

IUCN response to UN Special Procedures on questions regarding Ngorongoro Conservation Area (Ref: AL OTH 263/2021)

On 9 Feb 2022, IUCN received a letter of allegation (Annex 1) addressed to IUCN jointly by UN Special Procedures (UNSP) in relation to the situation in the Ngorongoro Conservation Area. This letter was addressed to the IUCN DG. The letter requests IUCN's responses to ten questions.

Similar letters were sent to the UNESCO World Heritage Centre, and to ICOMOS, which have been seen by IUCN. It is also stated that a letter was sent by UNSP to the Government of Tanzania, but IUCN has not seen that letter.

The below response is made by IUCN to the questions posed by UNSP. As noted below IUCN has also sought to activate a response on these points via the statutory procedures of the World Heritage Convention. The below responses are without prejudice to further consideration of Ngorongoro Conservation Area within the World Heritage Convention, including via IUCN's role as advisory body to the World Heritage Committee.

UNESCO issued a Statement on Ngorongoro, which was published 22 March 2022, and is available at <http://whc.unesco.org/en/news/2419/> and <http://whc.unesco.org/fr/actualites/2419/>. IUCN was consulted on this statement, which covers the statutory World Heritage position, where IUCN works jointly with UNESCO. IUCN therefore supports this statement in relation to World Heritage matters.

IUCN notes the indication that this response will be made public after 60 days, and has no objection in that regard.

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

IUCN welcomes the attention of the UN Special Procedures on human rights regarding NCA, including regarding the work of the World Heritage Convention, and the role of IUCN in supporting just and equitable conservation practices in this World Heritage site. IUCN is fully committed to a human rights based approach to nature conservation, including in NCA, where the responsibility is that of the Government of Tanzania. **IUCN considers forced eviction of Indigenous Peoples and Local Communities to be entirely unacceptable.**

The below answers provide a response on behalf of IUCN, and relative to IUCN's work. It is however important to note:

1. The overarching point that the primary responsibilities for the management of the NCA are those of the Government of Tanzania. IUCN is not a partner in implementing the management of NCA.
2. IUCN's direct interaction in NCA is primarily related to our role as advisory body to the World Heritage Committee. This role, which is undertaken jointly with the UNESCO World Heritage Centre, and with ICOMOS and ICCROM, is focused on monitoring the State of Conservation of the NCA in terms of its recognition on the World Heritage List. This includes the follow up on concerns raised regarding local communities, including rights related issues. The relevant documentation of this role is publicly available at this link: <https://whc.unesco.org/en/list/39/documents/>. The principal documentation relates to (a) State of Conservation Reports and Draft Decisions prepared for the World Heritage Committee which are the positions of the World Heritage Centre, IUCN, ICOMOS and ICCROM (b) World Heritage Committee decisions, which can either be adoption of the draft decisions, or can modify that decision and (c) supporting documentation which includes

documentation provided by the State Party (Government of Tanzania) or by UNESCO and the Advisory Bodies (such as reports of missions). In addition the documentation includes the nominations by Tanzania of NCA for World Heritage listing, and the decision to list the site on the World Heritage List, including evaluations of IUCN and ICOMOS regarding the nomination of NCA to be included on the World Heritage List, and maps of the areas that are subject to World Heritage Status. UNESCO World Heritage Centre is best placed to provide further information to the UNSP on this documentation and the procedures that lie behind it. In addition to the site documentation, it is also important to note that the role of all the actors (including IUCN) within the World Heritage Convention is clearly defined in the Convention's Operational Guidelines (as well as in the Convention itself), all of which are available at whc.unesco.org and furthermore the Convention's sustainable development policy is relevant, and this is available here: <https://whc.unesco.org/en/sustainabledevelopment/>

