

Debunking Government Claims: The Truth About Maasai Rights in Ngorongoro and Loliondo, Tanzania

This document serves as a response by the Maasai of Ngorongoro and Loliondo to the document titled "A rebuttal of claims about the so-called indigenous peoples in Tanzania" published by the Tanzanian government on 21 April 2023. Our response addresses 14 false claims made in the document and presents solid counterarguments to counter these false narratives, which negatively impact the human rights of the Maasai people in Tanzania. While Tanzania does not recognize any indigenous tribes, the African Commission on Human and People's Rights has endorsed the indigenous status of the hunter-gatherer groups Akiye and Hadzabe and the pastoralist groups Barabaig and Maasai¹.

CLAIM 1: The Maasai are not indigenous peoples because there are no Indigenous Peoples in Tanzania. The Maasai are one of 120 ethnic groups in the country.

OUR RESPONSE: The Tanzanian government's arguments are based on misconceptions about the concept of Indigenous peoples in Africa, which they wrongly associate with colonial terminology. The African Commission for Human and Peoples' Rights characterizes Indigenous peoples. It identifies four communities in Tanzania, including the Maasai, Barabaig, Hadzabe, and Akie, as meeting the characteristics of Indigenous peoples. These characteristics are:

1. Self-identification as per Article 1.2 of ILO Convention No. 169 and Article 3 of the UN Declaration on the Rights of Indigenous Peoples.
2. Belonging to the non-dominant sector of society due to factors like numerical inferiority, ways of life, social organization, and distinctive cultures. The Maasai meet this criterion.
3. History of severe discrimination in policies and livelihood, which the Tanzanian government cannot deny. Their communal land ownership of natural resources, traditional leadership, and indigenous knowledge have all been neglected and discriminated against.
4. A land-based culture, which is a guiding factor in identifying Indigenous peoples. The Maasai's land use system is disregarded, and their lands have been taken away.

The Tanzanian government's claim that the Maasai are not Indigenous is unfounded. We are not claiming that our Indigenous identity has been violated; instead, our fundamental rights to land and human rights (not Indigenous rights) have been violated. These rights are guaranteed to all Tanzanians by the Constitution of Tanzania. If the government is evicting us on the basis that we are not Tanzanians, then this must be clearly explained.

¹https://seors.unfccc.int/applications/seors/attachments/get_attachment?code=G8PXVNI6PWI12019IFUXFZEV3O98LNZO

We claim that Tanzania is a signatory to international human rights conventions and should observe them when acquiring land from communities that occupy and own land. We have full ownership, by birthright and legal laws, of the lands in both Ngorongoro and Loliondo. It is shameful for the government to defend its actions against a small tribe like the Maasai.

Further, the existence of Indigenous peoples in Tanzania is not determined by the Tanzanian government's recognition but by international instruments. As detailed above, Indigenous peoples may be defined as the first people who occupied the area before the emergence of others who overpowered them and alienated their territories. The Maasai people fit this definition, and their presence in Ngorongoro predates any other community in the modern setting.

The Tanzanian government's anti-Maasai stance, executed using conservation as a pretext, is unjust. The Maasai have occupied large parts of what is now Tanzania, from the Indian coast in Tanga to the lake zone since the 16th century, far earlier than the government's claims of their arrival between the 18th and 19th centuries or the confusion that they arrived in 1959. Official correspondence at the time of creating the Serengeti National Park shows that the Maasai occupied the entire Ngorongoro Conservation Area (NCA), Loliondo, and the largest part of what is now the Serengeti National Park.

No single community has been targeted like the Maasai by the Tanzanian regime. Conservation is now being used to justify dispossession, with support from international conservation companies. In July 2022, the Tanzanian government announced its intention to establish a new game reserve. Over 80% of the proposed new game reserve is within areas inhabited by Maasai communities. Even in places where Maasai form the majority, such as Northern Tanzania, conservation schemes do not extend to areas inhabited by other communities, nor are neighbouring communities impacted. This suggests that the framework of Tanzania's protected areas in Northern Tanzania in almost all cases follows Maasai settlement patterns.

