

# CAPITALIZING ON CHAOS

THOMSON SAFARIS TIGHTENS ITS STRANGLEHOLD  
OVER INDIGENOUS LANDS IN TANZANIA



The Oakland Institute  
20 YEAR ANNIVERSARY

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## ACKNOWLEDGEMENTS

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The views and conclusions expressed in this publication are those of the Oakland Institute alone and do not reflect opinions of the individuals and organizations that have supported the work of the Institute.

Design: Kimberly Schwede

Cover Photo: The Sukenya farm © The Oakland Institute

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The Oakland Institute, 2024



## EXECUTIVE SUMMARY

Tourism has boomed in Tanzania amidst the government's efforts to attract five million tourists and bring in US\$6 billion in revenue from the sector annually.<sup>1</sup> To achieve this goal, however, the Tanzanian state is ruthlessly trampling on Indigenous rights to expand operations of luxury safari expeditions.<sup>2</sup> Over the last decade, the Maasai living in Loliondo<sup>3</sup> and the Ngorongoro Conservation Area (NCA)<sup>4</sup> have had their lives upended by the government's campaign to evict them from their lands. Forced evictions to make way for trophy hunting by the Emirati royal family,<sup>5</sup> brutal violence by state security forces,<sup>6</sup> arbitrary arrests, and flawed resettlement plans<sup>7</sup> have captured media headlines.<sup>8</sup> However, the stealth maneuvers of a US-based safari company, Thomson Safaris, to solidify its claims over Maasai land have failed to garner attention.

Since 2006, the Mondorosi, Sukenya, and Soitsambu villages in the Loliondo Division of the Ngorongoro District<sup>9</sup> have been ensnared in a prolonged struggle for the return of their lands against Tanzania Conservation Limited (TCL) – a company run by the owners of Thomson Safaris, a high profile, award-winning, Boston-based tourism company. Local communities seek to reclaim 10,000 acres of land in what is known to them as the Sukenya farm, originally transferred without their Free, Prior, and Informed Consent and vital to their pastoral livelihoods.<sup>10</sup>

Capitalizing on the chaos of evictions from Loliondo and the NCA and widespread repression that sent local leaders into hiding, Thomson Safaris is attempting to legitimize its control of the Sukenya farm. With government support, the company allegedly facilitated the resurvey of the land in

July 2022, but without participation of the local community. Since then, the strict enforcement of the new boundaries has aggravated daily hardships for the villagers who report incidents of violence – allegedly committed by Thomson Safaris' guides – against pastoralists and their children while grazing cattle. Local villagers claim that Thomson Safaris is now lobbying the government to reclassify the land for the exclusive use of luxury tourism – a designation that would deny local communities the right to graze and water their cattle in the area.

Attorneys in Tanzania representing Thomson Safaris denied the allegations about the resurvey and its impact on villagers in response to an inquiry by the Oakland Institute. Calling the claims “baseless,” the firm failed to provide any evidence that the resurvey took place with full community participation. Furthermore, Thomson Safaris' lawyers deflected any responsibility by highlighting the role played by government institutions in the resurvey and did not provide any details to refute the instances of violence allegedly committed by the company's staff.

The role and responsibility of a so-called sustainable American safari outfit that is capitalizing on the Tanzanian government's brutal repression of Indigenous pastoralists to legitimize a land grab cannot be ignored. Thomson Safaris continues to draw wealthy tourists to the area while villagers live in a constant state of fear, their lives and livelihoods imperiled.<sup>11</sup> Despite the daily hardships endured and the failure of the judicial system to uphold their land rights, local Indigenous communities remain steadfast in their struggle for the return of their lands, the defense of their rights, and the preservation of their way of life.



## LAND GRABBED 40 YEARS AGO

In 1984, a Tanzanian parastatal company, Tanzania Breweries Ltd (TBL) obtained a title for 10,000 acres of land for the purposes of barley production in Soitsambu village on the country's northern border. This title would later be extended by 2,617 acres in 2003.<sup>12</sup> Before awarding these titles, the Ngorongoro District Council never received the Free, Prior, and Informed Consent of the local Maasai communities.<sup>13</sup> Moreover, no compensation was provided for their land.<sup>14</sup> In the ensuing years, TBL only used approximately 800 acres of this land for barley production, and the villagers continued to graze their livestock, water their cattle, and build their bomas – traditional Maasai homes – in the area. By 1999, the villagers had retaken possession of the land that remained unused by TBL.<sup>15</sup>

In 2006, Tanzania Conservation Limited (TCL) – a company operated by the owners of the Boston-based tourism company, Thomson Safaris – purchased a 96-year lease to 12,617 acres of land from TBL.<sup>16</sup> Soitsambu village – which has since been divided into the Mondorosi, Sukenya and Soitsambu villages – contested the sale. The village representatives argued that the land was transferred to TBL in 1984 without their consent<sup>17</sup> and that local communities had regained the land through adverse possession after TBL effectively abandoned the area.<sup>18</sup> The owners of TCL ignored these claims and renamed the area the Enashiva Nature Refuge.<sup>19</sup>

As documented in the Oakland Institute's 2018 report, *Losing the Serengeti*, since TCL acquired the Sukenya farm, the local Maasai communities have been denied access to vital grazing areas and watering holes.<sup>20</sup> Numerous media investigations have reported that Maasai pastoralists have faced violence, harassment, and arrest at the hands of local police officers, who are called in by the company to forcibly remove Maasai "trespassing" on the Enashiva Nature Refuge,<sup>21</sup> which the company has since renamed the Eastern Serengeti Nature Refuge.<sup>22</sup> These same allegations were raised in a letter to the Tanzanian government from the United Nations' Special Rapporteur on the rights of Indigenous Peoples, Chair of the Working Group on the use of mercenaries, and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.<sup>23</sup>

In 2011, over 550 Maasai from the three impacted villages met to discuss their next course of action.<sup>24</sup> They proposed

that the villages reacquire ownership over 10,617 acres of the farm, while Thomson Safaris would retain ownership over 2,000 acres.<sup>25</sup> The company refused to meet with the Maasai to negotiate.<sup>26</sup>