3. We have noted considerable misunderstandings regarding the role of IUCN in some of the position and petitions circulated about NCA. Some of the information that we have seen circulated about IUCN is factually inaccurate. This creates considerable and unhelpful confusion and hinders the work to address the concerns of the communities in the NCA by distracting from the factual situation that might lead to issues being resolved. In the below comments we set out the situation at the present moment, based on our current understanding.
4. There are a large (and growing) number of petitions and positions in circulation, from many different actors, some of which are public and others of which are not. This is also challenging. IUCN prioritises its engagement focused on petitions and approaches that are direct representations from the affected Indigenous Peoples and Local Communities. Furthermore we also respect confidentiality requests from rightsholders, and thus confidential information is not included in the below responses.
5. We also note that several of the petitions in circulation focus on issues that appear to be of great concern, but are not directly related to the NCA World Heritage Site (for instance concerns about Loliondo). It also appears that some of the petitions address information regarding different on ground situations. In this reply our comments are made in terms of the letter of the UNSP and focus on NCA, but the principles apply to all locations.
6. IUCN's work on the World Heritage Convention is undertaken jointly with the UNESCO World Heritage Centre, and the other Advisory Bodies to the World Heritage Convention (in the case of NCA, ICOMOS). We are aware of the similar letters sent by UNSP to the World Heritage Centre and ICOMOS. We understand the World Heritage Centre has proposed a meeting with the SRs, to clarify the situation and speak directly on the questions that have been raised. As noted above, we have been consulted on, and agree with, the UNESCO statement made on this matter, in relation to World Heritage matters, and we will coordinate further with UNESCO on this matter. Furthermore, UNESCO World Heritage Centre has seen and commented upon the present IUCN statement before it was issued (noting this statement is made only on behalf of IUCN).

The activities alleged to have been undertaken under the proposed MLUM framework create clear concern, and require urgent attention. It has been IUCN's focus to receive these documents since 2019 so that we can provide our comments upon them, before finalisation and implementation. Despite IUCN's concerns and the World Heritage Committee's request to the State Party of Tanzania to submit the MLUM for review by IUCN and ICOMOS, it has still not be submitted, and IUCN has seen neither past nor present drafts of this document. As expressed in the 2021 state of

conservation report to the World Heritage Committee, IUCN considers that “in the context of the complex history of this property in relation to challenging and fragile harmony between conservation and communities, relating to increasing numbers of people living in the property, there is an urgent need to review the effectiveness of the MLUM, the proposed voluntary resettlement scheme, and the zonation of the property in relation to competing requirements, and identify long-term interdisciplinary solutions based on international best practice through dialogue and in consultation with relevant rightsholders and other stakeholders.” The World Heritage Committee has recommended that the Government of Tanzania invite an Advisory mission by the World Heritage Centre and the Advisory Bodies so that the review of the MLUM can take place in consultation with the relevant stakeholders and rightsholders. We consider the review of this document (and all plans of such a nature) needs to be highly participatory and guided by a rights based approach, and **must take place before finalisation and implementation**.

Since learning in May 2021 of the allegations of the planned evictions of 73,000 Indigenous pastoralists from NCA, WHC, IUCN and ICOMOS have taken various steps to verify the information and to receive confirmation from the Government of Tanzania that large-scale and/or compulsory eviction will not happen. This finding was reported to the World Heritage Committee in July 2021 ([SOC 2021](#)). IUCN therefore sees an urgent need to follow up on the report that 82,000 people may now be affected. IUCN considers forced eviction of Indigenous Peoples and Local Communities to be entirely unacceptable.

The information that tourism infrastructure restriction is reportedly omitted from the MLUM is a great concern for IUCN. Impacts of tourism has been a long-standing problem for NCA and was highlighted in the 2019 mission report as a growing concern where urgent attention is required. IUCN therefore supports the concerns raised in the letter and considers that this is a pressing matter that require follow up with the Government of Tanzania.

2. Please provide information on how your organization has ensured the Maasai are involved in conserving the ecosystems within their traditional lands as well as indigenous livelihoods, skills and knowledge of conservation, which are all recognized as important features of natural and cultural World Heritage listing. Please indicate if, and to which extent, their involvement in conservation management and tourism activities in the NCA has been considered and undertaken, and how they share in the benefits of these developments.

All of the interactions with NCA have been undertaken on a joint basis with UNESCO, and the documentation noted above is relevant. We have had, and continue to maintain, dialogue with the Indigenous Peoples and Local Communities to ensure both inputs to the WH processes noted above, and to ensure concerns and issues are raised via the Convention’s procedures.

As noted above the primary responsibilities are those of the Government of Tanzania. In our most recent consideration of the situation, IUCN, together with the WHC and ICOMOS, have expressed “concern over the continued conflicts with the communities living in the property, and we consider that there is the need for an equitably governed consultative process to identify long term solutions to address these issues, with participation of all rightsholders and stakeholders, consistent with international norms and the policies of the Convention”. This position has been endorsed by the World Heritage Committee as part of Decision [44COM 7B.171](#).

