



Submission to the UN Special Rapporteur on the Rights of Indigenous Peoples for his report to the 77th Session of the UN General Assembly:

Ngorongoro Conservation Area: Not Our World Heritage Site
a history of exclusion and marginalisation of Maasai residents

Submitted by:
Maasai indigenous residents of Ngorongoro Conservation Area

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We, Maasai community leaders and residents from Ngorongoro Conservation Area (NCA), are submitting this collective input on the ongoing land dispute taking place in NCA, a World Heritage Site, for the UN Special Rapporteur on the Rights of Indigenous People's annual report to be presented at the 77th Session of the UN General Assembly. Our submission focuses specifically on the Tanzanian government's continuous failure to integrate Maasai leadership and consent in the management of the Site, including during its World Heritage Site (WHS) nomination process, and on the serious impacts that the new government multiple land use model (MLUM) report and resettlement plan in NCA will have on thousands of Maasai. The new MLUM plan represents a serious attack on our lives and culture since it calls for the relocation, and therefore dispossession, of over 80,000 Maasai from their ancestral land to make space for tourism, development and wildlife hunting. This plan will destroy our livelihoods and erode our ability to preserve our cultural practices and traditions, posing a serious threat to the survival of our culture and therefore our people.

We can guarantee that our testimony can provide evidence of the incompatibility of the World Heritage Convention (WHC) and its Operational Guidelines with the UNDRIP and other provisions of international human rights law protecting the indigenous people's rights to property, natural resources, culture, equality and non-discrimination, food, adequate housing and livelihoods. The systemic failures of the WHC to integrate indigenous rights and leadership in the inscription and management of WHS evidence the need to decolonise the WHC structure and its overall conservation framework. We believe that the paradigm framing the WHC and its approach to conservation, as well as of many other international and national conservation actors, is neo-colonial in the way it perpetuates indigenous land dispossession and legitimises systematic abuses and violations of indigenous people's rights. There is [plenty of evidence](#) supporting the [critical role of indigenous people in conservation](#), making the current model followed by the WHC incoherent to what it aims to achieve. Failing to uphold indigenous rights is a violent failure embedded in colonial conservation, until there is willingness to repair this, our communities will always be at risk.

1. NGORONGORO CONSERVATION AREA AS A PROTECTED AREA:

The Ngorongoro Conservation Area (NCA) is a multiple land-use area in northern Tanzania inhabited by over 80,000 people and the Maasai, a Nilotic ethnic group who have moved around the area and conserved the land for around 500 years, account for almost 98% of its population. Both the Maasai and the Datooga, another pastoral community that inhabits the South-East part of the NCA, are traditional nomadic pastoralists, moving with their livestock in a continuous search for grass and water: from the plains to the highland in the wet season and from the highland to the western plains in the dry season alongside the migration of millions of wild animals. The NCA is also home to numerous Hadzabe families who live on the edge of Lake Eyasi. The life, livelihoods and culture of the three indigenous groups are dependent on this land. The craters (Ngorongoro crater, Embakaai and Ormoti), the mountains (Lemakarot, Lenkai and loormalasin) are the foundation of our spirituality.

The Maasai semi-nomadic system of life plays a critical role in preserving the natural ecosystem and rich biodiversity of the area. Over centuries the Maasai have developed a finely honed symbiotic relationship with the local environment, which has allowed local ecology, domesticated livestock, and people to coexist in a resource scarce environment. This local knowledge has been largely credited as allowing the large mammal population on earth and ecological diversity to grow under the stewardship of the Maasai.

Since 1959, after the Serengeti was declared a National Park in 1940¹ and our people were first relocated from Serengeti to Loliondo and Ngorongoro by the British colonial government, our communities have faced a cycle of broken promises leading to dispossession and devastated livelihoods. As part of the resettlement “agreement” imposed by the British colonial state Maasai communities living in the Serengeti were promised not only the right to continue to use and occupy the NCA², but also a key role in the management and governance of the area.³ However, declaring the NCA a protected Area laid the foundations for our today’s tenure and food insecurity and the erosion of our traditional livelihood, spiritual and cultural practices. Although section 6 of the 1959 Ngorongoro Conservation Area Act states the following mandate of the Authority: (1) conserve and develop the natural resources of the area; (2) promote tourism; and (3) to safeguard and promote the interests of Maasai citizens of the United Republic of Tanzania engaged in cattle ranching and dairy industry in NCA. Equally, a consequent major amendment of the NCA Act of 1975 further imposed stringent restrictions on access and use of critical resources i.e. range, water and settlement. The 1975 forceful eviction of the 8 Maasai Bomas out of the Ngorongoro crater witness to this assertion.

Since 1979 the NCA continued to be accorded international statuses, rearranging the management priorities of NCAA always at the expenses of our communities - it was inscribed under UNESCO World Heritage Conventions (WHC) natural criteria (vii), (viii), (ix) and (x) in 1979 and under cultural criterion (iv) in 2010, becoming one of the few ‘mixed’ World Heritage areas in the world. It was also later declared an International Biosphere Reserve in 1981 and a UNESCO Global Geo-Park in 2017. None of these inscriptions did not seek the free, prior and informed consent of the residents of Ngorongoro - the lack of community involvement and participation was particularly detrimental in the 2010 inscription⁴ as it led to a series of misrepresentations and omissions in the sections on the culture and role of the Maasai, which could have affected the WH Committee final decision.⁵

¹ Under the Game Ordinance of 1940.

