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“It’s Like Killing Culture”

Human Rights Impacts of Relocating Tanzania’s Maasai



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Glossary	i
Map	ii
Summary	1
Key Recommendations	7
Methodology	10
Background	12
Tanzania’s Efforts to Improve its Image	12
Maasai’s Indigenous Practices and Conservation	13
Ngorongoro Conservation Area Multiple Land Use Plan	14
Previous Involuntary Relocation and Evictions of Maasai	19
Forced Relocation of Maasai from the Ngorongoro Conservation Area	22
Inadequate Free, Prior, and Informed Consent Process	24
Inadequate Consultation.....	25
Inadequate Access to Information	28
Funding Cuts to Social Services in the Ngorongoro Conservation Area	30
Defunding the Ngorongoro Pastoral Council	32
Impact on Access to Education	33
Defunding and Downgrading Health Facilities	36
Restrictions on movement in and out of Ngorongoro Conservation Area.....	41
Restrictions on access to pasture, water, and cultural sites in Ngorongoro Conservation Area.....	43
Access to Pasture	43
Access to Water Points.....	46
Access to Cultural Sites.....	47
Abuses by Ngorongoro Conservation Area Authority Rangers.....	48
Challenges Around Relocations to Msomera village	52

Existing Residents of Msomera	53
Inadequate Consultation and Threats by the Authorities.....	54
Clashes between Existing and Newly Relocated Residents.....	56
Maasai Relocated from Ngorongoro Conservation Area	57
Registration Criteria for Relocation	58
Inadequate Consultation Resulting in Culturally Inadequate Housing.....	59
Inadequate Compensation	60
Poor Access to Water and Loss of Livestock and Crops	62
Attacks against Critics of Relocation.....	64
Arrests of Human Rights Defenders.....	64
Restrictions on the work of NGOs and the media	65
Tanzania’s Legal Obligations	67
Protections for Indigenous Maasai People in the Ngorongoro Conservation Area	67
Rights to Property and Land, Including Customary Land Rights.....	68
Prohibition of Forced Evictions	70
Right to Culture.....	70
Right to Development.....	71
Right to Participation in Decision-making Processes, including Free, Prior, and Informed Consent (FPIC)	71
Right to Information	74
Rights to Freedom of Expression and Assembly	74
Right to Education.....	75
Right to the Highest Attainable Standard of Health	76
Rights-based Approach to Conservation.....	77
Right to Compensation.....	78
Right to Remedy.....	79
Recommendations	81
To the Government of Tanzania.....	81
To the Ngorongoro Conservation Area Authority.....	83
To the African Commission on Human and Peoples’ Rights	84
To Tanzania’s International Partners, including Conservation Organizations, Multilateral and Bilateral Development Agencies	84
To the United Nations Educational, Scientific and Cultural Organization (UNESCO)	85
Acknowledgments.....	86

Glossary

Game-Controlled Area (GCA): Locations designated under Tanzanian law that the president may set aside for biodiversity conservation, to preserve wildlife populations, promote tourism, and generate revenue through controlled hunting activities. Unlike game reserves, on GCAs, people can live, cultivate, and keep livestock unrestricted.

Indigenous peoples: The rights of Indigenous peoples are addressed in United Nations and African standards. Under international law, Indigenous peoples are ethnic and cultural groups with deep connections to their traditional lands and resources. They have distinct rights outlined in the UN Declaration on the Rights of Indigenous Peoples, including the right to self-determination, control over their lands and resources, and protection of their cultures and languages, and governments are obliged to ensure their free, prior and informed consent in decisions affecting them.

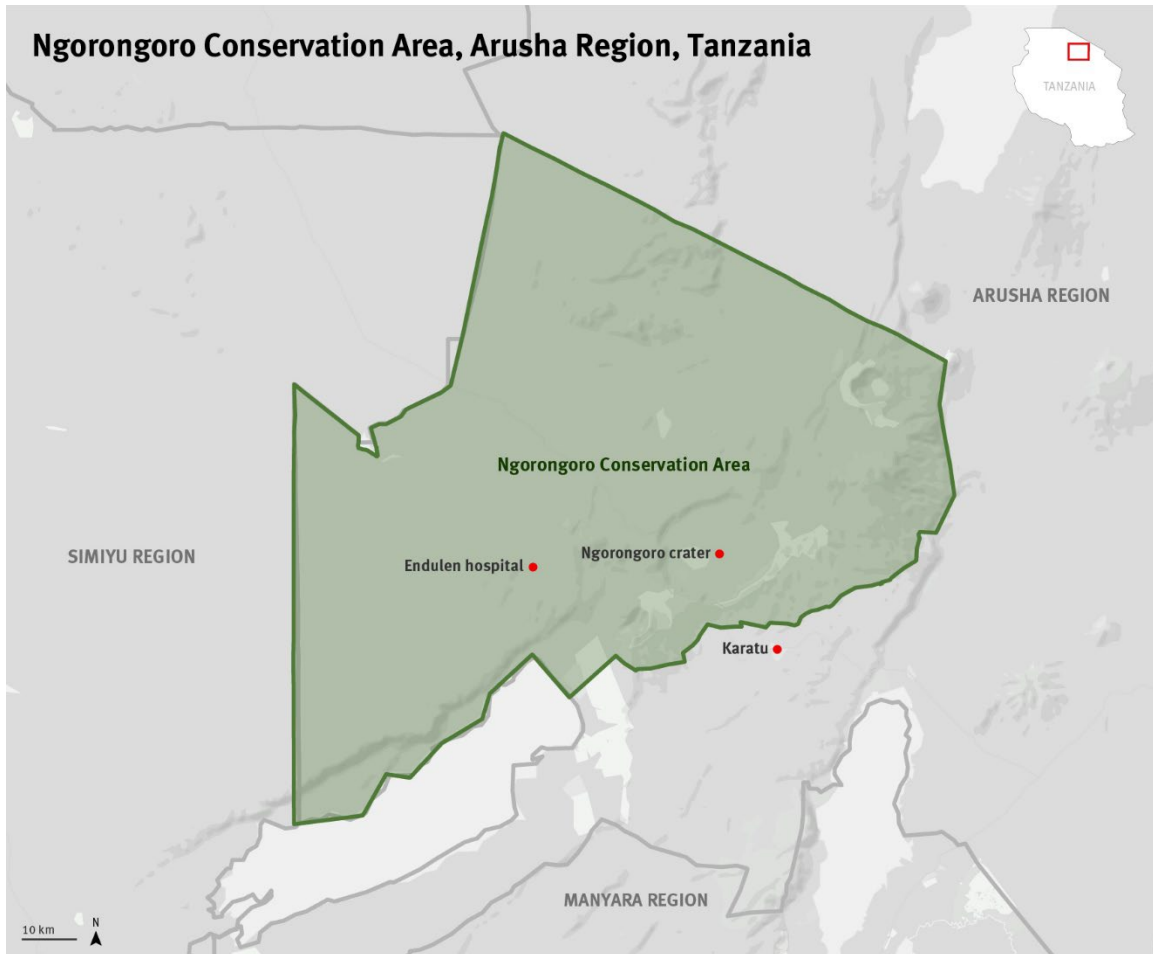
Multiple Land Use Area: In the context of conservation in Tanzania, a “multiple land use area” is a region where conservation efforts should be balanced with sustainable human activities. They aim to protect biodiversity, natural habitats, and wildlife while allowing for responsible resource use and human settlement.

Ngorongoro Conservation Area (NCA): The NCA, conterminous with Ngorongoro division, is a protected area and a UNESCO World Heritage Site located in Tanzania’s northern Ngorongoro district.

Ngorongoro Conservation Area Authority (NCAA): The NCAA is a parastatal body under Tanzania’s Ministry of Natural Resources and Tourism set up to manage the NCA.

Ngorongoro Pastoral Council (Pastoral Council): The Pastoral Council, which was legally recognized in 2000, functions as an intermediary body connecting the local NCA community with the NCAA. It comprises representatives from the NCA Wards and Villages, offers advice to the NCAA Board of Directors, and possesses the authority to devise and propose projects for approval by the NCAA such as scholarships for students, construction of school buildings, and creating dams and boreholes.

Map



Summary

The Tanzanian government by 2021 had devised a plan to relocate about 82,000 Maasai people from their homes and ancestral lands in Arusha region's Ngorongoro Conservation Area (NCA) by 2027. The British colonial government had established the NCA, a so-called multiple land use area, in 1959 to create a permanent homeland for the people who lived in and around the Ngorongoro Crater, the vast majority of whom are Indigenous Maasai herders.

In 2022, the government began to systematically reduce the availability and accessibility of essential social services for the residents of the NCA, including by defunding institutions providing those services. At the time, social services in the region were already significantly reduced, less accessible and of generally poorer quality than those elsewhere in the country. The authorities also took steps to restrict residents, who depend primarily on herding livestock for their income, from grazing animals in specified areas of the NCA.



A view of the Ngorongoro crater in Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Human Rights Watch.



A group of Maasai women and men in traditional Maasai clothing and jewelry near Endulen, Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Human Rights Watch

With little or no consultation with affected communities, the government has since resettled and based on its resettlement plan, will continue to relocate people from the NCA to Msomera village in Tanga region’s Handeni district, about 600 kilometers away. The government has provided relocated NCA families with a house and about two to five acres of land to farm, in addition to constructing and renovating roads, a primary school, dispensary, post office, police post, water supply system, electricity, and cellular network to service Msomera.

Between August 2022 and December 2023, Human Rights Watch interviewed nearly 100 people—including NCA residents facing relocation, former NCA residents who have been resettled in Msomera, and existing residents of Msomera—and found that what the government has referred to as its “voluntary relocation plan” from the NCA has been far from voluntary. In implementing their plan, authorities have used tactics that amount to constructive forced eviction in violation of international human rights law and standards. Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education,

work, security of the person, freedom from cruel, inhuman, and degrading treatment, and freedom of movement. In resettling those relocated from the NCA, authorities have also effectively evicted residents of Msomera by constructing buildings and other infrastructure, and allotting houses and farmland to the displaced, on land that was already occupied and used by local residents.

The government has not sought the free, prior, and informed consent (FPIC) from the Indigenous Maasai residents of the NCA. Community leaders said they were not properly consulted about the government's resettlement plan, nor did they have access to information on matters related to the relocation process, compensation, what conditions to expect in Msomera, and which villagers were registered for relocation. The lack of free, prior and informed consent meant the authorities have not addressed concerns of residents, and residents have not been given the possibility of engaging with authorities to mitigate harm or protect their rights, whether they choose to relocate from the NCA or remain.

Of particular concern to residents are government measures that are forcing residents out of the NCA. These include the scaling-down of essential infrastructure, including education and health services, restrictions on movement in and out of the NCA, reduced access to pasture, water, and cultural sites, and government-employed rangers assaulting and beating residents with impunity.

The authorities also did not consult Msomera residents on the resettlement plans. Without any input from the affected communities, the government mapped out and built houses on land where Msomera residents have lived and grazed their cattle for decades, forcing them out of the area. These residents have clashed with the newly resettled families from the NCA as access to land for cultivation and pastoralism and to other resources has become increasingly limited. When those already living in Msomera have protested loss of their land, the authorities have threatened them with eviction and arrest.

Maasai who relocated from the NCA to Msomera, a decision some said they made because of government restrictions that made life extremely difficult, struggled as well. One such restriction is that only the head of household, usually understood to be male, registers the family to relocate, thus taking women out of the decision-making process. This exclusion has contributed to a resettlement process that does not reflect the complex nature of Maasai households, many of which are polygamous, multi-generational, and multi-

household. Also, the houses provided by government have not met the cultural needs of many households as some new homes are too small for large, multi-generational, multi-household Maasai families. In Msomera, each male head of household is provided one house for his family, but Maasai culture does not permit multiple wives to live in the same house with him. Consequently, some families have had to use some of the insufficient compensation they received from the government to build additional houses to accommodate wives and larger families, and to prepare land for their animals. Some of the relocated people also expressed concerns about having less access to quality water than they did in the NCA.

The government has systematically silenced critics of the relocation process, contributing to a climate of fear among residents and local human rights defenders. Many critics have not spoken out for fear of reprisals from the authorities. The authorities have arrested community activists and denied civil society organizations entry into the NCA. Human Rights Watch found that those allowed in have been closely monitored by government rangers. These restrictions and fear of government retaliation have deterred civil society groups from raising awareness about the relocation process and the human rights abuses against affected communities.

Through its relocation process, Tanzania has violated numerous rights of Maasai residents and their communities in the NCA and of Msomera residents, as codified in regional and international treaties ratified by Tanzania, including the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Maasai and other Indigenous peoples are also protected by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). International human rights law protects the rights of the Maasai and other rural rights-holders to, among other things, property and land, participation, information, freedom of expression and freedom of assembly, education, and the highest obtainable standard of health.



Mokilal village office, local government authority, with no roof in the Ngorongoro Conservation Area, Arusha region, Tanzania, on June 22, 2023. © 2023 Mathias Rittgerott/Rainforest Rescue

Maasai communities in the NCA are specifically protected by Tanzanian laws, including the Ngorongoro Conservation Area Ordinance of 1959 and subsequent amendments, the Land Acquisition Act of 1967, the Land Act of 1999, and the Village Land Act of 1999, that recognize their legal status within the NCA, rights to customary land, consultation, and compensation.

The government of Tanzania should immediately halt the relocations of residents from the NCA. The authorities should meaningfully consult all affected communities in the NCA and seek the free, prior and informed consent of affected Indigenous communities. They should also meaningfully consult affected residents in Msomera. Those who consent to be relocated should receive adequate compensation based on their informed consent.



Maasai bomas on a foggy morning in Kayapus village, Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Human Rights Watch.

The government should reinstate funding and other resources for social services that have been decreased or transferred out of the NCA in violation of the rights of affected communities, including for education and health care. It should also create an independent alternative grievance and redress mechanism that can process complaints of and provide remedies for human rights violations related to these relocations.

Key Recommendations

To the Government of Tanzania

On Protection of Land Tenure

- Respect the human rights, including land and tenure rights, including traditionally-owned and communal land, of Indigenous people and other rights holders in developing and implementing all conservation measures.
 - Legally recognize the lands and resources that pastoralist communities in Ngorongoro district have used and managed for generations, with due respect for their legal systems, traditions, and practices, including traditional grazing methods and rituals.

On Free, Prior and Informed Consent and Participation

- Adequately consult and seek the free, prior, and informed consent of affected Indigenous communities in the NCA and meaningfully consult existing Msomera residents affected by the resettlement in line with national and international obligations.
 - Provide all affected communities access to all relevant information on proposed conservation strategies and developments that would impact their lives as individuals and as a community.
 - Guarantee the participation of all members of affected communities in decision-making related to land and natural resources, including through inclusive gender- and youth-responsive processes in deciding conservation strategies that respect and protect their rights.

On Education and Health

- Uphold the rights of Massai to education, the highest attainable standard of health, to water and sanitation, to adequate housing, food and to take part in cultural life in the NCA.
- Restore job openings for government-paid medical staff at medical facilities, including Endulen Hospital and other dispensaries, in the NCA.

On NCAA Rangers

- Require and ensure that rangers are appropriately trained in national and international human rights law and standards and subject to effective independent oversight and accountability.

On Monitoring and Grievance Mechanisms

- Conduct ongoing monitoring and cease the implementation of conservation strategies that violate rights such as protected areas or conservation-related forced evictions and involuntary displacements.
- Set up an independent alternative grievance and redress mechanism that can receive complaints of and provide remedies for human rights violations related to the relocation of residents from the NCA and resettlement in Msomera.

To the Ngorongoro Conservation Area Authority

- Restore funding for services and upkeep of existing infrastructure in the NCA, including to Endulen Hospital and local schools, re-establish and strengthen the Ngorongoro Pastoralist Council, and ensure there are no hurdles for the Pastoral Council to implement its mandate.
- Consult with community representatives, including the Pastoral Council to develop clear guidance around construction authorizations, and permitted construction materials, for example, found locally, sourced sustainably, and are culturally significant to the community.
- Design an “open door” system, with the involvement of representatives from NCA communities, that eliminates or minimizes the burden of paying the entry fee on NCA residents who do not have their identification documents to enter at the gates and provides ease of access to these Indigenous community members.
- Develop a rights-respecting conservation strategy with standard, transparent operating procedures on inclusive consultative processes with NCA communities.
 - Engage with communities in the NCA to build a plan for sustainable food and water sources that is culturally appropriate, supports their livelihoods, and ensures they are food secure.
- Implement long-term community-led monitoring and evaluation, recognizing that planned relocations require long-term support and oversight.

- Extend timelines for support to families that have been relocated from the NCA and provide compensation based on their informed consent.
- Allow relocated residents to return to the NCA, should they wish to do so, and facilitate their return, including through financial assistance to rebuild houses and buy cattle.
- Investigate abuses by NCAA rangers in the NCA, including restrictions on movement, and hold them accountable through appropriate disciplinary and judicial avenues.

Methodology

This report is based on research that Human Rights Watch conducted in Tanzania in Dar Es Salaam; Arusha, Endulen village in the Ngorongoro Conservation Area (NCA), Mto Wa Mbu, and Karatu villages in Arusha region; and Msomera village and Handeni town, in Handeni district, Tanga region between August 2022 and December 2023.

Human Rights Watch interviewed nearly 100 people, including 37 women and 57 men, for this report. Interviewees consisted of community members of the NCA who are facing relocation and those who have been relocated to Msomera village, existing residents of Msomera village, a government administrator, representatives of nongovernmental organizations (NGOs), and local activists.

Human Rights Watch conducted interviews in-person and by telephone. In-person interviews consisted of individual interviews and group interviews of between two and four people, except in one meeting with 10 people. The 10-person group interview in Endulen, NCA, was a result of restrictions on movement within the NCA, surveillance by NCAA rangers, fear of discovery, and to minimize exposure of residents and possible government reprisal against local community members who spoke with Human Rights Watch. Human Rights Watch conducted the interviews in English, Kiswahili, and Maa, with the aid of interpreters as needed.

Interviews took place in confidential settings or remotely through secure means of communication. Human Rights Watch informed all participants of the purpose of the interview, its voluntary nature, how the information would be used, and that they could refuse to participate or end the interview at any time. Each participant orally consented. Human Rights Watch did not compensate interviewees or offer other incentives for participating.

The report uses pseudonyms and withholds identifying details to protect interviewees from possible reprisals from government authorities.

In addition to interviews, Human Rights Watch reviewed legal documents, including laws, ministerial regulations, court decisions, and other material related to the NCA and land

rights in Tanzania. Human Rights Watch also reviewed other secondary sources including NGO reports, research institutes, and media articles.

On May 10, 2024, Human Rights Watch wrote to the Ministries of Natural Resources and Tourism, Health, Education, and Community Development, Gender and Children; Offices of the President – Palace (Special Work), and Regional Administration and Local Government; Arusha Regional Office, Ngorongoro District Commissioner, Tanga Regional Office, and Handeni District Commissioner; Tanzania Police Force; and the Ngorongoro Conservation Area Authority (NCAA), to share its research findings and request information but did not receive a response.

Background

Tanzania's Efforts to Improve its Image

Samia Suluhu Hassan became Tanzania's first female president on March 19, 2021, succeeding President John Magufuli, who died on March 17, 2021.¹ A marked deterioration in respect for human rights, including government clampdowns on the media, NGOs, political opposition, and other critics of the government had characterized Magufuli's presidency.² Shortly after Suluhu Hassan took office, she promised to address human rights concerns and took steps to remove some restrictions on freedoms of expression and assembly, such as lifting a six-year ban on political rallies by opposition parties, and a ban on four media outlets.³ However, restrictions on the media and civic spaces, and arbitrary arrests of journalists and government critics, continued.⁴

President Suluhu Hassan has spearheaded a campaign to boost tourism in Tanzania after it stagnated during Magufuli's presidency and the Covid-19 pandemic.⁵ The campaign sought to attract international tourists to Tanzania by promoting its beaches, wildlife, mountains, and cultural heritage. In an installment of the long-running show "The Royal Tour," which was shown on the Public Broadcasting Service (PBS) in the United States in

¹ Office of the Vice President, "Biography: H.E. Samia Suluhu Hassan," undated, <https://www.vpo.go.tz/vpos/vice-president-3> (accessed July 2, 2024).

² Human Rights Watch, "As Long as I'm Quiet, I am Safe": Threats to Independent Media and Civil Society in Tanzania, October 2019, <https://www.hrw.org/report/2019/10/28/long-i-am-quiet-i-am-safe/threats-independent-media-and-civil-society-tanzania>.

³ "Tanzania: President Hasan lifts the blanket ban on political assemblies," Amnesty International, Press Release, January 3, 2023, <https://www.amnesty.org/en/latest/news/2023/01/tanzania-president-hassan-lifts-the-blanket-ban-on-political-assemblies/> (accessed July 2, 2024); "Tanzania's President Hasan Ends 6-yr Ban on Opposition Rallies", Aljazeera, January 3, 2023, <https://www.aljazeera.com/news/2023/1/3/tanzania-president-hassan-lifts-ban-on-opposition-rallies> (accessed July 2, 2024).

⁴ "Tanzania: Critics of Port Deal Arrested", Human Rights Watch news release, August 7, 2023, [https://www.hrw.org/news/2023/08/07/tanzania-critics-port-deal-arrested#:~:text=\(Nairobi\)%20%E2%80%93%20Tanzania%20authorities%20have,Human%20Rights%20Watch%20said%20today.](https://www.hrw.org/news/2023/08/07/tanzania-critics-port-deal-arrested#:~:text=(Nairobi)%20%E2%80%93%20Tanzania%20authorities%20have,Human%20Rights%20Watch%20said%20today.)

