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June 6, 2018

**Re: An Open Letter to the Tanzanian government with regard to its response to the Oakland Institute's report, *Losing the Serengeti***

Dear President Magufuli,

On May 10, 2018, the Oakland Institute released *Losing the Serengeti: The Maasai Land that was to Run Forever*.<sup>1</sup> Based on field research, never publicly-seen-before documents, and an in-depth investigation into Tanzania's land laws, the report reveals how Tanzania's Maasai face appalling levels of human rights abuses in the name of conservation and the promotion of safari tourism in the Ngorongoro and Loliondo regions. Since the report was released, officials from your government have responded with an official press release, numerous messages on social media, and ongoing intimidation on the ground. This is a formal reply to your government's responses.

**Minister Kigwangalla Alleges that the Findings of our Report Are "Fake" and "Untrue"**

Shortly after the report was released, the Minister of Natural Resources and Tourism, Mr. Hamisi Kigwangalla, issued a press release claiming that the findings of our report were untrue, stating that the government had taken steps involving all stakeholders to resolve the disputes we outline, and asking Tanzanians and the international community to disregard all misleading reports that intend to malign the government and create conflict within the country.<sup>2</sup>

He then posted a number of tweets on Twitter:

"Fake report! Most of the information in the report is not true and you can't teach us how to handle our internal affairs. The land is ours, the Maasai people are ours, the wildlife is ours and everything."<sup>3</sup>

"The land used for hunting has never been inhabited by humans before."<sup>4</sup>

"There are no [sic] any human rights violations. Activists cook up these things for their own gains."<sup>5</sup>

We categorically reject these accusatory lies. Our report is based on extensive field research conducted by Oakland Institute researchers and a rigorous examination of primary and secondary source documents. This included reviewing 800 pages of Thomson Safaris' internal documents. The documents demonstrate the veracity of the allegations that local communities have made against Tanzania Conservation Ltd, which is owned by the same couple that own Thomson Safaris, regarding denied access to vital grazing areas and watering holes and intimidation and violence from the local police, who are sometimes called in by the safari company. In addition, many of the violations in our report have been documented on by international human rights experts such as the African Commission on Human and Peoples' Rights,<sup>6</sup> former UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya,<sup>7</sup> former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Juan Méndez,<sup>8</sup> former members of the Working Group on the use of mercenaries Patricia Arias and Anton Katz,<sup>9</sup> and numerous international NGOs.<sup>10</sup>

We suggest that the government examine our extensive endnotes, which corroborate our research. The burden of proof rests with the government to demonstrate how the reality on the ground is different and that our findings are false.

### **The Tanzanian Government's Ongoing Denial of the Existence of Indigenous Groups**

In response to the report, Minister Kigwangalla also tweeted:

"The minute we 'tribalize' the issue, is the minute we will lose focus and find ourselves in the trap those NGOs want us to go into."<sup>11</sup>

This response is emblematic of the government's long-standing and damaging position that the Maasai, and pastoralists in general, are not indigenous.<sup>12</sup>

A 2013 report by the African Commission on Human and Peoples' Rights describes how indigenous pastoralists, including the Maasai, have long suffered from marginalization, oppression, and discrimination in Tanzania, where their traditions and culture are seen as "tribalistic, non-nationalistic, 'rebellious,' perhaps also illiterate, 'alien' or not 'real' Tanzanians, and are resistant to 'progress.'"<sup>13</sup> The report details the Tanzanian government's views on indigenous groups, noting that,

"The position of the Government as outlined by the Ministry of Natural Resources and Tourism is that only three communities are officially accepted to be indigenous in the country: the Hadzabe, 'Dorobo' and/or Akiye all of whom are hunter/gatherers. When asked why only those communities are considered 'indigenous', the response is that they have kept to their 'traditional' way of life by hunting. There is no adequate explanation as to why pastoralists are excluded even though they have also truly kept to their 'traditional ways' of life except that they do not hunt."<sup>14</sup>

The report then notes: “The official of the Ministry of Natural Resources and Tourism was amused at his own logic that suggests that if pastoralist [sic] decided to start hunting and consuming wildlife instead of simply preserving it then they would be considered indigenous.”<sup>15</sup>