² Tanganyika Government Paper No. 5 of 1958: Proposals for Reconstituting the Serengeti National Park. Quoted in Shivji and Kapinga 1998, p. 9.

³ Shetler, J. (2007), *Imagining Serengeti: A History of Landscape Memory in Tanzania from Earliest Times to the Present*. Athens: Ohio University Press.

⁴ Important to point out here is that the 2010 inscription came three years after the UN approved and adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which meant that organisations like the UNESCO had a legal obligation to ensure the consent and involvement of indigenous communities in decision-making processes on matters that can potentially affect local communities’ livelihoods, ways of life and cultural survival.

⁵ Olenasha, W. (2014) "A world heritage site in the Ngorongoro conservation area: Whose world? Whose heritage" *World heritage sites and indigenous peoples’ rights*, IWGIA, pp. 189-220.

<https://mail.iwgia.org/en/resources/publications/305-books/3181-world-heritage-sites-and-indigenous-peoples-rights.html>

As Olenasha (2014) points out analysing the consequences of re-framing the NCA management approach following its inscription under the WHC:

[...] Being a World Heritage site does not come without a price; it usually means that stricter standards of conservation and care must be put in place with a view to maintaining this status. For a multiple land-use area such as the NCA, where people are supposed to be a part of the conservation equation, it means that the people's development and livelihoods must be carried out with the World Heritage site status in mind. More restrictions have therefore been imposed on human activities in the conservation area, justified on the grounds of it being a World Heritage site. In particular, human activities have been restricted so that no major alteration to the 'naturalness' of the area will occur.⁶

In a 1998 study on Maasai rights in Ngorongoro, law professors Issa Shivji and Wilbert Kapinga highlighted that:

The problems and predicament of the Maasai residents in the Area relate to the special, internationally significant conservation and tourist status accorded to their home. The Conservation Area is on UNESCO's World Heritage List and is a Biosphere Reserve. It is probably the most important tourist attraction⁷, yielding the highest foreign-exchange income, in the tourism sector. These virtues of their homeland have not necessarily been a boon to the human rights of the residents... It is with this as a backdrop, that the human rights of the Maasai residents, both as a community, as individuals and as citizens, have come under severe stress."⁸

As it will be clear from the evidence provided in this submission, these arbitrary acts reinforced our exclusion from meaningfully participating in the management and enjoyment of benefits of the enterprise. Overall, the establishment of the Ngorongoro Conservation Area Authority (NCAA) only further added to our demise than relief.

Overall, over the past century, numerous land laws – passed first by the British colonial government and then by the Tanzanian government, often with the support and backing of international

⁶ Olenasha (2014), p. 195.

⁷ As reported by Olenasha (2014) since the NCA became a World Heritage Site the number of tourists have increased significantly, from about 20,000 per year in 1979 to more than 500,000 in 2008.

See UNESCO and IUCN, (2007). Ngorongoro Conservation Area (United Republic of Tanzania): Report of the Reactive Monitoring Mission, Paris, World Heritage Centre, 29 April to 5 May 2007

See also UNESCO and IUCN, (2009). Mission Report: Reactive Monitoring Mission, Ngorongoro Conservation Area (United Republic of Tanzania), Paris, World Heritage Centre, 1-6 December, 2008

⁸ Olenasha (2014), p. 188.

Shivji, I. and Kapinga, W. (1998). Maasai rights in Ngorongoro, Tanzania. Dar es Salaam, IIED/HAKIARDHI.

conservation groups – have forced the Maasai onto smaller and smaller plots of land – stifling their livelihoods and threatening our very existence.⁹

Today the access to traditional natural resources used by wildlife and herders and our people's livelihoods are being threatened again by the new MLUM. The kind of long-term care and conservation that Maasai provide to the NCA should be rewarded and lauded. Instead, we are fighting for our lives – facing violence, starvation, eviction, and disease, as foreign investors and tourism enterprises seek to profit off of our stewardship.

2. MAASAI RESIDENTS SYSTEMATICALLY EXCLUDED FROM NCA ASSESSMENT AND REVIEW:

The Tanzanian government has been undertaking a plan to displace the Maasai out of Ngorongoro without publicly sharing the decision-making process and without involving or informing local communities. In 2016, the President Office, Prime Minister office, Arusha Regional Commissioner, District Commissioner, and the Chief Conservator for Ngorongoro exchanged a series of private letters¹⁰ discussing the need for resettlement of pastoralist residents out of NCA. To execute the already formed decision in 2016, the government in 2017 undertook four parallel non holistic processes as a means to seek data to justify the decision already made and contained in the secret letters “to displace the Maasai out of Ngorongoro ”. The government through the 2017 parallel project intended to secure a justification that pastoralism as a formal system of livelihoods is unsustainable and incompatible with nature.