One of the community meetings that took place in 2011. Source: Local NGO

On July 4, 2013, the village councils of the Mondorosi, Sukenya, and Soitsambu villages filed a lawsuit in the High Court of Tanzania at Arusha for the return of the 12,617 acres.<sup>27</sup> Sandet Ole Reya, a Maasai traditional leader, described in his testimony how the displacement of the villagers by TCL involved the burning of bomas and forced removal from the disputed land.<sup>28</sup> Another witness, Shanguwe Isata Ndekere of Sukenya village, testified that after Thomson Safaris' arrival in 2006, all villagers were forced to relocate their cattle and their bomas were destroyed. "The bomas that were built on the land were burnt down...as a result of this, people were physically hurt, beaten by the police, and prosecuted."<sup>29</sup>

On October 28, 2015, the court recognized that TCL had unlawfully acquired 2,617 acres but did not award any damages to the Maasai.<sup>30</sup> The High Court stated that both parties (TCL and the villages) and relevant authorities should be involved in returning the 2,617 acres to the villages.<sup>31</sup> As the court's decision left the remaining 10,000 acres in the hands of TCL, the three villages filed an appeal for the full return of their lands.



## Sipping Champagne with the Maasai Warriors

In 1981, American Judi Wineland and her New Zealand-born husband Rick Thomson founded Thomson Safaris. Based in Watertown, Massachusetts, the safari outfit bills itself as an award-winning, internationally renowned travel company that “integrates social and environmental best practices into every aspect of the business.”<sup>32</sup>

Despite allegations of widespread human rights abuses, Thomson Safaris remains the “preferred Tanzania operator by some of the world’s most respected institutions of higher education, museums, and conservation organizations.”<sup>33</sup> These include the African Wildlife Foundation, Alumnae Association of Smith College, Commonwealth Club of California, Cornell Adult University, Dartmouth Alumni Travel, Hunt’s Photo & Video, Iowa State Traveling Cyclones, McKay Photography Academy, Notre Dame Alumni Traveling Irish, Princeton Journeys, UC Berkeley – Cal Discoveries Travel, University of Portland, Williams College, and World Affairs Council of Philadelphia.<sup>34</sup> Other prominent institutions, including the Harvard Alumni Association, also use Thomson Safaris for luxury group tours.<sup>35</sup>



Today, Thomson Safaris has rebranded the Enashiva Nature Refuge as the Eastern Serengeti Nature Refuge.<sup>36</sup> Blissfully ignoring the continual strife between the company and local villagers, Thomson Safaris advertises the close connections tourists can forge with the local Maasai community, claiming that “the residents are happy to foster genuine cultural interactions in their own homes” with visitors.<sup>37</sup>



Women from Mondorosi village, identities protected for fear of retribution © The Oakland Institute



## COURTS FAIL TO PROVIDE JUSTICE

More than four years after the appeal was filed by the three impacted villages for the full return of their land, on February 18, 2022, the Tanzanian Court of Appeal ruled that the dispute should be resolved administratively outside the Court.<sup>39</sup> The ruling was based on legislative changes in 2018 and 2020 that prevent government bodies from suing each other.<sup>40</sup> Since the village councils who brought the case are technically government bodies, they were informed that they could not use private counsel. The result was that the 2015 High Court ruling – in which Thomson Safaris was allowed to retain 10,000 acres of the farm – was upheld. Communities allege that Thomson Safaris influenced the Solicitor General's office, pressuring them to have the Court of Appeal drop the case.<sup>41</sup> The ability of a US company to reportedly influence the outcome shocked local advocates.

The same day as the ruling, the Mondorosi, Sukenya, and Soitsambu village councils wrote a letter to the Attorney General requesting “private advocates to continue with our legal representation in the negotiation process to help us in technical issues for the purposes of access to justice.”<sup>42</sup> The village councils also wrote to the Solicitor General, asking for a “participatory and transparent” process to settle the dispute.<sup>43</sup> The villages requested a resurvey of the farm by an independent surveyor and for villagers to “continue with their activities including grazing in the disputed area in question without any disturbance.”<sup>44</sup> Finally, the village councils penned a letter to the Minister of Lands, Housing and Human Settlements Development “requesting to reject for the coming proposal to be made by Thomson Safaris/Tanzania Conservation Limited concerning the change on the use of the disputed land [the Sukenya farm] from pastoralism and farming to conservation and tourism.”<sup>45</sup> The villages fear this land use change would further endanger their livelihoods. These letters have yet to receive responses.

Soon after the February 2022 ruling, state attorneys, TCL lawyers and management disregarded the communities' legal counsel and began negotiating with community members who were not involved in the court case.<sup>46</sup> When village leaders demanded a seat at the table, they report being intimidated with threats of arrest by state security forces and Thomson agents.<sup>47</sup>

**HALMASHAURI ZA VIJILJI VYA MONDOROSI, SUKENYA NA SOITSAMBU.**

S.L.P. 1  
LIONIENDO  
21/02/2022

OFISI YA WAKILI MKUU WA SERIKALI,  
S.L. P. 71554  
DAR ES SALAAM.

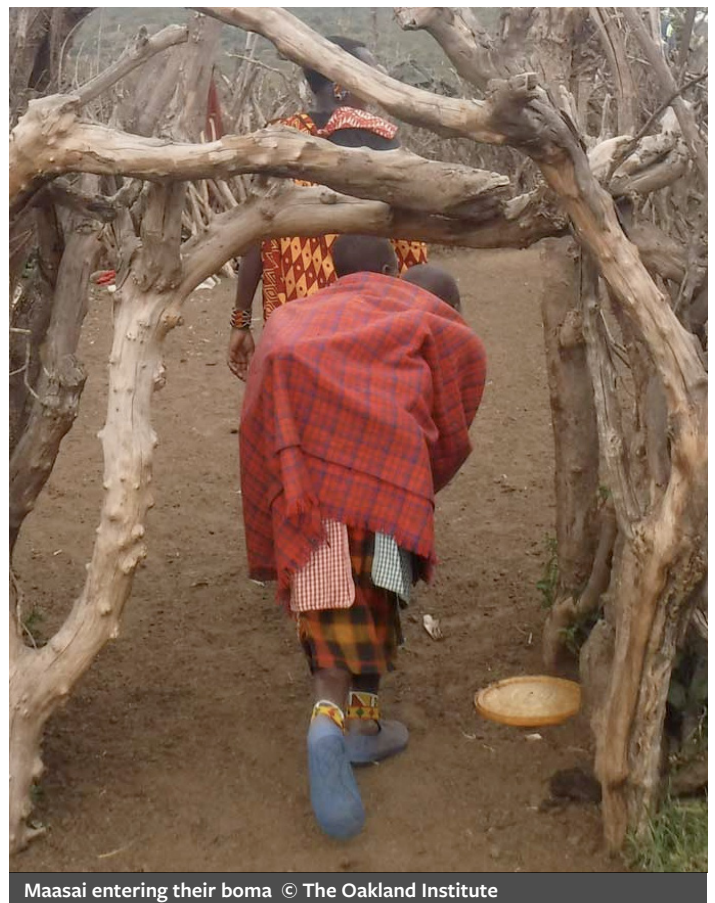
**YAH: MAPENDEKEZO YA UTARATIBU WA USULULISHI WA MGOGORO WA ARDHI UNAOENDELEA BAINA YA VIJILJI VITATU NA KAMPUNI YA TANZANIA CONSERVATION LIMITED, JUU YA SHAMBA LA SUKENYA NA. 373.**

