

Country Technical Note on  
Indigenous Peoples' Issues

# United Republic of Tanzania



Investing in rural people



IWGIA

**Country Technical Notes on Indigenous Peoples' Issues**

**THE UNITED REPUBLIC OF TANZANIA**

**Submitted by:**

**IWGIA**

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## ACRONYMS AND ABBREVIATIONS

<b>ACHPR</b>	African Commission on Human and Peoples' Rights
<b>AU</b>	African Union
<b>CBO</b>	Community Based Organization
<b>CCM</b>	Chama Cha Mapinduzi (Party of the Revolution)
<b>FAO</b>	Food and Agricultural Organization
<b>FBO</b>	Faith Based Organization
<b>FGM</b>	Female Genital Mutilation
<b>GCA</b>	Game Conservation Area
<b>GDP</b>	Gross Domestic Product
<b>GoT</b>	Government of the United Republic of Tanzania
<b>HDI</b>	Human Development Index
<b>HRC</b>	Human Rights Council
<b>IBRD</b>	International Bank for Reconstruction and Development
<b>IDA</b>	International Development Association
<b>IDP</b>	Internally Displaced Persons
<b>IFAD</b>	International Fund for Agricultural Development
<b>IGAD</b>	Intergovernmental Authority on Development
<b>ILO</b>	International Labor Organization
<b>IMF</b>	International Monetary Fund
<b>IPP</b>	Indigenous Peoples Plan
<b>IPPF</b>	Indigenous Peoples Plan Framework
<b>IWGIA</b>	International Work Group for Indigenous Affairs
<b>JAST</b>	Joint Assistance Strategy Tanzania
<b>LGRP</b>	Local Government Reform Program
<b>LHRC</b>	Legal and Human Rights Centre
<b>MKUTUTA</b>	National Growth and Poverty Reduction Strategy
<b>NAFCO</b>	National Agriculture and Food Corporation
<b>NARCO</b>	National Ranching Corporation
<b>NCA</b>	Ngorongoro Conservation Area
<b>NGO</b>	Non-Governmental Organization
<b>NIPCC-REDD</b>	National Indigenous Peoples' Coordination Committee on REDD
<b>NLP</b>	National Land Policy
<b>OAU</b>	Organization of African Unity
<b>OBC</b>	Otterlo Business Corporation
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>ODA</b>	Official Development Assistance
<b>OHCHR</b>	The Office of the High Commissioner for Human Rights
<b>OP</b>	Operational Policy
<b>OPEC</b>	Organization of the Petroleum Exporting Countries
<b>PINGO</b>	Pastoralist Indigenous NGO
<b>PLTF</b>	Pastoral Livelihood Task Force
<b>RDS</b>	Rural Development Strategy
<b>REDD</b>	Reducing Emissions from Deforestation and Forest Degradation
<b>TASAF</b>	Tanzania Social Action Fund
<b>TShs</b>	Tanzanian Shillings
<b>UNCT</b>	United Nations Country Team
<b>UNDAP</b>	UN Development Assistance Programme
<b>UNDP</b>	UN Development Program

<b>UNDRIP</b>	UN Declaration on the Rights of Indigenous Peoples
<b>UNESCO</b>	UN Educational, Scientific and Cultural organization
<b>UPR</b>	Universal Periodic Review
<b>URT</b>	United Republic of Tanzania
<b>WB</b>	World Bank
<b>WBG</b>	World Bank Group
<b>WGIP</b>	Working Group on Indigenous Populations
<b>WHO</b>	World Health Organization
<b>WISP</b>	World Initiative for Sustainable Pastoralism
<b>WWF</b>	World Wildlife Fund

## Summary

The United Republic of Tanzania (URT) has a multi-ethnic population with more than 125 different ethnic communities. Four of these—the Hadzabe, the Akie, the Maasai and the Barabaig—identify themselves as indigenous peoples. The concept of indigenous peoples is not acknowledged in Tanzania, but the government “recognizes the vulnerability of some of the marginalized communities”.

The majority of the indigenous peoples live in northern Tanzania, in the Arusha and Manyara Regions. The Hadzabe and the Akie are traditionally nomadic hunter-gatherers. Both have experienced attempts by the government to have them settle and become farmers. The Hadzabe (1,000-3,000) have to a large extent been able to resist and remain today hunter-gatherers even though some may cultivate small land plots. They have also kept their distinct culture, including their own language, and 300 to 400 individuals are believed to subsist entirely on foraging. The Akie (est. 5,200) have found it more difficult to pursue their particular lifestyle because of increasing pressure on their woodlands and the ensuing environmental changes. Most of them are today settled small-scale agriculturalists. Due to their long time interaction with the Maasai, they have adopted their language and also many of their cultural traits. The Maasai (est. 450,000) and the Barabaig (30-50,000) are traditionally transhumant pastoralists, practicing some agriculture wherever conditions allow for it. Both have to a large extent kept their traditional features and customs. They also share the capacity to adapt and survive in a harsh environment and their attachment to cattle as an important part of their subsistence economy, identity and culture.

Indigenous peoples have a long and on-going history of land dispossession and socio-economic and cultural marginalization. Their dispossession and marginalization have happened in the name of nation-building, agricultural development, and nature and wildlife conservation, but also because policy-makers have failed to understand and value the indigenous livelihood systems' crucial contribution to the national and local economy. Both hunter-gatherers and pastoralists have protested against land alienation and have filed land cases but to no avail and recent legislation have made it increasingly easier for Government to appropriate their lands.

The loss of ancestral lands, the fragmentation of rangelands and the restrictions to their mobility is together with climate changes undermining and irrevocably altering indigenous livelihood systems. This, combined with population growth and increased competition for scarce resources, has placed Tanzania's indigenous peoples among the poorest. They have never received any compensation for their land losses. In order to diversify their livelihood, hunter-gatherers undertake menial jobs, while pastoralists increase their involvement in small-scale agriculture, work in the informal sector and migrate. The health and education situation among indigenous people is precarious. Discrimination is rife and violent human rights abuses—loss of lives, inhuman and degrading treatment and punishment by state institutions (police, etc.) and theft of livestock—occur regularly in connection with forced eviction cases.

Access to legal services is hampered by a number of constraints and the high costs involved. The situation of girl children and women is marred by several human rights violations, e.g., denial of education, FGM and early marriages, non-recognition of their legal rights and domestic violence. Nevertheless, some women have been able to overcome these obstacles, have formed small NGOs and participate actively in public forums. Indigenous peoples' participation in politics at the local and national level faces many obstacles (discrimination, lack of education, their mobile lifestyle, etc.), including the “first past the post” electoral system.

There is no specific legislation recognizing or addressing indigenous peoples' rights. In fact, many policies, strategies and laws are directly critical of pastoralists (hunter-gatherers are never mentioned). The few policies advocating the protection of pastoralists' rights have not been given legal force, and there has been little effort to translate policy into action to ensure that pastoralists are legally guaranteed access to land and water through clearly demarcated areas. Tanzania voted for the UNDRIP but has not ratified ILO No. 169. It is party to several other important international and regional conventions. There are a sizable number of national and local indigenous organizations as well as several support NGOs.

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# 1. The indigenous peoples of Tanzania

## 1.1 The national context

The United Republic of Tanzania (URT) was formed in 1964 by the unification of mainland Tanzania and the isles of Zanzibar.<sup>1</sup> Covering 886,039 sq. km, URT is the largest of the East African countries. Tanzania mainland (hereafter Tanzania) lies on the Indian Ocean, between Kenya to the north, and Mozambique to the south. To the west, Tanzania share borders with Uganda, Rwanda, Burundi, DRC, Zambia and Malawi; three of Africa's largest lakes (Victoria, Tanganyika and Nyasa) are part of these borders. Tanzania has three main physiographic regions: the hot and humid coastal plains with Tanzania's largest city and former capital, Dar es Salaam; the more temperate inland plateau where Dodoma, the capital since 1996, is located<sup>2</sup>; and the highlands, in the north east—with Africa's highest peak, Mount Kilimanjaro, (5,895 m)—and in the south. The Great Rift Valley runs from north east of Africa through central Tanzania.

Tanzania has two rainy seasons; a long heavy one from March to May, and a shorter, lighter one from November to January. Tanzania has been strongly affected by climate change, experiencing severe and prolonged drought periods as well as unpredictable weather events. Climate change in Tanzania is resulting in rising temperatures with a higher likelihood of intense rainfall events (resulting in flooding) and of dry spells (resulting in droughts). Approximately, about 80% of land in Tanzania is classified as semi-arid receiving relatively lower and unpredictable rainfall.

Tanzania has an estimated population of 56.31 million.<sup>3</sup> The population distribution in Tanzania is extremely uneven. Most people live on the northern border or the eastern coast, with much of the remainder of the country being sparsely populated. Approximately 70 percent of the population is rural, but urbanization is fast growing. Tanzania is a multiethnic country with at least 125 distinct ethnic groups and more than 120 vernacular languages. Four among these ethnic groups consider themselves to be indigenous hunter-gatherers or pastoralists. After independence in 1963, the government implemented a nation building policy based on *Swahilization*<sup>4</sup> and *villagization*,<sup>5</sup> including the dismantling of tribal authorities, in order to create a strong national identity binding Tanzanians together across ethnic lines.<sup>6</sup> Compared with its neighbour countries, Tanzania has been spared for ethnic based conflicts and is a relatively peaceful country.

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<sup>1</sup> What is today mainland Tanzania) was part of German East Africa (1890 to 1918) before becoming in 1922, under the name Tanganyika, a Mandated Territory administered by Britain under the supervision of the League of Nations. Independence was gained in 1961. The isles of Zanzibar were a British protectorate from 1890 to 1963.

<sup>2</sup> Dar es Salaam, the former capital, retains most government offices and is the country's largest city, principal port, and leading commercial centre.

<sup>3</sup> The last census that was held in 2002 recorded a population of 34 million persons. It is estimated that the population is growing at a rate of 2.9 percent annually and is expected to reach 65 million in year 2025 - United Nations Population Division. World Population Prospects: 2020 Revision.

<sup>4</sup> Swahili was declared national language and became the language of education. It is also the official language with English being the second official language.

<sup>5</sup> The Villagization or Ujamaa program (1973-1976) regrouped rural communities in larger nucleated villages to be provided with services by the state. More than 8000 villages were created by the mid-1970s, and 9 million people forcibly resettled, but traditional resistance and a difficult economic environment led to the breakdown of this idealistic social program.

<sup>6</sup> Edward Miguel, "Tribe or Nation? Nation Building and Public Goods in Kenya versus Tanzania" (2004), 335ff.

Tanzania's HDI value for 2019 is 0.529, which put the country in the low human development category, positioning it at 163 out of 189 countries and territories. The main economic sectors of the economy are tourism, mining, construction, agriculture, and manufacturing.<sup>7</sup> In 2020, the World Bank declared the rise of the Tanzanian economy from low income to lower middle income country, but economic growth has slowed significantly due to the Covid 19 pandemic-induced shocks.<sup>8</sup> The agricultural sector, which contributes 20-25% of gross domestic product (GDP) and which 75-80% of the country's working age population depends on for their livelihoods, is very vulnerable to climate-related shocks due to factors such as poor quality inputs, low levels of mechanisation and investment in food insecure areas, and lack of social safety nets. The poverty rate based on the international extreme poverty line is estimated to have risen from 49.3 percent in 2019 to 50.4 percent in 2020. The IMF approved USD 567.25 million in emergency financial assistance to support Tanzania's efforts in responding to the Covid-19 pandemic by addressing the urgent health, humanitarian, and economic costs.

Tanzania is a unitary presidential democratic republic, whereby the President is both head of state and head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and parliament.<sup>9</sup> Since 1995 the country had a multiparty political system, although one party - the Chama Cha Mapinduzi (CCM)<sup>10</sup> - has dominated politics since independence in 1961. Tanzania is divided into 30 regions - 25 in the mainland and 5 on Zanzibar. Ninety-nine districts have been created to further increase local authority. These districts are also now referred to as local government authorities. Currently there are 114 councils operating in 99 districts, 22 are urban and 92 are rural.

## 1.2. The indigenous peoples of Tanzania

The majority of the indigenous populations of the country live in northern Tanzania, belonging to four main groups that are either hunter-gatherers (Akiye and Hadzabe) and pastoralists (Barabaig and Maasai). Although there is no official census of the exact population number since the ethnic groups are not included in the population census, it is estimated that the Maasai population is about 430,000 people, the Barabaig about 75,000 people, the Hadzabe between 1,000 to 3,000 and the Akiye 5,200 people.

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<sup>7</sup> According to the National Bureau of Statistics, services made the highest shares of GDP (40.0%) followed by Industry and Construction (31.1%) and Agriculture, Forestry and Fishing (28.9%)

<sup>8</sup> Tanzania's GDP growth rate from 5.8 percent in 2019 to an estimated 2.0 percent in 2020 – but the IMF projects a GDP growth for Tanzania of +4.0% and +5.1% in 2021 and 2022, and 6.0% in 2026.