First, the government commissioned a team to review the Ngorongoro Conservation Area Management Plan for the following ten years. The team was formed by experts in wildlife conservation and management and was entirely financed and coordinated by the Ngorongoro Conservation Area Authority (NCAA). Its final report has not been released to the public to this day, which means that for the past five years NCA residents have not had access to the assessment's findings and any conclusions suggesting the need to amend the Management plan, and that during the past 5 years the NCAA has managed the area without its key governing policy document.

The same year the government carried out a census of both people and livestock residing within the NCA. Since 2012 when Tanzania conducted its latest National Census there have been three Censuses in NCA in 2012, 2013 and 2017. The outcome of the 2017 census for both human and livestock indicated an increase up to 93,000 people living within the NCA from less than 70,000 in 2012 - a population increase by 32% in four years from the national profile of 2.7% making the data nearly impossible. Furthermore, the data indicated an average of 1.5 livestock per person, a sign of

⁹ See Andy Currier and Anuradha Mittal (2021) *The Looming Threat of Eviction: The Continued Displacement of the Maasai Under the Guise of Conservation in Ngorongoro Conservation Area*, Oakland: Oakland Institute, <https://www.oaklandinstitute.org/looming-threat- eviction>.

¹⁰ See the original [leaked letter](#) (2016) from the PM Office to the Arusha Regional Commissioner, District Commissioner, and the Chief Conservator for Ngorongoro and the President highlighting the government's intentions to resettle NCA residents. You can find the english translation [here](#).

acute poverty in the area. Even though the Tanzanian government, UNESCO and IUCN have framed Maasai population growth in the area as a factor of main concern for the preservation of NCA biological integrity, according to the government data population density in NCA remains at 10 persons per kilometre square, well below the country profile population density that stands at 64 persons per kilometre square.

Subsequently, the Minister for Natural Resources and Tourism Commissioned a team to review the Multiple Land Use Status which has been legally accorded to Ngorongoro Conservation Area in 1959. The team was largely formed by people in the conservation and tourism industry. Not only local Maasai communities living within NCA were not involved in the data collection process, but they have also not been informed of its findings to this day.

Lastly, again in 2017, the government instructed the Law Review Commission to review the 1959 Ngorongoro Conservation Area Act(Ngorongoro Conservation Area Act Chapter 284 R:E 2002). From its inception to the conclusion of the law review assignment, Maasai residents have not been consulted in the process and findings have not been made public.

Overall, since the NCA's creation in 1959, despite the British authorities' promises, our communities have been largely excluded and sidelined from management positions in the NCAA and from having any sort of leadership position or decision-making power in the general governance of the Site.

3. IMPACTS OF IUCN/UNESCO/ICOMOS AND ICCROM RECOMMENDATIONS ON OUR RIGHTS IN NCA

Recommendation: The mission team report of 2007¹¹ notes that Ngorongoro Conservation Area does not have the capacity to sustain the current Maasai population of 60,000 people and 360,000 cattle. This is repeated in the joint mission report of 2008¹² and joint mission report of 2019¹³, where IUCN and UNESCO expressed real concerns over the impacts of human population pressure on the universal values of the property (NCA), framed as the “most important and growing threat” to the ecological integrity of the area - as a result they called on the Government of Tanzania to take urgent measures to control population growth. The government response to this recommendation resulted in a plan to implement indiscriminate resettlement schemes that makes it difficult for us to normally live peacefully. Formulation of Ngorongoro Management plans that restrict grazing and water access in designated zones, marginal share of the income generated from tourism and poor provision of social services impacts the quality of our lives badly.

¹¹ See UNESCO and IUCN, (2007), p. 19

¹² UNESCO and IUCN (2008), p. 22

¹³ Moukala, E., Taruvinga, P., Zulu, T. (2019) Report on the Joint WHC/ICOMOS/IUCN Mission to Ngorongoro Conservation Area, United Republic of Tanzania. UNESCO World Heritage Centre, International Council on Monuments and Sites (ICOMOS), International Union for the Conservation of Nature (IUCN), March 2019, p. 8.

Impacts of this recommendation:

- a) Increase illiteracy which stands at a staggering 64 percent¹⁴ in spite of the fact that UNESCO is the only UN agency with the mandate to cover all aspects of education in accordance with their mandate.
- b) Persistence of hunger and starvation where [70% of us are facing hunger](#). The untimely reimposition of the ban on subsistence in 2008 accounts for critical food insecurity in NCA. The ban did not come up with sustainable and culturally appropriate alternatives to food.

Recommendation: The 2007, 2008 and 2019 joint mission reports were unfair to pastoralists. The 2008 joint mission report¹⁵ recommend that the state party “...discourage access of cattle to the crater and to reduce impact of cattle on the fragile slopes and floor of the main crater.” The ban on the use of Ngorongoro, Ormoti and Embakaai craters was imposed in 2016 by a prime minister order as a direct result of this recommendation and consequently cattles were poisoned¹⁶ through the saltlicks provided by the NCAA.

