



EUROPEAN PARLIAMENT

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Plenary sitting

10.3.2015

B8-0261/2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Tanzania, notably the issue of land grabbing
(2015/2604(RSP))

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on behalf of the ALDE Group

European Parliament resolution on Tanzania, notably the issue of land grabbing (2015/2604(RSP))

The European Parliament,

- having regard to Rules 122(5) and 110(4) of its Rules of Procedure
- having regard to Article 17 of the United Nations Universal Declaration of Human Rights concerning the right to property,
- having regard to the Millennium Declaration of 8 September 2000 setting out the Millennium Development Goals (MDGs), in particular goals 1, 3 and 7,
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and to the Indigenous and Tribal Peoples Convention (no. 169) of 1989 of the International Labour Organisation (ILO),
- having regard to the African Union's Framework and Guidelines on Land Policy in Africa (ALPFG), the African Union 'Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities' adopted by the Conference of African Ministers of Agriculture in October 2010, and approved by the Executive Council 18th ordinary session, Addis Ababa, January 2011 (Doc. EX.CL/631 XVIII) and to the African Union's Declaration on Land Issues and Challenges in Africa of 2009,
- having regard to the Village Land Act No 5 of 1999 and to the local Government Act of 1982, The United Republic of Tanzania,
- having regard to its resolution of 27 September 2011 on an EU policy framework to assist developing countries in addressing food security challenges, to the Commission Communication of 19 October 2004 entitled 'EU Guidelines to support land policy design and reform processes in developing countries' (COM(2004)0686) and to the 'EU Land Policy Guidelines: Guidelines for support to land policy design and land policy reform processes in developing countries' adopted by the Commission in November 2004,
- having regard to the Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' signed on 20 December 2005, in particular paragraphs 11 and 92 thereof,
- having regard to the Commission Communications of 31 March 2010 on 'An EU policy framework to assist developing countries in addressing food security challenges' (COM(2010)0127), of 13 October 2011 entitled 'Increasing the impact of EU Development Policy: An agenda for change' (COM(2011)0637) and of 27 February 2013 entitled 'A decent life for all: Ending poverty and giving the world a sustainable future' (COM(2013)0092),

- having regard to the 2008 United Nations Human Settlements Programme (UN-Habitat) study entitled ‘Secure Land Rights for All’ and the UN-Habitat guide on ‘How to Develop a Pro-Poor Land Policy: Process, Guide and Lessons’,
- having regard to the report of 11 June 2009 by the United Nations Special Rapporteur on the Right to Food, Olivier De Schutter, entitled ‘Large-scale land acquisitions and leases: a set of core principles and measures to address the human rights challenge’,
- having regard to the declaration of the World Summit on Food Security, adopted in Rome in 2010, to the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (PRAI), to the Food and Agriculture Organisation’s Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security,
- having regard to the ACP-EU Joint Parliamentary Resolution on the social and environmental impact of pastoralism in ACP countries adopted in November 2013 (ACP-EU/101.526/13/fin)

A. Whereas according to UN-Habitat, land tenure specifically can be formal (freehold, leasehold, public and private rental), customary or religious in origin and the EU Land Policy Guidelines state that land rights are not always limited to private ownership in the strict sense, but can resort to a balance between individual rights and duties, and collective regulations at different levels;

B. Whereas Article 17 of the Universal Declaration of Human Rights recognises the rights of everyone to own property either alone or in association with others, and that no one should be arbitrarily deprived of his or her property; whereas under Article 25 of the Universal Declaration of Human Rights, everyone has the right to take possession of the resources or means needed to produce or obtain food in sufficient quantities for existence;

C. Whereas an estimated 1.4 billion hectares worldwide are governed by customary norms; whereas an estimated 370 million indigenous peoples worldwide have a strong spiritual, cultural, social and economic relationship with their traditional lands, the management of which is usually community-based;

D. Whereas access to land for indigenous people has been afforded specific forms of protection under Convention no 169 of the ILO and the United Nations Declaration on the Rights of Indigenous Peoples, while Article 10 of the UN Declaration on the Rights of Indigenous People guarantees the right not to be forcibly removed from one’s lands or territories, and that no relocation can take place without the free, prior and informed consent of the indigenous people, and following agreement on just and fair compensation as well as wherever possible, the option of return;

E. Whereas private investors and governments have shown a growing interest in the acquisition or long-term lease of large portions of land for food or energy production or for mineral extraction, mostly in developing countries in Africa; whereas arbitrary land allocation by political authorities breeds corruption, insecurity, poverty and violence;

F. Whereas the villages of the Maasai community were established and are legally governed by the Land Laws that allow them to own, utilize and manage village land under the Village Land Act No 5 of 1999, while the Local Government Act of 1982 makes villages corporate entities and empowers them to engage in activities that improve the welfare of the community;

