

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 right to education; 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; the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL OTH 81/2025
(Please use this reference in your reply)

25 June 2025

Dear Mr. Banga,

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 right to education; 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; Special Rapporteur on extreme poverty and human rights and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 58/10 , 53/3, 54/14, 53/7, 55/2, 53/4, 52/10, 51/16, 54/9, 53/10 and 50/7.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to the attention of your organization information we have received concerning **new allegations of grave violations of the rights of Indigenous Peoples, and of other affected communities, including pastoralists, fishers and peasant farmers, near or inside Ruaha National Park (RUNAPA) in Tanzania, in the Great Ruaha River Basin. Alleged human rights violations include the threat of forced evictions, involuntary and inadequate resettlement, prohibition of access to farm and grazing lands, cattle seizure, excessive use of force, enforced disappearances, and extrajudicial killings by Tanzania National Parks Authorities (TANAPA). RUNAPA was one of the parks involved in the Resilient Natural Resource Management Tourism and Growth (REGROW) project, which was funded by the World Bank with the aim of developing protected areas to increase tourism in southern Tanzania.**

The Special Procedures mandate holders sent a letter on 18 October 2024 to the World Bank (OTH 135/2024) and a similar letter to the Government of Tanzania (TZA 4/2024)¹, raising their concerns on allegations of grave human rights abuses in and surrounding RUNAPA, linked to the REGROW project. We acknowledge and appreciate your reply, received on 17 December 2024². We remain concerned that similar concerns keep being raised and appear to not have been adequately resolved.

According to the information received:

The REGROW Project (Resilient Natural Resource Management for Tourism and Growth), approved in 2017 and funded by the World Bank with a USD 150 million loan, aimed to enhance tourism infrastructure and natural resource management in southern Tanzania, including the expansion of Ruaha National Park (RUNAPA). The lead implementing agencies were Tanzania National Parks Authorities (TANAPA) and the Ministry of Natural Resources and Tourism. The project's implementation raised serious human rights concerns, with documented patterns of abuse, impacting the livelihoods, housing, security and bodily integrity of Indigenous Peoples – Maasai and Datoga – pastoralists, fishers, peasant farmers and other communities' members residing in villages inside and around RUNAPA, due to the expansion of boundaries. From 2022 to 2024, over USD 115 million of the total USD 150 million project budget was disbursed to government agencies, with 70 per cent of this amount going to TANAPA. During this period, livelihood restrictions and violence escalated as material support provided by REGROW increased the Government's enforcement capacity. During their patrolling activities, TANAPA rangers have seized large numbers of cattle, confiscated farming and fishing equipment, and resorted to excessive use of force and other forms of violence, including sexual assaults, torture, and even extrajudicial killings and enforced disappearances to stop Indigenous Peoples, peasant farmers, herders, fishers to access their land for cultivation, grazing and fishing.

¹ OTH 135/2024
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29429>; TZA 4/2024
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29427>

² Reply of the World Bank received on 17 December 2024
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38811>

In 2007, the Government of Tanzania approved the extension of RUNAPA through Government Notice 28, doubling its size from over 10,000 km² to over 20,000 km², without the consent of concerned communities, or the free, prior and informed consent of affected Indigenous Peoples. The Government did not follow proper procedures for annexing the land of legally registered villages into a national park, which resulted in these boundaries never being implemented by the Government. Affected communities and Indigenous Peoples constantly opposed these boundaries, through legal actions, advocacy and by continuing living in the area as they had done for generations. According to the residents of the affected villages, the only recognized boundaries of RUNAPA are those established in 1998, through Government Notice 436a. On 20 October 2023, during the implementation of the REGROW Project, the expansion of RUNAPA was made official with the adoption of Government Notice 754, effectively modifying the boundaries of the park and doubling its size from the agreed boundaries of 1998. With the adoption of Government Notice 754, more than 84,800 people – including Indigenous Peoples – from at least 28 villages have now found themselves living within a national park. This places them at risk of forced eviction as Tanzanian law prohibits permanent settlement and livelihood activities within national parks. The free, prior and informed consent of affected Indigenous Peoples was never sought, and other affected communities' members were never consulted nor offered compensation.

Involvement of the World Bank

In June 2023, the Oakland Institute – a non-governmental organisation focused on social, economic, and environmental issues worldwide – submitted a request for inspection, representing the affected peoples, to the World Bank's independent accountability mechanism, the Inspection Panel (Panel) of the World Bank. In November 2023, the Inspection Panel launched its investigation on allegations of human rights abuses linked with the REGROW project and the compliance of the project implementation with World Bank's Operational Policies (OPs). These are policies designed to “ensure that the people and the environment are protected from potential adverse impacts” of the World Bank's projects.