Impacts of this recommendation:

- The prohibition of livestock access to the crater and other rangeland forced livestock to resort to poor and marginal areas with less grass, water and salt licks. These actions directly and significantly led to lower livestock per capita.
- There are reports of residents leaving the area as the hardships tightens on them. Women are abandoning their families, going far to scavenge in harvested maize fields in Karatu and beyond as a result of the NCAA suffocating policies induced by the UNESCO, IUCN recommendations.
- Lactating mothers leave behind their infants to hunt for corn miles away from home in the neighbouring districts particularly Karatu, only to return in circles of two days for the young to suckle before returning to scavenge again.
- Youths and old men desert families to seek casual labour as watchmen throughout East and Central Africa cities.

¹⁴ URT (2019). The Multiple Land Use Model of Ngorongoro Conservation area: Achievements and Lessons Learnt, Challenges and Options for the future, Ministry of Natural Resources and Tourism, Dodoma, final report, October.

¹⁵ See also UNESCO and IUCN. (2008), p. 18

¹⁶ You can find the lab results proving that saltlicks provided by the NCAA, following the restrictions on access to the crater, contained toxic substances [here](#).

Recommendation: The joint mission reports of 2007 and of 2008¹⁷ recommended that the state party bans subsistence cultivation in the area.

Impact of this recommendation:

- In 2013, the Government admitted that 97% of the residents of Ngorongoro are living in abject poverty.¹⁸ In 2017, the national bureau of statistics arrived at the relatively same conclusion.¹⁹ In 2019 the Government declared, “Human conditions are deteriorating in Ngorongoro.”²⁰

Recommendation: The joint missions 2007, 2008 and 2019 were critical of the so-called “rampant settlements.”. The 2019 joint mission report states, “The virtual impact of emerging houses and settlements within the property is a matter of huge concern.”²¹

Impact of this recommendation:

- The right to decent housing amongst the residents is strictly prohibited. The state party prohibits entry of construction materials into Indigenous people territory in Ngorongoro while such materials can only be imported from outside NCA
- The government on 12th April 2021 issued a public notice targeting with demolition key services within Ngorongoro that included private properties and public properties such as government primary schools, dispensaries, police station, churches, mosque and individual homes that collectively meant to disturb social setup within the area

Recommendation: all missions have put emphasis on the improvement of roads for the tourists. They say little, if anything, about the right to roads for the residents of Ngorongoro. Further, the World Heritage Committee, at its 41st Session in Krakow, Poland, made a recommendation that communities be denied road rights to the residents of Ngorongoro. The 2019 report puts emphasis on roads for the tourists and the south bypass road.²²

¹⁷ See UNESCO and IUCN, (2007), p. 32; See also UNESCO and IUCN. (2008), p. 7

¹⁸ JMT (2013), Taarifa ya Tathmini ya Watu na Hali ya Uchumi Tarafa ya Ngorongoro, Ofisi ya Waziri Mkuu (TAMISEMI), Dodoma, Septemba.

¹⁹ NBS (2017). Human and livestock census for Ngorongoro Conservation Area. National Bureau of Statistics, 2017.

²⁰ URT (2019). The Multiple Land Use Model of Ngorongoro Conservation area: Achievements and Lessons Learnt, Challenges and Options for the future, Ministry of Natural Resources and Tourism, Dodoma, final report, October.

²¹ Moukala, E., Taruvinga, P., Zulu, T. (2019), p. 8

²² Moukala, E., Taruvinga, P., Zulu, T. (2019), p. 23

Impact of this recommendation:

- The residents in the majority of the 25 villages in Ngorongoro have no access to roads. The only available roads in the area are those that are intended to access the tourist attractions.

4. THE NEW NCA MULTIPLE LAND USE AND RESETTLEMENT PLAN

In March 2019, a joint monitoring mission from the UNESCO World Heritage Centre (WHC), the International Union for the Conservation of Nature (IUCN) and the International Council on Monuments and Sites (ICOMOS) asked the Ngorongoro Conservation Area Authority (NCAA) to urgently control population growth in the NCA and to the Tanzanian government to “complete the Multiple Land Use Model review exercise and share the results with World Heritage Centre and Advisory Bodies to advise on the most appropriate land use model, including in the matter of settling local communities in protected areas”²³. The Tanzanian government responded by producing [a Multiple Land Use Model \(MLUM\)](#) and [Village Resettlement Plan](#).²⁴

If implemented, the MLUM will expand the NCA from 8,100 km² to 12,083 km² including areas from Lake Natron and Loliondo Game Controlled Areas (GCAs) – already contested in the East African Court of Justice.

First, the report recommended the resettlement of all its 97,000 indigenous and legal residents with an option of redesignating it as a Game Control Area to licence trophy hunting.

As an alternative, the Ministry of Natural Resources and Tourism proposed that the NCA be divided into four management zones with varying land use regulations (core conservation zone, conservation sub-zone, transition zone and settlement and development zone). This designates at least 82% of the area to conservation, making access for pastoralism illegal and leaving only 18% (2,230 km²) for "settlement and development".

