

# Lawlessness in Tanzania

## A Comment on Land Grabbing and Violations of Human Rights

Peter Sigsgaard, Denmark<sup>1</sup>

November 2018, soldiers from Tanzania's Defence Forces attacked a number of *bomas* (fenced dwellings for people and animals) in Northern Tanzania. Herds of cattle were stolen or scattered to the winds. Named inhabitants were fiercely beaten. Some were taken to hospital. The soldiers told people that they were punished because some village heads had contested the validity of an expropriation and had sued the government.

Governmentally approved violence against Maasais and other minorities has been ongoing for several decades. The new and alarming is that it is now executed by the army and not the police, rangers from Serengeti National Park or private landowners' guards. The many atrocities committed against people who are protected by Tanzania's constitution can only be described as a systematic *attack on the Masai culture* – if one hesitates to bring the term "ethnic cleansing" into play.

The State or foreign investors seize recklessly land for safari tourism or extensive and failed agricultural projects. This has effectively destroyed many pastoralists' living conditions. As cattle nomads, they are dependent on the pastures that they have shared with the wildlife, but also taken care of in a vulnerable, sustainable balance.

October 2018, I revisited Tanzania and experienced a widespread fear among its citizens. It can be highly dangerous to express oneself with criticism of the regime. People whisper about "disappearances" – and the regime announces openly that "subversive remarks", "sedition", or criticism of the statistics published by the government can be punished with prison. The opposition parties and their elected representatives in the Parliament are constantly under threat and effectively weakened.

Strictly speaking, I must admit that the headline for the present comment is misleading. The strategy of the State (read: The Government or the Ruling Party) sees namely to enact unconstitutional laws and decrees comprising flexible clauses that criminalize political opposition and criticism. Protesting individuals are thus "lawfully" charged with e.g. "conspiracy", "raising ill-will and discontent", "sedition", and even "espionage".

A few courageous critics and their families are kept under surveillance and are at erratic times summoned for vague but dangerous questioning by the police or the regional security councils.

The country reeks with dictatorship, abuse of power, and corruption. The Government exhibits a thorough contempt for both the Tanzania Constitution, human rights, and democracy. For Denmark and other UN-countries that have supported the country through decades, this means an obligation to react and defend e.g. Human Rights.

The president, John Pombe Magufuli, recently spoke in favour of pregnant schoolgirls being expelled from the schools. His *Regional Commissioner* in Dar es Salaam announced a manhunt on homosexuals. The remarks instantly drew international

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<sup>1</sup> This Commentary is a translation of a Danish article published June 22 2019 in "Globalnyt" [www.globalnyt.dk](http://www.globalnyt.dk) The article and information about the author can be found on [www.petersigsgaard.dk](http://www.petersigsgaard.dk)

headlines. Denmark, The European Union, USA, and The World Bank protested loudly and suspended development aid to the country.

It is commendable that the West reacted on these sexually prejudiced infringements. This should, however, not make us forget the nearly permanent persecution of pastoralists and other indigenous people.

The many luxury tourists who admire the “unspoilt nature” of the national parks may not see the sites of a fire or the internally displaced refugees who struggle to make a living. But they should know that the commodity they buy exacts a very high price.

Researchers from the organisation PINGO’s Forum have released a conservative estimate of the damage done to four villages in the Loliondo area through six months in 2017. During the period, Rangers here destroyed nearly 1200 bomas equal to about one-fourth of all the settlements in the area. More than 23.000 persons, mostly women and children, were driven out. The researchers also documented thefts, illegal detentions, long-running imprisonments, also of children, rape of women, also minors, and beatings of herders. Two were shot at and injured for life.

Law in force designates that the land in the region can be used by pastoralists for among other things grazing their cattle. This, however, did not prevent that about one-third of the extended families had their allotted land confiscated. The official perpetrators simultaneously confiscated at least 20.000 heads of cattle, goats, or sheep - animals that constitute the most of the Masais’ livelihood. Massive poverty was the consequence.

The government believes that the well documented and legalized right of use to the Masais’ land should be subordinated to the consideration of a growing farming community and the state coffers’ revenues from tourism. The government may probably find its necessary powers to seize the areas in a complex riot of new laws and decrees that often are incompatible with prevailing rules. But even expropriation demands negotiations. The authorities must not act overlooking those affected, but that is nevertheless what they do.

High-powered international organisations for conservative nature conservation pay Tanzania for reserving the national parks for the wildlife - and they invest massively in tourism. Foreign tourist companies have also hogged territories for luxurious safari lodges where they want that the wild animals can be experienced without distracting herds of cattle in the distance.

The areas seized are considerable. In Loliondo, the American *Thomson Safaris* has, for example, monopolized more than 50 square kilometres – equivalent to half of the acreage of the Danish island Amager.

It is also in Loliondo that the Dubai based company *Otterlo* twenty years ago bought the hunting rights in an area about 1.3 times bigger than the piece of the Danish region Funen. They have constructed guesthouses and a runway for big aircrafts in the middle of the Masais' grazing areas. In the hunting season the police – and now the army – arrange for Arab princes and their guests to obtain hunting trophies of lion, buffalo, and other game without the Masais come nearer. In return, Otterlo donates four-wheel drives and other means of transport to the police.

A different type of stealing land is the *land-grab* in which highly placed Tanzanians buy extensive lands from their State at a low price. The newly crowned landowners have the deals confirmed by letter, but the sales have been unlawfully carried out. In some cases, they use forged documents apparently coming from the district governments that always should be heard. It is plausible that the buyers have used bribes to get hold of their

cheap contracts. It is also probable that some investors bribe the State to provide protection. Case after case demonstrates an almost symbiotic relationship between the landowners (or long-term leaseholders) and the local police, Serengeti-rangers and the government apparatus. Furthermore, it is the belief of many that judges in the local judicial system are biased and easily bribed

One example is the village heads from Loliondo who sued the State September 2017. They were quickly put in prison charged with having summoned the Government. The police insisted that this action was illegal because they themselves as village heads were a part of the State.

It is easy to understand why many now choose to remain silent or to toe the line e.g. by loudly abandon political opposition parties and "switch back to" the ruling party CCM that uses all forms of harassments to secure that it will win the upcoming election in 2020.

The village heads have however taken a firm stand and await for the slow pace of justice. But does it help? The regime ignores demonstratively the legal rulings. What options do we have if judgments delivered by the court are not carried out? If national and international campaigns have no effects? If painstaking, accurate, and complete documentation is just brushed aside as treasonable propaganda?

One option for e.g. Denmark is to strengthen its active diplomacy towards supporting the United Nations' fight to strengthen Human Rights and the Indigenous Peoples', the pastoralists', special rights. Additionally, we must step up the support to those NGOs and institutions in Tanzania that actively further democracy.

We could also provide activist support to programmes that further agreement among the pastoralists about the way forward.

Denmark could also take upon itself to host an international tribunal that maps out and judge the atrocities. We should intensify support to systems and institutions that record human rights violations and identify the personally responsible players. It must be examined more closely whether their actions can have consequences.

We shall, and must, react.