On 16 September 2024, the Inspection Panel issued its report presenting the findings of the investigation to the Bank's Board of Directors.

On 6 November 2024, the Government of Tanzania as the Borrower, informed the Bank of its decision to cancel the project's undisbursed balance and to advance the project's closing date with immediate effect.

On 26 November 2024, the World Bank shared a draft Management Action Plan (MAP), addressing the findings of the Inspection Panel, with the Oakland Institute. Throughout December 2024, the Oakland Institute conducted extensive consultations about the MAP with impacted Indigenous Peoples and communities.

On 17 December 2024, the World Bank replied to the letter by Special Procedures mandate holders referenced above, informing about the cancellation

of the project, and stating that they could not share more aside from the fact that the Inspection Panel found “the Bank to be in compliance with Bank policies in some respects and out of compliance in other”, due to the ongoing Inspection Panel process.

In early 2025, impacted communities and Indigenous Peoples rejected the proposed MAP, feeling that it did not address their needs and concerns, did not provide reparations for the harms caused and that the Bank had repeatedly ignored their feedback to the draft MAP. They sent a letter to the World Bank with their demands, including reverting park boundaries to the 1998 borders, integral reparations for livelihood restrictions, the establishment of a multistakeholder independent mechanism to oversee reparations, the resumption of suspended basic services, and justice for victims of TANAPA rangers abuse and violence.

On 1 April 2025, the Board of Directors of the World Bank approved the MAP to address the Panel’s findings. On 2 April 2025, after approval of the MAP, the Inspection Panel report and the MAP were made public.

Inspection Panel Report

Despite the presence of Indigenous Maasai and Datoga in the project area for decades, the Inspection Panel did not recommend an investigation into whether the project violated Operational Policy (OP) 4.10, which aims at ensuring that “the dignity, human rights, economies, and cultures of Indigenous Peoples” are respected during the implementation of developments projects. The Panel and World Bank Management considered that the Maasai and Datoga did not qualify for this protection. Among the persons affected by the expansion of RUNAPA, some of them self-identify as Indigenous Peoples, particularly as Maasai and Datoga. They were 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 were forced to move 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 settled in the area.

In 2016, the Inspection Panel of the World Bank identified that the biggest issue in relation to World Bank projects and Indigenous Peoples was the failure to identify Indigenous Peoples as such, recognizing the importance of consulting affected people and understanding their preferred terminology, and 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”³.

The Inspection Panel found that Management’s definition of the project area of influence which includes the four park areas (Ruaha National Park, Mikumi National Park, Nyerere National Park, and the Udzungwa Mountains National

³ <https://www.inspectionpanel.org/sites/default/files/publications/Emerging%20Lessons%20Learned%20No.%202%20-%20Indigenous%20Peoples.pdf>

Park) and their surroundings was in compliance with the Bank’s Environmental Assessment (OP/BP 4.01). The Panel also observed that, according to the Bank, while the initial focus of the project was on watershed management of southern RUNAPA, it later shifted towards park management, and that “the Project rationale shifted from sustainable management of different land-uses, including agricultural and livelihood activities, towards increased tourism by controlling access to the park”.

In analysing the risk of involuntary resettlement, the Inspection Panel stated that while the project was not intended to acquire land or implement activities that would cause involuntary resettlement, the initial project documents did acknowledge the existence of boundary tensions between RUNAPA and the communities and considered these tensions detrimental for tourism development. The Panel observed that project documents lacked a list of villages within the boundaries of RUNAPA established by Government Notice 28 of 2007, and made no mention of the extent to which the communities in these villages and associated sub-villages sustained livelihoods using park resources, especially grazing land. According to the Inspection Panel report, in May 2023, the World Bank Management learned that the Government had begun to identify assets within RUNAPA without presenting a Resettlement Action Plan as required. As a result, the Bank suspended disbursements in April 2024.

The Panel also identified evidence of resettlement planning for communities living in the park during project implementation. During the Panel’s second investigation visit in July 2024, the Government stated that it would not resettle the five villages (Luhanga, Madundasi, Msanga, Iyala, Kilambo) inside southern RUNAPA in the “foreseeable future” and that community members faced no land-use restrictions and would continue to be provided with public services. The Inspection Panel also found that “under Tanzanian law displaced persons cannot claim compensation payments as a result of restriction of access”, but that Bank’s policy requires that if restriction of access to a legally designated park result in loss of livelihoods, measures should be put in place to “assist the displaced persons in their efforts to improve their livelihoods”. The five villages cited in the Inspection Panel report are based on information provided by TANAPA. According to research conducted in loco, the number of affected villages was identified as at least 28⁴, amounting to over 84,800 people.