G. Whereas the Tanzanian Maasai have a long fought history of escalating land ownership disputes with the Tanzanian authorities, dating back to the early 1990's; whereas in 1992 the foreign-owned Ortello Business Corporation (OBC) was granted hunting rights within the Loliondo Game Control Area – settled and legally owned by Maasai pastoralists, while since then, during the hunting period, Maasai villagers have been subjected to restrictions on access to grazing land and water for livestock;

H. Whereas in 2009 in 8 villages bordering the Serengeti National Park evictions were conducted by the Paramilitary Police Field Force Unit, together with security forces of OBC; whereas more than 200 Maasai bomas (homesteads) were totally burnt, women were raped, more than 3000 people left homeless without food and other social basic needs and more than 50,000 cattle were left with no grass and water; Those Maasai communities in the Loliondo villages were internally displaced persons without land to settle, shelter, food or water for even their livestock, no clothing or any other form of social services;

I. Whereas in 2013 the Tanzanian government announced an ambitious plan regarding the Maasai of Loliondo intending to sell 1,500 square kilometres near the Serengeti park to a private company and convert the area into a protected area (but one that allows hunting); This area represents 40% of the Loliondo area, including nearly the entire territory of six Maasai villages which would have forced 40,000 of local Maasai tribesmen to abandon ancestral pastures and graves sites; whereas in September 2013 government officials promised to shelve this project due to negative media exposure and international outcry, the government is now reneging on their promise and moving ahead with the plan;

J. Whereas the Maasai are semi-nomadic and pastoralists, relying on cattle for their livelihood, although by reducing the village land as such, the Tanzanian government has limited the viability of the Maasai lifestyle and their access to crucial land and water resources on a number of occasions;

K. Whereas the government is offering compensation of 1 billion shillings (€492100) not to be paid directly but to be channelled into socio-economic development projects, however the Maasai have rejected this offer as it is not adequate and it offers no guarantee that the money will be used in their benefit;

L. Whereas selling this land would be a tragedy not just for the Maasai community but also for the wildlife since once this becomes a "wildlife corridor" wealthy tourists will in all likelihood be allowed to hunt big game there and heavy traffic resulting from increased commercial activity will post a huge danger to resident and migratory animals;

1. Condemns actions that do not recognize the legitimacy of customary tenure arrangements that provide statutory rights to individuals and communities, and prevent dispossession and abuses of land rights, which are especially prevalent among African

communities;

2. Strongly condemns the actions of Tanzanian government which are in breach of the Village Land Act No 5 of 1999, the Local Government Act of 1982 and Article 10 of the UN Declaration on the Rights of Indigenous People; Condemns the practice of land-grabbing which, in particular, illegally dispossesses the rural poor and traditional Nomad populations of land without adequate compensation and stresses its support for the Maasai community in rejecting the government's unreasonable offer of compensation;

3. Calls for comprehensive policies that intend to soundly protect land rights of communities in the context of tourism, conservation and other initiatives, keeping in mind that agriculture and livestock keeping remain fundamental sources of livelihood, subsistence and food security for the Maasai community. Notes furthermore that securing land tenure for rural communities is essential to achieve the millennium development goals (MDGs);

4. Calls on the Commission and the Member States, in their development assistance policies, to take account of large-scale land acquisition processes by developed countries' investors in developing countries, and on the African continent in particular, which are affecting local communities and farmers with a view to protecting them from impoverishment, famine and forcible eviction from their villages and land; asks the Commission to encourage authorities to ensure that land deals are conducted in a public and transparent way and are adapted to mobile livestock keepers or pastoralists;

5. Calls on the European Commission to actively engage with the Tanzanian authorities to strongly encourage them to bring forward a legally binding and codified acknowledgement of the rights of the Maasai, with particular reference to their ancestral land, therefore providing the necessary legal protection to prevent future disputes;

6. Calls for the EU to strengthen the capacity of courts in developing countries to enforce property law effectively, to resolve land disputes and manage expropriations as part of a universal approach aimed at consolidating judicial systems and the rule of law; Highlights that in the case of the Maasai people their only solution was relying on social media and international support from NGOs;

7. Commends the EU's participation in global land initiatives; stresses that, as the world's leading development actor, the EU has the capacity to enhance its currently limited approach in terms of both scope and visibility with a view to addressing land tenure; reaffirms the need for EU commitment to reduce poverty worldwide in the context of sustainable development;

8. Calls on countries with large pastoralist populations and the EU to involve pastoralists in decision-making and to provide support to pastoralists in conflict resolution, using customary means wherever appropriate and possible, and to improve access to legal services;

9. Instructs its President to forward this resolution to the Council, the Commission, the governments and the parliaments of the Member States, the Secretary General of the United Nations, the President of the World Bank, the Association of Southeast Asian Nations, the Euro-Latin American Parliamentary Assembly and the Africa Caribbean Pacific-European

Union Joint Parliamentary Assembly.