

THE UNITED REPUBLIC OF TANZANIA



THE RESPONSE OF THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA TO LETTERS FROM AMNESTY INTERNATIONAL REGARDING THE DEMARCATION OF 1500 SQKM OF LIONDO GAME CONTROLLED AREA

AUGUST, 2022

FOREWORD

The Constitution of the United Republic of Tanzania is an important governance tool for the protection and promotion of human rights in the country. It explicitly refers to the Universal Declaration of Human Rights in requiring the Government to preserve and uphold human dignity. The Constitution enables Tanzania to translate international agreements into domestic laws, and obliges all branches of government to respect and ensure the rights it enunciates.

According to the Constitution of 1977, the Government of the United Republic of Tanzania recognizes that all human beings have equal rights to dignity and respect. There is no any citizen or group of people which has more rights than others. Among the rights and principles recognized in Tanzania's constitution are the principles of the equality and dignity of all human beings; right to life, liberty, and property; freedoms of conscience, expression, and association; the right to participate in government; the duty to uphold the laws of the state; the obligation to respect the rights and dignities of others and to prevent the exploitation of one human being by another; and the duty to conduct affairs of the state so that the nation's resources would be preserved, developed, and enjoyed.

The Government of the United Republic of Tanzania is recognisant of the Universal Declaration of Human Rights (1948) and at all times it has been protecting universal human rights.

ACKNOWLEDGEMENT

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1.0 INTRODUCTION

The Government of the United Republic of Tanzania received two letters dated 5th July 2022 and 9 June, 2022 from Amnesty International regarding the Loliondo Game Controlled area. It is important to start with a brief explanation on the land ownership system in Tanzania and the history of the Loliondo Game Controlled Area prior to addressing the specific allegations as this will shed light on the rationale behind the Government's decision to demarcate part of the Loliondo Game Controlled Area for sustainable conservations reasons and another part to be retained by the villagers who encroached the area in consideration of their human rights and livelihoods.

1.1 *The Land System in Tanzania*

1.1.1 History of the Land Legislation System in Tanzania

Tanzania is constituted of over 120 tribes with diversity of cultural identities. Before colonialism landholding was based on customary laws of over 120 different tribes. Title to the land was based on traditions and customs of respective tribes. Ownership of land was communal, that is to say the same was owned by either family, clan or tribe. Chiefs, headsmen, and elders had the powers of land administration in trust for the community. These powers continued through the colonial era though they were limited by the new land tenure system which was introduced by the German and later British land tenure. Under the new land tenure system land was declared to be crown and public lands respectively. After independence to date land has continued to be a public property owned by the President as the Trustee.

1.1.2 Land Legislation in Tanganyika during the German Rule: 1891 – 1919

The need to promote plantation agriculture led to the need for land alienation of fertile areas or potential areas. Land Alienation was facilitated by legal and policy instruments. During the German Era the crucial instruments that were used were:

- (i) Imperial Decree of 26th November 1895
- (ii) 1896 Circular/rules to implement the Decree

The Imperial Decree and its Implication Section 1 of the Decree provided that except where claims to ownership and to real rights in land can be proved by private persons or certain other specified persons, all land in German East Africa shall be deemed unowned and be regarded as crown land and ownership to such land is vested in the Empire.

Under the above section the Decree provided that all land whether occupied or not was unowned crown land.

1896 Circular

The circular distinguished between ownership claims and mere rights of occupation. Ownership claims were to be proved by documents and were essentially aimed for the settlers.

1.1.3 Land Legislation in Tanganyika during the British Rule: 1919 – 1961

1919 – 1961 (British Rule): Under British rule first land ownership law was passed in 1923 known as *Land Tenure Ordinance* (Cap.113) declaring that “all land was under the control of the British governor and that any use must be subject to his permission”.

- 1923 to 1960 all natives lost all their land as it was transformed into estates and plantations owned by British settlers turning them into casual laborers.
- Post-colonial Period Self-Rule: 1961 – present
- The right of occupancy was also introduced under British Rule although it was only awarded to settlers

At independence, the Land Tenure Ordinance (1923) and its colonial spirit was retained. The word Governor was substituted with the word president wherever it appeared in the Ordinance. It was possible for the President to acquire land although not with a similar motive as it was for the Governor. All lands in Tanzania continued to be public land. The President became the custodian of all land on behalf of the citizens of Tanzania.

