

Mandates of the Special Rapporteur on the right to food; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the rights of peasants and other people working in rural areas and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL TZA 4/2024
(Please use this reference in your reply)

18 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Working Group on the issue of human rights and transnational corporations and other business enterprises; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the rights of Indigenous Peoples; Working Group on the rights of peasants and other people working in rural areas and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 49/13, 53/3, 54/14, 55/2, 53/4, 52/10, 51/16, 54/9 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **Resilient Natural Resource Management Tourism and Growth (REGROW) project in Tanzania, which aims to develop protected areas to increase tourism in the southern region of the country, and has allegedly resulted and continues to result in grave violations of the rights of Indigenous Peoples and of other affected communities near Ruaha National Park (RUNAPA). The alleged human rights violations include the threat of forced evictions, extrajudicial killings, excessive use of force, enforced disappearances, violence against women, and massive cattle seizures by Tanzania National Parks Authorities (TANAPA). The project has been developed with the support of and funded by the World Bank.**

The Special Procedures mandate-holders have sent several communications in the past raising concerns on allegations of forced evictions, attacks, intimidation and harassment of Indigenous Peoples and other affected population in different regions of Tanzania (TZA 2/2023, TZA 3/2021, TZA 2/2019, TZA 1/2017, TZA 1/2016, TZA 1/2015, TZA 1/2014, TZA 3/2013, TZA 2/2013, TZA 3/2009, TZA 1/2009). We thank your Excellency's Government for the responses we have received to TZA 3/2021 and TZA 1/2015, however we regret that similar concerns still persist and have not been fully addressed or resolved by your Excellency's Government.

According to the information received:

The Great Ruaha River area is located in the southwest of Tanzania and is composed by the Ihefu and Usangu wetlands in the Mbarali District. Thanks to its fertile lands, the Great Ruaha River area has been for centuries the home of Indigenous Peoples, pastoralists, small-holder farmers and rice paddy cultivators, who have relied on the land for their livelihoods. In particular, Sangu, Maasai and Datoga self-identify as Indigenous Peoples and are the original inhabitants of the Ihefu wetlands, grazing their herds of cattle along the Great Ruaha River since pre-colonial times. In colonial times, the Maasai and Datoga Peoples were forced from their lands into the north and centre of Tanzania. Starting from the 1950s, the Maasai moved back to the region and repopulated the area along the Great Ruaha River. During the 1970s and 1980s, the Datoga also returned to the Great Ruaha River area, together with the Sukuma pastoralists, coming from the southern part of the Great Lakes, and settle in the area.

The river has also been used to expand irrigated rice cultivation in the Mbarali District, one of the major rice producing regions of the country. In the Usangu Plains, land devoted to growing rice grew from 145 km² in 1986 to 1,150 km² in 2013. On average, an estimated 600,000 tons of rice are produced annually in the Great Ruaha River basin, comprising 90 percent of all crops produced by a mix of smallholders and large commercial farms. After the construction of the Kidatu and Mtera power plant dams in the 1970s and 1980s, the river became an essential source of electricity for the country.

The Great Ruaha River is also home to rich diversity of wildlife, having one of highest populations of elephants and lions in Tanzania, in addition to over 570 species of birds. In 1964, the area obtained National Park status and became known as the Ruaha National Park (RUNAPA). Over 60 percent of the territory of the Mbarali District, one of the districts bordering the park, is classified as a protected area.

In recent years, the flow of the Great Ruaha River has decreased, with periodic droughts, intensifying competition over the river. The Government has taken measures to protect and expand hydroelectricity, rice cultivation, and tourism. These measures have reduced the access of communities to land and water, thus negatively impacting their livelihoods. Since 2022, small-scale farmers in Mbarali District, known as the “rice-basket”, have reportedly not been able to meet market demands, even struggling to grow sufficient grain for their own sustenance.

Previous evictions along the Great Ruaha River

Due to the great potential of the area, there have been repetitive and enduring patterns of community displacement along the Great Ruaha River since Tanzania’s independence in 1961. In the late 1980s, extensive irrigation projects began disrupting the annual flow of the Great Ruaha River, culminating in a complete stoppage above the Mtera dam in 1993. The reduced flow contributed to electricity shortages, which at the time the Government attributed to the use of water by the communities living near the Usangu and Ihefu wetlands. In 1998, parts of the Ihefu wetland were

designated as the Usangu Game Reserve and resulted in the forced evictions of fishers and herders, with only trophy hunting and wildlife research allowed in the reserve.

In May 2006, the Government launched the “Anti Livestock Operation” to remove villagers and livestock from the Usangu Game Reserve and surrounding areas. Armed police, TANAPA rangers, and anti-poaching units forcibly evicted approximately 1,000 households belonging to Sukuma, as well as other pastoralist communities such as Iparakuiyo, Taturu, and Barabaig pastoralists and agro-pastoralists. Sixteen villages were scattered and over 20,000 livestock removed from the area by 2007, resulting in the grave loss of livelihoods, family separations and hunger, as crops were destroyed. Many animals died of starvation or of water deprivation. It was indicated that the resettlement sites were inadequate for dignified conditions of living. In 2016 alone, only a portion of the total number of affected households received compensation.

Different studies which have been conducted since have shown that small farmers and pastoralists were not responsible for river degradation and the consequential power cuts of the 1990s, instead the increased irrigated cultivation by large farms and dam mismanagement were at fault.

On 14 November 2007, the National Assembly approved the extension of RUNAPA boundaries, the decision was assented by the President of Tanzania on 15 December 2007, through Government Notice 28 (GN 28). With the expansion of RUNAPA, the Government planned to incorporate the Usangu Game Reserve and parts of the Ihefu wetlands into the park, almost doubling its size from 10,300 km² to around 20,226 km². The areas planned to be incorporated in RUNAPA through GN 28 included lands that were legally registered under the Local Government Act No. 7 of 1982 and the Village Land Act. The concerned communities claim that they were not consulted before the approval of GN 28, and the Indigenous Peoples living in the affected areas did not provide their free, prior and informed consent.

Since 2007, however, the extension of the park boundaries and the consequential evictions have not been implemented nor enforced, thus communities and Indigenous Peoples have continued living in the area as they had done for generations.

The REGROW Project

On 28 September 2017, the International Development Association of the World Bank approved the Tanzania Resilient Natural Resources Management for Tourism and Growth (REGROW) Project, entailing a USD 150 million credit. The Project Development Objective is “to improve management of natural resources and tourism assets in priority areas of southern Tanzania, and to increase access to alternative livelihood activities for targeted communities”.¹ According to documents from the World Bank, national parks in Tanzania have been under stress from poaching for many decades which has had severe impacts on national parks in the country, including decline in

¹ <https://projects.worldbank.org/en/projects-operations/project-detail/P150523>

wildlife populations, depletion of iconic species, loss of biodiversity and increased security costs to employ, train and equip park rangers to “combat poachers”.²

The lead Project implementing agencies are the Ministry of Natural Resources and Tourism and TANAPA, with support from the Tanzania Wildlife Research Institute, the Tanzania Tourist Board, the Tanzania Forest Service, the National Irrigation Commission, and the Rufiji Basin Water Board. To achieve the Government’s goal to “expand broad-based tourism in a sustainable way” the project aims to increase tourism from 98,504 to 135,000 in 2025 by developing four priority protected areas in the southern region, since most of the tourism focuses on the north (Serengeti National Park, Ngorongoro Crater, and Mount Kilimanjaro). The concerned areas are Ruaha National Park, Mikumi National Park, Nyerere National Park, and the Udzungwa Mountains National Park. Among them, only RUNAPA received dedicated funding from REGROW.

