THE SITUATION OF INDIGENOUS PEOPLES’ RIGHTS IN TANZANIA
• African Commission on Human and Peoples Rights’ and the United Nations,

• The indigenous peoples of Tanzania include the Maasai, the Barbaig and the Hadzabe. The former two groups are predominantly pastoralists whereas the latter comprise of forest-dwelling hunter-gatherers.

• Modes of production, namely pastoralism and hunter-gathering are not reflected in the Country’s land laws.
An overview of governance in Tanzania

Tanzania, also referred to as the United Republic of Tanzania (URT) is a union of two formally independent African states, namely the Republic of Tanganyika and the People’s Republic of Zanzibar. The two concluded a treaty of Union on 22nd April, 1964 as the result of which, they became one sovereign republic from 26th April, 1964.
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KEY ISSUES

.1 LAND AND NATURAL RESOURCES RIGHTS

The right to property is provided for under the Constitution of the United Republic of Tanzania.

the Constitution of the United Republic of Tanzania provides: “Subject to the provision of the relevant laws of the land, every person is entitled to own property, and has a right to the protection of his own property held in accordance with law

This Article provides: “The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.”
The impending eviction from the Ngorongoro Conservation Area

- The Ngorongoro Conservation Area was established in 1959 by the Ngorongoro Conservation Area Ordinance. This area was part of Serengeti National Park.
The governing body of the Ngorongoro Conservation Area is the Ngorongoro Conservation Area Authority which was originally primarily charged with the conservation and development of natural resources of the area, the promotion of tourism and safeguarding and promotion of the interest of the Maasai who formally inhabited the Serengeti ecology.

It is important to note that following eviction from Serengeti, the Maasai indigenous peoples lost their grazing land and permanent water sources. An agreement they signed in order to move did not stipulate that they were entitled to compensation. The Ngorongoro Conservation Ordinance purportedly vested control of the land to the conservation authority.
Despite the recognition of the multiple land use concept the historical and contemporary situation in Ngorongoro shows that the interests of the Maasai pastoralists are given lesser attention by the Ngorongoro Conservation Area Authority compared to conservation and tourism interests.

A glance at the Act reveals that the Ngorongoro Conservation Area Authority has vast powers amounting to those typical of a government. It can make subsidiary legislation to prohibit, restrict, or control residence or settlement in the area. This mandate has been used to create restrictions for the local indigenous Maasai population from grazing in the
dry season refuges like the Northern Highland Forest, and a ban on cultivation. In turn, this has caused a violation of a wide range of other rights such as the right to livelihood, participation, movement, and freedom of association. Denial of the right to movement has reduced the community’s herds (due to livestock diseases resulting from interaction with wildlife) to the extent that the Maasai pastoralists can no longer rely on the remaining herds of livestock to support their livelihood.
- Area prohibits cultivation, the households in the area are forced to sell the few remaining livestock to purchase grain from the neighboring Karatu district at a higher price.

- Over the years Maasai have tried to engage in a dialogue with NCAA. NCAA however has responded by over by spearheading the establishment of the Pastoral Council as:-
representative voice/body of the Maasai. However, this council seems to have been formed to appease the Maasai residents in the Area rather than serving them to ameliorate their conditions.

It is merely advisory to the board of the Ngorongoro Conservation Area Authority and its advice can be ignored if it is at variance with the standpoint of the board.
To add salt in the wound, the said indigenous peoples are in a constant fear of being evicted at any time. For example, more than forty families have already been issued with letters by the Conservation Authority to the effect that they can at any time be relocated to the Soit-Sambu village in Loliondo division, approximately 300 kilometers from their homes.