of their activities will stop and that they will continue with pastoralism in a more conducive environment. He said this on Thursday, June 23, 2022 while bidding farewell to the residents of Ngorongoro who are voluntarily relocated to Msomera village to pave way for conservation activities in the area.

“I am wishing you a safe and peaceful journey open up your hearts. Heed to your government led by President Samia Suluhu Hassan. You are now free, go and enjoy life in your country peacefully,” he insisted.

During our fact-finding mission it was quite evident that livestock keeping activities for the people who relocated from Ngorongoro have been badly affected due to lack of pastures, livestock have died in Msomera and the pastoralists have been forced to transfer their animals to Kilindi districts in Tanga and other areas as they desperately searching for pastures.

Also, regarding voluntary relocation exercise we realised that the government's side of the story is incorrect since the relocation process did not consider human rights such as the right to effective participation, the right to be duly compensated, the right to be informed about the area they were relocating to that's Msomera village. This is contrary to the government's claims given by the Minister of Natural Resource, Dr. Pindi Chana as she was briefing the commissioners of Africa Commission on Human

Rights and People when they visited Tanzania to follow up on the Ngorongoro dispute that "the people's relocation activities were in line with human rights since the exercise was participatory adding that more people are still registering to relocate voluntarily". During this tour, local residents informed us that they were being forced to list their names for relocation so it was not voluntary as such.

In general the relocation exercise does not match with government's statements in the media or during various meetings. This exercise is being implemented without any special procedure or guideline and the people do not have correct information about this process.

4.3.2 Analysis on Social Service provision challenges

The Ngorongoro division has certain social services although they do not suit the need of the people. There is a total of 25 primary schools, 3 secondary schools, 1 Endulen hospital and 3 health centres.

During this fact-finding mission we visibly saw the problems related to social services provision for the residents of Ngorongoro ward. The main challenge is the fact that the government has not provided sufficient clarification to the questions we asked in writing. Some of the information we obtained from the local residents revealed many challenges as it has already been explained above regarding social services provision in the Ngorongoro Division since the begining of the implementation of the voluntary relocation was announced by the government.

a) Denial of Construction Permits and Infrastructure Renovation

As it was explained in part two of this section, the NCAA stopped issuing permits for construction and renovation of schools in the entire Ngorongoro Division. For instance, Endulen Parish constructed a primary school in 2017 and it had started planning for constructing a secondary school. The permit to construct a secondary school was suspended in 2021 as a result the Catholic church failed to construct a secondary school for educating children. Not only that, a home for Catholic sisters has a leaking roof for two consecutive years now and they have not been issued a permit to renovate it.

Although the Endulen primary school was established in 1947, todate it has only six homes for teachers's accommodation. Currently it has 17 teachers (6 women and 11 men), this school has a total of 1900 students (785 girls and 1054 boys) and it has only two dormitories. Out of those 617 students stay in the dormitories (272 girls and 345 boys) and there are only two dormitories.

Moreover the construction of 4 new dormitories stalled due to the suspension of building permits therefore students are being forced to cram themselves four in one

bed thus threatening their hygiene given that they are still growing up. Earlier this school had 42 pit latrines but currently only 9 holes are being used for boys and for girls, the rest are overflowed to the brim.

Local residents have fund raised a total of Tanzanian shillings 9 million for the purpose of constructing toilets however they have not been issued with a permit by the Ngorongoro Conservation Area authority. Up to the time of drafting this report the government has not given any clarification regarding this challenge. Due to lack of enough information it is hard to critically analyse this situation since we did not get official government position despite making huge efforts.

Also the construction of a health centre at Sinoni, Kakesio ward, Alailelai dispensary does not have proper infrastructures. The construction of Esere dispensary in Ngoire division has stalled because the building permit is suspended.

At Ndepesi hamlet there is no school or hospital there students have been forced to walk a distance of 30 kilometres to go to school and seeking medical services. The residents of that village searched and found a donor in 2016, although their building permit was not issued and the school was not constructed. At the moment the students are sitting on the floor due to lack of classrooms.

As we are writing this report, the Ngorongoro Conservation Area and the government in general has never clarified on the suspension of the building permits or renovation of infrastructures for the people. During the tour we were informed by the people there was on-going construction of a hotel in Ngorongoro although local people are prohibited from constructing or renovating any building.

It is important to note that article 11 of the Constitution of the United Republic of Tanzania obliges the government to ensure that all citizens are accorded with equal opportunity to access education, therefore suspending building permits and renovation of schools, classrooms, pit students latrines and public servants homes grossly violate the requirement of the constitution.

Also it is important to remember that the Ngorongoro Conservation Authority, was established by 4th section of the Ngorongoro Conservation Authority Act, whereas on its 6th section spells out its responsibility such as sustaining the welfare of pastoral community in that area therefore denying the building permits is against the law that established that authority.

The act of denying issuing permits for improving infrastructures and social services, according to our monitoring is a tactic being used to forcibly evict people from the Ngorongoro area. This move has eroded the concept of voluntary relocation which the government has strongly insisted. In general this analysis reveal that presently there is no voluntary relocation in Ngorongoro, as many obstructions are being imposed to force local residents to vacate from the area.

b) Suspension of Flying Medical Service

On October 1983 the Catholic Church started providing emergency medical services for the people of Ngorongoro (Flying Medical Service) especially in remote areas that are not easily accessible for conventional transportation. Between 1985 up to 2021 Flying Medical Service provided treatment to 765,947 patients including 138, 036 children.¹⁸

This service was being provided free of charge. However, since April 04, 2022 the government suspended the permit for such service on the grounds that the aircraft used (CESSNA-206) had been registered in the United States not in Tanzania. The Flying Medical Service's Service providers told us that the aircraft was indeed registered in the United States to suit its maintenance and operational purposes. Despite the registration issue the aircraft has been operating without any hurdles.

Therefore, for the time being the aircraft has been grounded to a halt and residents do not get medical services. Because of this problem some patients have died for failure to get medical treatment, pregnant women suffer during labour and residents do not have medications. The Ngorongoro Districts has 70 villages. After the suspension of this service, about 30 villages no longer get emergence medical services and vaccination facility due to poor accessibility of conventional transportation routes.

One local resident said this  "If the hospital has been operational for over 50 years, why should it be closed in 2022? The response is simply we are suspending the services, you have to feel the pinch, relocate to Msomera village".

This decision also imply probably the government is trying to punish people by denying them essential social services as a way to force them to vacate when they experience hardship.

In one of the statements made by the Prime Minister above is that the people are being relocated because the social services in Ngorongoro are inadequate. This statement implied that the government was not supposed to continue to reduce social service, instead it was supposed to improve them while trying to figure out participatory and transparent approaches to convince the people to voluntarily relocate. It can be remembered that until now only 0.03% of the residents in Ngorongoro have relocated on their own volition. Denying social services to more than one hundred thousand people in Ngorongoro is gross violation of human rights and the constitution of Tanzania.

18 Flying Medical Service Report from 1985-2021

Table No. 4.4 This table shows social services provided and the people who access the service.

Patient Reports: 1985 to 2021											
A Year	B Treated	C Vaccinated	D PNC	E TB	F HIV	G Evacuated	H Emergency	I Total	J Hours	K Ps/Hr	
1983	689	7,926	2,952	*		165	43	17,337	1,368.2	12.7	
1984				*		105	22		330.6		
1985				*		215	22	8,545	398.0	21.5	
1986	4,811	1,673	130	-		104	26	6,744	262.6	25.7	
1987	4,884	3,027	397	-		304	18	7,194	380.5	18.9	
1988	4,117	2,018	737	-		246	16	8,879	339.8	26.1	
1989	3,826	3,666	938	187		213	19	10,890	626.4	17.4	
1990	3,473	5,590	1,428	167		122	23	10,919	509.4	21.4	
1991	3,454	5,434	1,674	212		155	38	13,213	695.7	19.0	
1992	3,621	6,970	2,151	278		193	41	20,017	689.0	29.1	
1993	5,068	10,705	3,472	538		196	43	15,475	645.9	24.0	
1994	4,024	7,646	2,860	706		249	40	15,027	780.8	19.2	
1995	4,260	6,573	3,300	605		166	51	18,063	787.6	22.9	
1996	4,312	9,467	3,594	473		117	67	15,100	782.5	19.3	
1997	2,067	9,835	2,697	317		179	63	12,656	903.7	14.0	
1998	2,601	6,897	2,793	123		88	55	13,924	668.4	20.8	
1999	2,705	8,243	2,747	86		114	75	16,889	882.7	19.1	
2000	3,634	9,205	3,531	330		128	95	17,967	865.6	20.8	
2001	5,546	8,176	3,372	650		84	121	21,055	969.7	21.7	
2002	6,094	9,855	4,369	532		121	74	21,062	818.0	25.7	
2003	6,989	9,080	4,377	421		126	96	20,336	859.8	23.7	
2004	6,872	9,260	3,609	373		79	149	21,220	1,150.9	18.4	
2005	6,928	9,217	4,317	530		105	147	20,482	1,218.8	16.8	
2006	5,280	10,317	4,135	498		119	113	26,691	1,072.8	24.9	
2007	7,250	13,434	5,301	474		83	87	29,072	793.1	36.7	
2008	6,662	16,404	5,405	431		65	93	27,348	764.6	35.8	
2009	5,356	16,151	5,139	544		44	138	28,232	1,080.9	26.1	
2010	7,011	15,710	4,939	390		37	160	28,995	1,192.0	24.3	
2011	5,034	18,331	5,020	413		19	97	28,097	959.6	29.3	
2012	4,693	17,612	5,235	441		24	107	29,820	824.7	36.2	
2013	4,148	19,861	5,185	495		11	36	17,602	467.6	37.6	
2014	1,980	11,733	3,733	109		11	82	31,099	871.2	35.7	
2015	5,470	19,557	5,801	178		8	89	27,564	894.8	30.8	
2016	3,228	18,258	5,805	176		18	70	24,561	759.0	32.4	
2017	3,368	16,447	4,498	160		20	91	30,620	880.0	34.8	
2018	5,633	18,917	5,772	187		13	85	34,699	796.2	43.6	
2019	5,372	23,013	5,957	157	102	77	9	32,143	703.5	51.8	
2020	6,961	23,722	5,395	174	75	15	68	36,410	801.6	40.1	
2021	5,604	20,918	5,271	174	77	9	95				
Total	178,460	430,848	138,036	11,529	254	4,070	2,755	765,947	29,796	25.7	

* Information not available

Clinic Definitions:

- A. Year of operation: 1 January through 31 December
- B. Patients treated for medical problems.
- C. The number of children vaccinated for infectious diseases.
- D. Pre-natal care: The number attending the pregnant women's clinic (also known as Ante Natal Clinic)
- E. Tuberculosis patients treated.
- F. HIV patients treated.
- G. Evacuated: patients seen at, but too sick to be treated in, the under-the-wing-of-the-airplane clinics and who were flown to a nearby hospital.
- H. Emergency: Critically ill patients not seen on a scheduled clinic and who require immediate attention and usually a special emergency flight transfer to a higher level hospital.
- I. Total Patients seen
- J. Total hours flown
- K. The average number of patients seen per hour flown.

Photo No.4.11: Flying Medical Service report 1985-2021

c) Threat for demoting Endulen Hospital

In 1975 the Catholic Church under the leadership of Padre Herbert Watschinger established Endulen hospital for providing medical services for the residents of the Ngorongoro Division. Moreover in 2012 the Catholic Church entered a joint venture with the government to run the hospital. The government was providing funds for purchasing fuel for the hospital vehicles, patient's food and they were providing medication worth 80,000,000/= per year.

The Ngorongoro Conservation Area Authority was contributing Tanzanian shillings 300,000,000/= between 2015 and 2020 when the service was suspended. Since 2018, the Ngorongoro Conservation Area stopped providing medical supplies to Endulen hospital and has stopped providing meals for the patients in the hospital.

Health workers at Endulen hospital and the church leaders held talks in 2018 on the influx of patients they receive and deliberated the best way to improve hospital services. In 2022 the hospital's board of directors requested the Archbishop of Arusha diocese to speak the Arusha regional commissioner in order to deliberate the best way to resolve existing challenges. They agreed to form a joint commission in order to conduct assessment and to provide advice on what is needed to be done. The commission comprised the district's chief medical officer who was the chairman, officials from the regional commissioner's office, and the hosts Endulen catholic church.

Members of that committee visited the Endulen hospital and instructed that there is likelihood of lowering the status of the hospital to mere dispensary, to reduce the number of medical workers and some services, contrary to the consensus reached by all members of the committee.

According to the information available, the said committee unlawfully granted itself the authority it did not have and that only a handful of its members reached the decision on behalf of the others. It is true that the church decided to retrench some of the employees because the hospital did not have the capacity to fully operate because the donors reduced funding and the government to suspend some of the services such as funding for medical supply and food services for patients.

Until December 2022 a total of 17 employees had been retrenched for their contracts were not reviewed when they expired. In our opinion, it is important for the government to recognise that our country is signatory and has ratified various international conventions on service provision such as International Convention on economic, social and cultural rights as well as the Constitution of Tanzania which obliges the government to ensure that all citizens have access to better medical services.

