



URGENT ALERT

Around 70,000 Maasai in Loliondo, Tanzania, face another forceful eviction, gross violation of human rights and breach of Rule of Law

27 January 2022

Current and serious threats of evictions

According to reliable information received by Indigenous Peoples Rights International (IPRI) and the International Work Group for Indigenous Affairs (IWGIA), the Government of the United Republic of Tanzania is currently planning the eviction of the Maasai Indigenous people from a 1,500 km² area in their ancestral land located in the Loliondo Division of Ngorongoro District, Arusha Region, east of the Serengeti National Park.

On 11 January 2022, the Regional Commissioner for Arusha, John Mongella, on behalf of the Government told leaders of the Maasai community in Loliondo that the Government is going to make tough decisions to remove the Maasai people from their 1,500 km² area of village land any time in 2022, even if this will be painful to the Maasai. The Regional Commissioner held the meeting in Wasso town in Ngorongoro District headquarters with village and sub-village chairpersons, village and ward executive officers, and councilors.

Upon hearing about the land alienation plan, Maasai leaders refused to sign the list of participants of said meeting because they feared that it will be manipulated and

claimed as their consent to relocate from their ancestral land. They also refused to accompany the Regional Commissioner and his entourage to visit the 1,500 km² of disputed land.

The planned forceful eviction is a continuation of protracted attempts to clear the area to be leased to wildlife hunting firm Otterlo Business Corporation (OBC) owned by Dubai Royals.

If carried out, the outcome of the eviction will be the mass displacement of over 70,000 Maasai people and their more than 200,000 livestock. It should be stressed that Maasai pastoralists have legal recognition of this land and any attempts to evict them are unlawful, unjust and discriminatory under national law and the international human rights obligations and commitments of the Government of Tanzania. Furthermore, the Maasai have sustainably managed their landscape resulting in rich biodiversity, which will be undermined with the planned eviction.

The affected communities are therefore appealing to the Government of Tanzania to stop all eviction plans, fully protect their land and resource tenure security and to allow them to live in peace in their territory. They are also appealing to the international community to stand in solidarity with them and exert pressure on the Government of Tanzania to respect and protect their rights and dignity, instead of evicting them.



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Background

The land in question is the customary and ancestral land of Maasai pastoralists, who are Indigenous Peoples in Tanzania and other parts of Africa. Most importantly, the land, which covers 1,500 km², is legally registered village land as per the Village Land Act No.5 of 1999, encompassing eight Maasai villages, and therefore, the Maasai residents of these villages have formalized land tenure rights to their land.

In 1958, the British colonial regime in Tanganyika forcefully evicted the Maasai to give room for the creation of the over 14,000 km² Serengeti National Park. The Maasai were only left with the 4,000 km² Loliondo Game Controlled Area in which they co-exist with wildlife.

While the land belongs to the Maasai villages, it is the Director of Wildlife who has, since 1992, been issuing permits to OBC for wildlife hunting activities on the 1,500 km² of land this alert focusses on. In doing so, the Government neither sought nor received the Free, Prior and Informed Consent of the affected Maasai people.

The Maasai did not sit idle as the Government seized their ancestral land. They engaged the Government and OBC, which is owned by Prince Brigadier Mohamad Al-Ali, with a series of protest initiatives, which sparked off different discussions and halted the Government's plan to evict the Maasai. However, the Maasai people have nevertheless, since 1993, become victims of serious human rights violations inflicted by Government machineries and OBC agents. Further, OBC has continued to hunt in Maasai legally registered villages.

In July 2009, the Government announced that the Maasai in Loliondo had to vacate their land because they stated it was within the Hunting Block belonging to the OBC. Immediately afterwards, the police force, working shoulder-to-shoulder with OBC personnel, invaded Maasai villages destroying their homes and other valuables therein by setting them on fire. Additionally, there were reports of rape, beatings and other gross violations of human rights.

[>> For further information see IWGIA's 2009 Urgent Alert here.](#)





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The outcry that followed from these human rights violations led the Parliament of Tanzania to deploy its standing committee on Land and Natural Resources to Loliondo to conduct a fact-finding mission. To this day, the report of the committee has never been released or published.

There have been several attempts to change the legal status of the 1,500 km² area from village land to some form of protected game reserve/game controlled or Wildlife Management Area and this has always been strongly resisted by the pastoralists/local villagers and District Council. In 2010-2011, OBC funded the Land Use Planning Commission to develop a draft district land use plan that proposed turning the coveted 1,500 km² of village land into a Game Controlled Area where people and livestock would not be allowed to live. This plan was strongly rejected as illegal by the Ngorongoro District Council and was subsequently dropped.

One of the remarkable features of the whole area and landscape is that it is carefully and very well managed through the customary landscape management practices of the Maasai pastoralists. The result is plentiful grass, rich and biodiverse forested areas,

and well protected springs and other water sources. In addition, due to Maasai cosmology, wildlife is not hunted, and this, together with their careful land management, results in a large wildlife population, including massive wildlife herds that migrate across the area. The area has no protected area status and is not managed by the Government departments of the Ministry of Natural Resources and Tourism (MNRT), but it is very well conserved and protected as a result of the customary Maasai community land management practices.