<sup>9</sup> All legislative power relating to mainland Tanzania and union matters is vested in the National Assembly, which is unicameral and has a maximum of 357 members

<sup>10</sup> Tanzania was a multi-party state from 1961 to 1965. The CCM (Party of the Revolution) was created in 1977 as the result of the merger between TANU in the Mainland and ASP in Zanzibar and was until 1992, the only party allowed. Opposition parties were legalized again in 1992. The current largest opposition party is Chadema (Party for Democracy and Progress).

**Table 1. Indigenous peoples of Tanzania**

Sources: IWGIA, *The Indigenous World 2021* (2020), PINGOs Forum “A Report on Hadzabe Livelihood (2010a); World Directory of Minorities and Indigenous Peoples (MRG, 2018)

\*There are pockets of Maasai peoples in almost fifteen other districts throughout Tanzania

Name	Population (est.)	Livelihood	Main Regions of Residence
<b>Hadzabe</b>	1,300-1,500 to 3,000	Hunter-gatherers/ Some semi-sedentarized	Arusha Shinyanga Manyara Singida
<b>Akie</b>	5,200	Hunter-gatherers, most sedentarized	Manyara Arusha Morogoro Tanga
<b>Maasai</b>	450,000	Semi-nomadic pastoralists	Arusha Manyara Kilimanjaro*
<b>Parakuyo</b>	50,000	Semi-nomadic pastoralists	Manyara, Tanga Morogoro Iringa Dodoma Mbeya Kilimajaro
<b>Barabaig (Datoga)</b>	50,000-75,000	Semi-nomadic pastoralists Agro-pastoralists	Manyara Singida Shinyanga Dodoma

### 1.2.1 The indigenous hunter-gatherers

The **Hadzabe** (plural form of the word Hadza) are estimated to number between 1,000 and 3,000 individuals. They live around Lake Eyasi, south of the Ngorongoro Conservation Area (NCA), in the central Rift Valley (Arusha Region). The Hadzabe are believed to be the descendants of Tanzania’s aboriginal hunter-gatherer population. Their language- Hadzane - is a click language and is still widely spoken. The Hadzabe are traditional nomadic hunter-gatherers. Organized into bands or “camps”, typically of 20–30 people, they move frequently and seasonally between dry-season and wet season areas, in search of game, tubers, berries and honey. Gender relations and relations within the bands are fairly egalitarian, and leadership is only a quality for specific purposes at specific times. The Hadzabe were long able to follow their traditional way of life. Attempts to settle them under the *Ujamaa* program did not succeed and several of the villages constructed by the government were eventually taken over by other ethnic groups. Currently, the presence of the Hadzabe is strongest around Mongo wa Mono in the Yaeda Valley, (Mbulu District), south of Lake Eyasi. The Hadzabe have to a large extent remained strictly hunter-gatherers even though some do keep small fields of domestic crops. It is estimated that some 300 to 400 individuals still subsist entirely on foraging. In recent years, the Hadze’s territory has seen increasing encroachment from neighboring peoples, they are increasingly negatively impacted by tourism and encroachments from pastoralists pose serious threats to the continuation of their traditional way of life.

The **Akie** (or Akiek, Akyie) are also called Ndorobo—a Swahili term derived from "*Il Torobbo*", the Maasai term for “poor”, or by inference “those without cattle”. The Akie are

estimated to number 5,200 individuals. They are found in different parts of northern Tanzania, the largest group (around 2,000) living in the District of Kiteto (Manyara Region).<sup>11</sup> The Akie have for many generations interacted with the Maasai. They have adopted their language, their own—Akie—being almost extinct, as well as several of their customs and cultural traits. There also exists a certain interdependence between the two groups, the Maasai depending on the Akie for their honey (used as food and as medicine) and for helping them preparing specific rituals. The Akie used to be nomadic hunter-gatherers, moving and finding their subsistence in much the same way as the Hadzabe. They too have experienced efforts by the government and others to have them settle and become farmers. As pressure on land and the ensuing environmental changes have made it increasingly more difficult for them to pursue their particular lifestyle, many Akie are today settled and cultivate crops and/or breed animals. Their attachment to the woodlands, however, stays strong. Many still consider the woodlands as their home and what forms their identity. The woodlands are also where their religious activities and rites take place, and where their extensive indigenous knowledge of the environment comes to its rights.

The Hadzabe's and Akie's knowledge of the woodlands' natural resources - their animals and trees, the individual properties and use of thousands of plants, where to find and gather honey, etc. - and how to use them in a sustainable way has not only enabled them to survive in a challenging semi-arid environment but has also benefited their neighbors with whom service and food exchange networks have been established and functioned for centuries.<sup>12</sup> The kind of knowledge that hunter-gatherers possess about wild foods may well become more valuable for other communities as agriculture becomes less productive as a result of droughts, loss of soil fertility and climate change.<sup>13</sup>

### 1.2.2 The indigenous pastoralists

Among Tanzania's large number of pastoralists and agro-pastoralists, two groups—the Maasai and the Barabaig—identify as indigenous. The **Maasai** belong to the Nilotic language group and are found in both Tanzania and Kenya. In Tanzania they total about 450,000.<sup>14</sup> They are traditionally semi nomadic pastoralists (cattle, goats, and sheep), practicing transhumance as well as some agriculture wherever conditions allow it. They are divided in territorial sections within which all members have access to grazing resources. Most live in Arusha and Manyara Regions, but one of the sections, the Parakuyo (estimated population: 50,000), are found in Tanga Region and even more to the south, dispersed over several regions (Morogoro, Iringa and Mbeya), where they are still considered as “migrants”, although many of them came as early as in the 1950s.

The **Barabaig** too belong to the Nilotic language group and are the largest section of the Datoga people.<sup>15</sup> They occupy the northern volcanic highlands near their sacred Mount Hanang and the Rift Valley in the Hanang District (Manyara Region). Their population is estimated at

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<sup>11</sup> This and the following data about the Akie is largely drawn from Florian Schöpferle, “The Economics of Akie Identity: Adaptation and Change among a Hunter-Gatherer People in Tanzania” (2011).

<sup>12</sup> See, e.g., Thomas Spear, “Introduction” (1993), 4.

<sup>13</sup> IIED, “Participatory Land Use Planning as a Tool for Community Empowerment in Northern Tanzania” (2010a), 11.

<sup>14</sup> This is an estimate since the Population Census of 2002 does not disaggregate data by ethnic affiliation. This figure includes the Arusha Maasai, who are a sedentary agro-pastoralist community, that culturally share a number of customs and rituals with the pastoralist Maasai.

<sup>15</sup> The Datoga are found in several northern regions but 70% live in the Hanang and Mbulu districts of Manyara Region. They are divided in at least 7 sections. See D.K. Ndagala, “The Unmaking of the Datoga: Decreasing Resources and Increasing Conflict in Rural Tanzania” (1991), 72.

30,000-50,000. The Barabaig are traditionally semi-nomadic and herd cattle, sheep and goats. Today, many have become agro-pastoralists and farm maize, beans and millet. Both the Maasai and the Barabaig have to a large extent kept their traditional features and customs including their traditional way of dressing and their own languages—the Maasai speak Maa and several dialects (Kisongo and Parakuyo), the Barabaig speak a Datoga dialect. The Maasai and Barabaig are essentially patriarchal and are organized in patrilineally related households, clans and sections. Authority and decision making within a community is vested in assemblies of senior elders, hierarchy being determined by skills of oratory, knowledge and wisdom.<sup>16</sup> Both groups have initiation rites (circumcision for both boys and girls) and age set systems, whereby young boys/men become morans or “warriors”. Many values are centered on warriorhood, which used to a period where young men could develop and assert their bravery and fierceness in wars and cattle raids. Today the warriors’ main duty is to provide security for the community and to move with livestock to better grazing land during drought periods. Girls get married between the age of 13 and 17, but men may not marry before they have finished their warriorhood, i.e., at the age of 30-35. Polygamy is widespread and a sign of wealth. Pastoral women, besides their domestic chores, building their dwellings, etc., also take part in livestock management, looking after the cattle and small stock which have been allocated to their sub-household.

Cattle are an important part of the Maasai’s and the Barabaig’s status, identity, culture and world view. Cattle are widely used to establish strong forms of social exchange at specific stages of life, such as circumcision, bride wealth and other rituals where prescribed numbers of livestock are involved. The exchange of animals leads to life-long commitments of friendship and assistance and constitutes a kind of insurance mechanism against droughts or epidemics. The majority of the Maasai and the Barabaig live and herd their cattle, goats and sheep on the northern savannah plains (Arusha and Manyara) where climatic and soil conditions do not favor crop production. In order to make the best use of seasonably variable dry land pasture and the scattered and meager water resources characteristic for these arid and semi-arid rangelands, they practice transhumance, moving their livestock in a seasonal grazing rotation system between different forage regimes, using a wide range of environmental indicators for assessing rangelands for grazing and settlement suitability.<sup>17</sup> In periods of prolonged droughts, the Maasai and the Barabaig migrate with their herds sometimes as far as to the southern humid plateau lands of Lindi and Mbeya where some of them have even now established their own villages.<sup>18</sup>

Although the Maasai and the Barabaig play an important role in Tanzania livestock production, indigenous livelihood systems have never been recognized and valued as responsible resource use and management systems. The economic and cultural activities that go along with the life of hunter-gatherers and pastoralist communities have instead been perceived as primitive, uneconomic and inherently degrading to the environment. Colonial and post-independence policies have instead been geared towards paternalistic assimilation: “At the center of these policies is a worldview of ‘modernization’ that sees the hopeful transformation of the Pastoralist and the Hunter/Gatherer into a peasant or worker”.<sup>19</sup>

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<sup>16</sup> Charles Lane, *Pastures Lost* (1996), 138.

<sup>17</sup> Arnold L. Mapinduzi et al., “Use of Indigenous Ecological Knowledge of the Maasai Pastoralists for Assessing Rangeland Biodiversity in Tanzania” (2003), 330.

<sup>18</sup> Ringo W. Tenga et al. “A Study on Options for Pastoralists to Secure their Livelihoods in Tanzania Vol.1. (2007), 80.

<sup>19</sup> Tenga, “Minority Rights” (2010), 6.

### 1.3. Terminology and legal recognition

The concept of indigenous peoples is a contentious issue in Tanzania “because, inter alia, notions of ‘Swahili nation building’ reject the cultural autonomy of nationalities”.<sup>20</sup> The official position is that “the term ‘indigenous peoples’ is not applicable as all Tanzanians of African descent are indigenous to Tanzania”. However, the Government “recognizes the vulnerability of some of the marginalized communities and to this end it has been responsive to their needs and it will surely continue to do so.”<sup>21</sup>

While there may be more ethnic groups that identify themselves as indigenous peoples, four groups have for some years been organizing themselves and their struggles around the concept and movement of indigenous peoples. These groups are the hunter-gatherer Akie and Hadzabe and the pastoralist Barabaig and Maasai, whose indigenous status has been endorsed by the African Commission on Human and People’s Rights (ACHPR).<sup>22</sup> The Akie and Hadzabe partly claim their indigenous status on the fact that they are considered to descend from some of the first inhabitants of the country. The Barabaig and Maasai pastoralists, on the other hand, base their indigenous status on the specificity of their lifestyle. All four groups are furthermore discriminated against and marginalized economically, socially and culturally to the point where they feel their livelihood threatened and their survival as distinct peoples at risk. Representatives from these groups have since 1989 participated regularly in international forums, as for instance, the WGIP, the ACHPR ordinary sessions and the annual sessions of the UN Permanent Forum on Indigenous Issues, where they make statements identifying themselves as indigenous peoples.

## 2. Socio-economic profile

Governments’ failure to understand and acknowledge indigenous peoples’ livelihood systems is a root cause of the problems faced by the hunter-gatherer and pastoralist communities. These problems include their lack of land rights, their economic and social deprivation, the abuse of their human rights and their political marginalization.

### 2.1 Land Rights

Hunter-gatherers and pastoralists depend on the availability of large tracts of land - forest and woodlands as well as rangelands - where their freedom of movement and their access to the natural resources on which their subsistence relies are not obstructed. Indigenous peoples have nevertheless since the colonial era suffered a process of gradual land dispossessions and mobility restrictions, which today has reached such proportions that it puts traditional indigenous livelihoods and culture at risk since “indigenous territory is more than just a piece of land or water. It is collective memory of a culture.”<sup>23</sup> Secure collective land use rights are therefore at the heart of indigenous claims.

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<sup>20</sup> B.T.M Kaare, quoted in Ringo W. Tenga, “Minority Rights in Tanzania” (2010), 6.

<sup>21</sup> See statement by the government as part of the UPR review in 2022, UN Doc. A/HRC/49/13/Add.1 (“The State supports the part of the recommendation which reads clarify land rights and safeguard traditional livelihood and culture and adopt positive measures to protect them. The State notes the part of the recommendation which reads especially for indigenous peoples. All Tanzanians of African descent are indigenous in the United Republic of Tanzania although there are communities with specific needs and ways of life and the State endeavors to support them.”). During the UPR process, several countries, Treaty Bodies, the UNCT and other stakeholders urged the Tanzanian Government to reconsider its policy under which the notion of indigenous peoples was unrecognized.