The report goes on to provide several quotes from government officials confirming its ongoing discrimination against the Maasai. For instance, a member in the Prime Minister’s office reportedly said that if it was up to him he would “kill all the livestock.”<sup>16</sup> Similarly, an official from the Ministry of Natural Resources and Tourism explained that pastoralists are not considered indigenous because “many of them, especially the Maasai are highly educated. Some of them are even professors.”<sup>17</sup>

The government’s disregard for indigenous groups extends far beyond the struggles documented here and in our report. In 2016, at the behest of the Tanzanian government, the World Bank waived the application of its Indigenous Peoples Policy to a US\$70 million loan to support the Southern Agricultural Growth Corridor of Tanzania (SAGCOT).<sup>18</sup> This caused outrage amongst indigenous groups both in Tanzania and East Africa, who noted in a letter to World Bank President Jim Yong Kim that the waiver had been granted without the informed consent of indigenous groups and outlined the specific ways that the project threatens indigenous groups’ customary land rights.<sup>19</sup>

These examples illustrate the long-standing and consistent discrimination and marginalization of both indigenous groups in general and the Maasai in particular by the Tanzanian government. It is these sentiments that have fueled the decades of conservation laws outlined in our report that have dispossessed the Maasai of their land and led the government to consistently put the interests of tourism and foreign investors above the lives, rights, and livelihoods of the Maasai.

### **Threats to Local Communities & a Heightened Climate of Fear**

In addition to the above, Minister Kigwangalla tweeted threats to individuals and organizations regarding our research:

“We are looking into the matter very closely and soon as we find who sponsored and participated in producing that report will face the law.”<sup>20</sup>

“Whoever is sabotaging efforts by the government for personal gain, by falsifying information shall face the ‘law.’”<sup>21</sup>

Since then, smear articles have falsely accused several local individuals and organizations as being involved in the production of our report.<sup>22</sup> The statements of the Minister and the actions of those behind the smear articles worsen the already extreme climate of fear that is described in our report.

We reiterate that our report was researched and written independently by the Oakland Institute, with no assistance, funding, or support from any Tanzanian-based NGOs or individuals that are viewed as the “usual suspects” by the government. These groups

and individuals should not be credited for our work. As a think tank that is internationally recognized for objectively and rigorously examining land issues around the world,<sup>23</sup> we produce independent research and bring international attention and scrutiny to injustices associated with land issues so that governments, impacted communities, and other stakeholders can benefit from our work and find solutions.

## Backtracking on Promises to End the OBC's License

The central focus of our report is the long legacy of national legislation and the more recent emergence of foreign tourism companies in Loliondo and the Ngorongoro Conservation Area. One particularly relevant aspect of this struggle is the fate of a 150,000 ha "wildlife corridor" that the UAE-based Ortello Business Corporation (OBC) has a hunting license for. Since 2009, the Tanzanian government has tried to take over this land under the guise of wildlife conservation and several violent evictions have taken place. The latest evictions, in August 2017, took place on legally registered village land<sup>24</sup> and included 19 arrests, 11 serious injuries, 5,800 homes damaged, and left more than 20,000 homeless.<sup>25</sup> Minister Kigwangalla's denial of the government's role in these evictions<sup>26</sup> is at best damning, particularly given that it contradicts the Ministry's earlier statement explaining that the evictions were taking place in the name of conservation and tourism.<sup>27</sup>

Interestingly, in November 2017 it was the same Minister Kigwangalla who cancelled the OBC's hunting license, called for the arrest of the OBC's executive director for trying to bribe the Ministry with donations of more than US\$2 million, and launched an investigation into the situation via the Prevention and Combating of Corruption Bureau.<sup>28</sup> However, in March 2018 the Minister himself welcomed the hunting company back to Tanzania via Twitter.<sup>29</sup>



Since the release of our report, the Tanzanian government has claimed that a special agency was created and a strategy drafted regarding land issues in this region. In light of the above, we ask that your government:

- Make public all information concerning the special agency, consultation process, and strategy for the aforementioned 150,000 ha;
- Make public the outcomes of the investigation of the Prevention and Combating of Corruption Bureau regarding the OBC and its executive director; and,
- Explain whether and why the Ministry backtracked on the cancellation of the OBC's license in November 2017.