Mheshimiwa Wakili Mkuu wa Serikali, Halmashauri za Vijilji vyetu vilikuwa na mgogoro wa muda mrefu na Kampuni ya Tanzania Breweries Limited tangu miaka ya 1984, ambapo baadae ardhi hiyo mwaka 2006 iluzwa kwa kampuni ya Tanzania Conservation Limited (TCL), yenye ukubwa wa hekari 12,617. Kampuni hii ya TCL baada ya kuuziwa ardhi hiyo iliridhi mgogoro huo na kupelekea Vijilji kufungua shauri la ardhi mwaka 2013, dhidi ya Tanzania Breweries Limited (TBL), Tanzania Conservation Limited (TCL), Halmashauri ya Wilaya ya Ngorongoro, Kamishina wa Ardhi na Mwanasheria Mkuu wa Serikali katika Mahakama Kuu kanda ya Arusha.

Mheshimiwa Wakili Mkuu wa Serikali, baada ya mchakato wa muda mrefu juu ya mwenendo wa kesi maamuzi yalitolewa Mei, 2018, ambapo tulrudishiwa kiasi cha ardhi hekari 2,617 kati ya 12,617, na baada ya kutoridhika tulikata rufaa juu ya sehemu ya maamuzi hayo katika hekari zilizobaki 10,000. Tarehe 18/02/2022 Mahakama ya rufaa iliondoa shauri hilo Na. 334 mahakamani kwa madal kwamba Vijilji ni sehemu ya Serikali na itakuwa kinyume na sheria kuishitaki serikali pamoja na hoja kuwa wanasheria binafsi hawataruhusiwa kuwakilisha taasisi hizo za Serikali Mahakamani na badala yake yatawakilishwa na ofisi ya Wakili Mkuu wa Serikali katika kufanya majadiliano ya kutatua mgogoro huo kiutawala. Mara baada ya maamuzi ya mahakama ya Rufaa tullikaa na Mawakili wa Ofisi yako na kufanya majadiliano juu ya mchakato wa usululishi wa mgogoro huo.

Mheshimiwa Wakili Mkuu wa Serikali, sisi wananchi wa Vijilji vitatu vyenye mgogoro na kampuni ya TCL tuna imani kubwa na serikali yetu kwa kupitia ofisi yako ambayo imepewa jukumu la usululishi na mahakama kwa kupitia mabadiliko ya sheria iliowasilishwa mahakamani. Kwa kuwa

Letter sent to the Attorney General by the village councils from Mondorosi, Sukenya, and Soitsambu



Maasai entering their boma © The Oakland Institute



# THOMSON SAFARIS RESURVEYS SUKENYA FARM AMIDST VIOLENT DEMARCATION OF LAND IN LOLIONDO

As previously reported by the Oakland Institute, the villagers' struggle is part of a wider campaign by the Tanzanian government to forcibly displace Indigenous pastoralists to make way for tourist destinations.<sup>48</sup> On June 8, 2022, the Tanzanian government initiated the illegal<sup>49</sup> demarcation of over 370,000 acres of land within the Loliondo Division of Ngorongoro District – the division in which the three impacted villages reside – to reclassify the area from the Loliondo Game Controlled Area into the Pololeti Game Reserve. This has since denied 70,000 people access to dry-season grazing land critical to their livestock and livelihoods.<sup>50</sup>

The forced demarcation led to widespread violence as security forces fired live ammunition on the Maasai, severely wounding 18 men and 13 women.<sup>51</sup> An 85-year-old man, Oriais Olong'iyu, remains missing as of March 2024 after reportedly being taken into police custody.<sup>52</sup> Thousands, including women and children, fled to Kenya for safety. Dozens of local political leaders and villagers were arrested while others were forced into hiding.<sup>53</sup>

According to the local communities, Thomson took advantage of this increasing state violence against the Maasai and the ensuing chaos to consolidate its claim to the Sukenya farm. Just weeks after the June 2022 crackdown, Thomson Safaris moved forward on the resurvey.<sup>54</sup> Between July 1 and July 7, 2022, Daniel Yamar, Thomson Safaris' manager in Loliondo, district surveyors, the state attorney, and the police resurveyed the disputed land,<sup>58</sup> ignoring local communities' February 2022 request for an independent surveyor. The resurvey reduced TCL's holdings from 12,617 acres to 10,000 acres in accordance with the 2015 court ruling. However, community members were not included in the process, a direct violation of the High Court's 2015 ruling that both TCL and the Maasai be involved in the return of this land to the afflicted villages.<sup>55</sup> As they were illegally excluded from the resurvey process, local Maasai communities had no say on which areas of the farm they would receive and which areas Thomson Safaris would keep for itself. With the survey complete, vegetation was cleared and new roads have been constructed in the area for the use of Thomson Safaris.<sup>56</sup>



Maasai protesting evictions in Loliondo injured by security forces in June 2022 © The Oakland Institute



Live ammunition fired by Tanzanian security forces on Maasai, June 8, 2022 © The Oakland Institute





“It is ridiculous because if you do a survey of a land, then the whole community must be involved, there must be a village council involved. But none of those structures have been involved... That shows that they were using the opportunity that people are not settled because of land conflict in Loliondo. That is actually the opportunity they used to demarcate and put beacons.”