According to the *Land Policy 1995*, land in Tanzania is divided into three categories, namely, General Land, Reserved Land and Village Land. These categories are summarised in Table below. Out of the three categories, 70 percent of the land is classified as village land, 28 percent as reserved land and the remaining 2 percent falls under general land.

Category of land	Definition	Administration
Reserved land	Set aside for conservation	Government sector
Village land	Declared to be village land under the law	Village council
<u>General land</u>	<u>All land that is not reserved or village land</u>	Commissioner for lands

The Land Act Cap 113

According to the Act, all lands in Tanzania were declared to continue to be public land vested in the President of the United Republic of Tanzania as a trustee for and on behalf of all the citizens of Tanzania. This is provided under Section 4 of the Land

Act 1999 Cap 113. Ancestral and Traditional lands were abolished from the colonial period. Therefore, the examination of the above land system in Tanzania clearly reveals that there is no ancestral or traditional land as recognized by the law.

For the purposes of its administration land in Tanzania is put in three categories namely:

- (i) General land,
- (ii) Village land and
- (iii) Reserved land.

The reserved land under the Land Act, Cap 113 is provided by Section 6(1)(a) which provides

“ 6.-(1) Reserved land includes but is not limited to-

- (a) Land reserved, designated or set aside under the provisions of the
 - (i) Forest Act;
 - (ii) National Parks Act,
 - (iii) Ngorongoro Conservation Area Act,
 - (iv) Wildlife Conservation Act,

1.2 History of the Loliondo Game Controlled Area

Loliondo Division covers 4000 sqkm and is one of three divisions of Ngorongoro District in Arusha Region; the others are Sale Division and Ngorongoro Division. Loliondo Division is geographically located adjacent to the Kenyan border, in the far northwestern part of Arusha Region in northern Tanzania. To the west of Loliondo lies Serengeti National Park, a World Heritage Site and cornerstone of Tanzania's wildlife tourism industry. To the south of Loliondo is the Ngorongoro Conservation Area, also a World Heritage Site. To the east is Lake Natron, a Ramsar site.

The Loliondo Division is also comprised of three wards, namely Olgossorok, Arash, and Soitsambu. These wards are further divided into nine villages, which are Loliondo, Sakala, Wasso and Engaserosambu in Olgossorok ward; Loosoito, Olorien and Arash in Arash ward; and Soitsambu, Ololosokwan, and Oloipiri in Soitsambu ward

1.2.1 Loliondo Game Controlled Area during the German Rule 1891 - 1919

Tanganyika was colonized by Germany following the Berlin conference of 1884-1885. German colonial government established its rule in Tanganyika in 1891 and at

that time there were no inhabitants in the Loliondo area. The German colonial government recognized the importance of nature conservation and initiated the protection and designated Game Controlled Areas in Tanganyika. The Loliondo Game Controlled Area was among the many designated areas and it covered a total of 4,000 sqkm and was designated a protected wildlife area by law from 1891 to 1919, these being the 1891 and 1896 legislation followed by additional regulations in 1898, 1900, 1903, 1905, 1908 and 1911; (Game Preservation Ordinances). Up to the end of their rule, there were no inhabitants in the Loliondo Game Controlled Area.

1.2.2 Loliondo Game Controlled Area under the British Rule 1919 - 1961

After the World War I, the British took over control of Tanganyika from the Germans as a League of Nations Protectorate. The British enhanced game protection by enacting a succession of major game ordinances in 1921, 1940 and 1951. After the attempted encroachment by pastoralists, the British re-gazetted Loliondo Game Controlled Area as one of the wildlife protected areas in Tanganyika in 1951 under the Fauna and Flora Conservation Ordinance and that enhanced the protection of 4,000 square kilometers and instituted measures where no hunting was allowed and the Governor prohibited/ or restricted entry, settlement and cultivation. Up to the end of the British rule in 1961, there were no inhabitants in the Loliondo Game Controlled Area.

