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Maasai Rise to Defend Ancestral Land ft. Joseph **Oleshangay**







For Land & Life: The Oakland Institute Podcast

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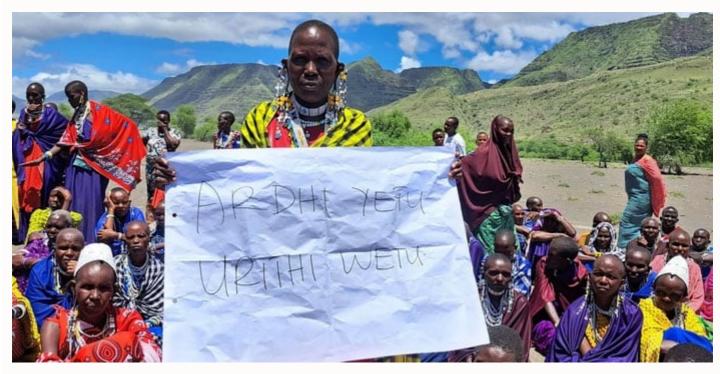
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In East Africa, the Great Rift Valley stretches lush and green for thousands of miles and is home to some of the most diverse and abundant wildlife on the continent. For centuries, it has also been home to the Maasai, semi-nomadic Indigenous pastoralists who graze their cattle in the rhythm of the seasons, following the flush of grass, blending with the patterns established by the wild populations. This intimate connection to the land made them its de facto stewards, conservationists without title or designation. The Maasai were once as rich as the land that supported them.

Today, these communities are under siege as the Tanzanian government wages a war on the Maasai way of life. In recent years, the government has escalated forced evictions and devastating livelihood restrictions to expand so-called protected areas. Despite the stewardship of the Maasai, this is shockingly being done under the guise of protecting the environment. On today's episode we are going to take a close look at this campaign in Northern Tanzania, specifically in the world famous Ngorongoro Conservation Area or NCA.



A Maasai women holding a sign saying "This is our ancestral land." Source: The Maasai Elders, NCA

AC: On August 2, 2024, Government Notice (GN 673) delisted 11 wards, 25 villages and 96 sub-villages in the NCA without the Free Prior & Informed Consent of over 110,000 Indigenous Maasai pastoralists who will be forcibly evicted. In response, over 40,000 Maasai living in the NCA staged a historic multi-day protest on August 18th, calling on the government to revoke GN 673 and resume basic medical and education services that have been systematically stripped from the area in order to force residents to relocate. The Maasai were also protesting the government's decision to remove Ngorongoro Division

from the voters' register, which effectively disenfranchised tens of thousands of Maasai pastoralists from participating in the forthcoming local elections and next year's general elections.

I am honored to introduce our guest today who is on the frontline defending his peoples' right to land and life. Joseph Moses Oleshangay is a Maasai human rights lawyer and activist. Based in Arusha and working with the Legal and Human Rights Centre, Joseph was the recipient of the 2023 Weimar Human Rights Prize for his ongoing efforts to protect the rights of the Maasai people in Ngorongoro and Loliondo. Joseph was also named as a "Human Rights Defender of the Month" by Defend Defenders, an organization that promotes and protects human rights defenders in Africa. As one of the leading voices working to protect Maasai land rights, he has faced retaliation and surveillance from the Tanzanian government. We are extremely grateful to have him as our guest today and recognize his courage for continuing to speak out on behalf of impacted Maasai communities.

Welcome Joseph and thank you again for taking the time to join us today. I want to start back to the beginning. Could you talk a bit about where you grew up and your community?

Joseph Oleshangay (JO): Thank you very much for having me this evening. I grew up in Endulen within the NCA in Arusha Region. This is in the northern part of the country, almost bordering Serengeti National Park. I grew up in a Maasai pastoralist family and this shaped my way of thinking in many ways.



AC: Now the Maasai are considered the ancestral guardians of the Great Rift Valley. Some of our listeners may not be familiar with pastoralism as a livelihood. Can you explain the connection between this lifestyle and why they are considered stewards of the land?

JO: Pastoralism, to the Maasai, is the economy. It is the way of life and the culture. As a result, we have a deep connection to the land. Land has many uses to us. Specific areas have cultural significance that relates to the pastoralist way of life. I grew up in a Maasai family. My parents were born in Ngorongoro. Almost all my ancestors, as I can remember, were all born in Ngorongoro. They were also in Serengeti which they were pushed out by the British back in 1959 from Serengeti to Ngorongoro. They were living in both areas. Because for pastoralists to function, you need space to graze. To protect biodiversity, you need to keep moving from one place to the other.



