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الاتحاد الأفريقي **African Commission on Human & Peoples' Rights**		**UNIÃO AFRICANA** **Commission Africaine des Droits de l'Homme & des Peuples**

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Press Statement at the Conclusion of the Promotion Mission of the African Commission on Human and Peoples' Rights to the United Republic of Tanzania

23-28 January 2023

1. Further to its mandate under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter) and following authorization by the Government of the United Republic of Tanzania (Tanzania), a delegation of the African Commission on Human and Peoples' Rights (the Commission) undertook a Promotion Mission to the United Republic of Tanzania from **23 to 28 January 2023**.
2. This Promotion Mission is the first of such since its last Promotion Mission was conducted in the United Republic of Tanzania from 6 to 10 October 2008[1], aimed at engaging State and non-state actors, including civil society organizations (CSOs) and representatives of local and/or indigenous communities, on the current state of human and peoples' rights in the country.
3. The objectives of this Promotion Mission are two-fold:

- Specifically, to seek information on and assess the human rights situation of indigenous populations and communities in Tanzania, including particularly to review the situation in the Loliondo Game Controlled Area, and Ngorongoro Conservation Area, in Tanzania.

- More generally:

(a) To promote the African Charter on Human and Peoples' Rights (the African Charter), and other regional human rights legal instruments, through the exchange of views and sharing of experiences with the Government of Tanzania and some of the main stakeholders working in the field of human rights, on strategies to improve the enjoyment of human rights in the country;

(b) To advocate for the ratification of regional and international human rights legal instruments that have not been ratified by Tanzania;

(c) To raise awareness on the activities of the Commission, especially among relevant Government departments and civil society organizations (CSOs);

[1] There was a Research and Information Visit conducted by the *African Commission's Working Group of Experts Indigenous peoples/communities* in Tanzania from **21 January to 6 February 2013.**

(d) To follow up on recommendations given in the Promotion Mission to the United Republic of Tanzania, which was conducted by the Commission in 2013 and 2008;

(e) To follow up on implementation of Resolutions and Press Releases which have been issued by the Commission with regard to the United Republic of Tanzania;

(f) To encourage the Government of the United Republic of Tanzania to submit outstanding Periodic Reports and to participate regularly in the activities of the Commission including attending sessions of the Commission; and

(g) To seek information on thematic human rights issues of particular concern to the Commissioners undertaking the Mission including freedom of expression and access to information, and the rights of persons living with or affected HIV/AIDS, in Tanzania.

4. The Commission's delegation comprised:

- **Honourable Commissioner Ourveena Geereesha Topsy-Soonoo**, *Commissioner responsible for human rights in Tanzania,* and *Special Rapporteur on Freedom of Expression and Access to Information in Africa*;
- **Honourable Commissioner (Dr) Litha Musyimi-Ogana**, *Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa*, and *Chairperson of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV*;
- **Ms. Abiola Idowu-Ojo**, *Senior Legal Officer at the Secretariat of the African Commission on Human and Peoples' Rights*;
- **Dr. Chairman Okoloise**, *Senior Legal Expert at the Secretariat of the African Commission on Human and Peoples' Rights*; and
- **Dr. Francis Magare**, *Legal Researcher at the Secretariat of the African Commission on Human and Peoples' Rights*.

5. During the Mission, the Delegation held discussions with various State and non-state actors involved in the promotion and protection of human and peoples' rights in Tanzania, including:

State Actors:

- *The Speaker of the National Assembly*
- *Minister for Constitutional and Legal Affairs*
- *The Minister for Foreign Affairs and East African Cooperation*
- *Minister for Natural Resources and Tourism*
- *The Minister for Land*
- *Deputy Minister for Land*
- *Deputy Minister for Culture, Arts and Sports*
- *Regional Commissioner, Arusha*

- *Regional Commissioner, Tanga*
- *District Commissioner, Arusha*
- *District Commissioner, Ngorongoro*
- *District Commissioner, Handeni*
- *Msomera Settlement Team Lead by the DED Handeni*
- *Regional Administrative Secretary Arusha*
- *Conservation Commissioner, Ngorongoro Conservation Area Authority*
- *Ngorongoro Relocation Program Committee Members*
- *The National Commissioner for UNESCO; and*
- *The Government officers in respective entities from the central government to local governments*