The project has four main components:

1. Strengthen management and improve infrastructure in priority protected areas (USD 97 million).
2. Strengthen alternative livelihoods for targeted communities in proximity to the priority protected areas (USD 17 million).
3. Strengthen landscape management and infrastructure investments in and upstream of the Ruaha National Park (USD 27 million).
4. Project management, institutional strengthening, quality assurance and control, and monitoring and evaluation (USD 9 million).

The project finances the construction of unpaved roads, airstrips, visitors’ centres as well as additional security posts and the provision of equipment to rangers, thus directly supporting the enforcement capacity of TANAPA to prevent the so-called “illegal” use of resources, which includes farming and grazing.

The project was initially scheduled to conclude on 28 September 2023. However, in September 2021 it was restructured and rescheduled to finish on 28 February 2025, due to significant delays in its implementation.

According to initial assessments by the Bank, the Project triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Forests (OP/BP 4.36), Pest Management (OP 4.09), Physical Cultural Resources (OP/BP 4.11), and Involuntary Resettlement (OP/BP 4.12).

² Management Response to Request for Inspection Panel Review of the Tanzania: Resilient Natural Resources Management for Tourism and Growth (P150523), 18 August 2023.

Threats of evictions

On 25 October 2022, the Tanzanian Minister of Lands, Housing, and Human Settlements Development, publicly announced the eviction of five villages (Luhanga, Madundasi, Msanga, Iyala, Kilambo) and of an additional 47 sub-villages from other 14 villages, affecting tens of thousands of people and cancelling the legal registration of the affected villages. The Minister stated that staying after delisting would be considered breaking the law. These villages are adjacent to RUNAPA and are planned to become part of the park protected area.

The Government claims the boundaries of RUNAPA have encompassed these villages since GN 28. Fifteen villages (Azimio, Igava, Wimba Mahango, Mapogoro, Mbalino, Miyombweni, Mulungu, Mpolo, Mwatenga, Nyakazobe, Nyamakuyu, Magurula, Muungano, Madibira, Sonyanga and Usangu Ranchi) are required to complete new land use plans. Residents, including Indigenous Peoples in those villages, fear that the new land use plans will impose restrictions that prohibit farming and grazing to the deep detriment of their livelihoods. Additional villages may equally be at risk of eviction if the Government decides to enforce the boundaries established by GN 28 in 2007.

Since the announcement, communities have not received appropriate nor clear information regarding the evictions and the resettlement plans. The fear and uncertainty surrounding eviction announcements has disrupted villagers' daily lives, resulting in unplanted fields, marked houses for destruction, halted the construction of the Secondary School in Luhanga village, and a steep decline in student enrolment from primary to secondary school in Iyala village due to the looming threat of relocation. In January 2023, 852 smallholder farmers from Mbeya filed a case in front of the High Court of Tanzania (Land Case No. 15 of 2023) seeking to stop the Government from evicting them from their land. In November 2023, the applicants of the case requested (MISC Civil Application No. 68 of 2023) to be allowed to continue cultivating their land while the case was being decided. In March 2024, their request was denied.

On 20 October 2023, Government Notice 754 titled "*Declaration on Adjustment of Ruaha national park Boundaries of 2023*" (GN 754), issued by the President of Tanzania, was published in the official gazette. The readjustment of the Ruaha National Park boundaries will affect at least 23 villages (Mahango, Mkunywa, Iheha, Nyangadete, Magigiwe, Vikaye, Igunda, Ivanlanji, Ikanutwa, Nyeregete, Mwanavala, Ibumila, Songwe, Warumba, Ukwavila, Kapunga, Iyala, Luhanga, Maduntasi, Msanga, Simike, Kilambo, and Udindilwa) and over 21,250 residents. The 23 villages are registered with village land titles situated in Mbarali District. The implementation of GN 754 will not only deprive villagers of their lands and source of livelihoods, but also preclude them from enjoying social services on which they rely, like schools, churches, mosques and health centres. The operational primary schools that will be affected include those of Msanga, Madundas, Luhanga, Iyala, Mkondeko, Kilambo and Ifushilo.

The Government did not seek or receive the free, prior or informed consent of Indigenous Peoples, nor conduct previous consultation of other persons residing in the villages impacted by GN 28 and GN 754, before their adoption

and has not offered compensation to the villagers for their land, as required by parliament committee recommendations, nor proposed a resettlement plan. The Government has failed to publish minutes from village counsels and village general assembly meetings to demonstrate consent, as required by law (Village Land Act No. 5 of 1999). Residents were not provided with clear information on how or when they are to leave their lands and homes.

On 19 December 2023, 855 residents from 23 villages facing eviction in Mbarali District due to GN 754 filed a case (reference 45 of 2023) in the East African Court of Justice, based in Arusha, Tanzania, on the alleged violation of articles 6(d), 7(2) and 8 (1)(c) of the African Charter of Human and People's Rights. The evictions are said to be imminent as demonstrated by an escalation of cattle and farm equipment seizure in the newly demarcated areas. The applicants of the case request the court to annul the GN 754 and force the responsible actors to fairly and promptly compensate them for losses already caused. In case they were to be relocated, they demand to be allocated an alternative parcel of land suitable for agriculture for each applicant, ensuring the continuity of their agricultural practices and economic wellbeing.

Cattle seizure

Since 2021, Government authorities have been seizing cattle from residents and pastoralists and auctioning off their animals, gravely affecting their livelihoods and their economic conditions. Cattle seizures force pastoralists out of the area, amounting to economic displacement.

In September 2022, a representative of RUNAPA affirmed that they had captured 12,758 cattle in the park over 2021/2022 collecting over 1.2 billion Tanzanian shillings from pastoralists as fines. Some of the reported cattle seizures include:

Between 14 and 24 September 2022, 3,492 cattle were seized after accusing the herders of grazing within the Ihefu wetlands, they were obliged to pay fines for their cattle to be returned.

On 22 November 2022, RUNAPA park rangers seized 172 cattle in Mbarali district. The Mbarali district court issued an injunction, ordering for the cattle to not be auctioned off. However, the cattle were still sold.

On 2 December 2022, 93 cattle were seized from two pastoral families located south of RUNAPA and auctioned off, with the permission of the Mbarali district court.

On 7 December 2022, TANAPA rangers seized 293 cattle. On 12 December 2022, the relevant local court ordered the owners of the cattle to pay a fine to retrieve their cattle.

On 19 December 2022, TANAPA rangers seized 140 cattle within RUNAPA. The owner tried to pay to retrieve their animals. On 22 December 2022, the district court ordered the cattle to be auctioned as "unclaimed".

In 2022, a community member was notified by phone call of the seizure of his cattle (130 cows), he then went to the ranger camp and saw his cows in a fenced area, being kept under the sun without water or food. After asking the rangers to release his cows, they beat him, resulting in a broken finger and an injured elbow.

On 6 March 2023, TANAPA rangers seized 250 cattle from pastoralists in the Mbarali district, village of Mwanawala, accusing them of encroaching on RUNAPA, even though the Mwanawala village is not within the park.

On 27 March 2023, a community member was approached by four armed rangers by his house, they accused him of being in RUNAPA. They started seizing his cattle, as he tried to stop them, they beat him with a stick. He went to the court to recover his cattle, but it had been sold. He reported the facts to the police, without receiving a response.

