

## Press Statement at the Conclusion of the Promotion Mission of the African Commission on Human and Peoples' Rights to the United Republic of Tanzania, 23-28 January 2023

Feb 24, 2023

Further to its mandate under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter) and following authorization by the Government of the United Republic of Tanzania (Tanzania), a delegation of the African Commission on Human and Peoples' Rights (the Commission) undertook a Promotion Mission to the United Republic of Tanzania from **23 to 28 January 2023**.

This Promotion Mission is the first since the one that was conducted in Tanzania from 6 to 10 October 2008, [There was a Research and Information Visit conducted by the African Commission's Working Group on Indigenous Peoples/Communities, in Tanzania, from 21 January to 6 February 2013.] and was aimed at engaging State and non-state actors, including civil society organizations (CSOs) and representatives of local and pastoral communities, on the current state of human and peoples' rights in the country.

The objectives of this Promotion Mission were two-fold:

- Specifically, to seek information on and assess the human rights situation of indigenous populations and communities in Tanzania, including particularly, to review the situation in the Loliondo Game Controlled Area, and Ngorongoro Conservation Area, in Tanzania.

- More generally:

- To promote the African Charter on Human and Peoples' Rights (the African Charter), and other regional human rights legal instruments, through the exchange of views and sharing of experiences with the Government of Tanzania and some of the main stakeholders working in the field of human rights, on strategies to improve the enjoyment of human rights in the country;
- To advocate for the ratification of regional and international human rights legal instruments that have not been ratified by Tanzania;
- To raise awareness on the activities of the Commission, especially among relevant Government departments and civil society organizations (CSOs);
- To follow up on recommendations given in the Promotion Mission to the United Republic of Tanzania, which was conducted by the Commission in 2008, and the Research and Information Visit conducted by the Commission's Working Group on Indigenous Peoples/Communities, in Tanzania, in 2013;
- To follow up on the implementation of Resolutions and Press Releases which have been issued by the Commission with regard to the United Republic of Tanzania;
- To encourage the Government of the United Republic of Tanzania to submit outstanding Periodic Reports and to participate regularly in the activities of the Commission including attending sessions of the Commission; and
- To seek information on thematic human rights issues of particular concern to the Commissioners undertaking the Mission including freedom of expression and access to information, and the rights of persons living with or affected HIV/AIDS, in Tanzania.

The Commission's delegation comprised:

- **Honourable Commissioner Ourveena Geereesha Topsy-Soonoo**, Commissioner responsible for the promotion and protection of human rights in Tanzania, and Special Rapporteur on Freedom of Expression and Access to Information in Africa; and
- **Honourable Commissioner (Dr.) Litha Musyimi-Ogana**, Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa, and Chairperson of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV.

They were assisted by **Mrs. Abiola Idowu-Ojo**, **Dr. Chairman Okoloise** and **Dr. Francis Magare**, Senior Legal Experts at the Secretariat of the African Commission on Human and Peoples' Rights.

During the Mission, the Delegation held discussions with various State and non-State actors involved in the promotion and protection of human and peoples' rights in Tanzania, including:

**State Actors:**

- The Speaker of the National Assembly;
- The Minister for Constitutional and Legal Affairs;
- The Minister for Foreign Affairs and East African Cooperation;
- The Minister for Natural Resources and Tourism;
- The Minister for Land;
- The Deputy Minister for Land;
- The Deputy Minister for Culture, Arts and Sports;
- The Regional Commissioners for Arusha and Tanga;
- The District Commissioners for Arusha, Ngorongoro and Handeni;
- The Msomera Settlement Team, led by the DED Handeni;
- The Regional Administrative Secretary Arusha;
- The Conservation Commissioner, Ngorongoro Conservation Area Authority;
- The Ngorongoro Relocation Program Committee Members;
- The Executive Secretary to the National Commission for UNESCO; and
- The Government officers in respective entities from the central government to local governments.