⁵ During the Covid-19 pandemic, as in other countries, Tanzania's tourism halted, and manufacturing, agriculture, and other sectors of the economy slumped. Due to global lockdowns and economic downturn, Tanzania experienced disruption of its supply chains including cross-border trade of food commodities such as maize and rice, and a decrease in purchasing power by household. See World Bank Group, "Tanzania Economic Update: Addressing the Impact of COVID-19," June 7, 2020, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/850721591546081246/tanzania-economic-update-addressing-the-impact-of-covid-19> (accessed July 2, 2024).

April 2022,⁶ President Suluhu Hassan took filmmakers on tours through Kilimanjaro National Park, the Ngorongoro Conservation Area (NCA), the Serengeti National Park, and Mkomazi nature reserves, among others.⁷

Maasai's Indigenous Practices and Conservation

The African Commission on Human and Peoples' Rights has set out four key criteria for identifying Indigenous peoples: "the occupation and use of a specific territory; the voluntary perpetuation of cultural distinctiveness; self-identification as a distinct collectivity, as well as recognition by other groups; an experience of subjugation, marginalisation, dispossession, exclusion or discrimination."⁸ The commission stated that "a common thread that runs through all the various criteria that attempts to describe indigenous peoples – that indigenous peoples have an unambiguous relationship to a distinct territory and that all attempts to define the concept recognise the linkages between people, their land, and culture."⁹

The Maasai are an Indigenous people who,¹⁰ alongside other ethnic groups, have occupied the lands of Ngorongoro in northern Tanzania for generations.¹¹ They grow maize, beans, pumpkins, and sweet potatoes, and they graze cattle, sheep, and goats, which require

⁶ Peter Greenberg, "Tanzania: The Royal Tour," Public Broadcasting Service, April 18, 2022, <https://pbsinternational.org/programs/tanzania-the-royal-tour/> (accessed July 2, 2024); Emily Burack, "PBS's The Royal Tour Returns with First Episode Filmed Since COVID-19 Pandemic Began," *Town & Country*, May 20, 2022, <https://www.townandcountrymag.com/leisure/arts-and-culture/a40061566/pbs-the-royal-tour-tanzania/> (accessed July 2, 2024).

⁷ Apolinari Tairo, "Royal Tour documentary showcases Tanzania's tourism gems," *The East African*, May 14, 2022, <https://www.theeastafrican.co.ke/tea/magazine/royal-tour-documentary-showcases-tanzania-tourism-gems-3811836> (accessed July 2, 2024).

⁸ African Commission on Human and Peoples' Rights (ACHPR), *Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya*, 276/03, Decision, https://www.escri-net.org/sites/default/files/Endorois_Decision.pdf (accessed July 2, 2024), para. 150.

⁹ *Ibid.*, para. 154.

¹⁰ ACHPR, "Indigenous Peoples in Africa: The Forgotten Peoples?," 2006, <https://achpr.au.int/index.php/en/special-mechanisms-reports/indigenous-peoples-africa-forgotten-peoples> (accessed July 2, 2024). ACHPR recognized Maasai in Tanzania as Indigenous. See: pp. 10, 14, and 16.

¹¹ Statement by Dr. Mario Mejia Montalvo, Chairperson of the UN Permanent Forum on "Indigenous Issues with reference on the eviction of Maasai people from Ngorongoro Conservation Area in Tanzania," United Nations press release, June 14, 2022, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2022/06/Statement_Loliondo_letterhead.pdf (accessed on July 2, 2024). See also, Thomas M. Lekan, "Our Gigantic Zoo: A German Quest to Save the Serengeti," in *Serengeti II: Dynamics, Management, and Conservation of an Ecosystem*, eds. A.R.E. Sinclair and Peter Arcese. (Chicago: The University of Chicago Press, 1995). Other ethnic groups in the Ngorongoro area include Datooga, Hadza or Hadzabe, and Iraqw. The Maasai have the largest population (about 98 percent) in the area. See Ngorongoro Conservation Area Authority, The United Republic of Tanzania, "Cultures: Overview," undated, <https://www.ncaa.go.tz/cultures/> (accessed July 2, 2024).

large areas of pastureland. Because the Maasai strive to live harmoniously with wildlife, their customs promote conservation of natural resources.¹² Such customs prohibit the consumption of bushmeat – meat from wildlife – instead of beef from their cattle; and that tree branches, not a whole live tree, should be cut for use. Further, the Maasai’s traditional rules on managing pasture areas include fallow periods, grazing timed to season, and wildlife migration patterns.

Over centuries, the Maasai have contributed to the creation of an environment that promotes healthy interactions and mutual adaptation between pastoralists, livestock, and wild animals.¹³ Their cultural and spiritual practices, including rituals on adulthood, are interwoven with the land, with sacred areas for assemblies to teach young Maasai about their culture and how they live with the surrounding ecosystem.

Ngorongoro Conservation Area Multiple Land Use Plan

When British colonial authorities declared the Serengeti area a national park in 1951,¹⁴ communities within its borders were relocated to Ngorongoro for permanent settlement. Based on negotiated agreements between the Maasai who previously lived and used the Serengeti, and the colonial government, the government established the Ngorongoro Conservation Area in 1959 to create a permanent homeland for the people who lived in and around the Ngorongoro Crater, the vast majority of whom are Maasai herders.¹⁵ The NCA was created as a multiple land use area, with Maasai traditional pastoralists coexisting with the wildlife.¹⁶

¹² Melubo, K., “Why are wildlife on the Maasai doorsteps? Insights from the Maasai of Tanzania.” *AlterNative: An International Journal of Indigenous Peoples*, 16(3) (2020): 180-192, accessed July 2, 2024, doi: 10.1177/1177180120947823.

¹³ Robin S. Reid, *Savanna of Our Birth: People, Wildlife, and Change in East Africa*, (Berkeley: University of California Press, 2012).

¹⁴ “Serengeti National Park History,” Serengeti National Park, accessed July 2, 2024, <https://www.serengetiparktanzania.com/information/serengeti-national-park-history/>.

¹⁵ This is closely connected to the history of the Serengeti National Park, the division of the park, and the shift of its borders northward and eastward. In 1957, the British colonial authorities severed the Ngorongoro Crater region and Eastern Serengeti Plains to create a “mixed-use” area for the Maasai, their cattle and wildlife. See Lekan, “*Our Gigantic Zoo.*”

¹⁶ Ngorongoro Conservation Area Ordinance of 1959. See, Michael Grzimek and Bernard Grzimek, “A Study of the Game of the Serengeti Plains,” *Zeitschrift für Saugetierkunde*, vol. 25, (1960), p. 13. Other ethnic groups in the Ngorongoro area include the Datonga, and the Hadza or Hadzabe. See “Cultures: Overview,” Ngorongoro Conservation Area Authority, accessed July 2, 2024, <https://www.ncaa.go.tz/cultures/> (accessed July 2, 2024).



A map and tourist information at the Loduare gate of the Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Human Rights Watch

A United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site since 1979, the NCA spans about 809,440 hectares that include vast areas of highland plains, savanna, savanna woodlands, forests, and the Ngorongoro Crater.¹⁷ It adjoins the Serengeti National Park and is part of the Serengeti-Mara ecosystem in functioning as wildlife corridors essential to protecting the integrity of animal migrations.¹⁸

Ngorongoro Conservation Area Governance Structure

The Ngorongoro Conservation Area Authority (NCAA) is under the authority of the Ministry of Natural Resources and Tourism. A Conservator or Conservation Commissioner and Board of Directors are charged with managing the NCAA.¹⁹ The

¹⁷ “Ngorongoro Conservation Area”, The United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre, <https://whc.unesco.org/en/list/39/> (accessed July 2, 2024).

¹⁸ Anthony Sinclair et al., “Shaping the Serengeti ecosystem,” in *Serengeti IV: Sustaining Biodiversity in a Coupled Human-Natural System*, eds. Anthony Sinclair et al. (University of Chicago Press, Chicago, 2015).

¹⁹ Ngorongoro Conservation Area Act, No. 14 of 1959, section 5(1).

president of Tanzania appoints a Conservation Commissioner, while the minister of natural resources and tourism appoints the Board of Directors.²⁰

Although the Ngorongoro Conservation Area is in Ngorongoro district, according to the Ngorongoro Conservation Area Act, the NCAA's conservation commissioner, under the minister of natural resources and tourism, has primary authority and responsibility over the Ngorongoro Conservation Area

The NCA Authority is a parastatal supervised by the Ministry of Natural Resources and Tourism that manages the NCA.²¹ There are 11 wards in the NCA, sub-divided into 25 villages, with 16 having official registration numbers. The villages have been surveyed, boundaries delimited and registered, per the 1982 Local Government (District Authorities) Act,²² through the Ngorongoro District Council.²³ The commissioner of lands, ministry of lands, housing, and human settlements development, has earmarked 18 villages to survey, map and legalize as village land, per the 1999 Village Land Act.²⁴ The population of the NCA is estimated at 100,793, according to Tanzania's 2022 census.²⁵

Since it was created, the NCA has integrated conservation with human development.²⁶ The NCAA's General Management Plan, created in 1996, has primary objectives to

²⁰ Ibid., section 7(1).

²¹ Ngorongoro Conservation Area Ordinance of 1959.

²² The Local Government (District Authorities) Act No. 287 of 1982, Establishment of Village Authorities, Registration of Villages, art. 22 (1), "In any case where the Registrar is satisfied that a prescribed number of households have settled and made their homes within any area of Mainland Tanzania, and that the boundaries of that area can be particularly defined, he may, subject to any directions given in that behalf by the Minister, register that area as a village."

²³ The wards of Ngorongoro division are Alailelai, Alaitolei, Endulen, Evasi, Kakesio, Misigiyo, Nainokanoka, Naiyobi, Ngoite, Ngorongoro, and Olbalbal. In Tanzania a "ward" is an administrative subdivision between the village and the district, and reviews proposed village council projects and approves them for forwarding to the District Development Committee. Jaba Shadrack, "Local Government Authorities in Tanzania," 2010, <https://jabashadrack.blogspot.com/2010/05/local-government-authorities-in.html> (accessed July 2, 2024). Some villages have not been registered because registration across the country has been slow due to costs, and the governments continued bid to relocate residents might have paused any further registration processes.

²⁴ United Republic of Tanzania, *The Multiple Land Use Model (MLUM Plan) of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future: Final Report*, Ministry of Natural Resources and Tourism, 2019, p. xvi. See also *The Village Act*, Cap 114, commenced on 1 May 2001.

²⁵ United Republic of Tanzania, "Administrative Units Population Distribution Report: Tanzania," December 2022, https://www.nbs.go.tz/nbs/takwimu/Census2022/Administrative_units_Population_Distribution_Report_Tanzania_volume_1a.pdf (accessed July 2, 2024).

²⁶ Thompson, D. M., ed., *Multiple Land-Use: The Experience of the Ngorongoro Conservation Area, Tanzania*, (Gland: IUCN, 1997). A multiple land use category of protected area that allowed wildlife conservation along with pastoralism and tourism.

conserve the natural resources of the NCA, protect the interests of Maasai pastoralists, and promote tourism.²⁷

Over time, the Tanzanian government, the UNESCO World Heritage Committee, which provides authoritative interpretation of the UNESCO World Heritage Convention,²⁸ and its advisory bodies,²⁹ the International Union for Conservation of Nature (IUCN), the International Council on Monuments and Sites (ICOMOS), and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), three international organizations named in the Convention, have flagged human and livestock population growth within the NCA as a cause for concern.³⁰ These institutions have pointed out that there would be an increased need for land and resources, which would exert heightened pressures on and possibly disrupt the ecosystem.³¹ These concerns eventually led to a call by the UNESCO World Heritage Center and its advisory bodies for the government to review the General Management Plan,³² and a recommendation to “promote and encourage voluntary resettlement of communities, consistent with the policies of the Convention and relevant international norms, from within the property to outside by 2028.”³³

Human Rights Watch has not made a determination on the validity of the concerns regarding human and livestock increase in the NCA. However, even if these concerns are valid, addressing them cannot be used as a justification for human rights abuses, and that the government should engage with communities in the NCA to devise rights respecting solutions for the preservation of their traditional livelihoods and the NCA.

²⁷ UNESCO, “Ngorongoro Conservation Area, General Management Plan 1996,” October 26, 1979, <https://whc.unesco.org/uploads/nominations/39bis.pdf> (accessed July 2, 2024), pp. 15 – 149.

²⁸ Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) adopted on November 16, 1972, by the General Conference at its seventeenth session, entered into force December 17, 1975.

²⁹ “About World Heritage: The Advisory Bodies,” UNESCO, World Heritage Convention, accessed July 2, 2024, <https://whc.unesco.org/en/advisorybodies/>.

³⁰ UNESCO, Report on the Joint World Heritage Center/ICOMOS/IUCN Mission to Ngorongoro Conservation Area, March 4-8, 2019, <https://whc.unesco.org/document/174817> (accessed July 3, 2024). P. 21, para. 3.2.5.

³¹ “Ngorongoro Conservation Area” UNESCO, World Heritage Convention, accessed July 2, 2024.

³² UNESCO, Report on the Joint World Heritage Center/ICOMOS/IUCN Mission to Ngorongoro Conservation Area, United Republic of Tanzania, March 2019, <https://whc.unesco.org/document/174817> (accessed March 29, 2024).

³³ UNESCO, “Report on the Joint World Heritage Center/ICOMOS/IUCN Mission to Ngorongoro Conservation Area: United Republic of Tanzania, March 2019,” June 13, 2019, <https://whc.unesco.org/document/174817> (accessed July 2, 2024). pp. 33-34, para. 4.2.6.1.

The government established the Pastoral Council of Ngorongoro Pastoralists (Ngorongoro Pastoral Council) in 1994, and it took effect in 2000.³⁴ The Pastoral Council, consists of representatives of Village Councils and Ward Development Committees, including ward councilors, village chairpersons, women, young people, and traditional leaders. The Pastoral Council develops and plans for the implementation of projects for the purpose of development of pastoralists within the NCA.³⁵ It submits proposed projects to the NCAA, and the NCAA transfers the funds budgeted for development projects in any given financial year to the Pastoral Council to fulfill its function.³⁶ The Pastoral Council also advises the NCAA Board of Directors regarding development projects in the NCA, such as during the planning and construction of new hotels, and campsites.

According to an April 2022 government communication to the UN Special Procedures Branch of the Office of the UN High Commissioner for Human Rights (OHCHR):

The NPC has the following functions: (i) To oversee the actual needs of the pastoral communities living in NCA. (ii) It is an advisory body to the NCAA's board of Directors on resident development and conservation matter of NCA. (iii) To ensure that other organs such as village governments and ward development committee are given opportunities to participate fully in providing their ideas on how to combat challenges facing the communities in NCA. (iv) To cooperate with other stakeholders mainly NCAA, donors, governmental and non-governmental organisations, the Ngorongoro District Council and other district authorities (neighbor district) in fulfilling its core activities. (v) To implement NPC activities and policies as approved by NCAA board of directors. (vi) To identify obstacles of resident's development and provide strategies for solving such problems by cooperating with other stakeholders.³⁷

³⁴ Ngorongoro Conservation Area Ordinance (Establishment of Ngorongoro Pastoral Council) Rules, 2000 (G.N. No. 234 of 2000); United States Agency for International Development (USAID) Tanzania, "The Case of Ngorongoro Conservation Area," 2000, https://pdf.usaid.gov/pdf_docs/Pnack611.pdf (accessed July 2, 2024).

³⁵ Ngorongoro Conservation Area Ordinance Rules, section 8(1).

³⁶ Ngorongoro Conservation Area Ordinance Rules, section 8(2).

³⁷ United Republic of Tanzania, Note Verbale, Ref. No: NC291/738/02/182.

The Pastoral Council provided scholarships for schoolchildren and university students, and it constructed primary schools, dams, and boreholes, until the NCAA took steps to defund it starting in 2019.³⁸

The Tanzanian government and the NCAA have, since at least 1975,³⁹ cited concerns over increased human and livestock population within the NCA to justify restricting the access of community members and their cattle to certain areas that the NCAA considers as high priority areas, including the Ngorongoro crater floor, crater rim, and the northern highland forest reserve.⁴⁰ They also prohibited farming—phased out over a period of time,⁴¹ and set up separate zones for human settlement and wildlife. Around 2021, the government devised a plan to relocate about 82,000 residents out of the NCA by 2027.⁴²

Previous Involuntary Relocation and Evictions of Maasai

Since 2022, the government has implemented plans to resettle Maasai families that live in the NCA to Msomera village, Handeni district, Tanga region, which is about 600 kilometers east of Ngorongoro. Msomera was selected, according to Albert Mendo, Handeni district commissioner, because the area is a “remote wilderness with many areas that had not

³⁸ According to the NCAA website, the NCAA started the Student Scholarship Program in 1994 and continues to finance the program. However, the Program is currently managed by the Ngorongoro District Council (NDC). “Community Development: Programs and Services - Education” NCAA, <https://www.ncaa.go.tz/community-development/> (accessed July 2, 2024); See also: Ngorongoro Community Report, “The Truth, Falsity, and Mismanagement,” 2022, <https://pingosforum.or.tz/wp-content/uploads/2022/05/Ngorongoro-Community-Report.pdf> (accessed July 2, 2024).

³⁹ Ngorongoro Conservation Area (Amendment) Ordinance, 1975.

⁴⁰ In the late 1970s, permanent Maasai settlements on the Ngorongoro Crater floor were evicted under the *ujamaa* policies of the government that sought to amalgamate dispersed households into clearly defined village centers. Ujaama Vijijini is a socialist policy (1967-1973) instituted by President Julius Nyerere to boost development of rural areas through re-organizing by persuading people to move closer together, work and farm communally. The main principles were: 1. People should live together; 2. They should own the means of production jointly; 3. They should work together, to be considered an *ujamaa* village, an agricultural settlement had to consist of at least 250 households, with each house adhering to specific measurements. Every family, regardless of size, was allocated a maximum of one or two acres of land. See Government Paper No. 4 of 1967; Presidential Circular Notice 1969. The program was initially voluntary, but compulsory relocations were introduced by 1972 to force people into Ujaama villages by end of 1976. See Jaclynn Ashly, “Tanzania: Remembering Ujaama, the good, the bad, and the buried,” *African Arguments*, December 17, 2020, <https://africanarguments.org/2020/12/tanzania-remembering-ujamaa-the-good-the-bad-and-the-buried/> (accessed July 2, 2024). An offshoot of the initial ujaama policy is the villagization policy initiated in 1974.

⁴¹ Farming had been prohibited since 1975 because of conservation concerns, though the proscription has been lifted temporarily since then. Currently, the NCAA has imposed strict rules that have phased out farming within the NCA.

⁴² United Nations Special Procedures letter to the United Republic of Tanzania, Ref.: AL TZA 3/2021, February 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26938> (accessed July 2, 2024).

been interfered with by farming activities, making it easy to plan for pastoralist activities,” adding that other pastoralist Maasai communities had already occupied Msomera.⁴³

This is not the first time the government has relocated people from the NCA. Between 2007 and 2010, the NCAA relocated 159 families from the NCA to Jema Village, Sale division, Ngorongoro district.⁴⁴ Though the government had established infrastructure for social services including a primary school, a medical dispensary, police post and piped water, the government asserted that the resettlements were not completely successful.⁴⁵ More than 50 percent of the resettled residents have since moved back to the NCA or other parts of the country.⁴⁶ In 2009, the 50 to 70 families that had remained at the resettlement site had faced resistance from the host communities and had been planning to leave the area as well.⁴⁷

Forced Eviction of Maasai from Other Parts of Ngorongoro District

North of the NCA in Loliondo division, Ngorongoro district, the government has embarked on several operations to forcibly evict Maasai communities from several villages bordering the Serengeti National Park despite protests by the community, widespread international criticism, and a 2018 court injunction against evictions.⁴⁸

On June 6, 2022, the government announced it would convert 1,500 square kilometers of village land in a designated game-controlled area⁴⁹ into a game reserve, prohibiting

⁴³ Human Rights Watch interview with Albert Msendo, Handeni District Commissioner, Handeni city, April 11, 2023.

⁴⁴ United Republic of Tanzania, *The Multiple Land Use Model (MLUM Plan) of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future: Final Report*, Ministry of Natural Resources and Tourism, 2019, p. 94.

⁴⁵ According to the Multiple Land Use Model (MLUM), the host communities resisted the relocation of Maasai families from the NCA into their area. For example, residents from Oldonyo Sambu Village, which is near the resettlement site, “invaded” the area and “harassed” the resettled residents, “including by depriving land that was set aside for them.” See p. xvi – xvii.

⁴⁶ According to the Multiple Land Use Model Report, some resettled residents have moved “as far as Handeni and Kilindi districts in Tanga Region.” See United Republic of Tanzania, *the MLUM of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future: Final Report*, Ministry of Natural Resources and Tourism, 2019, p. xvii.

⁴⁷ Ibid.

⁴⁸ “Tanzania: Maasai Forcibly Displaced for Game Reserve: Provide Redress; Adopt New Conservation Model After Consultations,” Human Rights Watch new release, April 27, 2023, <https://www.hrw.org/news/2023/04/27/tanzania-maasai-forcibly-displaced-game-reserve>; Oryem Nyeko and Juliana Nnoko (Human Rights Watch), “Tanzania’s Eviction of Maasai Pastoralist Continues,” commentary *All Africa*, February 2, 2023, <https://www.hrw.org/news/2023/02/02/tanzanias-eviction-maasai-pastoralists-continues>.

⁴⁹ A Game-Controlled-Area allows access and use by people but prohibits the killing of wildlife.

the primarily pastoralist Maasai residents from living on and using the land as they had previously done. Two days later, dozens of police, military personnel, and game rangers arrived in Loliondo to demarcate the proposed game reserve.

Human Rights Watch found that over several days, security forces fired tear gas and rubber bullets at protesters and bystanders, injuring at least 30, including women, children, and older people, and that forces arbitrarily arrested and detained 10 community leaders. After June 2022, the authorities engaged in abusive and unlawful practices, including burning houses within the demarcated area, beatings, shootings, sexual violence, and arbitrary arrests to forcibly evict residents from their land.⁵⁰

⁵⁰ “Tanzania: Maasai Forcibly Displaced for Game Reserve,” Human Rights Watch news release, April 27, 2023.

