

Tourism and Indigenous Rights. Tanzania. Case study Surkenya Farm

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Introduction

The Arusha Region, with an extension of circa 34,000 km² is located in the NE of Tanzania, bordering Kenya, has the Great Rift Valley running through it and includes several national parks, game reserves, lakes and active volcanoes. Critically, it is home to over 400,000 predominantly pastoralist Maasai who are highly dependent upon semi-nomadic pastoralism to survive. For hundreds of years, Maasai pastoralists have practiced sustainable rotational grazing of livestock (cattle, sheep and goats) here in order to access pasture and water sources as they become seasonably available.

Land use designations of the region include Village Land (VL) where people live, farm and herd cattle; Game Controlled Areas (GCAs), permitted and Wildlife Management Areas (WMAs) that have certain restrictions imposed, but where people, cattle and wildlife should be able to co-exist; Game Reserves (GR's) where no settlement is allowed and minimal human activity is permitted; and National Parks (NPs) where no human activities are allowed. The regional government titles the land to entities including villages, individuals and corporations. At the local level, innovative certificates of customary rights of occupancy (CCROs), developed by pastoralists, are utilized to better manage communal land.

Fundamentally, for pastoralism to thrive, three key pillars must co-exist, namely: people, land (including pasture, water and minerals on it) and livestock. Unfortunately, over the years, land viable for pastoralism has been shrinking due to large-scale acquisition of pastoralist ancestral land for purposes of agriculture, mining, and conservation. Remaining land resources is squeezed due to climate change, causing prolonged drought and death of livestock. Much of the land taken for conservation is justified through a logic that tourism will contribute to the national and local economy. This argument supposes that land taken from pastoralists will return value through increased economic opportunities including jobs, direct payments to villages and development projects. None of this has happened.

The case of Sukenya Farm 373

The Serengeti National Park (SNP) is a 14,750 km² (1.5M Hectare) area of savanna which sees “the Great Migration” of roughly two million wildebeest.¹ Thousands of other wild animals, accompanied historically by pastoralists and their cattle, followed seasonal rains to find fresh grass and access watering holes.

Established in 1930, and becoming a National Park in 1940, SNP was established to better protect flora and fauna. On the unproven assumption that indigenous peoples had a damaging impact on them, by 1951 the movement of the inhabitants of the SNP was severely restricted, impeding semi-nomadic pastoralist livelihoods. In 1959, new smaller SNP boundaries were established and the

¹ <https://www.serengeti.com/>

Governor gained the ability to declare any land in the country as a national park, effectively overriding customary rights of the Maasai. The so called “fortress conservation” had arrived in Tanzania. Under this ordinance, no inhabitants are permitted within the new boundaries. In 1981, SNP became a UNESCO World Heritage site.² An estimated 95,000 Maasai, were forced out of SNP and unable to live under the severe livelihood constraints of the new NCAA rules, were left no choice but to relocate families and bomas to the ancestral grazing lands in and around Sukenya Village in Loliondo.

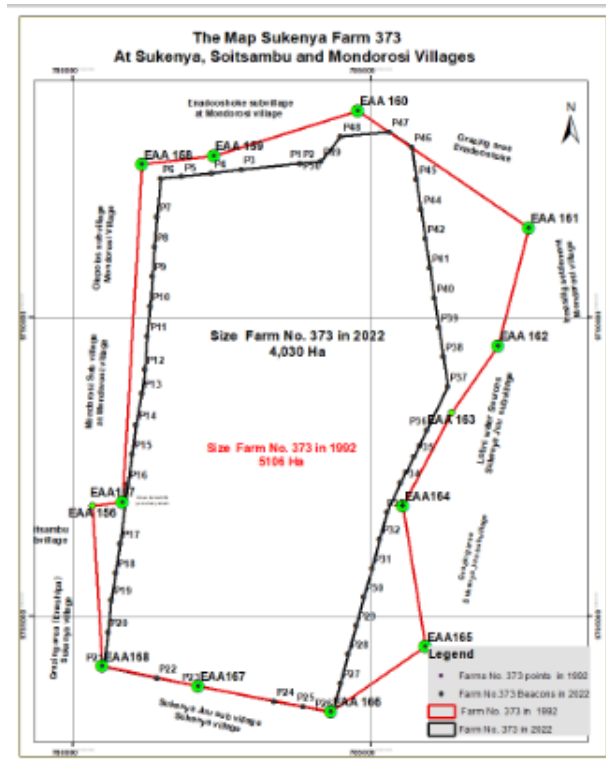
The disputed area of 5,106 Ha (12,600 Acres) named Sukenya Farm #373, is found within Sukenya Village, alongside Soitsambu and Monderosi Villages. Prior to 1984, this area was home to over 50,000 pastoralists with an estimated 140,000 cattle, many of whom had arrived decades before after being displacement from the SNP. Using customary sustainable practices of seasonal rotational grazing, pastoralist families from SNP had re-settled to tend their cattle and undertake small-scale subsistence cultivation to feed their families.

