

**SUBMISSION BY LAND RIGHTS AND EXTRACTIVE RESOURCES ADVOCACY
ORGANIZATIONS IN TANZANIA**

SUBMISSION TO THE HUMAN RIGHTS COUNCIL

UNIVERSAL PERIODIC REVIEW MECHANISM

REVIEW OF THE UNITED REPUBLIC OF TANZANIA 2012-2015

**JOINTLY SUBMITTED BY THE FOLLOWING LAND RIGHTS AND
EXTRACTIVE RESOURCES ADVOCACY ORGANIZATIONS**



Mtandao wa Vikundi vya Wakulima Tanzania (MVIWATA): www.mviwata.org

Lawyers Environmental Action team (LEAT): www.lead.org

Care Tanzania: www.care.org

Civic Education for poverty and Environmental Management (CESOPE): www.cesope.org

Journalists Environmental Association of Tanzania (JET): www.jettanz.com

Land Rights Research and Resources Institute (LARRRI/HAKIARDHI): www.hakiardhi.org

HAKIMADINI : www.hakimadini.org

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1. EXECUTIVE SUMMARY

This is a joint submission by seven (07) civil society Organizations (mentioned above) which have been addressing human rights of small scale producers on land and extractive resources in Tanzania. The data and information obtained herein came from various sources and includes information gathered during respective project and programmatic engagements of individual organisations, CSOs joint interventions and networking within and outside the United Republic of Tanzania. Basing on such auspices, the submission concentrates on the accepted recommendations by Tanzania relating to land and extractive resources rights hence their implementation status and a call for further action by the Government of United republic of Tanzania will be highlighted for the next cycle of the UPR.

All CSOs herein acknowledge the progress that Tanzania has made so far in regard to human rights since the 1st UPR cycle.

2. METHODOLOGY

The data and information obtained herein came from various sources and includes information gathered during respective project and programmatic engagements of individual organisations, networks, groups, CSOs joint interventions and networking within and outside the country. The submission has also incorporated inputs offered through joint training (Government institutions and CSOs) on UPR that began in April 2015. Information gathered from government institutions (Commission for Human Rights and Good Governance – CHRGG, Attorney Generals Chamber -AGC, Law Reform Commission of Tanzania –LRCT and Ministries responsible for Land, Minerals and Agriculture) are part of this submission as status of implementation of the UPR on their part was conducted in between May-August 2015. A validation meeting attended by CSOs forum, networks and groups coordinated by Tanzania Human Rights Defenders Coalition met on 17th September, 2015 to validate all joint CSOs thematic areas of their engagement in UPR including this report. Finalization of this report was done thereafter through the listed CSOs Directors prior its submission due date on 21st September, 2015.

3. STATE'S STATUS ON THE ACCEPTED RECOMMENDATIONS OF PREVIOUS CYCLE (1ST CYCLE) AND OBSERVATIONS ON LAND RIGHTS IN TANZANIA

The Government of Tanzania promised to address the question of land rights and forceful eviction during the **1st review cycle**. We are cognizant of the efforts that have been done to address land questions that face small scale farmers¹. However, the government has not taken affirmative actions to address land conflicts in the country. During the whole period under review, land conflicts in Tanzania have intensified, to the extent that in 2013 the Parliament formed of Special Parliamentary Committee of Inquiry on the Sources of Land Conflicts among different land Users which its report (2014) revealed continued land conflicts among farmers and pastoralists, agro pastoralists, communities and investors that exist in different parts of Tanzania. These include Mvomero, Ulanga, Kilombero, Morogoro Rural, Bagamoyo, Mbarali, Loliondo, Babati, Kilosa, and Kiteto, to mention a few examples.² Sources of such conflicts that have been highlighted in the report include improper administration of the land, lack of transparency in large land deals and less involvement of communities in investments procedures, inadequate and unfair compensation in land which the Government at large has been marked a failure to redress a proper mechanism to amicably solve and action promptly to land Conflicts in the Country, absence of an updated and current land statistics in the country that could lead to an equitable ratio distribution of land among users, corruption, failure of the Government to take prompt response on land conflicts, interference of politicians in land conflicts which has not offered lasting solutions on resolving land conflicts, poor land disputes settlement mechanisms which its administrative organs are disintegrated.

Moreover, the situation is even pathetic in extractive industry especially mining where artisan miners have not been given priority over large scale mining investors. There are concerns over harmful impacts of the industry on the environment, unlawful evictions of artisan miners, destruction of their livelihoods systems and for those who receive too meager

¹ For instance, during this periodic review the new Constitution making processes in Tanzania had incorporated a land chapter where core tenure security and rights of small farmers are still not protected rather the radical title has remained to the President

²Special Parliamentary Report on inquiry in land conflicts between farmers, pastoralists, investors, government and other users in Tanzania 2014

compensation to afford alternative means of sustaining their living. There is a live example from Chunya District in Mbeya Region where the rightful license owners were barred from conducting mining activities in the area commonly known as Mount Elizabeth and instead that right was regranted to BAFEX Gold Mine which is a bigger Mining Company in 2014. The destiny of 14 rightful holders of mining license from that particular area and their families is at risk as the Government engineered the whole issue of expropriating their rights.

Since Tanzania at **international level** is a member of, and has ratified a number of international and regional legal instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR 1976). Also within the **domestic normative framework**, Tanzania has a Bill of Rights enshrined in its Constitution in 1984 but Land currently stands as among the rights within auspices of other property in Article 24 . There are also courts of law to address land cases and pieces of legislation i.e. National Land Policy 1995 and land Acts of 1999 namely Land Act and Village Land Act, Mining Act 1998 assisted by other land pieces of legislation and regulations on tenure of land and natural resources in the country which artisan miners and small farmers tenure rights have for long time not been fully protected.

It is our **general observation** that despite all these, there are still serious concerns that the lands of small holder farmers will continue to be undermined, grabbed and since they cannot afford some of the suggested fees, their land rights will remain insecure and possibly under constant threat hence a demand for international pressure is called basing on the recent evidences detailed in the Special Parliamentary Committee report on land disputes in the country as well as through the above mentioned advocacy organizations engagement on land rights.

4. RECOMMENDATIONS FOR NEXT CYCLE ON LAND RIGHTS IN TANZANIA

- 4.1 Government of Tanzania to honor its commitments and address land rights questions in the next UPR cycle.
- 4.2 Government of Tanzania to revisit all **recommendations** concerning land rights violations of small producers that are being brought to their attention within the

period under review via an established mechanism and its report be made public and status be part of Government report for next cycle³.

- 4.3 We further recommend that the government should amend its policy and legal frameworks on land in the country so as to end conflicts of laws between users
- 4.4 The Government of Tanzania should create land statistics database in the country to enhance distributions among users
- 4.5 The Government of Tanzania should avoid arbitrary evictions and adhere to the right for full, prompt and fair compensation.
- 4.6 The government should uphold the principles of social justice and equity in addressing inequalities born out of large scale investment on land in rural areas where majority small producers depend on the land being acquired but are not given priority during land allocations.
- 4.7 Legal and policy reforms that will reduce poverty in the country and communities around land need be reformulated so as communities be included in the process of formulation .
- 4.8 Application of good governance principles is recommended in dealing with and addressing the interest and demands of communities especially small scale miners on extractive resources.

³ To act/respond to all commission reports that have been created to make inquiry of land conflicts in the country