CLAIM 2: The legal status of the Maasai is no different from that of other citizens, i.e. they enjoy the same human rights.

OUR RESPONSE: Although no laws explicitly segregate the Maasai as a distinct social group, government policies have significantly marginalized them. This marginalization is evident in the limited access to social facilities impacting all Maasai communities, whether living within, adjacent to, or outside protected areas. It includes access to health and education facilities and other infrastructure supporting societal development.

In some instances, government records acknowledge this fact. For example, when the government intended to shut down the flying medical service operation in the 1990s, the Ministry of Health urged reconsideration, noting that the service was crucial for the marginalized Maasai. However, the government has not addressed this issue. Furthermore, a disinformation and misinformation campaign against the Maasai, sponsored and promoted by

the government, not only discriminates against the Maasai community but also dehumanizes its people. This campaign warrants serious investigation.

In Ngorongoro, the government threatened to demolish essential social infrastructures, including nine primary schools, six dispensaries, four religious institutions, and police facilities.

In terms of social infrastructure, flying medical services are no longer allowed to provide necessary medical assistance to local communities. As a result, emergency medical services can no longer take place, women giving birth cannot be cared for, children no longer receive vaccinations.

Indigenous peoples, including the Maasai, have the right to be free from discrimination, own their land, practice their culture, and protect their human rights. We do not demand additional rights beyond those of mainstream society. Instead, we call for the recognition and respect of indigenous peoples' land rights over the lands we legally occupy. Our lands define our identity, and without them, we cease to be indigenous. Our knowledge systems, cultures, and governance systems are all rooted in our land. We demand the right to be consulted and exercise our free, prior, and informed consent (FPIC). We are not asking for legal recognition as a state or for rights over others. We simply request that we be treated as people deserving of respect.

Regardless of whether they self-identify as indigenous, local communities must have the opportunity to give (or withhold) free, prior, and informed consent (FPIC) in decision-making processes about natural resource governance.²

CLAIM 3: The concept of indigenous peoples is a colonial one that seeks to belittle local communities as inferior and underdeveloped. Tanzania invested in social and economic empowerment as well as political participation to make Maasai "evolve" and redress imbalances.

OUR RESPONSE: The participation of the Maasai community in the Tanzanian government is severely lacking. It is difficult to find any Maasai in mid and high-level government positions. In Ngorongoro, the government has an open policy for the private sector not to employ Maasai from Ngorongoro, and if they are already employed, they should be relocated out of the area.

During the colonial era, the term "indigenous" was applied to all peoples found in colonized territories, regardless of whether they were born there or were newcomers. Terms like "natives," "aborigines," and "populations found on these territories" were used

² See African Commission on Human and Peoples' Rights ACHPR/Res.224(LI) 2012: Resolution on a Human Rights Based Approach to Natural Resources Governance (<http://rio20.net/wp-content/uploads/2012/05/ENG.Resolution-on-Rio+-summit.pdf>): "all necessary measures must be taken by the State to ensure participation, including the free, prior and informed consent of communities, in decision making related to natural resources governance".

interchangeably. It is unfortunate that the Tanzanian government has not been able to track the development of the concept and its link to the peoples referred to in Tanzania.

Furthermore, it is regrettable that the whole paper refers to indigenous peoples as if they were arguing that they were the first in their territories. In the African context, indigenous peoples are communities whose ways of life were not taken into account by most pre- and post-colonial African policies. This historical injustice has led to their severe marginalization, including dispossession of ancestral lands and inaccessibility to several rights and freedoms enjoyed by the rest of their fellow citizens.

Within this human rights-related meaning of the concept "indigenous," it is clear that not all Africans can be considered indigenous. Communities such as the San of Southern Africa, the hunter-gatherers of African tropical forests, and the pastoralists of arid lands in several parts of Africa call for redress of historical injustices and enjoyment of all rights on the same footing as the rest of their countrymen and women.