In 2013, the Government again, through then Minister for Natural Resources and Tourism, Khamisi Kagasheki, announced that it was going to allocate the 1,500 km² of village land for wildlife preservation. Contrary to this, then Prime Minister Mizengo Pinda declared that same year that the land in question is village land and belongs to the people.

In August 2017, conflict escalated when village residents within the 1,500 km² area received correspondence from agents of the state ordering them to vacate the land and forcefully drove the Maasai away from their ancestral land. This was done through excessive use





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of violence, including the forceful removal of livestock and burning of homesteads.

[>> For further information see IWGIA's 2017 Urgent Alert here.](#)

In September 2017, four Village Councils – Ololosokwan Village Council, Oloirien Village Council, Kirtalo Village Council and Arash Village Council (the Applicants) – filed a case before the East African Court of Justice (EACJ) against the Government of Tanzania for its actions concerning the land area.

The Applicants are villages located in the 1,500 km² area of village land in Loliondo bordering the Serengeti National Park. The Applicants alleged that the actions of the Government of Tanzania are a direct contravention of Article 6(d) and 7(2) of the East African Community (EAC) Treaty, Article 15(1) of the Protocol on the Establishment of the EAC Common Market, Article 14 of the African Charter on Human and Peoples' Rights, the Constitution of the United Republic of Tanzania and the Village Land Act of 1999.

Separately, the Applicants also filed an application to restrain and prohibit the Government of Tanzania from evicting and beating the Maasai, confiscating their livestock and burning their homesteads. In its Ruling of 25 September 2018, the EACJ issued Orders which included the following explicit directions:

a) That the Government of Tanzania and any persons or officers acting on its behalf, cease and desist from evicting the Maasai in the 1,500 km² of land belonging to them; destroying their homesteads or confiscating their livestock on that land, until the determination of Reference No. 10 of 2017, the case filed in September 2017.

b) That the Office of the Inspector General of Police restrains from harassing or intimidating the Applicants in relation to Reference No. 10 of 2017 pending the determination thereof.

Violation of Tanzanian law

The January 2022 announced evictions in Loliondo would be a violation of the Village Land Act of 1999, which makes provisions for information and consultation procedures with the Village Council and Village Assembly in cases where evictions are deemed necessary/ where the President orders the transfer of village land into general public or reserved land. The Village Land Act also includes provisions and procedures for full, fair and prompt compensation.

[>> For further information see IWGIA's report on evictions and human rights violations towards pastoralists in Tanzania here.](#)

Violation of international law

Under international law, forced evictions are considered a gross violation of human rights that can only be justified in the most exceptional circumstances, and only then if they comply with specific standards and respect specific legal processes. None of this is the case for the emerging forced evictions in Loliondo, which constitute a clear violation of numerous international human rights instruments, including, among others, the African Charter on Human and Peoples' Rights; the UN Declaration on the Rights of Indigenous Peoples; the Covenant on Economic Social and Cultural Rights, which include the Right to Food and the Right to Adequate Housing; and the Covenant for the Elimination of Racial Discrimination.

The unjust and cruel plan to evict 70,000 Maasai pastoralists, rendering them homeless and displacing their over 200,000 livestock is against the respect of their rights, dignity and cultural identity; and will result in more violence, conflicts, poverty and marginalization.



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Recommendations to the Government of Tanzania:

- To immediately desist from evicting the Maasai Indigenous pastoralists, and instead fully recognize and protect their right to their customary lands and resources, livelihoods and distinct lifestyles. The Maasai of Loliondo have already sacrificed much of their land to give the Serengeti to Tanzania, and indeed the world, and yet they continue to be pushed aside for the vested interests of the rich and powerful.

- To ensure that the land tenure security of the eight villages in Loliondo is protected as per their status as legally registered villages, and guarantee there will be no further attempts of land grabbing and forced evictions. The Government of Tanzania should recognize and respect that the 1,500km² of land in question is legally registered village land and should be managed by the villages according to the Village Land Act No.5 of 1999 and the Local Government (District Authority) Act No.7 of 1982.

- To refrain from interfering with the case at the East African Court of Justice (EACJ) pending the decision of the court; otherwise, this amounts to not only contempt of court, but also lawlessness and outright discrimination of Maasai pastoralists.

- To guarantee the respect for and protection of the right to freedom of expression and assembly and ensure that there will be no reprisal against human rights defenders, civil society organizations and journalists who speak up on the Loliondo eviction issue.

Recommendations to the International Community:

- To support the protection of the rights of the Maasai Indigenous pastoralists to their lands and resources, including their right to live in peace in their territory and practice their distinct cultures connected to their livestock, allowing them to continue to manage and conserve their biodiversity and other resources.

- To stand in solidarity with the Maasai and provide urgently needed global pressure to the Government of Tanzania to avert the planned eviction of the Maasai pastoralists along with their livestock.

- To urge the Government of Tanzania to implement the above recommendations

- To be a signatory to the letter to the Government of Tanzania; write letters of solidarity to the affected communities and undertake other initiatives to generate attention and positive action to uphold the rights and wellbeing of the Maasai pastoralists of Tanzania.

End.