According to the plan, NCA residents would be strictly restricted from entering the “core conservation zone,” which covers an area of 3,402 km² – 28% of the NCA. The core conservation zone will consist of areas identified for conservation, wildlife refuge, and water catchment, and will only be used for tourist development, trophy hunting and research and training. The “core conservation sub zone” covering 1,053 km² (9 percent) will also be primarily used for tourist development and research and training with no settlement, grazing, or crop production permitted. The “transition zone” covering 5,398 km² (45 percent), prohibits settlements and crop production while allowing seasonal grazing for livestock. In this proposal, the government aims to resettle over 80,000 community members, largely Maasai, out of Ngorongoro and into areas that according to Maasai leaders cannot sustain their traditional livelihoods.

²³ Moukala, E., Taruvinga, P., Zulu, T. (2019), p. 39

²⁴ The Oakland Institute. “UNESCO and Tanzanian Government's Plan Threatens the Continued Survival of the Maasai.” Op. Cit.

The new proposed plan will either lead to a total resettlement or significantly reduce the land available for housing and pastoralism to the Maasai, crucial to our livelihoods. This is devastating given the hunger and food insecurity that, as mentioned above, 70% of Maasai residents already face with the existing restrictions, such as on subsistence cultivation. [The result is increased poverty \(which already affects 50% of Maasai residents\), widespread starvation and disease, especially amongst children.](#)²⁵ The lack of resources and sacred sites within the Settlement and Development Zone presents a grave threat to the continued survival of our traditional cultural practices.

a. False narratives

As pointed out in the previous sections of the document, following UNESCO and IUCN 2007, 2008 and 2019 mission reports, the government is justifying these mass evictions framing livestock grazing and Maasai population growth as the leading cause for the environmental degradation of the area, presenting the forced relocation of local residents as in the interests of conservation and tourism. This is a false and biased narrative since [the Maasai have preserved those lands for centuries](#) and [all the evidence](#) shows that Maasai are the best guardians of the local ecosystems: Indigenous people already protect 80% of global biodiversity while [the tourism industry creates extreme pollution and environmental degradation](#), while [safaris harm wildlife](#). As Homewood and Rodgers point out in their report, “pastoralist land use presents no threat to wildlife populations or the environment in NCA” - actually it contributes to the maintenance of high biodiversity levels - and that therefore “there is no justification on conservation or other grounds for expelling the Maasai”.²⁶

Furthermore, our government is arguing that relocation is also meant to tackle Maasai poverty and illiteracy while evidence suggests that evictions and government land management have been their main causes and that they will only worsen our already precarious situation. [Many studies](#) from 1980s to date have clearly established how the government has heavily invested in poverty as a “weapon” for relocation of the Maasai in Ngorongoro Conservation Area.

As far as the consultation process for the new MLUM and resettlement plan is concerned, in 2017 a new Ngorongoro General Management plan began to be drafted by a group of people with known interests invested in the tourism and conservation sector without a single NCA resident. Few who were later appointed were expelled before the conclusion of the assignment. This equally applies to the MLUM process where the work officially started in August as commissioned by the Ministry of Natural Resource and Tourism and the only person hailing from NCA was appointed in October and forced out before the end of the assignment. Ultimately, in both General Management Plan and

²⁵ See also Young AG. (2009) Current research on health among Tanzanian pastoralists, and future directions for improving pastoral health in East Africa. *East Africa Journal of Research*. 1(1), 71-78.

PINGOs Forum et al., (2007) *A Report on Eviction and Resettlement of Pastoralists from Ihefu and Usangu— Mbarali District—to Kilwa and Lindi Districts*

Alyson G. Young, (2008) *Young child Health among Eyasi Datao: Socio-economic Marginalization, Local Biology, and Infant Resilience with the Mother Infant Dyad*, 66.

²⁶ Homewood, K. and Rodgers, W. (1991). *Maasailand Ecology: Pastoralist development and wildlife conservation in Ngorongoro, Tanzania*. Cambridge, Cambridge University Press: pp. 247, 265

the MLUM Report writing, the NCA participants were not included in the early stages of the work, when much of the assignment’s ideas were formed and discussed, nor were they during its conclusion when decisions and recommendations of the potential options were finalised.

It is clear that even though the Tanzanian government and NCAA argue that communities were consulted in the drafting of the proposed MLUM and resettlement plan, many of our community members that nominally identified by the taskforce complained of the apparent disregard of their recommendations and concerns in the final version of the plan. One of them pointed out that “we were not given a chance to present our opinions on the matter. The prepared report which forms the basis of the current government campaign to displace our people does not include residents’ opinions.”²⁷ As a result, consultation participants drafted the “Dissenting Position on the Proposed Zoning Scheme”, highlighting that “even with in-depth discussions and sharing our ecological knowledge, we have failed to reach a consensus on the removal of some villages from the proposed ‘core’ [conservation] zone.”²⁸ Despite the fact that these villages did not overlap with critical [ecological] hotspots, they remained designated for abolishment by the MLUM plan.²⁹