In 2003, the African Commission on Human and Peoples' Rights (ACHPR) adopted a groundbreaking report on Indigenous Populations/Communities in Africa. This report highlights, among other things, the cultural uniqueness of African indigenous peoples and the historical injustices they have suffered, before making major recommendations to various stakeholders, including African States and Governments.

By adopting this report, the African Commission has domesticated the issue of indigenous peoples' rights, and they can no longer be labelled as Western-oriented or copied human rights claims.

A main conclusion of the ACHPR report is that the protection of the rights to land and natural resources is fundamental for the survival of indigenous communities in Africa. Lands are, all over the world, central to indigenous peoples' demands because, more than constituting a mere source of income, ancestral territories are the basis for their livelihood, way of life, culture, and existence as communities.

Africa is no exception to this paradigm; on the contrary, ancestral lands remain for many African communities, and particularly those who self-identify as indigenous peoples, sacred and embedded with spiritual or cultural values that cannot otherwise be protected and preserved.

CLAIM 4: Loliondo Game Controlled area was never occupied before 1961 and was designated as a protected wildlife area by Germans in 1891. Hence no tribe has customary rights over this land.

OUR RESPONSE: This is a blatant distortion of history. The Maasai occupied Ngorongoro, Serengeti, and Loliondo for many centuries before colonialism. The map drafted in 1956 by the colonial authorities in the process of relocating the Maasai from Serengeti clearly shows that the Maasai occupied these areas, contrary to the Tanzanian government's claims.