The Panel considered that the restriction to access RUNAPA impacted the livelihoods of communities that have lived in and around the national parks for decades and have been impacted by TANAPA’s increased capacity to patrol the Project area. These restrictions also affected community members living adjacent to the park who have maintained their livelihoods based on grazing livestock. The Inspection Panel also found that “the Project’s Process Framework was not designed to cover the Project area in its entirety nor was it used to help mitigate negative impact on livelihoods”. The Panel found that

⁴ Warumba, Ibumila, Imalilo-Songwe, Mwanavala, Kapunga, Itamboleo, Mbalino, Ukwavila, Nyeregete, Muungano, Simike, Kilambo, Ikanutwa, Vikaye (Vikae), Igunda, Iwalanji (Ivalanji), Msanga, Luhanga, Madundasi, Iyala, Myombweni, Magigiwe, Nyakazombe, Mkunywa, Nyamakuyu, Nyakadete, Mahango, and Iheha.

Management did not recognize that Project support of park management would certainly restrict access to legally designated parks, including RUNAPA, and that this could result in adverse impacts on livelihoods linked to the Project, concluding that the Project was not in compliance with the World Bank's policy on Involuntary Resettlement (OP 4.12).

The Panel also observed that Management did not review TANAPA's operating legal framework, which includes the Wildlife Conservation Act and the Wildlife and Forest Conservation Services General Orders. According to this framework, TANAPA rangers are allowed under certain conditions to use a firearm against someone who is alleged to have committed an offence and is escaping or resisting arrest, without reference to proportional use of force. The Inspection Panel took note that the Project provided TANAPA rangers with equipment to strengthen their patrolling capacity with the aim of reducing or eliminating illegal activities, excluding firearms. The Project's Code of Conduct prohibits TANAPA rangers from resorting to force "except when used for preventive and defensive purposes". However, the Code of Conduct also states that TANAPA rangers "will act in consistence with the guidelines of the Wildlife and Forest Conservation Services General Orders" which clearly allows the use of excessive force. TANAPA officials told the Inspection Panel that patrols are viewed as a "battle they have to win" and that a person's mere unauthorized presence in a designated park area is considered poaching. The Panel observed that, until the suspension of disbursement in April 2024, Management did not require regular reporting from TANAPA on its patrolling activities, thus remaining unaware of incidents occurred during their patrolling. The Panel concluded that the lack of consideration of the legal framework governing TANAPA's conduct, as well as the lack of discussion concerning TANAPA's becoming a paramilitary system in November 2018, especially as it was improving its patrolling capacity, was a serious omission which led to no specific measures being identified to address potential weaknesses in TANAPA's capacity, in violation of its Investment Project Financing policy as well as OP 4.01 and OP 4.12.

The Inspection Panel assessed the frequency of project supervision to have been adequate with a total of 19 missions conducted since September 2017. However, the expertise of the supervision teams and the quality of the supervision were not adequate considering the serious allegations made, specifically in relation to involuntary resettlement and the use of excessive force by TANAPA. The Panel found Management in compliance with the Bank's Policy on Investment Project Financing, for having exercised the Bank's legal remedy by suspending disbursements, in April 2024. The Panel recognized Management's efforts to address the Project's challenges since March 2024.

The Inspection Panel's report largely confirmed many of the allegations made in the request for inspection filed in June 2023 by the Oakland Institute and the World Bank's direct involvement in enabling the expansion of the park and the resulting severe human rights abuses faced by communities and Indigenous Peoples. The Inspection Panel's report also corroborated many of the allegations and concerns raised by Special Procedures mandate holders in earlier communications sent on 18 October 2024 to the Government of Tanzania

(TZA 4/2024) and the World Bank (OTH 135/2024).

Management Action Plan

On 28 February 2025, the World Bank Management developed, in agreement with the Government of Tanzania, a Management Action Plan to address the Inspection Panel report. According to this Plan, the Government's cancellation of REGROW means that the Project can no longer serve to finance and implement the actions addressing the findings of the Inspection Panel, thus World Bank Management and the Government of Tanzania, as the Borrower in REGROW, agreed to use other funds to address the Inspection Panel findings. According to the MAP, the Government of Tanzania committed to implementing the MAP and provided written assurances to that effect. The MAP states that affected communities and their representative were consulted before the adoption of the MAP.