### **The Latest Intimidation Tactics**

Rather than genuinely engage with these serious human rights issues and the very real concerns of Loliondo's Maasai, your government has chosen to recklessly lash out and threaten local individuals and organizations. In addition to the above threats, we condemn your government's recent actions to undermine the ability of four villages – Ololosokwan, Kirtalo, Oloirien, and Arash – to take their case regarding the violent August 2017 evictions to the East African Court of Justice.

Last week, 24 Maasai community members, including three village chairmen, were summoned to the Loliondo Police Station where they were detained. They have since been released on bail on the condition that they appear before the local police chief every Friday, including Friday June 8, 2018. This effectively prohibits them from attending the June 7 hearing at the East African Court of Justice, which will take place in Arusha – more than 400 km from Loliondo. These individuals face the following charges:

- instituting a case against the central government without permission;
- holding a community meeting without permission from the government;
- contributing financial resources to pay the lawyers without government approval; and,
- unfounded and false allegations that these individuals were involved in the production of our report.

Our report has outlined numerous instances where domestic legal mechanisms have failed the Maasai – both in the case of the OBC and Tanzania Conservation Ltd / Thomson Safaris. Given these significant failures, communities are seeking recourse outside of Tanzania. We condemn any actions that deny these communities their ability to seek justice.

### **The Need for Action**

In light of and in addition to the above, we call on the Tanzanian government to immediately cease threatening its citizens regarding our work, which as previously stated, is entirely independent. We likewise call on the government to immediately cease the intimidation and harassment of all Maasai, especially the villagers and village councils of Ololosokwan, Kirtalo, Oloirien, and Arash. It is essential to improve the

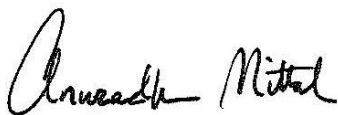
independence and efficiency of Tanzania's justice system, which has failed the Maasai on numerous occasions.

As noted in our report, we also strongly support the creation of an independent commission of inquiry, including local villagers, to investigate land-related human rights violations in the Loliondo region. We call upon the Tanzanian government to immediately allow the cultivation of subsistence garden plots and the grazing of cattle in Game Controlled Areas, in order to ensure the food security and survival of the Maasai. We urge the Tanzanian government to take measures to protect all indigenous groups in the country.

In several tweets, Minister Kigwangalla mentioned Tanzania's sovereignty, suggesting that the abuses faced by the Maasai do not require or deserve international attention.<sup>30</sup> To this we reiterate that Tanzania has important international obligations as a signatory of the UN Declaration on the Rights of Indigenous Peoples and the International Covenant on Economic, Social, and Cultural Rights, as well as national obligations including the right to life, as enshrined in the country's Constitution. When a government fails to uphold such national and international obligations, international scrutiny and action is necessary.

Given the severity of the human rights abuses reported in *Losing the Serengeti*, we will continue to share our findings and concerns with the international community, including donor countries, tourism agencies, UN mandate holders, and international courts of justice, to advocate for justice and bring needed attention and scrutiny to this situation.

Sincerely,



Anuradha Mittal  
Executive Director  
The Oakland Institute

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<sup>1</sup> Mittal, A. & E. Fraser. *Losing the Serengeti: The Maasai Land that was to Run Forever*. Oakland Institute, 2018. <https://www.oaklandinstitute.org/tanzania-safari-businesses-maasai-losing-serengeti> (accessed May 16, 2018).

<sup>2</sup> Kigwangalla, H. "Taarifa Kwa Vyombo Vya Habari." *Ministry of Natural Resources and Tourism*, May 10, 2018. <http://www.mnrt.go.tz/highlights/view/wizara-yakanusha-tuhuma-za-unyanyasaji-wa-wananchi-loliondo> (accessed May 16, 2018).

