

PINGO's FORUM



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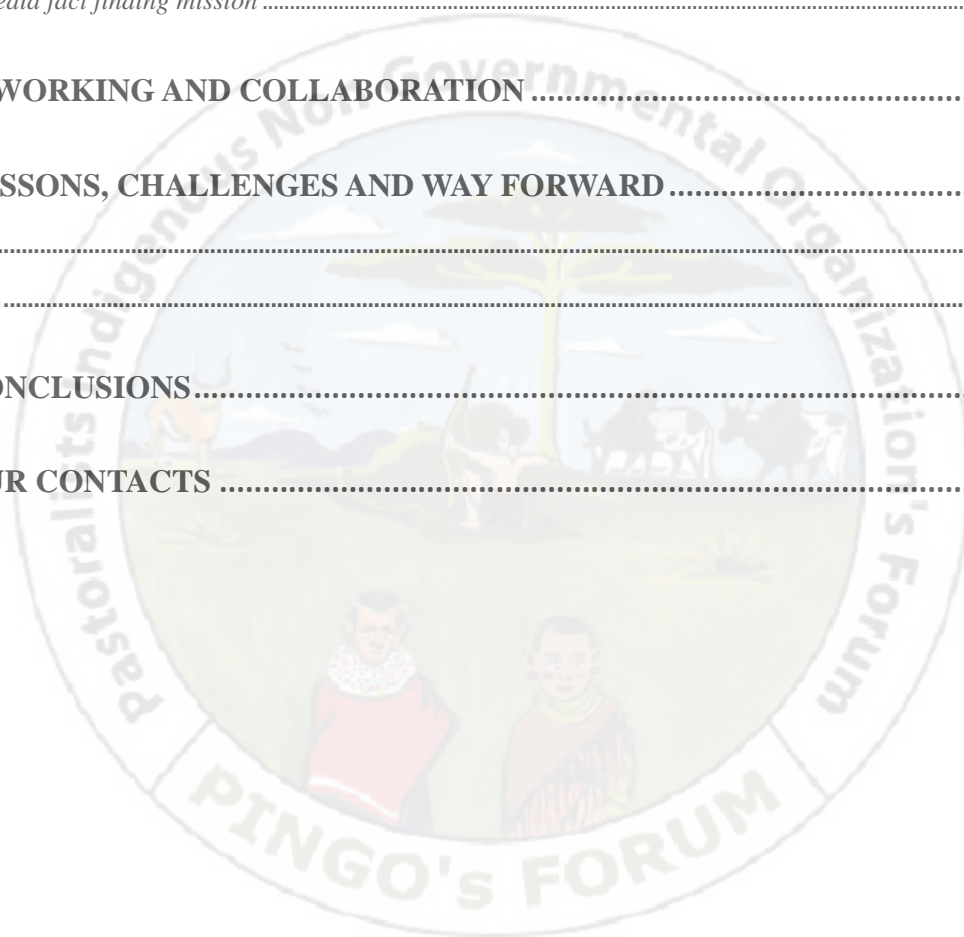
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Executive Summary

PINGOs Forum is a voluntary and non-profit making organization with more than 50 pastoralists and hunter-gatherers(P&H-G) NGOs mainly supporting human rights advocacy, capacity building and networking initiatives necessary for enhancing issues of governance, human rights and sustainable livelihoods of these groups.

Pastoralists and hunter-gatherers communities have suffered marginalization in terms of socio-economic, cultural and political rights due to policy environment that has systematically eliminated them from national plans and processes as well as their use on natural resources. The policy environment has been negative to them causing lack of recognition of their livelihood systems as well as a result of wrong perception towards the indigenous communities and their way of life by the mainstream Tanzanian society.

The ongoing evictions of pastoralists and hunter-gatherers from their lands in many parts of the country means loss of grazing lands and critical grazing resources leading to the disruption of livelihood of pastoralists who have no option but to migrate to other areas in search of water and pastures ultimately causing increasing land conflicts land users they found on the land.

Climate Change is also having a significant impact on pastoral livelihoods. Weather and rain patterns have change significantly over the last couple of years, meaning pastoralists range management skills are outpaced by unpredictable rainfall patterns. While climate change is hitting pastoralists hard, the government has not made efforts to support them as pastoralists themselves are seen as the cause of some of the impacts of climate change. In addition, pastoralists are not involved and benefiting from initiatives that are directed to mitigate or adapt impacts of climate change but they are the most affected from implemented project alleged as the causative of climate change following the nature of their livelihood system which mostly depends on land and natural resources for their pastoralism as a system.

Women among pastoralist communities are the most vulnerable group given long established customs and traditions which place women in lower positions and status and that perpetuates GBV in the community. Male dominated properties regimes among pastoralists favour the male gender, meaning at all time that ownership and control of land and other properties is controlled by men. Child education is also given in favor of male child leaving girls with domestic chaos and forced early marriages. HIV/AIDS is also another problem which is claiming community members' lives and negatively impacting on pastoral community economy and livelihood as a whole.

In order to address the challenges facing indigenous marginalized communities of pastoralists and hunter-gatherers, PINGOs Forum have been engaging in human rights advocacy through implemented programme activities related to Governance and Human rights, Gender rights and addressing the impact of Climate change with associated capacity-building of members and communities. The main programme activities implemented include research and fact-findings on pastoralists and hunter-gatherers' evictions from their own lands and associated human rights

violations, paralegals and human rights trainings, training of member CSOs for effective human rights advocacy, also we supported public interest litigations. The role of media was played to the extent that the local community brought pressure to bear on all types of human rights violations; where Press conferences after fact –finding missions increased the impact of the researches in terms of propagating information to the wider public and stakeholders. Engagement of P&H-G into the New Land Policy 2017 dialogue and made their written submissions of which some of their recommendations were reflected in the draft policy etc.

Our **Major achievements** through fact-finding and media missions, we managed to collect reliable evidences on the violation of human and natural resource rights of P&H-G which some of them being used in court cases filed by or against villages or community activists. Again the public was made aware of the violated rights and corrective measures were taken e.g. the Loliondo land conflicts and evictions.

Through paralegal trainings, we promoted the capacity of village leaders, village land tribunals, and Councils and are now making informed decisions on land management matters, and there are committees formed to follow up on agreed action plans on villages land and natural resource rights. Some of villages as were capacitated were able on their own to go to court to fight for their land rights. In some cases a number of villages and human rights defenders illegally charged as the stood for community rights but unable to defend/represent themselves in court were supported through Lawyers or Advocates.

In terms of capacity building we managed to train our member CSOs on project management and resource mobilization of which they are now supporting communities on our behalf. Capacity building of CSOs on climate change adaptation and mitigation was done with strengthening capacity of members of the Steering Committee for IPs in Tanzania to develop mechanisms for IPs coordination in Tanzania where there started engaging different climate change forums both national and internationally like the UNFCCC.

The **major lessons** first we learned that the plight of pastoralists and hunter-gatherers communities is due to lack of recognition in policy cycles where policy and decision makers failed to consider the marginalized when drafting and passing laws and policies that also affect their lives. Due to these they are not considered or included in many budget decisions hence marginalized in all social economic and political aspects. It is now high time to reverse this situation through our mother law ‘constitution’ which the zero draft has recognized pastoralism and minority rights. We now need to engage more effectively the respective communities to ensure more of their interests are put in the constitution. Once this is done we believe that all the other policy, laws and regulations will be aligned in favour of marginalized communities as stated in the constitution. We also learned that all the eviction of P&H-G everywhere in this country is done in large part by the government¹ for

¹ The government evict people by the use of police, paramilitary forces, Game Scouts, organized Sungu Sungu, and Park rangers.

expansion of national parks and game reserves, forest reserves, establishment of WMAs and wildlife buffer zones/corridors encroaching more on community grazing lands. Also through the government facilitation tourist hunting and investments on pastoral land has also reduced the size of grazing land and in other cases it denied access of grazing and water resources for livestock keepers.

Experience show us that the government use to evict pastoralists without paying proper compensation, relocating them to alternative land, and in all the reported cases of eviction operations were carried out by force with associated acts which violate human rights as elaborated in the main text. As the evictees move to nowhere they encounter other residents who are ready to receive them hence creating more land conflicts.

PINGOs Forum had faced many **challenges** during programme activity implementation, among them being intimidation and threats from the government when supporting communities to fight for their rights; the ever increasing community demanding support for their violated rights many happening during forceful eviction of which is taking place in every corner of this country compared to the capacity of PINGOs to respond to all. This is coupled with ineffective judicial system to provide rights and justice timely and many other challenges as described in the main report. Court contempt is also seen where some government official refused to implement court of appeal orders examples of Vilima vitatu, Mabwegere villages.

On the **way forward** PINGOs will continue engaging communities on the policy processes; advocate for human rights and land rights through communal grazing and villages land use planning; propagate on equal gender relations for equal access to available opportunities etc. Support communities to engage and participate in all interventions for them to be able to mitigate the impacts of climate change etc. and other activities geared towards the realization of the benefit and sustainability of pastoralism as a livelihood system.