Maasai grazing in the NCA © Greg Davis

Decades of Broken Promises

AC: I want to highlight that importance you mentioned of space. Having enough land is vital to being able to take your cattle and graze in different areas so that you do not overuse the land, but are actually sustainably managing it to ultimately have a beneficial impact on biodiversity.

Now, from this background, what inspired you to become a human rights lawyer?

JO: What inspired me to become a lawyer is my childhood. I lived in an area that we called "home" but international agencies called a "conservation area" or "World Heritage Site." These people forgot that there are people like us who are also living here and calling it home. There are competing interests over our home with others seeing it for tourism, and others as a place for leisure. So, this competition had so much of bearing into our lives as people. It meant suppression of our human rights, as the law was disregarded in our area.

So, I thought you need to do something for your people. I thought maybe law is a way you can contribute to the well-being of the society, particularly of my community. The Maasai have rights that have been under attack. I always heard some of the stories growing up that the government is pushing us out. Then the government was pushing to prohibit any subsistence farming, which actually they did in 2009. There was always pressure from the government basically saying "you need to get out of here." And then my father, particularly, because he was living in Serengeti by 1959 knew the government could try to move us. I thought something needed to be done and maybe law is one of the tools you can use to serve the people. So actually, that is what shaped me into pursuing a legal career.

AC: You saw of all these pressures on the land rights of your people, through your father, through your other ancestors and were aware that people were coming to try to take what was your home and use it for, as you mentioned, other purposes like tourism. UNESCO also has the NCA registered as a World Heritage Site.

Just for some context for listeners – back in the 1950s, as you have mentioned, the Maasai were removed from their ancestral lands to create Serengeti National Park, which did not allow any human settlement. The colonial government permitted them to live in the newly formed NCA. But this was going to be a multiple use land area that allowied tourism, conservation and human settlement. And the Maasai were very explicitly promised real authority over governing the NCA. How did this deal work out for them?

JO: The deal was a compromise, not with the Maasai, but with the Western conservation groups that the entire Serengeti should become a National Park – a totally protected area. Then as a deal there would be a multiple land use model in the NCA which they were promised, as you said for the Maasai to live in. The Maasai were promised to be included into the management of that NCA. And of course, those have been empty promises, completely broken, completely disregarded. Of course, the law that governs Ngorongoro says there are three interests, the interest of the Maasai pastoralists, which are actually explicitly mentioned in the law, conservation and tourism. But since then, interest in tourism has grown and is pitted against the welfare and the rights of the people. So, over the years, this promise given to the Maasai in the 1950s that if there will be competing interests between the welfare of the people and conservation or tourism, it is the Maasai who will remain. Now, the government is telling us that we can no longer coexist, but it is you who has to get out.

Crippling Livelihood Restrictions

Herder in the NCA with his cattle © The Oakland Institute

AC: You have explained this loss of authority which has resulted in areas where Maasai can live and where cattle can graze in the NCA shrinking dramatically. In recent years, herders have been constantly harassed by wildlife rangers who are forcefully seizing cattle by the thousands. Can you talk about the impact of these cattle seizures?

JO: This is a really serious issue. As I said earlier, to the Maasai cattle has many purposes. It is the economy and primary means for survival. Having cattle taken means impoverishing families. There are people who used to send their children to schools, but they can no longer after a cattle seizure. There are people who now cannot afford to take someone to hospital, because the only economy they had was livestock. Cattle are being taken by the government intentionally as a way to force the people out of their areas. When we are speaking about livestock confiscation and auction by the government, it is more than terrible.

AC: It just devastates entire livelihoods. The government has also been making serious cuts to these medical and education services. How have these also impacted daily life for communities in the NCA?

JO: In the NCA, the government is pressuring the people to get out. And one of the ways to do this is by crushing any social activity that support a life with dignity such as schools or medical dispensaries. One organization is able to vaccinate over 30,000 people but it is not allowed to operate because the government believes if we continue with vaccinations, then no one will leave the NCA. The restrictions apply to all government facilities, which have been entirely defunded since 2022. We have a community of over 100,000 people who in the last three years did not receive any budget for schools or medicine. You can imagine what is happening if there is no vaccination. In my village there was an outbreak of measles because there were no vaccinations. The government does not care. This is not only dangerous to the Maasai but diseases can spread all over because of tourists. They can take these diseases back to their homes around the world.