(b) Non-State actors

- *The Commission for Human Rights and Good Governance (SHRAGG)*
- *The Tanganyika Law Society (Dodoma Chapter)*
- *Legal and Human Rights Centre-Arusha*
- *Human Rights Defender Coalition*
- *World Wildlife Fund (WWF)*
- *African Wildlife Foundation (AWF)*
- *TACAIDS*

6. The delegation visited the following institutions and places in the Ngorongoro District of Arusha Region and the Handeni District of Tanga Region, respectively:

Ngorongoro Division in Ngorongoro District

7. In the Ngorongoro Conservation Area, the delegation visited:

- The headquarters of the Ngorongoro Conservation Area Authority (NCAA), where it met and discussed with relevant officials of the NCAA, and also discussed with some members from the pastoral community in Ngorongoro, who have registered to be relocated from Ngorongoro to Msomera in Handeni District of Tanga;
- The Crater in the Ngorongoro Conservation Area; and
- Nanokahoka village and primary school, as well as Mokilal, where it discussed with members of the communities and listened to their concerns.

Loliondo Division of the Ngorongoro District

8. In Loliondo, the delegation:

- Visited the office of the District Commissioner in Wasso where we met with relevant officials as well as some invited members of the pastoral community.
- Visited the demarcated Game Control Area of 4,000 km^2 in Loliondo through aerial inspection, to get a vivid picture of the land demarcation into 1,500 km^2

restricted conservation corridor for wildebeest migration, breeding and protection of the eco-system, and the 2,500 km² for the local communities who have not yet relocated;

- Inspected the demarcation beacons separating the restricted 1 500 km² from the affected pastoral communities living on the 2,500 km² reserved land; and
- Visited various local pastoral communities in Loliondo who are not willing to relocate in order to hear directly from them.

Msomera Village of Handeni District in Tanga Region

9. The delegation:

- Visited and interacted with various groups of local communities already living in Msomera and those who relocated to Msomera
- Visited the newly constructed Primary and Secondary Schools in Msomera
- Visited the water pilot project
- Visited the ongoing health centre and dispensary construction projects
- Took notice of the various other infrastructural projects being constructed

10. As the abode identified by Government for the settlement of those relocating from Ngorongoro, the delegation recognises that Msomera is now home to those who lived in Msomera before the commencement of the Relocation Programme and those who are relocated from Ngorongoro.

11. The Mission concluded with a debriefing meeting with Minister for Constitutional and Legal Affairs, the Minister for Foreign Affairs and East African Cooperation, Minister for Natural Resources and Tourism, the Minister for Land, Deputy Minister for Land, Deputy Minister for Culture, Arts and Sports, and a separate briefing with the Speaker of the Parliament of Tanzania.

12. After the various visits, presentations and exchanges, the delegation notes the efforts that have been made by the United Republic of Tanzania and other stakeholders towards the realisation of the rights guaranteed by the African Charter and wishes to highlight some of its preliminary findings as follows:

General observations

13. Firstly, the delegation makes the following general observations:

- Notes the impact of the legacies of colonialism in Tanzania on the enjoyment of the rights and freedoms guaranteed in the African Charter and the Constitution of the United Republic of Tanzania, specifically for pastoral communities whose way of life are inextricably connected to land which were appropriated by the British colonial governments;
- Appreciates the recognition by the Government of Tanzania of the structural challenges and some of the lapses experienced in the effort to realize the promise of the human rights and freedoms enshrined in the Constitution and

those enunciated in the African Charter;

- Recognizes the opportunities presented by the Constitution, laws, policies and administrative processes to address the human rights issues in the United Republic of Tanzania, including the rights guaranteed in the various human rights treaties ratified by the country and the commitment of the Government to strive in its conduct for living up to the standards set by the respective instruments;

- Commends the various legislative, institutional, policy, regulatory and budgetary measures that have been put in place to enhance the promotion and protection of these human and peoples' rights in the nation;

- Commends the government for inviting the African Commission on Human and Peoples' Rights to undertake this Human Rights Promotion Mission in the country, for providing ample access to the agro-pastoral communities in the Ngorongoro and Handeni Districts, and for placing at the disposal of the Commission resources to enable the delegation of the African Commission on Human and Peoples' Rights carry out its mission in Tanzania.

Protection of human rights in Tanzania

- Notes with appreciation the work of the Commission for Human Rights and Good Governance in the promotion and protection of human and peoples' rights in Tanzania, including in ensuring Tanzania's compliance with the African and United Nations human rights instruments to which Tanzania is a State Party.