In the Management response to the Inspection Panel's report, they admit that the analysis of impacts and supervision of the project focused too narrowly on the project components dedicated to infrastructure and community support, and not sufficiently on other activities that could have a connection to enforcement activities and livelihood restrictions. Management also admitted having erroneously concluded that the actions of the park rangers in the course of their duties were not connected to REGROW and that the Project should have applied additional and necessary due diligence, monitoring and enhanced mitigation measures.

Management acknowledged that it should have ensured the Government applied the Resettlement Policy Framework during the early stages of resettlement planning in RUNAPA. It also recognized that the initial project documents failed to adequately identify the extent of human settlement in the southern part of RUNAPA, despite being aware that several villages were located within the area. According to the MAP, in June 2024, the Government, through the Minister of Finance, assured the Bank in writing that "the Government had no intention of resettling the people living in the registered villages inside RUNAPA for the foreseeable future" and that "no communities had been physically resettled so far" despite the initiation of preparatory steps, and agreed to publicly communicate this decision to the residents inside RUNAPA.

Management acknowledged that that by supporting TANAPA – a government agency with a law enforcement mandate permitting the use of force – the Project failed to adequately assess and mitigate the associated risks of conflict. Management acknowledged being aware of the history of conflicts and confrontations between TANAPA and communities, as well as important criticism of Tanzania's park management sector, thus they admit that these realities should had been considered more prominently in the design and implementation of the REGROW Project, and that not doing so was "a key weakness in the Project design".

The MAP includes a direct acknowledgement of the letter sent by Special Procedures mandate holders (OTH 135/2024), as one of the several notifications

of alleged incidents received by the World Bank. Nevertheless, Management underlined that “the Bank does not have a mandate to investigate the attribution of responsibilities for these incidents”.

The MAP focuses on addressing livelihood challenges by providing support for livelihoods and water resource management, these challenges arose due to the restriction of access to RUNAPA. According to the MAP, USD 2.8 million, from a Trust Fund project, are to be used for the implementation of a set of activities, which include the development of alternative livelihoods and the provision of a range of additional social services. The MAP includes another operation of USD 110 million financed by the International Development Association, which aims at supporting livelihoods through job creation on a national level, and there is no clarity on what share of this operation will be targeted at villages impacted by REGROW. According to the MAP, this operation is under preparation in consultation with communities and other stakeholders, to be evaluated by the Board of the World Bank in the course of 2025. According to the MAP, [t]he design of this operation will be based on a socio-economic assessment of the relevant communities, which will be done in consultation with the residents of villages affected by livelihood restrictions, and the operation is expected to include an updated grievance mechanism for the communities neighbouring the park. The MAP does not provide redress for economic losses or reparation for land dispossession suffered by Indigenous Peoples, farmers, pastoralists and fishers living in and around RUNAPA. The affected communities have also reported that the alternative livelihoods’ projects included in the MAP have not been directly designed to address the harms caused by REGROW.

The MAP states that the Government of Tanzania will convene a workshop with development partners, including the Bank, to discuss international good practices on park management – including on use of force, conflict avoidance, community engagement and benefit sharing – to inform policies and practices related to park management in Tanzania. In addition, the MAP indicates that the Government of Tanzania has strengthened the grievance redress mechanism and has agreed to maintain it, even after the cancellation of the project. The Bank maintains a hotline and email (“Tanzania Alert”) for direct grievance reporting to the Bank in relation to its operations in the country. The MAP does not include any requirement of accountability of violations committed by TANAPA rangers, nor reparations to the victims or their families.

The MAP concludes that the World Bank has derived useful lessons from the REGROW Project, which will “inform current and future Bank-financed operations that support national parks and protected areas globally”.

New allegations of human rights violations

Between April and May 2025, TANAPA rangers killed two villagers within the disputed boundaries of the Ruaha National Park in Tanzania.

On 26 April 2025, six fishermen were confronted by TANAPA rangers outside of Mwanjurwa, near Ikanutwa and Nyeregete villages in the Ihefu Basin. As

they tried to escape, rangers shot a 27-year-old fisherman in the back. It is believed that he succumbed to his gunshot wound, as the search party only found a large amount of blood where he was last seen. His fate and whereabouts remain unknown. The circumstances of his disappearance were reported to the local and regional authorities. In a public statement, TANAPA denied any knowledge of the 27-year-old fisherman and, as of June 2025, no investigation has been undertaken.