Forced Relocation of Maasai from the Ngorongoro Conservation Area

The government brought us here, and I came because of the inconvenience and harassment I was experiencing there in Ngorongoro. You cannot build, farm, or ride a motorcycle, so we decided to move.

–Mary I., Msomera, April 11, 2023

According to the 2019 Multiple Land Use Model (MLUM Plan) of Ngorongoro Conservation Area report, previous relocations from the NCA were not successful,⁵¹ but the authorities have pressed on with new planned relocations.

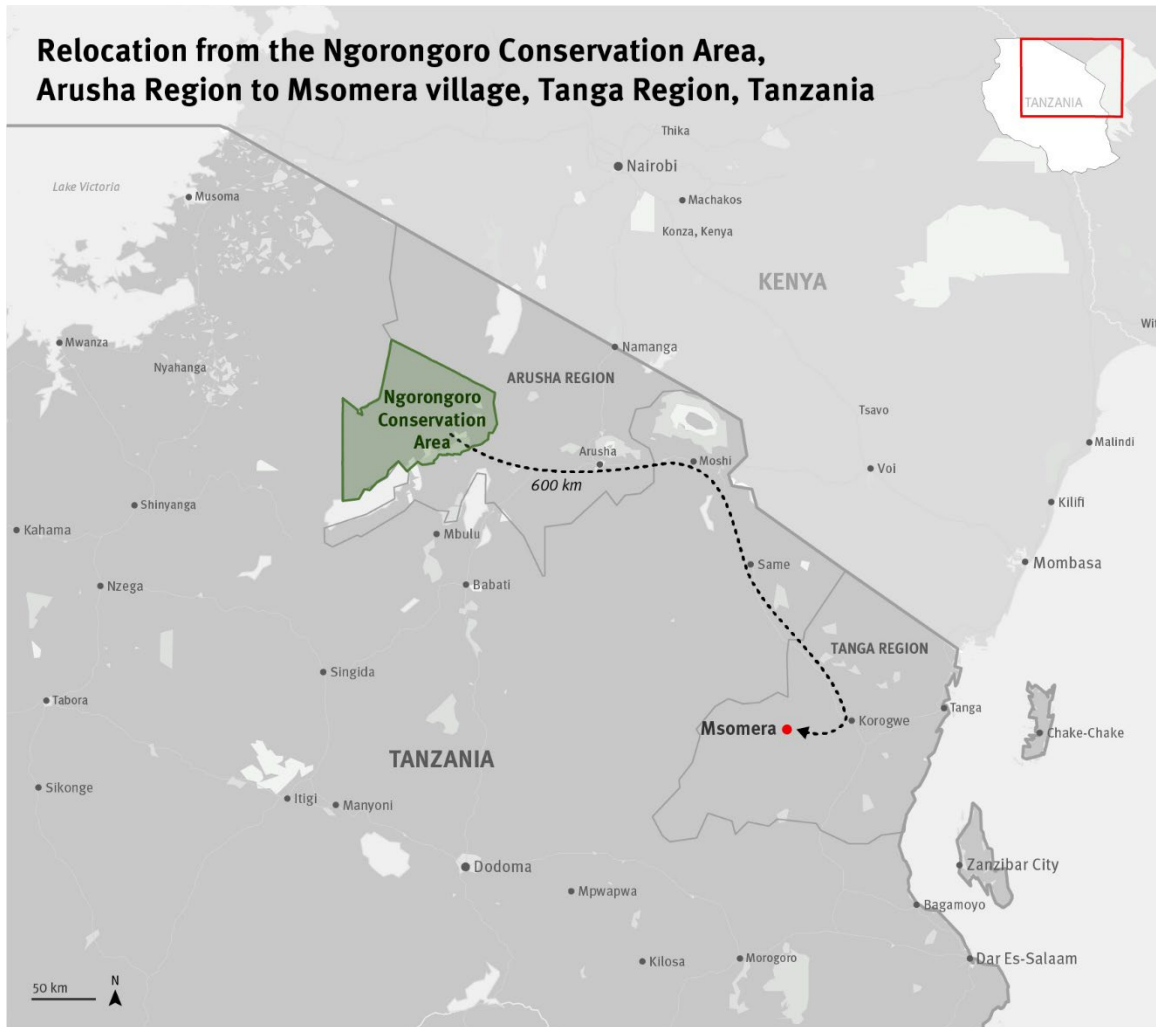
On June 16, 2022, the government began relocating the Maasai from the NCA to Msomera village, Tanga region. Government estimates indicate that about 551 households, comprising 3,010 people, and 15,321 livestock, have been relocated as of January 2023.⁵² Msendo told Human Rights Watch that contrary to what happened with the relocation to Sale division between 2007 and 2010,⁵³ the government has made efforts to coordinate with the local authorities from both regions, including the NCA, Ngorongoro District Council, and Handeni District Council.⁵⁴

⁵¹ According to the MLUM Plan, the host communities resisted the relocation of Maasai families from the NCA into their area. For example, residents from Oldonyo Sambu Village, which is near the resettlement site, “invaded” the area and “harassed” the resettled residents, “including by depriving land that was set aside for them.” See United Republic of Tanzania, *The Multiple Land Use Model (MLUM Plan) of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future: Final Report*, Ministry of Natural Resources and Tourism, 2019, p. xvi – xvii.

⁵² UNESCO World Heritage Centre, *State of Conservation Report Submitted by State Parties, The State of the United Republic of Tanzania*, 2023, <https://whc.unesco.org/document/198961> (accessed July 2, 2024) p. 1.

⁵³ According to the MLUM, the host communities resisted the relocation of Maasai families from the NCA into their area. For example, residents from Oldonyo Sambu Village, which is near the resettlement site, “invaded” the area and “harassed” the resettled residents, “including by depriving land that was set aside for them,” and that some resettled residents have moved “as far as Handeni and Kilindi districts in Tanga Region.” See p. xvi – xvii.

⁵⁴ Human Rights Watch interview with Albert Msendo, Handeni District Commissioner, Handeni city, April 11, 2023.



However, the government’s planning and implementation process have failed to ensure that the authorities sought free, prior, and informed consent (FPIC) from community members. The government plans to relocate thousands of Indigenous Maasai herders from land they have used and occupied for generations should have triggered an FPIC process for the government to seek the affected Indigenous peoples’ free and informed consent before the relocation plan was adopted and prior to its implementation. The affected Maasai communities were not involved in designing and during the adoption of the plan. Further, the government has not adequately informed and consulted the communities regarding their relocation from the NCA and resettlement in Msomera.

Authorities are also driving Maasai families in the NCA to leave against their will by violating their human rights. They have reduced the availability and accessibility of goods and services

essential to residents' human rights by defunding education and healthcare facilities. They have restricted residents' freedom of movement and access to ancestral lands that contain cultural sites and pasture vital for livelihoods. NCAA rangers have assaulted and harassed NCA residents if they do not comply with the government's rules, as documented below.⁵⁵ As a result, some residents said they had no choice but to leave the NCA. These actions used by authorities to force residents out of the NCA violate a range of NCA residents' rights, and together amount to forced evictions in violation of Tanzania's treaty obligations under the International Covenant on Economic, Social and Cultural Rights.⁵⁶

Inadequate Free, Prior, and Informed Consent Process

Free, prior, and informed consent (FPIC) is both a component of the universal right to self-determination and a distinct right of Indigenous peoples consistent with international law and standards.⁵⁷ FPIC ensures Indigenous peoples can freely determine their political status, and pursue their economic, social, and cultural development.⁵⁸ It allows Indigenous peoples to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables Indigenous peoples to negotiate the conditions under which a development that affects the lands, territories, and resources that they customarily own,

⁵⁵ Detailed in section titled "Abuses by Ngorongoro Conservation Area Authority Rangers" below.

⁵⁶ The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 11; the UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7, The Right to Adequate Housing (art. 11 (1) of the Covenant): Forced evictions, U.N. Doc. E/1998/22 (1997); UN Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, A/HRC/4/18, February 5, 2007, <https://documents.un.org/doc/undoc/gen/go7/106/28/pdf/go710628.pdf?token=g5felgKHouqeJhX7Vi&fe=true> (accessed July 2, 2024).

⁵⁷ ACHPR, "Resolution on a Human Rights-Based Approach to Natural Resources Governance," ACHPR/Res.224(LI)2012, <https://achpr.au.int/en/adopted-resolutions/224-resolution-human-rights-based-approach-natural-resources-governance-ac> (accessed July 2, 2024), para 4, calls for states to: "ensure independent social and human rights impact assessments that guarantee Free, Prior Informed Consent (FPIC)," with a particular focus on women, indigenous and people's customary rights; United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted September 13, 2007, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (2007), art. 32(2): "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their land or territories and other resources"; and ILO, Indigenous and Tribal Peoples Convention, 1989 (No. 169), adopted June 27, 1989, entered into force September 5, 1991, (C169) which has central themes of consultation and participation, including arts. 6, 7.1, 16, and 17.

⁵⁸ The right to self-determination is a fundamental principle in international human rights law. See ICESCR, art. 1; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, art. 1. FPIC as well as Indigenous Peoples' rights to lands, territories and natural resources are embedded within the universal right to self-determination. See, for example, UNDRIP, preamble, arts. 3 and 4.

occupy or otherwise use will be designed, implemented, monitored, and evaluated. FPIC centers on meaningful consultation through Indigenous peoples' own representative institutions or structures (without coercion, intimidation, or manipulation); far enough in advance of any authorization or commencement of activities; and access to all information regarding the activity, policy or project that would impact Indigenous peoples and their lands.⁵⁹ No relocation of Indigenous peoples from their land or territories should take place without their free, prior and informed consent and only after agreement on just and fair compensation and, where possible, the option of return.⁶⁰

Human Rights Watch's research and analysis found that the Tanzanian government has not engaged in any of these processes to ensure the free, prior and informed consent of the Maasai in the Ngorongoro Conservation Area.

Inadequate Consultation

Building on elements of FPIC: the consultation process, timeline, and decision-making structure should be self-directed by the affected community. That means, meetings and decisions take place at locations and times and in languages and formats determined by the affected community; all community members are free to participate regardless of gender, age or standing; and the affected community must be able to participate through their own freely chosen representatives, while ensuring the participation of youth, women, the elderly and persons with disabilities as much as possible.⁶¹

A traditional leader explained what he sees as consultation that is meaningful:

Consultation is not only just being notified. It is something that needs all of us to sit down and make an analysis of all of the issues: pastoralism, development, tourism... things that touch all people. It is not enough for just us leaders to meet: we need to meet with the community. The

⁵⁹ UNDRIP, art. 32(2).

⁶⁰ UNDRIP, art. 10.

⁶¹ ACHPR, Resolution on a Human Rights-Based Approach to Natural Resources Governance, ACHPR/Res.224(LI)2012; UNDRIP, art. 32(2); and the ILO C 169, which has central themes of consultation and participation, including arts. 6, 7.1, 16, and 17.

government will say what it needs, we say what we need, and we discuss all of those.⁶²

The government did not consult affected communities prior to designing the relocation plan, which is counter to an FPIC process. In 2018, the government reviewed the NCA's Multiple Land Use Plan and recommended zoning, dividing area based on allowable activities, such as residential, pasture and others, with an option for relocation.⁶³ NCA residents, including community leaders, told Human Rights Watch that the government did not properly consult the affected communities during and after the review. After the government published its review in a 2019 report, residents and NGOs working with the communities within the NCA issued a community report in May 2022 countering some of the main findings of the government's report and submitted it to the government.⁶⁴ However, community leaders and residents said the government has refused to engage on their report and its recommendations proposing alternatives to relocation.⁶⁵

Residents said that the government decided about the “voluntary relocation,” where people would be relocated, and built houses without any input from affected communities or their leaders. A village councilor from Ngorongoro district raised concerns about the lack of transparency: “the government went in secret and identified Msomera and built more than 100 houses in secret.”⁶⁶

Prime Minister Kassim Majaliwa met with community leaders, including village councilors, on February 17, 2022, seemingly to socialize the plan to relocate residents from the NCA. A village councilor who attended the meeting said attendees thought the meeting was meant

⁶² Human Rights Watch interview with Naorokot O., traditional leader, Mto wa Mbu, June 21, 2023.

⁶³ United Republic of Tanzania, “The Multiple Land Use Model of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future, Ministry of Natural Resources and Tourism,” October 2019, <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/mlum-final-oct-2019.pdf> (accessed July 2, 2024); Ministry of Natural Resource and Tourism, “Ngorongoro Conservation Area Authority: Management Zone Plan (2021 – 2025),” April 2021.

⁶⁴ Joseph M.L. Oleshangay, “The Truth, Falsity, and Mismanagement: Need for an Interdisciplinary Community-led multi-functional Landscape Management Model in Ngorongoro.” May 2022, https://www.academia.edu/88472219/Truth_Falsity_and_Mismanagement_of_Ngorongoro_Community_Assesment_report_MAY (accessed July 2, 2024).

⁶⁵ Human Rights Watch interview with Isaac L., councilor, Mto wa Mbu, June 21, 2023.

⁶⁶ Human Rights Watch interview with Isaac L., councilor, Mto wa Mbu, June 21, 2023.

to hear their views and they presented several alternate options to relocation, but that the prime minister only came to give instructions on how to register for relocation.⁶⁷

A traditional leader in the NCA described the meeting:

That was not a consultation because he just spoke and went. There was nothing like taking people's views and concerns. ... The prime minister visited the area; many people went, but they were refused to enter. He just selected a few people—ward and village officers—and he just said what he thought and went away.⁶⁸

Another community leader, a member of the Pastoral Council, said that any supposed consultation by the government with the community, including the meeting with the prime minister, lacked sufficient engagement of leaders and the communities as a whole.⁶⁹

District Level Governance:

Ngorongoro district is made up of Ngorongoro, Loliondo, and Sale divisions. Each division is further divided into wards. The Ngorongoro district commissioner, head of the district council, is the highest authority at the district level and reports to the Arusha regional commissioner. The Ngorongoro district council administers the district with representatives from the divisions (division secretaries) and ward councils (ward secretaries).

Village Level Governance:

Each village has an assembly led by an elected village council. Elected village level leaders include village chairpersons of the village council, and sub-village chairpersons. Traditional governance structures and authorities, such as the *laigwanak*, anointed traditional leaders who settle disputes and offer wisdom within the community, exist outside of the government village administrative structure.

⁶⁷ Human Rights Watch interview with Nasinka N., councilor, Mto wa Mbu, June 21, 2023.

⁶⁸ Human Rights Watch interview with Naorokot O., traditional leader, Mto wa Mbu, June 21, 2023.

⁶⁹ Human Rights Watch interview with Legishon K., Ngorongoro Pastoral Council, Arusha, June 20, 2023.

The law requires that in Tanzania’s mainland, women must constitute one-third of the members of each district council⁷⁰ and one-fourth of the members of each township authority⁷¹ and village council.⁷² In Tanzania Zanzibar, the municipal, town, and district councils consist of members appointed by the minister responsible for local government, of which 40 percent must be women.⁷³

Inadequate Access to Information

Regarding the nature of the consultative process and in order for conditions of FPIC to be met, authorities need to ensure the affected community members have adequate access to information. This should mean that the affected community should be provided, on an ongoing basis, information that is accessible (including delivered in a local language, in places they can easily access, and in a culturally appropriate format), clear, consistent, accurate, objective, complete, and transparent.⁷⁴ Tanzanian authorities, however, provided far too little information on certain aspects of the relocation process, including compensation, and what conditions to expect in Msomera. Residents said there are no opportunities to get answers to questions they have, related to the relocation process.

Several residents said that the only information they received from the government was from the prime minister during the February 17, 2022, meeting on registering for relocation. The prime minister said that interested individuals should register their names at the

⁷⁰ The 1982 Local Government (District Authorities) Act, amended 2002, art. 35(1)(d).

⁷¹ The 1982 Local Government (District Authorities) Act, amended 2002, art. 45(1)(e). There are three types of urban governance structures in Tanzania: Town Council, Municipal Council and City Council.

⁷² The 1982 Local Government (Urban Authorities) Act, amended 2000, section 19(2)(c), and the 1982 Local Government (District Authorities) Act, amended 2002, art. 56(1)(c). The 1992 Political Parties Act, amended in 2019 through the Political Parties Amendment Act (PPAA), also requires political parties to adhere to the principles of gender and social inclusion in the nomination of its candidates, elections of its leaders and in the design of its policy documents. See: UN Women, “Legislated Gender Quotas for Local Government, 1 January,” 2023, <https://localgov.unwomen.org/sites/default/files/2023-06/UN%20Women%20Legislated%20gender%20quotas%20for%20local%20governments%201%20January%202023.pdf> (accessed July 3, 2024); Isabella Nchimbi, “Ensuring women’s participation in land governance: ‘Brining the law home’ in Tanzania,” *International Institute for Environment & Development*, January 20, 2021, <https://www.iied.org/ensuring-womens-participation-land-governance-bringing-law-home-tanzania> (accessed July 3, 2024).

⁷³ UN Women, “Legislated Gender Quotas for Local Governments: Tanzania,” January 1, 2023, <https://localgov.unwomen.org/access-quota-information> (accessed July 2, 2024).

⁷⁴ ACHPR, Resolution on a Human Rights-Based Approach to Natural Resources Governance, ACHPR/Res.224(LI)2012; UNDRIP, art. 32(2); and the ILO C 169, which has central themes of consultation and participation, including arts. 6, 7.1, 16, and 17.

offices of the regional and district commissioners and the Ngorongoro Conservation Commissioner.

The chairperson of a village council – the administrative body responsible for governing villages – in the NCA, said:

[We] have been holding meetings to complain about the government or political party, but there have been no answers since March [2022]. We haven't seen any leader from the district or national level coming to these Ngorongoro areas to talk to the citizens and answer their questions since the unrest [in neighboring Loliondo in June 2022].⁷⁵ From the district to national level, no leader has come to listen to the citizens of the Ngorongoro area and know what their problems are. We've been shouting and it's like the leaders have isolated us. People are losing hope, and they feel like keeping quiet is the only option.⁷⁶

Some residents recounted information they widely believed to be rumors about resettled residents receiving cash compensation of 10 million shillings (US\$3,970). Human Rights Watch found that authorities have not released information on compensation, including amounts or how compensation is calculated or negotiated. “The entire process is not open and transparent,” a village council chairperson said. “The government says they are giving money, but no one knows what the government will give them until they have moved. There's no chance for negotiation.”⁷⁷

Several community leaders said they did not know which villagers registered for relocation until the day they were transported out of the NCA. As such, their community leaders cannot provide them any support during the relocation process.⁷⁸

⁷⁵ See “Tanzania: Maasai Forcibly Displaced for Game Reserve”, Human Rights Watch news release, April 27, 2023, <https://www.hrw.org/news/2023/04/27/tanzania-maasai-forcibly-displaced-game-reserve>.

⁷⁶ Human Rights Watch interview with Loolenjai N., village chairperson, Karatu, April 6, 2023.

⁷⁷ Human Rights Watch interview with Gabriel O., village chairperson, Mto wa Mbu, June 21, 2023.

⁷⁸ Human Rights Watch interviews with Legishon K., Ngorongoro Pastoral Council, Arusha, June 20, 2023; Isaac L., councilor, Lekipisia M., James M., Gabriel O., village chairpersons, and Oleitiko K., traditional leader, Mto wa Mbu, June 21, 2023.

A councilor said there is lack of information regarding the relocation process: “The government has never taken any leaders or representatives to Msomera. The government does not want us to know. If someone registers to move, they stop talking to leaders.”⁷⁹

Given the communities’ inadequate access to information, the opaque relocation process, and no clear pathway for addressing grievances, residents said they have limited avenues to engage with the government to ensure it protects their rights, including whether they choose to relocate or remain.

A youth leader said:

We do not know anything about Msomera. What we have heard is that people have lost their livestock. How do we make sure the government guarantees that in two to five years if resettled residents lose all their livestock, they will get it replaced, receive compensation, or support? How can the community make sure the government provides these assurances if we have no information?⁸⁰

Human Rights Watch’s documentation of inadequate consultation and inadequate access to information would also appear to amount to forced evictions as outlined by the UN Committee on Economic, Social, and Cultural Rights (CESCR) and guidelines from the UN special rapporteur on adequate housing.⁸¹

Funding Cuts to Social Services in the Ngorongoro Conservation Area

All the more than 70 NCA residents who spoke to Human Rights Watch said they did not want to relocate. They said that since 2019, after the publication of the government’s

⁷⁹ Human Rights Watch interview with Isaac L, councilor, Mto wa Mbu, June 21, 2023.

⁸⁰ Human Rights Watch interview with Sadera L., Maasi university student, Arusha, June 20, 2023.

⁸¹ ICESCR, art. 11; CESCR, General Comment No. 7, The Right to Adequate Housing (art. 11 (1) of the Covenant): Forced evictions, U.N. Doc. E/1998/22 (1997); UN Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, A/HRC/4/18, February 5, 2007, <https://documents.un.org/doc/undoc/gen/go7/106/28/pdf/go710628.pdf?token=g5felgKHouqeJhX7Vi&fe=true> (accessed July 2, 2024).

report,⁸² the government began to systematically downsize essential social services for NCA residents and defunded the Ngorongoro Pastoral Council.⁸³ Service provision in the NCA was already less available and accessible and of generally poorer quality than in other areas across the country.⁸⁴

Residents alleged that the government cut funding of public services to force them to leave the area. “In Ngorongoro the government gave the name ‘voluntary relocation,’ but there is no voluntary relocation,” one resident said. “The government is using different ways to torture our community.”⁸⁵

The government has reduced the availability, accessibility, and quality of important social services like schools and hospitals in the NCA, including through budget cuts and other limitations on necessary resources such as trained personnel. These practices have undermined realization of NCA residents' rights, including to education and health care, and have made their continued access to their ancestral lands far more difficult. Maasai families have been left with no better option than to register for relocation from the NCA to Msomera.