- Welcomes the efforts of the Government of Tanzania through the Ministry of Constitutional and Legal Affairs and other key relevant ministries as well as the Commission for Human Rights in the application of international human rights considerations in the relocation of local pastoral communities from the Ngorongoro Conservation Area in the Ngorongoro District to Msomera Village in the Handeni District of Tanga.

- Welcomes the efforts of the Government of Tanzania to protect the rights to life, dignity and security of the local pastoral communities impacted by the increasing cases of wildlife-human conflicts in the Ngorongoro Conservation Area and in Loliondo.

Equality of peoples

- Welcomes the national efforts of the Government of Tanzania to eradicate tribalism from Tanzania and to ensure the equal respect of all its peoples.
- Notes with appreciation the national efforts of the Government of Tanzania to promote a national identity for the peoples of Tanzania which ensures the equal treatment of all its peoples, including pastoral communities.
- Notes with appreciation the efforts of government to consult the local pastoral communities of Ngorongoro and Loliondo before relocating them to Msomera.

Economic, Social and cultural Rights

- Commends the legislative, policy, institutional and budgetary measures that have been put in place for providing equality opportunity to all individuals resident in Tanzania and addressing the challenges of socio-economic inequality, unemployment and poverty affecting historically marginalized sections of society particularly local pastoral communities;

- Recognizes the initiatives for improving access to electricity, proper housing, healthcare and primary as well as second education, especially among pastoral communities who live in the Ngorongoro Conservation Area and the Loliondo Game Control Area;

- Supports the recognition by the State of the imperative of land reforms, nature and wildlife ecosystem conservation through various pieces of domestic legislation;

- Notes with appreciation the budgetary commitments of government for the provision of public infrastructure and social services in Msomera for local pastoralists and farmers who have decided to relocate to Msomera in the Handeni District of Tanga, in order to facilitate the smooth integration of relocating pastoralists in Msomera.

Women's Rights

- Appreciates the legal and policy recognition of the gendered nature of the inequalities and conditions of structural oppression facing various sections of society;
- Commends the elaboration of laws, policies and mechanisms for promoting gender equality and gender justice in the political, administrative, economic, social and cultural realms.

General concerns

14. The delegation however remains concerned about:

- The lack of domestication of the African Charter on Human and Peoples' Rights, as well as the Maputo Protocol on the Rights of Women in Africa;

- The delay in the submission of the periodic State Reports of the United Republic of Tanzania, the last having been submitted in May 2008;

Specific Concerns

15. The delegation is also concerned about certain challenges in relation to:

- the ***relocation of pastoral communities from Ngorongoro Conservation Area;***

- the ***demarcation of the Loliondo Game Controlled Area of 4,000 km^2 into a protected wildlife conservation corridor of 1,500 km^2 and the mixed use Game***

Controlled Area of 2,500 km² reserved for the habitation of pastoral and farming communities in Loliondo; and

- the ***resettlement programme in Msomera*** due to the potential for conflict between those who were already settled in Msomera and those who have been relocated from Ngorongoro.

16. The delegation is concerned about reports received from the consulted communities about: (i) inadequate consultations and inadequate information regarding the relocation and resettlement programmes regarding the Ngorongoro Conservation Area, as well as allegations of reduction of provision of social amenities, which negatively impacts the lives of the people and effectively forces them to leave; and (ii) in relation to Loliondo, reports of lack of adequate consultation and inclusion of the local communities in the demarcation exercise, as well as reports of use of force and threats against community members who contest the demarcation.

17. In this regard, the delegation wishes to more specifically highlight *in relation to communities that are being voluntarily relocated from Ngorongoro Conservation Area,* that the delegation has benefitted from the Government's clarification of its laws, conservation efforts and policies in the Area. On the other hand, however, the delegation has observed from its consultations that:

- The majority of the members of the affected pastoral communities in Ngorongoro are willing to relocate only because of the constraints being faced and the reported limited access to basic amenities;

- Many of those that are willing to relocate and have registered themselves for relocation to Msomera, have decried the persisting delay by Government in evaluating their properties and processing their compensation, as well as the reduction in the compensation package, including for instance, that they will not be provided with Government-built houses in Msomera, as opposed to that offered to the first set of resettled people. They have also decried the lack of prompt and adequate information about the implementation of the relocation programme. They claim that they are unable to grow food or undertake any subsistence projects for their benefit due to uncertainties around when they will be relocated.