1.2.3 Loliondo Game Controlled Area after Independence 1961 to date

After Independence in 1961, the Loliondo Game Controlled Area which was established in 1951 under the Fauna and Flora Conservation Ordinance was enhanced and later recognized by the Wildlife Conservation Act No.12 of 1974 through Government Notice No. 269 of 08 November 1974 and the Wildlife Conservation Act No.5 of 2009.

It is a matter of fact that, the new government after 1961 had a lot of capacity challenges that encroachment by pastoralists happened in some parts of the Loliondo Game Controlled Area continued until the villagization period of 1974-1976.

The Government reasonably and based on its good record of rule of law and considerations for human rights, it decided to organize 9 villages within the 2500 sqkms of the Loliondo Game Controlled Area for pastoralists. Despite this encroachment the Loliondo Game Controlled Area has all along remained a protected area for conservation.

This encroachment was a source for Government consideration to settle pastoralists in the 2500 sqkms of the Loliondo area and discussions not to expand beyond the set area have been ongoing between the two sides for close to thirty years now. However, pastoralists have recently been seen to further extend grazing of livestock in the remaining 1500 sqkms reserved for wildlife breeding, source of water and to enhance wildebeest migration. The increase of human population pressure has created resource use competition affecting the habitats and ecology with detrimental impact to the breeding sites and migratory route. Thus, the government has set and demarcated 1,500 sqkms out of 4,000 sqkms as core wildlife habitat while 2,500 sqkms remaining for community development.

1.2.4 Settlement of Inhabitants in Loliondo Game Controlled 1961 to date

Records are clear that there were no inhabitants in the Loliondo Game Controlled Area before the year 1961. After independence of Tanganyika in 1961 and its union with Zanzibar in 1964 to form Tanzania, as already explained above, there was a relaxed control of encroachment into the Loliondo Game Controlled Area after 1961. As a result, Maasai pastoralists penetrated into this area from the North and spreading slowly southwards over years. They are divided into numerous sub-tribes of which the Kisonko form the largest part of the Tanzanian Maasai. Several of the Kenyan sections, mainly Purku, Loitai and Latayok have spread into the Loliondo Game Controlled Area. Since then, the population of the Maasai in Loliondo Game Controlled Area has increased dramatically.

The recorded population of Loliondo Division in 1967 was 9,884 people. After the villagization period of 1974-1976, this increased to 12,768 in 1978 and further to 21,657 in 1988, a rate of 5.4% per annum. The National Population Census of 2002 revealed that Loliondo Division had a population of 37,714 people with an annual

growth rate of 3.9%. The population per village is between 2500 and 4000, and at the ward level there were 12,268 people in Olgosorok; 10,956 people in Soitsambu, and 7,841 people in Arash.

The claim which is all over that the Maasai pastoralists have been living in the Loliondo Game Controlled Area since time immemorial and it is their ancestral land it is a mere fabrication and unfounded. Therefore, the Maasai has no basis for the legal claim of right of customary nor traditional right of occupancy of Loliondo Game Controlled Area but rather they encroached the area.

1.3 Challenges facing the Loliondo Game Controlled Area

Loliondo Game Controlled area is a wildlife corridor. Wildlife corridors play vital ecological roles in enhancing biodiversity and survival of a large number of species. In addition, the function of wildlife corridors include serving as areas of habitat, connecting wildlife populations separated by human activities (such as roads, development, or logging), facilitating the re-establishment of populations that have been reduced or eliminated due to random events (such as fires or disease), and allowing an exchange of individuals between populations, preventing the negative effects of reduced genetic diversity potentially associated with long-term population isolation. Also, wildlife corridors increase the area and diversity of habitats over and above the area of the two habitat patches connected. Loliondo Game Controlled area is the part of the Greater Serengeti-Mara ecosystem and is a key area as wildlife corridor and a dispersal area for migratory wildebeest and other wildlife species, a feeding and calving ground for wildebeest and a major source of water for the Serengeti National Park. Loliondo Game Controlled area wildlife corridor, however, is under serious threat. First, there is human population pressure attributed to a number of population-pull factors in the rangeland. The conservation area has been significantly encroached by human activities that has resulted into deterioration of rangelands and spread of invasive species, destruction of catchment areas which are the main sources of water for people, wildlife and livestock and conflicting land use for livestock and crop production and therefore reducing available pasture land. Secondly, the blockage of wildlife corridor linking Serengeti National Park and