Their registration is not effective consent, as consent in FPIC refers to the collective decision made by the affected Indigenous peoples and reached through their customary decision-making processes. Consent should be sought and granted or withheld to the affected Indigenous peoples' unique formal or informal representative decision-making structures.

⁸² United Republic of Tanzania, *The Multiple Land Use Model of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future*, Final Report, Ministry of Natural Resources and Tourism, Dodoma, October 2019.

⁸³ Human Rights Watch Interview with Leinot O., a former volunteer clinical officer at Endulen Hospital, Arusha, November 15, 2022; group interview with a health NGO administrator, and a health aviation transportation personnel, Arusha, November 16, 2022.

⁸⁴ Tara B. Mtuy et al., “The role of cultural safety and ethical space within postcolonial health care for Maasai in Tanzania,” *BMJ Global Health*, vol 7, 11 (2022), accessed July 2, 2024, doi:10.1136/bmjgh-2022-009907; David W. Lawson et al., “Ethnicity and child health in northern Tanzania: Maasai pastoralists are disadvantaged compared to neighboring ethnic groups,” *PLoS One* (2014), accessed July 2, 2024, doi: 10.1371/journal.pone.0110447.; Joseph Christopher Pesambili, “Exploring the responses to and perspectives on formal education among the Maasai Pastoralists in Monduli, Tanzania,” *International Journal of Educational Development*, vol. 78 (2020), accessed July 2, 2024, doi.org/10.1016/j.ijedudev.2020.102267, pp. 1-9; Adella Raymond, “Girls’ participation in formal education: A case of Maasai pastoralists in Tanzania,” *Educational Research for Policy and Practice*, vol. 20, 2 (2020): 165-185, accessed July 2, 2024, doi:10.1007/s10671-020-09273-7.

⁸⁵ Human Rights Watch interview with Lolkerra K., Arusha, November 15, 2022.

Defunding the Ngorongoro Pastoral Council

Some of the residents who were or are still members of the Pastoral Council said that until 2019 the council identified community needs, including education, health, water, and food; developed and presented projects to meet these needs to the NCAA board for approval and disbursement of funds; and carried them out. Before the 2019/2020 fiscal year, which started on July 1, 2019, the annual budget of the Pastoral Council was about three billion shillings (US\$1,150,000) for development projects and the NCAA student scholarship program.⁸⁶ All of the Pastoral Council's budget was from allocations from the NCAA.

Residents said that in 2019, the NCAA raised allegations of mismanagement of funds by the Pastoral Council with the Prevention and Combating of Corruption Bureau, a quasi-judicial body that investigates and prosecutes corruption offenses in mainland Tanzania.⁸⁷ According to a Pastoral Council member, these allegations were never proven, but the bureau made a recommendation to the then-vice president and now current president, for the NCAA to allocate future funds to the Department of Community Development under the Ngorongoro District Council rather than to the Pastoral Council for project implementation.⁸⁸

Pastoral Council members said that the government did not de-register the council but eliminated its yearly budget allocations, effectively ensuring that the Council no longer had the ability to implement programs and make independent decisions.⁸⁹ One member described the effect of the government's decision on the council:

Now, the Pastoral Council has no autonomy, it sits at the request of the NCAA. The NCAA calls the meetings and proposes the budget. [The Pastoral Council's] mandate has shrunk. Taking away resources ensures that the Pastoral Council is weak, especially since it has found it impossible to fundraise on its own given that it is considered a government establishment.⁹⁰

⁸⁶ According to the NCAA, it spends roughly TZS 2 billion on sponsorship programs each year. "Community Development: NCAA and the Community," NCAA, accessed July 2, 2024, <https://www.ncaa.go.tz/community-development/>.

⁸⁷ Prevention of and Combating of Corruption Act, 2007.

⁸⁸ Human Rights Watch various interviews with Legishon K., Ngorongoro Pastoral Council, June 20, 2023, March 28, 2024.

⁸⁹ Human Rights Watch interview with Legishon K., Ngorongoro Pastoral Council, June 20, 2023.

⁹⁰ *Ibid.*

Since 2020, the Pastoral Council has not received any money from the NCAA or the Department of Community Development – including money for renovations, construction of school facilities, and other community projects within the NCA – which has adversely impacted the maintenance of school facilities, including construction of latrines, repair of classrooms, and provision of additional desks and beds for the students.⁹¹ Pastoral Council members also said subsequent NCAA funding allocations since then, especially disbursement for health centers and schools, were reduced.

Impact on Access to Education

The actions taken by government authorities to intentionally downscale and undermine school conditions in the NCA affected hundreds of children’s access and enjoyment of the right to education.

Limited Disbursement of Scholarships

The Pastoral Council’s defunding, according to interviewees, has led to delays in the disbursement of funds to university students, creating cost barriers that reduce access to higher education. From 2020, the NCAA has shifted the responsibility of sponsoring students on scholarship from the Pastoral Council to the Ngorongoro district office.⁹² These scholarships are for university students from the NCA, financed by the NCAA through the Student Scholarship Program.⁹³

University students who benefit from school-related support or sponsorship said that in the past, the Pastoral Council had usually promptly disbursed their funds. However, university students said they now experience long wait times and serious challenges before receiving the funds. “Sometimes the money comes from the district council after a long time, and usually after a lot of struggles,” one student said. “Plus, it’s not enough.”⁹⁴

An NCA resident said that university students have not only received less sponsorship support, the district council delays scholarship payments, and in some cases the

⁹¹ Ibid.

⁹² Ibid.

⁹³ According to the NCAA website, the NCAA started the Student Scholarship Program in 1994 and continues to finance the program. However, the Program is currently managed by the Ngorongoro District Council (NDC). “Community Development, Programs and Services: Education,” NCAA, accessed July 2, 2024, <https://www.ncaa.go.tz/community-development/>.

⁹⁴ Human Rights Watch interview with Sadera L., Maasai university student, Arusha, June 20, 2023.

university does not recognize them as scholarship beneficiaries as they no longer receive introductory letters from the NPC.⁹⁵

Impact on the Availability of Adequate School Facilities

Community leaders and school administrators are required to apply for funding and authorization from the NCAA to construct or renovate school facilities within the NCA. However, since 2021, the NCAA has refused all requests for construction permits without providing any explanation.⁹⁶ Community leaders said if they attempt to use their own resources without NCAA permits, they face harassment and even arrest.

Human Rights Watch learned of several schools in the NCA in poor conditions as a result of the NCAA's refusal to release funds or issue permits for improvements to primary and secondary schools. Residents highlighted instances when this happened.⁹⁷ Esere Primary School in Esere has many old and dilapidated buildings, overflowing latrines, and inadequate number of classroom desks, but community members said the NCAA has rejected their requests for funding and permission to renovate.⁹⁸ Olbalbal Primary School in Olbalbal needs a latrine, but the NCAA rejected a proposal to construct one.⁹⁹ The Ngorongoro Girls Secondary School, which has about 500 students, has inadequate number of desks, so children sit on the floor during classes, and there are only seven latrines in one building for all the girls. The NCAA appears to have been stalling to authorize the construction of another building for latrines.¹⁰⁰ And when the roof of a building in Misigiyo Primary School was destroyed during the rainy season in 2021, the

⁹⁵ Human Rights Watch interview with Leleito L., Arusha, September 15, 2022.

⁹⁶ Denis Oleshangay, "Conservation racism in Ngorongoro: A tragic loss of common sense and leadership," MzwanoTV, August 14, 2023, <https://mwanotv.com/2023/08/14/conservation-racism-in-ngorongoro-a-tragic-loss-of-common-sense-and-leadership/> (accessed April 8, 2024).

⁹⁷ Human Rights Watch telephone interview with John O., December 13, 2023; group interview with Nasinka N., councilor, Nkasiogi L., Neeris N., and Neelai O., Mto wa Mbu, June 21, 2023.

⁹⁸ Human Rights Watch interview with Neeris N., Mto wa Mbu, June 21, 2023.

⁹⁹ Human Rights interview with Naorokot O., traditional leader, Mto wa Mbu, June 21, 2023.

¹⁰⁰ Human Rights Watch interviews with Neeris N., and Gabriel O., Mto wa Mbu, June 21, 2023.



Buildings in Mokilal Primary School, Mokilal village, Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Human Rights Watch.

NCAA transferred 2,780,000 shillings (\$1,065) to the school account to rebuild when the incident happened in 2021. However, since then, the NCAA has refused to issue a permit to carry out the renovations and refused to allow community residents to bring new iron sheets into the NCA to repair it. Community members said that when they attempted to reuse parts that came off the roof when it was damaged, the NCAA refused to issue a construction permit.¹⁰¹

Permits are key, without which residents cannot enter the NCA gates with the necessary construction materials for school facilities, such as metal sheets for roofing, or make improvements themselves without a permit. When the community have raised funds to renovate and construct school buildings in the NCA, the NCAA denied residents the required permits, as well as authorization to transport construction materials into the area. It does not provide explanations for its rejections. For example, Ngorongoro Girls School

¹⁰¹ Human Rights Watch interview with Nkasiogi L., Mto wa Mbu, June 21, 2023.

has 300 million shillings (\$115,000), which was raised over several years by the community, to renovate the school, but the NCAA has not issued the required permits.¹⁰²

In 2022, one resident used her own resources to build two classrooms for a pre-school, but the NCAA did not allow her to bring roofing materials into the NCA. Consequently, the students lack coverage from the rains during the rainy season.¹⁰³

Residents have attempted to use traditional materials to construct, but that presents its own challenge, due to restrictions on cutting trees and branches.

In 2022, the government redirected educational funding from the NCA to Tanga region for new schools in Msomera, which is where NCA residents are being relocated.¹⁰⁴ According to media reports, the Ngorongoro district council issued two directives to six public schools in the NCA in March 2022, instructing them to redirect approximately 200 million shillings (\$76,500) in Covid relief funds to the Msomera resettlement site.¹⁰⁵

Defunding and Downgrading Health Facilities

Residents whom Human Rights Watch interviewed said the government has directly and indirectly caused a reduction of available health services and reduced the quality of health services in the NCA.

A councilor in Esere village provided examples of how the government has ceased supporting health care in the NCA:

I can't compare Endulen [Hospital] now to before. Before, the government provided support plus hospital staff they paid. Before, Endulen had the mother and childcare services with enough medicines. Now, the

¹⁰² Human Rights Watch interview with Gabriel O., Mto wa Mbu, June 21, 2023.

¹⁰³ Human Rights Watch interview with Nasinka S., Karatu, April 10, 2023.

¹⁰⁴ Ngorongoro District Council, NOTICE: Transfer of Covid-19 Project Funds Totaling Tzs 160,000,000 To Handeni District Council, March 31, 2022, NGOR/DC/F.1/02/VOL III/68, Directive on file with Human Rights Watch; Human Rights interview with Gabriel O., Mto wa Mbu, June 21, 2023.

¹⁰⁵ Jess Craig, "It's becoming a war zone': Tanzania's Maasai speak out on 'forced' removals," *The Guardian*, January 16, 2023, <https://www.theguardian.com/global-development/2023/jan/16/tanzania-maasai-speak-out-on-forced-removals> (accessed July 2, 2024).

government has cut off all support; they have taken the doctors they brought [to Endulen Hospital] back into government hospitals.¹⁰⁶

In October 2022, the government announced that it would downgrade Endulen Hospital, a 110-bed hospital managed by the Catholic Church since 1965 and the only hospital providing comprehensive medical services to Maasai living in the NCA, to a dispensary due to staffing limitations.¹⁰⁷ A medical worker described how the government arrived at this decision: “In 2018 the NCAA cut off funds to Endulen Hospital. It usually allotted about 30 million shillings (\$11,900) annually. But Endulen Hospital had project funds from other donors until 2022.”¹⁰⁸ The medical worker said the hospital’s other donors have since suspended funding because they are worried about its sustainability due to uncertainty related to the relocation process and the possibility of the hospital being forced to shut down.¹⁰⁹

By 2022, the number of hospital staff had reduced from approximately 60 to 17 people as government-paid staff left to take up government jobs advertised in other locations, and no new openings were advertised at Endulen Hospital to replace the staff that left. In the past, vacancies announcements at Endulen Hospital were advertised for government staff. In December 2022, the government established a committee led by the regional medical officer and the district medical officer to investigate the services at the hospital and found that it has a limited staff. The body thereafter recommended that the hospital discontinue some of the services including ambulance and emergency services, as a result of inadequate staffing, a downgrade from a hospital to a clinic, and permitting provision of basic primary care and pharmacy services only.¹¹⁰

¹⁰⁶ Human Rights Watch interview with Nasinka N., councilor, Mto wa Mbu, June 21, 2023.

¹⁰⁷ Oleshangay (@Oleshangay), “Don’t panic: African languages are not going extinct. These languages are resilient, evolving, and adapting. They are here to stay. #AfricanLanguages,” Twitter, October 13, 2022, <https://twitter.com/Oleshangay/status/1580638762039549957>.

¹⁰⁸ Human Rights Watch interview with Sironka M., medical staff, Endulen, June 22, 2023.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.; Jess Craig, “It’s becoming a war zone: Tanzania’s Maasai speak out on ‘forced’ removals,” *The Guardian*, January 16, 2023, <https://www.theguardian.com/global-development/2023/jan/16/tanzania-maasai-speak-out-on-forced-removals> (accessed July 2, 2024); Doreen Ajiambo, “‘We will not go anywhere’: Maasai resist Tanzanian government evictions,” *Global Sisters Report*, October 9, 2023, <https://www.globalsistersreport.org/news/we-will-not-go-anywhere-maasai-resist-tanzanian-government-evictions> (accessed July 2, 2024).

Residents and two medical staff said that Endulen Hospital has experienced a serious shortage of medicines, claiming that as a result of such shortage, pain relieving and fever reducing tablets were being doled out for every ailment.

Residents told Human Rights Watch that as a result of lack of some previously available medical services, they had to seek treatment at less-equipped dispensaries. A medical worker at a dispensary in the NCA, explained that their four-room dispensary witnessed an increase in the number of patients over the last year: “When patients see that many services are available here, they talk to each other, so many more come to us.”¹¹¹ He pointed out that this dispensary is too small to treat all the patients who formerly accessed health care at Endulen Hospital, and that it cannot expand because the NCAA has denied its request for a construction permit. He added that the staff also feared the government will shut down the dispensary due to the relocation.¹¹²



An entryway at Endulen Hospital in Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Mathias Rittgerott/Rainforest Rescue

¹¹¹ Human Rights Watch telephone interview with Dr Luke M., medical doctor, April 6, 2023.

¹¹² Ibid.

Furthermore, some of the other options for medical services in the area have been interrupted. In February 2022, the government grounded the Flying Medical Services, a medical outreach service provided by the Arusha Catholic archdiocese, that provided clinics across Ngorongoro district, which particularly benefitted pregnant women, especially those experiencing difficult childbirth because it could quickly evacuate patients to other hospitals outside the NCA.¹¹³

To access important services, residents have been forced to travel far distances outside the NCA. An activist recounted the distances people needed to travel to get certain medicines:

The government used to supply medicine for HIV treatment, but they're no longer doing that. If you want to get the medicine for that you have to go [60 kilometers] to Karatu [in neighboring Karatu district]. And for TB treatment, they stopped doing that as well. You have to go [200 kilometers] to Arusha [the regional headquarters] to get that.¹¹⁴

Increased distance to primary healthcare facilities poses serious challenges in situations where transportation choices are limited and reliance on non-motorized modes of transportation, including walking, is predominant.¹¹⁵ A community worker said that a pregnant and anemic woman could not get a blood transfusion at Endulen Hospital due to the reduction in staff and services, and as a result was referred to a hospital in Karatu, about 60 kilometers away.¹¹⁶ Another pregnant woman from Esere, who was hit by a safari vehicle had to be rushed to Karatu for medical treatment; on her way back into the NCA,

¹¹³ "Maasai Rising to Resist Eviction Plans in Ngorongoro Conservation Area," Oakland Institute news release, February 17, 2022, <https://www.oaklandinstitute.org/maasai-rising-resist-eviction-plans-ngorongoro-conservation-area> (accessed July 2, 2024). The Transportation and Aviation Services argued that the Flying Medical Services (FMS) had not paid administrative fees and obtained the right paperwork to fly in the area, though according to a representation from the FMS, the fees had been waived since it was an NGO and providing free services, which had been the case since 1983.

¹¹⁴ Human Rights Watch interview with Olumisi L., activist, Arusha, September 15, 2022.

¹¹⁵ Michelle V. Evans et al., "Geographic barriers to care persist at the community healthcare level: Evidence from rural Madagascar," *PLOS Global Public Health*, vol. 2, 12 (2022), accessed July 2, 2024, doi: 10.1371/journal.pgph.0001028.; D.J Weiss et al., "Global maps of travel time to healthcare facilities," *Nature medicine*, vol. 26, 12 (2020): 1835-1838, accessed July 2, 2024, doi: 10.1038/s41591-020-1059-1; Owen O'Donnell, "Access to health care in developing countries: breaking down demand side barriers." *Cadernos de saude publica*, vol. 23 (2007): 2820-2834, accessed July 2, 2024, doi: 10.1590/s0102-311x2007001200003.

¹¹⁶ Human Rights Watch interview with Neeris N., Mto wa Mbu, June 21, 2023.

she went into labor and gave birth in the car.¹¹⁷ Given the poor quality of health care in the NCA, medical workers advise pregnant women to go to Karatu for pregnancy and prenatal care; some with difficult pregnancies have had to stay in Karatu, away from their families, for weeks, while waiting for labor to start.

In some crisis and emergency situations, the outcomes have been dire. One woman said that between April and May 2023, three women died as a result of pregnancy-related complications for which they could not get the necessary, life-saving health services at Endulen Hospital.¹¹⁸ Another woman shared a health-related difficulty within her family: “My uncle’s daughter gave birth to twins. The babies were born on the way to Karatu hospital. They were early at seven months. Both babies died because we could not get them the right services as soon as possible.”¹¹⁹ Human Rights Watch did not conduct an analysis of pre- and post-2022 maternal and infant mortality rates in the NCA.

Residents said that in the past, the government and NGOs had carried out campaigns to raise awareness of pregnant women’s and newborn’s health and encouraged women to go to the hospital during pregnancy and for ante- and postnatal care. Given the current situation, residents expressed their concerns that the government is reversing its own policies by reducing access to health care in the NCA. “We have been educated that we should go to the hospital when pregnant,” one woman said. “But now we don’t have those services anymore.”

World Health Organization data analyzed by Human Rights Watch revealed that the government of Tanzania spent the equivalent of only about 0.91 percent of its gross domestic product (GDP) or 5.14 percent of its national budget on health care in 2021, the most recent year for which data is available.¹²⁰ This falls far short of two key international benchmarks associated with reducing inequalities of healthcare access and outcomes: spending 5 percent of GDP or 15 percent of national expenditures on health care through public means. This level of public investment also fails to meet Tanzania's explicit commitment in the African Union’s 2001 Abuja Declaration to spend at least 15 percent of

¹¹⁷ Human Rights Watch interview with Nasinka N., councilor, Mto wa Mbu, June 21, 2023.

¹¹⁸ Human Rights Watch interview with Nkasiogi L., Mto wa Mbu, June 21, 2023.

¹¹⁹ Human Rights Watch interview with Neeris N., Mto wa Mbu, June 21, 2023.

¹²⁰ “Global Health Expenditure Database,” WHO, December 2023, accessed July 2, 2024, <https://apps.who.int/nha/database>.

its national budget on health care.¹²¹ While Tanzania has also faced significant public debt issues, paying roughly four-times as much on a per person basis to service its external public debts in 2021 than it paid on health care, the government needs to take efforts to ensure that socially and economically marginalized groups, including Indigenous communities, do not bear the brunt of any funding reductions.

Restrictions on movement in and out of Ngorongoro Conservation Area

Some residents told Human Rights Watch that the NCAA had restricted entry into the NCA since February 2022,¹²² limiting the movement of residents, including those who need to access services outside the area.

NCAA rangers require residents to show identification (ID) as proof of residence within the NCA before allowing them passage through the gates to their villages. Residents who do not have ID or voter registration cards or forgot them at home are denied entry when returning home and must pay 11,800 shillings (\$5), the fee for entry as a Tanzanian tourist. “The people in NCA come out and go to Karatu to buy grain, to the hospital, or a student going to university,” one resident said. “When they return, the gatekeepers deny them entry, embarrassing them.”¹²³ A ward councilor said she was refused entry when returning from a councilors’ meeting in Loliondo because she forgot her voter registration card at home. She stayed at the gates until someone came along who could identify her. She said: “If I can face that how are normal people faring?”¹²⁴

One NCA resident said that NCAA rangers would arbitrarily ask for different forms of identification:

If today I am in Arusha and I want to go to Ngorongoro, I must have an ID to enter the place.... Even if they know you’re a resident, you must show that. You can have a national ID, [but] sometimes they want you to show them

¹²¹ African Union, “Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases,” OAU/SPS/ABUJA/3, April 27, 2001, <https://au.int/sites/default/files/pages/32894-file-2001-abuja-declaration.pdf> (accessed July 2, 2024).

¹²² After the meeting organized by the prime minister on February 17, 2022, to tell residents about the relocation and where to register.

¹²³ Human Rights Watch interview with Sadera L., Maasai university student, Arusha, June 20, 2023.