1.0 Introduction and Background

Introduction

This *biennial report* is on the compilation of achievements realized from the implementation of planned activities from July 2016 to June 2018 by PINGOs Forum regarding the human rights situation of marginalized pastoralists and hunter-gatherers in Tanzania. The overall success of implementation of the programme was possible through partnership support from OXFAM IRELAND, IWGIA, FPP, UDSM, OSIEA, HiVOS, UDSM, CARE-Tanzania, USAID/PACT/Freedom House, and TEBTEBBA Foundation. Our funding base during this period was reduced to minimum level so activities that were implemented were also few. This was the transitional period the organization was passing between the ended 2011-2016 strategy to its current new strategic plan 2016-2021.

The PINGOs Forum activities for the reporting period are drawn from the main three programme activity areas of **Land Rights, Human Rights, Governance and Accountability; Women & Youth Empowerment; Engagement on Climate Change Issues; Research, Documentation and Dissemination and Networking with partners.**

Background

Pastoralists and hunter-gatherers communities have suffered marginalization in terms of socio-economic, cultural and political rights due to policy environment that has systematically eliminated them from national plans and processes as well as their use on natural resources. The policy environment has been negative to them causing lack of recognition of their livelihood systems as well as a result of wrong perception towards the indigenous communities and their way of life by the mainstream Tanzanian society.

The ongoing evictions of pastoralists and hunter-gatherers from their lands in many parts of the country means loss of grazing lands and critical grazing resources leading to the disruption of livelihood of pastoralists who have no option but to migrate to other areas in search of water and pastures ultimately causing increasing land conflicts land users they found on the land.

Climate Change is also having a significant impact on pastoral livelihoods. Weather and rain patterns have change significantly over the last couple of years, meaning pastoralists range management skills are outpaced by unpredictable rainfall patterns. While climate change is hitting pastoralists hard the government has not made efforts to support them as pastoralists themselves are seen as the cause of some of the impacts of climate change.

Women among pastoralist communities are the most vulnerable group given long established customs and traditions which place women in lower positions and status. Male dominated properties regimes among pastoralists favour the male gender, meaning at all time that ownership and control of land and other properties is controlled by men. Child education is also given in favor of male child leaving girls with domestic chaos and forced early marriages.

In order to address the challenges facing indigenous marginalized communities of pastoralists and hunter-gatherers, PINGOs Forum have been engaging in human rights advocacy. PINGOs Forum is a membership organization for Pastoralists and Hunter-Gatherers, established back in 1994 and formally registered in 1996 with the objectives to develop, protect and enhance the rights of the indigenous pastoralists and hunter-gatherers of Tanzania for the achievement of economic, social cultural and political development through policy advocacy and engagement for the purpose of enabling them to benefit from and contribute to their development; protection of their land and natural resources and other rights for sustainability of their livelihoods.

Through Human Rights based approach, PINGO's Forum endeavors to amplify the voices and foster the interest of pastoralists and hunter-gatherers by advocating for change and ensure that;

1. The rights of pastoralists and hunter-gatherers as reflected in governance principles, policies, laws and strategies;
2. The socio-economic and political rights of women and youth as promoted and protected by P&HG communities;
3. Pastoralists and Hunter-gatherers are engaged in climate change policy processes, adaptation, mitigation and are less affected by the impact of climate change; and
4. Ensure that there are adequately available, accessible and credible information for decision making by stakeholders on issues of human rights, women and youth empowerment, and climate change.

Achievements

As a result of the work of PINGOs of the implementation of programme activities some of our achievements are more elaborated in each implemented activity in the text but in general our achievement among others are that;

1. We managed to collect reliable evidences and information and publicized all criminal acts of human rights violations done to pastoralist and hunter-gatherer communities,
2. We prepared different reports on the current situation of marginalized communities with recommendations for interested stakeholders who need to intervene on certain matters,
3. We promoted the capacity of village leaders, village land councils and traditional leaders and communities in many villages so are now properly dealing with land and natural resource matters in their respective villages,
4. We protected the rights of human rights defenders and activists in court who were illegally charged by defending the rights of others,
5. We facilitated men and women to meet with some of policy makers where they aired their concerns and created linkages for their future engagement,
6. Submitted quadrilinear report 2017 to UN system on the situation of pastoralists and hunter-gatherers

2.0 Governance and Human Rights Activity implementation

2.1 Breakfast meetings

2.1.1 Community land grabbing around KIA

The first breakfast meeting² of 18th October 2016 was regarding community land grabbing of pastoralists of villages around Kilimanjaro International Airport (KIA) under siege from Kilimanjaro Airport Development Company (KADCO). The villages are Sanya Station, Tindigani, Chemka, Samaria, Mtakuja, Majengo, and Malula. At least 10 civil society organizations, all based in Arusha, were represented. The Office of Member of Parliament for Arumeru Mashariki is also represented. The committee from KIA villages expressed its shock that KADCO is using drones to map out the contested area arbitrarily while the villagers told not to do anything in terms of construction.

Some suggestions for engagement were to consult for a legal opinion while we look unto the following.

- a. Court Injunctions (and that all relevant documents should be collected.)
- b. Let us go international, and have campaigns (international media, social media campaigns)
- c. Depict clearly the situation's effect on (agriculture, food security, livestock, and other available institutions)
- d. Political platform
- e. Press conference with facts produced (Papers, Blogs, TV)
- f. That the village committee should meet with parliamentary committees.
- g. If the press conference fails to convince the president, then we ask for an avenue to meet the president through Members of the Parliament.
- h. To have a good coordination among the community members, this includes all meetings as per required by the law.
- i. Let CSOs (+International NGOs + community members) talk to donors about halting the project fund.
- j. Creating info briefs regarding the expansion project, making a comparison against other ports in relation to size and passengers rate.
- k. Sell the idea to Tanganyika Law Society, East Africa Law Society, and other parties so as they may assist.
- l. Have the report derived/or in Kiswahili. (So that the community may digest and understand clearly, and be able to stand as witness if need be.)
- m. The committee's representation should include other members from faith based organizations, politicians, farmers, and traditional leaders.

² The session was participated by 29 people from the following organizations;

TAPHGO, CORDS, PALISEP, Oxfam, Samaria Village, KIA, PINGO's Forum, Committee, TNRF, ALAPA, UCRT, MPDO Lareto, and Arumeru Mashariki MP Office.

2.1.2 Engagement on National Land Policy review

The breakfast session took place at SG Resort on 24th July 2016. The Land Policy review being one of a major issue that would later affect other policies and laws, since it is a supreme policy above others, it is a platform that CSOs have to follow up closely regardless of how hard and impossible government institutions make it look like. Thus, this particular breakfast was called to assess the situation after our submission, and the happenings (on and below tables.)

A review was made on an acquired draft so that CSOs can adjust themselves and make informed decisions. Advocates from CSOs led the session explaining about every policy statement and possible ways of engagements. This later one strengthened CSOs and had them ready for whenever the ministry might call upon inputs from a released draft.

2.1.3 National Land Policy 4th Draft

The land policy review process has had different stages, and the stage at SG Resort in November 4th 2016 included having a session with participants³ to review a 4th draft document that was acquired by stakeholders. Previously, there has been a follow up session on 26th July where it was agreed that anything that comes or is heard concerning The Land Policy should not be taken for granted, but rather looked unto and see if it jeopardizes our interest as pastoralists and hunter-gatherers. This resulted unto meeting and having ourselves ready for anything that might catch us by surprise, as of waiting for the unknown date from the ministry regarding a stakeholders meeting which later happened to be the November 23rd 2016.

2.2 Stakeholders Meeting: Review of National Land Policy

The ministry for land had commenced the process of reviewing the current National land policy of 1995 on August, 2015 with the aim of meeting the country requirements and new world development. The opinions and views of the people were collected from different stakeholders in the country in 8 zones. In consideration of the importance of the policy economically and socially many people had participated in the process including political leaders, government officials, religions leaders, CSOs, academic institutions, pastoralist and farmers. After the process of collecting views, the ministry had come up with the first draft of the land policy of 2016 with views of the people. The stakeholders meeting took place in Morogoro on the 23rd November 2016.

1. Reason for the new land Policy: the question why the new National land Policy?

³ The session had 15 participants from TNRF, PINGO's Forum, Oxfam, MPDO-Lareto, ALAPA, PALISEP, TPCF, and U-CRT.

The government has decided to review the land policy due to the following reason;

- Meet the new government directives on preparation of the new policies;
- Increased conflict among land users
- Low participation of private sector in planning and demarcation of land
- Small contribution of the land sector in promoting the national economy and increase the national GDP. All these have been considered in the draft.