– A Maasai elder<sup>57</sup>



Beacon placed during July 2022 resurvey of Sukenya farm © The Oakland Institute



Road cleared on the Sukenya farm for use by Thomson Safaris, January 2023 © The Oakland Institute

Concerns of the Maasai villagers about the change in the land use of the Sukenya farm have proven justified. TCL and Thomson Safaris are now allegedly lobbying the Tanzanian government to change the land use in the surrounding area exclusively for tourism – a move that would further prohibit Maasai pastoralists’ livestock from accessing water and grazing land. Thomson has long advocated for this change but was unable to proceed as the court case was ongoing. With the February 2022 ruling that the farm dispute be resolved out of court – that is, by the district and national officials that have either ignored the Maasai’s requests for a fair resolution or illegally excluded them from the resurveying process – communities fear the land use change will be enacted. This would decimate the livelihoods of the Mondorosi, Sukenya, and Soitsambu villages.



## ABUSE AT THE HANDS OF SAFARI GUIDES

In the months following the February 2022 ruling, the situation continued to deteriorate for the impacted villages. While laws governing land use in the area have yet to be changed, Thomson reportedly used guides and security forces to crack down on pastoralists grazing cattle in the area, in line with its past actions.<sup>60</sup> Parents allege that Thomson Safaris' employees and agents have beaten their children. One parent said, "On July 8, 2022, around the land in dispute [the Sukenya farm] my boy was taking care of the livestock when he was caught by a Thomson Safaris' guide and beaten for no reason. He suffered injuries on his body. This is very unfair and a violation of human rights. Our rights have been violated by an intruder in our ancestors' land – we need international support!"<sup>61</sup>

Another parent shared a similar incident that reportedly occurred the following day. "Unfortunately, on July 9, 2022,

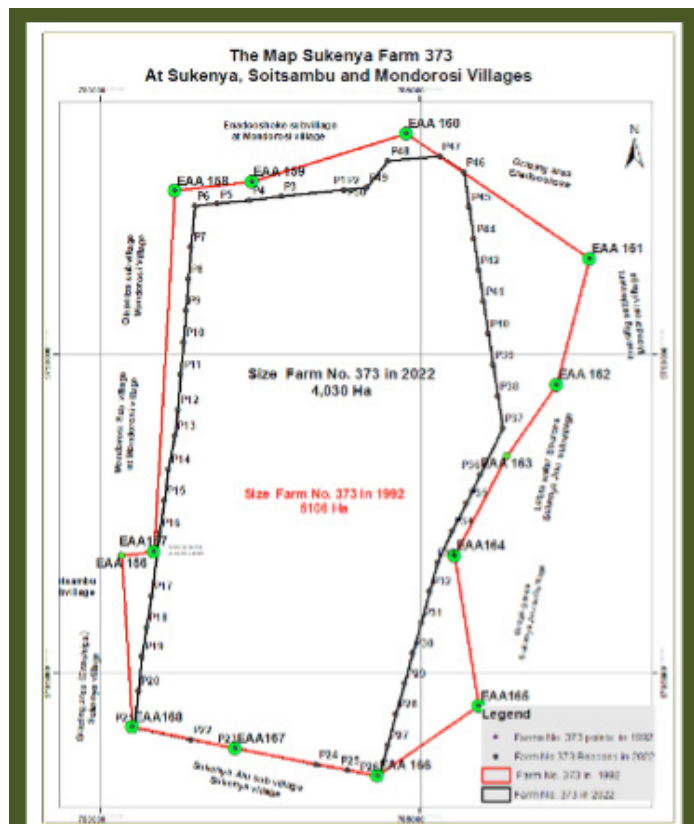
my child [redacted] was grazing my livestock around the farm and he was caught by a Thomson Safaris' guide during the patrol of the farm. In fact, the livestock were not even on the farm and in village land, but my child was beaten by a Thomson Safaris' guide. My child was injured and suffers from psychological problems as the result of the beating. It has been difficult for us to claim our right since the government is on the side of the company and sometimes police may do patrol around that farm."<sup>62</sup>

In September 2022, four boys from the Sukenya sub-village were also allegedly beaten by a Thomson Safaris' guide for bringing their cattle on the farm.<sup>63</sup> In protest, several villagers tore down five beacons demarcating the new farm boundaries and, as a result, faced harassment by the police.<sup>64</sup>

## BORDER RESURVEY IMPACTS DAILY LIFE

Already living in fear of violence, stricter enforcement of the new boundaries by Thomson Safaris has created additional hardships for the communities. The boundaries of the Sukenya farm effectively split the Mondorosi village, separating the Enadoshoke and Irmasiling sub-villages from schools, hospitals, and other basic government services located on the other side of the property.<sup>65</sup> While the case was ongoing, community members could at times cross the farm. However, since the resurvey and the February 2022 court ruling, Thomson employees and agents have been patrolling and preventing community members from entering the land.<sup>66</sup> Villagers now must walk additional hours by foot to access these essential services.<sup>67</sup> The separation of the Irmasiling sub-village from the main hospital located in Soitsambu has been especially difficult for pregnant women, who in some cases have reportedly foregone care due to the distance.<sup>68</sup> Communities – not consulted during the resurvey – were unable to demand an easement path to directly cross the Sukenya farm and avoid the current hardships.<sup>69</sup>

Finally, through this rigid enforcement of the new farm borders, communities have lost access to prime grazing land. This has been particularly devastating in the context of the drought that ravaged the Horn of Africa – including northern Tanzania – between 2020 and 2023. Decreasing pasture and water have led to millions of cattle deaths, thus devastating pastoralist livelihoods.<sup>71</sup> Continued enforcement of the land survey, conducted without the participation of the impacted communities, has exerted further pressure onto an already dire situation.



Map showing new boundaries of Sukenya farm. Strict enforcement of the boundaries by Thomson Safaris has divided Mondorosi village and restricted access to grazing land for villagers<sup>70</sup>



## THOMSON SAFARIS' RESPONSE TO ALLEGATIONS

When given an opportunity to respond to the allegations raised in the report regarding the resurvey process and the impact it had on local communities, Thomson Safaris, through its lawyers in Tanzania, called the claims “baseless.” The June 18, 2023, email response sent by the company’s lawyers failed to provide evidence that the resurvey was conducted with full local community participation. It instead deflected responsibility, saying, “the resurvey exercise was supervised by the office of the Solicitor General of the United Republic of Tanzania. Issues relating to change of land use are in the exclusive domain of the Commissioner for Land and the allegations of violence are handled by the Tanzania Police Force. Consequently, please be advised to consult the office of the Solicitor General, the Commissioner for Land and the Tanzania Police Force for their response to the allegations before you publish these unjustified allegations.”<sup>72</sup>

The response also did not address the incidents of violence reported to have been committed by Thomson Safaris’ employees or the imposition of new constraints on access to grazing land. Thomson Safaris’ lawyers then chose to question the Oakland Institute’s legal status in Tanzania.