**Non-State actors:**

- The Commission for Human Rights and Good Governance;
- The Tanzanian Commission for AIDS (TACAIDS);
- The Tanganyika Law Society (TLS), Dodoma Chapter; and
- A wide section of civil society actors including those on working on conservation, the rights of pastoralists and indigenous communities, as well as community representatives from Ngonrongoro, Loliondo and Msomera.

The delegation also conducted on-site visits to some institutions and places in the Ngorongoro District of Arusha Region and the Handeni District of Tanga Region, respectively.

In the Ngorongoro Conservation Area, the delegation visited:

- The headquarters of the Ngorongoro Conservation Area Authority (NCAA), where it met and discussed with relevant officials of the NCAA, and also discussed with some members from the pastoral community in the Ngorongoro Conservation Area, who have registered to be relocated from Ngorongoro to Msomera in Handeni District of Tanga;
- The Crater in the Ngorongoro Conservation Area; and
- Nanokahoka village and primary school, as well as Mokilal, where it discussed with members of the communities and listened to their concerns.

In Loliondo, the delegation visited:

- The office of the District Commissioner in Wasso, where it met with relevant officials as well as some invited members of the pastoral community from Loliondo;
- The demarcated Game Controlled Area of 4,000 km<sup>2</sup> in Loliondo through aerial inspection, to get a vivid picture of the land demarcation into 1,500 km<sup>2</sup> restricted conservation corridor, which the Government has earmarked for wildebeest migration, breeding and protection of the eco-system, and the 2,500 km<sup>2</sup> for the use of the local communities;
- The site of the demarcation beacons separating the restricted 1,500 km<sup>2</sup> corridor from the 2,500 km<sup>2</sup> multiple-use Game Controlled Area allocated to the local pastoral communities, which the delegation also got a view of.

In Msomera, the delegation visited:

- Various groups of local communities already living in Msomera and those who were relocated to Msomera from Ngorongoro Conservation Area, with which it interacted; and
- The site of infrastructure projects including: the newly constructed Primary and Secondary Schools in Msomera, the water pilot project, the health centre and dispensary construction projects.

The Delegation also held a briefing session with the Speaker of the National Assembly and concluded with a joint debriefing meeting with the Minister for Constitutional and Legal Affairs, the Minister for Foreign Affairs and East African Cooperation, the Minister for Natural Resources and Tourism, the Minister for Land, the Deputy Minister for Land, and the Deputy Minister for Culture, Arts and Sports.

After the various visits, presentations and exchanges, the delegation notes the efforts that have been made by Tanzania and other stakeholders towards the realisation of the rights guaranteed by the African Charter and wishes to highlight some of its preliminary findings.

In this regard, the Delegation:

**General observations:**

- Notes some impacts of the legacies of colonialism in Tanzania on the enjoyment of the rights and freedoms guaranteed in the African Charter, particularly in relation to

pastoral communities whose ways of life are inextricably connected to land, which were appropriated by the colonial governments.

- Appreciates the efforts by the Government of Tanzania towards realizing the promise of the human rights and freedoms enshrined in the Constitution and those enunciated in the African Charter;
- Recognizes the opportunities presented by the Constitution, laws, policies and administrative processes of Tanzania, to address the human rights issues in Tanzania, including the rights guaranteed in the various human rights treaties ratified by the country and the commitment of the Government to strive in its conduct for living up to the standards set by the respective instruments;
- Commends the Government for inviting the African Commission on Human and Peoples' Rights to undertake this Promotion Mission in the country, for providing ample access to the agro-pastoral communities in the Ngorongoro and Handeni Districts, and for placing at the disposal of the Commission resources to enable the delegation of the African Commission on Human and Peoples' Rights carry out its mission in Tanzania.

