

ENHANCING ACCESS TO JUSTICE: FILING AND SERVING PLEADINGS FOR INDIGENOUS LAND USE CONFLICT CASES AT THE TANGA HIGH COURT

1. Outcome 1: Freedom to Access Resources

The PINGO's legal team's efforts in filing and serving pleadings demonstrate a proactive approach to defending the rights of the Msomera Indigenous Peoples to access rangelands, farmlands, and forestry resources by challenging unlawful government land grabs intended to relocate pastoralists from the Ngorongoro Conservation Area (NCA).

There is a need for legal frameworks that protect these rights, directly supporting the development of a policy and legal framework by May 2026. Successfully serving pleadings to the relevant government and individual NCA pastoralist defendants highlights engagement with state agencies, which is essential for advocacy efforts focused on identifying and closing resource gaps.

Outputs for Outcome 1: Freedom to Access Resources

- ⇒ *Proactive Legal Action:* The PINGO's legal team effectively filed and served pleadings, demonstrating a commitment to defending the rights of the Indigenous Peoples of Msomera to access essential resources, including rangelands, farmlands, and forests.
- ⇒ *Addressing Unlawful Land Grabs:* The legal actions explicitly taken targeted government-orchestrated unlawful land grabs, aimed at protecting pastoralists displaced from the Ngorongoro Conservation Area (NCA).
- ⇒ *Engagement with State Agencies:* Successful service of pleadings to relevant government and individual defendants reflects constructive engagement with state agencies, a critical step for advocacy initiatives aimed at identifying and addressing resource gaps.
- ⇒ *Framework Development:* The ongoing efforts underscore the pressing need for legal frameworks that protect Indigenous rights, thus supporting the establishment of a comprehensive policy and legal framework by May 2026.

2. Outcome 2: Improved Dignity of IPHGs

The assessments conducted during court proceedings evaluated the impact of existing policies on the dignity of Indigenous Peoples. The legal team's clarification of procedural concerns¹ demonstrated a commitment to recognizing and protecting IPHG rights, thus enhancing their dignity through legal means.

Facilitating public awareness through court appearances and advocacy not only raises recognition of IPHG rights but also fosters societal understanding, promotes coexistence, and combats discrimination.

Outputs for Outcome 2: Improved Dignity of Indigenous Peoples and Human Groups (IPHGs)

- ⇒ *Assessment of Policy Impact:* Comprehensive evaluations were conducted during court proceedings to assess how existing policies affect the dignity of Indigenous Peoples and identify areas for improvement.

¹ During the Mention, Hon. Chaba, J raised a concern about the lack of a 90-day notice to sue the Government included in the plaint. The Plaintiffs' counsel explained that the notice would be submitted later as part of additional documents according to the Civil Procedure Code. Despite this clarification, the Judge struck out the suits for being filed prematurely. In response, the team filed new suits that included the omitted notice and other necessary attachments.

- ⇒ **Procedural Clarifications:** The legal team's effective clarification of procedural concerns highlighted their dedication to recognizing and safeguarding IPHG rights, reinforcing the legal framework protecting their dignity.
- ⇒ **Public Awareness Initiatives:** Court appearances and advocacy efforts served to raise public recognition of IPHG rights, fostering increased societal understanding and promoting coexistence among diverse communities.
- ⇒ **Combating Discrimination:** These initiatives actively contributed to tackling discrimination against Indigenous Peoples, enhancing their standing and dignity within society.

Conclusion and Recommendation

This activity highlights the critical need for ongoing monitoring and evaluation of legal interventions, ensuring they effectively contribute to the project's intended outputs and outcomes. It is imperative for the PINGOs Forum, as the implementor, to prioritize regular assessments and stakeholder engagement to foster transparency and build trust within the affected communities.

Simultaneously, DKA-WELTHAUS, as the donor, should actively support these efforts by facilitating resources and communication channels that empower communities. Together, these actions will enhance project design and drive meaningful change. To strengthen the project design and ensure effective legal interventions, the following recommendations should be integrated:

Pre-Emptive Document Consolidation: Future filings must comprehensively include all relevant procedural documents, such as the 90-Day Government Notice. This proactive approach will help prevent premature dismissals at any stage of the proceedings, thereby safeguarding the integrity of the legal process.

Judicial Advocacy: It is essential to engage in strategic advocacy to sensitize the Bench regarding the latitude allowed under Tanzanian civil procedure law. This includes emphasizing the importance of considering additional documents that can support the Plaintiffs' cases, ultimately leading to more favorable outcomes.

Stakeholder Updates: To maintain trust and ensure transparency, regular updates should be provided to the Plaintiffs and community leaders throughout the legal proceedings. This practice will foster a collaborative atmosphere and reassure stakeholders that their interests are being prioritized and addressed.

Implementing these recommendations, the PINGOs Forum and DKA-WELTHAUS can enhance project design, drive meaningful change, and ensure that legal interventions effectively contribute to the intended outputs and outcomes.