Therefore, the government is supposed to continue providing funding for medical supplies, food for patients and other services including improving health services at Endulen hospital and not to demote it since this is the only hospital in Ngorongoro ward which has been providing service for many years.

d) Transfer of Development Funds

During our tour we realised that a total of Tshs. 355,500,000 of the Covid-19 relief funds that was earmarked for implementing development projects in the Ngorongoro had been transferred to the Handeni District Council without the approval of the Ngorongoro district councillors meeting. The said funds were transferred on March 31, 2023.

The funds had been set aside for construction of classrooms and dormitories on three government schools which are Nainokanoka, Embarway, Ngorongoro girls school as well as Endulen, Misigiyo na Esere primary schools. After the transfer of the money students in the said schools have been deprived of basic facilities such as classrooms, dormitories and toilets. As HRDs we strongly believe the funds had been transferred deliberately to force people to relocate to Msomera. The evidence of the transaction is appended in three letters attached here under.

Other funds approximately Tshs 600 million had been transferred from Endulen primary school and directed to Soitsambu ward in Loliondo. Although we don't have the actual amount that had been transferred, unofficial sources informed us within just two years period(2021/2022) Tshs 2 billion of community development projects and social services, have been transferred. In accordance with the principles of human rights, any planned discrimination against a community or any group is prohibited. The on-going situation in Ngorongoro has reached the highest level of human rights abuse. Sadly all these strategies are being planned in order to weaken the indigenous Maasai community in Ngorongoro socially, politically, economically and culturally as a way to force community members to flee and relocated to planned destinations.

e) Lack of important services such as roads, electricity and water.

During our fact-finding mission it was discovered that Ngorongoro division does not have good paved roads specially designed to help humans living in that area, except for just one road which is being used for tourism purposes. It was quite evident during our visit that the streets and villages where local people live do not have good paved roads. The Ngorongoro division does not have electricity supply not even solar power and the area does not have water infrastructures. We think that it is necessary for the local people to get solar power electricity and water services. For example, the pastoralists council received US\$ 300,000 but the government instructed that the investors should send the money without getting access to the project area, consequently the investor postponed the envisaged project.

One resident queried that “ We don't have good roads, we have been banned from engaging in construction activities and other services. Surprisingly we have seen huge construction projects such as hotels and electricity installation still underway,”

f) The Residential Addresses Exercise Avoided Ngorongoro Division

During this visit it was realised that the exercise to install residential addresses did not take place in the whole of Ngorongoro Division. This situation left the people in the state of pandemonium and until now they do not know the fate of that exercise. We believe that since this is a nationwide initiative, there is still a need for the government to put residential addresses in Ngorongoro so that local residents can also enjoy their right to get residential addresses.

g) Shortage of Livestock Dipping Traps and Ponds

Local residents do not have enough livestock ponds for animal bathing. It is important for the government to build enough dipping traps to facilitate bathing of livestock. It is also important for the government to build modern bathing ponds for livestock in order to suit the needs of the people whose livelihoods depend on livestock keeping.

h) Denial of Bulding Maintenance

More than 60 houses in Mokilal village, including a village office had their roofs eroded by strong winds. Eversince that tragedy buildings have not been renovated. During this visit we saw a big stock of maize grain that is getting destroyed whenever it rains. No building maintainance has taken place due to lack of permits. This situation endangers the safety of the people and it project a negative image for the government to deter the victims of hurricane from renovating their homes that had been affected.

All these challenges grossly violate human rights of the people in Ngorongoro Division. It is contrary to the principles of human rights as stipulated in the Universal declaration of human rights of 1948, various human rights conventions as described in the second chapter of this report.

4.3.3 Specific Recommendations

4.3.1 For the government

- a) We advise the government at district and regional levels to continue providing development project/ social services as earmarked in the PO_RALG budget for the Ngorongoro Division since denying such services could have severe repercussions for the people and paint a bad picture for the government.

- b) The government and the Ngorongoro Conservation Area Authority should issue permits for implementing essential social services such as construction of toilet facilities, social service buildings, Endulen hospital, health centres, dispensaries, classrooms, settlements and students dormitories to improve the wellbeing of the people.
- c) We advise the government to permit provision of emergency community health services which was being provided by Flying Medical Service in remote and hard to access areas by conventional mode of transportation so as to cope with national strategy to reduce unnecessary deaths of pregnant women and children as well as the national immunisation program for children.
- d) We advise the government to suspend relocation of the people since this exercise is engulfed by many shortfalls but also is against the law that established the Ngorongoro Conservation Area authority as multiple land use area. This will provide a room to make consultations with the community and address existing challenges associated with relocation process.
- e) The residents of Ngorongoro have asked the Government to review the compensation process because it was neither participatory and nor transparent. And that the amount of ten million as compensation money for each household should be raised to 50 million with a house and land or 100 million for those who want to choose to take the money and move to where they want.
- f) We advise the government to let the Ngorongoro Pastoralists Council to independently fulfil its mandated as it was established, contrary to the current situation where the NPC as special instrument and a pillar to unite local people and the government is no longer independent as a result many challenges the people face have not been resolved.
- g) We advise the government to take stern legal measures against officials from the Ngorongoro Conservation Area Authority and order them to compensate the people in Ngorongoro, Misigyo and Naikonoka wards whose livestock died after feasting on salt that was proven by experts to be tainted by poison.
- h) We advise the government along with the Ngorongoro Conservation Area Authority to allow Civil Society Organisation and other stakeholders to provide essential social services for the Ngorongoro ward.
- i) We urge the government to instruct the Ngorongoro Conservation Area Authority to restore and provide food aid and medical supplies to Endulen hospital to help patients in that hospital as it was the case before.

- j) We advise the government to construct modern livestock ponds for pastoralists to bathe their animals. If the government does not have sufficient funds it should allow local residents or a sponsor who can finance the construction of ponds.
- k) We ask the government, through the Ngorongoro Conservation Area to get rid of unnecessary hurdles for the people of Ngorongoro whenever they seek various services from outside the gate so as to avoid violating the rights of the local people.
- l) We request the government to intervene and issue stern legal punishment to anyone involved in distributed expired trachoma medication.
- m) Since 2010 residents in Ngorongoro were banned from engaging in subsistence farming. This move has provoked a big hunger tragedy. We call upon the government to provide relief food supply for the residents of Ngorongoro as well as restoring subsistence farming to help the people avoid famine.
- n) The government should return Covid-19 relief funds that had been transferred to Handeni District Council, to the people of the Ngorongoro ward.
- o) The government should hold meeting with human rights defenders, local community as well as local community leaders to draw up a joint Voluntary-Relocation Plan.

4.3.2 To the People

- a) We ask the people to continue using judicial channels when seeking their rights whenever they feel that their rights have been violated or will be violated.
- b) We ask the people to hold meetings and deliberate on the best way to resolve the challenges they're facing.
- c) We request the citizen to continue protecting the environment as well as promoting their tradition of peaceful co-existence with wildlife.
- d) We call upon the people to protect all areas used from cultural, traditional ritual and worship to sustain life and reality of Ngorongoro as an important multiple land use area.
- e) We ask the people not to remain silent whenever they feel their basic human rights are being violated. They should report to respective authorities such as police etc all incidents that indicate the violation of human rights and discrimination.
- f) We urge the citizen not to harass anyone who have decided to voluntarily relocate to other areas.

4.3.3 To Development Partners

- a) We call upon Development Partners to support various development initiatives in the Ngorongoro ward. There are not many projects being implemented in Ngorongoro District for people's development, therefore it is important for the stakeholders to join hands to ensure that development projects are implemented in Ngorongoro for the benefit of the people.
- b) We call upon development partners to emphasize upholding of human rights, the rule of law on matters related to relocation of people who are ready to move out of Ngorongoro voluntarily.
- c) We call upon stakeholders to visit Ngorongoro ward to see for themselves the situation on the ground of what is happening there to the people of Ngorongoro.

4.3.4 To defenders /CSOs

- a) We call upon civil society organisations to implement various development projects in Ngorongoro Division. Such projects are on health, water and education sectors aiming to empower women economically.
- b) We encourage human rights defenders and civil society organisations to keep monitoring human rights situation in Ngorongoro division.
- c) To provide legal aid for the residents of Ngorongoro division who need it.
- d) To continue to advise the government on the best way to resolve problems in Ngorongoro ward.
- e) To continue to advise the government on the best way to enhance multiple land use plan in Ngorongoro.

SECTION 4

PART FOUR

GENERAL RECOMMENDATIONS AND CONCLUSIONS

4.4 Introduction

The final chapter on Ngorogoro area describes conclusion and general recommendations resulting from the tour. It is important for these recommendations to be considered and acted upon to bring relief to the people. If these recommendations cannot be acted upon the situation will further worsen for the people of Ngorongoro division.

4.4.1 General recommendations

- a) At district and regional level, the government is supposed to establish development projects/ social services as earmarked in the PO-RALG budget in Ngorongoro ward. Suspending development projects in Ngorongoro division has serious effects and is tantamount to discrimination of the people likely to cast the government in a bad light. Moreover it is shameful to hurt local people who are nature custodians of those area for all those years.
- b) We advise the government, ministry of natural resources and tourism, Ngorongoro Conservation Area and conservation organisations to discuss and to assess the motives that drive the government to reduce human population in Ngorongoro, since it has been found that those motives including the issue of exotic plants and other kind of destruction to the area are resulting from other factors which the NCAA doesn't want to make it clear. The NCAA have instead accused the local communities and their livestock as a source of destruction. This assumption is not correct given that there are areas considered no go zones such as the Ngorongoro crater and Ndutu where exotic plants are widespread as compared to areas inhabited by the people. Also through a community report, it has been revealed that local residents inhabits only 5 percent of the total area contrary to the complaints presented by conservationists that the area's carrying capacity is smaller as compared to the number of people.

- c) The residents of Ngorongoro have asked the Government to review the compensation process because it was neither participatory and nor transparent. And that the amount of ten million as compensation money for each household should be raised to 50 million with a house and land or 100 million for those who want to choose to take the money and move to where they want.
- d) We call upon the government to allow independent media organisations to investigate and know the truth in the Ngorongoro area, i.e from the community and conservation in order to come up with the results that would help resolving the challenges that the community and conservationists face.
 - i. This is because since 2022 freedom of the Press had been compromised , none of the local media was allowed to collect and air news related to the people of Ngorongoro when the voluntary relocation move started.
 - ii. Instead, only media organisation that air biased information in favour of the Ngorongoro Conservation Authority and the government had been allowed to gather one sided information on events related to Ngorongoro conservation. This situation fuelled a lot of propaganda against the community, suppressed the problems of the people and increased tension between the government and its people.
- e) The Ngorongoro Conservation Area is supposed to improve traditional homes available in Ngorongoro since they are tourists' attraction and act as decoration to the area.
- f) That respective authority such as the Ministry of information and communications, questions and take action against media owners and editors of some newspapers and other media organisations, which have on various occasions been used to spread hate, malicious falsehood, and hate speech against the residents of Ngorongoro.
- f) The Ngorongoro Conservation Area Authority should see the importance of issuing permits for important social amenities for human such as the construction of toilets, community service buildings, Endulen Hospital, health centres, clinics, classrooms, residences and students' dormitories.
- g) In order to avoid people dying for lack of treatment, the government should allow emergency health care for the community that was provided by the Flying Medical Service in areas that are not accessible by conventional means of transportation so that we can continue to be in line with the national plan to reduce the deaths of pregnant mothers.
- h) The government should suspend the relocation exercise of the people to conduct a collaborative assessment on the challenges that emerged in the first phase of voluntary relocation. The government should prepare a Relocation Plan

in collaboration with local people, village governments, Pastoralists Council, Council of Councilors, civil organizations, other stakeholders as well as human rights defenders. This program will provide a vision and guidance on the best way to manage the interests of the park as well as the interests of the people for the current and future generations.

- i) We request the government to take legal action and order the Ngorongoro Conservation Area Authority officials and pay compensation to the people who lost their livestock after eating salt that was proven by experts to be poisonous in Ngorongoro, Misigiyo and Nainokanoka wards.
- j) We ask the government to advise and ask the NCAA to issue permits to civil organizations and other stakeholders to provide basic services to the community in the Ngorongoro Division
- k) We ask the government to intervene and impose severe legal penalties on all those involved in distributing expired trachoma medications.
- l) The government should abolish car parking fees for the residents of Ngorongoro ward because it is unnecessary burden for local residents.
- m) The government should see the importance of returning Covid-19 relief funds that had been transferred to Handeni District council, to the people of Ngorongoro ward.
- n) Local residents should use judicial means to defend their rights that had been or will be violated.
- o) The district government should prepare and announce the procedure for the election to fill in positions of councilors and other leaders who have moved so that the people get the right representation of leaders in various decision-making bodies.
- p) The government should stop fining pastoralists who transport their livestock to auctions. The people who transport their livestock to sell do not deserve to be fined and claim permits that previously did not exist. Along with that, the government should establish reliable markets in the Ngorongoro division.
- q) Development partners should fund various development projects in Ngorongoro Division. In the entire Ngorongoro district, there are not many projects that are implemented for the development of the people, so it is important for stakeholders to participate in ensuring that development projects are available to the people of Ngorongoro.
- r) Civil Society organizations should mobilize funds to implement various development projects in the Ngorongoro division. For example health projects, water, education, economic empowerment especially for women.