Between 10 and 22 January 2024, TANAPA rangers seized over 840 cattle from several villages outside of RUNAPA's boundaries. Nearly 500 of the seized cattle were auctioned off, while the remaining were returned to their owners after they paid substantial fines, affecting their economic wellbeing.

On 24 March 2024, TANAPA rangers captured 549 cattle and three donkeys belonging to a Sukuma pastoralist from Vikaye village. The animals were seized in Iyala village and driven into the park near Madundasi. According to GN 754 of 2023, Iyala village is considered to be inside the Ruaha National Park. On 26 March 2024, the Mbarali District Court sold the animals as unclaimed property. In the following days, the new owners of the cattle were ambushed by unknown assailants and some of the cattle were stolen. On 5 May 2024, the police arrested the younger brother of the Sukuma pastoralist from Vikaye village and another person, while selling 12 cattle at the Imalilo-Songwe public auction market. They were charged with cattle theft and imprisoned in Isisi prison. Their court date was set for 28 May 2024, and later delayed twice to 12 June 2024 and 25 July 2024, without possibility of bail.

Cattle seizure and auctioning off herders' cattle have continued to be perpetrated by TANAPA rangers also in 2024. Farmers families living outside RUNAPA have been prevented from planting paddy by TANAPA rangers, who around March 2024, start of the rainy season, confiscated tractors, power tillers, and fertilizer. The confiscated equipment allegedly remains sitting in the Mbarali District Court. Large state operated farms in the same area were not targeted. The seizure of cattle and farming equipment has caused devastating economic and livelihoods loss for villagers, increasing hunger and poverty. It is believed that these conditions are imposed upon villages affected by the expansion of the RUNAPA borders, to forcefully displace communities from their land by putting them in unliveable conditions. Pastoralists reported that TANAPA rangers have used threats, excessive force and even engaged in extreme violent acts during cattle seizures.

Excessive use of force and violence by park rangers

A significant aspect of the REGROW project is aimed at enhancing the capacity of guards and park authorities to monitor and patrol the park area, by

providing equipment and infrastructure. This involves strengthening monitoring systems to better protect wildlife and detect illegal resource uses, which includes grazing and farming. In November 2017, TANAPA's status was changed to a paramilitary organization. TANAPA's use of weapons is regulated by a set of "general orders". This process allegedly has led to abuse of power and allegations of extrajudicial killings by TANAPA rangers of villagers living near RUNAPA. On 23 April 2021, TANAPA rangers reportedly shot and killed a fisherman and two herders (of 25 and 14 years old). From 2017 until April 2022, six other killings attributable to TANAPA have been documented.

In October 2019, the 20-year-old son of the Sukuma pastoralist from Vikaye village whose cattle was seized later in March 2024, was shot and killed by TANAPA rangers during a cattle seizure near the Ruaha National Park. The 20-year-old and fellow herders tried to prevent TANAPA rangers from capturing the animals. In the process, the 20-year-old was shot but not fatally injured. TANAPA rangers also reportedly killed 15 cattle. A relative remained with the 20-year-old to support him while the other herders chased the animals towards the village centre. The young adult and his relative were chased by TANAPA rangers, one of them approached the injured young adult and shot him, then loaded his body into the back of a Land Cruiser. The father of the victim was travelling at the time of the murder and immediately returned home. He spoke to the media demanding the assassins of his son be held accountable. Days after, he was reportedly arbitrarily arrested and detained without trial, and not allowed to attend the funeral of his son. The event and the killing were reported to the police. Since the murder of his son in 2019, the father has been living in fear of retaliation from TANAPA rangers for his attempts to seek justice. The abovementioned cattle seizure of 24 March 2024, and the arbitrary arrest of his brother confirmed the fears of reprisals. The Sukuma pastoralist from Vikaye village is currently in hiding and fears for his life.

On 28 October 2023, a 21 years-old was allegedly killed by gunshots fired by TANAPA rangers in Mwanawala village. Surviving victims are often hesitant to report due to fear of reprisals and due to the authority that TANAPA rangers exercise in the area. During the dry season in 2021, a community member and his brother were with their cattle, TANAPA rangers arrived and started seizing their cattle. His brother tried to stop them, and the rangers fatally shot him. The killing was reported to the police.

During the cattle seizure of 6 March 2023, six armed TANAPA rangers arrived through helicopter and violently confronted a pastoralist that opposed to his cattle being seized, brutally assaulted three Maasai women and another villager. The pastoralist indicated that they took his clothes and beat him, inflicted a cut on his head and that he was tortured with a heated knife, leaving scars on his back and upper thigh. He required hospitalization for two days, as confirmed by a police medical report. Persons close to him reported that he had not been himself since the attack. Two women reported that they and a third woman were picking vegetables outside the national park, when the rangers from a helicopter approached and questioned them. The rangers ordered them to totally undress and lie flat on the ground, then they beat them with the handles of their knives on their shoulders. While the rangers were

preparing to burn the three women, the pilot of the helicopter – a woman – begged the rangers to stop the violence. The women reported the attack to the police and had to seek medical treatment for their injuries. TANAPA gave them money to cover hospital treatment. The women affirmed to be traumatized by the attack and suffered from painful injuries. Another villager reported to have seen the attack on the women and told the rangers that he was outside park boundaries. The rangers beat him, cut off his clothes and burned them. The rangers burned him with a heated knife on his back and arm. Victims informed of having received a million shilling from TANAPA after the attacks. Several women in the villages of Luhanga, Vikaye and Mwanawala have reported to have been raped by park rangers of RUNAPA.

In May 2023, functionaries from the Ministry of Natural Resources and Tourism and from TANAPA visited the Mbeya Region and met with its District Commissioner. Mwanawala villagers reported that the Governmental delegation was accompanied by a heavily armed police force and that they were allegedly threatened by officials with “dire consequences” if they continued to speak to media.

On 15 August 2023, a community member indicated that his brother was searching for goats near the Ruaha River and that him and two fishermen were taken away and remain missing. This was reported to the police and district commissioner, allegedly no adequate investigation regarding the enforced disappearances was conducted. As of October 2024, the fate and whereabouts of the three men remain unknown.

On 27 August 2023, a leader of Chama Cha Wafugaji Tanzania (CCWT) – local organisation uniting pastoral communities and safeguarding their interests – gave a list of 13 individuals killed by TANAPA rangers between 2017 and 2021 to World Bank functionaries. The age of the victims ranged from 14 to 39 years old. It is reported that their killings have not been properly investigated and that the victims’ families have not received any form of redress. Reportedly, the list had previously been sent to various governmental ministries and departments, including to the Prime Minister, through official letters.

Involvement of the World Bank

The World Bank Group is a global partnership working for sustainable solutions to reduce poverty and build shared prosperity in developing countries. It is the creator and funder of the REGROW project.

The communities affected by the REGROW project appointed the Oakland Institute to represent and advise them in bringing forward their case in front of the World Bank. The Oakland Institute is a non-governmental organisation focused on social, economic, and environmental issues worldwide.