On 7 May 2025, a group of herders and their cattle were attacked by a TANAPA helicopter that opened fire with live ammunition in the Udunguzi sub-village of Iyala village. Eyewitnesses report that a 20-year-old Sukuma herder was shot in the chest by one of the rangers on the ground. He died at the scene.

The Government of Tanzania has since publicly informed that an investigation into the death of the 20-year-old Sukuma herder was launched and that four TANAPA rangers were held into police custody. In a public statement, TANAPA denied responsibility for the killings.

In response to the latest incidents of violence, the Management of the World Bank stated their concern over the reports of violence and reminded that the REGROW project was cancelled in November 2024, and that the investigation of the killings remained with the Government of Tanzania. They added that they continued to engage with the Government for the implementation of MAP, which includes “support for community livelihoods, improved access to legal aid, and strengthened grievance redress mechanisms to ensure that concerns can be raised safely and confidentially”. Affected communities report no awareness of any functioning system to report abuses.

Overall, since the start of the REGROW project until May 2025, at least 13 persons have been arbitrarily killed, five have been forcibly disappeared, and dozens have suffered physical and psychological harm, including beatings, torture and sexual violence. Fear of retribution has stopped many from reporting incidents of ranger violence, making the exact number of victims unknown. Communities have considered, and in some cases tried, taking legal action in response to these incidents, however they have stated that their capacity to undertake lengthy legal action against the Government of Tanzania and its officials, presents many challenges for them, starting with legal fees, transportation to tribunals, reprisals against lawyers that protect them, unjustified delays in processing of cases, as well as other challenges. Because of these challenges, they have expressed their lack of hope of achieving justice and reparation through the domestic judicial system.

According to most recent updates, affected Indigenous Peoples and communities have been given no assurance from the Government that they can remain on their lands and continue their livelihoods activities, including farming, grazing and fishing. Without an official boundary change of RUNAPA, there is no certainty that there will not be widespread forced evictions and resettlement of communities in the future, given that Tanzanian laws regarding national parks forbid permanent settlement and use of parks resources. Since the adoption of Government Notice 754, some affected villages have been deprived

of basic social services, including the cessations of the construction of a secondary school, the expansion of electricity system and of water infrastructure projects. Students are each day forced to spend three to four hours walking to and from the nearest secondary school, which for some is located 12 kilometres away from their homes, leading to many being forced to drop out of school. Communities also fear the closure of their primary schools as a result of the park's boundary expansion. There is no indication that the interrupted projects and services will resume in the foreseeable future.

In January 2025, 490 cattle belonging to three pastoralists were seized by TANAPA near Iwalanji village. The herders were forced to pay fines of TSh 100,000 (around USD 40) per animal to reclaim them. Following the attack of 7 May 2025, over 1,000 cattle belonging to several herders were seized by TANAPA rangers outside of Iyala village. The loss of their cattle, and the paying of the fines constituted a substantial financial blow for the herders.

Livelihood restrictions imposed by the expansion and enforcement of RUNAPA's borders have devastated farmers and pastoralists who have suffered enormous economic damages, especially since 2022. The extent of damage to thousands of farmers who have been barred from cultivating their lands and whose tractors have been seized by TANAPA is substantial. According to an estimate made by the members of Mnazi and Mlonga farmer's associations, since October 2022, 551 farmers have been stopped from cultivating rice.

Since farmers have been forcefully stopped from cultivating their land since 2022, the total economic loss incurred by these 551 farmers is estimated to be TSh 159,966,000,000 (around USD 66,210,000). Some of these farms used to employ workers, who have since lost their jobs. As of May 2025, affected pastoralists have reported the loss of 8,129 seized cattle from 53 families, for a value of TSh 16,258,000,000 (around USD 6,666,000); the loss of 353 goats, sheep and donkeys seized and auctioned and around USD 231,650 in fines to recover confiscated cattle. Other losses incurred by herders include the payment of bribes and fees to the police, court, and magistrates; legal fees for their lawyers; long distance transport to the courts and to recover seized cattle. Due to the economic losses, many farmers have been unable to pay back loans, some have lost their homes, some have been forced to pull their children out of school as they can no longer afford fees. Overall, farmers' food security has been significantly and negatively impacted, with some of them stating that they are going hungry and are struggling to survive. Until June 2025, farmers have not been allowed to cultivate their lands, while pastoralists and fishers fear being attacked when grazing their animals or fishing.

After the findings of the Inspection Panel of the World Bank were announced, the affected communities were hopeful that they would receive reparation and that the violations and violence would stop. Recent shootings, killings, enforced disappearances, cattle seizures, barring access to cultivate fields, lack of resumption of school constructions, and continued risk of forced eviction and inadequate resettlement, have shattered their hopes that the World Bank will address the harms caused, properly supervise the implementation of the MAP, and that they will be able to conduct their livelihoods and peacefully live on their

traditional lands.