- s) We encourage human rights defenders and civil society organizations to continue monitoring the human rights situation in Ngorongoro Division.
- t) Continue to provide legal aid to the residents of Ngorongoro division for those in need

4.4.2. Conclusion

During our visit to the Ngorongoro Division, we saw for ourselves the reality of the Ngorongoro area and the way in which the residents of the area have preserved their environment. The area is attractive for tourism and the traditional houses in the area are more attractive because they suit the natural environment, so it is important that these houses continue to exist and be improved to continue to maintain the Maasai culture of Ngorongoro.

We also saw for ourselves the state of the infrastructure and the challenges facing the people. some of these challenges include the denial of permits for the construction or renovation of buildings, the suspension of the emergency medical service that was provided by the Flying Medical Service since 1983, the absence of social services such as electricity, water, toilets in schools, shortage of classes and dormitories for students. As HRDs we emphasise that local residents have the right to access social services even if some of them have decided to move voluntarily, so it is important that social services continue to be provided to the residents of Ngorongoro Division.

We also conclude that there are no scientific and legal reasons to move people from their permanent residence within the Ngorongoro Conservation Area to elsewhere. Ngorongoro still has a beautiful atmosphere that is attractive to all the people who visit.

All the information we have presented in this report had been gathered from the people and their leaders within the Ngorongoro areas. We thank local residents and their leaders who cooperated with us throughout our visit. This report could not be completed without getting accurate information from the people, victims of lack of social services. We thank them for providing us with invaluable information that was necessary for compiling this report.

Lastly, we thank the various stakeholders who have supported human rights-based conservation in the Ngorongoro Division. We thank all those who have been providing services to the people regardless of the difficulty of the existing environment.



SECTION 5

PART ONE

HUMAN RIGHTS SITUATION IN LOLIONDO AND PART OF SALE DIVISION

5.1 About Loliondo and Sale Division

Ngorongoro District has an area of about 14,036 square kilometres where Ngorongoro Division has a total of 8,100 square kilometres, Sale Division has a total of 3,518 square kilometres and Loliondo division has a size of 2,218 square kilometres. According to the 2022 population and housing census report, the Sale and Loliondo divisions have a total of 166,553 people. The main livelihood of the residents in the disputed area is pastoralism as a main source of the economy and which contributes more than 50 percent of all internal revenues of the Council.¹⁹

Loliondo and Sale divisions in total have an area of 5,744 square kilometres which for Ngorongoro district alone is equal to 41 percent of the entire district area. Out of the 5,744 square kilometers of Sale and Loliondo, 4,000 square kilometers were Game Controlled Area according to the law before the 2009 amendments that nullified Game Controlled Area within village lands. Out of the total area of 5,744 square kilometres, an area with a size of 1,744 square kilometers includes the entire area of the Sale division except Malambo and Piyaya wards which are part of the area of 4000 square kilometres that includes the entire area of the Loliondo division. This area of 4000 square kilometers was village land and the small town of Loliondo and the areas of Sale before it was forcefully and illegally taken an area of 1,502 square kilometres in 2022 and made into a separate Pololet Game Controlled Area without the consent of the citizens themselves.

¹⁹ People's recommendations report on land conflict resolution in Loliondo and Sale wards in Ngorongoro in Arusha (2022)

5.1.2 About Pololeti Game Controlled Area

The 1,502 square kilometres area within 4,000 square kilometres has had a long standing land dispute including two (2) wards of Malambo and Piyaya of Sale division, and six (6) wards of Loliondo division which are Arash wards , Oloipiri, Maaloni, Oloirien, Soitsambu and Ololosokwan with a total of 23 villages.

This area has been called Loliondo Game Controlled Area o since 1950 and has continued to have a multiple land use, meaning that wildlife management activities together with the people's settlements in formal villages as well as the district's headquarters since the laws of Wildlife Law from 2009 backward they did not remove the presence of villages in Game Controlled Area in this country. This area (unlawfully christened " Pololeti Game Controlled Area") had a size of 4000 square kilometres equal to twenty nine percent (29%) of the entire area of the District which includes all of the Loliondo Division and part of the Sale Division where within the Loliondo Division is estimated to have a size of 2216 square kilometres equal to 55.4% of the total demarcated area and the Sale Division contributes to an area estimated to have a size of 1784 square kilometres equal to 44.6% of the total demarcated area.

The claimed 1,502 square kilometres area was a village land that was officially set aside by the community for livestock activities due to the fact that 100% of the community in this area of 4,000 square kilometres counted on this area for grazing, salt, livestock water as well as a few areas for settlements and also for cultural and traditional activities. This area is part of more than 14 villages in eight wards (Arash, Oloipiri, Malambo, Piyaya, Soitsambu, Ololosokwan, Oloirien and Maaloni) that bordered the Serengeti National Park.

Multiple land use was possible in this area due to the livelihood of the Maasai community (pastoralism) which allowed them to set aside the area for livestock activities and thus enable wildlife such as wildebeests, zebras, etc. flock and make it their breeding area. In addition to a large area reserved for grazing, the Maasai culture of not hunting and not eating game strengthened peaceful co-existence between wildlife, livestock and humans.

This area has also been used by a hunting company from the United Arab Emirates (OBC) since 1992. Land disputes in this area of 1,502 square kilometres officially started after the arrival of this hunting company in this area. For a long time, efforts have been made to take this village land but they have been failed due to various reasons as stated in the Loliondo residents' report on the recommendations of best way to use this area of 1,502 square kilometres.

This area of 1,502 square kilometres was officially taken over by the state power in 2022 during the operation to erect beacons that began on June 16, 2022 which

involved various security forces. After this operation, the government issued a Notice to announce a new status of this village land of 1502 square kilometres **as "Pololeti Game Controlled Area(PGCA)"** without involving the local residents and without following legal procedure. And later in October 2022 it was upgraded to Pololeti Game Reserve.

5.1.3 Monitoring Objectives in the 1,502 Square Kilometres Area

The general objectives of monitoring human rights in the 1,502 square kilometres area, is to keep correct record of all incidents of Human Rights violations that occurred during special operation to place beacons. It was also planned to monitor the human rights situation and defects/mistakes that emerged and continue to emerge after the acquisition of the 1,502 square kilometres land belonging to 14 villages, as well as collecting views and suggestions from the citizens on what should be done to protect Human Rights and solve the shortfalls that continue to emerge..

5.1.4 Monitoring expectations

- a) Existence of accurate and sufficient information about human rights violations that occurred during the exercise to set the boundaries of the 1502 square kilometres
- b) Existence of accurate information about the challenges that continue to emerge in all areas that lacked land after the area of 1,502 square kilometers had been acquired and turned into a Game reserve.
- c) The presence of the people's suggestions about what they want to be done to protect human rights and solve these errors/shortfalls/mistakes that have emerged and continue to emerge after the acquisition of the 1,502 square kilometres area that has been converted into Game Reserve.
- d) We hope that after the availability of this report, the opportunity for dialogue and discussion between residents, community and governmental leaders as well as other stakeholders such as Civil Society Organizations (CSOs) will be available to resolve emerging and on-going challenges related to human rights situation.
- e) Peace, stability will only prevail in this area after being given a chance to admit and correct the mistakes that happened and hold reconciliation between the people and the government.
- f) The provision of various services and projects in the Sale and Loliondo division will improve and open doors for many development partners to go about their business without any fear.

- g) The economic condition of the people, especially the pastoral community in Loliondo and Sale Division will improve and thus get rid of the poverty/poor living conditions that emerged by being allowed to use 1,502 square kilometres land for their pastoralism activities which basically does not have any effects on conservation.
- h) Citizens continue to use the area for pastoralism activities according to the procedure that will be established between local people and the government

5.1.5 Methodology

During our fact-finding mission we managed to reach more than 100 people who are local residents, community leaders, human rights defenders, village and sub-village chairpersons, Councilors of all eight wards, Government leaders at the district level (Chairman and District's Executive Director) and Regional authorities.

We used the following methods to collect information: Meetings with District authorities, Meetings with communities, meetings with community leaders and human rights defenders. Also through interviews, interviews with focussed group, visits to relevant areas, analysis of various documents, meeting with the people.

5.1.6 Location and Duration of the Visit

This monitoring visit took about 2 days in all eight (8) wards of which the 1,502 square kilometre was part of the wards in Loliondo and Sale Divisions before it was demarcated. Our visit focused on 8 Wards and 14 villages that lost their land after the acquisition of the 1500 square kilometres area which has been converted into Pololeti Game Controlled Area and subsequently Pololeti Game Reserve.

5.1.7 Tour Challenges

The biggest challenge we encountered during our visit was that time was limited because there were so many people and they wanted to be reached individually in their places. Because of time constraints we could not possibly reach every citizen. Another challenge is the lack of good cooperation from the District Commissioner as well as from the Ngorongoro Conservation Area Authority. After contacting them and sending them letters requesting to meet them and get clarification, they were not ready to meet with us nor responding to our letters seeking clarification about the issues and people's complaints about the human rights situation in their areas.

SECTION 5

PART TWO

THE PROCESS TO ACQUIRE 1,502 SQUARE KM AND CONVERT IT TO POLOLETI GAME CONTROLLED AREA.

5.2 Introduction

This section describes the process of acquiring 1,502 square km area and upgrading it into Pololeti Game Controlled Area. In this assessment, this chapter will highlight the methods used, it will also touch on the legal issues related to village land acquisition. The human rights violations that occurred during this exercise have also been described in detail in this chapter, the citizens's views on this exercise as well as the position of the government.

5.2.1 Origin of the aim to Demarcate the 1502 square kilometres area

The 1,502 square kilometres area was part of the Loliondo Game Controlled Area and part of the land belonging to 14 villages of Loliondo and Sale Divisions. This Game reserve, like other reserves in Tanzania, was legally established in 1951 by the British Government under the Fauna Conservation Ordinance, section 32. For the whole country there were 49 game-controlled areas, Ngorongoro with four game areas (Endulen, Ngorongoro, Lake Natron and Loliondo) where among these game-controlled areas, two (Endulen and Ngorongoro) are within the area of the Ngorongoro Conservation Authority (NCA).

5.2.2 Legal status of the villages

These areas were within village land because the law did not separate village land and Game Controlled Areas. It was possible to have villages along with Game Controlled Areas because the purpose of these game areas was to manage wildlife activities only in populated areas and not to acquire village land. These areas were established especially near protected areas to protect animals and manage hunting issues.

The Animal Conservation Ordinance of 1951 along with the Wildlife Act No. 12 of 1974 recognized the existence of villages and human activities (Residential, Agriculture, Animal Husbandry, Rituals, etc.) within Game Controlled Area under various laws, including customary procedures for communities living in those areas, local government laws, and land laws. The 1502 square kilometres area has over the years been used for pastoralism, hunting and human activities, especially livestock keeping.

The Loliondo people's report suggests before the arrival of the German colonists and later the British, the Maasai community used to own and use this land for traditional customs under the supervision and management of traditional leaders (Malaigwanani) on behalf of the community. Basically, before the arrival of the colonists, the 1,502 square kilometres area was a very small part of the land used by the Maasai before losing the large swathe of land to Serengeti reserve, Ngorongoro Crater and other protected areas.

Due to this situation only a very small area remained for their pastoralism activities and thus they decided to use a few areas including the 1,502 square kilometres area for animal rearing. This was the reason why the area had retained its natural habitats and allowed multiple land uses because humans were largely engaging in pastoralism. The colonists brought another order which was under the colonial laws especially during German's rule and later the British when they introduce the Land Law number 3 of 1923 which was followed by other laws including the Wildlife Conservation Law. Customary land ownership was also recognized by the Land Act of 1923 and amended one in 1928, to further recognize indigenous rights.

In accordance with the Land Law of 1923 in section 9, it gave authority to the Director of Land Development Services to issue Certificates of Customary Right of Occupancy for villages. After the changes in Tanzania's land laws especially in 1999, the New Village Land Act No. 5 of 1999 stipulated that there will be land certificates for Villages different from land ownership documents issued to Villages in accordance with the Land Law of the year 1923. Likewise, the new land laws have continued to recognize those certificates that were issued in accordance with other laws before the enactment of new law.

5.2.3 Indicators that led to the acquisition of the 1502 area

The desire to take 1,502 square kilometres area and completely demarcate it from village land gained traction from the year 1990 onwards due to various reasons, including investment reasons. This sub-chapter explains to the reader of this report the history and indicators that led to the taking of 1,502 square kilometres of village land.

(a) Demarcating Village land to OBC without following procedures

According to local residents and elders of Loliondo along with various social and government reports that the desire to acquire the 1,502 square kilometres area began to gain traction from 1992 after a portion of village land was given to Ortello Business Corporation of the United Arab Emirates as a game hunting block. In 1992, the Government of Tanzania leased with an unlimited contract, a hunting block, part of the Loliondo Game Controlled Area (4000 square kilometres) to the Ortello Business Corporation (OBC) Hunting Company owned by the United Arab Emirates. Since then, there has been unending dispute between the local community of Loliondo area, the Government, and the investor (OBC) mainly due to the deteriorating relations between the community and the OBC Company.