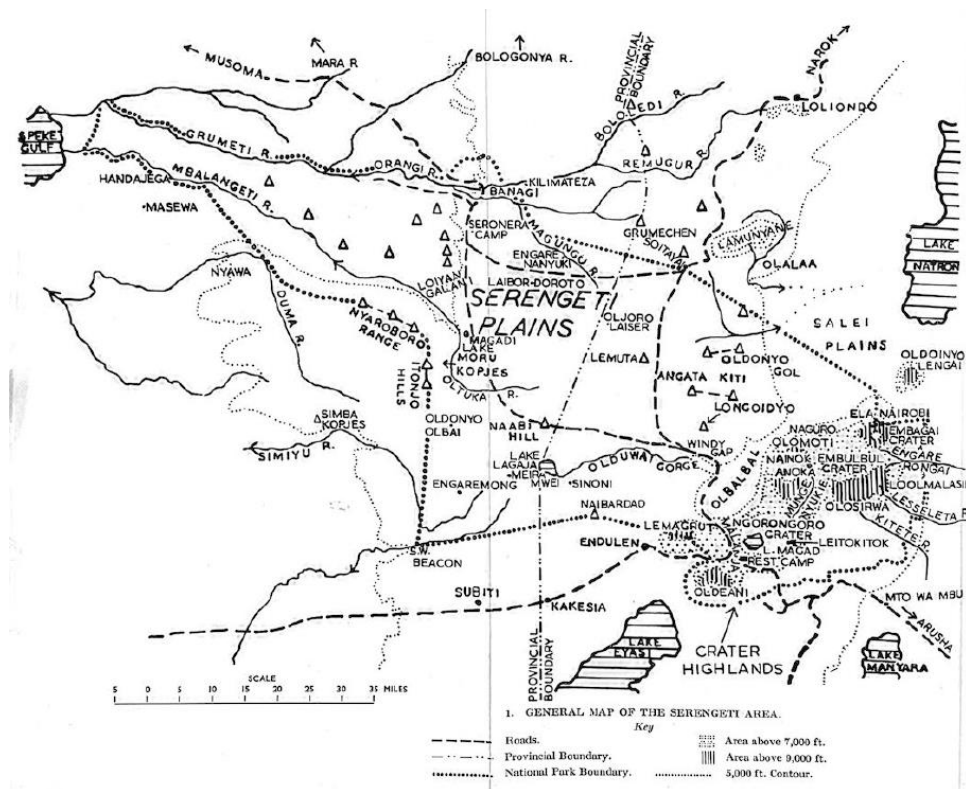


Figure 1: REPORT ON AN ECOLOGICAL SURVEY OF THE SERENGETI NATIONAL PARK TANGANYIKA NOVEMBER and DECEMBER 1956 Prof W. H. PEARSALL, D.Sc., F.R.S. Pro FAUNA PRESERVATION SOCIETY depicting that Maasai occupies both Ngorongoro, Serengeti and Loliondo contrary to Tanzania government lies.

The current propaganda and dispossession of Maasai land in Loliondo is to benefit the Otterlo Business Corporation (OBC), an entity that acts as a broker between the Dubai royal family and the Tanzanian government, as well as top-ranking officials who directly benefit from this investment. OBC was allocated a hunting concession through corrupt means and was the subject of scrutiny by the Presidential Committee of Inquiry on Corruption led by Judge Warioba.³ In 2018, the Minister of Natural Resources and Tourism publicly stated that OBC was running the business of his ministry by bribing state officials to oppress the Maasai.⁴

CLAIM 5: The Maasai arrived in Ngorongoro 150 years ago and are not the only tribe in the NCA; hence, they cannot be considered indigenous to either Loliondo or Ngorongoro.

OUR RESPONSE: The Maasai have been in Ngorongoro for over six centuries and were essentially the only community in the area until the 1990s when the Daatooga/Barbaig community from northern Singida partly migrated into Ngorongoro. Both historians and

³ The Warioba Report – Presidential Commission on Corruption (1996) – Tanzania Read more at: <https://www.theelephant.info/documents/report-on-the-presidential-commission-on-corruption-1996-tanzania/>

⁴ DK. KIGWANGALLA, "SIWEZI KUJARIBIWA NA SIWEZI KUCHEZEWA, SIKO HAPA KWA BAHATI MBAYA" <https://www.youtube.com/watch?v=EtZMkGcf0hk&t=54s>

colonial records support the fact that the Maasai were the only community in the entirety of the Ngorongoro Conservation Area. This is why the Ngorongoro Conservation Area Act recognizes the Maasai as the only social group with a presence in the area, as they were the only ones present at the time of the conservation area's establishment.

In the 18th century, western explorers who traversed Maasai land encountered and reported distinguishable land-use practices of the Maasai, including seasonal livestock movement between the lowlands and highlands in Ngorongoro-Serengeti (Farler, 1882). The author states that by the time of his passing with the Swahili ivory caravan in the 18th century, Maasai land stretched from the Indian Coast in the Tanga region on the east to Lake Victoria in the northwest. From the date of publication of Farler's book in 1882, 141 years have passed, making the government's claim that the Maasai only recently arrived in present-day Tanzania a gross distortion of history.