While we do not wish to prejudge the accuracy of the above allegations, we wish to reiterate our concerns regarding the information described above.

We commend the World Bank and the Government of Tanzania for cancelling the REGROW project in November 2024. However, we remain deeply concerned regarding the World Bank involvement and the implementation of its project over seven years, despite repeated warnings from civil society regarding its negative human rights implications, prior to the halting of the funds and the cancellation of the project.

We are deeply concerned about the allegations above referring to killings, enforced disappearances, and other acts of violence committed allegedly by TANAPA rangers in and around RUNAPA extended boundaries, which started during the implementation of the REGROW Project but that have allegedly continued after its cancellation. In addition, we reiterate our previously expressed concerns that the extension of the boundaries of RUNAPA has been adopted without the free, prior, and informed consent of Indigenous Peoples, and without good faith consultation with other affected communities in the Great Ruaha River Basin, putting them at risk of forced evictions, without immediate and adequate action from your organization. It is equally alarming that cattle seizures and relocation of people from their land, have put at risk the food security and economic stability of Indigenous Peoples and affected communities who rely on their relationship with the land and water sources for their livelihoods, including for grazing, pastoralism, farming, and fishing. These developments expose them to the risk of being economically displaced against their will, pushing them further into poverty.

We are also concerned that the cessation of the construction of school buildings and the economic burdens faced by communities have led to some students being forced to drop out of school. If confirmed, this would constitute a grave impediment or in some cases a violation of the right to education.

While recognising that the Tanzanian State bears the primary obligation to ensure full compliance with international human rights norms, we believe the World Bank should set an example when it comes to upholding those standards. Most notably, we recall that, in cases like this, when a project is cancelled, the World Bank must assure an adequate exit strategy, making sure that the human rights violations are properly investigated, addressed and fully repaired. As an international organization, the World Bank is liable under international law for harms caused in the course of its operations. As established by the International Court of Justice in 1951 (Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, 20 December 1951), "[i]nternational organizations are subjects of international law and, as such, are bound by any obligations incumbent upon them under general rules of international law, under their constitutions or under international agreements to which they are parties". The World Bank is therefore bound to comply with customary international law and the general principles of law, this includes human rights as established by the Universal Declaration of Human Rights. Furthermore, Member States of the World Bank are directly bound by international human rights law, thus the Bank in the exercise of the powers that have been delegated to it by its Member States, should refrain from adopting measures that result in human rights violations. Moreover,

as a specialized agency of the United Nations, as identified in the agreement between the United Nations and the World Bank of 1947, the World Bank should act in accordance with the principles and purposes of the Charter of the United Nations, this includes the realization of human rights and fundamental freedoms. We therefore urge the World Bank to carefully consider the implications of promoting, supporting and funding projects that have raised serious concerns and the implementation of which has contributed to human rights violations of affected communities and Indigenous Peoples, as confirmed by the Inspection Panel.

While we welcome that the World Bank has acknowledged its shortcomings, we remain concerned that Indigenous Peoples and other affected communities feel their needs have not been adequately addressed nor repaired. The Management Action Plan seems to lack provisions to directly provide remedies to the harms caused throughout the existence of the REGROW Project. While the new proposals of projects included in the Management Action Plan aim at strengthening alternative livelihoods for impacted populations, we regret that they do not seem to have been developed to directly respond to the shortcomings of the REGROW project.

We urge that the development and implementation of the action plan be conducted in the outmost respect of human rights and international human rights standards. If violations were to be found, appropriate redress to the victims of those violations shall be provided.

We commend your organization for deriving lessons from the Inspection Panel findings and appreciate the promise that these lessons will inform the design and implementation of future projects by the World Bank in Tanzania and elsewhere. We remain hopeful that this will be the case and will keep on monitoring further developments closely.

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 what human rights due diligence policies and processes have been implemented by your organization to identify, prevent, mitigate and remedy adverse human rights impacts of the activities of your organization, in particular, with respect to the adverse human rights impacts caused by the REGROW project, in line with the UN Guiding Principles on Business and Human Rights.
3. Please share with us, the agreement between your organization and the Government of Tanzania, to provide full reparation to all affected rights-holders for the harms caused during the implementation of the

REGROW project, as per the findings of the Inspection Panel.