The Anti Corruption Report of the President's Commission on Corruption in Tanzania of 1996, popularly known as the Warioba Commission, revealed that the process of demarcation of the village land in Loliondo and subsequent distribution to the United Arab Emirates rulers through OBC was shrouded in corruption. Pages 281 and 282 in paragraph 706 (k) of the Warioba Report explained that:

" Some of the top leaders have been involving themselves in distributing hunting blocks out of their own selfish interests. They have been cunningly persuading people in these areas to enter into bogus contracts with trophy hunting firms their own benefits. The Parliamentary Standing Committee on unethical conduct against Wildlife Department has clearly explained about this problem, especially in Loliondo area which has been apportioned to Ortello Business Corporation (T) Limited." (Our interpretation).

Part of the Warioba Report has also described in page 284 paragraph 716 the following points:

"...Also, the then minister of Natural Resources and Tourism, Hon. Dr. J. Ngasongwa issued a license on behalf of the President (Presidential License) to unqualified persons as follows:

- (a) Brigadier Mohamed Abdulrahim Al-Ali, who is an Assistant Minister in the United Emirates issued with license No: B 00158 and B 00159 which is still valid. He owns the Loliondo hunting block. Where according to the President's licensing

procedures, he does not deserve that license because he can use it to sublease the area to other hunters to get on with their hunting activities in his area and earn foreign money thus denying the government a chunk of revenues. He was allowed to hunt one buffalo and thirty quail birds. (Our interpretation)

- (b) His Highness Sheikh Maktoum bin Rashid Al Maktoum, Deputy Prime Minister of the United Arab Emirates was granted license No.: B 0039 and B 00397 he was allowed to hunt one taurotragus, one buffalo and fifty quail. (Our Interpretation).

The Warioba Commission report's findings have also been seconded by the former Minister of Natural Resources and Tourism Dr. Hamisi Kigwangalla that the Loliondo land dispute has been fuelled by the presence of the OBC hunting company. Minister Kigwangalla was also quoted as admitting that OBC once wanted to bribe him and said that the investor would no longer be given a hunting license.²⁰

Since the Loliondo area was acquired by the United Arab Emirates company, there has been simmering disputes which have also been shrouded in human rights violations against the residents of these areas. The OBC company has built permanent infrastructure such as buildings and a large airport in Lima area.

(b) Intention to put 1,502 square kilometres area under the management of NCAA

During our fact-finding mission in Loliondo and Sale divisions, local residents informed this mission that the Ngorongoro Conservation Area Authority (NCAA) has teamed up with other security and defense organs in an operation conducted in Loliondo in June 2022. The residents also told us that the NCAA has been seizing livestock within 1,502 square kilometres area and imposing a fine of Tsh100,000/- per cow.

In our analysis of various documents, we have also noted that in its Multiple Land Use Report of 2019, the Ngorongoro Conservation Area Authority has recommended that the 1,502 square kilometres area of Loliondo and Sale along with Ngarasero be put under the management of NCAA.

We have also noted that on 28/09/2022, former Minister of Natural Resources and Tourism Pindi Chana announced that the 1,502 square kilometres area that had been acquired will be put under NCAA.

20 "OBC is behind this turmoil, their days are numbered , they will not be issued with a new hunting licence in January next year,"Said minister Kigwangala on October 29, 2017 <https://mtanzania.co.tz/kigwangala-siku-za-kampuni-ya-obc-zinahesabika/>

Also during our fact-finding mission we have found that the Ngorongoro Conservation Area Authority has been seizing people's livestock and releasing them after charging a huge fine of one hundred thousand per cow and twenty five thousand per sheep/goats. This is also confirmed by the Case of **Raphael Kesoi et al. V. NCAA et al. 3, Appeal No. 9 of 2023** in the High Court Arusha Zone. In this case, the appellants, oppose among other things, the following:

- a) A fine of one hundred thousand shillings per cow and Tshs25, 000 per sheep is illegal.
- b) That, NCAA does not have the legal mandate to carry out its activities in Game Controlled Areas as it is the Authority established by law under TAWA.

It should also be noted that Section 3 of the Ngorongoro Conservation Act, Chapter 284 clearly stipulates that the NCAA administrative areas are within the Ngorongoro Conservation Area alone. It is also true that in accordance with Section 8 of the Wildlife Management Act, Chapter 283, it clearly states that the Game Controlled Areas and Game Reserves will be under TAWA.

This is to say that the act of placing 1502 square kilometres area under the NCAA is against the Ngorongoro Conservation Act and also against the Wildlife Management Act.

(c) Pressure from Conservation Lobbying Groups

The other reason stated by the people as the source of village land acquisition within 1,502 square kilometres area is the pressure from the conservation stakeholders who have been cooperating with the government, OBC, NCAA to pressurise, persuade the people to accept the demarcation of the area.

For instance, local residents informed the team that after the acquisition of the village land with a total of 1502 square kilometres contrary to laid out procedures, there have been a lot of efforts to substantiate what was done by introducing a Land Use Plan Management that does not include the grabbed land (1, 502 sq km). This program is sponsored by the Frankfurt Zoological Society (FZS).

In other words, it is to say that the Land Use Management Plan is a way to authorise the land that had been acquired contrary to procedures. Conservation stakeholders like FZS are accused by the people to be behind the illegal acquisition of land.

5.2.4 Conversion of Wildlife Act in 2009

After other ploys failed to fulfill the need to taking away 1,502 square kilometres area, the Wildlife Act No.05 was enacted in 2009 and converted the status of Game Controlled Areas by separating villages from Game Controlled Areas. This

new law has prohibited human activities (Residence, Agriculture, Livestok keeping and Rituals) to take place within Game Controlled Areas with the emphasis that no village land will be inside Game Controlled Areas.

This law did not automatically inherit these game area, instead, the law required the Minister responsible to review all the Game Controlled Areas throughout the country within 12 months, with the aim of identifying the Game Controlled Areas that still qualify to retain that status and to declare them, and those not qualifying to be cancelled by the government.²¹ This exercise was not done on time thus causing all areas around Loliondo to lack legal status again continue to be called Game Controlled Areas because the current law does not recognize the existence of Game Controlled Areas on village land. This same law came into force in 2022 without considering the legally defined procedures to change the land used by villages into Game Controlled Area in accordance with the current Wildlife Management Act.

5.2.5 Breach of the 1958 Agreement

Throughout the Loliondo and Sale area up to the Ngorongoro area, included the current area covering Serengeti National Park. But with effect from 1950, the British colonial government-initiated discussions with the people to preserve the current area of the Serengeti Park and thus agreed with the people to relocate to the Loliondo and Ngorongoro areas. The people agreed, although without free will, to abdicate that area and come to the Ngorongoro and Loliondo areas to join their colleagues who were already living in those areas.

In 1958 an agreement was reached after more than 8 years of negotiations for the Maasai community to agree on boundaries and other interests through the "Serengeti Compensation Scheme". One year after the agreement was sealed, the Serengeti National Park was officially established in 1959, along with the Ngorongoro National Park (1959) where the colonial government agreed with the people to have a reserve with multiple land use (wildlife, human activities, and tourism).

In the agreement, one of the conditions imposed by the people was the existence of a clause stipulating that they will not be relocated in their current areas and also in case of any dispute between the natural resources and the people, then the rights of the people will prevail.

"First, we were promised to be offered veterinary services such as animal bathing facilities, water, and other social services. **Secondly, we were promised that where we go to the east of the Serengeti (Loliondo) whenever there is a conflict between the Maasai and conservation activities, our rights will be given more priority.** After

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we were relocated, some of those promises had not been fulfilled by the Colonial Government, but others are not respected by the current government.”²²

The lack of respect and recognition such agreement has resulted to the acquisition of 1,502 square kilometres area without the consent of the local people in 2022. This situation has caused misery to the Maasai community which is being evicted from their ancestral land to pave way for trophy tourism and investment.

5.2.6 The Procedure Used to Acquire Village Land (1,502 square kilometres)

This section describes in detail the methods used to apportion the 1,502 square kilometres area. This report’s assessment also analyzed the relevant laws and methods that must be used legally to acquire village land. The methods used to acquire this area include the exercise of placing beacons, the security forces’s operation, the arrest of community leaders, media propaganda and later declaration of the area through a Government Notice. The methods used are as follows.

(a) Various Statements by Government Leaders

i) A statement prior to erection of beacons

- On January 11, 2022, Arusha Regional Commissioner John Mongella was quoted as telling the leaders from the 14 villages within the 1,502 square kilometres area that the area will be demarcated to suit wider national interests. The Regional Commissioner’s statement was strongly opposed by the people who protested in Oloirien ward on 13th and 14th January 2022.
- On February 14, 2022, Prime Minister Kassim Majaliwa visited Loliondo and tried to calm the situation after parliamentary statements that have been interpreted to target the Maasai community and their culture. However, when he visited the Ngorongoro Conservation Area on 17/02/2022, Prime Minister Kassim Majaliwa said the Loliondo area with 1500 square kilometres will be demarcated to protect critical water sources and wildlife habitats. This has also been emphasized by the former minister of Natural Resources and Tourism Damas Ndumbaro during an interview with DW Kiswahili on 08/03/2022.
- On 03.06.2022, the Minister of Natural Resources and Tourism Pindi Chana explained in her speech delivered in parliament the government’s intention to promote the status of several Game Controlled Areas including Loliondo to Game Reserve.

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- On the 6th, 7th and 8th, various security forces were spotted in various areas of Loliondo to the shock of local residents who found it quite strange to see huge presence of not only the police but other security and defense forces. Local people also said that they were surprised to see a military convoy in their areas because there was no breach of peace or any security problem.
- In the wake of that state of shock, the residents bitterly cried asking God in the Kirtalo area to save them from unforeseen tragedy which they did not know where it would end. On 09.06.2022, all leaders representing 14 villages within 1502 square kilometres area were summoned by the District Commissioner and they did not ever returned home.

ii.) Leaders statements after placing of Beacons

The people told us that on 10.06.2022 there was excessive use of force by the defense and security forces which involved the placement of beacon slabs and attacks against local people. On 10.06.2022 When asked in parliament to explain what is happening in Loliondo on 10.06.2022, Prime Minister Kassim Majaliwa was quoted as saying the following:

"What happened did not reflect the situation on the ground, there is no threat, they went to the forest to place beacon to a remote area and the nearby village is located 8 kilometres away, local residents should go about their daily activities, they should not heed to any misleading information spread by some people who do not like the development of this country, there is no confrontation, there is no single soldier who went to the village to intimidate local people." **Statement of the Prime Minister Hon. Kassim Majaliwa issued in the Parliament, Dodoma on 10th June 2022.**

On 11.06.2022, the Arusha Regional Commissioner explained that one soldier was killed in the exercise of placing stakes. On 13.06.2022 the Chief Inspector of Police, Simo Sirro arrived in Loliondo and warned all the people who oppose the practice of placing stakes.

On 15.06.2022, the Minister for Home Affairs, Hamad Masauni, arrived in Loliondo and repeated the words spoken by Simon Sirro and ordered human rights organizations in those areas to be closely monitored as they move and the citizenship of the owners of those organizations probed.

It is also important to consider at this stage that all these actions have been taken without a Government Announcement, and therefore by legal interpretation the operation of placing beacons, arresting and assaulting local resident was unlawful.

On 22.06.2023, the Immigration Commissioner ordered a 10-day operation to arrest alleged illegal immigrants who allegedly were obstructing the exercise to place beacons. This led to the arrest of more than 100 citizens and 62 of them were brought to court for allegedly not being Tanzanians. Those citizens, however, had been released for lack of evidence.

(b) Propaganda in some Media organisations

During fact-finding mission visit, the team was informed that some media organisations were used to spread hate propaganda, including some influential people on the social media who fueled propaganda in support of land grabbing. The hate propaganda led to indicators of discrimination, the presence of false information from the media and some influential people, false information in sensational headlines such as, 'It is over in Loliondo' Civil organizations have been given Money in Loliondo' 'The Maasai are not buried', "The Maasai have gone to protest the Kenyan embassy" some of those media include; Jamvi la Habari, Jamhuri media and ITV.

A quote from Christopher Ole Sendeka (MP for Simanjiro), Honorable Speaker, with your permission I would like to quote these words from the Jamhuri newspaper dated 1 to 7 February 2022, it says:

*"Loliondo and Ngorongoro in general belong to Tanzanians. So we all have a responsibility to see that it continues to exist so that it is beneficial for Tanzanians and the whole world. It is impossible for one tribe in the country to refuse to obey the Government's plans, especially considering that what is done by the government is of great benefit to the public and the country." (I repeat), "it is impossible for one tribe to refuse to obey." **End of quote.***

(c) Intimidation against community leaders and the citizens as well as arbitrary arrests and incarceration of the community leaders

Before the acquisition of the village land, some leaders and human rights defenders were intimidated and some of them were arrested, especially those who opposed the acquisition of their land contrary to the legal procedure. Also, the statements made by government leaders were opposed by citizens in Arash ward on March 19, 2022 and

led to the Arash ward councilor being summonned to the Police station, locked up for several days and later released on the condition of reporting to the station regularly. But also the councilor of Malambo ward was called several times to the police station due to his stance against their land being confiscated contrary to the law.