¹²⁴ Human Rights Watch interview with Nasinka N., councilor, Mto wa Mbu, June 21, 2023.

the electoral card. And sometimes you have the electoral card, and they want you to show them the [national] ID.¹²⁵

The NCAA also charges all vehicles, including local transport vehicles, a permit fee for every entry. The fee differs based on the weight of the vehicle, with a minimum of 23,600 shillings (\$9). Drivers pay a per-day fee. Residents say the drivers of vehicles transporting people in or out of the NCA have transferred these extra costs to residents, making transportation far more expensive and “going out difficult.”¹²⁶

A traditional leader explained the repercussions for residents who fall sick and cannot afford the cost of traveling:

Every resident is feeling the pain. If you fall sick you think of the huge cost you will incur to search for health services. The poorer people are much more vulnerable because they don't have money to travel far, and the local dispensaries do not have medicines. You can sell livestock and access these services. The other option is to use local traditional herbs or pray to god for a miracle.¹²⁷

A resident who has been publicly critical of the government's relocation of Maasai people from the NCA said authorities had blocked him from returning home because of his activism. He said that a police officer denied them entry at the gate to the NCA when they returned home from a trip in October 2022 saying that their identity document was not registered. The activist believes they were followed by government security officers during their trip and that the officers at the gate had been forewarned about their arrival.¹²⁸

The NCAA requests for differing ID to prove residence and otherwise charging a tourist fee for residents to return home places a huge burden on Indigenous peoples who have historical and current traditional ties to the land and whom the government has enclosed in the NCA. The NCAA needs to design an “open door” system, with the involvement of

¹²⁵ Human Rights Watch interview with Lemuani N., Arusha, November 15, 2022.

¹²⁶ Human Rights Watch interview with Sadera L., Maasai university student, Arusha, June 20, 2023.

¹²⁷ Human Rights Watch interview with Oleitiko K., traditional leader, Mto wa Mbu, June 21, 2023.

¹²⁸ Human Rights Watch interview with Lolkerra K., activist, Arusha, September 15, 2022.

these communities, that minimizes or eliminates this burden and provides ease of access to Indigenous community members.

Restrictions on access to pasture, water, and cultural sites in Ngorongoro Conservation Area

As a result of government laws and policies, the Maasai communities in the NCA have limited access and use rights over the land they have lived on for generations, and no control over or ability to make decisions on the land, including how revenue from tourism is shared.¹²⁹ This includes their access to longstanding pasture, water sources, and cultural sites.

Access to Pasture

NCA residents said that the authorities have restricted their access to important grazing areas, which has been challenging as they depend primarily on animal farming for their livelihood. They said the authorities have blocked them from grazing their animals in different parts of the NCA, including the crater, denying their animals the vital water sources, grass, and nutrient-rich volcanic rocks and soils. In addition, residents said the NCA stopped providing veterinary services for community members' livestock around the time the government began relocating people to Msomera.¹³⁰

One village chairperson said:

The government is starting to make us not function at all. They try to weaken us in all means of life. To despair, not to fight, give up and move out. They are trying to make sure that pastoralism comes to an end. We

¹²⁹ See Ngorongoro Conservation Area Ordinance, 1959, section 9A as amended by Ngorongoro Conservation Area (Amendment) Ordinance, No. 14, 1975, section 14, currently Ngorongoro Conservation Area Act, 2002, Part IV – Control of cultivation and grazing and protection of natural resources, sections 24-28; Game Parks Laws (Miscellaneous Amendments) Act, 1975, No. 14; Ngorongoro Conservation Area Authority (Control of Settlement, Residence, and Prevention of Soil Erosion, Flora and Fauna) By-laws, 1992; Ministry of Natural Resource and Tourism, “Ngorongoro Conservation Area Authority: Management Zone Plan (2021 – 2025),” April 2021; and United Republic of Tanzania, The Multiple Land Use Model (MLUM Plan) of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future: Final Report, Ministry of Natural Resources and Tourism, 2019.

¹³⁰ Human Rights Watch interview with Joseph M., councilor, Mto wa Mbu, June 21, 2023.

never chase the wild animals to move out. We are very good conservators; we don't hate the wildlife.¹³¹

Some residents said that around 2016, government officials informed community members in the NCA, through their leaders, of a decision prohibiting their livestock from accessing the Ngorongoro Crater because of conservation and “ecotourism.” This was disruptive since wildlife and livestock in the NCA rely on geophagy— eating earth, which is done by a wide variety of animals and humans – for nutrient supplementation and to alleviate gastrointestinal disorders.

The Ngorongoro Crater contains precious perennial water sources, which were invaluable during the dry seasons, and earth licks, which were key for supplementing livestock with nutrients, particularly micronutrients that might be deficient in the grass growing in the area.¹³² In turn, these nutrients and availability of water are beneficial for livestock health and boost cow milk production, with important nutritional and financial benefits to the local human population.

Residents had historically grazed their animals in the crater because it contributed to the health and milk production of their cattle, since there are high deposits of sodium and micronutrients, such as selenium, cobalt, manganese, and molybdenum.¹³³ Three residents of Alaitolei and Nainokanoka wards said that when the NCAA prohibited access to the crater, the authority said they would provide water for human and livestock use to all the villages, and supply supplemental salt to ensure the cattle can get salt at home and not by geophagy in the crater.¹³⁴ “The [NCAA] was going to start a ranch at Ngairish sub-village of Kakesio ward,” said one of the residents. “We were going to learn how to grow grass that is good for cows. We will have a good breed for cows, to increase the numbers. We said this is a good plan.”¹³⁵

¹³¹ Human Rights Watch interview with Loolenjai N., village chairperson, Mto wa Mbu, 21 June 2023.

¹³² Anthony Jan Mills and Antoni V. Milewski, “Geophagy and nutrient supplementation in the Ngorongoro Conservation Area, Tanzania, with particular reference to selenium, cobalt and molybdenum,” *Journal of zoology*, vol. 271, 1 (2006): 110-118, accessed July 2, 2024, doi: 10.1111/j.1469-7998.2006.00241.x.

¹³³ Ibid.

¹³⁴ Human Rights Watch interviews with Simon M., Joseph M., and Naengop S., Mto wa Mbu, June 21, 2023.

¹³⁵ Ibid. According to Tanzania's 2015 State of Conservation report on the NCA to UNESCO World Heritage Center, a cattle improvement project at an experimental farm block at Ngairish sub-village, Kakesio ward was ongoing to address the negative impacts from increased livestock grazing and population pressure. “Ngorongoro Conservation Area: 2015” UNESCO, accessed July 2, 2024, <https://whc.unesco.org/en/soc/3255/>.

Residents said that since 2017, when the government began providing supplemental salt to their communities, up to 77,000 cattle had died by December 2021.¹³⁶ Community members said they believed that the salt supplied by the government was poisonous and unsafe. Their suspicions were confirmed by a mineral analysis of a salt sample by Tanzania Veterinary Laboratory Agency, a government agency, which concluded that the salt did not comply with the Grazing-Land and Animal Feed Resources (Standard of Animal Feed Resources) Regulations of 2012.¹³⁷

A village council chairperson said the tainted salt affected his community:

We lost all our cattle. In my village, 6,294 cattle died. I lost 120 cattle. [One person] was arrested on June 30, 2022, Simon Saitoti, the ward councilor—because he spoke out about the salt. He was charged with murder [of a policeman in Loliondo]. His cattle all died. He went into prison a rich man and came out a poor man.¹³⁸

In addition to restricting access to the Ngorongoro Crater, NCAA rangers have blocked livestock from accessing water in other areas, including the northern forest, Marshes, Ndotu, and Ormoti and Embakaai craters.¹³⁹ Residents alleged that NCAA rangers beat and arrested community members for grazing their animals in areas where the NCAA has prohibited the community from accessing. On June 13, 2022, security forces arrested Paresoi Kiboko after he took his livestock to graze in Ndotu, an area in the NCA that the community had accessed for several years.¹⁴⁰ A lawyer familiar with Kiboko's case said that rangers beat and detained him and took him to court the next day where he was charged with grazing in a prohibited area and threatening the rangers with a spear.¹⁴¹ Because

¹³⁶ Joseph Moses Oleshangay, "Unmasking Government Controversial Proposals in Ngorongoro," *The Chanzo*, February 7, 2022, <https://thechanzo.com/2022/02/07/unmasking-government-controversial-proposals-in-ngorongoro/> (accessed July 2, 2024).

¹³⁷ Tanzania Veterinary Laboratory Agency (TVLA), Certificate of Analysis Test Report: Feedstuff Section, December 27, 2021, Ministry of Livestock and Fisheries Development. The samples were submitted to TVLA by the NCAA. The analysis found calcium levels in the samples were higher than indicated on the label, there were traces of lead higher than acceptable in feed ingredients, and the samples were contaminated with silicon. "Signs of adulteration and placing misleading information on the label lead to the conclusions that the salt does not comply with the Grazing-Land and Animal Feed Resources (Standards of Animal Feed Resources) Regulation of 2012."

¹³⁸ Human Rights Watch interview with Namunyal S., village chairman, Mto wa Mbu, June 21, 2023.

¹³⁹ Human Rights Watch interviews with Simon M., Joseph M., and Naengop S., Mto wa Mbu, June 21, 2023.

¹⁴⁰ Human Rights Watch interview with Loolenjai N., village chairperson, Mto wa Mbu, June 21, 2023.

¹⁴¹ Human Rights Watch phone interview with John O., October 19, 2023.

Kiboko did not speak English or Swahili and the court did not provide an interpreter, he could not follow the court proceedings in the case against him. Kiboko was imprisoned for nine months before being released in March 2023.

Access to Water Points

The government's 2016 restrictions on the communities' access to certain areas within the NCA included places with invaluable water sources for villagers and their cattle.

One community leader told Human Rights Watch:

In my village we used to have a lot of potential places [to access water for our livestock]. There are certain places we would not go to at certain times of the year, say from December to May we wouldn't go there because of wildebeest [fearing transfer of disease that affects cows]. We would go to the highland and leave the land for the wildebeest. And at certain times of the year there are areas we would only go to during time of drought. But now they're starting to tell us you cannot go there – places like Ndotu. The NCAA is starting to beat cattle herders.¹⁴²

Residents said the NCAA assured them that their communities would have access to other water sources outside the crater. However, this has not been the case, as our research showed. “The NCAA has not made a permanent place to access water [for livestock],” one woman said. “Last year [2022], during the drought, many of our animals suffered.”¹⁴³ Another resident noted that although the British colonial government had dug more than 10 water dams to collect rainwater, only two remained functional.

Since almost all the cattle in the neighboring villages used those two dams, there is a lot of pressure on the two dams. They cannot sufficiently water all the animals because the water in the dams is inadequate, and the pressure from a large number of animals relying on them means the cattle could damage the dams. Several residents said the NCAA had not renovated the eight non-functioning dams or construct new ones.¹⁴⁴ One woman said

¹⁴² Human Rights Watch interview with Loolenjai N., village chairperson, Mto wa Mbu, June 21, 2023.

¹⁴³ Human Rights Watch interview with Neeris N., Mto wa Mbu, June 21, 2023.

¹⁴⁴ Human Rights Watch interviews with Lenein O., Isaac L., councilor, Nkasiogi L., Mto wa Mbu, June 21, 2023.

that although the NCAA has provided pipe-borne water to communities, it is not effective at maintaining or repairing these water points. “When there is a destruction, the NCAA refuses to repair,” she said. “When we got the parts to do the repairs, the NCAA refused [and said] that we shouldn’t repair it and that they have an expert outside the NCA that will repair it.”¹⁴⁵

The NCAA’s restrictions on key pasture and water points have negatively affected the health of livestock, production of milk, and income from sales of milk and cattle. The NCAA also imposed a complete ban on crop cultivation, which was first introduced in 1975 to support biodiversity conservation.¹⁴⁶ In the past the prime minister has temporarily waived the ban, such as in 1992.¹⁴⁷ Residents acknowledged that the NCAA provides maize at a subsidized price, but that since the confirmation that the death of their cattle was due to the NCAA’s tainted salt, discussed above, residents have lost trust in the NCAA and some have refused to purchase the maize.¹⁴⁸ At the time of our interviews in June 2023, it had been almost two years since some residents stopped buying subsidized maize. The restriction on pasture and water points and the ban on cultivation has led to food insecurity and health implications for the communities within the NCA.¹⁴⁹

Access to Cultural Sites

In addition to restricting their access to necessary sustenance for their livestock, residents said the authorities have blocked their access to important cultural and traditional sites since around 2016. According to one traditional leader, they are not allowed in ritual sites

¹⁴⁵ Human Rights Watch interview with Nkasiogi L., Mto wa Mbu, June 21, 2023.

¹⁴⁶ United Republic of Tanzania. An Act to amend the National Parks Ordinance and the Ngorongoro Conservation Ordinance, No. 14, 1975, Sec. 9a; Ngorongoro Conservation Area (Amendment) Ordinance, No. 14, 1975, section 14; currently Ngorongoro Conservation Area Act, 2002, Part IV – Control of cultivation and grazing and protection of natural resources, sections 24-28.

¹⁴⁷ Issa Shivji and Wilbert B. Kapinga, *Maasai Rights in Ngorongoro, Tanzania* (London: International Institute for Environment and Development, 1998), <https://www.iied.org/7382iied> (accessed July 2, 2024), pp. 25-26. See: McCabe, J. Terrence, Scott Perkin, and Claire Schofield. “Can Conservation and Development be Coupled among Pastoral People? An Examination of the Maasai of the Ngorongoro Conservation Area, Tanzania.” *Human Organization* vol. 51, no. 4 (1992): 353–366, accessed July 2, 2024, doi: 10.17730/humo.51.4.d20010q600v50240.

¹⁴⁸ Human Rights Watch interviews with Nasinka N., Councilor, Nkasiogi L., Neeris N., and Neelai O., Mto wa Mbu, June 21, 2023.

¹⁴⁹ John G. Safari, Moita K. Kirwa, and Christina G. Mandara, “Food insecurity in pastoral communities of Ngorongoro conservation area, Tanzania,” *Agriculture and Food Security*, vol. 11, no. 36 (2022), accessed July 2, 2024, doi: 10.1186/s40066-022-00374-5; International Work Group for Indigenous Affairs (IWGIA), “Tanzania: Hunger in a World Heritage Site. Where is the World?,” 2012, <https://www.iwgia.org/en/tanzania/1788-tanzania-hunger-in-a-world-heritage-site-where-is.html> (accessed July 2, 2024).

at the Ngorongoro Crater, the Olmoti Crater, and Mbakai, and Maasai get arrested for going there.¹⁵⁰

The denial of access to cultural sites, and the prospect of relocation, could result in a disconnect for the Maasai from their culture and way of life—violating their right to culture. This is because their identity and culture are woven with their land. An elder in Endulen who witnessed the 1959 colonial-era relocation of Maasai from the Serengeti recounted the loss of permanent lands:

Serengeti was used for grazing and temporary settlements, and we moved to the highlands [Ngorongoro] during the dry season... where we buried our ancestors. We don't have anywhere else. Before, our people might have given up Serengeti because we had the highlands, our permanent area. Now, we don't.¹⁵¹

The NCAA's restrictions have occurred over decades, with promises to provide supplemental grain, access to water points, salt, ranches and veterinary services for livestock to mitigate harm on the affected communities and their livelihood, which it is not currently fulfilling. Under the UNDRIP, consent is not a one-off decision but part of an ongoing FPIC process that is sought, given, and can be withdrawn. Human Rights Watch concluded that the NCAA's promises of supplemental goods and services have been eroded since the relocation plans were announced, and the restrictions on the communities' access to pasture, water sources and cultural sites do not meet an FPIC standard.

Abuses by Ngorongoro Conservation Area Authority Rangers

The NCAA employs rangers to guard entry points and other areas in the NCA.¹⁵² In the past, rangers were mostly residents of the NCA or Maasai, but residents said that in recent years, community members whom the NCAA employed as rangers who may have been sympathetic to the communities, have been relocated to Msomera. According to one activist:

¹⁵⁰ Human Rights Watch interview with Lemarti O., traditional leader, Mto wa Mbu, June 21, 2023.

¹⁵¹ Human Rights Watch interview with Lemein O., Endulen, June 22, 2023.

¹⁵² "Information," NCAA, accessed July 2, 2024, <https://www.ncaa.go.tz/information/>.

The people working with the NCAA have their own issues. Because they're natives [of the NCA], the government is forcing them to relocate. If you don't want to relocate, they will terminate your employment. My uncle works with the NCAA and they were all pressured. They have to agree with the government.¹⁵³

Some NCA employees who chose not to relocate to Msomera were instead transferred to the Tanzania Wildlife Management Authority and to other protected areas outside of the NCA, including Loliondo Game Controlled Area in Loliondo division.¹⁵⁴

NCA residents described how the relationship between NCAA rangers and community members has deteriorated dramatically since the government began implementing the relocation program in 2022. They also said that rangers have attacked and beat people living in the area. Human Rights Watch documented at least 13 incidents of alleged beatings by NCAA rangers between September 2022 and July 2023. Residents said these abuses escalated around September 2022.¹⁵⁵

One NCA resident described how NCAA rangers beat his 35-year-old friend in September 2022 on his way to his uncle's funeral in Nainokanoka ward:

He was just walking, and they just punished him. They made him kneel – *kichura* [toad style], and they punished him using a stick. He got injuries on his legs. We don't have anywhere to report. You go to the same police who have beaten the guy, so you can't get any aid. There are many cases like this. Rangers are like people who are above the law.¹⁵⁶

That same month, two rangers severely beat another resident, Letee Ormunderei, at his home in Ngoile ward in the NCA, breaking his legs. An activist said one of the rangers told Ormunderei, "We want you to go to Msomera." This attack allegedly occurred because

¹⁵³ Human Rights Watch interview with Lolkerra K., activist, Arusha, September 15, 2022.

¹⁵⁴ Human Rights Watch interviews with Isaac L., councilor, and Naorokot O., Mto wa Mbu, June 21, 2023. Rangers in the NCA are managed by the NCAA and not by Tanzania Wildlife Management Authority (TAWA) or the Tanzania National Parks (TANAPA).

¹⁵⁵ See "Tanzania: Maasai Forcibly Displaced for Game Reserve," Human Rights Watch news release, April 27, 2023, <https://www.hrw.org/news/2023/04/27/tanzania-maasai-forcibly-displaced-game-reserve>.

¹⁵⁶ Human Rights Watch interview with Lemuani N., Arusha, November 15, 2022.

Ormunderei owned a motorcycle, which residents of the NCA are prohibited from owning inside the national park.¹⁵⁷

Human Rights Watch also learned of a ranger attack against a child that has gone unaddressed. On July 13, 2023, an NCAA ranger allegedly beat 15-year-old Joshua Oleparoto, breaking his teeth with the butt of his rifle, as he grazed cattle in the Ormoti area, where residents are prohibited from grazing animals.¹⁵⁸ According to a lawyer familiar with the case, Oleparoto reported and identified the ranger to the police, but at time of writing, the police had not followed up with Oleparoto or charged the ranger with any offense.

Several women said that before the relocation started, women could construct small houses for themselves, especially as additional wives joined their marriage, but now they were not allowed to build such additional homes. One woman said:

If you try to build a small house as a woman, the rangers will take you to the police. The police will order you to pay a fine. The fine is not a fixed amount, it is not uniform, and sometimes they take you to court.¹⁵⁹

Another woman explained, “In the past, we used to cut trees to build our houses without any problems. But now, if a house collapses and you are seen cutting trees, you are followed until caught and arrested.”¹⁶⁰

Other residents said NCAA rangers began harassing women and girls for picking up dead tree limbs for firewood. “Women collecting firewood are detained, their machetes are confiscated,” an elder in Endulen said. “Now the rangers are restricting everything, including getting poles to corral our livestock and protect them from wild animals.”¹⁶¹ During Human Rights Watch’s visit to the NCA in June 2023, girls who were out collecting

¹⁵⁷ Human Rights Watch interview with Lolkerra K., activist, Arusha, November 15, 2022. According to National Park Ordinance, 2003, Cap 412, Regulations, art. 18, “Parachuting, cycling, skiing, and hang gliding activities inside the park are strictly prohibited.”

¹⁵⁸ Musa Juma, “Ngorongoro Rangers Accused of Pulling Out Herder’s Teeth,” *The Citizen*, July 16, 2023, <https://www.thecitizen.co.tz/tanzania/news/national/ngorongoro-rangers-accused-of-pulling-out-herder-s-teeth--4305222> (accessed July 2, 2024).

¹⁵⁹ Human Rights Watch interview with Neeris N., Mto wa Mbu, June 21, 2023.

¹⁶⁰ Human Rights Watch interview with Naetoi L., Arusha, April 10, 2023.

¹⁶¹ Human Rights Watch interview with Lemein O., Endulen, June 22, 2023.

fallen branches for firewood were cautioned to be careful and watchful, so they are not intercepted by rangers and have their machetes seized.

Ngorongoro Conservation Area Authority Rangers

A number of laws provide “authorized officers,” including NCAA rangers, with the authority to:

1. Carry and use firearms to carry out their functions and duties,¹⁶²
2. To search and arrest, including without a warrant,¹⁶³
3. To take an individual into custody and convey the detainee “without any undue delay before the nearest magistrate.”¹⁶⁴

¹⁶² Wildlife Conservation Act, 2022, art. 13. Right to Possess and use firearms and ammunition Cap. 223

¹⁶³ Ngorongoro Conservation Area Act, 2002, section 37. Powers of Arrest; Wildlife Conservation Act, 2022, art 106.

¹⁶⁴ Ngorongoro Conservation Area Act, 2002, section 37; Wildlife Conservation Act, 2022, art 106.