2. Major Achievements/Results/Resolutions

Some provisions in the draft are positive to pastoralist and hunter-gatherers including;

- Ñ The Land policy document recognizes hunter gatherers and pledge to set aside lands for hunter gatherers – as special interests groups and legitimate land users – at pages [11,36,52 (4.21.3
- Ñ The Land policy document recognizes pastoralism and pledge to set aside lands for pastoralists – as legitimate land users – at pages [6,40,4.3.2 (iii),52
- Ñ The policy document notes of inconsistency of contradicting definition in the village land Act N0.5 1999 and The Land Act N0.4 1999 on area of unused part of village land and definition of general land therefore proposes a consistent definition – and pages[61, 63 (6.4 (c)]
- Ñ The policy document proposes that land holders occupying unregistered land shall be deemed to have titles and seek registration of the same- pages [38, 4.1.3 (x)
- Ñ The policy document proposes to promote land long-term benefit sharing arrangement - land based investment – pages [40, 4.4.3 (iv)
- Ñ The policy document proposes that non-citizens and foreign companies are not allowed to acquire village land through allocation, transmission and purchase or lease- pages [39, 4.2.3 (v)
- Ñ The document proposes to secure national mobility corridors and ensure security of land rights for pastoralists across village boundaries- pages [40,4.3.3 (iii)
- Ñ Imposition of condition before land is revoked for non-development of land – pages [42,4.6.3 (iii)
- Ñ Reduction of CRO term limit 33 for investors (page 41,4.4.3 (iii)

PINGOS FORUM participated in the dialogue in which we got an opportunity to speak against the negative provisions appears in the draft including the following:

1. Negative Policy Statement – Areas needing further improvements in the land policy 2016
 - Ñ The policy document proposes a new definition that reserved Areas- includes Game Controlled Areas- this is a very dangerous proposition and CSOs must push to have the reserved land redefined or have game controlled area removed from the reserved lands. Pages [31, 2.23- , 53,4.23.1
 - Ñ The draft land policy document still espouses a re-conceptualization of land rights along Western neoclassical principles of freehold tenure-, is somehow strange and illogical and at best in contravention of the principle that land in Tanzania is public property. Pages [8, 35, 3.3 (xi)
 - Ñ The land policy document proposes Commissioner of Land to be the SOLE authority to administer ALL Categories of Lands –pages [39, 4.1.3 (ii)
 - Ñ The land policy document contains a proposal to reduce powers of village council and that of general assembly in administration of village land- is very ambiguous and problematic – there is a need to inquire for a better understanding – otherwise, powers of village councils and that village general assembly should continue un interfered – remain supreme organs of village lands same way as contained under the village land Act No.5 1999. Pages [38, 4.1.3 (vi)
 - Ñ The land draft document still contains biased/negative language against pastoralists – “unmanaged large heard, un regulated movement of livestock causes land degradation and land use conflicts” page 20,
 - Ñ CRO to be given to Foreigners whose projects intend to build houses for immediate sale- outright sale – (page 41, 4.4.3 (v)- contradicts with concept no foreigner should own land-

The meeting was organized and the people got opportunity to discuss and share their opinion democratically. The draft has a lot of positive provisions to pastoralists led us to a close follow up to ensure they will not be removed and further ensure that we continue making follow up and giving our opinions for the interest of pastoralist and hunter-gatherers.

2.3 Monitoring and Reporting of Land and Human Rights Violations

- Through fact-findings, PINGOs was able to document and report land and human rights violations acts done to indigenous communities. Reports were used as evidence in court in Kagera region and advocacy tools at National, regional and international levels e.g. Statement of PINGO's Forum on the current Human Rights Situation of IPs in Tanzania at the 61th Session of ACHPR held in Banjul Gambia, from 1st -16th November 2017; Parliament Committee of Agriculture, Livestock and Water 14th November 2017 –Policy and budgetary issues regarding community and women's land rights; Presentation on the current situation of IPs of Tanzania to the European Commission's meeting in Brussels on 9th November 2017.
- The project facilitated the dialogue between community representatives and the Parliamentary Committee on Land, Natural resources and Tourism on 16th January 2018. The dialogue outcome is blocked/halted the process of amending the Wildlife and Conservation Act, 2009 Cap.283, as it was introduced by the Ministry of Natural Resources and Tourism though the new Wildlife conservation bill 2017 that was to be tabled before parliament for a second reading in February 2018. The proposed amendments introduce heavy fines, imprisonment on long sentences for those convicted, and eviction of pastoralists from their lands through restricted access of grazing livestock in Game Controlled Areas (GCAs) where most of these areas are within legally registered villages. The project had to intervene and halted the process because passing of the new proposed bill could have infringed on rights of the marginalized community of pastoralists and hunter gathers in many parts of the country.
- The policy analyses was made on policy, laws and regulations that affect Pastoralists and given recommendations to include;The Wildlife Act no. 5 of 2009; Wildlife regulations of 2012 (GCAs & WMAs); The Land Policy 1995; The Grazing Land and Animal Feed Resources Act N0.13 2010; The Livestock Policy 2006 and The Wildlife Conservation (Amendment) Act 2017.

• *Fact finding and media mission in Siha, Hai and Korogwe Districts*

The fact finding mission by PINGOs' Forum in three districts of Siha, Hai and Korogwe was accompanied by two journalists from ITV and Star TV. The first trip took place from September 23 to 28, 2016 in the two districts. A second field trip in Hai District alone took place for two days in October 2016.

Several meetings held about the Kilimanjaro Airport land grab laid the basis of this report. The first meeting took place in Arusha on June 13, 2016. This was to be followed by two breakfast meetings at SG Resort in Arusha on July 6, 2016 and on October 18, 2016 respectively. Many teleconferences were also held and continue to this day of writing as a way to keep up to date. In the three districts the victims of land grabs and land induced violence are Maasai pastoralists.

In Hai District pastoralists are resisting plans by the Government of the United Republic of Tanzania to grab 11,085 hectares for expansion of KIA an area of land belonging to seven villages⁴ (excluding Rundugai Village whose land is not threatened directly but its residence depends almost entirely on the land of Tindigani Village for subsistence farming).

In Siha District the team worked on the land grabbing problem around a hill called En'doinyo Ormoruak or 'the Hill of the Elders'. This is the area of land of about 17,500 acres in Arusha/Kilimanjaro Regions (North-East Tanzania) off the main Arusha-Moshi road. This area is considered by the Tanzanian and Kenyan Maasai communities a sacred area where at intervals of every 6-7 years hundreds of Maasai representatives from different groups meet for a series of religious and cultural ceremonies around the initiation of Maasai youth (or morani) into elders. In this land grabs, individual and the police invade the area in the 2000s. The police when training exploding devices left by the police have time and again caused deaths and injury of pastoralists.

In Korogwe District pastoralists are badly outnumbered by peasants. They have been repeatedly attacked including intimidating cases of arson in Mswaha Darajani in January 2014 and in Chang'andu in March 2013.

The assignment was to follow-up the said conflicts. The specific terms of reference were:

Hai and Siha Districts

- Record feedback from the trip to meet the Prime Minister in Dodoma.
- Work on the way forward on the Kilimanjaro Airport conflict with eight villages.
- Link the Hill of Elders (Siha) invasion with the Kilimanjaro Airport for advocacy.

Korogwe District

- Sensitize the community about its land rights in two villages in Korogwe District.
- Find updates of cases in which farmers who burned pastoral houses were jailed.
- Develop a plan of action for advocacy purposes in the said two villages.

Finally

- Publish news in the mass media with items related to the fact finding mission.
- Write a concise report documenting the findings on the fact finding mission.



KIA protest-delegation listens to Governance and Human Rights Manager of PINGOs Forum, Emmanuel Saringe, right, and another photo of Maasai traditional leaders meet the Minister of Cultural Affairs, Nape Nauye, right at the Hill of Elders

The findings and way forward

⁴ Tindigani, Chemka Sanya Station, Malula, Samaria, Majengo, and Mtakuja affected villages.

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- The land induced conflicts between indigenous peoples and other land users are ever increasing. Currently the Government is preparing the land policy. The rule of law must also be seen happening if conflicts such as these discussed in this report are to be addressed.
- The Kilimanjaro Airport expansion projects at the expense of eight villages of pastoralists need to be closely monitored. First, there is a need to sensitize the victim community and to encourage the same to stand united as the Government is using divide and rule strategy in order to grab the land. Second, the two television reports supported by TAAF should be aired while at the same TNRF promise to support a press conference should be followed-up so as the community inform the public perhaps in Dar es Salaam or Moshi or even Arusha. Third, political pressures should continue in the form of helping the community meet the relevant parliamentary committees as soon as possible while at the same time helping the community meet the president. Fourth, involve other interested parties including in the Netherlands where the Orion Grant Facility which is financing Kilimanjaro Airport expansion project to pressure the facility to stop funding since the stretching is violating fundamental human rights in Tanzania. Finally, based on evidence accumulated over time it is now time to engage a team of experienced advocates to give a legal opinion based on which a court case be filed if necessary.
- The land induced attacks of pastoralists in Korogwe District are turning from bad to worse. Yet the courts are being too lenient to the extent that the accused are not scared to repeat their crimes. A case in point is the attack of a badly outnumbered Chang'andu sub-Village in Magamba Village inhabited by mainly pastoralists by a mob from many sub-villages inhabited by mainly peasants in the same village in 2013. While the court in criminal case No.92 of 2013 conclude that the “facts surrounding this case suggest that the incident was arson and in action to retaliate against the Maasai” and the same court found seven accused guilty in 12 counts including arson it had no difficulty, in a typical case of miscarriage of justice, inflicted each accused a very lenient punishment of a one year jail term on each of the twelve counts making a total of 12 years imprisonment to be run concurrently; which means one year in jail. Pastoralists of Chang'andu sub-Village should be supported to revive the appeal case against this judgment. Similarly pastoralists of Mswaha Darajani need to be urgently assisted to follow-up the appeal case filled by the defendants who set fire on the houses of the former in 2014. In the original case the court found the defendants guilty and sentenced them for life imprisonment in 2016. Sadly, pastoralists did not bother to monitor the development of the case. They left it at the liberty of the public prosecutor and their advocate. In the appeal, which pastoralists were unaware off and only knew about after the team visit, the appellants were leniently punished; three years in jail.
- [*Fact finding and mediation mission in Vilima Vitatu Village*](#)

Vilima Vitatu Village is situated between Tarangire and Lake Manyara National Parks and inhabited predominantly by agro-pastoralists Mbugwe and minority pastoral Barabaig community. The wildlife preservation agencies including the Washington DC-based African Wildlife

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Foundation tricked the villages including Vilima Vitatu into creation of a Burunge Wildlife Management Area (WMA) where Barabaig pastoralists who are minorities were not involved.