“Again, your letter suggests that all the allegations thereof, are alleged to have occurred in the United Republic of

Tanzania. These facts presuppose that you are authorized to operate as a Non-Governmental Organization in the United Republic of Tanzania under the laws of the United Republic of Tanzania...as such, we request you to confirm to us that you are authorized to operate in the United Republic of Tanzania as a Non-Governmental Organization and kindly share with us a copy of your registration certificate to this effect issued to you under the laws of the United Republic of Tanzania... under the provisions of the Non-Governmental Organization Act Cap. 56 (hereinafter “the Act) of the laws of the United Republic of Tanzania, it is an offence for any person to operate a Non-Governmental Organization in the United Republic of Tanzania without obtaining registration under the Act.”<sup>73</sup>

The Oakland Institute is a legally registered 501(c)(3) non-profit organization in the United States, a fact which has no bearing on its ability to raise these issues with Thomson Safaris. The response does not explain why the Oakland Institute must be registered as a Tanzanian NGO in order to share findings or ask the company questions. The pervasive threat of retribution in Tanzania has largely silenced local organizations who instead have been forced to partner anonymously with international organizations.

**WHERE YOU'LL STAY**  
*E. serengeti nyumba camp*

Your camp sits on the slope of Moruga Hill with views of grazing wildlife during the day and fiery sunsets in the evening. Enjoy top-notch service from the camp staff, delicious meals in the dining tent, and comfortable amenities in your tent. Sit back with a cocktail or a book in the lounge tent, by the campfire, or on the verandah of your Nyumba tent.

camp from a distance  
Yoga platform  
Lounge tent

Promotional materials advertising the Eastern Serengeti Nature Refuge. Source: <https://thomsonsafaris.com/explore-eastern-serengeti-nature-refuge/>



## VILLAGES STRUGGLE FOR JUSTICE

“Tourist money to Thomson Safaris is causing innocent Maasai children to suffer.”

– A Maasai elder<sup>74</sup>

Villagers from the Mondorosi, Sukenya and Soitsambu villages continue to seek legal pathways and remain committed to the full return of their land. On November 20, 2023, 141 people in the three impacted villages filed a 90-day notice of intention to sue the Commissioner for Land, Ngorongoro District Council, and Attorney General for the return of all their land.<sup>75</sup> The notice cites how the villagers have been denied access to critical grazing area and water resources by TCL employees and agents, who have “violently mistreated” them. If TCL’s land title is not immediately revoked and the company does not return the remaining 10,000 acres to the community, civil proceedings will ensue. The villagers are also requesting 200 billion Tanzanian Shillings [US\$79.5 million] in damages for the economic and social hardships inflicted on them over decades in order for TCL to profit from tourism on their land.

Despite the repression and risk of retribution, villagers hope for justice and a resolution to the ongoing crisis they face at the hands of Thomson Safaris. “I depend on my livestock for my livelihood and taking care of my children. How do we get our land back since we have no place to graze our livestock anymore? When will all these human rights abuses stop?”<sup>76</sup> Another villager added “I kindly request any support from different parts of the world to stop this violation of human rights and abuse of community rights that is done by Thomson Safaris and our government.”<sup>77</sup>

Over the past two years, the Tanzanian government has repeatedly shown it will aid and abet foreign corporations operating luxury safaris at the expense of the Indigenous Maasai communities who have stewarded these lands for

generations. The escalating repression of land defenders in Loliondo has provided Thomson Safaris an opportunity to solidify its long-disputed land claims. The company, local communities allege, has failed to adhere to international human rights obligations as a so-called sustainable tourism operator. In light of the failure of the courts to administer justice, international pressure on Thomson Safaris and the Tanzanian government is imperative to support the courageous struggle of the villagers for their land, their rights, their livelihoods, and their way of life.

“We call upon the international community, regional human rights defenders, human rights organizations, goodwill institutions and individuals to support our community at these critical moments toward access to fair justice. We hope justice cannot be simply granted but are fought for and one day our Almighty God will show the World that, we are the rightfully owners of our land inherited from ancestors.”