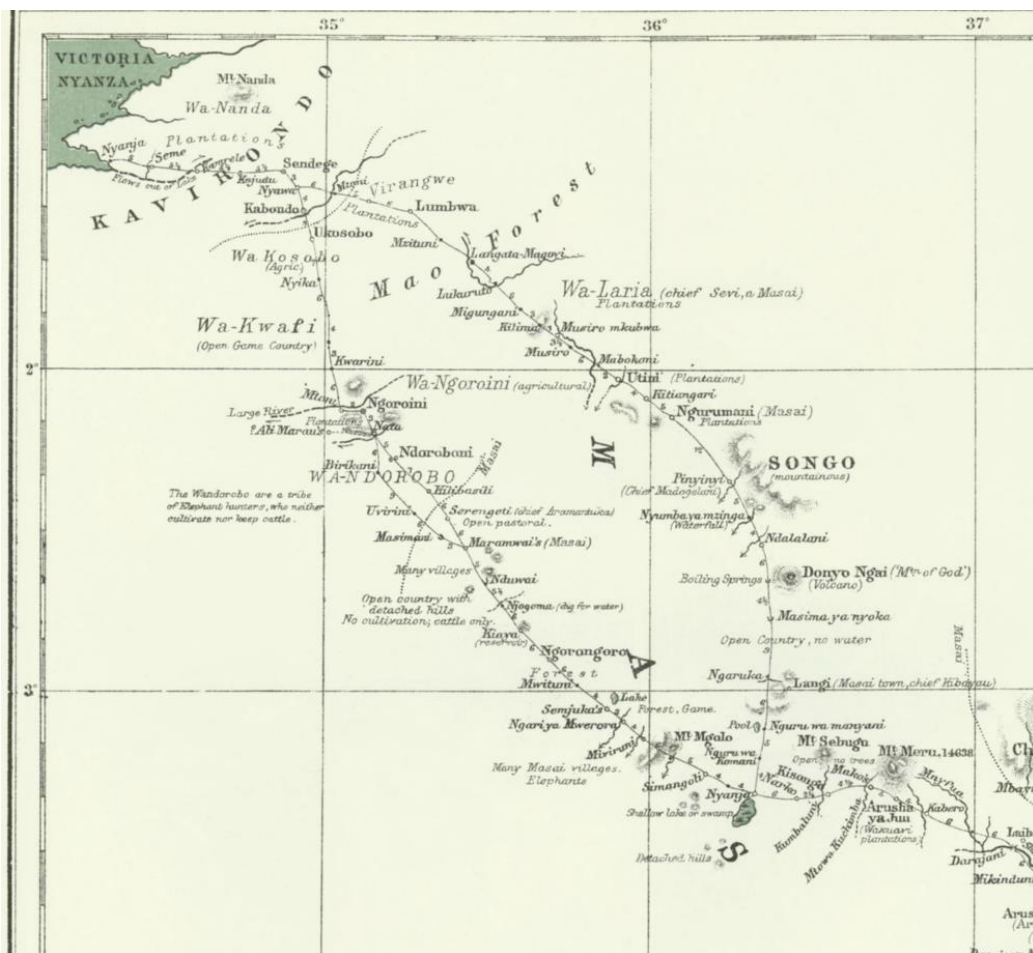


Figure 2: Map extract from Farler (1882) indicating Swahili caravans' trade routes traversing Maasai land before the arrival of white colonialism. Black spines denote caravan routes; black dots represent caravan breaks along the journey; heavy green polygons signify lakes and swamps; and heavy-curly-carved spines specify mountain elevations.

Although the government falsely stated that the Maasai first arrived in Loliondo after 1961, our argument is not based on who came first. It's about the illegal eviction of the Maasai from legally registered villages they have occupied for time immemorial. It should be noted that

before the establishment of Ngorongoro District, citizens in the Loliondo and Sale divisions were living and owning land in their registered villages within the former Maasai District. Some of the villages in the division were registered before the establishment of the new Ngorongoro District. The 1990s land reforms are recalled for the radical changes in land administration. Many pastoralist villages in Loliondo and Sale Divisions were surveyed and obtained land titles for their villages. Village land surveys were facilitated by Village, Ward, and District authorities. It should also be noted that the government has not adhered to the Land Act No. 5 of 1999, which legally recognizes village land and provides for customary ownership.

CLAIM 6: The Loliondo game-controlled area of 1500 km² serves the purpose of wildlife conservation, environmental protection, migratory corridors, and water sources for Serengeti and Maasai Mara (Implicit here is that this is not compatible with people and livestock on this land).

OUR RESPONSE: The claim that Loliondo was forcefully annexed for conservation reasons is wholly untrue. It was annexed to meet the hunting demands of the Dubai Royal family. Conservation is merely a means to justify the need. Contrary to the government's claims that the area feeds water to the Ngorongoro-Serengeti-Mara ecosystem, not a single river flows from Loliondo to either Ngorongoro or Maasai Mara.