Challenges Around Relocations to Msomera village

Our grandfathers left Serengeti for conservation. Our fathers lived inside the [Ngorongoro] crater and they were removed from there. We are tired of moving. We worry if they move us to Msomera they will even come to move us from there. We want to have a stable life.¹⁶⁵

– Simon M., Councilor, Mto wa Mbu, June 21, 2023

The Tanzanian government’s resettlement plan consists of relocating Indigenous Maasai people from the Ngorongoro Conservation Area, eastwards about 600 kilometers to Msomera village in Handeni district, Tanga region. The resettlement has been carried out without an FPIC process and there is inadequate consultation and information-sharing with residents of either community. There are 91 villages in Handeni district, of which Msomera is the only one historically occupied by herder communities, including Maasai people.¹⁶⁶ As of 2022 it had a reported population of about 200 households and 7,000 people.¹⁶⁷

The government estimates that as of January 2023, more than 500 households, including over 3,000 people and 15,300 cattle, had been relocated from the NCA to Msomera village.¹⁶⁸ Human Rights Watch found that their relocation has many implications, including on their ability to maintain close ties with their families and friends who chose to remain.

The government is heavily invested in the relocation and has provided relocated households with a house and land to farm. It provides other benefits as well. A government official and some resettled residents in Msomera who spoke to Human Rights Watch said for each household the government provided resettlement assistance, including transportation, cash of about 10 to 19 million shillings (\$3,964 to \$7,532), about 200 kilograms of maize, 5 to 7 acres of farm and residential land, and a house in Msomera.¹⁶⁹

¹⁶⁵ Human Rights Watch interview with Simon M., Mto wa Mbu, June 21, 2023.

¹⁶⁶ “Handeni District Council: Quick Stats,” accessed July 2, 2024, <https://handenidc.go.tz/>.

¹⁶⁷ Oakland Institute, “Fact Finding Report: Field Research at the Resettlement Site,” 2022, https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/field_research_msomera_resettlement_site_october_2022.pdf (accessed July 2, 2024).

¹⁶⁸ UNESCO, “State of Conservation Report,” 2023, <https://whc.unesco.org/document/198961> (accessed July 2, 2024), p. 1; “Social services availability attracts more villagers to shift to Msomera,” *Daily News*, August 15, 202, <https://dailynews.co.tz/social-services-availability-attracts-more-villagers-to-shift-to-msomera/> (accessed July 2, 2024).

¹⁶⁹ Human Rights Watch interview with Albert Msendo, Handeni District Commissioner, Handeni, April 11, 2023.

However, the resettled residents said the houses were small, culturally inappropriate, and inadequate for large multi-household families. They said that most or all the cattle they brought with them from NCA have died, likely as a result of water scarcity during the dry season, as they have had to water their cattle with salty groundwater.

The earth roads the authorities constructed in the area were being maintained when Human Rights Watch visited Msomera in June 2023. They had also constructed new infrastructure, including a school, dispensary, post office, police post, water supply system, electricity, and cellular network to service the area, while renovating older ones.¹⁷⁰

Despite these investments, Human Rights Watch found the relocation to have been problematic, including because resettled people were not adequately consulted, and that existing Msomera residents were being forced out of Msomera. Former NCA residents have not received adequate government support to relocate to Msomera as detailed below.

Existing Residents of Msomera

The existing Msomera residents affected by the relocation self-identify as Maasai, pastoralist, and have lived and used the land for decades, but are not Indigenous to the area. At least one resident's family has government documentation establishing their claim to the land they live on and use. However, the government did not consult existing Msomera residents about its plans to relocate people from the NCA in the area and on land they were living and farming on. Instead, they were discouraged, and even threatened, from asking questions and called "trespassers," despite their families having used the relevant land for decades. Without engaging those already in Msomera, people from the NCA were resettled to the village, resulting in clashes over access to land and resources.

¹⁷⁰ Bob Karashani and Apolinari Tairo, "Tanzania spends millions to move, build new life in Tanga for Loliondo Maasai," *The East African*, June 26, 2022, <https://www.theeastafrican.co.ke/tea/news/east-africa/tanzania-relocates-loliondo-maasai-to-tanga-3860046> (accessed July 2, 2024).

Sub-villages of Msomera village, Misima division, Handeni district,¹⁷¹ Tanga region

1. Tongoji Ormoti
2. Kati kati
3. Orokong’u
4. Tembo

Inadequate Consultation and Threats by the Authorities

Some Msomera residents told Human Rights Watch that until the government started demarcations and constructions in Msomera in February 2022, they were not aware that the area had been identified and designated as a relocation site for people the government was moving out of the NCA. The government did not hold consultative meetings with the communities who would be directly affected by the relocation or to discuss the relocation plans. Instead, the government simply used a mix of contractors and armed personnel to survey, demarcate the land, construct buildings, and relocate new people from the NCA on land previously used by Msomera residents, as discussed below.

Msomera residents said that one day around February 2022 they observed a convoy of about 60 vehicles arrive in their village, including vehicles bearing the regional commissioners for Tanga, Arusha, and Manyara regions. The passengers “came, and looked, and went... and never talked to us,” one resident of Tongoji Ormoti sub-village said.¹⁷²

A few days later, armed military officials and surveyors arrived, built and started living in a camp in the area. Residents said the surveyors began surveying, mapping divisions, and erecting warning signboards in Msomera village. Within days, government contractors began constructing houses in the village. The government officials and contractors did not provide any information or explanation to Msomera residents.

One resident said:

¹⁷¹ Hilda Mhagama, “PM Majaliwa directs two districts to manage Msomera village,” *Daily News*, March 8, 2023, <https://dailynews.co.tz/pm-majaliwa-directs-two-districts-to-manage-msomera-village/> (accessed July 2, 2024). In March 2023, the prime minister placed Msomera village under the administration of two district commissioners - Handeni and Kilindi districts.

¹⁷² Human Rights Watch interview with Micheal R., Msomera, June 24, 2023.

We wondered when we saw the convoy of cars. Then the military went around with guns. I saw people coming, and they even surveyed my house. The military never communicated with us. When surveyors started planting beacons, we confronted them saying, “This is my home! This is my farm! What are you doing?” The surveyors said that they were just civil servants, they have no power to stop, they were sent here, and we should talk to the regional or district commissioner.¹⁷³

Residents said that when they inquired from the regional and district commissioners, they were labelled “trespassers” and “squatters.” The commissioners said the area is a game-controlled area and government property, for the government to use at it pleases.¹⁷⁴

The same resident said that during the interaction with the then-Handeni district commissioner, the commissioner threatened to arrest them and prohibited them from even asking questions.¹⁷⁵ Another resident who attended the meetings recalled the district and regional commissioners saying, “you are all trespassers and if you continue to ask questions, you will be evicted.”¹⁷⁶

Many residents said they lost access to the land their families have used for farming and grazing cattle as the land has been divided up, and homes for resettled families, new service buildings, and other infrastructure have been constructed on it. One resident said beacons and signposts were planted all over their land. “They even planted a beacon in front of my door, which means I am not supposed to be there,” he said. “We are surrounded by beacons and there are beacons planted inside some *bomas* [homesteads].”¹⁷⁷ Another resident had a similar experience when the government divided up land his family had used for decades and built houses for more than two dozen households from the NCA, and infrastructure to serve them, without consulting him or his family. They are left with their boma and surrounded by newly resettled residents.

He said:

¹⁷³ Human Rights Watch interview with Lemayian L., Msomera, June 24, 2023.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Human Rights Watch interview with Micheal R., Msomera, June 24, 2023.

¹⁷⁷ Human Rights Watch interview with Samuel M., Msomera, June 24, 2023.

I was born here. My grandfather was born here. ... We are a family of about 72 with grandparents, wives, children. There is not enough land to feed everyone in our family. Now, we depend solely on our cows, which we keep far away from here because there is no place to pasture. Some family members have moved to urban areas for work because of the lack of access to farmland.

He added that the village's land had been registered with the relevant authorities, with official documents confirming his right to the land. The district and regional commissioners were not swayed, "They all say we are trespassers, and that our village was registered by mistake."¹⁷⁸

As of July 2023, the government had relocated families from the NCA into houses in the Msomera sub-villages of Tongoji Ormoti and Orokung'u, and it had started constructing more houses,¹⁷⁹ starting in Kati Kati sub-village. Kati Kati residents told Human Rights Watch they had seen people "coming and looking" in the same way that government officials had done before the construction of houses in the other sub-villages had begun. One resident only knew his farm was taken because of the government construction:

My farm will be taken. The next phase is to develop the area where I have my farm. I know because they built water pumps on the land and that is not normal. There has been no communication from the government, and I am not allowed to say a thing.¹⁸⁰

Clashes between Existing and Newly Relocated Residents

Msomera residents told Human Rights Watch that the relocation of people from the NCA has resulted in clashes between the two communities, as access to land for cultivation and pasture has become increasingly limited. "The relationship with the people from Ngorongoro is so bad," an existing resident of Msomera said. "They take our places, our

¹⁷⁸ Human Rights Watch interview with Micheal R., Msomera, June 24, 2023.

¹⁷⁹ Damian Gowela, "Govt: All Projects at Msomera to be Completed On," *Daily News*, November 27, 2023, <https://dailynews.co.tz/govt-all-projects-at-msomera-to-be-completed-on/> (accessed July 3, 2024).

¹⁸⁰ Human Rights Watch interview with Samson L., Msomera, June 24, 2023.

farms, our homes.”¹⁸¹ Several described an incident in which a Msomera resident was arrested “because she fought with another woman [that had relocated to Msomera from the NCA] for cultivating on her land.”¹⁸²

These residents said they had not received any information from the authorities about compensation for the loss of their land to resettled Ngorongoro residents.¹⁸³

Tanzanian laws and regulations provide for compensation that is “full and fair.”¹⁸⁴ Under Regulation 7 of the Land (Assessment of the Value of Land for Compensation) Regulations 2001, compensation for loss of interest in land includes the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits.¹⁸⁵

Maasai Relocated from Ngorongoro Conservation Area

NCA residents relocated to Msomera said they chose to move because of the difficulties they and their families encountered in the NCA due to government restrictions imposed over time, most recently since February 2022.

Other challenges for relocated families include the head of household designation for registering to relocate, which reinforces unequal power dynamics linked to who decides whether the family remains or relocates, inadequate consultation in respect of housing in Msomera, inadequate compensation for relocated people, and poor access to water.

¹⁸¹ Human Rights Watch interview with Lemayian L., Msomera, Handeni district, June 24, 2023. The government has promised land ownership documents to families that have been resettled in Msomera. The government plan is contradictory, touting that individual titling will result in tenure security for resettled NCA residents, i.e. titling will recognize, accurately record, and protect their rights to the land in Msomera, while ignoring the existing claims of Msomera residents on the same land, including documented ownership claims. A range of different claims coexist on the same piece of land in this case, the potential registration of exclusive individual rights for resettled NCA residents has created uncertainties for existing Msomera residents, and can weaken land rights for those, such as women, who rely on customary practices to safeguard their access to resources and their land claims.

¹⁸² Human Rights Watch interview with Micheal R., Msomera, June 24, 2023.

¹⁸³ Ibid.

¹⁸⁴ The Land Act, Cap 113, section 3(1)(g), commenced on May 1, 2001, reiterates the fundamental principles of Tanzania’s National Land Policy as being “to pay full, fair and prompt compensation to any person whose right of occupancy or recognised long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under this Act or is acquired under the Land Acquisition Act.” United Republic of Tanzania Constitution of 1977, Article 24(2), provides: “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.”

¹⁸⁵ Land (Assessment of the Value of Land for Compensation) Regulations 2001, Regulation 7.

Registration Criteria for Relocation

For the relocation process, the government uses a head of household criteria assuming that all members of a household are similar, without differing needs and wants, and does not reflect the complex nature of households, many of which are polygamous, multi-generational, and multi-household. The head of household designation may also inadvertently give the decision-making power to men, reinforcing restrictive, harmful social and gender norms that automatically consider men to be heads of household, and providers for the household and primary decision-makers over land issues, while women are expected to follow them.¹⁸⁶

In the NCA, the head of household registers the family at the NCA or the office of the district or regional commissioner, indicating their readiness to relocate to Msomera. Regardless of the desires of the other members of the household, the family's homestead is destroyed after relocation because "in the Maasai society, if the husband decides, even when wives do not agree, they all have to move," according to a member of the Ngorongoro Pastoral Council who is familiar with Maasai customs.¹⁸⁷

Relying on one person to register the family creates serious challenges both for members of the same household who want to remain in the NCA and for those who chose not to. Residents said family members who chose to remain in the NCA became homeless and forced to move in with extended family members. Wives who refused to follow their husbands may be stigmatized by their community. During a group interview in Endulen, one man told the story of one wife's refusal on account of being excluded from the decision-making:

A man engaged in the process without sharing any information. One of his wives refused to go because she was not involved in the decision. [The] government moved the husband, other wives, and their children. This broke up the family. It happened recently.¹⁸⁸

¹⁸⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Women's Rights are Human Rights," 2014, <https://www.ohchr.org/sites/default/files/Documents/Events/WHRD/WomenRightsAreHR.pdf> (accessed July 2, 2024). p. 30: this would also result in de facto discrimination as identified in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted December 18, 1979, G.A. Res. 34/180, U.N. Doc. A/RES/34/180 (1980), art. 16(i)(c).

¹⁸⁷ Human Rights Watch interview with Legishon K., Ngorongoro Pastoral Council, Arusha, June 20, 2023.

¹⁸⁸ Human Rights Watch group interview with seven Maasai men, Endulen, June 22, 2023.

The group identified seven other women across villages in the NCA who had experienced a similar situation and had refused to move with their husbands.

There is no indication that the government's relocation and resettlement planning incorporated a gender, equity, and social inclusion perspective to eliminate reinforcing inequality between men and women.

Inadequate Consultation Resulting in Culturally Inadequate Housing

The resettlement package being offered by the authorities does not reflect the complex nature of Maasai families. NCA residents, including those who had moved to Msomera and those who remained, said they had no input on the houses provided for their families, which were ultimately inadequate for the size of their families and their cultural way of life.

A traditional leader from the NCA explained:

Moving to Msomera will be problematic for our culture. You go to Msomera and you have a small house with three rooms: you will be living with your wife, children, and your children's wives, and grandchildren. In Maasai culture, this is a taboo and very prohibited. It's like killing culture.¹⁸⁹

Providing only one house to the head of the relocated household and their wives and family members is culturally inappropriate for Maasai families. One woman said, "We got only one [house], and we are two wives. Two Maasai wives cannot live in one house."¹⁹⁰

Human Rights Watch visited Msomera in June 2023. The houses are designed in a standard prefabricated style made of brick walls, metal roofs, and a satellite dish antenna. The houses are small, with two to three rooms, designed for a nuclear family of three to five people.

Some of the resettled Maasai residents told Human Rights Watch that the houses were not adequate for the number of people in their multi-generational and multi-family units, and that there is no room for future expansion if their family expands.

¹⁸⁹ Human Rights Watch interview with Lemarti O., Mto wa Mbu, June 21, 2023.

¹⁹⁰ Human Rights Watch Interview with Lankenua L., Msomera, April 11, 2023.

One woman said:

When we were leaving Ngorongoro, my son had two houses, and when we were registering to leave, my son was away. On the day of leaving, my house and my son's house were demolished. We came here, and my son has not received compensation. We live together with his family and his children. There are two families living in one house with three rooms.¹⁹¹

Residents said they have complained to the authorities about their housing difficulties, but the government has not taken action to remedy the situation. At the time of Human Rights Watch's visit to the area, some residents had spent personal funds to extend the houses. One resident had built a larger brick house on their allocated plot, and others built or were planning to build multiple traditional houses in the style of Maasai bomas.

Despite being notified of problems with the current setup, the government has continued to construct new houses based on this initial model and expanded the project to two districts. A government spokesperson was quoted in the media: "The second phase [of construction] started in July [2023] all through March, with the aim of building 5,000 houses in the entire area, including Sauni, Kitawi, and Msomera. ... in this second phase, we expect to build at least 5,000 houses, of which 2,500 will be built in Msomera, 1000 in Sauni, Kilindi District, and 1,500 in Kitawi, Simanjiro district."¹⁹²

Inadequate Compensation

Relocated NCA residents told Human Rights Watch that the cash the government gave them was insufficient to cover their expenses while resettling in Msomera, some of which was used to build extra houses to accommodate wives and sub-family units.

A resettled resident said:

¹⁹¹ Human Rights Watch interview with Evelyn S., Msomera, April 11, 2023.

¹⁹² Rosemary Mirondo, "We'll Not Apply Force to Relocate Maasai Families," *The Citizen*, November 4, 2023, <https://www.thecitizen.co.tz/tanzania/news/national/-we-ll-not-apply-force-to-relocate-maasai-families--4452742> (accessed July 3, 2024).

A lot of money has been spent on preparing the farms – clearing the bushes has cost a lot of money. Starting farms is very expensive, it is not suitable to farm without putting up a fence, there are animals like elephants, donkeys, dogs, and if you farm, they pass by and destroy the crops. You have to put up a fence with these thorny trees. It is very expensive.¹⁹³

Another resettled resident described the difficulties they faced after building a house:

I don't have any capital left. We spent all our money building a house for the young [relative] who has no home, and my children are in school. We also miss Ngorongoro because even if it doesn't rain, and we don't farm, we can sell goats since they thrive there. We educate[d] our children, and the water is good [in the NCA], but we cannot drink the water from Msomera because it has too much salt.¹⁹⁴

The government has allocated only two acres of land to each household relocated from the NCA. This acreage is significantly smaller than the extensive grazing land that was available in the NCA, and in stark contrast to collective common resource nature in NCA, and pastoralism. A member of the Ngorongoro Pastoral Council highlighted the communal nature of pastoralism and how the government's individual-focused approach ran contrary to the pastoralist way of life:

As pastoralists we have a little land for crop cultivation and the rest is communal. But the government resettlement plan gives you two acres for your house and three to five acres for cultivation. People receive cash compensation according to how well they are capable of negotiating. In Msomera, they have a school, police station, but nothing [for their] livelihood.¹⁹⁵

¹⁹³ Human Rights Watch interview with Lankenua L., Msomera, April 11, 2023.

¹⁹⁴ Human Rights Watch interview with Mary I., Msomera, April 11, 2023.

¹⁹⁵ Human Rights Watch interview with Legishon K., Ngorongoro Pastoral Council, Arusha, June 20, 2023.

He said: “Rather than talking with individuals, the government should speak with the community.”¹⁹⁶

A government spokesperson told the press that for each relocated family the government provides:

1. A three-room house on two-and-a-half-acres, and five-acres for farming and livestock keeping, with land title deeds or ownership documents.
2. 10 million shillings (\$ 3,700), though he noted that before moving the residents, the government evaluates their property for compensation.
3. Transport for all their properties to the new village.¹⁹⁷

Poor Access to Water and Loss of Livestock and Crops

Access to water has been a major challenge for the new residents of Msomera, who depend on water for their livestock and crops. The extended dry season in 2021 and 2022 with little or no rainfall affecting the region may have decreased water availability.¹⁹⁸

Some of the resettled residents told Human Rights Watch that the cows and goats they brought with them from Ngorongoro had died since they arrived in Msomera. At least half of the crops they planted on their government-allotted farmland failed. They blamed low rainfall, lack of perennial streams, and the poor-quality water in the area for their losses.

At least two resettled residents said the only available water was salty, and that the high salt levels may have contributed to the death of their livestock and the failure of their crops.¹⁹⁹

Human Rights Watch did not conduct water testing in the area to ascertain the salt levels or causal link with the death of livestock or crops.

¹⁹⁶ Ibid.

¹⁹⁷ Rosemary Mironde, “We’ll Not Apply Force to Relocate Maasai Families,” *The Citizen*, November 4, 2023, <https://www.thecitizen.co.tz/tanzania/news/national/-we-ll-not-apply-force-to-relocate-maasai-families--4452742> (accessed July 3, 2024).

¹⁹⁸ Tanzania Meteorological Authority (TMA), “Statement on the Status of Tanzania Climate in 2022,” March 2023, <https://www.meteo.go.tz/uploads/publications/sw1680520682-Tanzania%20Climate%20Statetement%202022.pdf> (accessed July 2, 2024), pp. 17, 18, 22, 26.

¹⁹⁹ Human Rights Watch interview with Mary I., Msomera, April 11, 2023.

Albert Msendo, the Handeni district commissioner, told Human Rights Watch that the government has provided tanks and pumps that can provide up to a total of 500,000 liters of water for use by people and livestock and they are digging more deep wells in the area. The government also aimed to hand over for community use a water reservoir for livestock in May 2023.²⁰⁰

²⁰⁰ Human Rights Watch interview with Albert Msendo, Handeni District Commissioner, Handeni, April 11, 2023.

Attacks against Critics of Relocation

You're not allowed to say anything. Even here, people come, but they have fear in their hearts.

— Samson L., Msomera, June 24, 2023.

The Tanzanian government has systematically silenced critics of its relocation exercise, contributing to a climate of fear. NCA and Msomera residents and human rights defenders told Human Rights Watch they cannot publicly speak out for fear of reprisals from the authorities.

Arrests of Human Rights Defenders

NCA residents who are opposed to relocation and organized to raise awareness about it, said that the authorities threatened and at times arrested them for criticizing the government's actions. "They normally threaten us," said one community leader. "We get a lot of calls. They say, 'Why are you talking about the government?' But we don't care."²⁰¹

On June 30, 2022, the authorities arrested Simon Saitoti, a ward councilor in the NCA, and charged him with killing Garlius Mwita, a policeman, on June 10 in the neighboring Loliondo division, north of the NCA.²⁰² A few weeks earlier, Saitoti had circulated a report alleging that the government had supplied poisoned salt to NCA residents for their animals. In November, the authorities dropped the charges against Saitoti and 23 others who had been arrested and charged with the murder of the policeman.

On August 15, 2023, security forces arrested 39 community members during a community meeting in Endulen village, in the NCA, to protest cuts in public service, such as the

²⁰¹ Human Rights Watch interview with Koinet S., – village chairman, Mto wa Mbu, June 21, 2023.