Also the Chairman of the ruling Chama Cha Mapinduzi Hon. Ndirango Tajewo Olesenge was summoned to the immigration offices on 14 April 2022 for interogation regarding his citizenship. On June 07, 2023, local residents in Loliondo were shocked to see heavily armed troops roving in their areas until June 08, when the soldiers set up camps in various areas. On June 9, 2023, the soldiers began to put beacons within 1,502 square kilometres area.

After the exercise started, the council convened a meeting on 09 June 2023 and while the meeting was in progress, the Chairman of the meeting received a message on his phone from the District Commissioner containng a list of the names of some of the councilors who were supposed to go to the District Commissioner's office. Since those who were called were their fellow councilors, they decided to accompany each other to the District Commissioner and after arriving they were told that they were needed at the meeting of the defense and security committee.

The leaders continued to stay at the meeting without any direction and later the District's Administrative Secretary told them not to leave as there are people who want to talk to them. No sooner had they started moving than a group of soldiers stormed the room and ordered them to proceed to a special room. All their mobilephones were confiscated. When it was around seven o'clock at night, the leaders were transported to the Chekereni Police station, Arusha city where they arrived at around 06:00 in the morning.

The leaders were later informed of the death of the soldier who was allegedly killed by an arrow on June 11, 2022. The leaders remained in police custody at the station until June 16, 2022 where they were brought to the Arusha Resident Magistrate's Court and a case was opened for the murder of the soldier who was allegedly killed on the 11 June 2022.

d) Excessive use of State's security forces

During the exercise of placing beacons, the government security forces used force including, teargas canisters, live bullets against the citizens who gathered to oppose the seizure of their land. During the confrontation with security forces, local residents told us some people were shot, an elderly man Oriasi Oleng'yo a resident of Ololosokwan village went missing and also in the village of Piyaya there is a child who went missing and until today he has not been seen and also some deaths were reported in the village of Piyaya where the child died after being trampled on by women who were running for their lives and fell on the child and also in the village of Malambo.

One person was reportedly trampled on by operation vehicles. Some women have complained that some of their colleagues suffered miscarriage due to the fear of gunshots and teargas bombs and there are also reports that some women had been raped.

e) Placement of beacons

The very first exercise was the exercise to set boundaries (beacons) on 1,502 square kilometres area. This exercise previously according to the Prime Minister was an exercise to determine the boundaries of the 1,502 square kilometres area only and not to acquire it. (No village is removed; no resident will be evicted - the statement made by the Prime Minister Kassim Majaliwa Majaliwa in the Parliament in Dodoma. This exercise started without any participation of the local residents. This exercise was conducted by the security forces including soldiers from various forces in the country.

This operation was conducted with heavy use of teargas bombs and live bullets were fired in the air according to the citizens interviewed. Many police cars and many soldiers trooped on the outskirts of the villages bordering this 1,502 square kilometres area. The beacons were placed from Ololosokwan ward and ending in Sanjan sub-village, Malambo ward. This procedure was used to demarcate 1,502 square kilometres area.

On June 10, 2022, the Government officially started the exercise of placing beacons within the area surrounding 14 villages, Loliondo Division and part of Sale Division in Piyaya and Malambo ward. This exercise, which was being managed by government agencies under the supervision of the Arusha Regional Commissioner John Mongella was completed on June 23, 2022 where a total of 424 beacons had been placed.

g) Re-survey of village area

Various measures continued fuel the government's desire to acquire 1,502 square kilometres area, including various District's Land use Management plans whose agenda was to ensure that 1,502 square kilometres area is apportioned from the village land. For example, the first plan for the year 1993-2008 (Ngorongoro District Land Use Framework Plan (1993-2008) was prepared with the support of OBC and classified the area (currently estimated to be 1,502 square kilometers) as an area that should be used for the purpose of conservation of wild animals and tourism alone.

This plan along with others subsequent plans have always been in line with the desire to take this area under the pretext that it is to protect the ecology, breeding grounds of wildebeests as well as wildlife corridors. For example, the District Land Use Plan for the year 2010-2030 was designed with the same strategy to apportion this area, all these plans have been more influenced by the OBC company and also later the presence of the German organization Frankfurt Zoological Society. All these measures have been opposed by the people through their council.

h) Declaration of the Pololeti Game Controlled Area and later upgraded to the Pololeti Game Reserve

According to the Wild Animals Act of 2009, any exercise intending to declare Game Controlled Area from the village land must take into account all the basic conditions. One of the legal requirements is for the responsible Minister to consult with the local Government. This condition was not considered during the acquisition of village land and turn it into Pololeti Game Controlled Area and subsequently Pololeti Game Reserve. The 1,502 square kilometres area was part of the registered villages some of which had land ownership documents.

According to earlier remarks made by the Prime Minister, the exercise to place beacons was not meant to directly acquire the area, he emphasized that immediately after placing of the beacons there will be participatory meetings with local community to discuss the fate of that area, but that is not what happened. This area was hurriedly declared a Game Controlled Area when the exercise to place beacons had been completed without heeding to legal formalities governing acquisition of village land.

a) Land Use Management Plans

Other measures continued to fuel the desire to apportion 1,502 square kilometres land, including various plans to use District land whose agenda to ensure that 1,502 square kilometres is demarcated from the village land. For example, the Ngorongoro District Land Use Framework Plan (1993 - 2008) was prepared with the support of OBC and classified the area (currently estimated to be 1,502 square kilometers) as an area that should be used solely for wildlife conservation and tourism. This program and others that followed have always been meant to take this land under the pretext that it is to protect the ecology, the breeding ground for wildebeests as well as the corridor for wildlife.

For example, the District Land Use Plan for the year 2010-2030 had been crafted with the same strategy of apportioning this area, all these plans have been more influenced by the OBC company and later the presence of the German organization Frankfurt Zoological Society. All these measures have been opposed by the people through their council.

5.2.7 Challenges Related to Demarcation exercise

This section briefly describes the emerging human rights violations during the demarcation exercise of 1,502 square kilometres area. These challenges include various incidents of law violations and violations of human rights such as people being assaulted, their houses set ablaze demolition of homes, damage of valuable assets, murders, and mysterious disappearance of people.

a) The acquisition of the 1502 square kilometres area was not a participatory exercise

According to the findings of this monitoring, the exercise of demarcating 1502 square kilometres area was not collaborative and therefore did not have the consent of the local people nor their leaders. The principles of good governance and the rule of law procedures dictate that any activity that affects the areas used by the people legally there must be a participatory and legally binding process in making any decisions.

In communities, there are levels of governance such as village governments, ward governments and council of councillors, but all these social institutions have never held a meeting and approved to this exercise. There are no records at the district or village level that show that the respective villages and this area were fully involved in this exercise.

The process which was part of community's effort to find an avenue for participation before this exercise is implemented include the community's recommendations report prepared by the community's committee. Through this committee the people managed to submit their recommendations to the community on May 17, 2022, but this recommendation had not been considered. Instead, three weeks later, the people saw various security forces vehicles entering Loliondo ready for the demarcation exercise without any explanation about the fate of their recommendations.

More than 7000 citizens provided their opinions and suggestions to beef up their report in various ways. The people used a special community committee from 8 wards formed by the people under the leadership of the Member of Parliament for Ngorongoro District and the District Chairman of the ruling Chama Cha Mapinduzi party CCM aiming to recommendation of how best to resolve a raging land dispute on the disputed 1,502 square kilometres land. This committee comprised more than 40 members from all 8 wards, including councillors, Ngorongoro District CCM leaders, village chairmen, traditional leaders, women representative, youth and community experts with the aim to coordinate the people's suggestions.



Photo 5.1: A Section of delegates of the people's committee from Loliondo and Sale Divisions reviewing first draft of the report.



Photo 5.2: A cross-section of people from Loliondo and Sale Divisions during a general meeting to discuss land dispute.

The citizens through their committee made use of community meetings, traditional meetings that brought together all groups of the society to express their opinions. The following table from the people's report of Loliondo and Sale showing how the citizens were ready to give their opinion and to be ready to discuss about this area.

Table 5.1 : List of information gathering meetings in Loliondo na Sale Divisions

No	Area	Date	Type of Meeting	Number of people
1.	Ormanie Village	29 March 2022 2 Aprili, 2022	Review of feedback from Arusha recommendations committee	545 707
2.	Piyaya Village	15 Feb, 2022 7 Aprili, 2022 19 Aprili, 2022	Discussions on Land dispute (1500 sqkm) Receiving feedback from Arusha Ms TCDC, Meeting to sum up community recommendations	295

3.	Arash Village	15 January, 2022, 5 February, 2022 26 February, 2022 5 March, 2022 19 March, 2022	Discussions to present recommendation on 1500 sqkm land dispute	1516
4.	MS-TCDC-Arusha	3-4 April, 2022	Review of first draft of the report	60
5.	Lush Garden -Arusha	24 April, 2022	Review of second draft of the report	65
6.	Ormanie villaे	28 April, 2022	General meeting to present and to go through second draft of the report	258
7.	Malambo	April 2022	General Meeting to present and review the draft report	745
8.	Madukani	April 2022	General meeting to present and review draft report	328
9.	Kirtalo	March-April 2022	General meeting to present and review draft report	373
10.	Ololosokwan	March-April 2022	General Meeting to present and review draft report	652
11.	Oloipiri	March-April 2022	General Meeting to present and review draft report	379
12.	Maaloni	March-April 2022	General Meeting to present and review draft report	415
13.	Mbuken	March-April 2022	General Meeting to present and review draft report	314
14.	Loosoito	March-April 2022	General Meeting to present and review draft report.	296

15.	Olalaa	March-April 2022	General Meeting to present and review draft report.	225
16.	Engobereti	March-April 2022	General Meeting to present and review draft report	271
17.	Oloiswashi	March-April 2022	General Meeting to present and review draft report	259
Total				7,703

Some of the people's recommendations in this Loliondo report provided an avenue for dialogue between the people and the government in planning how to use this area together. In that sense, if the people's recommendations had not been taken lightly, there would be no reason to send forces to Loliondo to forcefully take the area through bloodshed.

b) Excessive use of state's security forces

Various reports from the people in all the eight wards that this operation was conducted show that there was a great use of force when acquiring 1502 square kilometres area. Approximately more than 50 vehicles of various security forces are believed to have been deployed during the exercise throughout this zone of eight wards with an area of 1502 square kilometres.

Many armed forces, equipped with tear gas were spotted surrounding all the places where the beacons were planned to be erected. During this exercise, residents complained that there was an arbitrary use of bullets and bombs. Shots were frequently on air and bombs were fired to disperse people. The gunshots caused great panic and shock in the community. Some residents ran away, and pregnant women suffered miscarriage due to the shock. Some livestock were shot and others have been lost.

c) Loss of life and loss of people

The following information describes mysterious disappearance of people during the operation to place beacons and subsequent deaths resulting from the operation as described by the victims from each ward.

- i. Due to excessive use of force against local people in the course of implanting this exercise, the findings of this monitoring suggest one police officer who was allegedly hit by an arrow died during confrontation between the people and security forces in Ololosokwan ward.
- ii. It has been found that an elderly person Oriasi ole Ng'iyo, (80) who was injured during the brutal operation is still missing todate.

- iii. It has been revealed that one child from Piyaya Village went missing during this operation and his whereabouts are unknown.
- iv. The people of Piyaya also told us about a child who died after being trampled on by women who were desperately running for their lives.
- v. More than 30 people had been assaulted and sustained injuries and had to seek medical attention abroad.
- vi. There is also information suggesting that a local resident from Malambo ward died after he was run over by Operation vehicles.

d) Mass arrests of people including political and community leaders

This exercise to install beacons was accompanied by mass arrests of the residents in the respective areas. The research has found that, at least 30 people had been arrested in each ward during this exercise. Approximately 200 people were arrested and charged with various criminal offences such as murder, citizenship offences, illegal entry offences and others since the start of the operation. Many ended up in police stations and had to pay bribe of up to Tshs 3 million to be released.

The suspects whose cases reached court stage include 14 community leaders and 12 other residents were charged for murder, and 62 others were charged with citizenship offences. About 100 cases managed to reach the court and the suspects were later released due to lack of evidence.

Twenty seven (27) residents along with the leaders who were facing trampled up murder charges in the Arusha Resident Magistrate's Court (Preliminary Case No. 11 of 2022 Republic against Molongo Daniel Paschal and 26 others) spent more than six months in prison. The Director of Public Prosecutions then withdrew the case from court. Also, 62 people, who faced different charges were accused of not being citizens of Tanzania, but they were later released after the prosecution failed to prove the claims beyond reasonable doubt. (For example, the Republic case against Paulo Yale Mako and his four others, Case 15 of in 2022, Case 16 of 2022 Republic against Samson Joseph Kipukya and 6 colleagues etc., these cases were filed in the Ngorongoro district court located in Loliondo).

e) People fleeing the country

Due to excessive force that was used during this operation, approximately two thousand (2,291) Tanzanians fled to the neighboring Kenya to avoid being assaulted, arrested and connected in various cases. Out of those 2,291 citizens 1,652 were children, 528 women, 100 men and 30 other human rights defenders). There were also 30 critically ill patients who fled along with their relatives. Among those who fled, there were about 30 wanted human rights defenders, possibly connected to the murder case filed in the court. Until now, it is not known if all displaced people have returned home and get on with their daily lives.

f) People beaten up, suffered injuries are denied treatment

Due to the tension that emerged between security forces and residents, some people sustained serious injuries and needed urgent medical attention. For example, in Olosokwan ward alone, only 30 people were beaten and wounded by rubber bullets and live ammunition. Many claimed that they were denied treatment in Loliondo health centre because they were required to provide a PF3 police form. They did not want to go to the police station and be in trouble.