– Statement by community representatives from impacted villages<sup>78</sup>



## ENDNOTES

- 1 Ubwani, Z. “Revealed: Key sources driving rise of Tanzania’s tourism.” *The Citizen*, February 17, 2023. <https://www.thecitizen.co.tz/tanzania/news/national/revealed-key-sources-driving-rise-of-tanzania-s-tourism--4127422> (accessed March 1, 2023).
- 2 Mittal, A. and E. Fraser. *Losing the Serengeti: The Maasai Land that was to Run Forever*. The Oakland Institute. 2018. <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/losing-the-serengeti.pdf> (accessed February 11, 2023).
- 3 The Oakland Institute. “Tanzanian Government Continues Violent Repression of the Maasai in Loliondo Despite Worldwide Condemnation.” Press Release, July 8, 2022. <https://www.oaklandinstitute.org/tanzanian-government-violent-repression-maasai-loliondo-worldwide-condemnation> (accessed April 4, 2023).
- 4 Currier, A. and A. Mittal. *The Looming Threat of Eviction: The Continued Displacement of the Maasai Under the Guise of Conservation in Ngorongoro Conservation Area*. The Oakland Institute. 2021. <https://www.oaklandinstitute.org/looming-threat-eviction> (accessed April 4, 2023).
- 5 The Oakland Institute. “Tanzanian Government Continues Violent Repression of the Maasai in Loliondo Despite Worldwide Condemnation.” *Op. Cit.*
- 6 *Ibid.*
- 7 Currier, A. and A. Mittal. *The Looming Threat of Eviction: The Continued Displacement of the Maasai Under the Guise of Conservation in Ngorongoro Conservation Area*. *Op. Cit.*
- 8 The Oakland Institute. “Tanzania Media Coverage.” June 5, 2023. <https://www.oaklandinstitute.org/tanzania-media-coverage> (accessed June 12, 2023).
- 9 Soitsambu village has now been divided to encompass three villages, Mondorosi, Sukenya, and Soitsambu.
- 10 For more details on this conflict see: Mittal, A. and E. Fraser. *Losing the Serengeti: The Maasai Land that was to Run Forever*. *Op. Cit.*; Tanzania Legal and Human Rights Centre. “RE: Ninety Days (90) Notice of Intention to Sue Commissioner for Lands, Ngorongoro District Council, and Attorney General.” November 11, 2023.
- 11 Tanzania Legal and Human Rights Centre. “RE: Ninety Days (90) Notice of Intention to Sue Commissioner for Lands, Ngorongoro District Council, and Attorney General.” *Op. Cit.*
- 12 High Court of Tanzania at Arusha. *Plaintiff’s Written Closing Brief in case of Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd.* Land Case No. 26. 2013. [https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/plaintiffs\\_closing\\_brief\\_-\\_sukenya\\_case.pdf](https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/plaintiffs_closing_brief_-_sukenya_case.pdf) (accessed February 28, 2023). This case is also discussed in Gardner, Benjamin. 2016. *Selling the Serengeti: The Cultural Politics of Safari Tourism*. University of Georgia Press. and in Gilbert, J. “Litigating Indigenous Peoples’ Rights in Africa: Potentials, Challenges and Limitations.” *International & Comparative Law Quarterly*, Volume 66, Issue 3 (2017), 657-686.
- 13 *Ibid.*
- 14 *Ibid.*
- 15 High Court of Tanzania at Arusha. *Plaintiff’s Written Closing Brief in case of Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al.* *Op. Cit.*, p. 29.
- 16 In an email response to the Oakland Institute, dated November 21, 2017, Judi Wineland and Rick Thomson stated, “Thomson Safaris did not buy 12,617 acres of land.” Judi Wineland. Email message, Subject: “TCL responses” sent to Anuradha Mittal. November 21, 2017, 14:10 PT.  
  
A Thomson Safaris’ blog, however, states, “Judi Wineland and Rick Thomson, the husband-and-wife team who own Thomson and TCL, purchased the land in an open bidding process in 2006 when Tanzania Breweries Ltd. put the farm up for sale” and “today, Thomson Safaris and Tanzania Conservation Ltd. (TCL) are working alongside the Maasai to conserve this vast wilderness of wooded savannah and open grassland covering 12,600 acres within the Serengeti ecosystem.” Thomson Safaris. “The Enashiva Nature Refuge.” Thomson Safaris Spotlights Good Works in Tanzania, August 21, 2009.  
  
Documents obtained in a 2014 discovery action include a copy of the official lease from 2006 between Tanzania Breweries Limited and Tanzania Conservation Limited showing a 96-year lease was obtained for a lump sum of US\$1.2 million. Wineland-Thomson Adventures, Inc., d/b/a Thomson Safaris (“Thomson Safaris”) and Thomson Safaris’ owners, Judi Wineland and Warwick Thomson, during the discovery action, in: *Re Application of Loserian Minis, et. al. for an Order Granting Leave To Issue Subpoenas for the Taking Of Discovery Pursuant to 28 U.S.C. § 1782, Civil Action No. 1:14-mc-91050-DJC, (D. Mass. April 18, 2014), pp. TS2017-0672 - TS2017-0675.*  
  
A letter written on Thomson Safaris letterhead, also obtained through the 2014 discovery action, reads “The dilemma is that Tanzania Conservation Ltd, whom I represent, along with Thomson Safaris Ltd, have purchased land for tourism purposes under TIC from Tanzanian Breweries (TBL) in 2006, but to date we have not been granted the change of land use, thus substantially enabling various interests to frustrate the progress of the investment, to the detriment of the investors concerned, the local area, district and the countries’ attractiveness as an investment destination.” Letter from Thomson Safaris Ltd, December 14, 2012, p. TS2017-0024.
- 17 In sworn testimony from June 2014, Judi Wineland commented: “When, a long time ago when this was all one big village, what was the Soitsambu village, there were three subvillages. And the land that sits on at the moment belonged to the Sukenya, the Loita ... Laitayok ... So anyhow, this land is actually, this land actually belonged to them. And this land, when this land ended up with Tanzanian Breweries, it was the Purko who made that decision. This is what we hear, so I’ll just tell you what we hear. So it was Purko who made the decision for this land, that belonged to the people of Sukenya, to go to Tanzanian Breweries.” Documents obtained from Wineland-Thomson Adventures, Inc., d/b/a Thomson Safaris (“Thomson Safaris”) and Thomson Safaris’ owners, Judi Wineland and Warwick Thomson, during the discovery action, *Op. Cit.*, p. TS2017-0330.