In 1984, the Tanzanian government focused on increasing the productivity of this area. Sukenya Farm #373 had its land title transferred to Tanzania Breweries Ltd (TBL). Without engagement of the community, this act violated national law and the community’s rights. Legal petitions were rejected, and TBL began to cultivate 700 acres of barley for the beverages industry. Critically, TBL never restricted grazing of cattle on this farmland. However, protracted droughts and encroachment of wild and domesticated animals meant harvest yields were poor and in 1990 TBL deemed the farm unsuitable for large-scale cultivation and abandoned it.

TBL ceased operations in the area completely in 1991 and in 2006 a 96-year lease was bestowed by TBL to Tanzania Conservation Ltd (TCL), a privately owned sister company to Thomson Safaris Ltd, of Massachusetts (USA) in exchange for a \$1.2 million fee. Again, there was no engagement of the community in decision-making. Since 2006, TCL has operated a community-based tourism business on the disputed land.

Thomson’s marketing materials state that: “Thomson Safaris and Tanzania Conservation Ltd. (TCL) are working alongside the Maasai to conserve this vast wilderness of wooded savannah and open grassland covering 12,600 acres within the Serengeti ecosystem.” Thomson also claimed collaboration and cooperation with the community and employment of locals. But this supposed cooperation is considered a false claim, with community leaders from the three most impacted villages disputing their meaningful engagement in either the original TBL land title decision and its subsequent lease to TCL and standing in solidarity to demand their rights be respected and their land returned to them.

² See Oakland Institute (2018) *Losing the Serengeti* <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/losing-the-serengeti.pdf>. Simultaneously, in 1959, the Ngorongoro Conservation Area was established as a multiple land-use area, where Maasai were granted settlement rights. However, the Ngorongoro Conservation Area Authority (NCAA) was able to prohibit, restrict, or control activities in the region, including cultivating land, grazing cattle, and creating settlement dwellings.



Map of the contested area of Sukenya Farm 373

Human rights violations in the Sukenya Farm 373 area

Although Tanzania voted in favour of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and is the home to 125-130 different ethnic groups, the state does not recognize the existence of Indigenous Peoples. There is no specific national policy or legislation on Indigenous Peoples but Akiye, Hadzabe, Barabaig and Maasai have organized themselves and their struggles around the concept and movement of Indigenous Peoples.³ In spite of UNDRIP article 10, Indigenous Peoples in Tanzania have been forcibly relocated to make way for conservation and tourism activities.⁴ Indigenous Peoples' rights were ignored to pursue the perceived benefit to nature of turning the SNP (and now also Pololeti Game Reserve) into a fortress of conservation where no habitation is permitted.

Since 2006, the TCL claim to the land in Sukenya Farm has been disputed by the Maasai residents. The reaction of the Government and its private investor partners has been continuous intimidation and violation of the rights of pastoralists living on the disputed land while litigation stalls. Community leaders of Soitsambu, Mondorosi and Sukenya Villages collectively contest the right of the Tanzania Government to transfer the land title of Sukenya Farm #373 to TBL in 1984, and

³ www.iwgia.org

⁴ Article 10 "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible with the option to return."

also therefore, for TBL to subsequently lease the land to TCL. Moreover, community leaders and human rights defenders attest to numerous instances of threats, intimidation, forceable destruction of property (bomas and cattle), illegal detainment and physical abuse of community members by security guard, police and other special armed forces operating at the instruction or request of TCL.

Community members are no longer permitted by TCL to graze their cattle in the contested area that has been part of their ancestral lands for centuries and remains vital to the survival of their semi-nomadic cattle herding livelihoods. Members contend that this is itself an abuse of their basic and customary rights and that attempts to change land titles to restrict land use solely to tourism will be found wanting when challenged in court.

In November 2009, Thomson announced their intention to change the land status of the disputed land from pastoralism to an exclusive tourist concession. 20 district councillors signed a petition to oppose this. In January 2010, the village council of Soitsambu instituted legal proceedings against Thomson Safaris at the Arusha High Court. Preliminary objections that the matter had been adjudicate by a competent court and therefore may not be pursued further by the same party were successful appealed, and the communities of Mondorosi and Sukenya brought their case against TCL and TBL to the High Court in early 2013.

