



**Submission to the Universal Periodic Review  
by Minority Rights Group International,  
International Non-Governmental Organisation  
with ECOSOC Consultative Status**

**United Republic of Tanzania**  
12<sup>th</sup> Session of the Human Rights Council

3-14 October 2011

54 Commercial Street, London E1 6LT, United Kingdom  
Tel. +44 20 7422 4223, Fax +44 20 7422 4201, [www.minorityrights.org](http://www.minorityrights.org)  
Contact: Lucy Claridge, Head of Law, [lucy.claridge@mrgmail.org](mailto:lucy.claridge@mrgmail.org)

## **Introduction**

1. Minority Rights Group International (MRG) is an international NGO with over forty years of experience working to secure the rights of ethnic, religious and linguistic minorities worldwide. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG currently is working to promote the capacity of local NGOs to manage conflicts over land rights in Tanzania. MRG has prepared this submission with a local NGO partner organisation, which has provided a firsthand account of the included information, except where otherwise cited.
2. In line with the mandate of MRG, this report focuses on the rights of the Maasai as a minority and indigenous community in Tanzania. First, this report addresses recent developments in two major land disputes in the Ngorongoro District of Arusha. Second, it explains how eviction of Maasai from the disputed land threatens their livelihood. Finally, this report discusses the illegal arrests and harassment occurring in conjunction with the land disputes.

## **I. Land Disputes**

- Right to property (Art. 17 UDHR; Art. 14 ACHPR)
  - Right to adequate housing (Art. 11 ICESCR)
  - Right to development (A/RES/41/128 UN Declaration on the Right to Development; Art. 22 ACHPR)
3. This section addresses recent developments in two major land disputes with foreign investors in Tanzania: Tanzania Conservation Ltd/Thomson Safaris<sup>1</sup> and the Ortello Business Corporation. MRG asserts that the land alienation involved in these land disputes in Ngorongoro has deprived the Maasai of their ancestral land, and thereby, violated their rights to property, adequate housing, and development.

### **A. Tanzania Conservation Ltd (TCL)/Thomson Safaris (TS)**

4. The Maasai of Sukenya Farm, Loliondo, are at risk of losing their lands and livelihoods due to an aggressive tourism campaign by the Tanzanian Government, and conflicts with a local tour operator. Despite what its name suggests, Sukenya Farm is mostly open grazing land and lies between the sub-villages of Sukenya, Mondorosi and Enadooshoke. All three sub-villages are currently in Soitsambu Village within Soitsambu Ward, Loliondo Division. Sukenya sub-village alone is inhabited by 500 Maasai Pastoralists whilst Soitsambu village has a population of 7,000 residents. The Loliondo division of the Ngorongoro District of northern Tanzania is an area of 31,900 km<sup>2</sup> of which 59% is the Ngorongoro Conservation Area (NCA).

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<sup>1</sup> TCL, a Tanzanian incorporated company, shares the same co-directors as Thomson Safaris Ltd, also a Tanzanian incorporated company, and is similarly under the same ownership as Wineland-Thomson Adventures Inc, a U.S.-based tourism company. These affiliated companies mainly use the land for luxury tourist accommodation and other safari related holiday activities for their clients.

5. In 1984, the Tanzanian Government claimed 10,000 acres of ancestrally owned land (Sukenya Farm) from the pastoralists of Soitsambu Village and allocated it to Tanzanian Breweries Limited ('TBL'), a partially privatised parastatal company. The pastoralists, however, continued to use the majority of the land. On 22 June 2006, TBL sub-leased their property for 96 years to TCL. After registering the lease, TCL via its agents and employees burned down the bomas, and chased away the pastoralists who were grazing cattle on the land. There were concerning reports of violence by TS security guards and the police towards the pastoralists. Today, the pastoralists continue to be denied access to the land for grazing, farming and drinking water for their cattle.
6. In 2010, after several unsuccessful attempts to convince TCL to meet with village leaders, Soitsambu Village Council filed a complaint in the High Court of Tanzania, Land Division against TBL and TCL. The case claims that the land in question belonged to the village, not the state, on two grounds: first, that the land was initially taken by the Government without proper consent and consultation of the village; and second, that the land had reverted back to common village ownership, having been abandoned for over the 12 year statute of limitations permitted by Tanzanian land law. MRG asserts that depriving the Maasai access to Sukenya Farm, their ancestral land, violates their rights to property, adequate housing, and development.
7. TS and TCL have chosen to defend their investment by asserting that local opposition is fuelled by ethnically motivated jealousy, greed, and corruption. The Government, in collaboration with TCL and TS, has attempted to win over certain villagers to diminish support for the case and divide the community. On multiple occasions during the past year, Government officials and TS employees have met with leaders of Mondorosi sub-village to induce them to accept a donation to build a school. Despite threats of Government punishment, the leaders continue to vote against receiving the donation as they consider it a bribe. What the Maasai of Sukenya want is the return of their ancestrally owned land.
8. Furthermore, a representative from the district community development office announced their decision to form women's groups to sell beads to TS' clients and warned against interference from village leaders who view this initiative as exploiting the plight of the poorest people affected by the drought. TS chooses the women strategically from families forming women's groups around Sukenya Farm as a way to silence any women's movements and promote TS' local public relations. Again, this has created conflicts between individual women and the majority of women in Soitsambu Ward. Generally, TS' community efforts have targeted the Laitayok ethnic minority group of the Maasai for "partnership" efforts and have chosen to consider the Laitayok alone as the true indigenous owners of the land. MRG believes that TS is using this ethnic division tactic, which can lead easily to deep conflicts among clans, especially concerning division of the villages, to divide the community while the dispute over land rights is ongoing.