In 2012 the 17 families of Barabaig indigenous community won a land case appeal against the Vilima Vitatu village government and the administrative of Burunge WMA, Authorised Association (AA) on ground that the acquisition of land was illegal for was not following the laid down procedures by the Village land Act. The court based their argument on the procedural process set by the law. This includes obtaining the consent of the important authorities in deciding land transitions. The minutes of the village Council this discussed and approves the transfer before forward to the General Assembly for approval. Lack of the two minutes made the transfer illegal. In their evidence, the Responded⁵ tendered copies of what they were believing to be the minutes of both authorities⁶ of 11/12/1999 and 14/12/1999 but the court for proofing the truth it ordered for the original copies which they were not tendered till the read of the final judgement declared the people winners of the case.

However the great challenge remains the implementation of the court judgement. The people celebrated their won to the case though they are still facing intimidations, harassments and torture from the investor, UN Lodge en Afrique from France given the lease to an area of 45 acres by Vilima Vitatu Village leadership. This company has been received in this village under contractual bases of leasing and the first contract was signed in 2006 and the last renewal was in 2012. The company is running tourism activities hotel services within the Burunge WMA in Manyara Region. The Camp and hotel is built in the conflict area of Maramboi whereby the Barabaig community sued the WMA and the Villima Vitatu village government for illegally grab their land without their consent and following the legal procedures. The judgement was out in 2012 where they won but still are denied their right. The UN Lodge En Afrique is using the game scout they employed to intimidate, harass and threats the people often. The incidence has been reported several times in newspapers and in Televisions but the behaviours seems not to change. This however has led to emerging of recent demonstration of pastoralist and women against the company and initiatives of reclaiming back of their land.

In recent upraise Barabaig community of women demonstrated and settled within the WMA against the harassment, intimidation and threats from the investor. The people in the area claimed to win the land case against the WMA as such they were supposed to be respected and be free to use and utilizes resources within the area freely as they were doing before the land was changed and registered as the WMA. However the people were opposing the village government for ignoring their opinion to pull out of the WMA such that the village government had to write a letter, a decision arrived in the Village General Assembly of 10.5. 2006 attended by 323 villagers. The letter dated 12th May 2006 was written to the Wildlife Director in Dar es Salaam to call for withdrawn from the WMA for number of reasons. In the nutshell, there is nothing going on which one can show that the court decision is respected and it is implemented rather, the same violations

⁵ Vilima Vitatu village Council and the AA of Burunge WMA

⁶ Village Council and Village General Assembly

of human rights, threats, intimidations and harassment of people is continuing and bad enough, the same people parties to the case continues occupying the land and no sign of respect to the court decision.

In what reflect that the District council is not ready to execute the decision of the court, they develop up the plan and strategy to move up the 17 families from **Maramboi**, the areas cause the disputed to be presented in court to **Mlang'ombe** as the alternative land. This decision is contrary to directions of the court as such the initiatives have to be taken to maintain the respect of court decision. Following the conflict PINGO's Forum with other stakeholders decided to carry a fact finding and media mission on the issues. Also concurrently the new District Commissioners, Mr. Raymond Mushi called for the public meeting in order to hear community clams and promised to work in all demands imposed to him where our team joined the process. Some of the pastoralists claims were raised and noted by the DC who concluded up his speech by appointing people who formed a probe committee to investigate and come up with the inventory of issues demanded by pastoralists. The probe committee was given the following 3 Terms of Reference;

- Works on the directions of the DC as in above and comes with the recommendation;
- Review all documents, contracts and leases entered or relating to this dispute land
- Collecting stakeholder's views on the current conflict such as the pastoralists, government and the investors.

The meeting was called on the 10th August 2016 as the continuation of the previous meetings discussed the possibilities of the government to implement the Court of Appeal Judgment of 15th day of March, 2013. The meeting was further to discuss and listing the key claims of pastoralist which were however seen to end when the judgment is implemented. However, two issues emerged of a need to prove of existing of the judgment review; and also seeking for Court execution Order in order to be in a better place on the implementation of the judgment. After reading the court judgment the resolution of the meeting was made basing on three important points as;

- Getting sure of the existing the Review application and whether it was granted in the Court of Appeal
- Getting the legal translation of the existing Court of Appeal judgment from the official source
- Warning the investor to respect the law for not the part to a case in issue but must avoid use of force and infringe the laws while finding the solution.

Success of the advocacy

1. The DC together with his Security committee members went to meet and talk to the investor of on resolved matters which he must takes into consideration for the whole period in which the solution is sought for the whole conflict. This exercise was done in the conflict area by DC and stakeholders whereby he also ordered the formation of the monitoring committee which will daily be responsible settling down all raised challenges and it would be meeting regularly to discuss the situation whereby they would also be responsible to report to him direct.

2. The pastoralist won the appeal case in the first place in which their opponent, the village and WMA applied for REVIEW which also were denied and the court ruled to maintain the judgment of the fundamental case
3. The pastoralist has an opportunity of returning back their case costs
4. Farmers and pastoralists joint together to claim back their land
5. The village council led by the chairman join the pastoralists to withdrawn from the WMA regardless of the fact that they were responded in the case.

Way forward

1. Write to the High Court asking for clarification on which how would the judgment be executed
2. Filing for the civil case claiming costs for the case; the estimated computed would amount to more than 50 Million Shillings
3. Seeking withdrawal from the WMA through the legal process condition of which under
4. Continue making follow up to ensure the cessation process will go to the end.

- [Fact finding and media mission on Livestock identification, registration and traceability](#)

Recently, the local government of Mvomero and Kilosa districts organized the operations of identifying and registration of livestock by starting building branding centers in rural areas. This program was designed to implements the Livestock Identification, Registration and Traceability Act⁷, No. 12 of 2010. This has been seriously opposed by pastoralist as the result they invaded those centers and destroy them. They raise their voices through media to the extent that it has become a conflict.

The pastoralist claims basing on the fact that the government for long time had not much invest in development of pastoralism in the country as such this exercise has no good motives. They say, if the government wants to brand livestock, they may first strategize for the development of the sector by providing all infrastructures requires in all grazing areas such as water, bore holes because sometimes pastoralist move from one area to another seeking for these resources. They say if the government could value the industry, it shall ensure all needs are fulfilled- “Branding is important and it is logical but is not our first priority as pastoralists.” Our needs are legally protected areas for livestock grazing full of required infrastructures and services and not mere areas subject with threats. The implementation of this program has been condemned by pastoralist that was not participatory, that were not trained on the effect of the program, the positive and negative side, and it does not consider their needs. However, they oppose the manner in which is implemented that it is like a force and it aims to reduce their cattle without their free consent. The process of identification, registration and traceability of livestock could have been easy and acceptable if all the process was inclusive and transparent.

Objectives of the Study

⁷ G.N. 362 published on 28/10/2011

Following the pastoralists outcry boycotting the implementation of the exercise, PINGO's Forum had to intervene on the conflict with the aim to investigate the legality of the operation and see whether it has been proved by responsible authorities and conducted in the manner required by the law; inquiring the participation of people in the process as well as whether the community has been informed, educated and involved in the process; and Monitoring if there is any violation of human rights. This was done in the districts of Kilosa, Malinyi, Ulanga of Morogoro region and Bagamoyo in Coastal region.

The findings

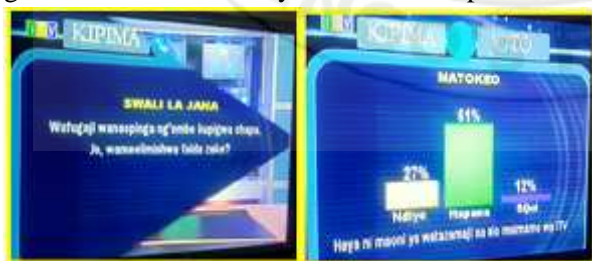
1. **Civic education and awareness:** The people says since the process of enacting the law, they were not informed neither participated in giving their opinion. However when the exercise and the programme was launched they were not trained to know the pro and cons of branding their livestock. The exercise just be announced and they were supposed to implements. However the announcement is given out with threats that if they don't brand their livestock they will not be able to take them to markets as well as the responsible officers have been given power to investigate and take action to anyone whose livestock are not branded.

"Hatujaelimishwa faida na hasara ya sheria na zoezi hili. Ni taarifa tu tumepokea ya utekelezaji na tena yenyewe imekuja kwa muda mfupi sana." (Yohana Ngoira-Mabwegere).

Apart from not being educated on the branding (identification) and registration exercise for pastoralists this has not been their priority;

"To day we have receive announcement relating to livestock branding and we won't accept because we have many challenges and many livestock need which are not addressed though they are known by the government."