<sup>22</sup> ACHPR, *Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities*, (2005), 17.

<sup>23</sup> Jens Dahl, “Editorial”, *Indigenous Affairs* 2-3/1995.

### 2.1.1 Land dispossession among hunter-gatherers

Since independence, the Hadzabe and the Akie have experienced a high degree of pressure from government to abandon their traditional lifestyle. Besides the failed attempts to settle them in villages, the Wildlife Conservation Act of 1974 made it more difficult for them to hunt, making it mandatory for traditional hunters to apply for special licenses. Both the Hadzabe and the Akie have lost most of their traditional lands. The Hadzabe reckon that they have lost 90% of their land within the last 50 year. This is the result of several factors such as nature conservation, the impact of expanding resource use in adjacent areas,<sup>24</sup> increasing pressures from pastoralists that have lost their traditional rangelands, from landless farmers and private hunting interests.<sup>25</sup> The Yaeda Valley is now occupied by agro-pastoralists and Barabaig herders, who themselves have been displaced. These people are clearing the Hadza lands on either side of the now fully settled valley so they can graze their goats and cattle. The Akie have seen most of their productive lands being taken over by dominant groups of pastoralists and agriculturalists. Large parts of their forests have been cleared and village authorities have allowed farmers to settle and even given them individual titles to the land they had cleared. This has forced the Akie to leave their traditional woodlands and abandon their lifestyle. Their community has been disrupted, some seeking refuge in more remote areas; others who opted to stay in villages have become second class citizens.<sup>26</sup>

### 2.1.2 Dispossession of land and mobility among pastoralists

The dispossession of pastoralist peoples started already during German rule and continued under the British administration.<sup>27</sup> The best known example is the agreement obtained from Maasai representatives in 1958 by which the Maasai renounced their claims to the Serengeti plains and 1,000 pastoralists and their livestock were moved to the present Ngorongoro area.<sup>28</sup> Since independence, pastoralists have been the object of government policies trying to sedentarize them through the establishment of ranching associations,<sup>29</sup> and subsequently through the villagization program.<sup>30</sup> Pastoralists have also been evicted from their traditional lands or denied access to their rangelands in order to give space to protected areas, hunting

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<sup>24</sup> The Mang'ola area—a traditional Hadza area— has become the principal onion farming area in all of East Africa, with immigration for work increasing the population more than tenfold.

<sup>25</sup> In 2007, Hadzabe hunter-gatherers close to the Serengeti plains in Tanzania scored a rare victory. According to reports, the Tanzanian government had struck a deal to lease the land, which was traditionally occupied by the Hadzabe, to a safari company from the United Arab Emirates. Although the deal supposedly included the development of roads and education facilities, they were not consulted and were reportedly opposed to it. Following a campaign by indigenous activists, in November 2007 the safari company had withdrawn from the project. In 2011, the Tanzanian government issued communal land titles to the first Hadza communities.

<sup>26</sup> See Schöpperle, “The Economics of the Akie” (2011).

<sup>27</sup> The Germans and the British both tried to contain pastoralist Maasai in reserves, in order to further the administration’s goal of providing land for white settlers. Five out of northern Tanzania’s 6 national parks and the Ngorongoro Conservation Area (NCA) were established prior to independence.

<sup>28</sup> See Albert K. Barume, *Land Rights of Indigenous Peoples in Africa* (2010), 140.

<sup>29</sup> The Range Development Act, 1964 was constituted the official strategy of modernizing the Maasai, and other pastoralists. A large 10-year USAID supported Maasai Range and Management project was to form 21 registered ranch associations. See, e.g., D.K. Ndagala “Tanzania” (1998), 156; Hodgson, *Once Intrepid Warriors* (2001), 160.

<sup>30</sup> This program was implemented through Operation Imparnati (Imparnati means “permanent habitation”) in Maasailand (1975) and Operation Barabaig (1978). These were forced settlement schemes for pastoralists and were to provide them with increased social services and welfare. See D.K. Ndagala, “Operation Imparnati: The Sedentarization of the Pastoral Maasai” (1982) and the “Unmaking of the Datoga” (1991), 75; Hodgson, *Once Intrepid Warriors* (2001), 160ff; Chris Maina Peter, “Human Rights of Indigenous Minorities in Tanzania and the Courts of Law” (2007), 21; and Sanna Ojalammi, “Contested Lands: Land Disputes in Semi-arid Parts of Northern Tanzania” (2006), 47.

concessions, wildlife corridors, livestock ranches and commercial crop production. These changes in land use have been accompanied with a change in tenure rights from communal to private, thus intervening and reducing pastoralists' transhumance mobility.

A prominent threat to customary rights has been from nature and wildlife conservation interests. About 37 percent of Tanzania's is classified as protected areas.<sup>31</sup> Many of these areas used to be customarily held and utilized by pastoralists. In order to "protect" these lands, thousands of pastoralists and their herds have been brutally evicted. Some of the most prominent cases include the eviction of several thousand Maasai and their livestock from Mkomasi Game Reserve (northern Tanzania) in 1987-1988; the evictions of Parakuyo, Barabaig and other pastoralists from Ihefu and Usangu wetlands in Mbarali District (Mbeya Region) in 2006 and 2007; the forceful evictions of Maasai pastoralists from their homes and grazing lands in Loliondo Division, (Ngorongoro District) in 2009-2017,<sup>32</sup> and the forced relocation of hundreds of Maasai residents from the NCA (ongoing).<sup>33</sup>

Appropriation of land for commercial agricultural purposes, first by parastatals, later by private companies, has alienated large areas of pastoral rangelands or restricted the access of pastoralists. Starting in the late 1960s, ranches averaging between 70,000 and 40,000 ha of high potential pastures were established by the National Ranching Corporation (NARCO) and the District Development Corporation (DDC). Between 1978 and 1981, the parastatal National Agriculture and Food Corporation (NAFCO) alienated 40,000 ha of the Barabaig prime pasture land on the Basotu Plains (or 12% of Hanang District) in order to develop a state wheat scheme - the Tanzania Canada Wheat Program.<sup>34</sup> Including subsequent extensions, over 120,000 hectares of pasture land were eventually encircled and/or occupied, including residential areas and holy shrines, graveyards, and water and salt sources for the Barabaig and their animals.<sup>35</sup> Examples of private investments include some 381,000 acres of land in both Monduli and Kiteto Districts acquired by the Rift Valley Seed Company Ltd. in 1979,<sup>36</sup> and a 100,000 acres concession obtained in 1992 by Company M/S Tanzania Cattle Products Limited from the Village Council of Ololoskwan in Ngorongoro.<sup>37</sup> But maybe the greatest threat to rangelands security is land grabbing by politicians, private companies and individual migrating farmers. The latter may be poor people looking for access to land for bare survival or more wealthy

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<sup>31</sup> This includes 15 National Parks and Conservation Areas, 33 Game Reserves and 43 Game Controlled Areas.

<sup>32</sup> This was the culmination of a conflict which has been going on between the local pastoralist communities and the Otterlo Business Corporation (OBC) since 1992 when the company was allocated hunting rights on the land of the local communities. This land allocation (dubbed "Loliondogate" for its dubious nature) was done by the Wildlife Division and with no local community involvement and without seeking their free, prior and informed consent. The allocation of hunting rights to the OBC has not given the company ownership rights to the land, but the villagers are evicted nonetheless and 200 of their homes burned. See Anuradha Mittal and Elizabeth Fraser, "Losing the Serengeti: The Maasai Land that was to Run Forever" (Oakland Institute, 2018)

<sup>33</sup> In 2022 the Tanzanian government renewed efforts to seize 1,500 km<sup>2</sup> of legally registered village land in the Loliondo Division of Ngorongoro District from Maasai pastoralists, who have sustainably stewarded the area for generations, see Forest Peoples Programme (2022): Tanzanian Government prepares to evict thousands of Indigenous Maasai residents to make space for trophy hunting and elite tourism (Forest Peoples Programme, 2022)

<sup>34</sup> Most of these ventures turned out as failures. Several NARCO ranches have since been subdivided and privatized. The Hanang Wheat project collapsed in the 1990s, NAFCO was disbanded and the 100,000 ha of land were divided into 7 farms. Some of these farms were privatized. In 2007, 2 of the farms reverted back to the Barabaig. See IWGIA, *The Indigenous World 2008* (2008), 438.

<sup>35</sup> Peter, "Human Rights" (2007), 22.

<sup>36</sup> It was eventually taken over in 1984 by NAFCO that pulled out in 1988 leaving the land to be appropriated by land grabbers.

<sup>37</sup> The company later fraudulently processed its own title and transferred it to another company. See Shivji, "Village" (2002), 54.

farmers looking for land for large scale farming and land speculation. This alienation frequently happens with the implicit support of government or local officials. The Government of Tanzania has for instance been encouraging immigration from the over-populated Meru land into Maasai land. All this often leads to land conflicts between pastoralists and agriculturalists, resulting in the eviction of the latter, like in the case of the Parakuiyo Maasai, Barabaig and Sukuma pastoralists who were evicted from Kilosa (Morogoro Region).

### 2.3. Protests and litigation

Indigenous peoples have reacted to their dispossession in many ways. They have with the support of CSOs and international NGOs mobilized and organized local and international campaigns, as for instance the Hadzabe who were able to save some of their land from becoming yet another private hunting reserve. The Barabaig, too, have appealed to the international community by writing an Open Letter to the Canadian people explaining their plight and harassment by NAFCO.<sup>38</sup> In 2006, as a strategy of land recovery, Barabaig pastoralists moved their livestock back to parts of the land taken from them and a significant number settled there.<sup>39</sup> Indigenous peoples have also initiated court cases to bring the “trespassers” to justice, as for instance, the Barabaig against NAFCO in 1981 and 1988,<sup>40</sup> and the M’komazi Maasai against the Government in 1994-1995.<sup>41</sup> In 2018, the East African Court of Justice (EACJ) adopted an injunction that prohibits the Tanzanian government from evicting the Maasai communities from a vital 1,500km<sup>2</sup> parcel of land.<sup>42</sup>

As a positive result of these land struggles, a large number of organizations and networks lobbying for the rights of indigenous peoples in Tanzania have been formed. They have introduced new strategies, conducting fact finding missions to document the abuses taking place,<sup>43</sup> alerting the embassies, press and international community, addressing international bodies from the UN human rights system.

### 2.2. Impact of climate change

Over the last decade, Tanzania and in particular the northern part of the country has been severely hit by major droughts. The frequency and intensity of these drought periods coupled with reduced mobility - the result of land alienation - and reduced access to natural resources, have increased the vulnerability of indigenous peoples. The Hadzabe and Akie suffer from the reduced availability of water, wild plants and fruits and have to move further away in order to find sufficient food.<sup>44</sup> The situation of the pastoralists is also highly precarious. With rising

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<sup>38</sup> For text of letter, see Charles Lane, *Pasture Lost* (1996), 171.

<sup>39</sup> See IWGIA, *The Indigenous World 2007* (2007), 488.

<sup>40</sup> *Mulbadaw Village Council and 67 Others v. National Agriculture and Food Corporation (NAFCO)* in 1981; *NAFCO v. Mulbadaw Village Council and 66 Others* (1986 Appeal case) and *Yoke Gwaku and 5 Others v. NAFCO and Gawal Farms Limited* in 1988. The court cases are described in Barume, *Land Rights of Indigenous Peoples in Africa*, (2010), 123-138.

<sup>41</sup> *Lekengere Faru Parutu Kamunyu and 16 others v. the Minister For Tourism, Natural Resources and Environment and 3 Others* (1994), *Kopera Keiya Kamuniy and 44 Others v. the Minister For Tourism, Natural Resources and Environment and 3 Others* (1995) and *Lekengere Faru Parutu Kamunyu and Others v. the Minister For Tourism, Natural Resources and Environment and Others* (1999, unreported). See Barume, *Land Rights* (2010), 132-136.

<sup>42</sup> The case revolves around violent government-led evictions of Maasai villagers in Loliondo – which included burning their homes, arbitrary arrest, forced eviction from their villages, and confiscating their livestock – that took place in August 2017, as well as the ongoing harassment and arrest of villagers involved in the case by the Tanzanian police.

<sup>43</sup> See, e.g., various reports at Pingos Forum’s website: <http://www.pingosforum.or.tz>

<sup>44</sup> Akie in Kiteto have recently been reported as experiencing hunger and having migrated to other areas in order to find food. See *The Guardian*, “Hunger Threatens Kiteto’s Akiye”, February 26-March 3, 2012.

temperatures, changes in the timing and volume of rainfalls coupled with reduced mobility, growing populations and an increased livestock density, pastoralists find it more difficult to anticipate, cope with, resist and recover from the impact of drought. Water scarcity, the disappearance of natural springs and drying of pan dams compel them to cover up to 30 km to get water. There has also been loss of grass, and this has led to less milk and less food. The animals do not fetch the same prices as before since they are thin and sick, and for many the losses of livestock have been substantial.

