



NOTE VERBALE

Ref. No: NC291/738/02/182

The Permanent Mission of the United Republic of Tanzania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and with reference to OHCHR letter No. AL TZA 3/2021 dated 9 February 2022, concerning the Joint Communication from Special Procedures has the honour to communicate the response of the Government of the United Republic of Tanzania as attached.

The Permanent Mission of the United Republic of Tanzania to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 8 April 2022

Office of the High Commissioner for Human Rights (OHCHR),
GENEVA.



JOINT COMMUNICATION FROM THE SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS; THE SPECIAL RAPPORTEUR ON THE ISSUE OF HUMAN RIGHTS OBLIGATIONS RELATING TO THE ENJOYMENT OF A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT; THE SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD; THE SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES; THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS; THE SPECIAL RAPPORTEUR ON EXTREME POVERTY AND HUMAN RIGHTS AND THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION

The United Republic of Tanzania is in receipt of a Joint Communication sent by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the rights to non-discrimination in this context; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on the human rights to safe drinking water and sanitation dated 9th February 2022. The communication concerns allegations of human rights violations in the Ngorongoro Conservation Area

We would like to state at the outset that the United Republic of Tanzania is governed by rule of law, good governance and respect for human and peoples' rights. Therefore, there are no plans of forced evictions and demolition of homes of the inhabitants of the Ngorongoro Conservation Area as is being alleged.

1.0. BACKGROUND

The Ngorongoro was part of Serengeti National Park until 1959 when the two were separated into two different Protected Areas with different conservation status. The Ngorongoro Conservation Area (NCA) was established in 1959 as a multiple-land use area, where wildlife could co-exist with the semi-nomadic Maasai, who move from one place to another in search of water and pasture. The Maasai are a pastoral tribe that has managed to preserve its culture over hundreds of years, living in harmony with the wild animals. The NCA was therefore established as an experiment to maintain a balance between pastoralism, conservation, and tourism.

In order to ensure meaningful participation of the local communities in Ngorongoro, the government in 2000 established the Ngorongoro Pastoral Council (NPC) through the Government Notice No 234 published on 23/06/2000.

The NPC was established to ensure long-term success of the conservation area through the active involvement and participation of local communities in all aspects of the Ngorongoro Conservation Area management. The NPC has the following functions;-

- (i) To oversee the actual needs of the pastoral communities living in NCA.
- (ii) It is an advisory body to the NCAA's board of Directors on resident development and conservation matter of NCA.
- (iii) To ensure that other organs such as village governments and ward development committee are given opportunities to participate fully in providing their ideas on how to combat challenges facing the communities in NCA.
- (iv) To cooperate with other stakeholders mainly NCAA, donors, governmental and non-governmental organisations, the Ngorongoro District Council and other district authorities (neighbor district) in fulfilling its core activities.
- (v) To implement NPC activities and policies as approved by NCAA board of directors.
- (vi) To identify obstacles of resident's development and provide strategies for solving such problems by cooperating with other stakeholders.

Therefore, the concerns and views of the local communities and inhabitants of the NCA constitute Governments plans with regard to the development, traditional way of life, conservation and sustainability of the NCA.

2.0 CHANGING DYNAMICS

There have been concerns over increasing population, settlement, livestock and human activities that threaten the sustainability of the area listed by UNESCO as one of its World Heritage Site.

Initially, residents of the NCA who were estimated at 8,000 with 20 to 30 cows could live together with wildlife without any challenges. However, the population has rapidly increased to about 110,000 and the livestock has increased to 813,000. There is therefore need for sustainable conservation in the NCA.

3.0 RELOCATION PROPOSALS

The Government has indeed allocated land in Handeni district in Tanga Region where the Pastoralists will be relocated and provided with social services such as schools, hospitals and electricity.

The Government intends to construct 101 three-bedroom houses, with 336 plots for social services such as schools, health centers and water systems. Any relocation will be smooth and in compliance with the law of the land. People will be granted title deeds, houses as well as the land for grazing.

This re-allocation proposal has been tabled to residents of the NCA and is among the matters being discussed between the Government and the residents of the NCA.

4.0 THE PRINCIPLE OF PARTICIATION

As the United Republic of Tanzania is governed by good governance discussions on how to address situation in the NCA have involved the inhabitants of the NCA. They are being held in compliance with the principles of transparency and accountability.

The intention is for a win-win situation in order to ensure pastoral rights and ways of life are respected and environmental degradation to the Ngorongoro through conservation efforts are mitigated. This is the balance that the Government is striving to maintain through open and public discussion as is happening in the country.

The matter has been assigned the highest importance and is being steered by the Prime Minister of the United Republic of Tanzania and the Parliament has issued instructions for the Government to collect opinions and proposals from stakeholders in order to amicably reach a solution to the ongoing overpopulation and conservation challenges in the Ngorongoro Conservation Area.

The Government has also been allaying fears of forceful re-locations as peace and stability have to be maintained. Meetings and discussions are ongoing with community leaders and inhabitants of the NCA with local and high level Government delegations including the Prime Minister of the United Republic of Tanzania. These are being held in a transparent manner including all members of the local communities.

We believe that as the inhabitants of the NCA themselves are actively participating in the ongoing dialogue and are part of the process of coming up with solutions, there will be positive outcomes.

6.0. CONCLUSION

The United Republic of Tanzania is a country where human dignity and other human rights are respected and cherished.

We therefore refute allegations of arbitrary arrests and detention of journalists. Indeed, the NCA is being covered widely by local and international media as there is media pluralism in Tanzania. This is in compliance with the right to freedom of expression and the right to information. In this regard, various views on how to address the NCA are being deliberated publicly by the people and experts in all media forums. However, it is important not to take the various opinions as the Government's position.

Kindly note that the deliberations over the NCA are still at preliminary stage with ongoing consultations with the inhabitants of the NCA in order to develop feasible and viable solutions. We reiterate that the inhabitants of the Ngorongoro Conservation Area are still being consulted as proposals are being developed with them and final and conclusive decisions are yet to be made as discussions are ongoing. Therefore, there have been no forceful evictions or any action taken. The matter is still being discussed with the inhabitants of the NCA in consideration of the principle of participation.

Peaceful and constructive engagement with the inhabitants of the NCA is key in resolving the matter and this is the approach of the Government.

The Government will continue to ensure that the welfare of the inhabitants of the NCA is given top priority in Government activities and plans.

The United Republic of Tanzania remains allied to the spirit and mandate of the Human Rights Council and its Special Procedures Mechanisms.