## **B. Ortello Business Corporation (OBC)**

9. OBC, a private hunting company from the United Arab Emirates, first leased the right to hunt in Loliondo Division in 1992. OBC has cultivated close ties with important national political leaders, as well as with the Wildlife Division and Ministry of Tourism and Natural

Resources. Recently, OBC has put increased pressure on the Government to evict Maasai from OBC's hunting area, which is also ancestrally owned Maasai village land. The forced evictions, which occurred in July 2009, have sparked a campaign supported by all seven villages in Loliondo, to stop Government efforts to create a new protected area, or "buffer zone." The proposed corridor does not belong to OBC and would alienate over 10% of all village land. Similar to the Sukenya Farm land dispute, MRG believes that the OBC land dispute violates Maasai rights to property, adequate housing, and development.

10. A report about the July 2009 evictions, prepared by a parliamentary committee led by the then Speaker of the National Assembly of Tanzania, Samuel Sitta<sup>2</sup>, which should have been presented in Parliament in February 2010, was instead presented to the Chama Cha Mapinduzi (CCM), the governing party, where all fourteen complaints from the MP for Ngorongoro were dismissed as baseless. Several MPs asserted that the report was not factually correct. In April 2010, women in Loliondo turned in or burned their CCM cards to protest the July 2009 evictions and burning of homesteads in Loliondo Game Controlled Area and the Government's plans to redraw the boundaries of village land to exclude Maasai livestock from their traditional pastures. They demanded that the parliamentary committee's report be tabled in the National Assembly, but it never happened.
11. On 22 May 2010, the Government launched plans to create a "wildlife corridor" where OBC would be able to carry out its hunting activities undisturbed by Maasai presence. With the incoming Wildlife Conservation Act, which was passed in 2009 and is close to implementation, the "wildlife corridor" will be upgraded to equal status with the national parks. The Act sets a framework for demarcation of village lands and the game controlled area, but a game controlled area can only be established officially on land removed from the villages. Subsequently, this land will be considered Government-protected conservation land, and therefore not open to Maasai livestock. As a result, the Maasai will be displaced from more of their ancestral land. Despite indications that the Government would consult with the village governments about these developments, village chairpersons, councillors, and community-based representatives only received the agenda for the Government meeting addressing this matter upon arrival. Contrary to the environmental protection justification for conservation of the corridor, no environmental destruction has occurred in the relevant area to give reason to expel the Maasai from the land. Several civil society organisations have filed an ongoing constitutional suit in the High Court of Tanzania regarding the July 2009 evictions. The defendants are the Attorney General; the Ngorongoro District Commissioner, Elias Wawa Lali; the District Police Commander; the then Minister for Natural Resources and Tourism, Shamsa Mwangunga; and the managing director of OBC. The case remains pending.

### **Recommendations:**

- Maasai land in Loliondo should be restored to the Maasai people and appropriate compensation awarded to those who have suffered as a result of the evictions.
- The Government should stop using foreign investors such as OBC and TS within its campaign to evict pastoralist communities.

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<sup>2</sup> Also the former director-general of the Tanzania Investment Centre

- Local government and the affected Maasai should be given the opportunity to participate fully and equally in Government meetings and decisions concerning local land.