The government also claims that the presence of Maasai disturbs the calving process for migratory wildebeest. This is equally untrue, as wildebeest calving consistently takes place in the open plains of Ngorongoro-Serengeti from January to March every single year. That period coincides with the common malignant fever, which is very deadly to cows, such that from late December to April, you cannot spot a single cow in the open plain as a protective mechanism. This natural back-and-forth movement between Maasai cows and wildebeest renders the government's claim illogical and ignorant of the facts.

CLAIM 7: The multiple land-use (MLU) model in NCA is failing, and there are human-wildlife conflicts, deaths, and destruction. This is the result of an increased human population and livestock.

OUR RESPONSE: Multiple land-use models have largely failed because, while the law clearly established three objectives, the government's interest is only on tourism to attract more money, leaving human welfare and real conservation without care. The multiple land-use model has not failed due to incompatibility between the Maasai's pastoral resource use and wildlife conservation, but because of the conservation dogma that tends to find its principles in the separation of man from nature. All effort is, therefore, directed at justifying the Maasai's removal, which includes man-made, invented poverty that has made the Maasai of Ngorongoro the most impoverished community in Tanzania.

Regarding cases of human-wildlife conflict, since 2016, the number of animals, particularly elephants, attacking the community has risen unprecedentedly. This is because in many places surrounding Ngorongoro and Serengeti, licensed hunting has become rampant, causing many elephants to migrate to Ngorongoro. Due to their bad experiences in their place of origin, they tend to attack humans. Licensed hunting in Loliondo, Ikorongo, Gurumet, Maswa, and southern Ngorongoro is a common factor for the rise of human-wildlife conflict in the Ngorongoro Conservation Area. On the other hand, Ngorongoro remains the only conservation area in Tanzania with zero poaching, despite the presence of over 90,000 Maasai in the area, a fact that the government's records confirm.

CLAIM 8: As poverty in the NCA increases, the government continues to budget and supply the people in the NCA with food.

OUR RESPONSE: Poverty in Ngorongoro is very real and devastating, with food insecurity alarmingly high and a long, troubled history. Poverty in Ngorongoro is indeed a government policy and agenda intended to force the Maasai out without using military force, as has already happened in Loliondo. While investment in poverty is the major successful commitment made by the authorities, this has not forced the Maasai out, as they continue to starve.

Now the government has opted for more severe measures to make this happen by paralyzing the functioning of social institutions. From health care, education, water, and food, the government has not budgeted a single cent for two consecutive years (2022/23-2023/2024) and relocated the previous budget out of Ngorongoro for 2021/2022 to Handeni. Not a single school class, toilet, dormitory, maternity ward, or any social infrastructure has been built in Ngorongoro since 2020.

CLAIM 9: The relocation program to Msomera was designed in consultation with the local community.

OUR RESPONSE: There is no evidence to suggest that the local Maasai community was ever informed or consulted about the government's mass relocation plan in Ngorongoro. Information about this plan has largely been disseminated through government-sponsored media outlets since January 2022, often painting the Maasai in a negative light. Issues such as population growth, illiteracy, poverty, and conservation demands have been cited as reasons for the relocation. Still, these arguments seem to be utilized selectively to support the government's narrative. The relocation process has been coercive and aggressive, with fabricated conspiracies against the pastoral communities recommended by the Ngorongoro Conservation Authority to justify their actions.

To comprehend the extent of this issue, it is crucial to listen to those who have succumbed to government pressure, relocated to Msomera, or registered for relocation. In April 2023,

Tanzanian media reported the experiences of individuals who have faced such pressure. Here are a few recorded testimonies.

Udagarity Gidabuyi says, "What compelled me to move from Olpiro is availability of transport. For example, if there is a sick person, we have only one car here given limited time to move. Just around eight o'clock in the morning, even if you have a sick person, you can't find transport. You must wait until tomorrow."