In 2012, Minority Rights Group International⁵ reported a series of human rights violations allegedly committed by Thomson, including beatings and shootings to community members and burning of *bomas* and cattle pens by Thomson guards, detention of cattle herders by Loliondo police for "trespassing" on Thomson's disputed land and illegal seizing of their cattle; targeted intimidation and harassment of NGO staff and board members and of human rights defenders; written and phone threats to legal officers and representatives of affected pastoralist; and harassment of women leaders by Thomson staff, one being told that unless she stop mobilising women to protest 'we will reduce you to nothing'.

In 2013, village councils of the Mondorosi, Sukenya, and Soitsambu villages filed a lawsuit in the High Court of Tanzania at Arusha against TBL, TCL, the Ngorongoro District Council, the Commissioner for Lands, and the Attorney General claiming "jointly and severally for ownership of a land known as Sukenye [sic] farm comprising 12,617 acres located within Ngorongoro District." In October 2015, the court ruled against the Maasai in the case.

Although in 2018, the villagers did win on the challenge that TCL unlawfully acquired 2,617 acres of the land, they were not awarded any damages by the court and the remaining 10,000 acres of Sukenya Farm #373 remains disputed.

In February 2022, the Court of Appeals ruled that the matter should be resolved outside of the court, leaving the door open for the land to be used exclusively for tourism and game-hunting.

In June 2022 the Tanzania government demarcated 1,500 km² (150,000 ha) of land, including that which is disputed, and reclassify it as the "Pololeti Game Reserve" denying 70,000 Maasai access to dry-season grazing land critical to their livelihoods. Subsequent abuses and alleged criminal acts by police and security forces were reported, including attacks with firearms and serious acts of violence. Maasai's cattle is being confiscated and locked in pens by authorities and prevented

⁵ <https://minorityrights.org/new/>

from accessing grazing and water, causing inhumane suffering and leaving families with no source of income or livelihood in Pololeti Game Reserve.⁶

Thousands of Tanzania citizens have fled to Kenya for their safety and for those who got injured to get treatment, which they were too fearful to seek in Tanzania. Dozens of local political leaders and villagers were arrested, many for protesting the arrest of their fellow villagers or family members in Loliondo. Many Loliondo residents and their family members have had their national ID cards and/or passports confiscated and burned and have been refused replacements, a totally discriminatory act, and others went into hiding and are still hiding today. In early August 2022, four boys who were grazing around Sukenya farm were caught by TCL guide and beaten for no reason.

Poverty has increased within the communities around Pololeti Game Reserve since most of the cattle are confiscated and the communities have been left with nothing to support themselves. Many of the community (103 members) were arrested by immigration police claiming these were Kenyans. This act of intimidation was intended to prevent them claiming their rights.

A lot of unwarranted, unaffordable and sometimes even undocumented fines were given to innocent community members as further intimidation and financial torture by further depleting further their scarce resources. The entire community continues to fear further attacks on their citizenship, rights and livelihoods by their own government. This cruel punishment means that no one has any peace of mind on the land they consider home.

The dispossession of the TBL land from pastoralists for exclusive high-end tourism is an example of the misguided priorities of the conservation community and a number of Tanzanian government agencies. By prioritizing the potential economic benefit of tourism, these groups are directly threatening the lives and livelihoods of Maasai people. As we are seeing this seizure of land and eviction of people is part of a larger regional effort to enclose the Loliondo area for conservation.

Like the owners of Thomson Safaris many of the key players in the international conservation and tourism industry are foreigners. They often see themselves as more enlightened in matters of conservation and that they are the best stewards of the land. The reality is that Maasai people have cared for the land for the last few hundred years and created the very landscape that supports both pastoralism and wildlife. The belief that foreigners are the true conservationists is false and problematic. Throughout the various dispossessions the largely White conservation community has remained silent. They are not willing to speak up for pastoralist rights, either for fear of losing their business licenses and residence permits, or because they see these actions as beneficial to their own interests in tourism.

International human rights bodies have addressed the situation the Maasai are confronting in Tanzania, including Human Rights Council Special Procedures, the Committee on the Elimination of Racial Discrimination and the UN Permanent Forum on Indigenous Issues.⁷

Gender dimension

⁶ See also: [Title of the other article on Tanzania](#)

⁷ See, i.e., Special Procedures:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26938>; CERD:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/TZA/9756&Lang=en

Indigenous women and girls are disproportionately affected by poverty within pastoralist society. Deeply ingrained patriarchal social norms (including subliminal messages of inferiority to girls) limit their autonomy, economic self-reliance, power to access and control productive resources, and the ability for them to meaningfully participate in decision making at all levels. Women typically have higher levels of illiteracy and innumeracy with fewer opportunities for education or vocational skills development. They remain highly reliant on their husbands for support, yet have responsibility for raising their large families including gathering firewood, food and water.