- 18 Direct communication with Rashid S. Rashid, Counsel for the Loliondo Maasai, September 30, 2015. Details of the legal case are also discussed and summarized in: Gilbert, J. “Litigating Indigenous Peoples’ Rights in Africa: Potentials, Challenges and Limitations.” *International & Comparative Law Quarterly*, Volume 66, Issue 3 (2017), 657-686; Minority Rights Group. “Tanzania: Protecting Maasai right to land.” *Law and Legal Cases*, November 11, 2016.
- 19 The farm is known locally as Sukenya farm. Enashiva means “happiness” in the Maasai language, Maa.
- 20 Mittal, A. and E. Fraser. *Losing the Serengeti: The Maasai Land that was to Run Forever*. *Op. Cit.*; Several internal emails, obtained in a 2014 discovery action, verify that grazing at the Enashiva site has been limited by TCL. For example: An email dated February 8, 2008 states: “For grazing, I told them that we will only discuss that during the severe drought, right now it is raining heavily everywhere and that there is grasses everywhere so they don’t need to ask for that now.” Internal email message, Subject: “RE: Loliondo Issues,” February 8, 2008, 3:02AM, obtained as part of Wineland-Thomson Adventures, Inc., d/b/a Thomson Safaris (“Thomson Safaris”) and Thomson Safaris’ owners, Judi Wineland and Warwick Thomson, during the discovery action, *Op. Cit.*, p. TS2017-0143; Tanzania Legal and Human Rights Centre. “RE: Ninety Days (90) Notice of Intention to Sue Commissioner for Lands, Ngorongoro District Council, and Attorney General.” *Op. Cit.*
- These discovery action documents also reveal that TCL employees either call police directly or the District Commissioner, who then calls the police, when situations arise on the land. While the company argues that this is only when things are confrontational (“The police are only called when the situation is escalating and people are feeling like they’re being threatened or something of that nature.” *Ibid.*, p. TS2017-0384) the documents also demonstrate that police have been called, via the District Commissioner, for trespassing, chopping wood, and possibly for farming.
- Allegations of denied access to water, grazing lands, and intimidation and violence at the hands of the police, who are sometimes called in by TCL, were also communicated to Oakland Institute researchers through in-person interviews with Maasai villagers.
- 21 These allegations have not been independently verified by Oakland Institute researchers. They have, however, been extensively reported, including by the following sources: Friedman-Rudovsky, J. “The Ecotourism Industry is Saving Tanzania’s Animals and Threatening its Indigenous People.” *Vice*, May 11, 2015. <https://www.vice.com/en/article/4wby9b/casualties-of-conservation-0000649-v22n5> (accessed February 28, 2023); Renton, A. “Tourism is a Curse to Us.” *The Guardian*, September 5, 2009. <https://www.theguardian.com/world/2009/sep/06/maasai-tribesman-tanzania-tourism> (accessed February 28, 2023).
- 22 Thomson Safaris. “Explore Deeper: Eastern Serengeti Nature Refuge.” <https://thomsonsafaris.com/explore-eastern-serengeti-nature-refuge/> (accessed April 14, 2023).
- 23 Anaya, J., Arias, P., and J.E. Méndez. Letter to the President of Tanzania. Office of the United Nations High Commissioner for Human Rights. Reference: AL Indigenous (2001-8) G/SO 214 (2005-4) G/SO (53-24) TZA 1/2014.
- 24 Batundi, F. “Tanzania: Maasai Land Dispute with Safari Tourism Group.” *Minority Rights Group*. March 22, 2012.
- 25 The communities also allowed for the potential for the company to enter into direct agreement that would allow its continued use of some of the remaining land for tourism purposes. *Ibid.*
- 26 *Ibid.*
- 27 Case filed against TBL, TCL, the Ngorongoro District Council, the Commissioner for Lands, and the Attorney General. High Court of Tanzania at Arusha. *Plaintiff’s Written Closing Brief in case of Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al. Op. Cit.*; High Court of Tanzania at Arusha. *Defendants’ Joint Final Submissions*. Land Case No. 26 of 2013, pp. 1-2.
- 28 High Court of Tanzania at Arusha. *Plaintiff’s Written Closing Brief in case of Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al. Op. Cit.*, pp. 24-25. Sandet Ole Reya testified on May 13, 2015.
- 29 High Court of Tanzania at Arusha. *Plaintiff’s Written Closing Brief in case of Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al. Op. Cit.*, p. 25. Shangwe Ndekere testified on May 13, 2015.
- TCL argues that these were temporary structures that had been abandoned. In sworn testimony from 2014, when being questioned by lawyers from EarthRights International, Judi Wineland responded with the following: “Q: When, ██████ to your knowledge were there any existing structures on the land? A: Yes. Q: What structures were there? A: There were TBL structures where the TBL staff was living that was on the land. Q: And were there any other human made, any other things built by humans? A: Other things built by humans? From what I hear there were some old thorny fences that were on the land at some point. But otherwise, I’m looking around, no, that I know of ... Q: Who told you about there being old thorny fences at ██████? A: The first time I heard that there were old thorny fences at ██████ was where – I don’t know if it was ██████ contacted us to say that the regional commissioner had flown up to see, because somebody in the neighborhood, ██████ was telling everybody that we were burning down homes on our land that belonged to Maasai. He flew up, pissed as a rat, that she had done this, because it was not. It was thorny brushes and he looked at that. And then he wrote to me – He wrote to us, actually, cc’d to me, about this happening. And that was the first time I even knew they were on the property ... Q: And was ██████ burning those thorny obstacles? A: Yes, I hear that they did.” Wineland-Thomson Adventures, Inc., d/b/a Thomson Safaris (“Thomson Safaris”) and Thomson Safaris’ owners, Judi Wineland and Warwick Thomson, during the discovery action, *Op. Cit.*, pp. TS2017-0318 – TS2017-0319.
- The testimony also confirmed that it was since discovered that additional bomas exist on the Enashiva property. In the testimony, Judi Wineland stated: “We found out that there are, there’s a boma inside our property that we didn’t know about. And there is one, but it’s not – So it’s not been built. All the questions you have asked me. It’s been there all along. We just didn’t know that our land went to the far corner where this place is. Q: Do you know who lives in those bomas? A: I’m trying to give you a name, but the family of a fellow who ended up in the hospital. I’m sorry, I can’t remember his name ... Q: Was that the man who was shot? A: Somewhere, yeah. Not on our property, but somewhere. Q: Lesingo Ole Nanyoy? A: Nanyoy’s family. I think that’s who that is.” *Ibid.*, pp. TS2017-0339 – TS2017-0340.