Climate change, together with land dispossession and mobility restrictions, also results in profound cultural changes. Traditionally, there was an organized sharing of resources (e.g., milk or heads of cattle) between people of the same clan during hard times. Likewise, the transhumance system was based on long standing agreements allowing livestock keepers of drought prone villages to migrate seasonally to better endowed places in Maasailand and beyond but this too has become increasingly more difficult since the access to traditional fall out places in Kilindi (Tanga Region), Kilosa (Morogoro) and Usangu (Mbeya) has become restricted. All these traditional social networks have been eroded and disrupted by the complexities of climate change.

### 2.3. Economic poverty

Although Tanzania has witnessed a constant GDP's growth over the last decades, poverty rate based on the international extreme poverty line is estimated to have risen from 49.3 percent in 2019 to 50.4 percent in 2020. Although there is no disaggregated ethnic data, various reports indicate that poverty prevails amongst indigenous populations. Poverty among indigenous peoples is due to many factors - land dispossession, climate change, population growth, increased competition for scarce resources, lack of supportive government policies and programmes, etc. All this has forced the indigenous peoples to look for alternative livelihoods. Some Hadzabe work as day labourers, guarding the fields of their neighbours or labouring on their lands. A few Hadzabe have paid government positions as community development officers or work for the game department.<sup>45</sup> Most of the Akie have become food crop farmers.<sup>46</sup>

For pastoralists, crop cultivation, practiced since the 1980s on a small scale, has gained much more importance for their subsistence.<sup>47</sup> According to pastoral economy, this is an indication of the increased levels of poverty and vulnerability. For years, there has been a general decrease in average herd size while the number of small stock has been increasing. Factors contributing to decreasing number of livestock include diseases such as trypanosomiasis, tick borne diseases (e.g. East Coast Fever), Foot and Mouth Disease (FMD), etc. Disease problems increased more following the withdraw of the government from providing livestock extension services and veterinary services. Consequently, many pastoralists have turned to agriculture. But studies show that crop productivity is generally poor due to weather unreliability, poor soils, small farm plots and poor agricultural practices, and most households are only able to produce enough food to last for a few months.<sup>48</sup> It is also evident that stockbreeding remains their main

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<sup>45</sup> Frank W. Marlowe, "Why the Hadza are still Hunter-Gatherers" (2002), 3.

<sup>46</sup> Schöpferle, "The Economics of Akie" (2011), 34. As crop cultivation needs their constant presence, most Akie have had to abandon their former lifestyle that meant staying away for longer periods. Honey gathering has become difficult because the habitat of the bees (baobab trees and savannah flowers) has been destroyed by cultivation.

<sup>47</sup> "Herd recovery after a die-off can take years, with each year's growth potential dependent on population at the start of the year. Cultivation each year is independent of the preceding year, and therefore acts as an important livelihood safety mechanism despite years where loss is incurred". See Stacy Lynn, "The Pastoral to Agro-Pastoral Transition in Tanzania: Human Adaptation in an Ecosystem Context" (2010), 9.

<sup>48</sup> Yanda and Williams, "Livelihoods diversifications" (2010), 162; Mung'ong'o "Climate Change", (2010), 25.

concern and that farming may not be promoted for food security reasons alone: some Maasai communities feel that agriculture “brands” the land and makes it harder to take away for conservation purposes; others see crop farming as a strategy to get some cash to buy more livestock and thereby raise their social status.<sup>49</sup>

Since Arusha and Manyara receive 80% of all tourist visits into Tanzania, wildlife conservation is an important niche of livelihood diversification. This includes the modest incomes generated by Maasai women through manufacturing and selling artifacts and other products for the tourist market,<sup>50</sup> as well as the more substantial incomes generated by some villages from so-called non-consumptive utilization of wildlife,<sup>51</sup> and from Wildlife Management Areas (WMA).<sup>52</sup> However, regulations introduced by the Wildlife Conservation Act (2009) mean that the Wildlife Division has taken control over the income generated by these activities,<sup>53</sup> without any clear and transparent regulations regarding how much money is to be redistributed to the village governments and the CBOs (in the case of WMAs) who previously controlled the processes and the funds they received.<sup>54</sup>

Many impoverished pastoralists trade in wild products (honey, timber and grass for thatching and fodder) and even in previously sacred objects (ostrich feathers and ficus plants).<sup>55</sup> They may also engage in income generating activities within the informal sector, such as charcoal production and small scale trading, like the traditional *nyama choma* trade based on local pastoralist beef production.<sup>56</sup> Women brew and sell local beer. Some have formed groups and, with the help of NGOs, been trained in various skills of entrepreneurship. For many young Maasai, the ultimate option is migrating, to mining areas like Mererani (Arusha) where many of them work as middlemen<sup>57</sup> or to cities in search of work. Since the mid-1990s there has been a large-scale urban migration to Arusha, Dodoma and other places<sup>58</sup>. Due to their low level of education and training most end up working as watchmen in big houses and hotels in urban areas, or as traders in livestock, traditional medicine and Maasai artwork. Many have

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<sup>49</sup> Schöppler, “The Economics of Akie Identity” (2011), 55.

<sup>50</sup> These artifacts are based on raw materials found on the rangeland or forests (such as gums, resins, fruits and foods, and medicines. See IIED, “Pastoralism: Drylands’ Invisible Asset?” (2006b), 21.

<sup>51</sup> This includes game-drives, photo safaris and walking safaris as well as investments in construction of a tented camp, lodge, business, or research and educational facility. For examples of income generated from hunting concessions and village-based tourism, see TNRF, “Wildlife Conservation in Northern Tanzanian Rangelands” (2003), 10ff., and “Integrating Pastoralist Livelihoods” (2011), 23-24.

<sup>52</sup> Pastoralists have had mixed feelings for this alleged “community-based approach” as it implies a lot of bureaucracy and comes with strict restrictions, curtailing their land rights and potentially threatening their livelihoods. Some communities as, e.g., the Maasai in Loliondo and the Barabaig in Burunge have resisted against WMAs on their land, and some villagers have been forcefully evicted from lands lying within a WMA. See World Resource Institute, “Focus on Land Africa Brief” (2010), 3-4; for a recent example, see LHRC/PINGOs Forum, “The Joint Fact Finding Mission Report on the Land Conflict Involving the Eviction of Pastoralist and Hunter-Gatherer Communities from their Ancestral Land of Meatu District in Seven Villages” (2011).

<sup>53</sup> The Wildlife Division already controls all the proceedings from the consumptive utilization of wildlife (e.g., hunting concessions).

<sup>54</sup> See Benjaminsen et al., “Wildlife Management in Tanzania” (2011), 10.

<sup>55</sup> See WISP Policy Brief No. 6 (2007), 4.

<sup>56</sup> In 2005 *nyama choma* (NC)—the sale of roasted meat from market stalls in towns—was carried out from 601 NC businesses, employing 5,600 people, with an estimated 25,000 dependents. For each NC worker, it was estimated that further 2.4 jobs were supported within ancillary services in butchery, middlemen and of course primary beef production. It is estimated that 6.6% of the population of Arusha received crucial livelihood support through the meat supply chain from pastoralist cows to NC. See IIED, “Pastoralism” (2006), 22.

<sup>57</sup> See Yanda and Williams, “Livelihoods diversifications” (2010), 163. Maasai children have also been reported working in some of the mines. See IWGIA, *The Indigenous World 2002-2003* (2003), 379.

<sup>58</sup> A recent study reported that 22% of the surveyed households had family members that had migrated to other areas in search of alternative economic fortunes. See Mung’ong’o, “Climate Change” (2010), 30.

difficulties finding jobs, are underpaid and live under miserable conditions.<sup>59</sup> Some send remittances to their families. However, the foremost purpose is to earn some money to buy cattle for and go back to their village and get married according to the Maasai customs.

#### 2.4. Health and education

Tanzania has made progress in some of health indicators including attaining MDG targets for child mortality and halting the progression of HIV, TB and Malaria.<sup>60</sup> However communicable diseases and maternal, new-born and childhood illnesses remain the major causes of morbidity and mortality. Other important conditions are neglected tropical diseases (NTDs), non-communicable diseases (NCDs) and malnutrition. Despite some improvements, the delivery of social services, especially health care including water and sanitation, and education continues to be poor in Tanzania. There are no disaggregated health and education statistics available, but due to the remoteness of their location, indigenous peoples usually suffer from lack of access to health facilities and education.

In terms of **health**, one the main challenges in rural and remote areas with low population density like rural Arusha and Manyara are poor quality and inequitable access to health services due to distances, bad access roads and/or high transport costs. Access to specialist services is almost impossible and the rural population, including pastoralists and hunter-gatherers, depends to a large extent on hospitals, health centres and mobile clinics run by voluntary NGOs, FBOs and agencies. In northern Tanzania's pastoralist communities, poor sanitation and hygiene put people at greater risk of infectious diseases, not least due to habitat overlaps between people and livestock.<sup>61</sup> The most frequently reported diseases among pastoralists and hunter-gatherers are malaria, pneumonia and gastroenteritis. Studies on chronic disease patterns and obesity among nomadic/semi-nomadic populations shows that resource scarcity (both general scarcity and seasonal changes in available resources) and settlement are having a strong negative impact on pastoral health, both in terms of acute nutritional stress and chronic disease patterns.<sup>62</sup> An increasing dependence on purchased foods and maize meal has also been noted. Pastoral dietary habits of consuming milk and meat have drastically changed and replaced by cereals, mainly maize which have more starch and low protein content. More caloric intake of maize meals leads to low body resistance to diseases and therefore increased malnutrition and susceptibility to illness.<sup>63</sup> A study looking at differences in health between Datoga/Barabaig and their neighbors show how patterns of health are linked to larger issues of marginalization. Being Datoga is a risk marker for many problems including anemia, maternal mortality, and tuberculosis. Infant mortality is also high among Datoga (20 percent) while fertility is lower than in neighbouring groups, and pastoral Datoga children show early growth faltering and little catch-up growth when compared to neighbouring groups.<sup>64</sup> Regarding HIV/AIDS, pastoralists have long been identified as a risk-group.<sup>65</sup> Pastoral movements, urban migration, low literacy rates, limited competences in Swahili and relatively strong adherence to socio-cultural and sexual practices have been seen as factors that may facilitate a particularly

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<sup>59</sup> Kweka, "Being and Staying Pastoralists" (2011), 4.

<sup>60</sup> WHO – Country Cooperation Strategy (2018)

<sup>61</sup> See Barasa, V. and Waldman, L. (2022) Exploring the Intersection of Sanitation, Hygiene, Water, and Health in Pastoralist Communities in Northern Tanzania (IDS Working Paper 562, Institute of Development Studies)

<sup>62</sup> Young, "Current Research" (2009).

<sup>63</sup> See David W. Lawson and al. (2014), Ethnicity and Child Health in Northern Tanzania: Maasai Pastoralists Are Disadvantaged Compared to Neighbouring Ethnic Groups, <https://doi.org/10.1371/journal.pone.0110447>

<sup>64</sup> Alyson G. Young, "Young child Health among Eyasi Datoa: Socio-economic Marginalization, Local Biology, and Infant Resilience with the Mother Infant Dyad" (2008), 66.

<sup>65</sup> It is estimated that presently 1.8 million Tanzanians aged 15 and above are infected with HI V/AIDS, representing 11% of the adult population.

rapid spread of the virus. At the same time, there is great deal of secrecy and stigma associated with HIV making it difficult to assess its prevalence. Studies also highlight that nomadic life not only prevents the community from accessing and utilising HIV services but also deters them from obtaining reliable information on HIV.<sup>66</sup>

In terms of **education**, in 2016, the government introduced a fee free education policy for primary and secondary government schools. However, there are concerns over declines in the quality of the education many children receive due to supply-side constraints such as failing infrastructure, inequitable staff allocation systems, and a shortage of skilled teachers and educational materials. These constraints are particularly prevalent in rural and remote areas, where schools are far apart and the number of boarding schools limited. Present estimates put the national illiteracy rate Tanzania at 22.4 % among residents over 15 years of age.<sup>67</sup> It is generally reckoned that illiteracy is far more widespread among hunter-gatherers and pastoralists. A survey of three Maasai communities showed that 46% had no formal education.<sup>68</sup> Semi-nomadic pastoralist children in Tanzania, and in particular girls,<sup>69</sup> rarely attend school and it is estimated that only about 20% of school age Maasai children regularly attend primary school. Of this number only one-third are girls.<sup>70</sup> This low enrolment rate is due to many factors such as accessibility of school facilities, use of their labour force (herding), and the costs involved. Although primary education is free, out-of-pocket expenses (uniform, meals, and other contributions) may run high. There has also traditionally been a certain culturally based reluctance to sending children at school for fear that they may no longer value their traditional lifestyle, and in the case of girls, for fear of early pregnancies when away from home.<sup>71</sup> This, however, is changing and there is now greater awareness of the importance of education, and pastoralists also aspire to be Kiswahili literate for ease of communication at markets, hospitals, etc. Among the Maasai education is now equated with getting more power, with leadership and influence outside the traditional institutions.<sup>72</sup> Hunter-gatherers like the Akie realize that village authorities, farmers and business men from outside are taking advantage of their low level of formal education to cheat them.