This was proved by opinion polls through Independent Television where 61% said pastoralists were not educated on the importance of the branding exercise, while 27% agreed that education was given and 12% said they don't know if pastoralists were really educated.



Violated and subjected culture and traditions: The majority of pastoralist denies the exercise saying it subject their cultural brands which identify them categorically by clans and sections. This type of livestock branding infringes cultural rights of pastoralist for they were at first stage being consulted neither involved in enactment of the law. The exercise has taken them into surprise as such it raises worry and threats to the community, they perceive pastoralism as their identity and livelihood.

2. **Disturbances and time consuming:** The event of going to report in every while is considered by pastoralist as disturbance which aims to reducing their livestock number by force. The majority of pastoral community claims they had never attended school so it will be hard to them to meet requirement as stated by the law that of fulfilling the specified forms and submit to the responsible authority such that the forms must be taken to different areas such as to the village council, the district, Central data system and one copy to remain to the owner of livestock.
3. **Bad motives behind: Eliminating traditional pastoralism;** It is obvious reality that the government is promoting modernization ways of livestock keeping and discourage traditional livestock keeping on reason that is not well utilized, difficult to control and unproductive, source of conflict and unplanned mobility. The government tends to ignore the contribution of livestock in the National GDP and to the social economic of the people. Also **Farmers interest over the pastoralist-** More than 90% of the government and decision makers are farmers that they are very much interested on farming activities than livestock keeping. Once the farmers raise claims against pastoralist, they are considered rights and the pastoralist normally are considered criminals need to be punished instead of considering as the culture, livelihood as well as the strategy for both saving livestock from dying due to lack of pastures during droughts and mitigation to climate change.
4. **Big fines and other punishment:** The pastoralist claims among other things that the exercise is associated with fee in which the pastoralist has to pay though the Act among other things states the costs are to be bared by the government. The owner and other stakeholders can only pay for voluntary means, Section 24 of the Act. The pastoralists during the exercise in Morogoro region were not well informed of the law requirements as well they were forced to pay as something mandatory.



A branded bull standing in one of the market areas in Kilosa District. (TKSA 13)-T represents the country - Tanzania, KSA represent district-Kilosa district, and 13 Represent the village.

6. **Pastoralist positions initiatives, struggles and strategies against the process:** On 16th June 2016 the pastoralist in Morogoro region issued the statement⁸ objected the order of the Regional Commissioner Hon. Dr. Kebwe Stephen Kebwe who ordered identification, Registration and Traceability of livestock in the whole region with aim of reducing land conflicts and restricting invasion of livestock from outside the region. In their statement the pastoralist raise their concern among other issues that the exercise may be backed by the hidden agenda of eviction as it occurs in 2009, 2012, 2013 and 2014 where the issue of conservation and farmers-pastoralist conflict

⁸ The pastoralist of Magole Division, Kilosa District had issued a letter dated 18th September 2016 to the District Executive Director of Kilosa to show their stand and worries if the government is forcing them to implement the exercise. The letter is titled "PINGAMIZI LA UTEKELEZAJI WA ZOEZI LA UTAMBUZI, USAJILI NA UFUATILAJI WA MIFUGO NA MAZAO YAKE".

backed the eviction. The current exercise is hoped further to enhance the reduction of livestock as per the grazing Land and Animal feeding Resources Act, No. 13 of 2010. In the previous eviction many pastoralist got loss as they lost their livestock and were fined unlimited amounts.

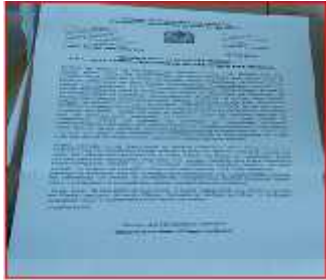
Also the pastoralist has filled a case in the High Court of Tanzania, **MISC. CIVIL CAUSE NO. 68 OF 2016** which was called for the first on 16th September 2016 asking for orders of Certiorari and prohibition to call upon the High Court to; (This matter is still pending in court waiting for determination. Arguments are submitted by both parties).

- To quash the decision of the Morogoro Regional Commissioners of irregular implementation of the Act No. 12 of 2010 and further to prohibit the government not to continue with the on-going cattle marking until clear procedures laid down by the law are followed.

7. Action taken by CSOs: Upon the commencement of the exercise some organizations engaged in the matter depending on the manner which is suited for each institution. However, PINGOs Forum initiative of investigating the exercise to see whether the exercise was conducted in the manners that consider human rights and if generally was legal and it is done in accordance with the law and constitution of the nation. The observation was done with Media intervention whereby people were giving their views and observation on how the exercise was bad and threats to their livelihood. Apart from the above recorded finding the following also were recorded as;

- There was no connection with the ministry for Agriculture, Livestock and Fisheries; the operation was just done in the level of the regions without consulting and informing the ministry;
- The exercise was done to brand just few livestock whereby pastoralist would be forced to sell non branded herds for they would be punished when found doing business with it;
- The exercise was a disturbance to pastoralist for the notice was very short as well as the pastoralist had understanding on the importance of the operation
- The pastoralist wished the government that before it brands and reduce livestock in numbers, it is better first if they will identify areas which will be used for livestock keeping and grazing as well as to ensure access to necessary social services and livestock infrastructures.

8. The Ministry reaction over the process: The Ministry upon seen the complaints of people through the media it first had to send the survey team of expert to investigate reason for the voices so that they would advise the ministry accordingly. The result was the initiative taken by the Ministry to stop the operation through its letter dated 28th October 2016 with Reference No. QA 108/509/105 with the head titled “TAARIFA KWA VYOMBO VYA HABARI: KUHUSU KUSITISHWA KWA ZOEZI LA UPIGAJI CHAPA KWA NG’OMBE”. In this letter the Deputy Minister for Agriculture, Livestock and fisheries Hon. William Tate Olenasha has temporarily stop the exercise of branding cattle in order to allow stakeholders to discuss and see the better way of implementing the exercise and addresses the raised up challenges during the exercise.



The copy of letter from Ministry to Media houses on stopping the branding exercise

2.4 Legal support to human right defenders

- In July 2016 more than 15 human right defenders, community activists, leaders and school Teachers were arrested by the government state machinery alleged to be communicating with one blogger Suzan Nurduland but this way a way to silence land and human rights initiatives and efforts to protect pastoralists communities living in Loliondo against land grab by Ortello Business Cooperation, a hunting company which wants exclusive hunting rights in the pastoral lands. The former MP of Loliondo Mr. Methew Oletman along with two councilors, Hon. Yanick Ndoinyo and Hon. Ndima Timan, Chairman of Mundorus village, Mr Joshua Mako and Director of CSO coalition of Ngorongoro (NGONET), Mr Samweli Nangiria, some of them were held under police custody for six days without even a bail. They were held under the accusation of being espioners working with Sweden Blogger, Ms Susana Nurduland who has been on the frontline defending the land grabbing of Loliondo pastoralists through her blog by sharing various articles of Loliondo pastoralists voices against the matter. They were interrogated with the special police unit from Head Quarter in Dar es Salaam, referring from RPC office of Arusha. However, regarding the difficult situation, PINGO's Forum Tanzania Human Rights Defenders Coalitions (THRDC), Tanzania Pastoralists Community Forum (TPCF) and Ujamaa Community Resource Team (UCRT) strongly condemned this act and called the government to act against this injustice. The initiatives were ensured all arrested people get bails; ensured we get Lawyers from Dar es Salaam who represents them in Court since all who are around working as staff of NGOs on the required list of people to be arrested; and ensured that the Lawyers from Dar get transport to appear in court in Loliondo to represent HRDs. The status of the proceedings of court case is that it has been adjourned several times as 01/08/2016, 02/09/2016, 21/10/2016, 21/11/2016, and now 23/12/2016. Moreover, other activists who have been defending the rights of Loliondo pastoralists have also been taken under Police custody for the same accusation, Mr.Supuk Olemao and Clinton Kairung.
- 6 victims of violations of human rights in Loliondo have been represented in court. The criminal appeal no. 357 have been successfully accepted by the High Court in Mwanza, and victims have been released/set free with their 290 forfeited livestock were returned to the rightful owner(s) according to the court order.

- Seven (7) victims of illegal instituted 3 court cases in Kagera region against pastoralists as trace pass with livestock in game reserve areas were freed by the court (Criminal case No. 126 of 2017 and Criminal case No. 124 of 2017)⁹. The legal team was successful to return some of the cattle to the pastoralists about 470 cattle.

2.5 Mass and Social Media Advocacy

- 4 reports have been produced (4 field reports and more than 6 media reports) e.g. Tv program on 23rd June 2017 on “Availability, Accessibility and Security of Lands set aside for pastoralism in Tanzania.” and TV programme on 11th July 2017 on community request to the government to stop evicting people from the so called game reserves.
- Through mass and social media publicity, human rights violations acts came to public attention necessitated different Commissions to be formed to investigate criminal actions and human rights violations happened during the government operations like eviction from lands (Kilimanjaro International Airport, Loliondo) and operation removal of livestock alleged grazing in protected areas (Kagera, Kimotorok) where violation have been stopped. The report and recommendations of these Commissions were very important for prove of violations and if the recommendation is taken into consideration, the government will have better opportunity to take action including guarantee of the rights of victims.