Madei Gidabiti from Olpiro says, "...yesterday a child become ill at Oltogomi. We carried her with our own hand to the dispensary, and there is no service. We hired Andrea car, and on the way, the child passed on, died."

Ndwala Mepukori Ngoishiye says, "We lost one woman here because of inability to get medical services. Recently, people died in the forest trying to search for something to eat. They have died. This is not a secret. We buried our neighbour the day before yesterday. This is the reason I am saying I am ready. It's so painful. We have been marginalized."⁵

"We feel those who went to Msomera are like they have moved from Egypt to Canaan. Our people get a lot of problems. Women, when delivering, we carry them with sticks in a long walk to Engaruka (outside NCA). That's how it is; others died on the way, and others died at home because of inability to get medical facilities. Not only the sick and pregnant women but anyone needing access to services. We live in a place without access to development: no hospital, no roads, and no other social infrastructures like other Tanzania citizens. We live under command; you don't do anything without a permit. We have now agreed with the government and registered to go where the government wants us to go," says an unidentified speaker.⁶

Jenepher Yuda says, "I request President Samia to come and take us. We are dying of hunger, and others died at childbirth as there is no hospital here."

Saning'o Simon Lenara says, "I agreed to move. The suffering we are going through, for example, there is no hospital. Teachers are not in school. So much is pressing us to move."

Neema Cosmass says, "I moved from Ngorongoro (Mokilal) to Msomera. Msomera is good, is different from Ngorongoro. In Ngorongoro, a pregnant woman delivers at home, but here (Msomera), there is a health facility, and I am very happy. Children and women get services here. They don't give birth on the roadside. I also work here and expect pay. I mop and collect baggage."

Marta Nasira says, "I moved from Ngorongoro to Msomera. The situation here is better than in Ngorongoro. We got so much here. We are at peace, no problem. There is a dispensary here. Women will get all services. Many have lost their lives because there is no hospital nearby. We rush to Endulen (Catholic hospital) in Ngorongoro. It's very far. If you don't get a car, you die at

⁵ MAASAI WALIOBAKI NGORONGORO WAILILIA SERIKALI IWAHAMISHE HARAKA

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

⁶ Ibid

home. If you get one, you go to Endulen. Now I walk to the dispensary, and I get a small income. I am very happy. Children get a clinic here, and there are medicines."

The Story from Msomera

The original residents of Msomera are facing a different crisis. The government has forcefully taken their land⁷ and used it as a decoy to make it appear that free land is available to relocate people from Ngorongoro. Msomera has over nine thousand inhabitants, 90% of whom are Maasai, and they have been severely impacted by this land grabbing.

According to Rehema Kanyinge, "Newcomers from Ngorongoro have brought disaster and fury. My fifty-acre of land has been forcefully alienated and divided to newcomers from Ngorongoro."

Elibariki Lesola says, "We are pastoralists, and livestock move from one place to another. If you move from two acres, you enter another person's land. It's a dispute. Two and a half acres are not enough; five acres for farming is not enough. My fifty acres of land has been taken and divided to people from Ngorongoro."

Sauda Selemani Kimweri says, "I was born in Msomera. It reached a time when I should depend on myself with my own family with five children. I informed the village that now I need my land. I bought 20 acres from Bakari Athumani Changoma, and I was issued the certificate of ownership. Eighteen acres have been taken by the government and divided among people from Ngorongoro.⁸ When I resisted, I was arrested and detained with my three-month-old child."

Hamza Hassan says, "We residents of Msomera are unjustly dispossessed of our land by force."⁹

Khadija Juma says, "My land is big, almost thirty acres of land, and all has gone¹⁰ (taken by the government)."

Ester Swaki says, "Even if the rain is to fall today, I don't have any land to cultivate because all of it has been divided to people from Ngorongoro, and it leaves me empty. Where should I go?"¹¹

The forceful migration of the Maasai from Ngorongoro to Msomera without obtaining their free, prior, and informed consent has resulted in one of the largest humanitarian crises in Tanzania's history. Both Maasai from Ngorongoro and the community in Msomera have all been put in the middle of the crisis created by the government's false narrative.