Furthermore, on several occasions we expressed our grave concern for the inability of the zone proposed for settlement to sustain our livelihoods and needs, including building decent housing, growing food, livestock grazing including within restricted management zones, and accessing key services in terms of water, health facilities, schools and electricity. Among the other key points that emerged from the consultative meetings we requested maintaining the MLUM with more benefits generated from tourism revenue; having a secure path towards land ownership with title deeds; reclaiming encroached and excised area of NCA (192 km²); being meaningfully involved in all issues which affect community livelihoods; and being compensated for livestock depredation and human attacks³⁰. Again, none of these recommendations and concerns were integrated in the final draft of the MLUM and resettlement plan [for recent development on the MLUM and resettlement plan case [see Annex 1](#)]

b. The role of UNESCO in the new MLUM and resettlement plan

Anuradha Mittal, founder and executive director of the Oakland Institute, pointed out how UNESCO in its recommendations proposed a plan even more extreme than what the Tanzanian government ended up taking forward:

What cannot be ignored is the egregious role of UNESCO in the new plan. In the stakeholder consultation for the MLUM review report, the UNESCO Commission called for the total abandonment of the multiple land use model, and advocated for the removal of all people to create a Nature Reserve — while keeping the Bomas intact for “cultural tourism.” Additionally, UNESCO notes that “relocation of Maasai will not be a new event in

²⁷ Maasai Community member, name withheld for security reasons, 2020.

²⁸ Dissenting Position on the Proposed Zoning Scheme (2021).
Available at: <https://www.oaklandinstitute.org/country/tanzania>.

²⁹ Dissenting Position on the Proposed Zoning Scheme (2021)

³⁰ Dissenting Position on the Proposed Zoning Scheme (2021)

Tanzania.” This position from a UN agency whose mandate is “building peace in the minds of men and women,” demonstrates not only its blatant disregard for the historical wrongs inflicted upon the Maasai, but also for the internationally recognized rights of Indigenous Peoples. It also contradicts UNESCO’s own assessment that “Cultural diversity is under attack and new forms of intolerance, rejection of scientific facts and threats to freedom of expression challenge peace and human rights.”³¹

Even though over the years UNESCO has repeatedly denied all responsibility and liability for any resettlement plan of NCA residents³², as the evidence presented in this submission indicate UNESCO has played a key role in the relocation of local communities, including by calling for the ban on subsistence cultivation to drive residents off the NCA and by pressuring the Tanzanian government to assess and review the human “carrying capacity” of the area³³

5. FORFEITED UNESCO AND ITS ADVISORY BODIES MANDATES.

IUCN and UNESCO both have the obligation and commitments to respect and protect human rights and, in a unique way, those of indigenous peoples. [The 2018 UNESCO Policy On Engaging with Indigenous Peoples](#) affirms that “the organisation will implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) across all relevant programme areas”³⁴ On the same footing [IUCN Environmental & Social Management System \(ESMS\)](#), Version 2.1 of December 2019 provides for a Standard for protection of Indigenous Peoples based on the UNDRIP.

However, the actions and recommendations that both institutions make to the government of Tanzania on the Ngorongoro Conservations Area contravene these standards. The same recommendations are also contrary to the ILO Convention 169 on indigenous and tribal peoples. [The Convention on Biological Diversity Article 8\(j\)](#) requires countries to: respect, preserve and maintain the knowledge, innovations and practices of indigenous people; and finally, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) reaffirms our rights to our traditional lands, territories and resources. In addition, the State has the duty to obtain our Free, Prior and Informed Consent (FPIC) before adopting measures that may affect our rights, lands, territories and resources.

³¹ The Oakland Institute (2019), “UNESCO and Tanzanian Government's Plan Threatens the Continued Survival of the Maasai.” Op. Cit.

Ministry of Natural Resources and Tourism, United Republic of Tanzania. The Multiple Land Use Model of Ngorongoro Conservation Area: Achievements and Lessons Learnt, Challenges and Options for the Future. Op. Cit., p. 95.

UNESCO. “About us.” <https://en.unesco.org/about-us/introducing-unesco>.

³² The most recent example is [UNESCO latest statement](#) on the current NCA dispute issued on the 21st of March 2022

³³ UNESCO and ICOMOS (2011), Report on the joint UNESCO/ICOMOS Reactive Monitoring Mission to Ngorongoro Conservation Area (United Republic of Tanzania), 6 to 12 February 2011. Paris, World Heritage Centre.

³⁴ UNESCO (2018), UNESCO Policy On Engaging with Indigenous Peoples, p. 4

a. Conflict of UNESCO recommendations with UNESCO Constitution and policy of engagement with indigenous peoples

As stated in its Constitution³⁵, “*UNESCO pursues “universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion”*”

Making reference to the 2018 UNESCO policy on engaging with indigenous peoples and the UNESCO’s Medium-Term Strategy for the 2014-2021 period which affirms that “*the Organization will implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) across all relevant programme areas*”³⁶

Further; Article 4 of the policy states that “*human rights are at the heart of UNESCO’s mandate and are included in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), human rights treaties, and other related international documents.*”³⁷

We, indigenous peoples residents of Ngorongoro Conservation Area, are confident that UNESCO is clearly in violation of its constitution and their policy on engagement of indigenous peoples as the above recommendations to the government of the United Republic of Tanzania violate human rights and are directly in conflict with the spirit of protecting the human rights of our community.