Furthermore, the most vulnerable women and youth, who are survivors of gender-based violence, unmarried mothers, child-brides, orphans, widows, and people living with disabilities struggle the most against poverty, the socio-economic impact of Covid-19 and the impact of climate change.

Women, already struggling to support their families, are being prevented from building self-resilience and adaptation skills by: relocation further away from water sources and into less productive areas of land; having extra constraints on their livelihoods; living with the uncertainty of future eviction; being left alone by youth and men heading to urban centres to try to find work; being more fearful of and vulnerable to intimidation and violence towards them and their family members by authorities; having less health services and school provisions available to them due to punitive actions of authorities.

These factors compound to exacerbate their marginalization, even beyond the intolerable levels already faced by male peers.

Conclusions and recommendations

In conclusion, the continued existence of the Maasai peoples, and other indigenous peoples in Tanzania, is under immediate threat. The Tanzanian government continue its institutional and systemic persecution of pastoralists in the pursuit of substantial tourism revenues by leasing large swathes of ancestral grazing lands for the exclusive use of elite eco-tourist and game hunters.

International and multilateral conservation bodies, such as UNESCO, remain willing to mask the marginalisation and dispossession of Indigenous Peoples of their land by providing financial and/or technical support to the Tanzanian government to expand its fortress conservation approach, despite no hard evidence that this is a more effective conservation method than the sustainable management of lands by indigenous peoples.

With women and girls most harshly affected by community wide deprivations, the ongoing land disputes exacerbate disregard for gender equity, racial equity and avoidable human suffering within the region. For pastoralist women to thrive indigenous peoples rights must be respected; structural barriers that cause intersectional marginalization of women and girls must be removed; rights violations must be addressed in legal and policy frameworks; and there must be significant transformation of oppressive social norms within indigenous communities resulting in enhanced economic independence, autonomy, voice and agency of indigenous women and girls.

It is time for the world to recognize the permanent and devastatingly detrimental impact that the systematic decimation of indigenous peoples and their cultures will have on societal constructs of collective responsibility and mutual respect that support sustainable eco-systems and livelihoods.

Without the support and active engagement of internationally respected bodies, able to leverage their influence with national governments, little will change systemically and IP communities and their cultures will continue to slide into extinction.

The 2018 Oakland Institute report on the Serengeti included some key recommendations, that have not been implemented:

- Establishing an independent commission of inquiry, to include Maasai pastoralists, to investigate and publish findings of land-related human rights violations.
- The Tanzanian government must refrain from intimidation tactics and focus on prosecuting perpetrators of rights abuses involved in the arbitrary arrests, mistreatment, and imprisonment of innocent pastoralists.
- The government, should ensure pastoralists are meaningfully represented in decision-making bodies that impact their lives and livelihoods
- The Tanzanian government must immediately address the issue of severe hunger faced by the Maasai, restore their rights to graze and cultivate, and allow them to maintain their culture and livelihood.
- The Tanzanian government must ensure security of land tenure and communal ownership of land for pastoralists through constitutional and legislative safeguards.
- The Tanzanian government must ensure that all land taken unlawfully is restored to the pastoralists and must not allow any further land grabs and unlawful evictions.

The community now requests the urgent and direct intervention of the UN Special Rapporteur on the Rights of Indigenous Peoples to:

- Undertake an in-depth assessment of national and international land use regulations, laws, rights and protections for Indigenous Peoples.
- Under the auspice of the UN and in accordance to international human rights law, to ensure that the national government adopts a legal framework that fully recognizes Indigenous Peoples and their rights in Tanzania, including their land rights.
- Support the Maasai people in claiming reasonable and appropriate compensation and reparations for the abuse of powers.

Further recommendations proposed include:

- An external independent mediator should be commissioned to create space for meaningful dialogue between pastoralists and government officials and to bring peace and a long-lasting solution to this recurring conflict of the past 30 years.
- Convene a meeting of leading global tourism stakeholders, rights holders and duty bearers including representatives of Indigenous Peoples from around the world committed to having meaningful dialog to co-create alternative, truly sustainable models of tourism and conservation that respect the rights and needs of Indigenous Peoples, sustain the environment and are compatible with the national growth strategies of affected nations.

Furthermore, we recommend that enlightened strategies and substantially more resources are applied, by all stakeholders and allies of Indigenous Peoples, to tackle the causes of ingrained cultural marginalization of pastoralist women and girls, so as to bring about a more equitable, just and resilient pastoralist society, where women are respected and have a meaningful role in

decision making at all levels of society. Only then will pastoralist communities and their nations be ready to fully grip the challenges and opportunities of the future.

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