## 2.5. Discrimination, Access to Justice and Human rights

### 2.5.1 Denial of identity and discrimination

The discrimination and marginalization of hunter-gatherers and pastoralists in post-colonial Tanzania has been multifaceted. The *Swahilization* policy was a denial of their cultural identity and efforts were made to not only dismantle their traditional indigenous structures but

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<sup>66</sup> Ngadaya, E et al. "Knowledge, awareness and use of HIV services among the youth from nomadic and agricultural communities in Tanzania." *Public health action* vol. 11,2 (2021): 69-74. doi:10.5588/pha.20.0081

<sup>67</sup> The government has set a blueprint for achieving 100% literate in a wide-ranging "National Adult Literacy and Mass Education Rolling Strategy 2020/21 to 2024/25

<sup>68</sup> Yanda and William, "Livelihoods diversifications" (2010), 158.

<sup>69</sup> A June 2011 Education Stakeholders' Report found that in Ngorongoro district, only 44% of girls attended primary school; well below the national average of 95%. See Global South Development at <http://gsdmagazine.org/2012/01/24/ngo-in-focus-african-initiatives-empowering-tanzanias-girls/> - see also: Adella Raymond, *Girls' education in pastoral communities* (2012); Bihariová, Emília. "We Don't Need No Education'. A Case Study About Pastoral Datoga Girls in Tanzania" *Ethnologia Actualis*, vol.15, no.2, 2015, pp.30-45. <https://doi.org/10.1515/eas-2015-0015>

<sup>70</sup> See Web site of the Emusoi Center at <http://www.emusoicentre.co.tz/Need.htm>

<sup>71</sup> See IIED, "Ambivalence and Contradiction. A Review of the Policy Environment in Tanzania in relation to Pastoralism". Issue Paper no. 140 (2006a), 6; and Swai, Cecilia P. "Pastoral Maasai's Perceptions of the Value of Education and Completion Rates in Primary School in Longido District, Tanzania." *Huria: Journal of the Open University of Tanzania* 26.2 (2019)

<sup>72</sup> See Yanda and William, "Livelihoods diversifications" (2010), 158.

directives banning customs related to the way they dressed, their age graduation ceremonies, and the “*moran*” (warrior) institution were issued. These directives still colour pastoralist’s perception that the state does not respect pastoralists or their way of life.<sup>73</sup> The villagization programme forced the Hadzabe and the Akie to abandon their livelihood and live in villages where they were exposed to the discrimination of other groups (pastoralists and agriculturalists). Today, the sedentarized Akie are still excluded from public village-life, and forced to live in distinct squatter areas at the fringes of settlements. They also suffer from negative stereotyping that associates them with poison and makes it difficult for them to sell their products.<sup>74</sup> The colonial and post-independence Tanzanian authorities have stereotyped the Datoga/Barabaig as primitive, barbaric and savage, and have tried to do away with their way of life and repeatedly violated their human rights.<sup>75</sup> As a result of this radical marginalization in recent years, the Datoga population is haunted by “stigmatisation and negative cultural stereotypes ... [their] society is today threatened by final dislocation”.<sup>76</sup> Maasai who migrate to towns in search of work often find that they are being seen as uncouth, lazy, naïve, and dirty.<sup>77</sup> Their response has been to reinforce their Maasai identity by continuing to wear their traditional red cloth and emphasize their difference from the Swahili speaking population. They also maintain their culture by constantly moving physically back and forth between their place of origin and destination.<sup>78</sup>

### 2.5.2. Human Rights Violations

The fundamental rights of indigenous peoples have since independence been continuously abused by the government. An example is the situation of the Maasai within the Ngorongoro Conservation Area (NCA) - Africa’s longest standing experiment in multiple land use. The pastoralist Maasai who make up about 85% of the population have seen their human rights being trampled upon in a variety of ways including legal discrimination against Maasai residents in accessing the conservation area; denial of the right to be consulted when decisions affecting the pastoralists resource base are made; and restrictions on rights to cultivation and grazing that have debilitating effect on the Maasai’s right to life.<sup>79</sup> Forced evictions, violence and house burnings have been used by authorities to forcibly evicted local communities.<sup>80</sup> In a communication addressed to the United Republic of Tanzania, dated 11 October 2019, four UN human rights special procedure mandate holders expressed concern about alleged violence, forced evictions and harassment affecting Maasai communities and the alleged failure to protect the rights of the Maasai to their traditional lands, territories and resources, as well as their rights to health, food and water, among others. They were also concerned that decades of successive forced evictions and displacements, the shrinking of Maasai peoples’ vital space, and the lack of protection against commercial and private interests on their remaining land had had a highly detrimental impact on the preservation of Maasai pastoralist culture. Those phenomena were currently threatening the very existence of those people, who were struggling with diseases, malnutrition and the preventable deaths of children as a result of a lack of access to grasslands and water points and the prohibition on resorting to subsistence agriculture.<sup>81</sup>

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<sup>73</sup> Sørensen, “Report to IWGIA” (2006).

<sup>74</sup> Schöpferle, “The Economics of Akie Identity” (2011), 45.

<sup>75</sup> Peter, “Human Rights” (2007), 20.

<sup>76</sup> Astrid Blystad, “The Pastoral Barabaig: Fertility, Recycling and the Social Order” (1992), 6.

<sup>77</sup> Mung’ong’o, “Climate Change” (2010).

<sup>78</sup> Kweka, “Being and Staying Pastoralist” (2011), 5.

<sup>79</sup> See Andy Currier and Anuradha Mittal, “The looming threat of eviction: The continued displacement of the Maasai under the guise of conservation in Ngorongoro Conservation Area (The Oakland Institute, 2022)

<sup>80</sup> In 2017 alone 5800 homes were destroyed by government forces between August and November, leaving more than 23,000 people homeless (Mittal and Fraser 2018).

<sup>81</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24872>.

Similar abuses are found in all the cases where forced evictions, land alienation, restrictions have taken place.<sup>82</sup> In none of these cases have the affected indigenous peoples been asked for their free, prior informed consent; they have not even been informed, consulted, or compensated for their losses. In most of these cases, the human rights of indigenous peoples have furthermore been violated by “excessive use of force, assault, harassment, brutality, torture, cruel and other inhuman and degrading treatment and punishment by state institutions such as the police, security and the infamous field force unit. These actions of State agents normally lead to displacement, loss of livestock and other personal articles as well as break up and scattering of families”.<sup>83</sup> A fact-finding study regarding human rights violations in the process of the eviction of pastoralists from Ifehu-Usangu in Mbarali District (Mbeya) and their resettlement in Lindi in 2006-2007, found that the abuses included: theft of livestock, imposition of unjustified fines for environmental degradation, extortion of bribes, subjection of individuals to torture, the forced separation of families, denial of access to education to children, and widespread hunger.<sup>84</sup>

### 2.5.3. Violence and Conflicts

Land use conflicts between farmers and pastoralists persist in several districts of the country mainly because the issue of land allocation for pastoralism has not been matched with secure land tenure rights and infrastructure development.<sup>85</sup> Some of these conflicts assume ethnic dimensions mainly due to the competition for shrinking resource which pits Maasai pastoralists against other farming ethnic groups. The conflicts can be quite serious since they may include rape, torture, death, and loss of property (burning of bomas). One example out of many is the dispute between the pastoral Maasai and the sedentary agricultural Sonjo/Batemi on the territorial village lands and resources of the Loliondo and Sale Divisions. Due to the existence of different stakeholders (outsiders and local), the situation developed into competition and conflicts over land property and property rights on common lands. Particularly migrant livestock herders are faced with many conflicts over access to water and cattle routes, which are not regulated by law. Resource - use conflicts in Mkata plains (Morogoro Region) are centered on interactions between immigrant pastoralists and smallholder farmers. Conflicts between hunter-gatherers and pastoralists also occur, as for instance between the Hadzabe and the Barabaig in the Yaeda Valley or between the Akie and the Maasai in Kiteto.

Although there has been a sharp decline in cattle rustling, it remains an issue.<sup>86</sup> Some of the worst areas included the Ngorongoro District of Arusha, where much of the stolen livestock is being smuggled over the border into Kenya. The decreasing amount of cattle rustling cases has been attributed to better coordination between the Tanzania National Parks (TANAPA), the Ngorongoro Conservation Area Authority (NCAA), the Pastoralist Indigenous Non-Government Organizations (PINGOs) Forum and village leaders. By-law No. 1 of 2002 provides for the establishment of conflict resolution committees at village level to serve as fora through which the pastoralists and farmers can meet and resolve resource-use conflicts at local levels. Experiences with the effectiveness of these committees are mixed.

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<sup>82</sup> See IWGIA (2016), *Tanzanian pastoralists threatened: Evictions, Human Rights Violations and Loss of Livelihoods* (IWGIA with PINGO's Forum, PAICODEO and UCRT)

<sup>83</sup> Peter, “Human Rights” (2007), 36.

<sup>84</sup> See PINGOs Forum et al., *A Report on Eviction and Resettlement of Pastoralists from Ifehu and Usangu—Mbarali District—to Kilwa and Lindi Districts* (2007), 20ff; IWGIA, *The Indigenous World 2008* (2008), 437-438.

<sup>85</sup> See URT, “Livestock Development Strategy” (2010), vi.

<sup>86</sup> From 11,845 reported cases of cattle rustling in 2010, there were only 4,428 cases in 2011. See “Cattle rustling decreases in Tanzania” (16.02.2012) at <http://arusha.wantedinafrica.com/where-to-live> (accessed 25.05.2012).

#### 2.5.4 Access to Justice

Tanzania has a poor judicial infrastructure in the rural areas, with few courts of law and few judicial officers.<sup>87</sup> The Government only provides free legal aid in the case of major offences like murder and treason, and the majority of persons who need legal representation are therefore forced to represent themselves or seek independent legal aid providers. The latter can be costly and taken together with the other constraints makes the access to justice very difficult. Land disputes can be heard by both formal and informal tribunals. The Courts (Land Disputes Settlements) Act of 2002 and the 1999 Land Acts recognize the jurisdiction of informal elders' councils, village councils and ward-level tribunals. Village councils can establish an adjudication committee, with members elected by the village assembly. The primary mode of dispute resolution in these forums is negotiation and conciliation.

There are many cases indicating that Tanzanian tribunals are not free from executive and government influence. At the national level, experience from the court cases filed by the Barabaig and the Maasai show that the courts tend to openly side with the “development” thesis of the government and the need to “civilize” the indigenous groups so that they can move away from their “backwardness” and enter the mainstream programs of the government. But even in situations where the rights of the indigenous groups are recognized and their claims accepted by the courts of law, both the High Court and the Court of Appeal have been very restrictive when it comes to making awards. Common losses to the community like those relating to the environment or to the access to resources such as water are conveniently ignored as each and every plaintiff is forced to prove “specific and individual” loss, and quantify it. Practice has also shown that even when all these stiff conditions set by the courts of law are met by the plaintiffs, still the compensation ordered is generally small, insignificant and at best symbolic.<sup>88</sup> At the local level, people like the Akie are often not treated fairly because the magistrates (who are in fact the chairmen of villages) do not believe them (because of their stigmatized heritage), or because they were not able to pay enough money to get a fair trial.<sup>89</sup>

#### 2.6. The situation of indigenous women

Most indigenous pastoralists communities are highly patriarchal and traditional. Women's status and role may however vary from one ethnic group to another.<sup>90</sup> Among pastoralists, the Barabaig/Datoga women appear to play a more central role in their communities' political and religious life. They have their own “women's councils” or *ghadoweeda* which are able to enforce sanctions against men who threaten their well-being or procreation; they also have status as mediators between humans and the ancestral spirits.<sup>91</sup> Gender relationships within hunter-gatherer communities tend to be more egalitarian than within pastoralist communities.

This being said, and despite their crucial role in carrying out domestic chores and productive activities, most indigenous women enjoy few rights. They are often denied the right to education: relatively few are enrolled in primary school, fewer still in secondary school, and many leave school before completion at the age of 12-14 in order to get circumcised and

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<sup>87</sup> The number of advocates in Tanzania translates into 1 advocate for 31,000 Tanzanians.

<sup>88</sup> See Peter, “Human Rights” (2007), 35.

<sup>89</sup> Schöpferle, “The Economics of Akie Identity” (2011), 62.

<sup>90</sup> Dorothy L. Hodgson, *Rethinking Pastoralism in Africa: Gender, Culture and the Myth of the Patriarchal Pastoralists* (2000) notes that the situation of Maasai women will differ depending on their age, kinship, clan and age set affiliation as well as their order of marriage and their ability to manage their household property.