Maasai Mara may lead to the collapse of the great migration of wildebeest and other animals. This means that if the Loliondo Game Controlled Area is not well protected, the ecological integrity of the entire Greater Serengeti-Maasai Mara ecosystem including the migratory system will be disrupted and consequently affect tourism which is important for financing conservation and community development activities.

1.4 Reasons for the Demarcation of Loliondo Game Controlled Area

Recently, there has been a higher increase of human population in Loliondo Game Controlled area with attendant pressure on the ecosystem due to human activities such as livestock grazing, agriculture and settlement. Increase of human population pressure has created resource use competition affecting the habitats and ecology with detrimental impact to the breeding sites, migratory route and ecology of the area. Thus, the Government of the United Republic of Tanzania abides to the implementation of human rights convention, despite the Loliondo Game Controlled Area being a protected area, the Government decided to allocate 2,500 square kilometres of the protected land for community development activities out of the 4,000 square kilometers; and set aside 1,500 square kilometers for protecting the ecological integrity of the Greater Serengeti-Maasai Mara ecosystem for conservation. The 1,500 square kilometers is a core area for calving, feeding and wildlife migratory corridor for over 1.5 million wildebeest and has no human activities including settlements and social infrastructures and therefore no eviction took place in the area.

2.0. SPECIFIC ISSUES RAISED IN THE LETTER FROM AMNESTY INTERNATIONAL

The letter from Amnesty International has raised issues, questions and allegations against the Government of the United Republic of Tanzania with regard to the Loliondo Game Controlled Area. The Government's response has been captured in **Annexure-A.**

2.1 Ancestral land

Prior to responding to the allegations of violence and forceful evictions of Maasai from their ancestral land one must understand the land ownership system in

Tanzania. Land is owned by the public and entrusted to the President. One is given a right of occupancy for a specified time as it is not a free hold system. There is no private land in Tanzania, there is no tribal land in Tanzania and there is no ancestral land in Tanzania. Therefore, it is wrong to say that people are being evicted from their ancestral lands as this does not exist in our Constitution or our statutes.

2.2 Perimeters of Loliondo Game Controlled Area

One also has to understand the perimeters of the Loliondo Game Controlled Area. This was previously 4,000 square kilometers of reserve land as per the laws of Tanzania which have suffered encroachments by residents from other places. It was decided, after a series of consultations with the local community to give 2,500 sqkm to the villages who had already established homes and livelihoods in this area, in consideration of their Constitutional rights as Tanzanians.

It was also decided to reserve 1,500, sqkm for conservation as this area is a water source for the Ngorongoro, Serengeti and the Masai Mara ecosystem. It is also a migration route for the wildebeests and is part of the ground for their reproductive cycle.

2.3 The 1,500 sqkm of Loliondo Game Controlled Area has never been inhabited before

It should be noted that the area of 1,500 sqkm has never been previously populated by the villagers as they themselves are aware of its ecological value. Rather, they had been sending in their cattle to graze at night and then return their cattle during the day to their homesteads in the nearby villages. Therefore, there cannot be evictions lawful or otherwise in this area as there are no people to evict.

The issue is that the land was being used unlawfully as grazing area for cattle. This was leading to degradation of the area with environmental ramifications that will affect its sustainability as a source of water and a migration route for the wildebeests.

2.4 Demarcation of 1,500 sqkm of Loliondo Game Controlled Area

The Government decided to place a boundary to demarcate the 1,500 sqkm for protection and conservation purposes. The villagers were fully informed of the

exercise however, a minority faction of villagers from the nearby villages were unhappy with the decision not to graze their cattle in this area, the police escorted the land officers placing beacons to ensure their work took place smoothly, were attacked. It should be noted that demarcating reserved areas for conservation purposes is a common practice in all reserved areas.

