



REFERENCE: CERD/90th/EWUAP/GH/MJA/ks

3 October 2016

Excellency,

I write to inform you that in the course of its 90th session, the Committee on the Elimination of Racial Discrimination has considered, under its early warning and urgent action procedure, allegations of arrests and intimidation as well as threat of forced evictions, of persons belonging to the community of the Maasai indigenous people (“Maasai community”) in Ngorongoro district, Arusha region, that have been brought to its attention by a non-governmental organisation. The Committee would like to remind the State party that in its previous sessions it has previously addressed allegations of forced evictions, arrests, intimidation and ill-treatment of the pastoralist Maasai from the same district, in its letters of 13 March 2009 and 11 March 2011 and 01 March 2013, to which the State party has not replied, so far.

According to information received, your Government has been in a long-standing dispute with the Maasai indigenous pastoralists over the use and ownership of their traditional lands. Such a dispute was generated by the overlapping of Maasai traditional lands by foreign companies to whom the State party had granted lands, and on several occasions has reportedly resulted in arrests, intimidation and violence against persons belonging to the Maasai community opposed to such decisions. It is alleged that the current situation which has been brought to the attention of the Committee is related to the existing or proposed grants of land/hunting rights by your Government to the Ortello Business Corporation (“OBC”), a luxury game-hunting company.

According to information received, between 14 and 22 July 2016, Government security forces arrested and detained for a duration up to 12 days, 19 individuals in the Ngorongoro district, Arusha region, including elected officials, teachers and a lawyer. The information indicates that the majority of them belong to the Maasai community. Reportedly, they were denied access to legal representation, family visits and medical assistance during detention. It is also alleged that three of those detained have been ill-treated in custody.

His Excellency Mr. Modest Jonathan Mero
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Arrests allegedly took place under the National Security Act and some of those arrested have been charged and are subject to prosecution. It is also alleged that several of the individuals concerned are reportedly in hiding.

Finally, it is claimed that the dispute between the Government and the Maasai community may lead to the forced eviction of thousands of Maasai and that these reported events, which, it is claimed, are principally aimed to prevent opposition to expropriation of Maasai from parts of their lands, in favour of "OBC", have led to a significant escalation in violence in the area.

In light of information above, the Committee is concerned that these allegations, if verified, could hinder the full enjoyment of rights under the Convention. In this regard, the Committee recalls its recommendations made in paragraph 14 and 15 of its previous concluding observations (CERD/C/TZA/CO/16) adopted in 2005 relating to the expropriation of ancestral lands belonging to certain ethnic groups as well as paragraph 5 of the Committee General Recommendation No. 23 (1997) on the rights of indigenous peoples.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party submit information on all of the issues and concerns as outlined above by 14 November 2016, as well as on any action already taken to address these concerns. In particular, it requests that the Government of Tanzania to provide information on: a) allegations described above; b) charges against Maasai, the relevant provisions of the legislation under which they were charged as well as on the current status of the proceedings; c) measures taken to ensure the effective participation of Maasai of Ngorongoro district, Arusha region in decisions affecting them; d) measures taken to investigate allegations of excessive use of force by the security forces including during arrests and detentions as well as measures to prevent intimidation and harassment of Maasai. In addition, the Committee requests that the State party urgently to halt any forced evictions ongoing or planned of Maasai in the Ngorongoro district, Arusha region and to seek a peaceful solution in this regard. The Committee urges the State party to submit its combined seventeenth and eighteenth periodic reports, which are overdue since 26 November 2007.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of the United Republic of Tanzania, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,



Anastasia Crickley
Chair

Committee on the Elimination of Racial Discrimination