Respecting the rights of Indigenous Peoples and Local Communities in conservation is a clearly stated policy of the World Heritage Convention and is central to IUCN’s mission and values. IUCN’s membership, composed of government, civil society and Indigenous Peoples’ Organisations (IPO), sets the policies that guide IUCN’s wider work. In this regard, IUCN’s Resolutions emphasise that nature conservation must respect the rights of Indigenous Peoples to the territories they have

traditionally owned and used. Furthermore, IUCN's Indigenous Peoples Organisations (IPO) strategy which is determined by IPOs, includes actions towards increasing IPO engagement on World Heritage nomination processes, and building the evidence base around the benefits of traditional agricultural practices for biodiversity, livelihoods, health and climate change mitigation. (The full strategy is available here:

https://www.iucn.org/sites/dev/files/content/documents/iucn_ipo_strategy-english_-_final.pdf)

Beyond World Heritage matters, IUCN through its Save Our Species (SOS) grant-making programme, is supporting a project by an international non-governmental organisation that promotes the coexistence of communities with lion populations within the property. An assessment of environmental and social risks has been undertaken, and the close consultation and direct involvement of affected communities is ensured throughout the design and implementation of the project.

- 3. Please provide information about how your organization has ensured that the MLUM balances the adverse impacts of tourism activities on the livelihoods of the traditional residents in the NCA, including potential impacts on environmental degradation and on human rights, including access to food and housing, access to social services (accessibility and affordability of essential health care, education, energy, safe water and sanitation services for all for example).***

IUCN considers that there is an urgent need to review the MLUM, as expressed in the 2021 state of conservation report to the World Heritage Committee in its capacity as an Advisory Body:

“In the context of the complex history of this property in relation to challenging and fragile harmony between conservation and communities, relating to increasing numbers of people living in the property, there is an urgent need to review the effectiveness of the MLUM, the proposed voluntary resettlement scheme, and the zonation of the property in relation to competing requirements, and identify long-term interdisciplinary solutions based on international best practice through dialogue and in consultation with relevant rightsholders and other stakeholders.”

Despite the request for the proposed MLUM to be submitted for review, made through the World Heritage Committee as well as through letters of requests from WHC, the State Party (Government of Tanzania) has still not submitted any documents relating to the MLUM.

- 4. Please also provide information on how your organization has ensured that information about the proposed MLUM was provided to potentially affected indigenous communities, the opportunities provided for public participation in decision-making about it, and ways in which public feedback was reflected in decision-making.***

As noted above, IUCN has learnt of the proposed MLUM through the Government of Tanzania but has not been consulted or received any documents relating to MLUM. This question is therefore to be directed to the Government of Tanzania, who is responsible for the consultative and decision-making processes referred to in the question.

- 5. Please provide information on how your organization has ensured that measures are taken to confer legal security of tenure in the NCA, including information on the measures taken to demarcate and allocate collective land rights to the Maasai, in consultation with them and in accordance with their customs, traditions, land tenure systems and evolving needs.**

See below and above, in relation to World Heritage matters, IUCN is advocating that there is “a consultative process to identify long-term sustainable solutions to address these issues, with participation of all rightsholders and stakeholders, consistent with international norms and the policies of the Convention”, which includes Free, Prior and Informed Consent of Indigenous Peoples. We are engaged in realising the implementation of this position via the channels of the World Heritage Convention including, if invited, an Advisory mission to the property. However for this question, the major requirement is a position from the Government of Tanzania to be communicated, since it is only the State Party that can ensure measures such as those referred to are taken.

- 6. Please provide information on how your organization has ensured that the Maasai are protected from forced evictions and arbitrary displacement, taking into consideration the fact that many persons and families may lack official documentation about the duration of their presence on the territory, and how it has ensured that any decision affecting their homes and lands, territories and resources is taken with their free, prior and informed consent and after agreement on just and fair compensation and, where possible, with the option of return.**

Please also note the above overall comments, and we would consider that forced evictions and arbitrary displacement are both entirely unacceptable, and contrary to the World Heritage Convention’s Operational Guidelines.

Upon receiving information about the alleged impending eviction of 73,000 Indigenous pastoralists from NCA in May 2021, IUCN and WHC held urgent calls, including one with the State Party. The content of the meeting with the State Party was reported to the WH Committee: “The State Party stated that the eviction of 73,000 pastoralists is not planned but confirmed the increasing challenges of ensuring the conservation values of the property in the light of increased resident populations since the creation of the conservation area. The State Party further reiterated its commitment to identify adequate solutions to this issue”.