4. Please provide information on the measures taken for meaningful and good-faith consultations with the affected populations, as well as to seek the free, prior and informed consent of Indigenous Peoples, without intimidation or coercion, throughout all phases of the Management Actions Plan, and the two projects that it comprehends.
5. Please provide information on the measures taken to ensure compliance with international law, and international human rights standards, in the developing and implementation of the Management Action Plan.
6. Please explain how your organization considered the self-determination of Maasai and Datoga Indigenous Peoples, when determining whether OP 4.10 applied in the context of the REGROW Project. Please explain how this determination takes into account the World Bank document of October 2016 “Emerging Lessons Series No. 2” by the Inspection Panel, as well as The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other international recognized standards.

This communication and any response received from you will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge you to use your influence so that all necessary interim measures be taken to prevent any irreparable harm to the life and personal integrity of the persons, peasants, communities and Indigenous Peoples concerned, to halt the alleged violations, prevent their re-occurrence and ensure collaboration with any investigation regarding them. We further urge to conduct adequate investigations regarding the possible harms caused by your organization during the implementation of the REGROW Project, in this regard we exhort your organization to provide integral remedies to persons and communities negatively impacted by the shortcomings of your organization.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that a letter on these matters has also been sent to the Government of Tanzania.

Please accept, Mr. Ajay Banga, the assurances of our highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

Lyra Jakulevičienė
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

Farida Shaheed
Special Rapporteur on the right to education

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

Albert K. Barume
Special Rapporteur on the rights of Indigenous Peoples

Carlos Arturo Duarte Torres
Chair-Rapporteur of the Working Group on the rights of peasants and other people
working in rural areas

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

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

Annex

Reference to international human rights law

Bearing in mind that States have the primary responsibility to comply with international human rights law, we would like to recall that under international law, international organizations with an international legal personality bear international obligations and responsibility for breaches, as established by the Draft articles on the responsibility of international organizations, adopted by the International Law Commission in 2011. Article 3 establishes that every internationally wrongful act of an international organization entails the international responsibility of that organization, while article 4 states that “There is an internationally wrongful act of an international organization when conduct consisting of an action or omission: (a) is attributable to that organization under international law; and (b) constitutes a breach of an international obligation of that organization”. We would further like to draw your attention to draft articles 15 and 16, which establish that an international organization which aids/assists/directs and controls a State or another international organization in the commission of an internationally wrongful act is internationally responsible for doing so if: “(a) the former organization does so with knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by that organization”.

In addition, the responsibility to respect human rights under the UN Guiding Principles on business and human rights applies to both financial institutions (both public and private) and their clients and the companies they invest in, as well as other business partners and entities in the value chain. Therefore, in particular, the standards set out in the Guiding Principles regarding human rights due diligence and processes to enable remediation of adverse impacts are critical in preventing and addressing the widely documented risks to people in the context of development finance. The Guiding Principles (A/HRC/RES/17/31) have been established as the authoritative global standard for all States and businesses to prevent and address business-related adverse human rights impacts. These Guiding Principles are based on the recognition of:

- a) "The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms.
- b) The role of business enterprises as specialised bodies or corporations performing specialised functions, which must comply with all applicable laws and respect human rights.
- c) The need for rights and obligations to be matched by appropriate and effective remedies when they are violated".

The guiding principles also make clear that companies have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to companies on how to meet their responsibility to respect human rights and to provide remedies where they have caused or contributed to adverse impacts. The guiding principles have identified two main components of the corporate responsibility to respect human rights, which require “business enterprises to:

- a) Prevent their own activities from causing or contributing to adverse human rights impacts and address those impacts when they occur.
- b) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts”. (guiding principle 13).

To meet their responsibility to respect human rights, companies should have in place policies and procedures appropriate to their size and circumstances:

- a) A political commitment to uphold their responsibility to respect human rights.
- b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their human rights impact.
- c) Processes to redress any adverse human rights impacts they have caused or contributed to (guiding principle 15).

According to guiding principles 16-21, human rights due diligence involves:

- a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise has caused or contributed to through its activities, or that are directly related to the operations, products or services provided by its business relationships.
- b) Integrate the results of impact assessments into relevant business functions and processes, and take appropriate action in accordance with their involvement in the impact.
- c) Monitor the effectiveness of the measures and processes adopted to address these adverse human rights impacts in order to know whether they are working.
- d) Communicate how adverse effects are addressed and demonstrate to stakeholders - particularly those affected - that appropriate policies and processes are in place to implement respect for human rights in practice.

This process of identifying and assessing actual or potential adverse human rights impacts should include substantive consultation with potentially affected groups and other stakeholders (guiding principle 18).