In the end they crossed into Kenya and got medical treatment at Posmoru hospital in Narok County in Kenya. Some of the victims of police brutality who sustained wounds are still limping and others still being treated to heal the wounds they sustained.

Finally, many went to the neighboring country of Kenya and received treatment in hospitals in Posmoru and Narok in Kenya. Some citizens until now, others are limping, and others are still going to the clinics due to the injuries they had.

g) Emergence of Eto arrest Illegal Immigrants

Another challenge that made placing beacons exercise to be perceived as excessive of force was to use citizenship as a weapon to scare people. Because the Maasai community exists on both sides of the border (Kenya and Tanzania), citizenship matter has been used to inflict fear among people in that area. More than 150 people had been arrested and charged for citizenship offences. Many of such cases ended up in the initial stages, but 62 people had been brought to court and had their cases heard.

On the 31st of May 2023, through the Parliament of the European Union, the Ambassador of Tanzania to Belgium, Mr. Jesters Nyamanga, who was accompanied by some Tanzanian officials, including Professor Malebo from the UNESCO Tanzania Commission, made some misleading remarks, accusing some Maasai groups in parts of Ngorongoro district including Purko, Loita and Laitayok as not natives/citizens of Tanzania but Kenyans!

The truth is that 99.9% of the residents of the Arash, Maaloni, Oloirien, Soitsambu and Olosokwan wards are Purko, Loita and Laitayok and they are legitimate Tanzanian citizens who have been in those places for many centuries like Serengeti and Ngorongoro.

h) Lack of freedom of the Press

During this fact-finding mission, we have also discovered that there was a serious violation of freedom of expression and the freedom of the media to provide information about this operation. Many local media organisations were threatened. Rumours had it that local reporters had been banned from airing or publishing

correct information that reflect the real situation on the ground. Instead, some media outlets had been deployed to spread hate propaganda against the people of Loliondo. Many reporters failed to go to Loliondo to seek the truth fearing for their lives due to incessant threats.

For example, on February 03, 2022, a total of 6 journalists were arrested by Ngorongoro Conservation Authority warders as they follow a public meeting that brought together more than 200 villagers in Nainokanoka ward in Ngorongoro division. The villagers were setting strategies to cope with threat forcing them to move out of Ngorongoro.

The journalists were arrested and threatened for entering in the NCA without permit when in fact they had all the permits. The Journalists are: Janeth Mushi of Mwananchi, Julius Sagati of Star Tv, Amina Ngahewa of Mwananchi Digital, Allan Isack of Nipashe newspaper, Profit Mmanga of Wasafi Tv and Apolo Benjamin of Daily News Digital. But also reporter Thobias Mwanakatwe of Nipashe Newspaper and Joseph Kimambo of Dar Mpya along with their driver Majuka Ngisaayo who was an employee of PINGOs Forum organization were arrested on February 17, 2022, to track and shoot on what was happening in Ngorongoro.

i) Lack of freedom of Human Rights Defenders

Human Rights Defenders as well as organizations defending pastoralists rights have until now been facing hard time when conducting their advocacy activities throughout this exercise until now. Some community defenders found themselves fleeing the country to save their lives while others have been falsely charged with murder. Every government leader who went to Loliondo area stated that they would wage a war against community defenders and other human rights groups. These organizations were regularly searched and their leaders were asked to report to the security organs.

In February 2022, the Tanzania Human Rights Defenders Coalition (THRDC) in collaboration with 20 religious and human rights organizations was stopped from visiting the Ngorongoro district to monitor human rights situation. The aim of the visit was to monitor human rights situation, hold meetings with local residents and various government departments in the Loliondo, Sale and Ngorongoro divisions to collect accurate information from the grassroots level about the land dispute in the Ngorongoro district.

However, the visit was stopped by the Arusha Regional Commissioner when the organizations arrived in Arusha, on the grounds that they did not have permission to conduct their visit from the Prime Minister's office, Regional Administration and Local Government. The Internet wrote a letter to Prime Minister's Office (RALG) but it has not been responded to.

Community advocacy organizations and community advocates have been perceived as a threat in strategies like this, especially when they stand up to defend community rights. Defending community rights in Loliondo has had serious consequences for the work of organizations and the work of human rights defenders. Many advocates have fled the Ngorongoro District due to poor working environment.

Challenges threatening human rights defenders began even before this boundary setting exercise. Community defenders began to be harassed and arrested and frequently summoned to police stations. For example, during the preparation of the people's, political leaders traditional leaders and human rights defenders, recommendations of citizens, political leaders, traditional leaders and human rights defenders were arrested, summoned to police stations and questioned while this report was being drafted.

Table 5.2 :Some political leaders, traditional leaders and Human Rights Defenders who have been arrested,summoned in police stations and interrogated during the exercise to gather people's opinion (Machi-Aprili 2022).

No	Leader	Ward/ Village	Position	Date of Arrest	Sent to	Case Status
1.	Joel Clemence	Malambo	Councilor		Loliondo na Arusha	-
2.	Motiko Risando	Malambo	Village Chairman		Loliondo	-
3.	Simon Ndari	Malambo	Laigwanani		Loliondo	-
4.	John Kulinja	Malambo	Laigwanani		Loliondo	-
5.	Simon Ole Nairi-amu	Piyaya	Councillor		Loliondo	-
6.	Moloimet Saing'eu	Ololosok-wan	Councillor		Loliondo	-
7.	Ndirango Olesenge	Loliondo/Orgoso-rok	CCM Chairman Ngorongoro District			-
8.	Mathew Siloma	Arash	Councilor		Loliondo-Arusha	-
9.	Mbeka Rago	Maaloni	Councilor		Loliondo	-

The Human Rights Defenders Coalition and its associates spent a lot of time to ensure that human rights defenders remain safe and continue their advocacy work.

j) Loss of livestock and being eaten by wild animals

This exercise of placing beacons together with the acquisition of 1500 square kilometres land also caused severe problems for the people of these eight wards. Since this exercise was carried out with the use of weapons in crowded areas with pastoral activities, many livestock were lost and some were eaten by wild animals. The people who were interviewed during this visit explained painfully how this exercise caused loss of some of their livestock such as goats, sheep, cows and donkeys.

The people who were erecting the beacons, gave a few hours deadline for residents, some of whom herding cattle in the vicinity to leave. In some cases, security forces opened fire in the air to intimidate people in the 1500 square kilometres area. Also, some cows and donkeys had been shot according to the people living in the vicinity of the current Pololeti Game Controlled Area. For example, in Arash ward, 17 cows were shot.

k) People were displaced from their homes and others left their property

During the exercise, some people had their permanent homes demolished. The most affected wards where residents had their homes destroyed during this exercise include Arash, Ololosokwan and Malambo wards. Local residents in these wards lost their houses along with the personal effects that were in their houses. According to their explanations, officials placed beacons beyond the 1500 square kilometres area thus affecting people permanent residences.

For example, in Malambo ward, the two sub-villages of Ndyyeka and Sanjan are the most affected by this exercise. These sub-villages have lost many livestock, houses, community service areas such as churches, health centres and water wells. For example, in Sanjani sub-village, 120 houses (81 traditional houses along with 40 corrugated iron roofed houses) which were demolished had 450 family equal to a total of 1982 people, two nursery schools, four clinics, one large church and three rainwater tanks.

Another sub-village in the same Malambo ward that was affected is Ndinyeka. This sub-village had 100 houses (89 mabomas, 11 corrugated iron-roofed houses) with 287 families equal to 1468 people. There was one nursery school, two vaccination services centres for women and children, a large church that has not yet been demolished and seven water ponds.

Table 5.3 : Domolished residences and Infrastructures

No. Ward	Residences/ family/Amount	School	Clinics/Health ICentre/ Social Service for Women and Children	Churches	Wells/ Ponds
Malambo	220 houses (169Traditional homes and 51 corrugated iron sheet homes) with a total of 737 families and a total of 3442 people	Shule tatu za awali	Clinics 6	Two churches	Three wells and seven ponds

This act of demolishing people's homes has caused misery to approximately four thousand people, who have been rendered homeless and lost basic services. The most affected people come from Malambo ward, who currently do not have shelter nor basic services they used to rely in the acquired areas.

5.2.8 ' People's demands on Demarcation Exercise

This subchapter presents people's opinions about this exercise as presented during our visit. Their opinions are focused moree on the exercise to install beacons as well as all the challenges that arose during this exercise.

- a. The should be an avenue for the government and local residents to establish the facts on the ground and reconcile after the suffering that was inflicted following the events that occurred.
- b. That the people of Loliondo and Sale divisions do not have alternative land for their main economic activity which is pastoralism. Therefore, losing is tantamount to completely eliminate the community. The people in some wards including Malambo and Piyaya, claimed that they live in semi-arid areas which do not support other economic activities including farming only pastoralism is possible. In that sense, losing grazing land is creating a vicious circle of poverty and hunger for the community. This has become a reality to many local people whose livelihoods have been destroyed in the wake of the exercise to place beacons on swathes of village land. The people, therefore, call upon the government to return the demarcated land since they don't have altenative land.

- c. Because many people were hurt in course of implementing this exercise, there should be compensation for those who were hurt as well as those who have until now lost loves ones.
- d. Since this exercise was not participatory, the people recommend that there should be a joint dialogue between the government and the residents of these eight wards adjacent to Pololet Game Reserve to draw up plans on how to jointly use this area, especially when the people need it only during dry season for pastures.

5.2.9 The Government's clarification on emerging Challenge of Demarcation Exercise

After visiting the Loliondo and Sale Divisions, we identified the challenges mentioned above and so we had to write a letter to the government seeking clarification. Apart from writing letters and repeatedly send reminders, we did not manage get the government's response in writing. So the only clarification available here is the one the government has on various occasions presented, including in Parliament or in past meetings with the people.

Prime Minister, Hon. Kassim Majaliwa on June 23, 2022, congratulated all the institutions that were coordinating the marking exercise in the Loliondo Game Controlled Area area for completing the placement of the 424 beacons intended to be placed. The Prime Minister gave these compliments when he visited the 1,500 square kilometres area to see the progress of demarcating the reserve area.

Speaking during the exercise, Mr. Majaliwa said that the area is of great significance to Tanzanians and even beyond

This is a value endowed to us by God, the presence of wild animals is a great attraction for our tourism activities, it is important to protect it." "The construction of various development projects in the country is based on the taxes that the Government collects from different areas, including the tourism sector," He said that the exercise that took place was just putting marks, and no one would be evicted from the villages surrounding the area. "

Meanwhile, the former Minister of Natural Resources and Tourism, Dr. Pindi Chana said that the area is important in the tourism sector and it is the responsibility of the Ministry to ensure that the area is protected. "We have issued a GN, now it will be called Pololeti Game Controlled Area of 1,500 square kilometers." On his part, the Minister of Livestock and Fisheries, Mr. Mashimba Ndaki said that the Government is continuing with the construction of a large dam that will be used to water livestock in the Loliondo area.

He said that the Government is building 10 water ponds for livestock bathing and two ponds have already been completed while the other eight are in various

stages of construction. "The government cares and looks after livestock keepers," he emphasized. And for his part, the Minister of Water, Mr. Jumaa Aweso said that the Sixth Phase Government will continue to deliver clean and safe water services in all areas of the country including Loliondo²³.

But also the government through a meeting of the Office Ngorongoro District commissioner, the defense and security committee, Experts from the District Council Commission, together with the Chairmen and Village Executives Officers held a meeting and clarified about drawing up a Land Use Management Plan as well as land survey of 14 villages after Government's acquisition of 1,502 square kilometres area. During that meeting, the Ngorongoro District Commissioner Hon. Raymond Steven Mwangwala thanked the National Land Use Planning Commission (NLUPC) in collaboration with the Ngorongoro District Council for working on preparing Land Use Plans in 14 villages located in 8 ward in Loliondo Division. This work also involved the surveying of Village boundaries, the issuance of village land certificates, the preparation of Planning as well as the issuance of Certificate of Customary Right of Occupancy to residents.

The District Commissioner claimed that local residents in those villages at different times came to his office requesting to have their villages surveyed. In addition, the District Commissioner said that the preparation of land use management plans will help the people in those villages to use the land for their various activities in order to attain economic and social progress while preserving the environment.