The project witnessed some elements of accountability of government officials engaged in torture, intimidation, oppressions and land grabs of the people. The former minister for natural resources and tourism (Prof. Jumanne Maghembe) was removed from Cabinet as a results of proves of involved in human rights violations under vicarious liability following placards displayed by women representatives to the President of the United Republic of Tanzania on illegal eviction operation in Loliondo and Kagera and other governments officials condemned of receiving corruptions and bribes from investors and also those ripped illegal fines from seized pastoralists livestock alleged grazing into adjacent game reserves and National parks.

- <https://jamiiforums.com/index.php?threads/1343209/> where the New Minister for Natural resources and Tourism whose Ministry was evicting pastoralists ordered eviction operation of pastoralists from their land stop while calling the hunting company which happen to be the source of conflict to vacate the area by December 2017.
- <https://jamiiforums.com/index.php?threads/1313242/> where the CHRAGG issued a statement to stop eviction of pastoralists from Loliondo villages.

⁹ Two counts of unlawful entry in a game reserve c/s 15(1) (2) and 11392) of the Wildlife Conservation Act No. 5 of 2009 and count of unlawful grazing inside the game reserve area c/s18 (2) (4), 111(1)(a) and 113(2) of the Wildlife Conservation Act No. 5 of 2009.

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- Media reporting was not an easy job as many journalists who reported human rights violations acts done by game rangers to pastoralists in Loliondo were threatened as the below social media communication suggests.



The communication threats issuing intimidation words with elements of abusive language from the Spokesman of TANAPA, Mr. Shelutete to Moses Mashala, a journalist who reported the story about the incident of game rangers who shot livestock in Loliondo as is seen in the photo.

<https://www.habariileo.co.tz/news/2018-06-185b27a0dcb0b03.aspx> (Brutal beatings claim women lives in Longido, Monduli, Simanjiro Daily News 18 June 2018)



- The press statement and Conference was organized by PINGOs on 8th December 2017 at Arusha for 28 village’s leaders from Loliondo and 7 councilors of the 7 wards on the land conflict in Loliondo. This statement came following the reply of the Prime Minister (PM) to the report submitted to him by the participatory committee he formed early in January in 2017 lead by the Arusha Regional Commissioner, Gambo. The statement analyzed in details the statement by the PM also replies to the context, which reflect the minimum irreducible standard and requirements of the people in Loliondo community in protection of their land.
- One Tv program was produced and aired on ITV on land rights violations in Loliondo. However, media have reported about pastoralists land rights violations in other parts where the fact finding and media mission was carried out by the project. The media¹⁰ were represented

¹⁰ <https://soundcloud.com/pingosforum/familia-ya-watu-19-yakosa-makazi-loliondo-radio-5-271117-report> ; <http://mwanahalisionline.com/watanzania-waishi-kama-wakimbizi-nchini-mwao/>; <https://www.youtube.com/watch?v=o4uutaof3rI>

by Deutsche Welle and Radio 5, The Citizen, Mwananchi and Mtanzania Newspapers, Mwanahalisi and Ayo TV/Millard Ayo blog.

2.6 Capacity Building

- About 25 (16 men and 9 women) HRDs from Ngorongoro Conservation Area (NCA) trained on effective advocacy on land and human rights issues
- New paralegals (community representatives, village leaders and traditional opinion leaders) have been trained on land and human rights. They were 51 participants from 5 wards of Mvomero district and 6 wards of Kilosa district in Morogoro region.
- Pastoralist women are among the poorest and most marginalized groups in Tanzanian society. PINGOs Forum works to improve the lives of pastoralist women groups by increasing their access to social services and economic empowerment through enhanced women by raising awareness and having trainings on number of issues. Training has increase activeness to women in decision making. The pastoralist women are capable to participate in together meeting with men unlike previously where they were shy to make out their ideas.

Women in these communities are especially disadvantaged; they have no right to own property or livestock, have very limited access to education, and lack the power to make decisions about their own lives (for example, girls are often forced into marriage), youth are also a group which is disadvantage. Pastoralist women also lack political representation at all levels, from community to national government. PINGOs Forum management through women department has achieved to involve pastoralist entrepreneurship women groups from different localities to participate the training held at Ngorongoro district in Loliondo division in the villages of Ng'arwa, Oldonyo was, Sakala, Arash and Maaloni where more knowledge about their economic activities was impacted to them.

Our mission is to;

- Raise awareness to women and youth on the base of understanding capital accumulation on village cooperative bank (VICOBA) and entrepreneurship skills.
- To discuss successful stories raised by the groups based on the capital accumulation together with the result outcomes.
- Raise awareness to youth on the important to join and form VICOBA groups.

Outputs

- More improvement of women groups and youth groups understanding on VICOBA and capital accumulations important.
- Good perception of women group's at community level
- Achieved to formulate more women groups, youth groups to be registered

- Women and youth who were trained are more likely to be active in advocacy in area of gender rights and eager to engage in entrepreneurship activities after the trainings provided for about 74 women and 33 youth who attended and trained.
- 53 people (31men and 22 women) were trained from 22nd to 27th January 2018 on land and human rights in Ngapapa and Napilukunya villages in Kiteto district

2.7 Activities under Climate Change project

2.7.1 Regional meeting for networks and project partners

As part of the previous regional meeting resolutions held in Nairobi in October 2015, it was then agreed that the next meeting would be contacted at the Indigenous People's areas. Therefore on 21st -23rd April 2016 the regional meeting held at the Indigenous Peoples territories (Maasai community) in Simanjiro District in Tanzania. The meeting was more interactive as Networks members and communities both from Tanzania and Kenya had opportunity to learn and share their experiences on different cases related to climate change challenges and traditional knowledge on adaptation strategies. The key resolutions of the regional meeting was;

- i) A need to document traditional elders knowledge in climate change
- ii) Support network members to conduct researches on early warning system and traditional ways of observing clouds
- iii) Exchange visit by network members to IPs territories for learning purposes
- iv) Support community initiatives in response to climate change e.g. fence the water catchment, land use plans
- v) Encourage women participation in climate change discussion at all levels
- vi) Ensure participation of community and traditional institution in all meetings to share their massive knowledge on CC

2.7.2 National Meeting for Network Members

Back to back meeting is our priority for cost effectiveness. On 11th -12th August 2016 the National Meeting held in Arusha with participation of 56 Network members and other invited likeminded stakeholders. The Network members had mandate to report, share and feed in information to the network on various issues happening at the ground level related to climate change. Trainings, experiences sharing and lessons learned and group discussion was part of this meeting. Duty bearers/government and other important stakeholders were invited to be part of the discussion and dialogues on Indigenous Peoples' rights and put their agenda in the centre and heart of climate change discussions at all levels. At the end of the discussion; the workshop participants proposed the way forward as activities to be implemented in the next few months period. Some of the recommended way forward are short term and other are long-term engagement. The following were agreed by all participants as workshop resolutions:

- i) Indigenous knowledge is under the threat of being extinct as it is vest to elders; there is therefore a need to documents through research and documentaries
- ii) There is a need to establish and strengthen Communication early warning systems for climate change adaptation and mitigation purposes
- iii) There is a need to conduct a comprehensive Desk research to collate different findings and making a comparative with primary information
- iv) Traditional Structures/Institutions and their implications on resource management in the face of climate change of a vital concern
- v) There is a need to bring together Traditional knowledge experts and make a dialogue and document their knowledge to make the indigenous knowledge visible
- vi) Climate change is a human right issue which requires deliberate and swift actions through policies and regulatory frameworks
- vii) Strengthening Communication strategy to include more activities and stakeholders
- viii) Information Intelligence and Negotiation skills should be strengthened
- ix) Initiate a National dialogue for conflict resolutions

2.7.3 Collaboration with the government of Tanzania

The Network has maintained a close collaboration with the Government of Tanzania especially the Vice-President's Office (Division of Environment), Ministries responsible for land, forest, natural resource and local government. The network created an environment where both Indigenous peoples and the government build trust and kind of mutual understanding on the key needs by Indigenous peoples in Tanzania. There are some progress in understanding and supporting IPs agenda as far as their recognition in the country.

2.7.4 Commission for Human Rights and Good Governance (CHRAGG)

The Commission has been instrumental to our Network, they have been invited to attend our meetings and workshop to make presentation on the commission's roles to promote Indigenous peoples rights decision making processes including climate change participation on policy and strategies formulation at all level.

2.7.5 East Africa Community (EAC)

Since inception of this project, all effort has been made to ensure the EAC are brought on board for a broader discussion with no avail. This time they had attended in our national meeting had presentation on the regional roles to address marginalized communities as far as Indigenous Peoples concerned on climate change challenges and the efforts they have been doing to tackle the challenges. The most significant aspect of our discussion was focused on the issue of cross border. EAC has been trying harder to ensure the barriers that hinder the prosperity of the East Africa community are to be removed including free cross border for people and their livestock but this is still at the top of discussion by member states to ensure this will happen. However, he highlighted that during the time of disasters and any other incident by Pastoralists communities in EA, they are allowed to migrate from one state to other.