²⁰² See Background, Textbox: Forced Eviction of Maasai from Other Parts of Ngorongoro District, p. 22

NCAA's denial of permits to repair schools in their communities.²⁰³ The authorities accused them of attacking "journalists" who were attending the meeting.²⁰⁴

Residents of both the NCA and Msomera said they could not speak out for fear of harassment or arrest. A 31-year-old man from Orokung'u sub-village in Msomera said that after the government began relocating NCA residents to Msomera without consulting or obtaining the consent of existing Msomera residents, around May 2023 he and others formed a group to speak to the media and "tell the government to stop what was going on."²⁰⁵ The man said that a week after they began this, police summoned them to the Handeni police station where they were questioned and told to stop speaking publicly.²⁰⁶

Restrictions on the work of NGOs and the media

NCAA staff at the NCA gates have denied or charged civil society organizations entry fees, which previously did not happen, and park rangers have closely monitored the movement and activities of those who are allowed to enter. NGO representatives said they believed this restriction existed to dissuade civil society organizations from raising awareness about the relocation process and the rights of the affected communities.

An NGO representative said that before 2021, their organization had a permit to enter the NCA and access communities without paying a fee.²⁰⁷ In 2021, they were made to pay a yearly fee. Since the government-sponsored relocation process started in June 2022, the staff of this particular NGO said they have been refused entry. A representative from a second NGO corroborated this information about a new requirement for NGOs to pay an

²⁰³ "Tanzania: End the crackdown on the Maasai standing up against forced evictions in Ngorongoro," Amnesty International new release, August 25, 2023, <https://www.amnesty.org/en/latest/news/2023/08/tanzania-must-end-crackdown-on-masaai-fighting-forced-evictions/> (accessed July 2, 2024).

²⁰⁴ Tweet by Gerson Msigwa, Permanent Secretary of Culture, Arts and Sports, former chief of government spokesperson of Tanzania, former director of presidential communication, Msigwa Gerson (@MsigwaGerson), "Today, President Samia will witness the signing of the agreement for the project to construct a natural gas pipeline from Kenya to Tanzania, from Dar es Salaam to Mombasa. The agreement will be signed by Kenya's Minister of Energy, Davis Chirchir, and Tanzania's Dr. Doto Biteko (LEO, Rais Samia atashuhudia utiaji saini wa mkataba wa mradi wa ujenzi wa bomba la gesi asilia la Kenya na Tanzania kutoka Dar es Salaam hadi Mombasa. Mkataba huo utasainiwa na waziri wa Nishati wa Kenya Davis Chirchir na Dkt Doto Biteko wa Tanzania)" Twitter, August 16, 2023, <https://twitter.com/MsigwaGerson/status/1691541542928809984?t=6bbryis7g5F8VsSVSbO6eg>.

²⁰⁵ "Msomera Villagers Pleading with To President Samia Suluhu Hassan, Enable Them Given Back Their land," *First Newsroom*, April 24, 2023, <https://firstnewsroom.com/2023/04/24/msomera-villagers-pleading-to-president-samia-suluhu-hassan-enable-them-given-back-their-land/> (accessed July 2, 2024).

²⁰⁶ Human Rights Watch interview with Matthew K., Msomera, June 24, 2023.

²⁰⁷ Human Rights Watch interview with an NGO representative, Dar es Salaam, June 25, 2023.

entry fees.²⁰⁸ In 2021, they were required to pay a yearly fee of about 118,000 shillings (\$46) for their vehicle, and after February 2022, they were required to pay a fee for every staff member (\$10, the entry fee of a Tanzanian tourist), and an additional fee for every vehicle based on the weight of the car, same as for tourist vehicles.²⁰⁹

NGOs that have been allowed entry have also experienced harassment. The representative of the second NGO said that their staff were followed and questioned about their activities by park rangers while they were carrying out a project in the NCA.²¹⁰ In March 2024, Joseph Oleshangay, a Maasai human rights lawyer employed with the Legal and Human Rights Center (LHRC) and a vocal critic of the NCA relocations, was forced to flee the country to Kenya, fearing that his safety was at risk.²¹¹

The authorities have also restricted independent media from accessing the NCA. In January 2022, police briefly detained a group of journalists transported into the NCA by a local group. Doreen Ajiambo, a reporter with the Global Sisters Report (GSR), a Catholic media outlet, was arrested by security forces in the NCA and held for several hours for interviewing Maasai residents, and was forced to delete audio and photos as a condition of her release.²¹² According to NGO workers advocating for the rights of the Maasai, media outlets are unwilling to cover stories that contradict the government's narrative for fear of reprisals.²¹³ As a result, the issues facing the communities in the NCA have received little to no media attention in the local media.

²⁰⁸ Human Rights Watch interview with an NGO representative, Arusha, June 23, 2023.

²⁰⁹ Human Rights Watch interview with an NGO representative, Dar es Salaam, 25 June 2023.

²¹⁰ Human Rights Watch interview with an NGO representative, Arusha, June 23, 2023.

²¹¹ "Alarm Raised on Safety of Human Rights Activist Joseph Moses Oleshangay," *The Chanzo*, March 28, 2024, <https://thechanzo.com/2024/03/28/alarm-raised-on-safety-of-human-rights-activist-joseph-moses-oleshangay/> (accessed July 2, 2024).

²¹² Doreen Ajiambo, "'We will not go anywhere:' Maasai resist Tanzanian government evictions," *Global Sisters Report*, October 9, 2023, <https://www.globalsistersreport.org/news/we-will-not-go-anywhere-maasai-resist-tanzanian-government-evictions> (accessed July 2, 2024).

²¹³ Human Rights Watch interview with an NGO representative, Dar es Salaam, 25 June 2023. See also: "Alarm Raised on Safety of Human Rights Activist Joseph Moses Oleshangay," *The Chanzo*, March 28, 2024, <https://thechanzo.com/2024/03/28/alarm-raised-on-safety-of-human-rights-activist-joseph-moses-oleshangay/> (accessed July 2, 2024).

Tanzania's Legal Obligations

Tanzania's conservation relocation process has violated the rights of Indigenous Maasai communities in the Ngorongoro Conservation Area and rural residents in Msomera village, the destination site. In doing so, the Tanzanian government has failed to live up to its national, regional, and international human rights obligations.

Under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the government of Tanzania is obligated to respect, protect and fulfill the rights of its inhabitants, including Indigenous Maasai and rural land-rights holders, and not jeopardize their rights, directly or indirectly.²¹⁴ Tanzania, a member state of the African Union, has also ratified a number of regional human rights treaties, including the African Charter on Human and Peoples' Rights (the African Charter).²¹⁵ Tanzania's constitution and national laws also codify relevant rights.²¹⁶

Protections for Indigenous Maasai People in the Ngorongoro Conservation Area

The Ngorongoro Conservation Area Ordinance of 1959, and subsequent amendments, stipulates that the Ngorongoro Conservation Area Authority (NCAA) has a duty to safeguard and promote the interests of Maasai people engaged in cattle ranching and dairy farming within the NCA.²¹⁷ The Act grants the Maasai the right to have their interests considered by the NCAA.²¹⁸

²¹⁴ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, U.N. GAOR, 20th Sess., Supp. No. 14, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, which Tanzania ratified in 1972; ICCPR, which Tanzania ratified in 1976; ICESCR, which Tanzania ratified in 1976; CEDAW, which Tanzania ratified in 1985; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (1989), which Tanzania ratified in 1991.

²¹⁵ African Charter on Human and Peoples' Rights (African Charter), adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), which Tanzania ratified in 1984; African Charter on the Rights and Welfare of the Child, adopted July 11, 1990, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, which Tanzania ratified in 2003; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted July 11, 2003, OAU Doc. CAB/LEG/66.6/Rev.1, 1 I.L.M. 1000 (2003), which Tanzania ratified in 2007.

²¹⁶ United Republic of Tanzania Constitution of 1977.

²¹⁷ Ngorongoro Conservation Area Ordinance of 1959; Ngorongoro Conservation Area Ordinance (Amendment) Act, Cap 284, No. 43 of 1963, section 6(c).

²¹⁸ Ngorongoro Conservation Area Ordinance (Amendment) Act, Cap 284, section 6(c).

Tanzania’s laws guarantee the rights to land, consultation, compensation, and freedom of expression, and they safeguard the status of Maasai communities in the NCA. The country’s constitution mandates that the state and its agencies “direct their policies and programmes towards ensuring ... that human dignity is preserved and upheld in accordance with the spirit of the Universal Declaration of Human Rights.”²¹⁹

Rights to Property and Land, Including Customary Land Rights

Tanzanian law guarantees land rights, including customary land rights. The constitution codifies the right to own lawfully acquired property.²²⁰ The 2001 Land Act recognizes occupation of land by virtue of customary tenure and provides that such occupation and use of land for livestock pasturing constitutes property in law.²²¹ The 2001 Village Act classifies land that villages have occupied and used to pasture their cattle for 12 years preceding the enactment of the law as “village land.”²²² Thus, under national law, the Maasai in the NCA, as individuals and as a collective—who have occupied and used these lands to pasture their cattle for generations, long before the enactment of the Land Act or Village Act—have a right of occupancy.²²³

The African Charter on Human and Peoples’ Rights (the African Charter) and the Universal Declaration of Human Rights protect the right to own property.²²⁴ Importantly, these instruments protect individuals and communities, including those with customary land tenure, from arbitrary interference with their rights to property and land, and their protections do not hinge on an individual or a community holding formal title. The UN Committee on Economic, Social and Cultural Rights, which interprets the ICESCR, has

²¹⁹ United Republic of Tanzania Constitution of 1977, article 9(a) and (f).

²²⁰ United Republic of Tanzania Constitution of 1977, article 24(1).

²²¹ Land Act, Cap 113, commenced on 1 May 2001, section 4(3).

²²² Village Act, Cap 114, commenced on 1 May 2001, section 7(e)(iii).

²²³ “United Nations Permanent Forum on Indigenous Issues,” June 14, 2022,

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2022/06/Statement_Loliondo_letterhead.pdf (accessed July 2, 2024). See also, Thomas M. Lekan, “Our Gigantic Zoo: A German Quest to Save the Serengeti,” in *Serengeti II: Dynamics, Management, and Conservation of an Ecosystem*, eds. A.R.E. Sinclair and Peter Arcese. (Chicago: The University of Chicago Press, 1995).

²²⁴ Universal Declaration of Human Rights (UDHR), G.A. Res. 217A (III), U.N. GAOR, 3rd Sess., pt. I, U.N. Doc. A/810 (1948), art. 17; ACHPR, June 27, 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58, art. 14.

emphasized that protections apply whether or not individuals hold formal title, and “notwithstanding the type of tenure.”²²⁵

Regional and national jurisprudence have highlighted the link between land and human rights.²²⁶ In *COHRE v. Sudan*, the African Commission on Human and Peoples’ Rights, which provides authoritative guidance for states parties to the African Charter and oversees compliance with the Charter, held that people have a protected right to property whether they have legal title.²²⁷ Tanzanian courts have also held that customary land rights concern “real property protected by the provisions of article 24 of the Constitution.”²²⁸

In addition, Tanzania voted in favor of two international instruments related to the rights of Indigenous peoples and people in rural areas. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), is an instrument that provides that Indigenous people are entitled to lands they have traditionally owned, occupied, or otherwise acquired.²²⁹ The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) calls upon states to uphold the right of peasants and other people working in rural areas to “have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions.”²³⁰

²²⁵ CESCR, General Comment No. 4, The right to adequate housing (Sixth session, 1991), U.N. Doc. E/1992/23, annex III, art. 114 (1991).

²²⁶ United Nations, Land and Human Rights: Annotated Compilation of Case Law, HR/PUB/15/5

²²⁷ African Commission on Human and Peoples’ Rights: Center on Housing Rights and Evictions (COHRE) v. Sudan, Communication No. 296/2005, July 29, 2009, para. 205. In the case of *COHRE v. Sudan*, the African Commission found that “It doesn’t matter whether they had legal titles to the land, the fact that the victims cannot derive their livelihood from what they possessed for generations means they have been deprived of the use of their property under conditions which are not permitted by Article 14 [right to property].”

²²⁸ *Attorney General vs. Lohay Akonaay and Another* (Civ. App. No. 31 of 1994) <https://tanzlii.org/tz/judgment/court-appeal-tanzania/1994/1> (accessed July 2, 2024), para 25.

²²⁹ “General Assembly Adopts Declaration on Rights of Indigenous Peoples; ‘Major Step Forward’ towards Human Rights for All, Says President,” Meeting Coverage and Press Releases, September 13, 2007, <https://press.un.org/en/2007/ga10612.doc.htm> (accessed April 18, 2024); UNDRIP, art. 26.

²³⁰ UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), adopted September 28, 2018, U.N. Doc. A/HRC/RES/39/12; United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, General Assembly Voting Record, 2018, <https://digitallibrary.un.org/record/1656160?ln=en> (accessed July 2, 2024).

Prohibition of Forced Evictions

International law prohibits “forced evictions.”²³¹ The Committee on Economic, Social and Cultural Rights, in its General Comment No. 7 on the right to adequate housing, defines forced evictions as the involuntary removal of a person from their home or land when that person does not have access to appropriate forms of legal or other protection. The authorities must ensure that “all feasible alternatives” are explored in consultation with residents and that “adequate compensation” is provided. Everyone should have the right, and a meaningful opportunity, to challenge the legality of an eviction.²³² African regional human rights instruments reinforce this prohibition.²³³

Right to Culture

The African Charter guarantees the right to culture, stating that “Every individual may freely take part in the cultural life of his community.”²³⁴ International human rights law also provides for the right to a specific way of life as part of the right to culture.²³⁵ Indigenous peoples have a right to practice and revitalize their cultural traditions and customs.²³⁶ By restricting access to areas within the Ngorongoro Conservation Area—including inside the crater—that are central to Maasai cultural rites and celebrations, the authorities have denied the community access to a central element of their cultural practice and way of life.

²³¹ The ICCPR provides that “no one shall be subjected to arbitrary or unlawful interference with his ... home,” and everyone is entitled to protection from such interference. ICCPR, art. 17. See also ICESCR, art. 11.

²³² The ICESCR provision on the right to housing has been interpreted by the CESCR, in its General Comment No. 7, to prohibit forced evictions.

²³³ The African Commission on Human and Peoples’ Rights has also called for an end to forced evictions, both by states and third parties, including for development purposes. African Commission on Human and Peoples’ Rights, “Resolution on the right to adequate housing and protection from forced evictions,” 2012, <https://achpr.au.int/en/adopted-resolutions/231-resolution-right-adequate-housing-and-protection-forced-eviction> (accessed July 2, 2024); see also African Commission on Human and Peoples’ Rights, “Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights,” 2010, https://archives.au.int/bitstream/handle/123456789/2063/Nairobi%20Reporting%20Guidelines%20on%20ECOSOC_E.pdf (accessed July 2, 2024), para. 55 (a). Similarly, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted October 23, 2009, AU Doc. EX.CL/568 (XVII) (2009), art. 4, provides, “everyone has the right not to be forcibly evicted from his or her housing, land and property and shall be protected against arbitrary displacement.”

²³⁴ African Charter art. 17(2).

²³⁵ UDHR, art. 27; ICESCR, art. 15(1). For analysis, see Elissavet Stamatopoulou-Robbins, *Cultural Rights in International Law: Article 27 of the Universal Declaration of Human Rights and beyond* (Leiden: Koninklijke Brill NV, 2007); Gudmundur Alfredsson and Asbjørn Eide, *The Universal Declaration of Human Rights* (Boston: Martinus Nijhoff Publishers, 1999); Ana Vrdoljak, ed., *The Cultural Dimension of Human Rights* (New York: Oxford University Press, 2013).

²³⁶ UNDRIP, art. 11(1).

Right to Development

The African Charter states that “all peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.”²³⁷ Similarly, the UN Declaration on the Right to Development stresses inclusive development.²³⁸ The government is violating the right to development of the Maasai people in the NCA by its failure to adequately involve them in the development process and the failure to ensure the continued improvement of the community’s well-being whether they chose to relocate or not.

In the Endorois decision, the African Commission elaborated that the right to development is a two-pronged test, that it is both *constitutive* and *instrumental*, or useful as both a means and an end.²³⁹ A violation of either element constitutes a violation of the right to development.²⁴⁰ The right to development is about the government providing a people with the ability to choose their future,²⁴¹ including where to live, and creating the conditions favorable to a people’s development rather than arbitrarily deciding where the Maasai should live by choosing Msomera, building houses, and relocating families there.²⁴²

Right to Participation in Decision-making Processes, including Free, Prior, and Informed Consent (FPIC)

The Constitution of Tanzania guarantees citizens the right to fully participate in decision-making processes on matters affecting them, their well-being, or the country.²⁴³

²³⁷ ACHPR, art. 22.

²³⁸ U.N. Declaration on the Right to Development, U.N. GAOR, 41st Sess., Doc. A/RES/41/128 (1986), art. 1.1. “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

²³⁹ Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya, 276/03, Decision, para. 277.

²⁴⁰ *Ibid.*

²⁴¹ U.N. Declaration on the Right to Development, U.N. GAOR, 41st Sess., Doc. A/RES/41/128 (1986), Article 2.3, which refers to “active, free and meaningful participation in development.” See Arjun Sengupta, “Development Cooperation and the Right to Development,” Francois-Xavier Bagnoud Centre Working Paper No. 12, 2003, http://tanzaniagateway.org/docs/Development_cooperation_and_the_Right_to_Development.pdf (accessed July 3, 2024).

²⁴² See Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya, 276/03, Decision, para 278.

²⁴³ United Republic of Tanzania Constitution of 1977, art. 21(2).

Under the African Charter, the government has obligations to ensure that it meaningfully consults with communities before making changes to the delivery of public services essential to their rights, including health care and education. In its General Comment 7, the African Commission reiterated that governments need to impose public service obligations on all social services whether public or private, including ensuring at a minimum that they are subject to democratic public accountability.²⁴⁴

For Indigenous people, effective participation is interlinked with the right to self-determination, an important aspect of any discussion about making changes to access, use of, and control over land.²⁴⁵ The UNDRIP states: “No relocation shall take place without the free, prior and informed consent [FPIC] of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”²⁴⁶ Governments need to consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions to seek their free and informed consent prior to approving any decision or policy that could affect them.²⁴⁷ Under the United Nations Declaration on the Rights of Peasants, governments need to “promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods.”²⁴⁸ The African Commission also recognized the need for governments to seek the free, prior, and informed consent of Indigenous peoples.²⁴⁹

Women and girls also have the right to effective and equal participation in decision-making and to consultation.²⁵⁰ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) specifically requires that governments “take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and

²⁴⁴ ACHPR, “General Comment 7: State obligations under the African Charter on Human and Peoples’ Rights in the context of private provision of social services,” adopted on July 28, 2022, <https://achpr.au.int/en/documents/2022-10-20/general-comment-7-state-obligations-under-african-charter-human> (accessed July 2, 2024), paras. 15-16.

²⁴⁵ U.N. Human Rights Council, “Right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus,” A/HRC/EMRIP/2019/3/Rev.1, para. 5.

²⁴⁶ UNDRIP, art. 10; U.N. Human Rights Council, “Free, Prior and Informed consent: a human rights-based approach,” A/HRC/39/62, para. 14.

²⁴⁷ *Ibid.* arts. 18, 19, and 32.

²⁴⁸ UNDROP, art. 10(2).

²⁴⁹ See Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya, 276/03, Decision, para. 291.

²⁵⁰ CEDAW etc.

women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”²⁵¹ The convention also requires governments to “take all appropriate measures to eliminate discrimination against women in rural areas. ... and ensure to such women the right to equal treatment as men in land and agrarian reform.”²⁵²

With respect to environmental issues, the Rio Declaration on Environment and Development proclaims that individuals should have “the opportunity to participate in decision-making processes” and governments should “facilitate and encourage public awareness and participation by making information widely available.”²⁵³ Furthermore, the revised African Convention on the Conservation of Nature and Natural Resources, which Tanzania has not ratified, requires states parties to adopt legislation and other regulatory measures necessary to enable public access to environmental information, participation in decision-making, and recourse through courts in environment-related matters.²⁵⁴

The right to participate in decision-making processes is an important safeguard in exceptional circumstances under which evictions may be considered legitimate. The UN Committee on Economic, Social and Cultural Rights set out the procedural protections that governments should give individuals and communities subjected to involuntary resettlement, including an opportunity for genuine consultation with those affected.²⁵⁵

²⁵¹ CEDAW, art. 5.

²⁵² CEDAW, art 14(2)(g).

²⁵³ Rio Declaration on Environment and Development, adopted June 14, 1992, U.N. Doc. A/CONF.151/26 (vol. I), (1992).

²⁵⁴ African Convention on the Conservation of Nature and Natural Resources, adopted July 11, 2003, Maputo, Mozambique, AU Doc. CAB/LEG/24.1., arts. XVI(1) and XVII(1).

²⁵⁵ CESCR, General Comment No. 7, The Right to Adequate Housing (art. 11 (1) of the Covenant): Forced evictions, U.N. Doc. E/1998/22 (1997), para. 15. Additionally, authorities should provide adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; ensure especially where groups of people are involved, government officials or their representatives to be present during an eviction; ensure all persons carrying out the eviction to be properly identified; ensure evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; ensure provision of legal remedies; and provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Right to Information

The constitution of Tanzania guarantees the right to be informed, including the right to seek, receive, and, or disseminate information.²⁵⁶

The ICCPR provides for everyone's right of access to information held by public bodies.²⁵⁷ The UN Human Rights Committee, which interprets the ICCPR, directs governments to "pro-actively put in the public domain government information of public interest," ensuring access is easy, prompt, effective, and practical.²⁵⁸ The African Charter also guarantees the right to receive information.²⁵⁹

With respect to environmental information, the Rio Declaration on Environment and Development, which states including Tanzania adopted at the UN Conference on Environment and Development in 1992, asserts that "each individual should have appropriate access to information concerning the environment that is held by public authorities," including activities in their communities.²⁶⁰

Rights to Freedom of Expression and Assembly

The constitution guarantees the rights to freedom of expression and to freely and peaceably assemble.²⁶¹

International and regional law obligates Tanzania to guarantee the right to express opinions without interference and to peaceful assembly.²⁶² The African Charter guarantees the right to express and disseminate opinions within the bounds of the law and the right to freely assemble within the bounds of only "necessary restrictions provided for by law in

²⁵⁶ Tanzania Constitution, Act 18 (a)-(d).