<sup>91</sup> Charles Lane, “Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania (1991), 253ff.; Astrid Blystad, “‘Dealing with Men's Spears’: Datooga Pastoralists Combating Male Intrusion on Female Fertility” (1999), 187ff.

married. Female Genital Mutilation (FGM) is prohibited for girls under the age of 18 years,<sup>92</sup> but most Maasai women get circumcised.<sup>93</sup> Marriages are usually forced upon the young girls and their husbands are often double their age or more and may already have one or two wives. Large families are favored but maternal mortality rates are estimated to be higher than for Tanzanian women in general. Wife battering is a widespread, and largely condoned practice.<sup>94</sup>

Pastoral women are greatly affected psychologically and socially by the evictions and displacements of their communities, the drought periods and the loss of livestock, the promotion of farming and the prolonged migration of their men away from home. The women's work load has increased and now includes tasks and responsibilities previously pertaining to men. The overall number of *de facto* female-headed households has increased and forces pastoralist women to face more household production demands as well as a need for cash income to buy food, pay medical bills, etc. To meet these needs, Maasai women undertake informal work in urban areas selling traditional medicine, artifacts, or engaging in tourist related activities. But socioeconomic marginalization and modernization have also contributed to the erosion of social ties, limiting the networks that women rely on for help. The Barabaig women use the *ghadoweeda* to express distress and respond to social inequality and socioeconomic marginalization on a community level but also to express concern over resource insecurity and hunger, loss of cattle, workload, and more recent concerns related to modernization such as alcoholism and increasing violence.<sup>95</sup>

Pastoral women, with a few exceptions, lack effective access to the ownership of land even if the law provides for such access.<sup>96</sup> But issues of land ownership between spouses are influenced by custom and traditions that build on the perception that women are inferior to men and should have no influence over ownership of resources. Moreover, the Land Act 1999 stresses the fact that customary land tenure is based on clan ownership, which traditionally discriminates against women also when it comes to their inheritance rights.<sup>97</sup> In general,

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<sup>92</sup> Sexual Offences Special Provisions Act (1998). A National Plan of Action to combat Female Genital Mutilation (2001-2015) has been adopted. The Penal Code, Cap. 16 [R.E 2002.] provides that: '...anyone having custody, charge or care of a girl under 18 years of age who causes her to undergo FGM commits the offence of cruelty to children...'. But the prohibition is weakly enforced and 15% of all women still undergo FGM. The age limit is not always respected and one-third of women are circumcised before their first birthday. Manyara is second leading region with 54% of all circumcisions. FGM is most commonly performed by a traditional circumciser (73%) followed by a traditional birth attendant (22%). See TNBS & ICF Macro, "2010 Tanzania Demographic and Health Survey: Key Findings (2011), 13.

<sup>93</sup> The age limit is not always respected and one-third of women are circumcised before the first birthday Female circumcision is most commonly performed by a traditional circumciser (73%) followed by a traditional birth attendant (22%). See LHRC, "Annual Report 2010" (2011), 167.

<sup>94</sup> A 2012 study from a traditional Datoga community shows that more than 47% of the women had been beaten by their husbands and of these, almost 15% stated that they had suffered injuries. The major reason for being battered was related to cattle issues. See Marina L. Butovskaya, "Wife-battering and Traditional Methods of its Control in Contemporary Datoga Pastoralists of Tanzania" (2012), 35-36. In 2000, 3,242 cases of wife-beating were recorded in the Arusha Region over a five-year period, and 99% of married women had scars indicative of heavy beating by their husbands. See Nicodemus Odhiambo "Tanzanian Women In Dire Straits After Marriage" (2000).

<sup>95</sup> Young. "Young Child Health" (2008), 67.

<sup>96</sup> These legal provisions include the Land Policy of 1997 that guarantees equal access to land between male and female. The Land Act of 1999 that affirms the equality of women and men over rights of access to land; it also protects women's rights of property control within marriage. The Village Lands Act No. 5 (1999) gives women the right to acquire, own and use land equally with men. The Courts (Land Disputes Settlements) Act No. 2 of 2002 provides for the composition of Land Courts with no less than 43 per cent women members.

<sup>97</sup> IFAD, "Strengthening Women's Access to Land: the Tanzanian experience of the Sustainable Rangeland Management Project" (2010), 9.

women have a limited knowledge of their rights regarding ownership of land and they also lack the capacity to claim these rights.

Indigenous women have little say in community decisions. Maasai women are traditionally not allowed to speak in public/community meetings and they complain not having fora where they can speak out on issues that are important to them, such as forced marriages, HIV/AIDS, domestic violence and property ownership. On a more positive note, there are clear indications that indigenous girls and women have been empowered and are beginning to let their voices be heard. At the village and district level, women's representation is provided by law and they may fully participate in the decision making processes within the respective councils as well as in the village land use planning process. Several grass roots organizations have been established by and for pastoralist women (e.g., the Pastoral Women's Council, the Feminist Activist Coalition, the Maasai Women Development Organization, etc.), and in 2016 indigenous women established a Health and Education Committee to secure basic services for Maasai women living within the Ngorongoro Conservation Area.

## 2.7 Political and other participation

Indigenous communities complain about their lack of participation in the governance structures where policy decisions relevant for their situation are made. They face, however, a number of constraints ranging from the general discrimination of hunter-gatherers and the prejudices and myths existing about pastoralists and their production systems, to the fact that they live in remote areas, are mobile, have little access to information or civic education and are in general poorly educated. Another main obstacle is the "first past the post" electoral system, which makes it difficult for indigenous groups to be represented by one of their own even at the village level unless they constitute a majority.

Hunter-gatherer communities are those at greatest disadvantage. As stigmatized and impoverished minorities within villages controlled by other ethnic groups, they are marginalized politically and economically. It is difficult for the Akie and the Hadzabe to gather the prescribed number of people and form a village or even a sub-village that can be certified and where as a majority they would have some control of village affairs.<sup>98</sup> On the whole, hunter-gatherers are widely excluded from local and regional decision making processes and it is usually only in elections years that they become interesting and their electoral participation is encouraged.<sup>99</sup>

Unlike other indigenous communities, the Maasai have been participating actively in politics for a number of years.<sup>100</sup> However, the general picture is that pastoralists have little influence. The mobility of pastoral communities has made it difficult for them to participate in the mainstream political processes at local level. Their representation has been greatly reduced in districts which they share with other more sedentary communities as well as in the participatory planning techniques which assume a permanent residency for the participants, which may not be the case for many pastoral communities.<sup>101</sup> This means that pastoralists have a weak voice in cases of land allocation or dispute and risk being further marginalized in the political

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<sup>98</sup> Such a registration depends very much on local political will. See the case of an Akie sub-village in IWGIA, *The Indigenous World 2011* (2011), 430; and the case of the Hadzabe in IWGIA, *The Indigenous World 2012* (2012), 444-445.

<sup>99</sup> As for example in 2010, when the government launched a campaign in the Mbulu district along the Yaeda Chini valley to promote Hadzabe's participation in the 2010 general election. One major outcome was the election of a Hadzabe to the post of ward councillor. See LHRC, "Annual Report 2010" (2011), 200.

<sup>100</sup> E.g., the late Moringe Sokoine, a former Prime Minister in the early 1980s, was a Maasai.

<sup>101</sup> See IIED, "Ambivalence and Contradiction" (2006a), 34.

processes. This lack of representation also affects all areas of service delivery, from schools, veterinary services, and health care provision, to markets and communications infrastructure.<sup>102</sup> Pastoralists are also not adequately represented in parliament.

While this decline in influence at the local level can be seen as an outcome of poverty and vulnerability, and local people's lack of confidence or motivation for participating in local politics, pastoralists and their organizations have been active at other levels. Examples of this are the Poverty Reduction Strategy (PRS) process, the National Strategy for Growth and Reduction of Poverty (NSGRP), the Livestock Policy and the Wildlife Act, the Strategic Plan for Implementation of the Land Laws (SPILL). In 2009, a National Indigenous Peoples' Coordinating Committee on REDD (NIPCC-REDD) was formed.<sup>103</sup> A Pastoralist Parliamentarian Group<sup>104</sup> has been established to interact with representatives from pastoral organizations and pursue pastoralists' issues in parliamentary discussions, and to contribute to the political debate about the rights of pastoralists.

### 3. Laws of Tanzania and indigenous peoples

#### 3.1 The Constitution and indigenous peoples

The current Constitution of the United Republic of Tanzania dates from 1977, and since the late 1980's there has been pressure and debates on adopting a new more modern constitution. In 2011, the government launched a process to draft a new constitution for the country.<sup>105</sup> The goal was to draft a more legitimate and nationally owned constitution. The most critical issues at stake are the separation of powers, the presidential powers, the right to education and health and the right to information.<sup>106</sup> A new draft constitution was produced in 2014, but the proposed new constitution was to be subjected to a referendum in 2015, but this failed to happen. Hence for the time being the 1997 constitution still prevails. In terms of indigenous rights, it is quite outdated, and do not mention or cover indigenous peoples' rights. Nonetheless, in 1984, a significant amendment was made in the Constitution to introduce the Bill of Rights to recognize and protect human rights, including the right to life, the right of a person to own property, and the right to access the court whenever any of the basic rights has been or is likely to be violated.

#### 3.2 Other relevant legislation and policies

Tanzania has no specific legislation recognizing or addressing indigenous peoples' rights. There are, however, a large number of policies, strategies and laws dealing with overall national issues as well as sector and thematic issues which touch directly or indirectly on pastoralism and pastoralists' livelihoods.

In terms of **land rights**, two significant pieces of legislation were adopted in 1999. The first one vests radical title to all land in the President, as trustee on behalf of all citizens, and provides the overall framework for the administration of land rights on the mainland within three basic categories of land: 'General', 'Reserved', and 'Village' land. The second one, the

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<sup>102</sup> Sørensen, "Study on main policy issues" (2006), 16; LHRC "Annual Report 2010" (2011), 200.

<sup>103</sup> This committee will monitor the design and implementation of the national REDD program.

<sup>104</sup> This is a group of MPs from pastoral communities or sympathetic towards pastoralists. Similar groups have been quite successful in Ethiopia and Kenya.

<sup>105</sup> On 30 November 2011, Parliament enacted the Constitutional Review Act (CRA) establishing the Tanzanian Constitutional Review Commission to collect public opinions on the review of the Constitution and validation via a referendum.

<sup>106</sup> See Mwesiga Baregu, "Tanzania's Hesitant and Disjointed Constitutional Reform Process" (2000), 5 at Web page of Policy Forum at <http://www.policyforum-tz.org/>

Village Land Act introduced a system of village-based land tenure that provided rural people with rights to formalize their land holdings by registering their land as Village Land. It furthermore opened up the possibility to formalize customary rights through the issuing of Certificates of Customary Right of Occupancy (CCRO). In accordance with the twin Land Acts of 1999, most indigenous land rights are categorized as “reserve lands”, i.e., lands reserved by the State for national parks, etc.; and “village land”, i.e., land controlled by village authorities. Although the Village Land Act provides some options for indigenous peoples, in particular the option to apply for titling pastoral lands as village lands. Although the process is cumbersome, some pastoralists have opted for this solution. However, the titling of pastoral lands may also open up for land privatization and thus threaten pastoralists’ collective land rights.<sup>107</sup> More critical is the fact that it is relatively easy for Government to appropriate village land, in particular pastoral lands, and allocate them in favour of outside interests.<sup>108</sup> Ultimately, since indigenous peoples base their collective land claims on customary rights known and recognized by Tanzanian land legislation as “deemed rights of occupancy”.<sup>109</sup> One of the reasons why it is possible to alienate land from the pastoralists and hunter-gatherers is that their rights are not well provided for in Tanzania’s formal land legislation. The fact that much of the land they use is not physically occupied by households also puts them in a disadvantaged position as it is easier for outside interests, including the state, to rationalize and justify the appropriation of such lands.<sup>110</sup>

Other relevant legislation includes laws governing **wildlife and biodiversity**. The Wildlife Conservation Act of 1974 is one of the most significant pieces of legislation as far as pastoralism is concerned since it grants unlimited powers to the government authorities (vis à vis the ancestral users of the land) to acquire any piece of land for the purposes of protecting wildlife. Many of the protected areas in the country are either pastoral lands or were used by pastoralists in the past. The Wildlife Act of 2008 provides the legal basis for implementing the Wildlife Policy of 1998, and effectively replaces the Wildlife Conservation Act of 1974. Under the 2008 Act, the Minister of Natural Resources and Tourism has the authority to: 1) establish new protected areas; 2) designate wildlife corridors, dispersal areas, buffer zones and migratory routes and species management areas; and 3) declare any animal or class of animals to be a national game. According to the Act, pastoralists need written permission in order to graze livestock in Game Controlled Areas (GCA) even where these areas overlap with village lands,

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<sup>107</sup> These risks are due, among others, to the fact that the elected Village councils that are responsible for establishing certificates of village land and managing these lands may not represent the interests of minority groups like the hunter-gatherers; it also makes it possible for a villager to apply for an individual title on village lands. See, e.g., Geir Sundet, “The 1999 Land Act and Village Land Act” (2005), 10; Barume, *Land Rights* (2010), 147.

<sup>108</sup> The Constitution, the 1967 Land Acquisition Act, and land laws of 1999 permit the President to acquire general, village or reserved land for public purposes. Public purposes include public works, commercial development, environmental protection and resource exploitation. See USAID, “Tanzania Country Profile” at <http://usaidlandtenure.net/> Pressure to increase areas under conservation and to increase restrictions in areas already conserved is reflected by policies and legislations like the Wildlife Conservation Act 1974, which has been used to declare indigenous pastoralists’ village lands Game Controlled Areas or Game Reserves, as, e.g., in Loliondo and Longido in northern Tanzania. Other legislation includes the Forest Policy (1998); the Wildlife Policy (1998), the Community Based Forest Management Guidelines (2001), the Forest Act (2002), the Environmental Management Act (2004), and the Strategic Plan for the Implementation of the Land Acts (SPILL) of 2005.