Unfortunately, the disgruntled villagers began to protest and turned violent and shot a police officer with an arrow which led to his death. It was at this point that tear gas was released by the police to disperse the villagers.

2.5 Tanzanian Police Officers always observe rule of law and human right

We reiterate that police officers who were on duty were fully armed but did not retaliate and avenge the killing of one of their own, this is clear evidence on how our Police Officers show and practice respect for human rights and testimony to the effective training on human rights matters to law enforcers as human rights is also a module in the police curriculum in Tanzania. The international community needs to recognize such an important act by the Tanzanian police officers and the observance of rule of law in the country.

It is very unfortunate that unknown pictures of wounded people claiming to be Tanzanian Maasai circulated as though there was a blood bath in the Loliondo. I assure you if there had been retaliation by the Police there would have been national and worldwide coverage of the matter as our CSOs are incredibly active in that regard. The whole country would have been up in arms and there would have been national outrage. However, this is not the case and the people of Loliondo are carrying on with their daily lives.

We also received allegations that as a result thousands of residents of the Loliondo Area were assaulted and have fled to neighbouring countries out of fear. Indeed, the Government has called for all who have allegedly fled to return to the Country or send some information on their situation, however there has been no response. There is also no report of refugees from Loliondo following the incidence Our only thought is that it is actually neighbouring citizens who had been illegally grazing their cattle in the Loliondo Game Controlled Area, returned to their country as they are no longer able to take part in unlawful grazing due to the demarcation.

2.6 Investigation on instigators of the chaos and murder of Police Officer

There is also an on-going investigation with regard to instigators of the chaos and the murder of the Police Officer. Investigation is on-going, suspects are being questioned and there have been a few arrests. The accused persons will have their day in court in compliance with the right to a fair trial as Tanzania is governed by rule of law and good governance.

2.7 No eviction in Loliondo

The Government assures you that it has no plans to evict anybody in Loliondo and cannot render its own citizens homeless which goes against fundamental human rights principles and its constitutional obligations to ensure the welfare of its people.

3.0. RECOMENDATIONS TO THE GOVERNMENT

With regard to the recommendations made to the Government of the United Republic of Tanzania we would like to inform you that broad based consultations have spearheaded the decision to demarcate the Loliondo Game Controlled Area ensuring that the nearby villagers are able to maintain their livelihoods and the ecology of the game reserve is maintained. The Government has always and continues to hold open and frank discussions with the residents and community leaders in the Loliondo area. To further this, a joint fact mission visit composed of the Government, the Commission for Human Rights and Good Governance and CSOs has been scheduled in August, 2022 as part of good governance measures to address the allegations the Government has received regarding the Loliondo. We would like to assure you that dialogue and engagement with stakeholders is a key governance feature of the current regime and this is the same approach which has been used in reaching amicable solutions with the residents of Loliondo.

At the national level a consultative meeting with Government actors was held on the 21st of June 2022. Outcomes include reviewing the relevant laws in case there are gaps which have to be addressed to strengthen conservation efforts. Also, a consultative between the Government, Civil Society Organisations and representative of residents of the Loliondo was held on the 22nd of June 2022 where the Government received their grievances, responded to their concerns and agreed to continue to hold similar consultative forums.

The Government has been equally transparent with the international community and held a briefing session with all Ambassadors and High Commissioners and Heads of International Organisations in the United Republic of Tanzania on the 20th of June, 2022. The Government used this forum to explain the Loliondo situation and answered questions from the diplomatic corps which stood for one minute of silence for the loss of life of the Police Officer.

Further, on the 8th of July, 2022 the Government held a video conference meeting with the UN Special Rapporteur on the Rights of Indigenous Peoples and the UN Special Rapporteur on the Right to Adequate Housing. We held candid discussions with the Special Rapporteurs including on our diverging views on indigenous persons in Tanzania. However, we were in agreement that though we have different opinions on the definition or concept of indigenous, we explained that communities in Tanzania which have distinct livelihoods have been recognised by the Government which ensures that they are provided with socio-economic amenities and that their human rights are promoted and protected, regardless of this definition.