Deeply Flawed Resettlement Sites



away. It is a place Maasai in the NCA had never heard of before this process started. It has actually created another very serious problem between residents of Msomera and people coming from the NCA. The government came to Msomera and started constructing houses to show off to the international community but did not consult existing residents. They just said "this land no longer belongs to you." People in Msomera cannot say anything because of the heavy military presence in the area.

Another issue is that if you take a pastoralist from an open land in Ngorongoro and give them three acres, that is actually going to kill them because pastoralism, as I said earlier, needs space. So, you give three acres, that is the end of pastoralism. That is the end of the only economy that they know.

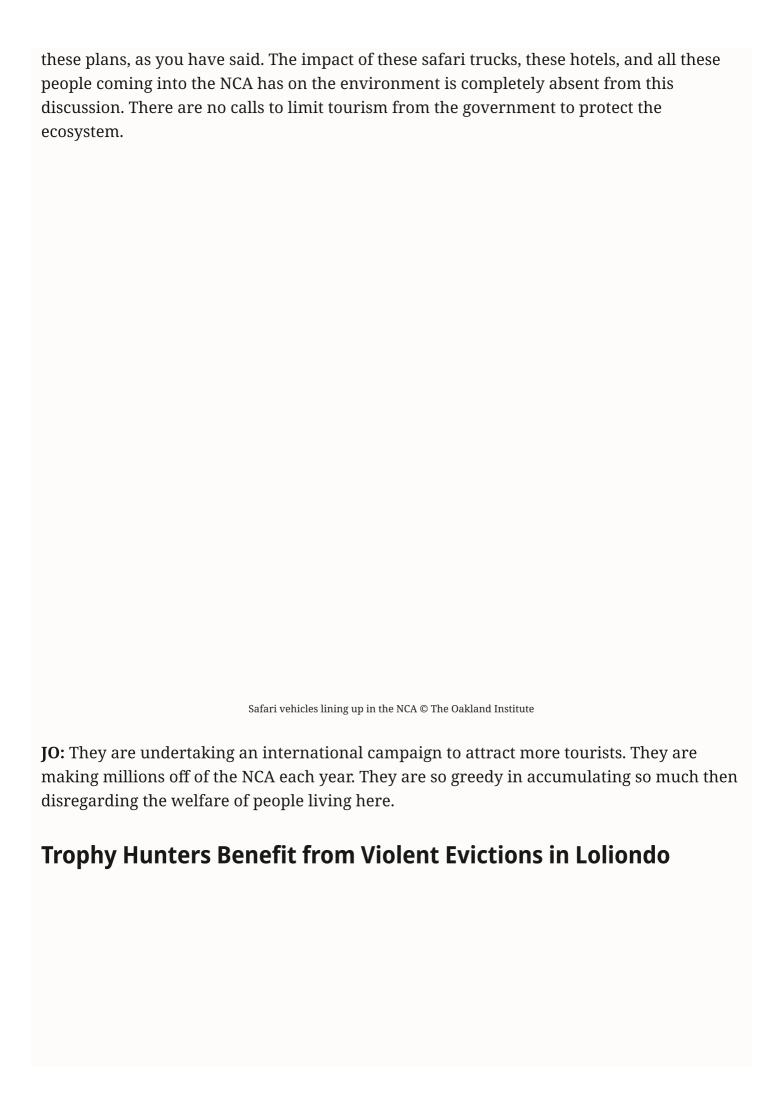
AC: Back in 2022 the Oakland Institute did field research looking at Msomera and saw that it lacked adequate water and grazing land. There has already been independent media with stories of people who have left Msomera already and said none of these promises were fulfilled; that it is not a better life. They found themselves hundreds of miles away from home with totally different livelihood opportunities that did not work for them.

This is a terrible situation that the government publicly claims is necessary to protect wildlife and the biodiversity in the NCA. But as you started to explain, the Maasai live in harmony with the environment. So, if it is not about conservation, why is the government violating their rights to land and life and putting people in these terrible situations?