2.7.6 Community Meetings

In order to create a sense of ownership to Network members as the primarily key members of this network, during the implementation; two network member organizations were engaged to conduct community meetings held on 6th -10th July 2016 in Kiteto. The main focus was **women and youth**. Organizations involved are; KINNAPA and PINGO's Forum. Both Organizations conducted community dialogues and discussions and the report findings were presented in the National Meeting for learning and information sharing among the network members. Community (women & Youth) trainings and their dialogues focused on women and youth as the most vulnerable group in climate change, poverty and food security. The field report findings were presented in the national meeting.

2.7.7 UNFCCC level

During the APA session in Bonn, we were privileged to meet with different negotiators in our daily fora. Indigenous peoples have daily caucus and negotiators were invited to come and update us on what has been discussed in their closed meeting and possible window opportunities to penetrate our inputs for further plenary discussions. At this level, it was a lobbying corridor where for us it is opportunity to meeting with our chief negotiators from our countries like in Tanzania we had met with our Chief Negotiator who gave us the progress of the discussion and assign us of the potential committee to approach such as the adaptation committee as well as the countries to approach and push our agenda.

2.7.8 Trainings for duty bearers and other stakeholders.

Awareness trainings has been contacted on 30th August 2016 to Tanzania Editors Forum in Dar es salaam on the concept of Indigenous Peoples, rights to climate change negotiations and mechanisms, land and natural resources. It was agreed that they should continue developing articles related to IPs and trying influence and change the mind-set of the decision makers towards IPs. A total of 25 editors participated to that training.

2.7.9 Daily lobby work for duty-bearers at national level.

The Network has been crucial for intervention with the government for different matters pertaining Indigenous peoples issues in Tanzania. It has been playing a pivotal role both for the Community, network members and the government in addressing very significant. It has mandate to links both levels from the top to the ground and ensures the flow of information and regular interventions of issues related to indigenous peoples. Responsible Ministries and other decisions makers have been time to time communicated whenever Indigenous peoples threatened or any violation occur or reported. For example is a recent statement by the government to pastoralists indigenous peoples to be removed in their ancestral land that the government alleged that it's belong to National parks, the network issued a statement to the government to stop such an attempt. The government has therefore postponed the exercise until the further notice.

2.7.10 Position paper for Nationally Determined Contributions

Since the collaboration between the network and the government of Tanzania maintained, the ministry responsible told us they are currently reviewing their NDC's and that they need our views. It was therefore a good opportunity to engage with and we had analyzed the Tanzania NDC's and produced a set of our recommendations and submitted to the Vice-President Office for consideration. We shall call for the next dialogue meeting with the government to discuss the NDC's and how the Indigenous Peoples inputs were incorporated in the document.

2.7.11 Inter-sessional UNFCCC meeting in Bonn

The formerly renowned ADP (Ad Hoc Working Group on Durban Platform) was changed into APA (Ad-Hoc Working Group on the Paris Agreement). The discussion around APA session in May was based on how to push Paris Agreement into action. Indigenous representatives whom supported by CISU project were attended these sessions to solidarity with other global Indigenous People to have one strong voice on the common agenda. Lobbying and negotiations power is an essential tool in these sessions; therefore it was of paramount to ensure IPs concerns have been well articulated and lobbied through negotiators of the UNFCCC to push Indigenous Peoples rights moved into Article 2 of the Paris Agreement. Most of the Indigenous issues in the Paris Agreement are in preambles, According to legal experts, preambles issues are not legally binding and cannot be enforceable in any court of law, however this is a milestone achievement made as for the first time under the UN legal instruments, only Paris Agreement has Indigenous Peoples' issues reflected therein.

2.7.12 Side-event in Bonn

The side Event has been contacted in Bonn in collaboration with AIPP and Tebtebba foundation both from Asia. The Climate Change Partnership with Indigenous Peoples in East Africa had an opportunity to share our experience and local traditional knowledge on climate change and how our issues and knowledge could be reflected in the UNFCCC discussion as far as Paris Agreement concerned. We also had materials which were displayed and disseminated in the side events such as policy briefs and documentary.

Below are the link and topics for displayed materials:

Webpage <http://www.pingosforum.or.tz/index.php/about-us/reports/climate-change>

Presentation titles; “Traditional institutions as the significant mechanisms to manage the community resources and address climate change matters” (Tanzania and Kenya Case)

Policy briefs titles: Climate change mitigation strategies and eviction of IPs from their ancestral land-the case of Tanzania, Drops from God- CC, prolonged droughts and insecure livelihoods of IPs in Tanzania, CC mitigation and adaptation of IPs in Tanzania (What is the role of traditional knowledge)

Documentary title: Threatened World of Indigenous peoples <https://youtu.be/MTTUxIgGpRE>

2.7.13 Engagement of IPs in various dialogues and platforms at national level

As Indigenous peoples rights awareness increase at all levels and collaboration between the network, government and other likeminded stakeholders in the country maintained, we had been therefore invited by the government to attend in their meetings and dialogues to discuss issues related to the forest and land. Recently Network invited by the government for UPR review processes where the lobby and dialogues was on the government to accept the rejected recommendations from reviewing states on the concept and rights of IPs in Tanzania

2.7.14 Study Tour in Kenya

On 5th -6th August 2016 three Network members Organizations; Community Research and Development Services (CORDS), Pastoralists Livelihoods (PALISEP) and PINGO’s Forum represented our Network to visit Kenya Network for learning and experience sharing among the two networks. The knowledge gained was shared back to our network during the national meeting and the useful information gathered in Kenya was adopted by members as a tool for advocacy work. Important key issues learned in Kenya is an achievement made in recognition of Indigenous

Peoples rights in Kenya by having IPs representatives at various government committees in counties and at the national levels.

2.7.15 Community radio programs

The Network members were actively participated at community radio programmes making in Terrat village where live and recorded programs took place and therefore rebroadcasted twice. This community Radio (Orkonerei Radio Service 94.4 FM has coverage of 100 km radius with about two million listeners. It was interactive sessions which were comprised of elders, women, traditional leaders, youth and climate change experts. The discussions focused on Paris agreements outcomes. We had mandated to provide feedback on Paris Agreement and its outcomes. This is very significant assignment as before we went to Paris the community knew about the upcoming event. It has proven that radio programme is the effective medium of transforming information easily to the community than any other channels of communication.

2.7.16 Newsletter development

During phase II of the implementation, we have managed to develop a newsletter which is in progress to be printed soon. The upcoming newsletter focused on the following areas:-

- i) Biodiversity and Indigenous Peoples Livelihoods
- ii) Indigenous Traditional knowledge on climate change (early warning system etc)
- iii) Local adaptation strategies (mobility, hunting seasonal circle etc)
- iv) Communal Land use planning and traditional management of resources
- v) Poverty and social changes resulted from climate change
- vi) Network news and project development
- vii) Indigenous peoples news bulletins
- viii) Climate change policies and strategies
- ix) Simplified Paris Agreement specific areas to IPs

The Newsletter is also expected to be part of the showcasing materials to be displayed in COP22 in Marrakech Morocco.

2.7.17 Training of journalists and Editors

As part of the capacity building to key stakeholders to support unifying Indigenous Peoples' voices for lobbying purposes, communicators are part of this program, trainings and workshops were provided to Tanzania Editors Forum and the Journalists reporters on Indigenous Peoples issues on climatic change and indigenous peoples in Tanzania, Paris Agreement, IPs livelihoods and biodiversity, Traditional knowledge of Indigenous peoples and mechanism to address climate change at global and national level. The trainings were provided at different occasions; About 9 Journalists trained in Arusha on 11th -12th August 2016 and 25 Editors trained in Dar es salaam on 30th August 2016.

2.7.18 Traditional Knowledge of Indigenous Peoples Documentary

The documentary has developed and successfully completed with all inputs from the network members during the national meeting. The documentary carried important issues such early warning system, traditional institutions management of natural resources and the traditional leader's knowledge in climate change. The case drawn from the Terrat village.

Animation video. The animation for East Africa is now completed and accessible at <https://youtu.be/d9DLG-yFy3U>

2.7.19 New website outlook

Being an upgrade from the previous owned website, climate change has now being incorporated fully in the main website, and now awaiting to be launched with an ease of use interface for network members to publish matters pertaining their implemented activities. The live address will be www.pingosforum.or.tz/programmes/climatechange .

2.7.20 Media fact finding mission

Media fact finding mission was contacted at Mkalama Singida, Meatu – Simiyu, Igunga-Tabora and Bunda in Mara Region. The mission was to see how Indigenous peoples are affected by climate change related conflicts in the areas. The Sukumas cultivators are flocking to the IPs territories and destroy the natural cover. The findings were published by media outlets and in the validation workshop participated by the government.