<sup>3</sup> Tweet from Minister Kigwangalla. May 11, 2018. <https://twitter.com/HKigwangalla/status/995008010035585030> (accessed May 16, 2018)

<sup>4</sup> Tweet from Minister Kigwangalla. May 12, 2018. <https://twitter.com/HKigwangalla/status/995351883341590530> (accessed May 16, 2018).

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- <sup>5</sup> Tweet from Minister Kigwangalla. May 11, 2018. <https://twitter.com/HKigwangalla/status/995051252894650369> (accessed May 16, 2018).
- <sup>6</sup> African Commission on Human and Peoples' Rights. *The Research and Information Visit to the United Republic of Tanzania*. 2013. [http://www.achpr.org/files/news/2017/09/d302/research\\_and\\_information\\_visit\\_tanzania\\_eng.pdf](http://www.achpr.org/files/news/2017/09/d302/research_and_information_visit_tanzania_eng.pdf) (accessed May 23, 2018).
- <sup>7</sup> Anaya, J. *Cases Examined by the Special Rapporteur (June 2009 – July 2010)*, A/HRC/15/37/Add.1. James Anaya, Former United Nations Special Rapporteur on the Rights of Indigenous Peoples, September 15, 2010. <http://unsr.jamesanaya.org/cases-2010/32-united-republic-of-tanzania-alleged-forced-removal-of-pastoralists> (accessed May 28, 2018).
- <sup>8</sup> 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. [https://spdb.ohchr.org/hrdb/27th/public\\_-\\_AL\\_Tanzania\\_02.04.14\\_\(1.2014\).pdf](https://spdb.ohchr.org/hrdb/27th/public_-_AL_Tanzania_02.04.14_(1.2014).pdf) (accessed May 28, 2018).
- <sup>9</sup> *Ibid*; Anaya, J. & A. Katz. *Letter to the Tanzanian Government*. Reference: AL Indigenous (2001-8) G/SO 214 (2005-4) TZA 3/2013. November 14, 2013. [http://unsr.jamesanaya.org/docs/cases/2014a/public\\_-\\_AL\\_Tanzania\\_14.11.13\\_\(3.2013\).pdf](http://unsr.jamesanaya.org/docs/cases/2014a/public_-_AL_Tanzania_14.11.13_(3.2013).pdf) (accessed May 28, 2018);
- <sup>10</sup> For example: IWGIA. *Indigenous peoples in Tanzania*. <https://www.iwgia.org/en/tanzania/3252-indigenous-peoples-livelihood-threatened-tanzania> (accessed May 28, 2018); Minority Rights Group. "Tanzania: Protecting Maasai right to land." *Law and Legal cases*, November 11, 2016. <http://minorityrights.org/law-and-legal-cases/mondorosi-sukenya-and-soitsambu-village-councils-v-tanzania-breweries-limited-tanzania-conservation-ltd-ngorongoro-district-council-commissioner-for-lands-and-attorney-general-tanzania/> (accessed May 28, 2018); EarthRights International. *Minis v. Thomson Safaris: Displacing Maasai from their Land to Make Way for Luxury Safaris*. <https://earthrights.org/case/minis-v-thomson-safaris/> (accessed May 28, 2018).
- <sup>11</sup> Tweet from Minister Kigwangalla. May 12, 2018. <https://twitter.com/HKigwangalla/status/995353133747449856> (accessed May 16, 2018).
- <sup>12</sup> For an explanation of this long history, please see: African Commission on Human and Peoples' Rights. *The Research and Information Visit to the United Republic of Tanzania*. *Op. Cit.*
- <sup>13</sup> *Ibid*, p. 8.
- <sup>14</sup> *Ibid*, p. 23.
- <sup>15</sup> *Ibid*.
- <sup>16</sup> *Ibid*, p. 22.
- <sup>17</sup> *Ibid*, p. 23.
- <sup>18</sup> Chavkin, S. & D. Ullman. "World Bank Allows Tanzania to Sidestep Rule Protecting Indigenous Groups." *HuffPost*, June 20, 2016. [https://www.huffingtonpost.in/entry/world-bank-allows-tanzania-to-sidestep-rule-protecting-indigenous-groups\\_us\\_57607769e4b09c926cfd6b1c](https://www.huffingtonpost.in/entry/world-bank-allows-tanzania-to-sidestep-rule-protecting-indigenous-groups_us_57607769e4b09c926cfd6b1c) (accessed May 29, 2018); Tugendhat, H. "World Bank turns its back on pastoralist communities in Africa." *Bretton Woods Project*, September 23, 2016. <http://www.brettonwoodsproject.org/2016/09/world-bank-turns-back-pastoralist-communities-africa/> (accessed May 29, 2018).
- <sup>19</sup> "Statement from Indigenous Peoples' Organisations in East Africa Regarding the Application of Operational Policy 4.10 on Indigenous Peoples." June 23, 2016. <http://www.brettonwoodsproject.org/wp-content/uploads/2016/09/World-Bank-President-June-2016.doc> (accessed May 29, 2018).
- <sup>20</sup> Tweet from Minister Kigwangalla. May 12, 2018. <https://twitter.com/HKigwangalla/status/995354460846161921> (accessed May 16, 2018).
- <sup>21</sup> Tweet from Minister Kigwangalla. May 12, 2018. <https://twitter.com/HKigwangalla/status/995409784307412993> (accessed May 16, 2018)
- <sup>22</sup> "Uchochezi wa Oakland Institute na wenzake Loliondo." *Jamhuri Media*, May 22, 2018. <http://www.zinazosomwa.com/c/286685/0/uchochezi-wa-oakland-institute-na-wenzake-loliondo> (accessed May 29, 2018).
- <sup>23</sup> For more information, please see: <https://www.oaklandinstitute.org/publications>
- <sup>24</sup> IWGIA. *Forced evictions of Maasai people in Loliondo, Tanzania*. Urgent Alert, August 2017. <https://www.iwgia.org/images/documents/urgent-alerts/urgent-alert-tanzania-august-2017.pdf> (accessed May 29, 2018).