JO: To start, this is not about biodiversity at all. It is not about conservation at all. It is not about the animal welfare at all. If it were, I think anyone intending to protect animal welfare would focus on stopping hunting. Almost in all corners of the Serengeti Ngorongoro ecosystem, there is hunting ongoing. In Loliondo, the people were displaced in 2022 for trophy hunting. They are hunting all around the western Serengeti, then all the way to even southern Serengeti. If this was about protecting animals why is the government displacing the Maasai and replacing them with the hunters?

Now it is actually because of the business interests. There is a very sharp rise into interest in tourism, particularly by the political class in Tanzania and the business people who can access the corridors of power into this country. And it is their interest now that is seen to be above the interest of the pastoralists whose rights are just violated and nothing happens. Maasai do not harm wildlife. Zebra, gazelles and other animals actually come to try and hide near Maasai homes for safety.

AC: I believe that the majority of protected land in Tanzania actually permits hunting, and these hunting blocks go for exorbitant fees to foreign operators. The government is making money towards their goal of attracting 5 million tourists and generating US\$6 billion in revenue from the sector by 2025. That is the goal, and that is kind of what is underneath



Government forces opened fire in Loliondo in 2022 to create a Game Reserve

AC: Now, unfortunately, the rights violations by the government against Indigenous communities are not just isolated to the NCA. This is happening across the country. You mentioned briefly, but one incident that caught global media attention back in June 2022 was when the government carried out a violent land demarcation to create a Game Reserve in nearby Loliondo. Security forces fired live ammunition on the Maasai, severely wounding dozens and displacing thousands. I believe several people remain missing. What happened?

JO: They ended up shooting almost 41 people. Why? Because those people are asking, "What are you doing in my home? Why are you taking our land?" One old man, he was 84, was shot several times, then taken away by the military. He was seen being taken. And the shooting actually took place in his own home. This old man is still missing. He was 84 so you can understand, as a very old man, it is almost impossible for him to even fight anyone anyway. So that is just one of the cases.

Many others actually fled to Kenya. They were not allowed to access medical facilities in Tanzania so went to Kenya for help. During this chaos, the government then undertook a massive confiscation of the livestock from the area that they said was now a Game Reserve. People had to make a terrible choice – stay out of the grazing area which means remaining livestock will die because there are not alternative lands. Or go into it [Game Reserve] and the government will take cattle away and sell them. It was a very hard choice for them to make, any choice to make you end up losing the livestock.

Already, the government is now pushing into another plan to take away the land in the neighboring districts, where Maasai live. This is not only a conservation problem, it is not only a tourism problem, but now, no different from the colonial time, we see racism in a tribal context, against the Maasai community in Tanzania.

AC: I want to stay on Loliondo before we talk about this broader plan and how it is specifically targeting the Maasai. This violence in 2022 was carried out to create a Game Reserve without consulting local residents. But who is going to benefit from this in Loliondo?

JO: Now they call it the Pololeti Game Reserve and it is exclusively for hunting by the United Arab Emirates royal family. This family is hunting and taking animals from that area. Of course, there are other two companies that are already existing there, doing filming for photo tourism, but particularly, the license for the entire area is for the Otterlo Business Corporation, controlled by the UAE royal family. Now that they have secured exclusive hunting in this area Maasai are not allowed to enter with their livestock.

Member of the UAE royal family hunting in Loliondo. Source: Qatarshares

AC: And you see the direct involvement of the UAE royal family, and there has been kind of, in recent years, a deepening of trade and agreements between Tanzania and UAE...

JO: The government entered into a very controversial deal with the <u>Dubai-based DP World</u> for management of all of Tanzania's ports. Also, there is another deal with the UAE royal family for carbon credits on an area estimated to be nine million hectares. You can understand that cannot have been done through an independent engagement process. Why is the UAE winning all the deals? It must be collusion ongoing somewhere, particularly with

those who can play cards in the corridors of powers in this country.

International Actors Complicit in Abuses

AC: The government deserves the condemnation and scrutiny it has received for these actions. But there are several international actors who are also complicit in these atrocities. You mentioned the United Arab Emirates. But who are some of the other players, either guiding or financing the government's actions?

JO: There are many other than the UAE. There are many international actors, from the conservation NGOs, I said, what happened in Serengeti in 1950 with the Frankfurt Zoological Society (FZS), the Nature Conservancy, UNESCO, IUCN and others. They never stop by the way, all of them are here, participating, and they are visible in many forms. But those conservation NGOs receive money from certain states, certain governments, going to agencies like USAID, who then come to establish wildlife corridors, that are taking away the lands from the Maasai. Tanzania government is the direct player in land dispossession, but there are many complicit international actors, from governments to NGOs.