²⁵⁷ ICCPR, art. 19.

²⁵⁸ UN Human Rights Committee, General Comment No. 34, Right of Access to Information, U.N. Doc. CCPR/C/GC/34 (2011), paras. 18-19.

²⁵⁹ African Charter on Human and Peoples' Rights, arts. 9, 11; The African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression and Access to Information in Africa, adopted on November 2019, Part III, Right of Access to Information.

²⁶⁰ Rio Declaration on Environment and Development.

²⁶¹ Constitution arts. 18 and 20.

²⁶² UDHR, art. 19; ICCPR, art. 19; African Charter on Human and Peoples' Rights, arts. 9 and 11.

particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.”²⁶³

The ICCPR similarly permits restrictions on freedom of speech and assembly only if they are provided for by law, are strictly necessary and proportionate to achieve a legitimate aim, including the protection of national security, public order or public health, and morals, and are nondiscriminatory.²⁶⁴

Right to Education

Tanzania is a party to the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child, which, like the ICESCR, obligates governments to respect, protect, and fulfill the right to education,²⁶⁵ without discrimination, including based on race, ethnicity, gender, language, national or social origin, birth, disability, or “other status.”²⁶⁶ The UN Committee on the Rights of the Child notes that “indigenous children are among those children who require positive measures in order to eliminate conditions that cause discrimination and to ensure their enjoyment of the rights of the Convention on equal level with other children.”²⁶⁷

Governments have a duty to devote the “maximum of their available resources, individually or through international assistance and co-operation” to progressively realize this right.²⁶⁸ There is a strong presumption against allowing any backward steps taken regarding the right to education, as well as other rights outlined in the ICESCR.²⁶⁹ The Committee on Economic, Social and Cultural Rights stipulates that in cases where deliberate retrogressive measures are implemented, the government must demonstrate that such actions were undertaken only after thorough consideration of all possible alternatives and within the framework of utilizing the government's maximum available

²⁶³ African Charter on Human and Peoples' Rights, art. 9; African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression and Access to Information in Africa.

²⁶⁴ ICCPR, art. 19(3) and 20(2). OHCHR, General Comment No. 10: Freedom of expression (Art. 19), U.N. Doc. 29/06/1983 (1983).

²⁶⁵ ICESCR, arts. 13 and 14; CRC, art. 28.

²⁶⁶ ICESCR, art. 2; and CRC, art. 2, African Charter on the Rights and Welfare of the Child, art. 3.

²⁶⁷ CRC, General Comment No. 11 (2009) Indigenous children and their rights under the Convention, UN Doc. CRCC/GC/11, January 12-30, 2009, para. 25.

²⁶⁸ ICESCR, art. 2(1); CRC, art. 4.

²⁶⁹ CESCR, General Comment No. 13: The Right to Education (Art. 13), U.N. Doc. E/C.12/1999/10 (1999), para. 45.

resources.²⁷⁰ The Committee on the Rights of the Child has stated that “[i]n order for indigenous children to enjoy their right to education on equal footing with non-indigenous children... States parties should allocate targeted financial, material and human resources in order to implement policies and programmes which specifically seek to improve the access to education for indigenous children.”²⁷¹

The government also has an obligation to also progressively realize the rights to water and sanitation in the context of schools to the maximum of their available resources.²⁷² The right to sanitation and education are interrelated and without access to adequate sanitation in schools, children will continue to miss out on valuable opportunities to attend class and learn. The CEDAW Convention, to which Tanzania is a party, interprets and applies the right to education with attention to the unique needs and situations of women and girls.²⁷³

Right to the Highest Attainable Standard of Health

The ICESCR recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”²⁷⁴ It obligates governments to take steps that are concrete, deliberate, and targeted to achieve the full realization of the right to health, and it prohibits retrogressive measures “unless a State can demonstrate that it has made every effort to use all resources at its disposal to meet its obligations.”²⁷⁵ Health-related services, goods, and facilities must be available, accessible, acceptable and of good quality.²⁷⁶ Physical accessibility means “in safe reach for all sections of the population,

²⁷⁰ CESCR, General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, para. 1, of the Covenant), U.N. Doc. E/1991/23 (1990), para. 9.

²⁷¹ CRC, General Comment No. 11 (2009) Indigenous children and their rights under the Convention, para. 60.

²⁷² UN General Assembly, Resolution adopted by the General Assembly on 17 December 2015, 70/169. The human rights to safe drinking water and sanitation, U.N. Doc. A/RES/70/169 (2016), para. 2. The right to sanitation entitles “everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity;” CESCR, Statement on the Right to Sanitation, (Forty-fifth session, 2010), U.N. Doc. E/C.12/2010/1, para. 7.

²⁷³ CEDAW, art. 10; CEDAW, General Recommendation No. 36, Women's and girls' rights to education, (2017), U.N. Doc. CEDAW/C/GC/36.

²⁷⁴ ICESCR, art. 12.

²⁷⁵ ICESCR, art. 2(1); OHCHR, The Right to Health, Factsheet No. 31.

<https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf> (accessed July 2, 2024), p. 24.

²⁷⁶ *Ibid.*, p. 4.

including children, adolescents, older persons, persons with disabilities and other vulnerable groups,” as well as financial accessibility.²⁷⁷

CEDAW and the African Charter²⁷⁸ address the right to health for specific groups such as women and girls²⁷⁹ and children.²⁸⁰ CEDAW provides that governments ensure women have appropriate services in connection with pregnancy, confinement, and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.²⁸¹

According to the UN Committee on the Rights of the Child, “States should take all reasonable measures to ensure that indigenous children, families and their communities receive information and education on issues relating to health and preventive care such as nutrition, breastfeeding, pre- and postnatal care, child and adolescent health, vaccinations, communicable diseases (in particular HIV/AIDS and tuberculosis), hygiene, environmental sanitation and the dangers of pesticides and herbicides.”²⁸²

Rights-based Approach to Conservation

In August 2021, the UN special rapporteur on the environment and human rights made recommendations to reconcile efforts to protect nature and states’ human rights obligations.²⁸³ The special rapporteur called on states to prioritize Indigenous peoples, Afro-descendants, local communities, peasants, rural women, and youth, along with their traditional knowledge and sustainable nature governance practices, in identifying, designating, and managing areas crucial for cultural and biological diversity.

²⁷⁷ Ibid.

²⁷⁸ ACHPR, art. 16.

²⁷⁹ CEDAW, arts. 11 (1)(f), 12 and 14 (2)(b).

²⁸⁰ CRC, art 24.

²⁸¹ CEDAW, art. 12; CEDAW, General Recommendation No. 24, Article 12 of the Convention (Women and Health), U.N. Doc. A/54/38/Rev.1, chap. I, (1999).

²⁸² CRC, General Comment No. 11 (2009) Indigenous children and their rights under the CRC, para. 53.

²⁸³ UN Commission on Human Rights (UNCHR), Policy Brief by the Special Rapporteur on Human Rights and the Environment, “Human rights-based approaches to conserving biodiversity: equitable, effective and imperative,” August 2021, <https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/policy-briefing-1.pdf> (accessed July 2, 2024), p. 20.

The special rapporteur also recommended reforms to conservation and protected area legislation to safeguard the rights of Indigenous peoples and other rural rights holders dependent on conservation areas.²⁸⁴ Similarly, the revised African Convention on the Conservation of Nature and Natural Resources provides that governments “take legislative and other measures to ensure that traditional rights and intellectual property rights of local communities, including farmers’ rights are respected in accordance with the provisions of this Convention.”²⁸⁵

In a 2022 report, the UN special rapporteur on the rights of Indigenous peoples stressed the importance of inclusive conservation efforts that recognize Indigenous peoples as rights holders and preserve their way of life and knowledge, alongside their lands.²⁸⁶

Right to Compensation

Tanzanian national law provides for compensation for loss of land and property. The constitution and the Village Act outlaw the deprivation of property, including “for the purposes of nationalization,” without fair and adequate compensation.²⁸⁷ The Land Acquisition Act, which prescribes guidance on compensation processes, entitles individuals to compensation even if the president acquires their land for a public purpose.²⁸⁸ Furthermore, under the Village Act, village land should not be transferred until

²⁸⁴ Ibid.

²⁸⁵ Revised African Convention on the Conservation of Nature and Natural Resources, Article XVII(1), adopted July 11, 2013, <https://au.int/en/treaties/african-convention-conservation-nature-and-natural-resources-revised-version> (accessed July 2, 2024).

²⁸⁶ UN General Assembly, Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, Protected areas and indigenous peoples’ rights: the obligations of States and international organizations, U.N. Doc. A/77/238 (2022), para. 66; See Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya, 276/03, Decision, paras. 277 – 278.

²⁸⁷ United Republic of Tanzania Constitution of 1977, art. 24(2); The Village Act, Cap 114, section 4 (1 and 2), commenced on May 1, 2001.

²⁸⁸ The Land Acquisition Act, Cap 118, section 11(1), commenced on March 23, 1968. Section 11(2) of the Land Acquisition Act states that the president may, instead of paying monetary compensation, give plots on public land to affected persons. These plots must be of the same value and condition as the acquired ones. The plots maybe in lieu of or in addition to cash or monetary compensation. The main condition is that affected persons must give their consent to the arrangement. Section 12(3) of the Land Acquisition Act states that alternative plots must be given in cases where the acquired land was being used as a cemetery or crematorium or for any purpose other than for gain or profit. Regulation 10 of the Land (Compensation Claims) Regulations, 2001 provides that compensation should take the monetary compensation, but may also be provided compensation in kind in the form of or in combination of a plot of land of comparable quality, extent and productive potential to the land lost; a building or buildings of comparable quality, extent and comparable to the building or buildings lost; plants and seedlings; or regular supplies of grain and other basic foodstuffs for a specified time.

the type, amount, method, and timing of compensation has been agreed upon between the village council and the district commissioner.²⁸⁹

The UN special rapporteur on the environment and human rights rapporteur reiterated the UNDRIP²⁹⁰ articles specifically directing states to “provide just, fair, culturally acceptable, and equitable compensation” when restitution is not possible. According to the rapporteur:

Unless otherwise freely agreed upon by the Indigenous Peoples or other rural rights holders concerned, compensation should take the form of lands, territories, and resources equal in quality, size and legal status, or of monetary compensation or other appropriate redress.²⁹¹

Right to Remedy

Under the ICCPR, Tanzania is obligated to uphold the right to an effective remedy for victims of human rights violations.²⁹² Victims have the right to have their claims determined by competent judicial, administrative, or legislative authorities or any other competent authority, which should enforce such remedies.²⁹³

In 2019, Tanzania withdrew its declaration made under article 34 of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples’ Rights accepting the competence of the court.²⁹⁴ The government’s withdrawal prevents individuals and NGOs from directly filing cases against the government before the Arusha-

²⁸⁹ The Village Act, Cap 114, section 4 (8), commenced on 1 May 2001.

²⁹⁰ UNDRIP, art. 28.

²⁹¹ UNOHCHR, Policy Brief by the Special Rapporteur on Human Rights and the Environment, “Human rights-based approaches to conserving biodiversity: equitable, effective and imperative,” August 2021, <https://www.ohchr.org/sites/default/files/Documents/Issues/Environment/SREnvironment/policy-briefing-1.pdf> (accessed July 2, 2024), p. 20.

²⁹² ICCPR, art. 2.

²⁹³ ICCPR, art. 2(3).

²⁹⁴ African Union Commission, “Notice of Withdrawal of the Declaration made under Article 34(6) of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples’ Rights,” Ref: BC/OLC/66/24/2565.19, November 26, 2019, https://www.african-court.org/wpafc/wp-content/uploads/2020/10/Withdrawal-Tanzania_E.pdf (accessed July 2, 2024); Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights, art. 34(6), at any time after ratification of the Protocol, a state “shall make a declaration accepting the competence of the Court to receive cases under article 5(3) of this Protocol.” The court cannot receive petitions regarding governments that have not made such a declaration.

based African Court on Human and Peoples' Rights.²⁹⁵ With authorities threatening community members in the NCA and existing Msomera residents with arrest, those affected face enormous challenges to obtain remedies in Tanzania for their communities.

²⁹⁵ Ibid. art. 5(3), "The Court may entitle relevant Non-Governmental Organizations (NGOs) with observer status before the Commission, and individuals to institute cases directly before it, in accordance with article 34(6) of this Protocol."

Recommendations

To the Government of Tanzania

- Adopt a revised Wildlife Conservation Act to reflect Tanzania’s history of protected areas with multiple land use and ensure that the provisions respect people’s rights to land, property, livelihood, and culture.

On Protection of Land Tenure

- Respect the human rights, including land and tenure rights, including traditionally-owned and communal land, of Indigenous people and other rights holders in developing and implementing all conservation measures.
 - Legally recognize the lands and resources that pastoralist communities in Ngorongoro district have used and managed for generations, with due respect for their legal systems, traditions, and practices, including traditional grazing methods and rituals.

On Free, Prior and Informed Consent and Participation

- Adequately consult and seek the free, prior, and informed consent of affected Indigenous communities in the NCA and meaningfully consult existing Msomera residents affected by the resettlement in line with national and international obligations.
 - Provide all affected communities access to all relevant information on proposed conservation strategies and developments that would impact their lives as individuals and as a community.
 - Guarantee the participation of all members of affected communities in decision-making related to land and natural resources, including through inclusive gender- and youth-responsive processes in deciding conservation strategies that respect and protect their rights.

On Education and Health

- Uphold the rights of Massai to education, the highest attainable standard of health, to water and sanitation, to adequate housing, food and to take part in cultural life in the NCA.
- Restore job openings for government-paid medical staff at medical facilities, including Endulen Hospital and other dispensaries, in the NCA.

On NCAA Rangers

- Require and ensure that rangers are appropriately trained in national and international human rights law and standards and subject to effective independent oversight and accountability.
- Hold accountable rangers, including commanding officers, who engaged in misconduct through appropriate disciplinary and judicial avenues.

On Monitoring and Grievance Mechanisms

- Conduct ongoing monitoring and cease the implementation of conservation strategies that violate rights such as protected areas or conservation-related forced evictions and involuntary displacements.
- Set up an independent alternative grievance and redress mechanism that can receive complaints of and provide remedies for human rights violations related to the relocation of residents from the NCA and resettlement in Msomera.

On Preventing Forced Evictions

- Ensure that Tanzania's domestic legal regime governing public land acquisitions is aligned with its international human rights law standards and international norms. This means prohibiting all forced evictions, regardless of ownership or tenure status of those affected, and ensuring that all public land acquisition practices involve:
 - Respecting human dignity and the general principles of reasonableness, proportionality and due process;
 - Exploring all feasible alternatives to eviction in consultation with affected persons prior to carrying out any evictions; with attention to the impact on

individual potential evictees due to factors including gender, ethnicity, caste, age, religion, and disability, among others;

- Engaging in genuine consultations with those affected;
- Providing adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- Providing adequate and effective legal or other appropriate remedies are available to any person claiming that their right to protection against forced evictions has been violated or is under threat of violation;
- Providing access to justice throughout the process and not just when eviction is imminent;
- Providing the availability of legal aid to persons who are in need to seek legal redress;
- Providing adequate compensation for any loss of property; and
- Ensuring that evictions should never result in individuals being rendered homeless or vulnerable to violations of other human rights.

To the Ngorongoro Conservation Area Authority

- Restore funding for services and upkeep of existing infrastructure in the NCA, including to Endulen Hospital and local schools, re-establish and strengthen the Ngorongoro Pastoralist Council, and ensure there are no hurdles for the Pastoral Council to implement its mandate.
- Ensure universities are notified regarding students on scholarship, and make sure the university-related funds are released promptly.
- Consult with community representatives, including the Pastoral Council to develop clear guidance around construction authorizations, and permitted construction materials, for example, found locally, sourced sustainably, and are culturally significant to the community.
- Design an “open door” system, with the involvement of representatives from NCA communities, that eliminates or minimizes the burden of paying the entry fee on NCA residents who do not have their identification documents to enter at the gates and provides ease of access to these Indigenous community members.
- Develop a rights-respecting conservation strategy with standard, transparent operating procedures on inclusive consultative processes with NCA communities.

- Engage with communities in the NCA to build a plan for sustainable food and water sources that is culturally appropriate, supports their livelihoods, and ensures they are food secure.
- Implement long-term community-led monitoring and evaluation, recognizing that planned relocations require long-term support and oversight.
- Extend timelines for support to families that have been relocated from the NCA.
- Allow relocated residents to return to the NCA, should they wish to do so, and facilitate their return, including through financial assistance to rebuild houses and buy cattle.
- Investigate abuses by NCAA rangers in the NCA, including restrictions on movement, and hold them accountable.

To the African Commission on Human and Peoples’ Rights

- In line with its mandate under the African Charter on Human and Peoples’ Rights, consider:
 - Formulating and laying down principles aimed at resolving the human rights violations documented in this report on which the government of Tanzania can base their legislation and policy.
 - Submitting a case to the African Court on Human and Peoples’ Rights to determine the rights of the Maasai and other communities affected by the NCA project and the obligations of the government of Tanzania.
- Continue to make specific, rights-respecting recommendations to the government of Tanzania to halt all forced evictions and involuntary displacement of Maasai communities, meaningfully consult with affected communities, and ensure the government respects the rights of affected communities to land, livelihood, and culture, religion and development.

To Tanzania’s International Partners, including Conservation Organizations, Multilateral and Bilateral Development Agencies

- Urge Tanzanian officials to end abusive policies in Ngorongoro district and preserve the Maasai communities’ rights to education and health, among others, as a core foundation of shared economic prosperity.

- Support the government of Tanzania in conducting human rights due diligence on the potential risks associated with its conservation and tourism planning and strategies, specifically related to protected areas, forced evictions, relocations, and displacements.
- Withdraw from any conservation operations that do not satisfy international human rights law and standards.
- Provide resources to the government of Tanzania to develop and implement gender- and youth sensitive policies specific to conservation that respect the rights of Maasai communities in NCA and rural rights holders in Msomera.
- Support the government in developing and implementing specific policies on hiring, training, and supporting rangers and others responsible for securing protected areas or other areas designated for conservation.
- Make funding to rangers conditional on their adopting training programs on relevant international human rights law and standards and their operations complying with these standards.

To the United Nations Educational, Scientific and Cultural Organization (UNESCO)

- Reform the Operational Guidelines through which the World Heritage Convention is implemented to align them with the United Nations Declaration on the Rights of Indigenous Peoples and adopt procedures to ensure Indigenous peoples' free, prior and informed consent.
- Promote and encourage the NCAA and the Tanzanian government to enhance the role of the Maasai communities in the NCA in the governance and management of the World Heritage site in accordance with relevant international human rights law and standards, including the World Heritage Convention and its existing strategic objectives, particularly the “fifth C” for Communities.

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Ashwanee Budoo-Scholtz, deputy director in the Africa Division, and Regina Tamés, deputy director in the Women’s Rights Division, edited the report. Babatunde Olugboji, deputy program director, provided program review. James Ross, legal and policy director, and Clive Baldwin, senior legal advisor, provided legal review. Luciana Téllez Chávez, senior researcher in the Environment and Human Rights Program; Elin Martinez, senior researcher in the Children’s Rights Division; and Jim Wormington, senior researcher and advocate, and Matt McConnell, researcher, (Matt reviewed the report for the Health and Human Rights Program and the Economic Justice and Rights Division), in the Economic Justice and Rights Division provided specialist reviews. Susanné Bergsten, officer in the Women’s Rights Division and Amu Mnisi, associate in the Africa Division provided production assistance, and Travis Carr, publication officer, prepared the report for publication.

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“It’s Like Killing Culture”

Human Rights Impacts of Relocating Tanzania’s Maasai

Tanzania’s President Sulu Hassan is spearheading a campaign to bolster tourism by promoting the country’s cultural heritage and showcasing national parks. The drive to attract international tourists, including by enhancing conservation, has contributed to displacements and forced evictions of Indigenous Maasai from their land in northern Tanzania.

“*It’s Like Killing Culture*” documents how the Tanzanian government is relocating Indigenous Maasai people from the Ngorongoro Conservation Area (NCA) to Msomera village, about 600 kilometers away, without adequately consulting them prior to planning and conducting the relocation, or seeking their free, prior, and informed consent. Authorities have also displaced families in Msomera to accommodate relocated residents.

The report examines the government’s significant reduction of health, education and other essential services to the NCA. This, and restrictions on accessing cultural sites and grazing areas; bans on growing crops, new rules limiting entry to the NCA, and assault and harassment from government rangers enforcing these rules, have made life increasingly difficult for residents, forcing some to relocate. Authorities have imposed relocation procedures that have reinforced gender inequality and threatened and intimidated critics of the relocation.

Human Rights Watch calls on the government of Tanzania to halt the relocations, consult all affected communities, including Msomera residents, seek the free, prior, and informed consent of affected Indigenous communities, restore funding and resources for essential services in the NCA, and establish an independent grievance mechanism. Those who have been relocated or displaced should receive adequate compensation based on their informed consent.

Above: A cluster of Maasai bomas in Kayapus village, Ngorongoro Conservation Area (NCA), Arusha region, Tanzania, on June 22, 2023. © 2023 Mathias Rittgerott/ Rainforest Rescue.

Cover: A man herds his cattle to graze and find water in Ngorongoro district, Arusha region, Tanzania, on October 25, 2019. © 2019 Nichole Sobecki / VII / Redux