- *In relation to those who do not want to relocate from the Ngorongoro Conservation Area,* the delegation has noted:

  - Allegations of inadequate consultation with regard to their relocation from the Area;
  - Allegations that the Government has stopped budgetary allocations to social services such as education and healthcare in the Ngorongoro Conservation Area, and has also placed restrictions on further construction of educational and health facilities; and
  - Allegations that the Government has placed restrictions on grazing, including access to the salt licks in the craters, in lieu of which the Government provided salt to the livestock of communities, which was

found to be poisonous to the lives their livestock, resulting in the death of many of their livestocks.

18. *With regard to the Msomera Village in Handeni District*, the delegation observed that:

- There are incidences of conflicts between existing residents of Msomera and the pastoral families who have just been relocated from Ngorongoro Conservation Area, over access to land; due to perceived favourable treatment of the resettled pastoral communities from Ngorongoso, for example, by being provided Government houses and land; and
- The existing inhabitants of Msomera consider that they were not adequately consulted about the relocation and resettlement program, affecting their community.

In view of all the above, the Commission urges the Government of Tanzania to:

General:

(a) Domesticate and observe the provision of the African Charter on Human and Peoples' Rights (the African Charter), the Maputo Protocol on the Rights of Women in Africa, as well as other regional human rights legal instruments;

(b) Ratify the regional and international human rights legal instruments that have not been ratified by Tanzania, including: the AU Convention on the Conservation of Nature and Natural Resources, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, and the African Convention on Data Protection and Cyber Security; and to consider re-instating the declaration under Article 34(6) of the Protocol to the African Charter on the Establishment of the African Court on Human and Peoples' Rights, which permits individual and NGO access to the African Court on Human and Peoples' Rights, which was withdrawn in 2019.

(c) Implement the recommendations given in the Promotion Mission to the United Republic of Tanzania, which was conducted by the Commission in 2008, as well as the Research and Information Visit conducted by its Working Group on the Rights of Indigenous Peoples/Communities and Minorities, in 2013;

(d) Submit outstanding Periodic Reports under Article 62 of the African Charter and participate regularly in the activities of the Commission including attending sessions and programmes of the Commission; and

(e) Put in place effective mechanisms for ensuring protection of Human Rights Defenders from attacks and effective investigation and follow up of attacks against human rights defenders, especially in relation to the pastoralist communities.

Specifically

- In light of several community calls for effective and conclusive consultations, explore fresh rounds of civil dialogues with the respective pastoral and farming communities in Ngorongoro, Loliondo and Msomera, to advance peaceful resolution of individual and group grievances in the implementation of the Government's conservation efforts in the Ngorongoro Conservation Area and in Loliondo;
- Ensure, in accordance with the African Charter on Human and Peoples' Rights, including specifically Articles 21 and 22 of the same, the inclusive, effective, and rigorous participation of local and affected communities, including the women and youth, in all conservation programs and processes initiated by the Government, in the Ngonrongoro Conservation Area and in Loliondo;
- Provide adequate information and timely assistance to pastoralists who have signed up for voluntary relocation and ensure their adequate and effective compensation in line with the African Charter on Human and Peoples' Rights;
- Attend to the complaints about depreciation of social amenities and infrastructure in Ngorongoro, in order to ensure continued dignified living conditions whilst awaiting the relocation of those who have volunteered, and for those who choose to remain, in respect of which the Government should reach a mutually acceptable strategy with the affected people;

The delegation wishes to thank the Government of the United Republic of Tanzania and its people for their very warm reception and hospitality, as well as for the frank and constructive dialogue during the Mission. The delegation is truly grateful to the Government for the facilities and services placed at its disposal during the Mission, and singles out for special gratitude, the Ministry of Constitutional and Legal Affairs as well as the Ministry of Foreign Affairs and East Africa Cooperation, for the excellent arrangements put in place which enabled the delegation to meet a cross-section of Tanzania society, in order to have a fairly representative view of the human rights situation in the country.

The delegation will prepare a Report of the Mission, which will be tabled before the Commission for consideration and adoption at one of its upcoming sessions, and will thereafter be forwarded to the Government of the United Republic of Tanzania.

Done in Arusha, United Republic of Tanzania
28 January 2023