<sup>109</sup> Customary land rights were first recognized in 1928. Since then, and especially from the 1980s on, the position of deemed rights of occupancy has been “clarified” by a series of decisions by Tanzania’s superior courts which found them on equal footing in law with the state’s granted rights of occupancy (Court of Appeal of Tanzania, 1994).

<sup>110</sup> See Shivji “Village” (2002), 51; Rie Odgaard, “Report to IWGIA” (2009), 38ff. The Land Amendment Act of 2004 creates a legislative framework “allowing for and regulation of sale of bare land”.

which is the case of most Maasai village lands. The Wildlife Division has always controlled wildlife on these lands (through hunting concessions)—now they are expanding their reach to control the land. The Wildlife Division also takes over the control of income from both sport hunting and safari tourism. The 2008 Wildlife Act which has further enhanced this possibility by providing that pastoralists need written permission in order to graze livestock in Game Controlled Areas (GCA) even when these areas overlap with village lands. The Grazing Land and Feed Resources Act of 2010 furthermore requires grazing land to be demarcated and animals to be confined to one place depending on the land carrying capacity.

#### **4. International and regional human rights treaties and instruments**

Tanzania has signed and ratified a wide range of international and regional human rights instruments including a number of international environmental conventions. In 2007, Tanzania voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>111</sup> Tanzania has **not** ratified ILO Convention No.169 on Indigenous and Tribal Peoples in Independent Countries.

##### **4.1 International human rights treaties**

Tanzania is party to six of the nine core international human rights treaties:<sup>112</sup>

- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>113</sup>
- The International Covenant on Civil and Political Rights (ICCPR)<sup>114</sup>
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of the Child (CRC) and its Optional Protocol CRC-OP-AC and OPSC
- The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol OP-CRPD

Tanzania has ratified several universal human rights instruments related to armed conflicts, a number of UN conventions and several UNESCO conventions of importance to indigenous peoples.

Tanzania is a member of the International Labor Organization (ILO) and has ratified 22 of its conventions, including C29 and C105 (on forced labor), C100 and C111 (on discrimination within employment and occupation), and C138 and C182 (on child labor), which are specifically relevant for indigenous peoples.

Tanzania is also Party to the main international conventions and agreements related to environment, bio-diversity and climate change as well as intellectual property rights.

##### **4.2 Regional human rights instruments**

Tanzania has ratified or signed the following regional human rights instruments:

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<sup>111</sup> Kenya, Burundi and Nigeria abstained, while more than 30 African states voted in favor of the Declaration. See Albert K. Barume “Responding to the Concerns of the African States” (2009), 170.

<sup>112</sup> Tanzania is not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its optional protocol; the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW); and the Convention for the Protection of All Persons from Enforced Disappearance (CPPED).

<sup>113</sup> Tanzania does not recognize Individual Complaints (art. 14).

<sup>114</sup> Tanzania does not recognize Inter-State complaints (art. 41) and is not party to ICCPR-OP 1 and OP 2.

- The African Charter on Human and Peoples' Rights (ACHPR)
- The African Charter on Rights and Welfare of the Child
- The Protocol to the ACHPR on the Rights of Women in Africa (signature)
- The Protocol to the ACHPR on the Establishment of an African Court on Human and Peoples' Rights

#### 4.3. Other relevant regional instruments

Tanzania has ratified several African conventions and is member of several regional institutions, including the Southern Africa Development Community (SADC), EAC (East African Community), EALA (East African Legislative Assembly) and EACM (East African Common Market), EAPCCO (Eastern Africa Police Chiefs Cooperation Organization); NEPAD (New Partnership for Africa's Development), the APRM (African Peer Review Mechanism); and COMESA (Common Market for East and Southern Africa).

### 5. Climate Change Policies

Tanzania is a party to the United Nations Framework Convention on Climate Change and produced a National Adaptation Programmes of Action (NAPAs) in 2007 as mandated by the convention. Although Tanzania lacks a national climate change policy, the National Climate Change Strategy (NCCS) developed in 2012 guides the integration of climate change into sectoral policies and plans. The country also adopted a National Climate Change Strategy (2012), a Draft National Adaptation Plan (2015–2030), Agriculture Sector Development Programme II, National Adaptation Programme for Action, Tanzanian Agriculture and Food Nutrition Policy (2011) among others. Tanzania has made great progress to integrate climate change adaptation and mitigation into agriculture, food and nutrition security policies and frameworks.<sup>115</sup> A National Framework and a National Strategy for REDD+ (2012) have been developed and several pilot projects are being implemented.

In terms of the political institutions, climate change policy issues are addressed within the Ministry of Environment and coordinated by the Vice President's Office (VPO) through the Division of Environment (DoE) and the National Environment Management Council (NEMC).

## 6. National and grass-roots organizations

### 6.1 Governmental Human Rights Institutions

**The Commission for Human Rights and Good Governance (CHRAGG)** was established in 2001. The independence of the Commission has been challenged over the years. Although the Commission is supposed to be an independent statutorily body, it is highly constrained by the political environment within which it operates as well as by financial constrictions.

### 6.2 National and local non-governmental organizations

Tanzania has a sizable number of national and local indigenous organizations as well as several support NGOs. The following list is therefore by no means exhaustive.

- **Feminist Activist Coalition—FEMACT** is a grassroots organization based in Dar es Salaam. It is a member of the Tanzania Gender Networking Programme (TGNP), an activist organization committed to challenging patriarchy and neo-liberalism at all

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<sup>115</sup> For analysis, see: Dorothy Amwata, Madaka Tumbo, Catherine Mungai, Maren Radeny and Dawit Solomon: "Review of policies and frameworks on climate change, agriculture, food and nutrition security in Tanzania" (CAFFS info note, July 2020)

levels, and advocating for gender equality/equity, women's empowerment, social justice and social transformation in Tanzania and beyond. <http://www.tgnp.org/>

- **Haki-Ardhi (1994)** is a membership organization based in Dar es Salaam. Its purpose is lobbying for and defending the security of land tenure for the ordinary people in Tanzania. The organization has programs on creating public awareness on land rights and good governance, covering several Districts in the country. <http://www.hakiardhi.org>
- **Haki Kazi Catalyst (2000)** is an NGO based in Arusha that is engaged in policy dialogue particularly on issues related to human rights and good governance. It has been particularly successful in 'demystifying' various government policies and strategies so as to make them accessible to the general public through simplified easy to follow publications. <http://www.hakikazi.org/>
- **Indigenous Peoples Coordinating Committee on REDD (NIPCC-REDD) (2009)** has been formed to monitor the national REDD program, with a focus on indigenous peoples' livelihood and traditional practices.
- **Legal and Human Rights Centre—LHRC (1995)** works out of Dar es Salaam and Arusha. Its main objective is to create legal and human rights awareness and to empower the general public, in particular, underprivileged section of the society through legal and civic education, advocacy, research, monitoring and follow up of human rights violation and provision of legal aid. It publishes an Annual Report on the human rights situation in Tanzania. <http://www.humanrights.or.tz/>
- **Maasai Women Development Organisation—MWEDO (2000)** in Arusha empowers women to enhance sustainable equitable and human development for Maasai women through access to Education, Women Economic Empowerment and maternal health and HIV/AIDS education. MWEDO is a membership organization with over 5,000 grassroots women members from Arusha and Manyara Regions. <http://www.maasaiwomentanzania.org/>
- **Parakuiyo Pastoralists Indigenous Community Development Organisation—PAICODEO (2003)** is a membership, non-profit organisation for pastoralists in Tanzania. The overall vision is to have indigenous pastoralist community attain sustainable development and have its culture recognized, respected and preserved. Contact Person: Adam Kuleit Ole Mwarabu Coordinator P.O BOX 63 Kimamba, Kilosa, Morogoro.
- **Pastoralists Indigenous Non-governmental Organisation—PINGOs Forum** is based in Arusha, and acts as an umbrella organization for more than 50 pastoralist and hunter-gatherers organizations. Its mission is to strengthen the capacity of the local NGOs in governance, lobbying and advocacy and to sensitize communities on their rights, to strengthen networking among the local NGOs, and to influence national policies in favor of pastoralists and hunter-gatherer. <http://www.pingosforum.or.tz/>
- **Ngorongoro Non-Governmental Organizations Network—NGONET** is based in Loliondo and works pastoralist issues in the Ngorongoro district. Contact person: Samuel Nangiria. Tel. 0784 834873.
- **Pastoral Women's Council (1997)** is a community-based organization in Loliondo that works with long-term structural solutions for the poverty and marginalization of pastoralist and agro-pastoralist women and children. <http://www.pastoralwomenscouncil.org/index.html>
- **Tanzania Natural Resources Forum (TNRf)** is an Arusha based collective of civil society organizations with a common interest in improving natural resource management in Tanzania by addressing the issue of governance. TNRf is hosting the **Pastoral Livelihood Taskforce-PLTF** (a consortium of more than 15 pastoral NGOs in Tanzania). <http://www.tnrf.org>

- **Tanzania Pastoralist, Hunter-Gatherers Organization—TAPHGO (2000)** is based in Arusha, and acts as an umbrella organisation for 32 pastoralist and hunter-gatherer member organizations. It endeavors to lobby and advocate the rights of pastoralist and hunter-gatherer communities. <http://www.taphgo.org/>
- **Ujamaa Community Resource Trust—UCRT (1998)** is a community based organization established in Arusha in order to strengthen the capacity of local ethnic minorities in northern Tanzania, principally pastoralists and hunter-gatherers such as the Maasai, Datoga, Akie (Dorobo), Sonjo and Hadza, to better control, manage and benefit from their lands and natural resources. <http://www.dorobofund.org/ucrt>

## 7. International organizations

### 7.1 UN agencies

In 2007, the Government of the United Republic of Tanzania became one of eight countries worldwide to pilot the UN Delivering as One (DaO) reform. The United Nations System in Tanzania comprises 23 UN agencies, who work closely with the government and other stakeholders to support the achievement of national development priorities and of the Sustainable Development Goals (SDGs). UN Agencies in Tanzania are currently working together to implement the United Nations Development Assistance Plan 2016-2021 (UNDAP II) which supports the Government of the United Republic of Tanzania to achieve its objectives in its national visions (Tanzania Development Vision 2025 and Zanzibar Vision 2020). As part of it the UN has developed a UN Sustainable Development Cooperation Framework (UNSDCF) for 2022/23 and 2027/28.

The OHCHR East Africa Regional Office (EARO) monitors human rights developments in Tanzania and supports governments, civil society, UN Country Teams and other stakeholders to strengthen human rights protection systems and mainstream human rights in programmes.

### 7.2 Bilateral international and regional development agencies

Although Tanzania still receive significant official development assistance (ODA) it has been drastically reduced in the last few years.<sup>116</sup> More than 40 development partners provide support to Tanzania. A large part of Tanzania ODA is provided by bilateral agencies (development partners) representing the following countries: Belgium, Canada, Denmark, EU institutions, Finland, France, GAVI Alliance, Germany, Global Fund, Ireland, Italy, Japan, Korea, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom and USAID.<sup>117</sup> Key donors, in terms of financial transfers, are Japan and the European Union, though some donors who do not publish their aid, like China, are thought also to be within this group.<sup>118</sup>

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<sup>116</sup> Net official development assistance and official aid received (current US\$) in Tanzania was reported at 2153139893 USD in 2019, according to the World Bank collection of development indicators, compiled from officially recognized sources.

<sup>117</sup> The Development Partner Group has its own Web page at <http://www.tzdp.org/tz/external/aid-modalities.html>

<sup>118</sup> In February 2022, the Japan International Cooperation Agency (JICA) signed loan agreements with the Government of the United of Republic of Tanzania in Dar es Salaam to provide Japanese ODA loans of up to a total of 35,174 million yen.

### 7.3 International financial institutions

The World Bank portfolio in Tanzania includes 21 national International Development Association (IDA) projects with total net commitments of \$4.8 billion (2021).<sup>119</sup> In 2018, the Bank's Board of Executive Directors endorsed the Tanzania Country Partnership Framework 2018-2022 (CPF) which focuses on three areas: (1) enhance productivity and accelerate equitable and sustainable growth, (2) boost human capital and social inclusion, and (3) modernize and improve the efficiency of public institutions.

Other financial institutions operations in the country include the African Development Bank (AfDB), a main donor, the Arab Bank for Economic Development in Africa (ABEDA), and the OPEC Fund.

## 8. IFAD projects and operations in Tanzania

IFAD has funded projects in Tanzania since 1978. It has a Country Office and has developed a Rural Poverty Portal (<http://www.ruralpovertyportal.org/>).