### **Protection of human rights in Tanzania**

- Notes with appreciation the work of the Commission for Human Rights and Good Governance in the promotion and protection of human and peoples' rights in Tanzania;
- Welcomes the efforts of the Government of Tanzania through the Ministry of Constitutional and Legal Affairs and other key relevant ministries, towards applying international human rights considerations in the relocation of local pastoral communities from the Ngorongoro Conservation Area to Msomera;
- Welcomes the efforts of the Government of Tanzania towards protecting the rights to life, dignity and security of the local pastoral communities impacted by the indicated cases of wildlife-human conflicts in the Ngorongoro Conservation Area and in Loliondo.
- Welcomes the national efforts of the Government of Tanzania to eradicate tribalism from Tanzania and to ensure the equal respect of all its peoples;
- Notes with appreciation the national efforts of the Government of Tanzania to promote a national identity for the peoples of Tanzania which ensures the equal treatment of all its peoples, including pastoral communities;
- Notes with appreciation the efforts of government to consult the local pastoral communities of Ngorongoro and Loliondo before relocating them to Msomera.
- Notes the legislative, policy, institutional and budgetary measures that have been put in place for providing equal opportunities to all individuals resident in Tanzania and addressing the challenges of socio-economic inequality, unemployment and poverty affecting historically marginalized sections of society, including local pastoral communities;
- Recognizes the initiatives for improving access to electricity, proper housing, healthcare and education, especially among pastoral communities who live in the Ngorongoro Conservation Area and the Loliondo Game Controlled Area;
- Supports the recognition by the Government of the imperative of land reforms, nature and wildlife ecosystem conservation through various pieces of domestic legislation;

- Notes with appreciation the budgetary commitments of government for the provision of public infrastructure and social services in Msomera for local pastoralists and farmers who have decided to relocate to Msomera, to facilitate the smooth integration of relocating pastoralists in Msomera.

### **General concerns**

The delegation, however, remains concerned about:

- The lack of domestication of the African Charter on Human and Peoples' Rights, as well as the Maputo Protocol on the Rights of Women in Africa; and
- The delay in the submission of the periodic State Reports of the United Republic of Tanzania, the last having been submitted in May 2008.

### **Specific Concerns**

The delegation is also concerned, following reports received from consulted communities, about:

- The relocation of pastoral communities from the Ngorongoro Conservation Area, in respect of which there are claims of inadequate consultations and information regarding the relocation and resettlement programmes, as well as allegations of reduction of social amenities, which negatively impacts the lives of the people and effectively forces them to leave to the Area; and
- The demarcation of the Loliondo Game Controlled Area of 4,000 km<sup>2</sup>, into a protected wildlife conservation corridor of 1,500 km<sup>2</sup> and the multiple-use Game Controlled Area of 2,500 km<sup>2</sup>, reserved for the habitation of pastoral and farming communities in Loliondo, in relation to which there are claims of a lack of adequate consultation and inclusion of the local communities in the demarcation exercise, as well as reports of use of force and threats against community members who contest the demarcation; and
- The resettlement programme in Msomera, due to claims of lack of adequate consultation about the relocation and resettlement program affecting their community, and reported potential for conflict between those who were already settled in Msomera and those who have been relocated from Ngorongoro.

In this regard, the Delegation wishes to highlight in relation to the above-referenced communities that it has benefitted from the Government's clarification of its laws, conservation efforts and policies in the Area. However, the Delegation has also observed from its preliminary consultations that:

- The majority of the members of the affected pastoral communities in the Ngorongoro Conservation Area are willing to relocate only because of the alleged constraints and limited access to basic amenities being experienced;
- Many of those that have registered for relocation from the Ngorongoro Conservation Area to Msomera have decried the persisting delay in the evaluation of their properties and processing of compensation and the resulting uncertainties, as well as decried the reduction in the compensation package, including for instance, that they will not be provided with Government-built houses in Msomera, as opposed to those offered to the first set of resettled people.
- Many of those who have not registered to be relocated from the Ngorongoro Conservation Area, are concerned that the budgetary allocations for social services such

as education and healthcare in the Ngorongoro Conservation Area, have been moved to Msomera, and that restrictions have been placed on further construction of educational and health facilities in the Ngorongoro Conservation Area;

- Many of those who have not yet registered to be relocated from the Ngorongoro Conservation Area also claim to be facing greater restrictions on grazing, including access to the salt lick deposit in the Ngorongoro Crater, and that the alternative provided by Government was found to be toxic to the lives of their livestock, resulting to the death of some of their livestock;
- There are incidences of conflicts between existing residents of Msomera and the pastoral families who have just been relocated from Ngorongoro Conservation Area over access to land, and due to perceptions of more favourable treatment of the resettled pastoral communities from Ngorongoro who have been provided houses and land; and
- There are concerns that both communities in the Ngorongoro Conservation Area and Loliondo have sought but have not been availed the opportunities for robust and constructive dialogue with the Government.