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<sup>25</sup> Kolumbia, L. “Ngorongoro eviction victims now pondering court option.” *The Citizen*, September 1, 2017. <http://www.thecitizen.co.tz/News/Ngorongoro-eviction-victims-now-pondering-court-option/1840340-4078976-11da3ib/index.html> (accessed May 28, 2018).

<sup>26</sup> Kigwangalla, H. “Taarifa Kwa Vyombo Vya Habari.” *Op. Cit.*

<sup>27</sup> Tanzanian Government Communications Unit. “Zoezi La Kuondoa Mifugo Na Makazi Ndani Ya Hifadhi Ya Serengeti Na Mpaka Wa Pori Tengefu La Loliondo.” *Ministry of Natural Resource and Tourism*, August 17, 2017. <http://www.mnrt.go.tz/highlights/view/zoezi-la-kuondoa-mifugo-na-makazi-ndani-ya-hifadhi-ya-serengeti-na-mpaka-wa> (accessed May 29, 2018).

<sup>28</sup> Kabendera, E. “Tanzania ends hunting deal near Loliondo with UAE royal family; compromised government officials.” *The East African*, November 12, 2017. <https://africasustainableconservation.com/2017/11/13/tanzania-ends-hunting-deal-near-loliondo-with-uae-royal-family-compromised-government-officials/> (accessed May 29, 2018).

<sup>29</sup> Tweet from Minister Kigwangalla. March 23, 2018.

<https://twitter.com/HKigwangalla/status/977153312918208513> (accessed May 16, 2018).

<sup>30</sup> See for example: Tweet from Minister Kigwangalla. May 11, 2018.

<https://twitter.com/HKigwangalla/status/995050324514758656> (accessed May 16, 2018); Tweet from

Minister Kigwangalla. May 12, 2018. <https://twitter.com/HKigwangalla/status/995411932432752641>

(accessed May 16, 2018); Tweet from Minister Kigwangalla. May 12, 2018.

<https://twitter.com/HKigwangalla/status/995558062508388353> (accessed May 16, 2018).