Apart from that, the Executive Director of the Ngorongoro District Council, Dr. Jumaa Mhina said that the exercise of drawing up Village Land Use Plans will help ensure the ownership of village lands to the people as well as resolving border disputes between villages. "The surveying and villages planning exercise will also help to eliminate land disputes and feelings that the government has a plan to acquire their areas because the villages are going to get land certificates that will help them be sure of the ownership of their land" said Dr. Jumaa Mhina

Director of Land Use Planning, Management and Coordination, Mr. Jonas Masingija Nestory from the Commission said the work is divided into four main parts. Those parts are the Surveying of Village boundaries, Issuance of Village Land Certificates, preparation of Land Use Plans and Preparation of deep Plans which will involve measuring pieces of land and issuing Certificate of Customary Right of Occupancy. "Along with the preparation of land use plans, there will also be a survey of the boundaries of the villages, so that each village know its boundaries, to identify the various uses that exist in each village, including residential areas, farming , grazing, forests reserves and water sources, in order to solve the previously existing challenges" stressed Mr. Masingija.

23 <https://www.vaticannews.va/sw/world/news/2022-06/zoezi-wakazi-ngorongoro-kuhamia-msomera-handeni-tanga-maasai.html>

Speaking in the parliament in Dodoma Hon. Prime Minister Kassim Majaliwa said 'there is no confrontation, no police officer who went to the village to intimidate people, because in all the plans no village will be removed, no citizen will be evicted the people of Loliondo should calm down', said Majaliwa adding, "that area belongs to all of us and we will coordinate it properly after placing those beacons , just to indicate the area we are conserving, we can jointly coordinate, that is the government's objectives for the Loliondo area"

The government objective to go ahead with the Loliondo exercise hinges on the area's significance for ecology and wildlife conservation in Tanzania. Government plans and intentions have for a long time been to protect Game Controlled Areas, including Ngorongoro, Serengeti national park and Loliondo Game Controlled Area. As part of the plan the government was aiming to remove livestock enclaves (Bomas) as well as setting boundaries and markings to separate these areas from the land used by villagers for their economic and social activities.

The demarcation of Loliondo exercise, which resulted in the death of one police officer, and some villagers were injured in clashes opposing the exercise, is a continuation of the government's intention to acquire village area. However, speaking on the BBC twice the government's spokesperson, Gerson Msigwa, he insisted that the situation in Loliondo is calm adding that the killing happened because local people were chasing the police, during the demarcation exercise, a distance of about 8 kilometers, from where people live.²⁴

24 <https://www.bbc.com/swahili/articles/c726w2gg7zlo>

SECTION 5

PART THREE

EMERGING CHALLENGES AFTER CONVERSION OF 1502 SQUARE KILOMETRES AREAS INTO RESERVE

5.3 Introduction

Various challenges have been emerging in the wake of the acquisition of 1,502 square kilometres area by the Government and later turned into a Pololeti Game Controlled Area. It is important to remember that the area that was taken was the only area that the people depended on for feeding their livestock, drinking water for both humans and livestock and it was a residential area for some people. So, after the area was taken over by the government, several challenges have been emerging as described in this chapter.

5.3.1 Challenges that Continue to Emerge After acquisition of Village Land

a) Livestock to be Seized, Confiscated and Fined

This is a very big challenge for the residents of Kirtalo, Soitsambu, Arash, Malambo, Sale, Piyaya, Loliondo, Ololosokwan, etc. Their livestock has been seized in large numbers, sold at auction and some will be confiscated. Local people told us that when livestock owners were identified they were prosecuted in court and fined one hundred thousand shillings (Tshs. 100,000) for cattle and Tshs. 25,000 for goats or sheep.

For example, in the month of November alone in 2022, 2,276 cows were confiscated in Arash ward for allegedly entering the Serengeti national park. For the entire ward of Arash from June 2022 to April 2023, the fine paid by the pastoralists is 860 million for allegedly allowing their livestock to enter the Pololeti Game Controlled Area and the Serengeti national park.

Table 5.4: Number of livestock seized and the amount of money used to redeem by ward

No.	Ward	Number of livestock seized and redeemed	Amount of money spend to redeem seized livestock	Confiscated and auctioned Livestock	Number of families left without cattle
1.	Arash		860,000,000	2, 276	180
2.	Piyaya				
3.	Malambo	2,820	118,525,000	124	
4.	Olorien	No record	No record	No record	No record
5.	Maaaloni	No record	No record	No record	No record
6.	Ololosokwan	3,846	789,800,000	55	
7.	Soit Sambu (Kritalo village)	More than 10,000	More than one billion	No record	No record
8.	Oloipiri	No record	No record	No record	No record
Total		16,666	2,768,325,000/=	2,455	180

In general, local residents in these eight wards have suffered a lot economically as this monitoring has revealed that they have already lost more than half of all livestock in this area and also for all eight wards the people have already paid more than 3 billion as fines and also as bribes in unofficial ways to redeem their livestock trespassing into the demarcated village land. For example, the wards that have been severely affected by the death of livestock and paid the most fines are the wards of Arash, Ololosokwan, Soitsambu and Malambo.

b) Warders directing livestock into the Serengeti National Park

During our visit, the people of the Loliondo and Sale divisions said that the soldiers guarding the Pololeti wilderness have had the habit of chasing livestock and bringing them into the Pololeti Game Controlled Area and finally into the Serengeti national park with the aim of charging a fine or confiscating the livestock in case the owner will not show up.

For example, Solio Toroge, a resident of Loliondo, was charged in the Serengeti District Court on suspicion of leading 440 heads of cattle into the Serengeti National Park in March 2023. The district court decided that Mr. Toroge should repossess his cows because there was no evidence suggesting how the cattle trespassed into the Serengeti national park without passing through or being caught in the Pololeti Game Controlled Area. The Director of Public Prosecutions appealed to the High Court of Tanzania and Mr. Toroge was ordered to pay a fine of five thousand shillings for each cow for each day that the cows were held by the Sererengeeti national park warders. He paid more than 70 million shillings for all the cows.

c) Livestock Dying due to Drought and Lack of Water

During our visit, the people told us that many livestock have died due to drought within 8 months since this area was acquired. The area taken by the government was the sole source of water and pasture for livestock for the entire Loliondo and Sale divisions, especially during the dry season. The rivers with water sources are Ormungushi, Orkereyani, Esiyaiti and Emurgur and they have all been taken.

Before the Pololeti area was acquired by the government, there were about 973,745 livestock, but immediately after the area was acquired, all the wards surrounding the 1502 square kilometres area had its livestock decreased by almost half, especially cattle. For example, Arash ward had 56,000 cows, but after the area was taken by the government, 25,000 cows have died due to drought.

d) Lack of living settlements for local residents

During the exercise to acquire the 1,502 square kilometres area, local residents told this mission that they were given a notice to abandon their traditional homes within 24 hours. Their houses were surrounded by the soldiers who were conducting the operation and asked them to move immediately. So many had to move without knowing where they were going to live, a situation that has rendered them homeless and therefore they had no place to live. There are also no places for them to build houses since the remaining area is very small.

For example, in Malambo ward alone, more than 600 households lost a place to live after their homes were demolished during the demarcation exercise. Until now, there are families that failed to return to their normal life and they need to get emergency help them to get back on their feet. This situation has plunged the society in an appalling state of poverty.

e) Children's Failure to go to School due to Lack of Fees

The findings of this tour show that currently students have failed to go to school as a result of poverty caused by seizure, auctioning and fining of livestock, as well as death of livestock due to lack of pastures. Ninety percent (90%) of the economic activities for the pastoral community in this area are traditional pastoralism which very much depended on the area that had been taken over.

Pastoralists have been using their livestock as a livelihood to get their basic services such as medical treatment, food, education and so on. Many people are now finding it increasingly hard to pay the fees of their children who were studying in various schools.

f) Lack of Grazing areas, water and salt

During the visit, local residents complained that they currently do not have grazing areas due to the fact that the area they set aside for grazing has been taken by the government. For example, the size of Ololosokwan Village was 51,230 hectares before it was taken over by the government. The government has apportioned 25,000 hectares to become part of the Pololeti Game Reserve and this entire area was only for grazing and not for housing.

Table 5.5: To show the area before and after it had been acquired by the government

Ward	3 Villages	Area size before it was acquired (Hectares)	Acquired Area (Hectares)	Remaining Area (Hectares)
Soitsambu	Kirtalo	53,000	33,000	20,000
Arash	Arash		-	-
Ololosokwan	Ololosokwa	51,230	25,000	27,130

g) Cancellation of Various Projects and Services

The people of Ololosokwan village said that, they had invested in a joint venture project with the **And Beyond** tourism company where they leased their land before the area was taken. As a result of that investment, the village was generating a profit of Tshs 240 to 250 million per year and they were paying for health insurance for 30 families deemed poor in each village per year, the cost of treatment for critically ill patients, and educating students from poor families. Up to 2022, about 600 students benefited from the program. The acquisition of the village land denied the villagers a chunk of income let alone losing services that were being provided.

h) Hunger and rising Poverty levels

Local residents told this mission that they are pastoralists by their own nature and it is the only livelihood activity that brings them income such as getting food like animal based protein i.e meat and milk. But when the areas was acquired by the government a lot of livestock died. They have lost their economy, thus plunging deep in poverty and they are facing hunger. This situation has forced them to give each other food handouts so that they do not die of hunger. There are reports suggesting that some people have starved to death.

i) Lack of Water Service for the People

After the government acquisition of 1,502 square kilometres area which the primary source of drinking water for humans, local residents currently do not have drinking water service. Currently, women walk up to 18 square kilometres in search of drinking water and most of that water is drawn from ponds. There are no water wells for human consumption. The acquired area has rivers that human depended for their survival.

5.3.2 People's Concerns

- a) They no longer have grazing areas for their livestock, so they have requested to make use of 1,502 square kilometres for livestock grazing during dry season. For example, the remaining area of Piyaya is rocky, so there is no pasture for livestock.
- b) The acquired land is the main source of drinking water for humans and animals. Residents have requested to be allowed to fetch drinking water from the Pololeti Game Reserve but also to be allowed to let their livestock access water in the reserve.
- c) Requesting the President of the United Republic of Tanzania to be able to go to Loliondo and listen to their concerns so that they can be resolved. In general, the people need a dialogue with the government about the best use of the Pololeti reserve.
- d) Wild animals have routinely developed the habit of going to human settlements and feasting on the remaining little grasses. Locals do not have the habit of harming wildlife and have never done so, so they ask that even if livestock trespass to Pololeti reserve, they should not be impounded because wildlife and livestock are used to co-exist as a family.
- e) The people are asking for the Prime Minister's order to be implemented, the Prime Minister said at the beginning of 2022 that "we are erecting beacons, if any villages are affected, we will sit with the affected people". The people are requesting for an audience with the government.
- f) The people have claimed that they have been psychologically affected due to the suffering inflicted during the operation.
- g) Let the government respect and implement court decision on the said disputed area of Pololot Reserve.

5.3.3 The Government's Clarifications on People's concerns

Many efforts have been made to get government clarification on the concerns expressed by the people through meetings with the government or in writing, but all letters have not been responded to up to the compilation of this report. Letters were addressed to District, Regional Commissioners offices, NCAA, Ministry of Natural Resources and Tourism and Prime Minister's Office. The views seen in this report are the ones found in the Media.

SECTION 5

PART FOUR

ANALYSIS AND SPECIFIC RECOMMENDATIONS

5.4 Introduction

This section describes the analysis of the issues presented by the people during the tour as well as the clarification that the government made during the June 2022 operation.

5.4.1 Lack of grazing land Water and Salt

Local residents in Loliondo, and part of Sale (14 villages) have been affected by lack of grazing area after their land had been demarcated with beacons and was subsequently taken by the government. In a speech made by the Prime Minister when he was addressing legislators while postponing the seventh session of the 12 parliament in 30th June 2022 he said

"The government has carefully managed the exercise to install beacons on the 1502 square kilometres area which is important for the ecology of the Serengeti park and the Serengeti Conservation Area. Moreover, the government has continued to cooperate with the people of Loliondo in improving grazing areas for livestock, digging of water wells, construction of water ponds as well as drinking infrastructures for livestock across the 2500 square kilometres area.

But also before the exercise of erecting beacons in the 1502 square kilometres started Hon. Prime Minister said "we are placing beacons, if any villages will be affected we will have a meeting immediately". During this visit, we found out that after the beacons were placed, the people lacked grazing areas, water and shelter, but the government has never held meeting with the people affected by the exercise. There were no improvements to livestock pastures because the area that was taken by the people themselves was reserved for the purpose of grazing for their livestock and it was also the area that was the source of drinking water for humans and their livestock.

When the people were struggling to find grazing areas so that their livestock do not die for lack of grazing, the government has been seizing livestock that are found in

the pololet Game reserve forest and sometimes the warders guarding those areas have been accused of directing the livestock entering the area so that the livestock can be seized, auctioned or otherwise.

5.4.2 Lack of settlements for Local Residents

The Prime Minister Hon. Kassim Majaliwa said this when addressing the national assembly before postponing the seventh session of the 12th Parliament in June 30th 2022.

“ The exercise to place beacons, which has been completed by 100 percent will not affect people's development in 14 villages adjacent to that area. Furthermore, no single village will be wiped off and no infrastructures will be removed since the area within 1502 square kilometres of the Pololet Game Reserve has no infrastructures”.

During this fact-finding mission we realised that area was legitimate land belonging to 14 villages, thus there was built infrastructures of people's settlements. Because beacons have been placed in the area by 100 percent, some residents do not have settlements to live in since the area has been acquired by the government without any alternative plan and without being effectively involved.

