

REFERENCE: CERD/EWUAP/109th Session/2023/MJ/CS/ks

28 April 2023

Excellency,

I write to inform you that the Committee considered information received under its early warning and urgent action procedure, related to the situation of Maasai Indigenous Peoples in Ngorongoro and Loliondo areas in Tanzania.

According to the information received:

- The plans of the State party to enlarge safari tourism and game reserve areas for trophy hunting in northern Tanzania would result in the forced displacement of close to 150,000 Maasai from their traditional lands in the Ngorongoro Conservation Area (NCA) and Loliondo;
- These plans have been designed without consultation and without the free, prior and informed consent of the affected Maasai communities;
- Maasai communities do not participate in any meaningful way in the overall management of the NCA;
- Despite the provisions to safeguard and promote the Maasai included in the 1975 Ngorongoro Conservation Area Act, their rights have been disproportionately impaired and curtailed over time, including the prohibition to grow crops and the drastic reduction of grazing areas and access to water sources;
- Basic social services have been suspended or cut off in these areas allegedly as a way to coerce the Maasai to leave;
- Maasai communities and individuals have been victims of excessive use of force by law enforcement officials during operations to forcibly uproot them from their ancestral lands; their livestock have been killed or impounded by security forces and their properties burned by rangers of the Serengeti National Park and the NCA assisted by anti-riot police;
- Maasai peoples are victims of increasing racist speech, including in social media, by non-State actors as well as by some public authorities of the State party;

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- Maasai communities and individuals are subject to intimidation, criminalization, arbitrary detention and cruel or inhumane treatment by authorities of the State party when they protest to protect their traditional lands against the acts and omissions of the State party in the Ngorongoro and Loliondo areas;
- There are not effective judicial remedies in the State party to ensure access to justice for Maasai Indigenous Peoples seeking to defend their traditional lands.

The Committee is aware that various UN special procedures have sent several communications to the State party raising concerns over allegations of forced evictions, attacks, intimidation and harassment of Massai Indigenous Peoples in Tanzania, the latest of which is dated 9 February 2022 (AL TZA 3/2021). The Committee is also aware of the reply by the State party to this last letter, dated 8 April 2022.

The Committee takes note of the information provided by the State party to the special procedures in its letter of 8 April 2022, among other refuting allegations of arbitrary arrests and forceful evictions. However, the Committee is concerned that, even after the reply of the State party of last April, several international and regional human rights mechanisms have received more allegations concerning further situations of excessive use of force against Maasai by law enforcement officials in the context of an operation to demarcate a new game reserve in Maasai traditional lands in Loliondo. Such allegations led, for instance, to an urgent call by the African Commission on Human and Peoples' Rights, dated 13 June 2022,¹ and a press release by several UN special procedures, dated 15 June 2022.²

Furthermore, the Committee recalls that it has previously addressed the situation of the Maasai, including allegations of forcible evictions, intimidation and arbitrary arrests, and the lack of measures to ensure their effective participation in decisions affecting them and their free, prior and informed consent for projects carried out in their lands, both in its last concluding observations³ and under its early warning and urgent action procedure.⁴

The Committee is deeply concerned that, despite its previous calls as well as those of the UN special procedures and the African Commission on Human and Peoples' Rights, the situation of the Maasai has worsened and that the alleged forced evictions, excessive use of force, intimidation, arbitrary arrests lack of consultation and free prior and informed consent, and lack of adequate remedies to ensure access to justice, may amount to the violation of article 5 of the Convention.

In this regard, the Committee recalls its recommendations made in paragraphs 14 and 15 of its previous concluding observations (CERD/C/TZA/CO/16) as well as paragraph 5 of its General Recommendation No. 23 (1997) on the rights of indigenous peoples.

¹ African Commission on Human and Peoples' Rights, [Urgent call for cessation of the eviction of the Masai community in the Ngorongoro district in The United Republic of Tanzania](#), 13 June 2022.

² [Tanzania: UN experts warn of escalating violence amidst plans to forcibly evict Maasai from ancestral lands](#), 15 June 2022.

³ CERD/C/TZA/CO/16

⁴ Letters of 13 March 2009, 11 March 2011, 1 March 2013 and 3 October 2016.



In light of the above, the Committee requests the State party to immediately halt plans for relocation and forcible evictions of Maasai communities from their traditional lands in Loliondo and the Ngorongoro Conservation Area; to begin consultations with affected Maasai communities in order to obtain their free and informed consent prior to the approval of any project affecting their traditional lands; to take measures to effectively protect Maasai communities against reported acts of excessive use of force, intimidation, arbitrary arrests and discrimination and racist speech; and to follow the requests made by the African Commission on Human and Peoples' Rights on 13 June 2022 and by the UN special procedures on 15 June 2022.

The present Committee's final observations on this matter will be included in its next annual report. Nevertheless, by virtue of article 9 (1) of the Convention and article 65 of its rules of procedure, in case the State party would like to provide additional information on this situation, it can be submitted to the Committee by 21 July 2023.

Finally, the Committee requests the State party to submit the overdue seventeenth and eighteenth combined periodic report as a matter of urgency and to include information on the situation of the Maasai Indigenous Peoples, in particular the matters addressed in the present letter.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of the United Republic of Tanzania, with a view to ensuring the effective implementation of the Convention.

Yours sincerely,

Verene Shepherd
Chair

Committee on the Elimination of Racial Discrimination