### **IFAD projects:**

[https://www.ifad.org/en/web/operations/w/country/tanzania#anchor-projects\\_and\\_programmes](https://www.ifad.org/en/web/operations/w/country/tanzania#anchor-projects_and_programmes)

### **IPAF projects:**

[https://www.ifad.org/documents/38711624/41839851/ipaf\\_africa\\_e.pdf/73fe84da-7916-b06b-6f38-01484a056426](https://www.ifad.org/documents/38711624/41839851/ipaf_africa_e.pdf/73fe84da-7916-b06b-6f38-01484a056426)

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<sup>119</sup> Key sectors supported include transport (29%), urban development (9%), education (27%), energy (7%), water (12%), social protection (9%), environment/natural resources (3%),

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## Annex 1 The hunter-gatherers of Tanzania

**The Hadzabe** (plural form of the word Hadza) are estimated to number between 1,000 and 3,000 people.<sup>120</sup> They live around Lake Eyasi, a large salt-water lake that almost completely dries up in the dry season and is located south of the Ngorongoro Conservation Area (NCA), in the central Rift Valley (Arusha Region). The Hadzabe are believed to be the descendants of Tanzania's aboriginal hunter-gatherer population; they differ from the Bantu and tend to be small in stature, physically slight, and have lighter colored skin. Their language—Hadzane—is a click language and is still widely spoken. These physical and linguistic characteristics have led to believe that they were somehow related to the San of Southern Africa. However, their DNAs seem to be totally unrelated.<sup>121</sup>

The Hadzabe are traditional nomadic hunter-gatherers. Organized into bands or “camps”, typically of 20–30 people, they move frequently and seasonally between dry-season and wet season areas in search of game, honey and wild plants and roots. This may involve travelling sizable distances on both sides of the lake, in search for better hunting and foraging grounds. Camps are easy to set up. Shelters are made of grass woven by the women and can be constructed in the matter of few hours. Most of the possessions owned by individuals can be carried on their backs. Hadza men usually forage individually or in pairs and hunt with bows and arrows treated with poison. Women forage in larger parties. While men specialize in procuring meat, honey, and baobab fruit, women specialize in tubers, berries, and greens. This division of labor, however, is not always strictly maintained.

Hadza men are not traditionally circumcised and only a certain unknown fraction of women are.<sup>122</sup> They are predominantly monogamous. They worship their own God (Hainei) and they have many sacred places in their ancestral land, where they go to pray and worship. Gender relations and relations within the bands are fairly egalitarian and leadership is only a quality for specific purposes at specific times. There is no tribal or other governing hierarchy, and conflict may be resolved by one of the parties voluntarily moving to another camp. This lack of pronounced leadership with a range of responsibilities and duties is said to make working with hunter-gatherers difficult.<sup>123</sup>

Until hundred years ago, the Hadzabe were able to follow their basic way of life. Attempts to settle them were made by the British in 1927 and 1939 but failed.<sup>124</sup> The attempts made by the Ujamaa program were not successful either and several of the villages constructed by the government were abandoned and have today been taken over by other ethnic groups. Currently, the presence of the Hadzabe is strongest around Mongo wa Mono in the Yaeda Valley, (Mbulu District), south of Lake Eyasi.

The Hadzabe are strictly hunter-gatherers and do not raise any livestock, although some do keep fields of domestic crops. It is also estimated that some 300 to 400 individuals subsist entirely on foraging. Whilst conservation laws prohibit hunting in the area the Hadzabe have been allowed a special license.

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<sup>120</sup> Population censuses do not provide ethnically disaggregated data,

<sup>121</sup> See Frank W. Marlowe, “Why the Hadza are Still Hunter-Gatherers” (2002), 3.

<sup>122</sup> Marlowe, “Why the Hadza”, (2002), 9.

<sup>123</sup> Andrew Madsen, *The Hadzabe of Tanzania: Land and Human Rights for a Hunter-Gatherer Community* (2000), 46.

<sup>124</sup> See Albert K. Barume, *Land Rights of Indigenous Peoples in Africa* (2010), 56, and Marlowe, “Why the Hadza” (2002), 11.

The Akie (or Akiek, Akyie) are also called Ndorobo—a Swahili term derived from "Il Torobbo", the Maasai term for "poor", or by inference "those without cattle". The Akie are estimated to number 5,200 individuals. They are found in different parts of northern Tanzania, but some 2,000 are believed to live in Kiteto District (Manyara Region) while other smaller groups are found in neighboring districts of Simanjiro and Kilosa (in Morogoro Region) and Kilindi (in Tanga Region).<sup>125</sup> The Akie are believed to have originated from Kenya as their original language—Akie—is closely related to the language of the Ogiek, a hunter-gatherer people living in southern Kenya. This language is almost extinct with few speakers left, and the Akie now use Maa—the language of the Maasai among whom they have lived and with whom they have interacted for several generations.

Besides the language, the Akie have also adopted other customs and cultural traits from the Maasai, including age grades/age-sets, and initiation rites for young men and women. There exists a certain interdependence between the two groups and the Maasai depend on the Akie for their honey (used as food and as medicine) and for helping them preparing specific rituals. Marriages between the two groups have always occurred but today they have become more frequent since the bride price for Akie girls is generally lower than that for Maasai girls, and therefore makes it easier for young Maasai without much livestock or money, to get a wife.

The Akie used to be nomadic hunter-gatherers, moving and finding their subsistence in much the same way as the Hadzabe. They too have experienced attempts from the government and NGOs to have them settle and become farmers. Since increasing pressure on their ancestral woodlands, and the ensuing environmental changes (e.g., deforestation), have made it ever more difficult for them to pursue their particular lifestyle, many Akie have eventually settled and cultivate crops and/or breed animals. Their attachment to the forests, however, stays strong. Many still consider the forest their home and the forest is what forms their identity. The forests are also where their religious activities and rites take place, and where their extensive indigenous knowledge of their environment comes to its rights.

Many Akie have today converted to Christianity. This does not deter them from still worshipping their god (*Tororeita*) and their ancestors. According to elders, hunting is more than a lifestyle, it also recalls the spirits of the ancestors and god himself.

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<sup>125</sup> This and the following data about the Akie is largely drawn from Florian Schöpferle, "The Economics of Akie Identity: Adaptation and Change among a Hunter-Gatherer People in Tanzania" (2011).

## Annex 2 The indigenous pastoralists of Tanzania

Among Tanzania's large number of pastoralists and agro-pastoralists, two groups—the Maasai and the Barabaig—identify as indigenous.

The Maasai belong to the Nilotic language group and are found in both Tanzania and Kenya. The Maasai are believed to originate from what is today known as Sudan and have arrived in northern Kenya around the first millennium. From there, they moved southward, and settled with their cattle in the Rift Valley and the adjacent land from Mount Marsabit (Kenya) to Dodoma (Tanzania). In Tanzania they total about 450,000.<sup>126</sup> They are traditionally semi nomadic pastoralists (cattle, goats, and sheep), practicing transhumance as well as some agriculture whenever conditions allow for it.<sup>127</sup> They are divided in territorial sections within which all members have access to the grazing resources. A section is also the largest political unit among the Maasai, and in the past, sections have engaged each other in war.<sup>128</sup> The largest sections today are the Laitaiok, the Serenget, the Salei and the Kisongo, who live in the northern part of the country, just south of the border to Kenya, in Ngorongoro, Monduli, Arusha, Simanjiro, Moshi and Kiteto Districts among others (Arusha and Manyara regions), and part of what is often called “Maasailand” or “Maasai steppe”, the other part being in Kenya (Narok and Kajiado). Another section, the Parakuyo (estimated population: 50,000) are found in Manyara and Tanga but large numbers are also found more to the south, dispersed over several regions (Morogoro, Iringa and Mbeya), where they are still considered as “migrants”, although many of them came as early as in the 1950s.

The Barabaig too belong to the Nilotic language group. They are the largest section of the Datoga people and are often designated under that name. The Datoga are found in several northern regions but 70% live in the Hanang and Mbulu districts of Manyara Region. This includes the Barabaig who occupy the northern volcanic highlands near their sacred Mount Hanang and the Rift Valley. Their population is estimated at 30,000-50,000. The Barabaig are semi-nomadic and herd cattle, sheep and goats. Today, many have become agro-pastoralists and farm maize, beans and millet.<sup>129</sup>

Both the Maasai and the Barabaig have to a large extent kept their traditional features and customs including their traditional way of dressing and their own languages—the Maasai speak Maa and several dialects (Kisongo and Parakuyo), the Barabaig speak a Datoga dialect.

The Maasai and Barabaig are essentially patriarchal and are organized in patrilineally related households, clans and sections. The clan forms the basic unit for taking cognizance of territorial occupation and regulates access to it, as well as for mutual aid and redistribution of livestock. They are politically acephalous societies and authority and decision making within a community is vested in assemblies of senior elders, hierarchy being determined by skills of

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<sup>126</sup> This is an estimate since the Population Census of 2002 does not disaggregate data by ethnic affiliation. This figure includes the Arusha Maasai, who are a sedentary agro-pastoralist community, that culturally share a number of customs and rituals with the pastoralist Maasai.

<sup>127</sup> According to some, the adoption of agriculture among the Maasai began with the period known as *Emutai* that occurred in the 1880's and 1890's. Claude G. Mung'ong'o, “Climate Change and Changing Patterns of Pastoralism in Semi-Arid Tanzania: Case of Pastoralist Maasai” (2010), 26.

<sup>128</sup> The Kisongo, for instance, defeated the Parakuyo, who were driven southward

<sup>129</sup> See D.K. Ndagala, “The Unmaking of the Datoga: Decreasing Resources and Increasing Conflict in Rural Tanzania” (1991), 72.

oratory, knowledge and wisdom.<sup>130</sup> The elders also have the primary responsibility with respect to the management of natural resources and articulating with outside entities.

Another basic social unit is the age set system, in particular among the Maasai who have five age grades of 15 years each. Only boys/men belong to the Maasai age-set system. Young boys are circumcised at around the age of 10-15, and become “warriors” or morans. This is followed by the next grade, Junior Elders, when men may marry. This first marriage is arranged by the father who also provides the cattle for the bride wealth. The senior elder age-set has the primary responsibility for the traditional administration and make the important decisions in the community.

The Datoga traditional age set system was slightly different since girls/women, too, had their own age grades. The initiation rites for Barabaig boys included both circumcision and facial scarification and from the age of 17 to the mid-thirties young men were classified as “warriors”.<sup>131</sup> Today, the age set system is reported to have formally been discontinued only living on in a simplified form, in relation to marital alliances.<sup>132</sup>

Both the Maasai and the Barabaig have traditionally attached many values to warriorhood, which was a period where young men could develop and assert their bravery and fierceness in wars and cattle raids. Stock raiding by and between the Barabaig and their immediate neighbors (Sukuma, Iraqw, Nyaturu) were particularly bloody as they were often accompanied by the killing of “enemies”. Several large scale murders took place in the 1970-1980 and the situation in the early 1980s escalated to the extent that it ended in a regular battle between the Barabaig and the Sukuma where the former were killed or driven out of their villages, their homes looted, their cattle stolen, etc., all of which led to their “unmaking”.<sup>133</sup> Today the Maasai and Barabaig warriors’ main duty is to provide security for the community and to move with livestock to better grazing land during drought periods.

Barabaig girls are circumcised in their infancy, Maasai girls at puberty. They get married between 13 and 17, while the men may not marry before they have finished their warriorhood, at the age of 30-35. Polygamy is widespread and a sign of wealth. Pastoral women, besides their domestic chores, building their dwellings, etc., also take part in livestock management, looking after the cattle and small stock which have been allocated to their sub-household. They are responsible for milking and dairy processing; and have the right to the milk. They will help with planting and harvesting if their families also farm. Despite their general subjugation, women play an important complementary role and when they reach menopause they may attain a high and important status. Barabaig women are central actors in Datoga political and religious life. They have their own “women’s council”, which is able to enforce sanctions and fines against men who threaten their well-being or procreation. Datoga women also have status as mediators between humans and the ancestral spirits.<sup>134</sup>

Cattle are an important part of the Maasai’s and the Barabaig’s status, identity, culture and world view. Cattle are widely used to establish strong forms of social exchange at specific

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<sup>130</sup> Charles Lane, *Pastures Lost* (1996), 138.

<sup>131</sup> See Tomikawa “Family and Daily Life—an Ethnography of the Datoga Pastoralists in Mangola” (1) (1978), 8.

<sup>132</sup> See Astrid Blystad, “On HIV, Sex and respect: Local-Global Discourse Encounters among the Datoga of Tanzania” (2004), 52.

<sup>133</sup> See Ndagala, “The Unmaking of the Datoga” (1991), 77-79.

<sup>134</sup> See Charles R. Lane, “Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania” (1991), 253.

stages of life, such as circumcision, bride wealth and other rituals where prescribed numbers of livestock are involved. Livestock are given to warriors as praise for courage and paid as compensation for crimes such as murder. Livestock may also be given as short or long term loans and as gifts. The exchange of animals leads to life-long commitments of friendship and assistance and constitutes a kind of insurance mechanism against droughts or epidemics.

The Maasai and the Barabaig adhere primarily to their indigenous religious beliefs and worship one God—called *Enkai* or *Engai* by the Maasai and *Aset* by the Barabaig. Ancestor worship is an important part of the Barabaig culture and their burial places (*bung'ed*) play an important part as a lasting focus for their cultural and spiritual life.