On 5 April 2023, the Oakland Institute sent a letter to several World Bank staff members raising concerns related to the announcement of evictions, cattle seizure, extrajudicial killings and excessive use of force, and requested information to be provided on the measures taken by the World Bank to address the situation. On 18 May 2023, the World Bank responded by saying

that allegations were unrelated to the REGROW Project. The World Bank dismissed the allegations of evictions, stating that if the evictions are planned by the Government to expand park boundaries, they are unrelated to the project and that the extension of RUNAPA boundaries was approved by GN 28 of 2007, predating the World Bank-supported project. Regarding the cattle seizures, the World Bank responded that, according to their knowledge, TANAPA rangers work only within the park boundaries. The World Bank underlined that through REGROW it provides material support to the Government for the management of RUNAPA, as well as policy and institutional support, including providing materials and equipment to TANAPA for their monitoring and patrolling activities, and that none of the provided tools include weapons.

The Bank informed that the Project includes a Resettlement Policy Framework as a “precautionary measure”, in case resettlements would be necessary for construction activities under the project. In 2017, during project preparation, the Government agreed to follow the Resettlement Policy Framework for any resettlement resulting from the project in the project area, establishing that in that case the Government would provide to the Bank a “site-specific Resettlement Action Plans” (RAP). The Bank would provide technical assistance and review, comment and approve the plan prior to any resettlement activities. The safeguards also require public consultation meetings in the affected villages with relevant stakeholders. However, no Resettlement Action Plan from the Government has been presented for the World Bank’s evaluation.

On 20 June 2023, the Oakland Institute submitted a Complaint (Request for Inspection) Form (RQ23/02) to the Inspection Panel of the World Bank Accountability Mechanism, in representation of the affected people, whom due to extreme fear of reprisals preferred to remain anonymous and chose the Oakland Institute to advocate for them. The World Bank established an Inspection Panel – an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by a World Bank-funded project – to inspect allegations of human rights abuse linked with the REGROW project.

The complaint raised concerns of threat of forced evictions, loss of livelihoods, economic displacement, cattle seizures, extrajudicial killings, retaliation, excessive use of force and violence, lack of meaningful consultations and lack of disclosure of project documents with affected communities, fear of intimidation and reprisals for the submission of the request, causing direct harm on the communities living adjacent to RUNAPA which include, inter alia, Indigenous Peoples.

On 18 August 2023, after reviewing the Request for Inspection, the Management Board of the World Bank concluded that the alleged harms did not stem from non-compliance with Bank policy and that “the Requesters’ rights or interests have not been, nor will they be, directly and adversely affected by a failure of the Bank to implement its policies and procedures.”³

³ Management Response to Request for Inspection Panel Review of the Tanzania: Resilient Natural Resources Management for Tourism and Growth (P150523), 18 August 2023, p. 25.

The Management Board recognised that there were longstanding, widespread and ongoing “conflicts between pastoralist communities and nature conservation efforts undertaken by the Government of Tanzania”, and that they predate and go beyond the area of the REGROW project.

Regarding the threat of forced evictions, the World Bank reaffirmed that they are the result of the 2007 extension project, that REGROW does not require or finance the extension of the park boundaries or evictions, and that the REGROW project includes resettlement safeguards (RAP). According to Management, in May 2023, the Minister of Natural Resources and Tourism announced plans to issue a new Government Notice altering the boundaries of RUNAPA with the goal of allocating approximately 34,000 hectares of the park area to local villages/communities for their own use; and removing an additional 900 hectares from the park area for grazing activities. On 18 August 2023, Management affirmed to have no knowledge of communities being relocated for the purpose of implementing the REGROW project nor of the existence of any plans of relocations.

In response to allegations of violence and killings, the Bank Management affirmed that the alleged facts are not caused by REGROW, and “cannot plausibly relate to a failure of the Bank to comply with its policies”.

Between 21 and 30 April 2023, the Bank dispatched a team of social and environmental specialists to the project sites. According to the findings of this team, no allegations of threats, intimidation, extra-judicial killings, retaliation, or any other violence were raised.

On the alleged seizures of cattle by TANAPA rangers, the Bank Management restated that also these actions are unrelated to non-compliance of the Bank with its own policies.

Regarding the allegations of lack of meaningful consultation, the Bank Management noticed that REGROW includes a stakeholder engagement plan and that “since February 2020, 222 targeted consultations have been conducted. More than 7,000 people were consulted around RUNAPA between October 2021 and June 2023. These include communities, Water Users Associations, Irrigators Organizations, farmers, livestock keepers, and civil society and nongovernmental organizations (CSOs/NGOs). Consultations have included 3,500 rice farmers from Mbarali District, covering 13 villages”.⁴ Community members have affirmed that they were not consulted, not have they heard of other members being consulted, and that no one has given their consent for the implementation of the project.

On the alleged failure to apply the Bank’s policy on Indigenous Peoples, the bank responded that “no people qualifying as indigenous under Bank Policy were present in the Project area”. Management states that “[t]he policy requires that the people in question have a collective and ancestral attachment to the territories and habitats in the Project area” and that the groups mentioned in the request for investigation – Maasai and Datoga – do not satisfy this criterion as they have migrated to the area of RUNAPA starting

⁴ Management Response to Request for Inspection Panel Review of the Tanzania: Resilient Natural Resources Management for Tourism and Growth (P150523), 18 August 2023, p. 13, para. 35.

from the 1970s, as confirmed by analysis carried out during the preparation of the project, thus not satisfying the “ancestral ties to the project area” requirement. Bank policy OP 4.10, as revised in April 2013, underlines that there is no universally recognized definition of “Indigenous Peoples” and that therefore the term “is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

- a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- d) an indigenous language, often different from the official language of the country or region”.

According to the World Bank document of October 2016 “Emerging Lessons Series No. 2” by the Inspection Panel, the first identified issue related to World Bank projects and Indigenous Peoples is the failure to identify Indigenous Peoples as such, often stemming from “inadequate screening exercises, domestic resistance to the concept of IPs, and the lack of specialized expertise”. Given the complexity of the topic, the Inspection Panel noted that higher consideration must be given to the consultation of affected people and understanding of their preferred terminology, as well as to the fact that “the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend”. The Panel also specifies that even when other terminology is used to define a certain group affected by a Bank’s project (e.g. vulnerable and marginalized groups) this does not automatically imply that OP 4.10 does not apply.

From 21 August to 2 September 2023, the World Bank’s Inspection Panel visited Tanzania, meeting with Government representatives and on 19 September 2023, it submitted its report and recommendation to the Executive Board of the World Bank.

The Panel observed that there is a consensus among independent experts on pastoralists and Indigenous Peoples that the Maasai and Datoga Peoples are not originally from the Usangu Plains, but moved there starting from the 1950s. Furthermore, the Panel met with communities in the concerned area who acknowledged they had migrated there in the last decades. The Panel concluded that most concerned villages are composed of “mixed tribal groups”.

The communities that met with the Panel raised concerns about frequent cattle seizures, often forcefully. They also shared their fears as to what would happen to their animals and farms, as their source of livelihood and only occupation they had ever known, if they were to be relocated. Cattle seizure

and auctioning without justification have a devastating impact on the villagers' livelihood and wellbeing. The Panel listened to verbal accounts on allegations of acts of violence resulting in injuries and missing persons. During its visit, the Investigation Panel was shown paddy fields, unplanted in 2023, and houses marked to be demolished, as well as informed on the halting of construction of schools and developing activities in the affected villages, as consequences of the eviction announcement of 25 October 2022. Villagers also informed that contested park boundaries selectively avoid properties belonging to the state or some individuals. The Panel observed that the villages had designated farming and grazing areas and that the villagers' understanding of park boundaries differs from that of TANAPA.