IUCN and WHC therefore reported the need for “a consultative process to identify long-term sustainable solutions to address these issues, with participation of all rightsholders and stakeholders, consistent with international norms and the policies of the Convention” ([SOC 2021](#)).

- 7. Please provide information on how your organization has ensured that in the case of forced eviction, the relocation guarantees safe and secure (in particular for women and girls) access to water, sanitation, food and other livelihoods, and that the means for food production, water management and sanitation are culturally appropriate and respectful of Maasai cosmopolitanism. In this regard, please also provide information on how your organization has ensured that the evicted communities will be guaranteed access to their sacred places within the NCA.**

IUCN considers forced eviction of rightsholders to be entirely unacceptable, and is oppose to such actions in a World Heritage Site, or elsewhere. Furthermore IUCN, based on its own extensive research is deeply concerned that evictions and their aftermath may have a particularly detrimental

impact on women and girls through an increase in gender-based violence, and our IUCN gender programme has considerable capacity in relation to advice on this issue.

In relation to Ngorongoro, to date, in all exchanges with UNESCO and the Government of Tanzania, the Government has indicated that any relocation proposed is proceeding on a voluntary basis. We have not been in a position to verify the situation in relation to the recent allegations, and this is one reason why it is considered an Advisory Mission (or other mission) would be urgently necessary. In the terms posed in the question, as it pertains to Ngorongoro, this is a matter for response by the Government of Tanzania.

8. Please indicate to what extent your organization has considered the recommendations formulated by the NCA residents, including those related to the establishment of an independent and inclusive process to review land use plans in the NCA and the creation of a judicial commission to investigate the human rights violations perpetrated thus far.

IUCN welcomes recommendations received from the NCA residents. Recommendations from the NCA residents addressed to the Government of Tanzania and UNESCO, will be fully considered in considering our advice to the World Heritage Committee (as we have also considered past representations), via our joint procedures with UNESCO's World Heritage Centre, and the other Advisory Bodies to the World Heritage Convention.

IUCN considers it is essential to investigate in the most credible way possible all alleged human rights violations that have been reported, and to act in relation to the findings of that investigation and to review the land use plans to ensure that they follow an equitably governed consultative process with participation and decision making of all rightsholders and stakeholders.

9. Please indicate how your organization has ensured that persons who have lost their land, housing, possessions or livelihoods, or who have been displaced or have suffered any other economic or cultural impacts as a result of the implementation of the NCA, would be able to access effective remedy and reparation.

IUCN can make recommendations to the World Heritage Committee within its mandated role as an Advisory Body on World Heritage to address concerns of this nature, and we have both done this previously in relation to the need for redress measures, and we would do so again. The actual provision of remedy and reparation is always a matter for the State Party concerned.

10. Please indicate how your organization has ensured that a rights-based approach is followed to conservation restoration and sustainable biodiversity in the Ngorongoro Conservation Area.

IUCN has a long-standing commitment to rights-based approaches to conservation and has a long history of working with Indigenous Peoples both to promote recognition of their rights at policy level and to support their conservation activities on the ground. IUCN endorsed the UNDRIP in 2008 and regularly monitors and reports on its contributions to the implementation of the Declaration. IUCN Resolutions and field-based work emphasise Indigenous Peoples' rights to the lands, territories, and natural resources they have traditionally owned, occupied and used, and the need to ensure effective participation of indigenous peoples in all conservation initiatives and policy developments that affect them. We seek to ensure that all inputs to the NCA via our work on World Heritage, including our role in monitoring NCA and advising the World Heritage Committee is fully rooted in these principles, which are also reflected in the World Heritage Convention's operational guidelines.

This is done, inter alia, by ensuring responsiveness to Indigenous Peoples and local community concerns, ensuring staff capacity and appropriate training, inclusion of safeguards in the IUCN Environmental and Social Monitoring System (ESMS) and retaining and drawing on relevant expertise on these issues in IUCN, including where appropriate via IUCN Indigenous Peoples Organisation members. As UN Special Procedures will also appreciate, IUCN has been proactive in building relationships with relevant Special Rapporteurs, including ensuring responsiveness and engagement in rights issues related to World Heritage Sites. We would, thus, consider it appropriate to ensure that, beyond this exchange of questions and answers, there is a similar constructive engagement with UN Special Procedures regarding the concerns raised by NCA, building on the lessons learned regarding our collaboration to date.

ENDS