AC: The point you raised about the conservation NGOs having been involved in this for decades now. It is not like they are just coming in recently, but they have this colonial rooting in what has been happening. The United States, which you mentioned, is Tanzania's largest bilateral donor, and it has really been instrumental in designing the aggressive strategy to expand tourism. This is the subject of a recent Oakland Institute report, *Pulling Back the Curtain: How the US Drives Tanzania's War on the Indigenous.* You have the US Embassy in public claiming that it is working to protect human rights, but there are real deep connections – you mentioned wildlife – where the US is pushing these policies that in practice are having very harmful impacts on the Indigenous.

So, kind of taking a step back, you have explained that the Maasai are up against, you know, a brutal government that is backed by international donors and wealthy tourism operators. So how are these communities resisting these plans?

JO: We have no choice but take certain steps, take certain actions. What we have been doing is one, speaking out, hoping maybe it can help get moral support and international attention. Of course, forget our local media, because they do not have that luxury and freedom of covering this. The other is trying to go to court when you lose the land. In Loliondo, we have filed different lawsuits. The local court decided that the government created this Game Reserve illegally. Then they allowed the Maasai to return and graze. The government basically said we are not going to respect this ruling. So now, we are being prevented from grazing here by a reckless, cruel government that does not only undermine human rights, but the entire rule of law and independence of judicial mechanisms. Finally, we have been trying to engage different actors such as donors to Tanzania telling them

what you are doing is not right.

Government Escalates Eviction Efforts

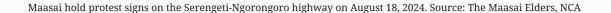
AC: I just want to highlight that one part of your answer there about you know that the Tanzanian court actually ruled that what happened in Loliondo was done illegally, and that the land should be returned to the Maasai, and the government just outright said they were not going to follow this ruling. So, as you mentioned, it is a government with no respect for the rule of law. On August 2, 2024 the government took a drastic step towards forcibly removing NCA residents through a new government notice, GN 673. If implemented, what impact would this have?

JO: The government notice number 673 delisted 11 wards, 25 villages, 96 hamlets in the NCA. That significantly means that the community in Ngorongoro will no longer have any civic rights that the rest of the citizens in this country have. You delist the village, consequently, you will not have a ward counselor, a village executive officer, or any local government. But it goes beyond that, like possibility of participating in the voting. Before the GN 673 became public on August 19th, the National Electoral Commission already had excluded communities in the NCA from participating in the voters' registration. So, this GN was trying to legalize that disenfranchisement.

AC: By taking away these rights, by delisting the villages, would people in the NCA be effectively forced to leave?

JO: This is what the government actually intended. They delisted the villages. Then what was to follow is now to force the people out because you are living in a place without any recognized local government operating. But of course, they forgot one important thing. The Maasai have been here before any modern state was set up, before the Germans and British colonialism or independence. They thought they could delist villages to now force the people out. I think they were wrong. But of course, I can admit, if you do not have any village governance operating, then it can be easy to manipulate people. It can create confusion, fear, and maybe some will be running. Yeah, so it actually intended to justify eviction. This is actually the purpose of it.

Maasai Undertake Historic Mobilization



AC: Based on what we have seen in the past, I cannot imagine that the communities were consulted about this GN. Was there proper consultation? You also mentioned voting rights being stripped. How did communities respond to these latest injustices?

JO: There was no attempt to consult the communities. The GN just became public like is a normal thing. It is not normal. You disregard the right of all those people, over 100,000 people. They do not even attempt to think of consulting the people, despite it being a requirement of the law. We never knew about it. We heard the rumors, literally on August 18th, and then we heard the next day that all the villages had been delisted already. The voter registration was to start in September. But the villages were delisted so that they cannot participate into that process.

What did the people do? The people have stood up against this lawlessness, impunity, and gross violations of human rights. They occupied the Ngorongoro-Serengeti highway in an attempt to have the government finally listen to their sufferings. They have been complaining for years, about their services being defunded and losing livelihoods. For the last four years, the Maasai have made their grievances public, but the government has never listened. The people decided to take the decision to occupy the roads. And this is an important area, because Ngorongoro is the most visited area in Tanzania by the tourists. Occupying the road was also meant to send a message, not only to the government, but those behind it, those enablers and people benefiting from the violation of Maasai rights. From the 18th [August] the masses closed the roads, and they continued staying there for almost six days, and until 23rd when the government came out.



hospitals, to run normally. Whether this is really intended, or is just a way to calm the situation, I think is something we will have to wait to see. I do not believe it is well intentioned, because if it was, they could have never defunded these services in the first place.