⁷ JINAMIZI LA MGOGORO WA ARDHI KIJIJINI MSOMERA <https://www.youtube.com/watch?v=NfeCNbLjGAo>

⁸ WANANCHI WA MSOMERA WALILIA ARDHI YAO ILIYOCHUKULIWA KWA AJILI YA WATU WA NGORONGORO https://www.youtube.com/watch?v=LpAWHS2Ms_s

⁹ Ukweli Nyuma ya Mgogoro wa Ardhi ya Msomera | Wenyeji dhidi ya Wahamiaji kutoka Ngorongoro <https://www.youtube.com/watch?v=enw3fyBHKFc>

¹⁰ Ibid

¹¹ Ibid

CLAIM 10: The relocation program to Msomera is voluntary.

OUR RESPONSE: The relocation to Msomera is not driven by conservation concerns but rather by a strategy to cause immense distress to the Ngorongoro residents, making them more willing to relocate. Government employees have been threatened with termination to force their consent to relocate. This includes the case of Telele, a former Ngorongoro Conservation Area employee and former Member of Parliament, whose pension was suspended in June 2022 to coerce him into signing relocation papers. The Maasai have also faced harassment and intimidation, with threats of forceful relocation like the Loliondo incident. The Tanzanian government has purposefully marginalized the Maasai, limiting their access to essential social services.

CLAIM 11: Those relocating to Msomera can maintain their customs and traditions and involve themselves in income generating activities.

OUR RESPONSE: A team of Maasai activists visited Msomera on April 24th, 2023, and discovered several issues affecting those who have relocated:

- i. Many Maasai have lost more than half of their livestock due to climate differences.
- ii. The alternative land provided by the government was already owned by other Maasai who have been forcibly displaced.
- iii. Maasai customs and traditions are deeply connected to Ngorongoro and cannot be replicated in Msomera.
- iv. Land disputes in Msomera have made it difficult for relocated individuals to develop the area.
- v. Only men have been provided with land, leaving women and other dependents without their own land.
- vi. Msomera is an agro-pastoral community, making free pastoralism nearly impossible, unlike in Ngorongoro.
- vii. Msomera's water scarcity forces over nine thousand people to rely on a single still-water dam.

The Maasai of Ngorongoro have a unique attachment to their land for cultural, spiritual, and medicinal purposes. This connection cannot be replicated elsewhere.

CLAIM 12: The relocation package includes a title deed to a house, a 3-acre plot of land, designated grazing land, watering holes, farmland, schools, health centres, hospital, water, and electricity.

OUR RESPONSE: A 3-acre plot of land for pastoralism is insufficient and will lead to encroachment and disputes with other land users. While services such as hospitals may be available in Handeni, they could also be provided in Ngorongoro. Despite limiting social services

for the Maasai, the government is promoting large-scale hotel investments in the same delicate land.

CLAIM 13: The government is open to visits from the UN Special Rapporteur on Indigenous Peoples and the UNSR on Adequate Housing and is waiting for them to confirm dates.

OUR RESPONSE: The UN Special Rapporteur had planned a visit to Ngorongoro in December 2022, but the government cancelled the trip, likely to prevent scrutiny of their actions. We welcome the confirmation of a visit from the Special Rapporteur.

CLAIM 14: The government is waiting to receive recommendations from the mission of the African Commission on Human and Peoples' Rights.

OUR RESPONSE: The African Commission for Human and Peoples' Rights visited Tanzania in January 2023. From the beginning, the visit did not involve the Maasai, impacted persons, or independent civil society organizations. When the Maasai were finally included, it was for a very limited time. We await the Commission's findings, but it is worth noting that their investigation may serve as a means to justify the government's actions as compliant with regional human rights standards.