## II. Denial of Access to Traditional Sources of Maasai Livelihood

- Right to life (Art. 3 UDHR; Art. 6 ICCPR; Art. 4 ACHPR)

12. The Maasai of Sukenya Farm have a semi-nomadic lifestyle based on pastoralism. They depend on raising livestock on their traditional lands according to annual patterns of rainfall and do not hunt wildlife, making their system of production compatible with the ecosystem. By their eviction from Sukenya Farm, the pastoralist Maasai community has been dispossessed of the land it has traditionally occupied. MRG asserts that the expropriation of the ancestral territories of Maasai ethnic groups and their forced displacement and resettlement remains an issue of grave concern. Evicting the Maasai from their land violates their right to life, because they are deprived of their livelihood.
13. Legal representatives of Soitsambu Village Council have made several attempts to request that the High Court of Tanzania issue a temporary injunction restraining TS and its employees and agents from denying the villagers' use of the Farm. The injunction requests also seek to restrain TCL/TS from any construction, development, or any change of its designated use pending the outcome of the main proceedings. The injunction application has not yet been heard by the courts. However, since September 2010, TS has continued to construct a permanent camp, staff housing, and luxury tented camps for dining and tourist accommodation. In January 2011, the company blocked a road used by MRG's local partner NGO to go to Irmasiling sub-village<sup>3</sup>.
14. Sukenya Farm continues to be heavily guarded by both private TS security guards and armed police who physically deny access to the Maasai. This has caused considerable problems for the pastoralists who have used the pastures of Sukenya Farm as a refuge for decades, particularly during acute drought. On 24 July 2010, TS guards turned away 500 cattle belonging to the Mondorosi and Irmasiling sub-villages, preventing them from using the Pololet River, which runs through Sukenya Farm and traditionally has been the community's main source of water. They told the owners of the cattle never to come to drink water or cross the disputed land. Blocking Maasai access to this vital source of water threatens their survival and that of their livestock.
15. The closest alternative source of water is at Kenya's end of the Pololet River, which takes approximately 2-3 days to reach on foot. This is not a sustainable solution. Denial of access to vital water sources has forced the people of Mondorosi, Sukenya and Enadooshoke villages to risk going to the Pololet River despite the presence of guards, sometimes going at night. In the words of the Soitsambu Village Council "water is synonymous with life"<sup>4</sup>. Unless the Maasai are granted access to Sukenya Farm, their circumstances will continue to deteriorate. Overall, the Government has done nothing to prevent the denial of access to Sukenya Farm water and grazing pastures.

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<sup>3</sup> A sub-division of Mondorosi village.

<sup>4</sup> Meeting minutes of Soitsambu Village Council, 11 November 2009.

### **Recommendations:**

- The practice of forced evictions from Sukenya Farm should be ended immediately, and Sukenya Farm should be returned to the Soitsambu villagers so that they are able to graze and access water for their livestock.
- Further commercial development of the disputed land, such as the construction of roads and houses, should be stopped.

### **III. Illegal Arrests and Harassment**

- Freedom from arbitrary arrest (Art. 9 UDHR; Art. 9 ICCPR; Art. 6 ACHPR)

16. Local police and TS guards constantly harass Maasai herdsmen within Soitsambu, especially when tourists are in the disputed area. Armed policemen are posted across the disputed land to prevent livestock from accessing water and grazing. This harassment includes the beating of young men and threatening to take them to the Loliondo police station. The Government is believed to have been using police arrests to instil fear amongst the community in order that they succumb to land dispossession. Those who have been detained have had to pay high fees to the police for bail. In one instance, Mr Kapoto Nairobi, who had been detained for four weeks after being arrested by TS guards for “grazing livestock on the company’s property”, paid Tsh 1,206,000.

17. The Government continually threatens to punish those in Soitsambu who support the community’s efforts over the land. For example, on 16 November 2010, Daniel Yamat, a TS employee, in a car with a police officer, interrogated Matayo Mbario from Sukenya sub-village regarding his interview with a ‘white journalist’<sup>5</sup>, and threatened to detain him at the Loliondo police station. Furthermore, on 16 December 2010, at the district council meeting, the District Commissioner stated that he is aware of NGOs and individuals who are “insulting the community” and that the Government will “deal with them”. Finally, over two years after a Prime Ministerial committee was formed to investigate allegations by the villagers, the committee’s report has never been made available to the public, although a summary has been made available to TS<sup>6</sup>. MRG believes that this indicates collaboration between the Government and foreign investors and potential corruption within the justice system, both of which lead to increased violations of the prohibition against arbitrary arrest in relation to the Maasai.

### **Recommendations:**

- The Government should undertake to ensure the physical security of the Soitsambu villagers and investigate thoroughly all allegations of brutality and criminality by the police and TS security guards.
- Allegations of corruption in the justice system should be investigated and addressed.

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<sup>5</sup> Joshua Hammer from Conde Nast Traveler – see Hammer, Joshua “Last Days of the Masai?”, Conde Nast Traveler, November 2010 issue.

<sup>6</sup> A summary of the Committee’s report appears in English and Swahili on Thomson Safaris’ blog at <http://thomsonsafaris.wordpress.com/2010/02/23/investigative-report-summary/>