But something strange happened because of the demonstrations. The government filed a case against itself to stop GN 673. So, the Attorney General filed a fake case using fake names, using fake affidavits. I know it is fake because the person named in the affidavit said in public that he did not give this information. We were preparing our own case to file the next day, only to hear that there was already a case in court. We realized it was actually filed by the government against themselves, trying to stop the government notice they published. And it was a bit strange, because the government could have just revoked GN 673. It would be a simple process to revoke it as there was no consultation and therefore it was illegal. But instead, they quickly filed a case against themselves so they can manipulate the outcome in the court system.

AC: Yes, it is very confusing. But I think the key point you raised is that if the government was serious about walking this GN 673 back and respecting the rights of the villages, it would have just revoked the GN. That would have been a much more straightforward and transparent way to address these concerns

Back to the protests – one of the things you mentioned were tourists who were blocked from entering the NCA. On social media, you can see some angry tourists on the sidelines, kind of watching, which I think really had a direct impact on getting the government to take some steps. I believe it was over 40,000 people in one of the largest demonstrations that has ever happened in this area. And I agree, it will be crucial to monitor what happens next, what the government does next. Because with this global attention, I think they have made some steps to look like they are making concessions. But ultimately, it sounds like communities do not trust that that these promises will be kept, given the history.



Tourists blocked from entering the NCA by protestors in August 2024. Source: The Maasai Elders, NCA

JO: Actually, this is not only the largest demonstration in that area, but I believe the largest in Tanzania's recent history. The government did not expect this because it views the Maasai as poor and illiterate. They assumed these communities will not be able to react against government decisions. But I think the demonstration has showed them that the Maasai might not be educated in the formal system, but they are not stupid. That is why they were able to organize almost more than 40,000 people.

Back to the case the government filed against itself – this was done very quickly. In the past we have filed different cases, including of extreme urgency and still you can wait a week. This time the case was assigned the same day, which I have never seen. And then all the media were there the same day that the case was filed.

Also, as you said, the tourists saw a very clear message from the people. And actually, some of them admitted that they were coming here without knowing there is gross violation of human rights occurring on this magnitude. Some were actually upset to learn this. The message went to them in clear terms. It was so peaceful. And no one was harmed, 40,000 people and everyone at the end of the day appreciated that it was extremely peaceful, which was what we wanted, because Maasai have been a peaceful people and we can achieve our demands in a very peaceful way.

Government Attempts to Silence Land Defenders

AC: You are one of the more outspoken and high-profile people who standing up for the rights of the Maasai and as a result, face risks to your own security. Can you share some of this retaliation that you have experienced?

JO: We have tried to speak up, hoping the state will listen. We have taken actions like filing different lawsuits and have been in court a lot and they did not take that lightly. So, the government has tried to make everyone shut up. In February 2022, after speaking out I was returning home and they tried to arrest me. Before the Loliondo operation in June 2022, I was informed in May to take certain precautions, because the government people were after me. And of course, you take precautions but you continue speaking, because there is no option of silence in this situation.

People have come into my office purporting to be journalists, because I was speaking with the media but they were actually security people. After that, I was under surveillance by the state which forced me to be operating outside my office for the almost six months from June 2022. I keep moving from one place to the other, just to avoid the government, which actually has a responsibility to protect me. And after that life returned to almost normalcy for some time. Until this year when I got information that they were trailing me. I was going home to my village again, so they followed me from Arusha to Ngorongoro. They did not want to arrest me at home. So they started finding some way to get me out, take me somewhere alone. That was actually the arrangement. And they sent people to advise me to go and meet them somewhere. I knew it was a plan to ensure a smooth abduction without any eyewitnesses. So of course, I disagreed with that plan. Then they came to my house at night. I got informed they were coming so I got out and had to relocate. For 10 days they surveilled my house, both in Arusha and in Ngorongoro without saying what crime I committed.