6. PETITIONS AND RECOMMENDATIONS OF INDIGENOUS PEOPLES OF NGORONGORO

As a result of the World Heritage inscriptions, the Maasai in the NCA are confronted with new management priorities aimed at safeguarding so-called “Outstanding Universal Values” which were defined without our participation and consent and do not include or reflect our own socio-cultural, economic, and political values.

From the fact that the World Heritage inscriptions have affected the balance of priorities within the multiple land use system, at the expense of the needs and aspirations of the Maasai community which has been subjected to a host of restrictions on land-use as a direct result of the involvement of UNESCO, IUCN and ICOMOS, we the undersigned have the following to make known to UNESCO and affiliates [[see Annex 2](#) for examples of our previous engagements with UNESCO]

That, given the fact that for a long time since (1979 to 2021), UNESCO has made recommendations and decisions that violate our human rights. These decisions and recommendations have been implemented by Tanzania. These decisions and recommendations were conducted without our free, prior and informed consent.

³⁵ UNESCO. 2001, UNESCO Universal Declaration on Cultural Diversity.

³⁶ UNESCO Policy on engaging indigenous people p. 4

³⁷ UNESCO. 2001, UNESCO Universal Declaration on Cultural Diversity.

We respectfully request the following:

1. UNESCO should withdraw all recommendations and decisions cited in this petition and similar recommendations and decisions made by WHS joint missions.
2. UNESCO should stop funding activities that undermine the rights of indigenous peoples in the NCA.
3. UNESCO should conduct a participatory assessment and address damages resulting from decisions and recommendations to the state party to (1) ban subsistence cultivation and (2) restrict access to vital range and water sources resulting in ongoing hunger and starvation in Ngorongoro,.
4. That an independent review team on human rights abuses in the NCA be instituted. The review team should be multidisciplinary to include Indigenous Peoples of Ngorongoro, civil society and the UN Special Rapporteur on the Rights of Indigenous Peoples or other specialised body of the United Nations.
5. UNESCO should refrain from exerting pressure on the state party to conform to inscriptions accorded to NCA which violate human rights. An example is the recommendation for eviction of the NCA residents as in 2019 mission report pages 33-34.

Our requests above are in line with UNESCO's Policy of Engagement with Indigenous peoples particularly the section on: **biodiversity, ecology and earth sciences, including biosphere reserves and UNESCO Global Geoparks**

6. We further call on UNESCO to fully implement and abide by the provisions of its Policy presented below on conservation and management in and around cultural and natural heritage sites:
 - a) Improve the ability, opportunities and dignity of all, irrespective of age, gender, disability, ethnicity, origin, religion, or economic or other status;
 - b) Promote equity and reduce social and economic inequalities and exclusions of all, irrespective of age, gender, disability, ethnicity, origin, religion, or economic or other status;
 - c) Recognize, respect, and take into account the spiritual and cultural values, the interconnections between biological and cultural diversity as well as cultural and environmental knowledge of indigenous peoples;
 - d) Ensure adequate consultations for the free, prior and informed consent and equitable and effective participation of indigenous peoples where nomination, management and policy measures of international designations affect their territories, lands, resources and ways of life¹²; and actively promote indigenous and local initiatives to develop

equitable and inclusive governance arrangements, collaborative management systems and, when appropriate, redress mechanisms.

- e) Ensure that the interventions made by UNESCO are compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities. “ [\[see Annex 3\]](#) for community demands to the Tanzanian government]

Kind regards



Joseph Moses Oleshangay

Representative of the Ngorongoro indigenous people

ANNEX 1

RECENT DEVELOPMENT ON THE NEW MLUM AND RESETTLEMENT PLAN

As part of the MLUM implementation process, and in Response to President Samia Suluhu directives³⁸, on the 12th April 2021 [the NCAA released eviction notices](#) to 45 families and ordered over 100 buildings to be destroyed. The local community infrastructure subject to demolition includes schools, dispensaries, police stations, churches, mosques and health clinics, as well as arresting and beating Maasai residents for grazing cattle in the future “no-grazing” areas. The order was rescinded 8 days later, but the threat of potential future evictions remained³⁹.

While the government claims this relocation is voluntary, [our communities have been protesting](#) in every way they can [while police forces and park authorities have been harassing, arresting and beating up community members](#). Moreover, to ensure that all these crimes go unattended, the government, police force and park authorities have not been allowing media coverage of the Maasai perspective on the story and journalists who have attempted to report on it have been arrested, first [on February 3, 2022](#) and then [on February 17, 2022](#) – when Prime Minister Majaliwa visited Ngorongoro.

[On the 9th of February 2022 the Prime Minister, Kassim Majaliwa](#), reiterated the government’s intention to carry out the new MLUM, now supported by a significant majority of MPs. On the same occasion Damas Ndumbaro, Minister of Natural Resources and Tourism, announced that the government is due to review the Ngorongoro Conservation Area Act of 1975, since the equal prioritisation of communities, development and tourism no longer suits Tanzania’s economic and conservation interests. The amendment bill to the Ngorongoro Conservation Area Act is scheduled to be discussed in parliament starting from the 5th April 2022.