The Government took this opportunity to officially invite the Special Rapporteurs to Tanzania in their capacity as UN Independent Experts to visit the Loliondo area and witness for themselves the situation on the ground. We are currently discussing the schedule of their visit. With regard to offering remedies to persons who feel aggrieved, we hasten to add that Tanzania is governed by rule of law and anyone who believes they are aggrieved is at liberty to seek legal remedies through our justice system.

We believe that this substantial response to your letter will show that it is not in the Governments interest or good governance policy to plan to dislocate 700,000 of its own citizens. This is a rather far-fetched allegation. The United Republic of Tanzania is guided by good governance, rule of law and respect for human rights.

ANNEXTURE A

RESPONSE TO SPECIFIC ISSUES RAISED IN THE LETTER FROM AMNESTY INTERNATIONAL TO THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA

	ISSUE/ALLEGATION	RESPONSE
1.	There have been brutal security operations in Loliondo.	There have been no state sanctioned brutal security operations in the Loliondo Game Controlled Area. There has only been police presence to maintain peace and order during the demarcation process.
2.	The Violent forced eviction of the indigenous Maasai community has left dozens of people injured, many missing and a police officer killed.	<p>i. Please note, Loliondo Game Controlled Area have never been inhabited before the encroachment which began in 1961.</p> <p>ii. There are no indigenous Maasai community in Loliondo Game Controlled Area, the current pastoralists encroached from other areas.</p> <p>iii. There have been no evictions in the Loliondo Game Controlled Area as the 1,500 sqkm which is the migration route of the wildebeests and a water catchment for the Serengeti and Masai Mara has never been inhabited and there is no any settlement within.</p> <p>iv. Therefore, there have not been any evictions in the Loliondo Game Controlled area as there is no one to evict and there are no injured or missing victims of alleged forced evictions.</p> <p>The demarcation exercise of the 1,500 sqkm began on the 9th of June, 2022 where a minority fraction of the villagers displeased with the exercise decided to protest and harass the local government</p>

		<p>authorities performing the exercise. Police officers were present as they had been informed of a potential protest and were performing their protection mandate. However, they were attacked by the villagers prompting the use of tear gas to disperse the protestors. The villagers used to disproportionate force and shot a police officer with an arrow causing his death, the groups of problem makers then fled the scene.</p> <p>We highly commend our Police Force for not retaliating after one of their own was killed. Rather, they considered the human rights of the assailants and preferred to let the rule of law prevail. An investigation of the murder of the Police proceeds and the accused persons will have their day in court in consideration of the fundamental human rights principles of equal protection before the law and the right to a fair trial.</p> <p>In relation to the Maasai being considered indigenous, we do not have the practice of tracing origin in Tanzania as all Tanzanians of African Descent are indigenous to Tanzania. The legal system of Tanzania does not provide for indigenous or natives but it recognises only citizens of Tanzania. As the Loliondo Game Controlled Area has never been inhabited, it is not correct to say that there are people indigenous to the area.</p>
3.	Tanzania has allocated this area to a private business without first consulting the Maasai community whose livelihoods depend on their ancestral lands.	<p>During the demarcation process of the Government owned area there was no need for consultations. However, during this exercise Tanzania has not allocated this area to a private business.</p> <p>The Loliondo Game Controlled area was established for conservation and tourism</p>