The Panel met with TANAPA, who informed the Panel that inappropriate irrigation practices and agricultural systems, uncontrolled settlements, overgrazing, and poaching threaten RUNAPA as a national park. TANAPA confirmed the use of helicopters to patrol, engage with poachers and drive cattle out of the national park. TANAPA stated that its rangers face threats of violence, with several having been killed or injured while on duty.

Regarding the allegations of use of force by TANAPA, the Panel listened to verbal accounts on allegations of acts of violence resulting in injuries and missing persons. Confirming several of the incidents and attacks included in the sections above. Particularly, the allegations of killing of a community member in the dry season of 2021, the cattle seizure of 130 cows in 2022, cattle seizure and violence of 6 March and 27 March 2023, and the disappearance of three men on 15 August 2023.

Community members expressed their concerns of retaliation to the Panel. In its meetings with the Government, the Panel reiterated the need for having independent meetings with community members, without the presence of national authorities, including project-related entities. The Panel affirmed to have taken practical measures to minimize the risk of intimidation and reprisals during its meetings with communities. However, some incidents during the visits were reported.

On 28 August 2023, the delegation of the Inspection Panel departed from Igurusi headed to Madundasi. A convoy of cars of the Mbarali District Commissioner was seen driving towards Madundasi. This was perceived as a serious security threat, thus the delegation of the Investigation Panel returned to Igurusi, preventing them from meeting with 60 community members.

On 29 August 2023, the Inspection Panel was visiting the unfinished Luhanga Secondary School together with Luhanga villagers. While the meeting was about to finish a black car with tinted windows stopped about 40 meters away from them. Three men descended from the car, two of them filmed the cars of the Investigation Panel, while the other man approached the members of the Panel. After interrogating one of the persons accompanying the Panel, the three men left, and the delegation of the Investigation Panel drove away. This was perceived as an act of intimidation. All Indigenous Peoples who met with the Inspection Panel underlined that they do not wish to leave their ancestral lands. Community members of different villages also shared their firm desire to remain on the lands they farm and in which they graze.

The Panel reaffirmed in its conclusions that since the migration of the Datoga, Maasai, and Sukuma into the Project area started from the 1950s the Indigenous Peoples policy is not applicable for these groups in the context of REGROW. The Panel also determined that no resettlement was taking place in the project area and that there was no plausible link between the alleged resettlement-related harm or potential harm resulting from the project in the project area.

In relation to allegations of violence, including the forceful seizure of cattle by TANAPA, the Panel recommended an investigation into the Bank's review and due diligence regarding TANAPA, into whether risks to communities were identified in project documents and appropriate mitigation measures put in place, and into the Bank's supervision of the Project's implementing agencies. The recommended investigation should review the possible non-compliance with the applicable World Bank policies, namely Environmental Assessment (OP/BP 4.01) and the Bank's Investment Project Financing policy.

On 15 November of 2023, the World Bank Board of Directors accepted the recommendation of the Panel to investigate the REGROW project. On 16 November 2023, the Accountability Mechanism Secretary wrote to the Government of Tanzania and the representatives of the affected communities to propose a dispute resolution mechanism to address the allegations of human rights violations and abuses, underlining that such choice rests entirely on the parties involved. The Government of Tanzania notified its willingness to accept the offer and engage in dispute resolution. The claimants chose to proceed with the investigation. On 11 December 2023, the Board of Directors was notified that an agreement to enter the proposed dispute resolution was not reached by the parties and that thus the Inspection Panel could commence its investigation.

On 15 February 2024, the Oakland Institute and Rainforest Rescue (Rettet den Regenwald) delivered a petition, with 72,000 signatures, to the President of the World Bank, Ajay Banga, calling on him to immediately stop funding the REGROW project. Up until October 2024, the petition remains open, with over 80,600 signatures.

On 17 April 2024, Management informed the Board that the World Bank was suspending the funding of the REGROW project, effective from 18 April 2024, due to noncompliance with the safeguards requirement of the project related to "resettlement procedures and compensation, and grievances monitoring and reporting".⁵ By the date of suspension of funds, the World Bank had already disbursed approximately 100 million USD, out of the 150 million total project allocation budget.

On 3 May 2024, the Panel received a second request for inspection related to REGROW. The second request reiterated information first received by the Panel on 21 February 2024, but it also included new allegations linked with

⁵ Inspection Panel Recommendation (Second Request), Document date MAY 17, 2024. Publication date MAY 28, 2024. <https://www.inspectionpanel.org/panel-cases/resilient-natural-resource-management-tourism-and-growth-p150523>

the expansion of RUNAPA according to GN 754 of October 2023. No resettlement plan has been prepared, despite the agreement between the Government of Tanzania and the World Bank to follow the Resettlement Policy Framework in case of resettlement in the project area.

On 17 May 2024, after reviewing the new request of inspection, the Panel concluded that the issues raised in the new request were not known to them at the time of their recommendation in September 2023 and that, given the suspension of the funding from the World Bank and its reasons, there is a plausible link between the project and the alleged harm. Thus, the Panel recommended the Board to investigate the allegation raised in the Second Request within the ongoing investigation. On 1 June 2024, the Panel included the claims raised in the second request for inspection in their ongoing investigation and updated the investigation plan, after a failed proposal of dispute resolution to the parties.

On 16 September 2024, the Inspection Panel submitted its final investigation report to the Bank's Board of Directors and the Bank's management. The Bank acknowledged that given the severe risk of intimidation and reprisals, it cannot follow the standard procedure and present the summary of findings in person to the impacted communities. The Oakland Institute raised its concerns with the Bank's Board of Directors and the Investigation Panel regarding the fact that impacted Indigenous Peoples and other affected communities will only receive a summary of the findings and not the full report, and underlined that they should have adequate time to review it before engaging with the Bank in any possible consultations for an Action Plan.

The Oakland Institute requested for them and the affected communities and Indigenous Peoples to receive a copy of the full report. In response, the Investigation Panel has made a few proposals to the Oakland Institute to view the report, always requesting for affected communities and Indigenous Peoples and their representatives to sign a non-disclosure agreement in advance, and without providing them with the full electronic report. The Oakland Institute refused such proposals and again requested to receive an electronic copy of the full report.

On 7 October 2024, the Board of Directors informed the Inspection Panel that it had not yet decided regarding the way in which the Oakland Institute and the affected communities and Indigenous Peoples can receive the full copy of the report electronically. They have not yet received a full electronic copy of the report for their assessment.

According to the investigation plan, the Investigation Report, the Management Response and Recommendations, as well as the Management Action Plan will be made publicly available, after the World Bank Board of Directors approves the Management Action Plan, developed in consultation with the affected communities and Indigenous Peoples.

While we do not wish to prejudge the accuracy of the above allegations, the information described above raises serious concerns about the threat of evictions faced by Indigenous Peoples and other affected communities in the Great Ruaha River Basin, to expand the boundaries of RUNAPA, also in connection with the

implementation of the REGROW project. In addition, we are concerned about allegations of cattle seizures and relocation of people from their land, putting at risk the food security of Indigenous Peoples and other affected communities that rely on their relationship with the land and water sources for their livelihoods, including for grazing, pastoralism, farming, and fishing.

We raise our grave concern regarding allegations of arbitrary killings, enforced disappearances, excessive use of force, violence, including rape of women, torture and inhuman or degrading treatment of persons living in the bordering areas of RUNAPA by TANAPA rangers. Such actions have in some cases required medical treatment and hospitalization, and have left the surviving victims, or their relatives, physically and emotionally scarred.