On February 28, over 4000 Maasai residents gathered in Endulen, Nainokanoka, Oloirobi and Olbalbal and held four demonstrations to protest against the Tanzanian government's plans to forcibly relocate over 80,000 Maasai residents living in NCA and over 70,000 living in Loliondo. As part of the protest hundreds of Maasai shut down the Ngorongoro Conservation Area (NCA) by occupying and blockading major highways within the NCA.

³⁸ <https://thechanzo.com/2021/04/14/what-president-samia-needs-to-know-about-ngorongoro/>

³⁹ Also see <https://thechanzo.com/2021/04/20/with-eviction-notice-suspended-ncaa-leadership-must-now-be-held-accountable/>

ANNEX 2

PREVIOUS ENGAGEMENTS

It is not the first time that we have attempted to engage UNESCO to seek opportunities for genuine and good faith dialogue and demand accountability to respect to our human rights in NCA. This includes a coincidental meeting resulting from the demand we made to UNESCO and IUCN to ask during its mission to meet us on December 4, 2008. In that meeting, we explained the extent of our suffering, and submitted a written statement.⁴⁰ Despite this luck, subsequent mission reports continued to undermine our legal welfare in the NCA.⁴¹

Likewise, at the UN Permanent Forum 10th session held in New York from May 16 to 27, 2011, nearly 70 organisations from around the world raised concerns on the way world heritage management trends impact indigenous peoples negatively, the Ngorongoro case was raised. The joint statement argued that the listings of indigenous lands as WHS “lead to additional restrictions on the livelihoods of the indigenous residents and further infringe.”⁴²

The International Expert Workshop on the World Heritage Convention and Indigenous Peoples held in Copenhagen, Demark, September 20-21, 2012 attended by UNESCO and IUCN, was informed once again about the woes of the residents of Ngorongoro resulting from atrocious recommendations of their joint missions.⁴³ This plea was ignored once again.

We also sent a petition to UNESCO in August 2021 through the UNESCO grievance mechanism to which we received no response.⁴⁴

⁴⁰ Statement, findings and recommendations from the indigenous residents and stakeholders of Ngorongoro Conservation Area to decision makers, national and international organisations, December 4, 2008

⁴¹ See UNESCO, IUCN and ICOMOs joint mission to Ngorongoro of 2012 page 5.

⁴² Joint Statement on Continuous violations of the principle of free, prior and informed consent in the context of UNESCO’s World Heritage Convention, New York, United States, May 16-27, 2011

⁴³ IWGIA, (2013) Report of International Expert Workshop on the World Heritage Convention and Indigenous Peoples, Copenhagen, Denmark, September 20-21, 2012 p47.

⁴⁴ Some of the content in this submission has been adapted from our community petition
You can find our petition here: https://docs.google.com/document/d/1a8Nc2sZDATHA_OX5rxRUKwACwBGI-IOwZvzVsu2COzE/edit

ANNEX 3

Despite the intimidation and attempts to suppress our rights to freedom of assembly, freedom of the press and freedom of expression, the communities in Loliondo and Ngorongoro have formulated clear demands:

1. The Tanzania Government and International agencies involved in informing the new MLUM in NCA, such as UNESCO and IUCN, should desist from executing and supporting in any way the current new MLUM, the General Management Plan and related law review proposals that will inevitably result in serious human right violation
2. The government should abandon its secret relocation plans part of the new MLUM in NCA that have caused sustained fear among the local community and will inevitably lead to the erosion of the community's livelihood and cultural identity
3. The government should transparently address the claim that the Ngorongoro Conservation Area Authority (NCAA) [has recently provided salt licks for livestock contaminated by toxic substances](#) that have already caused the death of Maasai livestock. In this regard, the government should then take appropriate legal measures against anyone responsible for this deed
4. Pursuant to the law that establishes the Ngorongoro Conservation Area Authority, the government should be acting in a manner that gives equal weight and importance to the three founding objectives: safeguard and develop the interests of the Maasai Pastoral Community, Conservation and Tourism.
5. Given the historical records and the emerged misunderstanding between the Maasai community in one hand and the government/NCAA, UNESCO and IUCN on the other, there is a timely need to re-address claimed historical injustices against the community, including the large-scale dispossession of Maasai land, displacement of Maasai people and the eradication of their indigenous knowledge in the management of the area.
6. The government must restore all suspended development projects including schools, health services, and water projects in NCA with no conditions.
7. We demand for an Independent Commission of Inquiry to address the current and historical human rights injustices in the NCA and the involvement and role of the Tanzanian Government, UNESCO and IUCN in those violations.
8. For both the NCA and Loliondo the government should promote an independent study about the social, economic and environmental impacts of the existing model of coexistence between the local ecosystem and local communities before any eviction. The study should come up with best long term strategies for both the government and local communities and be carried out by an independent team of environmental as well as human and land rights consultants