In view of all the above, the Delegation, in the interim, urges the Government of Tanzania to:

General:

- Domesticated and observe the provisions of the African Charter on Human and Peoples' Rights, the Maputo Protocol on the Rights of Women in Africa, as well as other regional human rights legal instruments that have been ratified by Tanzania;
- Ratify the regional and international human rights instruments that have not yet been ratified by Tanzania, including: the African Union Convention on the Conservation of Nature and Natural Resources, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, and the African Convention on Data Protection and Cyber Security;
- Consider re-instating the declaration under Article 34(6) of the Protocol to the African Charter on the Establishment of the African Court on Human and Peoples' Rights, which permits individual and NGO access to the African Court on Human and Peoples' Rights, which was withdrawn in 2019.
- Implement the recommendations given in the Promotion Mission to the United Republic of Tanzania, which was conducted by the Commission in 2008, as well as the Research and Information Visit conducted by its Working Group on the Rights of Indigenous Peoples/Communities and Minorities, in 2013;
- Submit outstanding Periodic Reports under Article 62 of the African Charter and participate regularly in the activities of the Commission including attending sessions and programmes of the Commission; and
- Put in place effective mechanisms for ensuring the protection of Human Rights Defenders from attacks, including by conducting prompt investigations into reported attacks and guaranteeing access to justice.

Specifically:

- In light of several communities' calls for effective and conclusive consultations, explore fresh rounds of civil dialogues with the respective pastoral and farming communities in

the Ngorongoro Conservation Area, Loliondo and Msomera, to advance peaceful resolutions of individual and group grievances in the implementation of the Government's conservation efforts in the Ngorongoro Conservation Area and in Loliondo;

- Ensure, in accordance with the African Charter on Human and Peoples' Rights, including specifically Articles 21 and 22 of the same, the inclusive, effective, and rigorous participation of local and affected communities, including the women and youth, in all conservation programs and processes initiated by the Government, in the Ngorongoro Conservation Area and in Loliondo;
- Provide adequate information and timely assistance to pastoralists in the Ngorongoro Conservation Area who have signed up for voluntary relocation and ensure their adequate and effective compensation in line with the African Charter on Human and Peoples' Rights; and
- Attend to the complaints about the decline in social amenities and infrastructure in the Ngorongoro Conservation Area, to ensure continued dignified living conditions for the local communities whilst awaiting the relocation of those who have volunteered to be relocated, as well as for those who choose to remain behind, in respect of which latter group the Government should reach a mutually acceptable strategy with the affected people.

The delegation wishes to thank the Government of the United Republic of Tanzania and its people for their very warm reception and hospitality, as well as for the frank and constructive dialogue during the Mission. The delegation is truly grateful to the Government for the facilities and services placed at its disposal during the Mission, and singles out for special gratitude, the Ministry of Constitutional and Legal Affairs as well as the Ministry of Foreign Affairs and East Africa Cooperation, for the excellent arrangements put in place which enabled the delegation to meet a cross-section of the Tanzanian society, in order to have a fairly representative view of the human rights situation in the country.

The Delegation also wishes to thank the Regional and District Administrations in Arusha and Tanga Regions, respectively, the Tanzania National Park Authority as well as the Ngorongoro Conservation Area Authority for facilitating our travel and consultations.

The delegation will prepare a Report of the Mission, which will be tabled before the Commission for consideration and adoption at one of its upcoming sessions, and will thereafter be forwarded to the Government of the United Republic of Tanzania.

**Done in Arusha, United Republic of Tanzania**  
**28 January 2023**