We also note that your Excellency's Government has announced plans to enforce the boundaries established by Government Notice 28, rendering illegal for the residents of the villages and sub-villages to reside in their homes and land. We are concerned that the eviction and resettlement plans do not seem to be necessary nor justified from the information received, and there is an apparent lack of appropriate and clear information provided to affected residents. No resettlement should take place until a comprehensive resettlement law or policy consistent with internationally recognized human rights principles is in place. If resettlement is deemed necessary, the location should guarantee the right to an adequate standard of living, including food and housing, as well as access to livelihood opportunities. Any forced relocation should be avoided. The relocation of the residents of the affected villages and sub-villages must be avoided as it entails serious violations of their human rights. Furthermore, relocation and implementation of the REGROW plan should occur only after the affected communities have been adequately consulted and Indigenous Peoples have given their free, prior and informed consent. If a relocation were to take place without the free, prior and informed consent of the affected Indigenous Peoples, it would amount to a forced eviction.

The planned forced evictions would thus be in violation of the right to adequate food and housing of the affected communities. If Indigenous Peoples and communities residing near RUNAPA are forcefully displaced from their land it could lead to reduced food availability and to food insecurity; exacerbating the vulnerability of lower income households to poverty; and possibly causing internal displacement in the event of hunger crises. Local agriculture and food production are means to ensure food sovereignty and resilience against food insecurity.

We wish to recall that under international human rights law, whereas some evictions may be justifiable, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by law and that all the legal recourses and remedies are available to those affected. We emphasize that appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to matters such as forced evictions which directly invokes the rights to life, to non-interference with privacy, family, and home and to enjoy one's culture.

We are, furthermore, concerned that the rights of Indigenous Peoples who have lived in the Great Ruaha River basin for decades, depending on the land and the river for their survival and enjoyment of their right to lands, territories and resources, culture, food, housing, water and sanitation, as well as their right to participate in

economic, political, social and cultural development (including self-determination over their natural wealth and resources), and the right to a healthy environment have been undermined by the implementation of the REGROW project and could further be threatened by evictions. In one of its landmark decisions of 2021 (Benito Oliveira Pereira et al. v. Paraguay) the UN Human Rights Committee, highlighted that in the case of Indigenous Peoples, the notion of “home” must be understood in the context of the special relationship that they have with their territories and their ways of life, including their subsistence activities such as livestock-raising. As indicated by the previous UN Special Rapporteur on the right to adequate housing, Ms Leilani Farha, “the alienation and dispossession of indigenous peoples from their lands severs their spiritual and physical connection to the world and to their understanding of home, contributing to a complex condition of homelessness”.⁶

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) has also recognized that Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations (art. 25). Furthermore, Indigenous Peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development; and have the right to determine their own identity or membership in accordance with their customs and traditions (articles 3 and 33). Indigenous Peoples exist regardless of formal State recognition or the terminology used by States to describe them.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures taken by your Excellency’s Government for meaningful and good-faith consultations, as well as to seek the free, prior and informed consent of Indigenous Peoples, without intimidation or coercion, with the affected populations throughout all phases of the project cycle, to assess the impacts of the REGROW project and of any governmental decision affecting them.
3. Please share with us, if existent, any resettlement plan that your Excellency’s Government has developed in the case of enforcing Government Notice 28, Government Notice 754 or any new Government Notice changing RUNAPA boundaries, including information on the measures taken so far by your Excellency’s Government to ensure that adequate compensation has been or will be provided to all affected rights-holders in accordance with international

⁶ A/74/183, para. 2.

human rights standards.

4. Please also provide information on the steps that your Excellency's Government has taken or plans to take to ensure:
 - effective protection against forced evictions, arbitrary displacement, loss of livelihoods and food security;
 - respect for ownership rights and security of tenure;
 - the right to access justice, redress and compensation in case of human rights violations;
 - the prohibition of evictions resulting in homelessness;
 - the rights to remain and to return where possible, the right to alternative housing, and resettlement;
 - access to productive land and food production.
5. Please provide information on any investigation or inquiry undertaken by your Excellency's Government into the allegation of arbitrary killings, excessive use of force, enforced disappearances, rape of women and other forms of violence inflicted on community members of the area bordering RUNAPA by TANAPA rangers. If no investigation has been carried out, please illustrate the reasons.
6. Please provide information on the measures undertaken to search for and establish the fate and whereabouts of the persons reportedly disappeared.
7. If investigations were undertaken in the above-mentioned cases of unlawful killings, please explain whether they complied with international standards, notably the revised Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). Please also explain measures undertaken to search for, retrieve, and return to families, the bodies of victims.
8. Please provide information regarding the advancement of the case presented in January 2023 by 852 smallholder farmers from Mbeya district to the High Court of Tanzania. If available, please provide information also on the advancement of the case 45 of 2023, filed on 19 December 2023 by 855 residents of Mbarali District in front of the East African Court of Justice.
9. Please provide information on the training received by TANAPA rangers to ensure that in the performance of their duty they fully comply with international human rights law and standards, including the right to life, bodily integrity and to be free from torture or any inhuman or degrading treatment, and the prohibition of enforced disappearance.

10. Please provide information on the measures taken by your Excellency's Government to ensure the access to justice, including prosecution of perpetrators and protection of families of victims from any form of intimidation throughout judicial proceedings, as well as to adequate and effective remedy and reparation by the persons, communities and Indigenous Peoples affected by the allegations presented in this letter, including, among other, adequate compensation for the seized and auctioned off cattle.
11. Please provide information on the measures taken by your Excellency's Government to ensure compliance with international human rights obligations in the implementation of the REGROW project.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would like to bring to the attention of your Excellency's Government that should sources submit the allegations concerning individual cases of enforced disappearances for the consideration of the Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the case will be examined by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the life and personal integrity of the persons, communities and Indigenous Peoples concerned, to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on these matters is also being sent to the World Bank.

Please accept, Excellency, the assurances of our highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

Fernanda Hopenhaym
Chair-Rapporteur of the Working Group on the issue of human rights and
transnational corporations and other business enterprises

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable
environment

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

José Francisco Cali Tzay
Special Rapporteur on the rights of Indigenous Peoples

Geneviève Savigny
Chair-Rapporteur of the Working Group on the rights of peasants and other people working in rural areas

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We wish to draw the attention of your Excellency's Government to its obligations under article 17 of the Universal Declaration of Human Rights (UDHR), which guarantees everyone the right to own property and the right not to be arbitrarily deprived of their property. Article 25 of UDHR recognizes the right of everyone to a standard of living adequate for the health and well-being of themselves and of their family, including food, clothing, housing and medical care. We wish to refer to the inherent right to life and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, as enshrined respectively in article 3 and 5 of UDHR.

We would like to draw the attention of your Excellency's Government to its obligations under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Tanzania on 11 June 1976, which recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and stipulates that States shall take appropriate steps to ensure the realisation of this right. This article must be read in conjunction with article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind.

We would like to draw the attention of your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), acceded to by Tanzania on 11 June 1976. Article 6 of the ICCPR enshrines the right of every individual to life, and prohibits the arbitrary deprivation of life, which constitutes *jus cogens* and international customary law rule. Article 7 of ICCPR establishes the prohibition to subject someone to torture or to cruel, inhuman or degrading treatment or punishment, which also constitutes *jus cogens*. With regard to the alleged enforced disappearance, if confirmed, it would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Moreover, it would entail a violation of article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of the disappeared person.