		<p>purposes. Since the 1990s three investors have been operating in the area. The demarcation exercise was intended to prevent encroachment and support conservation of the area.</p>
4.	<p>More than 70,000 indigenous Maasai people are at risk of being displaced from their ancestral grazing lands to make way for tourism operation.</p>	<p>i. There is no ancestral land for any tribe in the Tanzania including the Loliondo Game Controlled Area.</p> <p>ii. The demarcation exercise was done within an area of 1,500sqkm which is not inhabited; hence nobody is at risk of being displaced.</p> <p>iii. The purpose of the demarcation exercise is to protect the Serengeti-Maasai Mara ecosystem.</p>
5.	<p>When security forces began the demarcation process on 9 June, community members began to protest by removing beacons the security forces had set up and the Protestors were met with massive use of force by security officer and over the next two days dozens of people sustained injuries, including bullet wounds This unlawful forced eviction is shocking in both its scale and brutality.</p>	<p>i. There was no eviction exercise in the 1,500 sqkm of the Loliondo Game Controlled Area which is uninhabited, there was only a demarcation exercise which began on the 9th of June, 2022;</p> <p>ii. The Government is unaware of a beacon that was uprooted by protesters, this is a mere fabrication and false;</p> <p>iii. Forensic image analysis of the claimed bullet wounds revealed only pressure and laceration wounds and non has characteristics of a bullet wound. Hence, bullets were not fired to protesters;</p> <p>iv. The police officers who were deployed to maintain peace and order used only teargas to disperse the crowd which retaliated disproportionately by shooting arrows at the Police and causing one's death.</p>

		In this regard, we dispute all allegations of attacks and violence against the villagers of the Loliondo Area by state officials.
6.	If the land confiscation goes ahead, the Maasai community's livelihoods and way of life are in jeopardy.	<p>i. The Maasai pastoralists encroached the area from other areas and their way of life has nothing to do nor any relationship with the encroached Loliondo Game Controlled Area.</p> <p>ii. There 1,500sqkm area is owned by the Government as a Game Controlled Area and therefore, there is no confiscation and the land is not owned by the Maasai community.</p>
8.	In 1992 the Government leased the whole of Loliondo Division as a hunting block to a company from the United Arab Emirates.	<p>i. In 1992 the Government issued a public tender to utilize the Lolioindo Game Controlled area which is also a designated hunting block. Many companies submitted bids and the OBC from the UAE won the tender and began to use the hunting block and set up its camp.</p> <p>ii. However, there are also three other companies within this same area which have invested in photographic tourism being Andbeyond Kleins Camp, Thompson Safari and Taasa Luxury Lodge.</p> <p>Therefore, OBC is not the only investor in the Loliondo Game Controlled area.</p>
9.	The recent security forces operations is the fourth attempt to evict the indigenous Maasai people who are pastoralists from their grazing site at Loliondo in a dispute that has lasted more than a decade. Security forces were previously deployed in 2009, 2013 and 2017 when they evicted community members from four	<p>i. There has never been any security forces operation inside the 1,500sqkm of the Loliondo Game Controlled Area.</p> <p>ii. The police were present during the demarcation process in their protection mandate to maintain law and order.</p>

	villages; Olosokwan, Olorien, Kirtalo and Arash.	<p>iii. Police presence was used in the past to mitigate the constant encroachment towards the 1,500sqkm of the Loliondo Game Controlled Area.</p> <p>It is wrong to depict the police pursuing their normal duties as forcefully evicting the residents of the Loliondo Game Controlled Area.</p>
10.	On September 2018 the East African Court of Justice issues orders which included explicit directions that the state cease from evicting the Maasai indigenous people until the determination of a case that the community has filed against the state was determined. The Court is set to issue its judgement on 22 June 2022 barely two weeks before this exercise begun.	The issue of the injunction issued by the East African Court of Justice is very clear but it has been wrongfully interpreted and applied in this question. The Government has complied and has never breached the injunction order. As the matter is before a court of law and is <i>res subjudice</i> we shall respectfully await the Judgement which was adjourned and was not delivered on 22 June 2022.
RECOMMENDATIONS TO THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA:		
1.	Urges the authorities to immediately halt the violent eviction of the indigenous Maasai community in Loliondo.	There is no any eviction and the Government has no plan to evict residents of the 2,500 sqkm of the Loliondo Game Controlled Area.
2.	Launch an urgent investigation into the security crackdown which has left dozens of people injured, many missing and a police officer killed.	Investigation of the instigators and the murder of the Police Officer is ongoing.
3.	Asks the authorities to begin genuine consultations with the community.	There is no community residing in the 1,500 sqkm so there is no one to hold consultations with.

4.	Calls upon the authorities to ensure there are sufficient remedies offered to all affected persons.	There are no affected persons in the 1,500sqkm which is not inhabited and there are settlements.
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