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Where an enterprise causes or is likely to cause an adverse human rights impact, it should take the necessary steps to end or prevent that impact. “The establishment of operational-level grievance mechanisms for those potentially affected by corporate activities can be an effective means of redress provided they meet certain requirements listed in principle 31 (guiding principle 22).

In the report of the UN Working Group on Business and Human Rights on Development Finance Institutions and Human Rights (A/HRC/53/24/Add.4), the Working Group formulated key recommendations to development finance institutions as the World Bank to uphold their responsibility to respect human rights, such as:

- (a) Adopt and incorporate the United Nations Guiding Principles on Business and Human Rights in environmental and social frameworks and related policies;
- (b) Develop and implement human rights due diligence policies and processes throughout their operations and ensure that an intersectional perspective is integrated into these policies and processes. In so doing, it is important that human rights risks are analysed and monitored throughout a project life cycle and adapted to the sector, context, project, and clients;
- (g) Require clients to: (i) Improve their own human rights due diligence policies and processes; and (ii) pay particular attention to groups in vulnerable situations, including through complying with the principle of free, prior and informed consent with respect to Indigenous Peoples;
- (h) Support clients and their existing or potential business partners, particularly small and medium-sized enterprises, to improve the human rights and environmental conditions in their operations;
- (i) Design and implement operational-level grievance mechanisms that address the risks faced by stakeholders adversely affected by development projects, in ways that protect their confidentiality, prevent reprisals and retaliation, and offer effective remedies;
- (j) Establish remedy funds to address adverse human rights impacts from projects.

Thus, in connection with the above alleged facts and concerns we would like to draw your attention to other relevant applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

Article 17 of the Universal Declaration of Human Rights (UDHR) 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, as enshrined in article 3 of UDHR.

We would like to draw your attention to 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 your attention 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. 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.

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 People 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 your attention 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 the Government of Tanzania. 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 you 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 you to 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 you 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.

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 your attention 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).

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 attention to 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.

We also wish to draw your attention to the Guiding Principles on Extreme Poverty and Human Rights, adopted by the Human Rights Council in September 2012 through its resolution 21/11. The Guiding Principles recognize Indigenous Peoples as one of groups particularly vulnerable to poverty and highlights the importance of their rights to take part in cultural life and to enjoy the benefits of scientific progress and its applications. It calls on States to “[e]nsure that cultural heritage policies and programmes, including those designed to promote tourism, are not implemented at the expense or to the detriment of communities living in poverty, including through the active participation of the relevant communities and individuals” (paragraph 90, (c)).

We would also like to refer to article 13 of the ICESCR, which guarantees the right of all persons to education. Article 13(2), as clarified by the Committee on Economic, Social and Cultural Rights, provides an obligation of State parties to take positive measures to ensure that education is culturally appropriate for minorities and Indigenous Peoples (general comment 13, para. 50). The Committee on further

stressed, in its general comment 13, that education in all its forms and at all levels shall exhibit the interrelated and essential features of availability, accessibility, acceptability and adaptability. In particular, education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds; education has to be within safe physical reach; and education has to be affordable to all (whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education). Furthermore, the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students (E/C.12/1999/10, para. 6).

In her report to the Human Rights Council on the cultural dimension of the right to education, the Special Rapporteur on the right to education recalled that States and other actors must recognize that cultural diversity is a fundamental characteristic of contemporary societies that must be both reflected and made the most of at all levels of the education system, formal or not (A/HRC/47/32, para. 22). She further underlined the right of learners to a culturally appropriate and relevant education (para. 79 a). According to the UNESCO Universal Declaration on Cultural Diversity (art. 5), all persons are entitled to quality education and training that fully respect their cultural identity.

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 guarantees the right of peasants to food and the right to be free from hunger, this includes the right to produce food and the right to adequate nutrition. Peasants and other people working in rural areas shall always enjoy physical and economic access to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs. Moreover, peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty (art. 15.4). Article 16.1 of UNDROP confirms that peasants and other people working in rural areas have the right to an adequate standard of living for themselves and their families, and to facilitated access to the means of production necessary to achieve them, including production tools, technical assistance, credit, insurance and other financial services. They also have the right to engage freely, individually and/or collectively, in association with others or as a community, in

traditional ways of farming, fishing, livestock rearing and forestry and to develop community-based commercialization systems. Article 17 of UNDRIP 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 17 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 18 aims to promote rural development, food security, and the environmental stewardship of rural communities.

We would like to bring to your 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 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). Any person 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).