International human rights law requires States to carry out thorough, prompt, independent and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions, enforced disappearances, committed by their nationals or armed forces, or on their territory by a foreign State, or over which they have jurisdiction. Furthermore, States must take appropriate measures to bring perpetrators to justice and to provide effective remedies to victims. The right to an effective remedy is enshrined in the UDHR (article 8) and the ICCPR (article 2(3)). We wish to also refer to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (ECOSOC resolution 1989/65 of 24 May 1989), in particular

principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. The revised Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) further insists on the international standards for investigating all unlawful killings, including the importance of the participation of families of victims (page 9).

We would like to further recall that it is now widely accepted that States' obligations to protect and fulfil human rights, such as the right to life, extend beyond their own agents and also encompass protecting against human rights abuses by third parties, including private actors, and to take positive steps to fulfil human rights. This includes taking appropriate measures to prevent, punish, investigate and bring perpetrators to justice and redress harm caused by both State and private actors (CCPR/C/21/Rev.1/Add.13, para. 8).

Specifically, with respect to the right to life, States are required to effectively regulate, monitor and control the conduct of private individuals or entities empowered or authorized to employ force with potentially lethal consequences, as recalled by the Human Rights Committee in general comment No. 36 (para. 15). For example, States are responsible to take adequate measures to ensure that, "persons who were involved or are currently involved in serious human rights violations or abuses are excluded from private security entities empowered or authorized to employ force" (general comment No. 36). The Human Rights Committee also recalled the obligation to take adequate measures to "prevent, investigate, punish and remedy arbitrary deprivation of life by private entities, such as [...] private security firms" (para. 21). We also make reference to general comment No. 36 (2018) on article 6 of the ICCPR, which states, *inter alia*, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals, and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. (para. 58).

ICESCR requires States to "take appropriate steps to ensure the realization of the right to food" (article 11.1). While article 11(1) is subjected to progressive realization to the maximum of States available resources, article 11(2), provides "the fundamental right to freedom from hunger and malnutrition", which is of immediate application. In interpreting this provision, the Committee on Economic Social and Cultural Rights (Committee) stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems (para. 12). Thus, the right to food entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations (para. 7). Additionally general comment 12 further underlines, the obligations to respect existing access to adequate food requires State parties and to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the state must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their

access to land in order to ensure their food security (para. 15.) Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

General comment No. 36 on the right to life adopted by the Human Rights Committee states that measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food. The Human Rights Committee recognized that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on States but also positive obligations to ensure access to the basic conditions necessary to sustain life. It has affirmed that measures that restrict access to basic and life-saving services, such as food, are contrary to article 6 of ICCPR that protects the right to life.

In his thematic report “Fisheries and the right to food in the context of climate change” (A/HRC/55/49) the Special Rapporteur specifically addressed the rights of Indigenous Peoples reliant on fishing since they have been among the first people to experience the disruption brought by climate change. The report underlines the essential role that Indigenous Peoples play in restoring, conserving, protecting and jointly managing local aquatic and coastal ecosystems given their demonstrated capacity to adapt to climate change. The report recalls the obligation of States to fully realise the Indigenous Peoples' right to free, prior, and informed consent regarding any endeavours impacting their lands, territories or rights. States should recognize the role of small-scale fishing communities and Indigenous Peoples to restore, conserve, protect and co-manage local aquatic and coastal ecosystems as established in the SSF Voluntary guidelines (para 5.5) starting with ensuring their customary tenure rights.

In its general comment No. 4 on the right to adequate housing, the Committee on Economic, Social and Cultural Rights has clarified that the right to housing should not be interpreted in a narrow or restrictive sense, such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. It includes, among others, the availability of services, materials, facilities and infrastructure essential for health, security, comfort and nutrition, including sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services. It has also clarified that characteristics of housing adequacy also include security of tenure, affordability, habitability, accessibility, location and cultural adequacy. Housing is not adequate if it does not respect and take into account the expression of cultural identity. The Committee has indicated that States must allocate sufficient resources to the realization of the right to adequate housing and prioritize the needs of disadvantaged and marginalized individuals or groups.

We wish to recall that, as clarified by the Committee on Economic, Social and Cultural Rights, in its general comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties shall

ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons. We furthermore wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, annex 1), which specify that evictions can only take place in “exceptional circumstances”, that they must be authorized by law, and must ensure full and fair compensation and rehabilitation. The Guidelines indicates that States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land; and should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions.

We further wish to draw the attention of your Excellency’s Government to CESCR’s general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR. In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Additionally, the Committee underlines that agrarian reform is an important measure to fulfil such rights, as more equitable distribution of land through agrarian reform can have a significant impact on poverty reduction and improve food security, since it makes food more available and affordable, providing a buffer against external shocks (para. 36). Such redistribution of land and agrarian reforms should focus particularly on the access to land of young people, women, communities facing racial and descent-based discrimination and others belonging to marginalized groups, and should respect and protect the collective and customary tenure of land. Therefore, States parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers (para. 39).

Moreover, in his report on resettlement after evictions and displacement, the Special Rapporteur on the right to adequate housing recognized that resettlement, particularly when poorly executed, can have long-lasting negative effects on multiple generations. Resettlement must be treated as a last option to be resorted to when it becomes unavoidable. Resettlement should never unlawfully restrict the freedom of choice of residence. Nobody should be forced to resettle in a particular location or community. Resettlement must comply with human rights standards, be proportionate, avoid recourse to force and ensure benefit-sharing through negotiated agreements with affected persons (A/HRC/55/53). The Special Rapporteur on the right to adequate housing has also stressed that the planning and design phase of resettlement projects is critical for achieving durable, human rights-based solutions that allow affected people to successfully re-establish their lives, livelihoods and communities. Inclusive, respectful and participatory planning is essential, and it can significantly enhance the success of all forms of resettlement (A/79/317).

We would also like to refer to the Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 with a favourable vote by your Excellency’s Government. In this connection, we would like to draw your attention to the fact that UNDRIP recognizes that Indigenous Peoples have the right to

own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection to these lands, territories and resources with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned (art. 26).

UNDRIP furthermore affirms in articles 19 and 32 that Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources and that States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project, or the adoption and implementation of legislative or administrative measures, affecting their lands or territories and other resources. Article 32 of UNDRIP also underlines that States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Moreover, Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return (art. 10). UNDRIP also sets out that Indigenous Peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress (art. 28).

We would like to recall that article 29 of UNDRIP recognizes that Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous Peoples for such conservation and protection, without discrimination. We wish to emphasize that States have acknowledged that respect for Indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.

Furthermore, articles 3 and 33 of the UNDRIP assert that Indigenous Peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development; and have the right to determine their own identity or membership in accordance with their customs and traditions.

In this regard, we would like to refer your Excellency's Government to the report of the UN Special Rapporteur on the rights of Indigenous Peoples on protected areas and Indigenous Peoples' rights: the obligations of States and international organizations (A/77/238). In the report, the Special Rapporteur stated that Indigenous Peoples enjoy a unique status under international law, protected by a legal framework distinct from the rights of minorities, peasants and "local communities". This is

because Indigenous Peoples exist within nation States as political, social and legal entities represented through their own governance structures. This sui generis status entitles them to a wide range of collective rights, including the rights to self-determination, lands and resources, and free, prior and informed consent. Indigenous Peoples constitute “peoples” under international law, as affirmed in international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO), as well as international jurisprudence in which their rights are defined. Indigenous Peoples exist regardless of formal State recognition or the terminology used by States to describe them. The use of terms or phrases such as “Indigenous Peoples and local communities” should be avoided to the greatest extent possible, without undermining the situation of unrecognized Indigenous Peoples. Any use of such terms should be expressly without prejudice to the specific rights of Indigenous Peoples under international law.