This has been my life. They tell me it was circulating on social media that the government has to take measures against me for what they called inciting people to revolt against the government. This is not revolt. We are saying truth to power and just telling them you are taking our lands illegally, contrary to our laws, contrary to our human rights, and it is not justified. Is not for the interest of this country, it is for the interest of the few. Not benefiting this country, but just individuals who have stepped into this land grabbing. That is what they called threatening the national security? It has been a very challenging situation but there is no option because if we keep quiet, then what will happen to the Maasai people?

Supporting the Maasai Struggle for Land & Life

AC: Well, it is very courageous that you are doing this in the open to call attention to this urgent issue. It is very admirable. For listeners today who have been moved by your words, how can they best support the struggle of the Maasai in Tanzania?



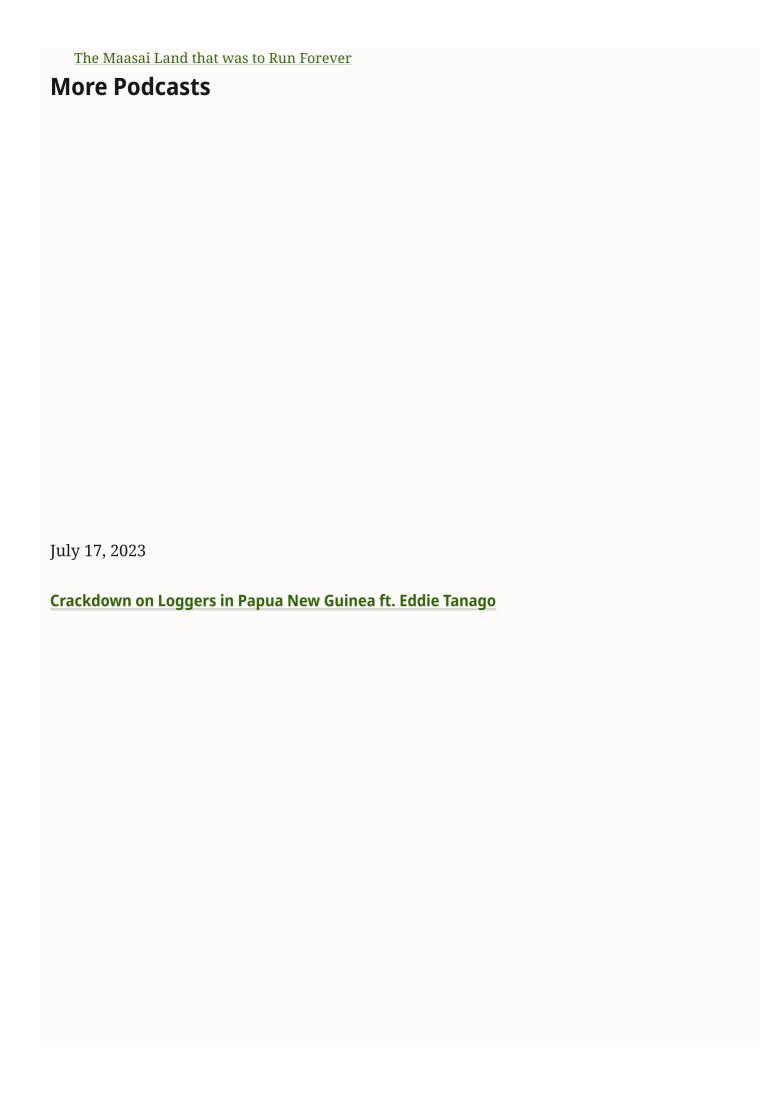
JO: I think they can support in many ways, one of them, most important, is speaking out. Wherever you are, you can say a word, at least for these people to understand. The world is hearing what we are saying and is supporting us, putting this into the public domain. Second, whoever can play any cards to ensure that this government feels something is going wrong. Those supporting it, those providing moral support to what it is doing, those providing financial incentives to take the land, they will be doing so much for humanity to cut it off. Some people are going to court and those initiatives need to be supported. We cannot be lobbying in silence because we want the government equally to understand what are we feeling from what it is doing.

AC: Thank you again Joseph for joining us today and uplifting the voice of your community during this critical time. In recent years, the Oakland Institute has been a leading international voice supporting the struggle of the Maasai and has published numerous press releases and reports. Take a look at our <u>Tanzania country page</u> to find all of these publications. Be sure to subscribe to our reporter newsletter and follow us on social media to stay up to date on the latest from Tanzania. Thank you, as always, for listening. Until next time.

This transcript has been edited for length and clarity.				
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