3.0 Networking and collaboration

Networking and collaboration has been part of PINGOs Forum work as we believe that joint advocacy a strong voice is created when people come together. Some of these networking and collaboration initiatives among others were on supporting in court the human rights defenders victims, through breakfast meetings, fact finding and media missions and others as mentioned above and many others specifically to include the following;

- As part of collaboration as PINGO's Forum being a member, the Coalition of European Lobbies on Eastern African Pastoralism (CELEP) organized a stakeholder meeting "Land and pastoralism in Tanzania" during the visit of the delegation of the DEVE committee on 20th September 2016 in Dar es Salaam. The objective of the meeting is to raise awareness with the Members of the European Parliament (MEPs) and the Delegation of the EU on issues related to pastoralists and land management. Three presentations were made and discussions on "Pastoralism and land issues in Eastern Africa"; "Private investment in pastoral land"; and "Participatory Rangeland Management in Tanzania." In the past, the European Parliament has adopted resolutions in favor of pastoralism and against land grab in Tanzania. This was – amongst other things – the consequence of CELEP lobby actions. Therefore the overall aim now was that CELEP wanted to lobby the EU for a resolution on guidelines for investment in pastoral areas. Also, regarding the Commission, CELEP wants the Commission to finally adopt a technical note on pastoralism as they have been working on this for years. This technical note would become the backbone of EU policies regarding pastoralism.
- Agricultural Non State Actors Forum (ANSAF) in corporation with Chama Cha Wafugaji Tanzania (CCWT) organized dialogue meeting with Members of Parliament on 6th November 2016 in Dodoma Hotel, on assessing the policies, laws and regulation if they meet pastoralists need and current demand and advice the government. The target was the Parliamentary Committee on Agriculture, Livestock and water. The Meeting objectives were to inform the Members of Parliament about the situation and challenges facing pastoralists with aim to push the government to review or see the necessity of coming up with the new pastoralism policy; to Share, exchange and discuss the current situation facing pastoralists in the country; and to develop joint initiative with Members of parliament on how do jointly addressing the issues of pastoralist in decision making levels.
- Related to the above, CARE International in Tanzania together with Tanzania Natural Resource Forum (TNRF) called a pastoralist stakeholders meeting with senior management

team of the Ministry for Agriculture, Livestock and Fisheries on 17th November 2016 at Sugarcane Research Institute- Kibaha, as a way of lobby and create a space on a need for the review of the livestock policy 2006 or a need to introduce pastoralism policy.

Three presentations were made on “The current and future of pastoralism outlook- Local and global trends”; “The policy analysis of – Gaps, challenges and opportunities”; “The Big Why- Why need for livestock policy review”; “Stakeholders policy perspectives on pastoralism and climate change adaptation in Eastern Africa”; and Policy formulation/review process.”

After all the presentations and the discussions around the subject matter, the way forward was that;

1. A need for a full policy implementation report that will identify gaps- policy issues, strategies or institutional implementation arrangement gaps etc. to inform whether there is a need for policy review or not
 2. The Taskforce/committee of ten people was formulated to having 4 members from the MALF, PINGOs Forum, ANSAF, CARE, TNRF, CCWT and MWEDO. This Taskforce will sit together to develop the ToR for the consultant to be engaged to conduct the study and for the team ensure availability of resources to implement the above work.
- PINGOs Forum as an umbrella organization of Member CSOs continued with networking, collaborations and supported capacity building of its members but also improving its lobby and advocacy capacity through learning and sharing of experiences on issues that affect P&H-G communities with other like-minded organizations in form of partners or donor relations both at national and international levels. PINGOs is a member of Tanzania Land Alliance (TALA) that deals with land rights issues which also network with Kenya, Uganda, and Zambia Alliances; Katiba Initiative (KAi), Jukwaa la Katiba and Policy Forum, Foundation for Civil Society (FCS) on Constitutional review matters; Legal and Human Rights Centre (LHRC) on Human Rights Litigations; NGOs Coalition(19 member org.) submitted shadow reports to UN mechanisms (CESCR)¹¹ and African Commission on Human rights and participated in local and international HR advocacy conferences on indigenous populations and climate change (e.g. COP 18) and various Advocacy trainings. Also in relation to climate change, PINGOs representing IPs for the first time able to share the situation of IPs with the National REDD+ Secretariat, Task force and all REDD pilot projects and the stakeholders like the UNREDD. PINGOs was also represented in the Landnet East Africa regional policy dialogue hosted by RECONCILE which brought together land and human rights organizations as a way to better the struggle for rights and also experience sharing on minority rights in East Africa.

¹¹ Covenant on Economic Social and Cultural Rights of the United Nation

4.0 Lessons, Challenges and Way forward

Lessons

Some of our lessons during the period of reporting include the following among others;

1. We learned that the plight of pastoralists and hunter-gatherers communities is due to lack of recognition in policy cycles where policy and decision makers failed to consider the marginalized communities when drafting and passing laws and policies that also affect their lives. Therefore, more effective engagement with policy/laws reviews and establishment processes is important.
2. We also learned that all the eviction of P&H-G everywhere in this country is done in large part by the government and this has reduced the size of grazing land and in other cases it denied access of grazing and water resources for livestock keepers causing more land and natural resource conflicts therefore, advocacy is needed to push the government to set lands for grazing as also cited in the new draft constitution section 11.3c(v) as we believe it will pass through at the same time advocating for participatory villages land use planning where grazing areas will be set aside.
3. It is true that the government use to evict pastoralists without paying proper compensation, not relocating them to alternative lands, and in all the reported cases, evictions operations were associated with human rights violations hence the need to promote the human rights and good governance at all levels,
4. We learned that building synergies with other partners have made our work and voice on behalf of communities we represents to be known and heard at national and international arenas therefore we hope to network and collaborate more with all relevant stakeholders.
5. We learned that human rights advocacy is a tough game where the government threats and intimidations to human rights defenders like what happened in Loliondo but the small victory gained was due to collective efforts by activists and human rights defenders including media without fear of those who are violating community rights hence we have to continue with the promotion and protection of human rights without fears.
6. The collected evidence through studies, fact finding and media missions helped to carry effective advocacy e.g. information used in land conflicts mediation, policy reviews, dialogue with policy and decision makers, halted negative statements and threats- continuation of this is important,
7. We learned that every successful policy advocacy we made in the past, the elements of effective coordination and constant engagement was there- Constitution review process, Land policy review etc. this should continue in every advocacy engagement
8. The training is a priority to give someone who wants to begin something of beneficial rather than handing cash only. Some women on groups started from the lowest amount to generate their capital with lack of entrepreneurship skill but develop from their own ideas,

9. We learned that when communities are facilitated to voice their concerns there always chances to be heard. Therefore, we will assist the pastoralists to advancing their claims to policy and decision-makers in order to get solutions to their pressing problems. We will continue capacitating communities to defend their rights because this is key to PINGOs land and human rights advocacy,
10. Further to the above, policy makers can be pressured by community concerns established by the members of the community and backed by support of CSOs and media through evidence and clearly researched submission of recommendations on what they want to see in policy or laws. The issue of engaging communities and stakeholders to produce recommendations to the new proposed wildlife bill 2017 and its outcomes after our submission.

Challenges

1. The actual situation of the work of human rights defenders and activists including journalists is hard to tell because there still threats and intimidation for them and illegal arrests by the government when they make follow up and put public violation of people's rights.
2. Government threats to people especially those standing in front to defend their land rights. This has also affected the mobilization of people to attend the paralegal trainings. CSOs are also threatened to be de-registered and also threats to HRDs and illegal arrests and prosecution.
3. Threats of evictions of pastoralists emerging everywhere in the country leave pastoralists unrest so difficult to plan for their own development also to PINGO's with meager resources to do monitoring and support victimized communities
4. Disrespect of human rights, the rule of law and the principles of good governance by some of government officials- opposing statements and decisions- Livestock identification exercise.

For Climate Change project

- 1 High demand in financial request from the Network members to support researchers/study on local knowledge in climate change and their work at the community level
- 2 Increase on human rights violations and brutal killings of livestock in Bagamoyo and Kilosa Districts
- 3 Higher expectations and community demands in the following areas contrary to the scope and capacity of the project to support:
 - Trainings and awareness on climate change and global initiatives to address climate change
 - Support removal of invasive species in indigenous peoples territories
 - Support availability of water to the community
 - Support in land use planning and land demarcation
 - Support provision of food relief during severe droughts
 - Health facilities and services
5. Unfriendly policies and laws that does not favour indigenous peoples and their livelihoods e.g Land act and land policy, REDD+ strategy, Climate Change Strategy and Environmental Management Act 2004. Still the government not accepts the concept and existence of IPs therefore

affecting their rights, the case of SAGCOT and the World Bank issues/safeguard- the waiver policy or their recent board resolution to approve the project.

6. A new approach by government to shrink civic space. It happens that we denied work until obtained permission letters through a bureaucratic processes in some regions and districts and no way to avoid this in Morogoro, Tanga and Kilimanjaro regions.
7. Security threats to HRDs, it has been difficult to work in an environment which militaries and paramilitaries are involved in eviction operations likes in Kagera and Loliondo, where staff and media people received threats from them. The skills used by the team during the time was to ensure not to expose current plans and next move while in the field.

10.0 Conclusions

It is still true to say that communities are still facing a number of challenges related to land and human rights violations therefore they need to be capacitated to understand and claim their rights. This is through training them on land policy and laws, human rights and how to make that their voices reach the policy and decision makers including how to make their leaders accountable to them. It is equally importance that CSOs must continue to grasp and use any window of opportunity as they emerge in relation to policy/law formulation or amendment like those of on-going review on land policy, and on grazing and feed resource Act and other to ensure that the rights and interest of pastoralists and hunter-gatherers are included.

6.0 Our Contacts

Annexes

1. Financial Statement
2. Audited Financial Report

Our Contacts

For more information and contact, please visit our website and contact us direct using the physical, postal and email address on the back page.

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PINGO's Forum
P.O.Box 14437, Arusha, Tanzania.
+255-786-542-525
www.pingosforum.or.tz
info@pingosforum.or.tz