- 30 High Court of Tanzania at Arusha. Judgment in case of *Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al.* Land Case No 26. 2013. August 28, 2015. [https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/judgement\\_-\\_sukenya\\_case.pdf](https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/pdfpreview/judgement_-_sukenya_case.pdf) (accessed June 23, 2023).
- "The title deed reads 12,617 acres. Any changes made to the size of the land did not happen under the ownership of the land by TCL. This is the correct position regarding the appeal. The Villages as any other litigant in Tanzania have a constitutional right to appeal against a decision of any court or tribunal should they feel aggrieved." Judi Wineland. Email message, Subject: "TCL responses" sent to Anuradha Mittal. November 21, 2017, 14:10 PT.
- 31 High Court of Tanzania at Arusha. Judgment in case of *Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al.* Land Case No 26. 2013. *Op. Cit.*
- 32 Thomson Safaris. "The Thomson Difference." <https://thomson-safaris.com/about-us-2/> (accessed June 16, 2023). Thomson Safaris. "Invested in Tanzania." <https://thomsonsafaris.com/giving-back/> (accessed June 16, 2023).
- 33 Thomson Safaris. 2022 Catalogue. <http://thomsonsafaris.com/wp-content/uploads/2023/03/Thomson-Safaris-031523.pdf> (accessed March 15, 2023).
- 34 *Ibid.*, p. 39.
- 35 Harvard Alumni Travels. "Tanzania Family Safari: Terms & Conditions." [https://alumni.harvard.edu/sites/default/files/travel/files/terms\\_tanzania%20family%20dec23\\_10042022%20FINAL-ua.pdf](https://alumni.harvard.edu/sites/default/files/travel/files/terms_tanzania%20family%20dec23_10042022%20FINAL-ua.pdf) (accessed August 15, 2023).
- 36 Thomson Safaris. "Explore Deeper: Eastern Serengeti Nature Refuge." *Op. Cit.*
- 37 *Ibid.*
- 38 *Ibid.*
- 39 Direct communication, name withheld. February 18, 2022.
- 40 The Village Councils for Mondorosi, Sukenya and Soitsambu. "REF Request for the Reject on Land Use Change for the Farm No. 373 From Farming and Pastoralism to Conservation and Tourism." Letter to Minister of Lands, Housing, and Human Settlements Development. February 18, 2022.
- 41 Direct communication, names withheld. March 1, 2023.
- 42 The Village Councils for Mondorosi, Sukenya and Soitsambu. "REF. The Request for Engagement of the Private Advocates in the Negotiation of the Land Conflict Resolution Between Villages and Tanzania Conservation Limited." Letter to Attorney General of Tanzania. February 21, 2022.
- 43 The Village Councils for Mondorosi, Sukenya and Soitsambu. "The Proposed Schedule for the Ongoing Land Conflict Settlement Procedure Between the Three Villages and Tanzania Conservation Limited Regarding the Disputed Sukenya Farm No. 373." Letter to Solicitor General of Tanzania. February 21, 2022.
- 44 *Ibid.*
- 45 The Village Councils for Mondorosi, Sukenya and Soitsambu. "REF Request for the Reject on Land Use Change for the Farm No. 373 From Farming and Pastoralism to Conservation and Tourism." Letter to Minister of Lands, Housing, and Human Settlements Development. *Op. Cit.*
- 46 Direct communication, name withheld. February 18, 2022.
- 47 *Ibid.*; Direct communication, name withheld. June 16, 2023.
- 48 The Oakland Institute. "Publications: Tanzania." <https://www.oaklandinstitute.org/country/tanzania> (accessed March 20, 2024).
- 49 On September 19, 2023, The High Court of Tanzania nullified the creation of the Pololeti Game Reserve, given it was established without community consent. However, in the months following the ruling, the government has ignored the court order by preventing herders from accessing the land and seizing cattle. Maasai International Solidarity Alliance. "Newsletter: 3." October 2023.
- 50 The Oakland Institute. "Tanzanian Government Continues Violent Repression of the Maasai in Loliondo Despite Worldwide Condemnation." *Op. Cit.*; PINGOS Forum. "Open Letter to Vice President of the United States of America Kamala Harris." Public Letter. March 30, 2023. <https://pingosforum.or.tz/open-letter-to-vice-president-of-the-united-states-of-america-kamala-harris/> (accessed April 2, 2023).
- 51 *Ibid.*
- 52 The Oakland Institute. "URGENT ALERT: Tanzanian Government Resorts to Cattle Seizures to Further Restrict Livelihoods of Maasai Pastoralists." Press Release, January 24, 2023. <https://www.oaklandinstitute.org/urgent-tanzania-government-cattle-seizures-maasai> (accessed April 10, 2023).
- 53 *Ibid.*
- 54 Direct communication, name withheld. August 22, 2022.
- 55 High Court of Tanzania at Arusha. Judgment in case of *Mondorosi, Sukenya, and Soitsambu Village Councils v. Tanzania Breweries Ltd, et al.* Land Case No 26. 2013. *Op. Cit.*
- 56 Names withheld for security reasons. "Presentation on Demarcation of Farm 373." 2023.
- 57 Direct communication, name withheld. August 22, 2022.
- 58 The Village Councils for Mondorosi, Sukenya and Soitsambu. "REF Request for the Reject on Land Use Change for the Farm No. 373 From Farming and Pastoralism to Conservation and Tourism." Letter to Minister of Lands, Housing, and Human Settlements Development. *Op. Cit.*
- 59 Tanzania Investment Centre. "Change of Land Use Over Farm 373 Sukenya Saitsambu Village Ngorongoro District." Letter Written to the Commissioner of Lands. November 12, 2008.
- 60 Mittal, A. and E. Fraser. *Losing the Serengeti: The Maasai Land that was to Run Forever.* *Op. Cit.*; Tanzania Legal and Human Rights Centre. "RE: Ninety Days (90) Notice of Intention to Sue Commissioner for Lands, Ngorongoro District Council, and Attorney General." *Op. Cit.*



- 61 Testimony from Sukenya village, name withheld for security reasons. Sent to the Oakland Institute by local legal counsel on December 24, 2022.
- 62 *Ibid.*
- 63 Direct communication, name withheld. September 21, 2022.
- 64 *Ibid.*
- 65 Direct communication, name withheld. March 10, 2023.
- 66 Direct communication, name withheld. April 19, 2023 and May 5, 2023.
- 67 *Ibid.*
- 68 *Ibid.*
- 69 Direct communication, name withheld. March 10, 2023.
- 70 Independent survey of beacons completed in June 2022.
- 71 Land is Life. "Maasai Pastoralists Struggle with Prolonged Drought." October 19, 2022. <https://www.landislife.org/maasai-pastoralists-struggle-with-prolonged-drought-1296/> (accessed March 10, 2023).
- 72 Letter from Rex Advocates on behalf of their client, Thomson Safaris Limited to Anuradha Mittal, Executive Director of the Oakland Institute. "RE: Request for Information Regarding Resurvey of the Sukenya Farm." June 18, 2023.
- 73 *Ibid.*
- 74 Direct communication, name withheld. February 24, 2023.
- 75 Tanzania Legal and Human Rights Centre. "RE: Ninety Days (90) Notice of Intention to Sue Commissioner for Lands, Ngorongoro District Council, and Attorney General." *Op. Cit.*
- 76 Testimony from Sukenya village, name withheld. Sent to the Oakland Institute by local legal counsel on December 24, 2022.
- 77 *Ibid.*
- 78 Direct communication, name withheld. February 18, 2022.