We also wish to refer your Excellency’s Government to its obligations under the Convention on Biological Diversity, ratified by Tanzania on 8 March 1996, which stipulates that States shall “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices”. We also wish to recall that the Conference of the Parties to the Convention on Biological Diversity adopted a decision already in 2014, which highlighted the requirement that protected areas and management regimes must be consensual and participatory if Indigenous Peoples’ rights are to be respected.

We wish to refer your Excellency’s Government to the report of the UN Special Rapporteur on the rights of Indigenous Peoples on conservation measures and their impact on Indigenous Peoples’ rights and the guidance provided therein (A/71/229). As indicated in the report, there is increasing recognition that the ancestral lands of Indigenous Peoples contain the most intact ecosystems and provide the most effective and sustainable form of conservation. Studies have demonstrated that the territories of Indigenous Peoples who have been given land rights have been significantly better conserved than the adjacent land.

In this regard, we also wish to recall the report of the UN Special Rapporteur on Human Rights and the Environment on “A healthy biosphere and the right to a healthy environment” (A/75/161) in which the Rapporteur indicated that “Indigenous Peoples and local communities and peasants can make enormous contributions to the conservation, protection, restoration and sustainable use of ecosystems and biodiversity, when empowered to do so, through recognition of their rights. Thanks to their traditional knowledge, customary legal systems and cultures, they have proved effective at conserving nature.” In the report, the Special Rapporteur has recommended that States, *inter alia*:

- (a) Prioritize the legal recognition of the title, tenure and rights of Indigenous Peoples, Afro descendants, peasants and local communities, empowering those who depend directly on nature for their livelihoods to engage in long-term, sustainable agricultural, harvesting and conservation practices based on traditional knowledge, customary laws

and stewardship responsibilities.

- (b) Ensure access to land, water, wildlife, plants, medicines and sacred sites, subject to conservation measures established through inclusive consultation processes and where required, the free, prior and informed consent of Indigenous peoples.
- (c) Provide swift, fair and effective redress for past violations of the rights of Indigenous Peoples and local communities, such as displacement and relocation, related to the creation of parks and protected areas, through mechanisms ranging from reconciliation processes to compensation.
- (d) Place Indigenous Peoples and local communities at the forefront of efforts to identify, designate and manage new areas important for cultural and biological diversity, including Indigenous protected and conserved areas, Indigenous and community conserved areas, sacred sites and other effective area-based conservation measures.
- (e) Engage Indigenous Peoples and local communities to manage or co-manage conserved and protected areas within their territories, including adequate legal, financial and other resources.
- (f) Redirect financial flows for conservation to Indigenous Peoples and local communities involved in protecting and sustainably using biodiversity.

In addition, we wish to recall that, as recognized in UNDRIP, Indigenous Peoples have the right to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. In this connection, we would also like to draw your Excellency Government's attention to its obligation under the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by Tanzania in 2002, to ensure equality of opportunity and treatment in employment and occupation without discrimination. Promoting and ensuring access to material goods and services required to carry out an occupation, such as access to land and resources, should be part of the objectives of a national policy on equality under article 2 of the Convention.

In December 2018, the General Assembly adopted the United Nations Declaration on the Rights of Peasants (UNDROP). Article 6 of UNDROP guarantees peasants and other people working in rural areas the right to life, liberty, and personal security. This includes protection from violence, harassment, intimidation, and arbitrary detention, particularly when defending their rights, land, and resources. States are obligated to take measures to prevent and punish violence against peasants, including actions by private actors such as corporations or landowners. States must also ensure that peasants can safely exercise their human rights, including their right to peaceful protest, without fear of retaliation. In partnership with rural communities, states should adopt legal frameworks and policies that safeguard personal security and uphold the rule of law, ensuring that peasants and rural workers live free from threats and can fully participate in society. These protections are crucial to maintaining the dignity and safety of rural populations as they engage in the defence of their livelihoods and territories.

In addition, article 15 of UNDROP affirms the right of peasants and other people working in rural areas to land, water, and other natural resources essential for their livelihoods. This includes the right to access, use, and manage these resources sustainably and equitably, based on traditional practices and in ways that preserve the environment for future generations. States are obligated to protect these rights by ensuring that peasants are not arbitrarily deprived of their land or resources, preventing land grabbing, and promoting equitable land distribution. Article 15 also calls on states to respect customary land tenure systems, recognize collective land ownership, and provide legal protection against forced evictions and displacements. Additionally, states must support peasants in their efforts to sustainably manage natural resources, ensuring that land and resource policies align with the principles of equity, sustainability, and human rights. By securing access to land and resources, article 15 aims to promote rural development, food security, and the environmental stewardship of rural communities.

We would like to bring to Your Excellency's attention article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Similarly, article 2 provides that violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

As mentioned by the Special Rapporteur on violence against women and girls in her report on violence against indigenous women and girls (A/HRC/50/26), indigenous women and girls have been particularly exposed to serious forms of gender-based violence because of conflicts related to land, territories or natural resources. Perpetrators of this violence often enjoy impunity. They also bear disproportionately the consequences of violence against themselves. The Special Rapporteur highlighted how many States fail to recognize the specific particularities

that characterize the violence that indigenous women and girls face, which can result in barriers to access justice. She called for ensuring that the victims have access to effective justice. Survivors must have adequate access to protection and support services including culturally appropriate medical treatment, psychosocial counselling and professional training.

We wish to draw your Excellency's Government attention that the prohibition of enforced disappearance is absolute and non-derogable, as established in articles 2 and 7 of the Declaration on the Protection of All Persons from Enforced Disappearance, and which has also attained the status of *jus cogens*. Furthermore, articles 9, 10, 13 and 19 of the Declaration on the Protection of All Persons from Enforced Disappearances, state that identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances (article 9) and sets out the necessary protection relating to the rights to be held in an officially recognized place of detention; to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons (article 10). Each State shall ensure that persons having knowledge of an enforced disappearance has the right to complain to a competent authority and to have the complaint promptly, thoroughly and impartially investigated by that authority (article 13). The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation (article 19).

We also would like to recall that the Guiding Principles for the Search for Disappeared Persons of the United Nations Committee on Enforced Disappearances establish that the search for the disappeared should be undertaken without delay (principle 2), that the search for follow a differential approach (principle 4), in this case as it refers to Indigenous Peoples (principle 4) and the search should be considered a continuing obligation (principle 7).

In its study on enforced disappearances and economic, social and cultural rights (A/HRC/30/38/Add.5) the Working Group on Enforced Disappearances has highlighted that States with inadequate legislation to protect housing or to provide recognition of legal establishments on certain territories to indigenous, rural, and ethnic-minority groups may leave these groups exposed to land-grabbing and forced evictions. Indigenous Peoples, ethnic groups and rural workers on such land often do not have recourse or methods to challenge these seizures and may be left homeless or displaced. These violations or the resistance against them may lead to increased vulnerability to enforced disappearance (para 13)

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right.

We would also like to bring to the attention of your Excellency's Government the Framework Principles on Human Rights and the Environment as detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The principles state that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States should respect, protect and fulfil human rights in order to ensure a

safe, clean, healthy and sustainable environment (principle 2); and States should ensure the effective enforcement of their environmental standards against public and private actors (principle 12).