Some of the residents have been forced to seek refuge in thatched houses belonging to their relatives. For example, in Malambo ward alone more than 600 families have no shelter. Their settlements had been demolished during the exercise to place beacons. Some family have todate failed to get back to their feet and they desperately need for emergency aid to help them cope with the intricacies of life. This situation has caused increase of poverty in the society. Although local residents have expressed grievances and outcry for lacking places to live , the government has never taken any steps to salvage that situation.

5.4.3 Livestock deaths for drought and lack of alternative water sources

The Prime Minister Hon Kassim Majaliwa said this when addressing the national assembly on 30th June 2022 before the postponement of the 7th session of the parliament;

“ Human activities including farming , livestock keeping and settlements are the main source of destruction of the ecology... which is critical to ensure sustenance of our parks especially

the Serengeti National Park. Moreover, such activities have contributed to the destruction of natural vegetatios thus causing shortage of pasture and water, dropping economic potential of pastoralists. Also the increase of livestock has caused widespread destruction of water and river sources. Such huge destruction of the environment has also caused extinction of wild animals".

During this visit we have discovered that Maasai pastoralists have for a long time been natural custodians of their surrounding nature and they have peacefully co-existed with wildlife without causing any harm for all the time they have lived together. Due to that situation wild animals have been freely mingling with livestock and in many cases found themselves sleeping in Maasai cattle enclaves. However after the acquisition of that area many livestock have died due to drought.

The government has never taken any measures to prevent this situation. There are no water reservoirs built to cater for humans and livestock. The areas acquired by the government was the main source of water and pastures for livestock for the entire Loliondo and Sale divisions especially during the dry season. It is an area with sources of water especially rivers perpetually flowing with clean water suitable for humans and livestock. Sadly, even human beings living in Loliondo do not have access to clean and safe water for domestic uses. For example, in Arash ward, which had 56,000 heads of cattle has lost almost 25000 cows due to drough after the area had been acquired by the government.

5.4.4 Seizing, Impounding and fining Livestock

Local residents in Loliondo and part of Sale Divisions especially Kirtalo, Soitsambu, Arash, Malambo, Sale, Piyaya, Loliondo, and Ololosokwan areas have continued to suffer because their livestock have been impounded enmass, sold in auctions and others seized or be fined of Tshs. 100,000 per cow and Tshs. 25,000 per goat or sheep.

For example at Kirtalo village, local residents have paid fine of a whopping Tsh 1 billion when their livestock were seized in Pololet Game Reserve. The government at district, regional and national level has never issued a statement nor any clarification on hefty fines that are being imposed. This situation has caused deep poverty for the Maasai pastoralists and the residents of the area from day to day.

5.4.5 Court's decision against Minister's statement

On 19.09.2023, the High Court of Tanzania, Arusha Registry ruled that the Minister for Natural Resources and Tourism did not follow procedure when declaring the area consisting 14 villages in Loliondo with the size of 1502 square kilometres as

Pololet Game Controlled Area. The High Court made it crystal clear that the minister's announcement No 421 of 2023 did not follow due procedure by involving local leaders in the area about the aim to acquire the said area therefore it is null and void. During that case which had been filed by 5 Loliondo residents the court has made it clear that it is legally mandatory for the minister to involve leaders and other stakeholders before their land has been acquired and converted into a Game Controlled Area.

When the court was certain that the minister did not adhere to legal procedure by involving stakeholders who are the victims of such an announcement, it did not nullify the announcement because the area had already been declared as Pololeti Game Controlled Area by the President under the notice number No. 604 of 2022 which technically removed the minister's announcement.

The court has instead said the right procedure is to file a case opposing the President's notice since the Minister's announcement ceased to exist. However, in the case filed by eight residents of Loliondo against the President's declaration, the court has ordered status quo be maintained regarding the operation of President Notice No. 604 Ia 2022 until when the case is decided by the court.

The courts order means, residents can continue to use their land as it was before . And therefore, the government is supposed to respect the court's ruling by letting the people use there area as it was before before it was acquired.

5.4.6 Specific Recommendations

3.4.4.1 To government

- a) We advise the government to intervene and stop the current procedure of capturing livestock in the Pololeti area and charging a lot of money to the people. Until now, in all 8 Wards, of Loliondo division and part of Sale division, the people have been charged and paid more than three billion since the area was declared a Game Controlled Area and Game reserve. All these funds were paid by the citizens to reclaim their livestock that had been captured in reserve as well as to buy those that were nationalized and auctioned. This issue has greatly reduced the economic condition of the community as they depend on pastoralism alone as a source of livelihood.
- b) The government should nullify its announcement of July 2022 (GN 420) which converted the 1502 square kilometres area comprising village land to be Pololeti Game Reserve so that the area will continue to be village land and continue to be used for multiple land use area as it was before because for a while the people have been using it and there has never been any harm to wildlife.

- c) Since the people of these eight wards are currently suffering from hunger due to the deaths of livestock lack of pastures and water, the livestock are being nationalized and some are being sold to obtain money to reclaim their livestock. We advise that collected funds be returned to the respective villages for providing food services, paying for school fees of students who are currently unable to continue with their studies as well as solving other challenges resulting from the destruction of 1,502 square kilometres area that was being used as dry season grazing land.
- d) The government should allow the people to graze in the Pololeti area during the dry season so that the cattle can get pastures and water to avoid the epidemic of livestock dying for lack of feed as it happened from June 2022 until now.
- e) The government should hold a discussion with the people about the use of 1,502 square kilometres area which pastoralists in Loliondo and Sale Divisions sorely depend for pastures and water for livestock.
- f) To restore peace, eliminate fear and treat the injuries inflicted by the beacon placing operation, we recommend that there be reconciliation talks between the government and the people affected by the exercise. This step will help identify the challenges that emerged during the exercise and ensure they will not be repeated soon here in Ngorongoro or elsewhere in the country. This issue can draw up a good neighbourhood plan that will also consider things that people can continue to benefit from in that area such as pastures, tourism job opportunities etc.
- g) Governments at District and Regional levels should open doors and create conducive environment for Human Rights defenders' organizations to work in Ngorongoro District, especially to deliver development projects to the community.
- h) Government to conduct a participatory assessment on the challenges that emerged during the operation to evict people and install beacons in Sale and Loliondo division.

3.4.4.2 To the People

- a. We ask the people to continue using judicial means in claiming their rights whenever they have been violated.
- b. We ask the people to hold meetings and discuss how to resolve the challenges they face.
- c. We advise the citizens to continue to maintain their culture suitable for the care of the environment as they have been doing in their normal lives. Planned Livestock keeping for better land use, which allows wild animals such as wildebeests to reproduce and later to use the land when the wildebeest and Zebra migrate to

the other side of the reserve. It is a suitable animal husbandry that need to be sustained because it is not harmful to the environment.

- d. We advise the pastoralists to adopt modern animal husbandry practices by raising a few by more productive animals. We also advise them to engage in other economic activities and entrepreneurship such as beekeeping, business, and agriculture.

4.5.5.3 For Development Stakeholders

- a) We are asking development stakeholders to contribute to various development projects in Loliondo and Sale divisions. In the entire Ngorongoro district, there are not many projects that are implemented for the development of the people, so it is important for stakeholders to participate in developing the Ngorongoro district.
- b) We ask you to encourage the government and other stakeholders to respect human rights and the rule of law in all aspects of the land acquisition of the people, especially the breeders who have been most affected in this period.
- c) We request Human Rights stakeholders and other development stakeholders to visit the areas affected by the land acquisition exercise as free people and to hold meetings with the citizens. This will help you get the right information about the entire process.

4.5.5.4 For Human Rights Defenders / CSOs

- a) We request Civil Organizations to implement various development projects in Loliondo and Sale divisions. For example, water projects, health, education, economic empowerment especially for Women and Youth
- b) We encourage human rights defenders and civil organizations to continue monitoring the human rights situation in Loliondo and Sale divisions.
- c) Continue to provide legal aid to the residents of Loliondo and Sale divisions.
- d) Continue to advise the government on the best way to solve the challenges in Loliondo and Sale division.

SECTION 6

GENERAL RECOMMENDATIONS AND CONCLUSIONS

6.0 Introduction

This section five describes the general recommendations for the Loliondo and Sale divisions. These recommendations have resulted from the findings we saw during the tour. Therefore, this chapter provides general recommendations about the findings of the monitoring of the incidents happened during and after village land acquisition exercise as well as giving conclusion of this report.

6.1 General Recommendations

- a) The government should intervene and suspend the current procedure of seizing livestock in the Pololeti Game Controlled area and impose hefty fine on the people. This is due to the fact that the matter has degraded economic condition of the local residents who solely depend on pastoralism as a livelihood.
- b) We recommend formation of a special commission of Judges to probe violation of human rights during the acquisition of village land and converted it into Game Reserve.
- c) The Government should see the need to return the funds collected from respective villages for providing food services, paying for students school fees who currently dropped out of school as well as resolving other challenges they face.
- d) Because the Maasai people have been in the forefront to preserve environment, the government should therefore allow them to rear their livestock in the Pololeti area during the dry season so that cattle can get access to pastures and water thus avoiding the tragedy of livestock deaths.
- e) The government should see the need to discuss with local residents on the uses of the 1,502 square kilometres area which was solely depended by pastoralists in Loliondo and Sale who do not currently have grazing and water area for livestock.

- f) The government should complete Loliondo–Mto wa Mbu road construction for tarmac road to attract economic stimulators which would generate alternative economic activities for pastoralists.
- g) The government at district and regional level should open doors and create conducive environment for human rights defenders' organisations to work in Ngorongoro district, especially by sending development projects.
- h) The government should conduct a participatory assessment on emerging challenges during the people's relocation exercise and beacon installation exercise in Sale and Loliondo divisions.
- i) Residents and traditional and political leaders should find a chance to discuss with district, regional government, and respective ministry in order to resolve the problem of seizing livestock and hefty fines imposed as well as grazing areas for their livestock.
- j) Residents are encouraged to frequently hold various meetings to discuss the best way to resolve current problems.
- k) Local residents are advised to opt for alternative income generating activities to grow their economy instead of only depending on livestock rearing which is to a great extent restricted in the current setting.
- l) We call upon development partners to sponsor various development projects in Loliondo and Sale ward. In the entire Ngorongoro district there are not many projects which are being implemented for people's development therefore it is important for the stakeholders to participate in improving Ngorongoro district.
- m) It is high time for civil society organisations to implement various development projects in Loliondo and Sale ward. For example, water projects, health, education, and economic activities for women etc
- n) We call up the government to halt the current process of relocating people from Ngorongoro and allow a wider community consultation as recommended elsewhere in this report.
- o) We recommend the Government at the District and Regional level to deliver the projects/social services allocated in the local government budget in the Ngorongoro division because it is the right of the residents of Ngorongoro to receive community services like other Tanzanians.
- p) We urge the Government to allow the independent media to investigate and find the truth in the Ngorongoro area, that is the side of society and conservation, to come up with results that will help find solutions to the challenges facing society and conservation.

- q) The relevant authorities, such as the Ministry of Information and Communications, should question and take action against the owners and editors of some newspapers and other media, which at different times have spent a lot of time spreading hatred and lies, making derogatory statements against the people of Ngorongoro.
- r) The Ngorongoro Conservation Authority should see the importance of issuing permits for important social services for human survival such as the construction of toilets, community service buildings, Endulen hospital, health centres, clinics, classrooms, housing, and students' dormitories.
- s) To prevent people from dying due to lack of treatment, the Government should allow emergency health care for the community that was provided by Flying Medical Service Ngorongoro.
- t) The government should suspend the exercise of the relocation of citizens to conduct a collaborative assessment on the challenges that emerged in the first phase of voluntary relocation.
- u) We ask the Government to advise and ask the Ngorongoro Conservation Area Authority to issue permits to civil organizations and other stakeholders to provide basic services to the community in the Ngorongoro Division.
- v) Civil Society Organizations are advised to find funds for the implementation of various development projects in the Ngorongoro division. For example, health projects, water, education, economic empowerment especially for mothers etc.
- w) We encourage human rights defenders and civil society organizations to continue monitoring the human rights situation in Ngorongoro Division.
- x) The government in collaboration with civil society organizations, community and community leaders and district leaders should prepare a voluntary relocation plan, which will provide a vision of how the people of Ngorongoro can be reduced through voluntary relocation without violating their human rights. For example, this program will have opportunities for the residents to choose how they want to leave voluntarily, as many have suggested to be given an opportunity to choose.

6.2. Conclusion

The Tanzania Human Rights Defenders Coalition along with NGOs who participated in the fact-finding mission, would like to express our sincere thanks to the people and leaders who accorded us cooperation during this mission. We thank them for providing useful and important information for drafting this report. We thank various stakeholders who have been in the forefront to promote, preserve and defend human rights, good governance and the rule of law in the country.

A photograph showing a pastoralist man in a blue shuka on the left and a young girl in a red and purple shuka with beaded hair accessories on the right. They are standing in a field with a large herd of cattle and sheep in the background under a clear sky.

📍 Mikocheni B, Eyasi Road, P.o.box 105926,
Dar Es Salaam, Tanzania
📞 +255 769 642208
✉️ info@thrdc.or.tz
🌐 www.thrdc.or.tz

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