

UNITED REPUBLIC OF TANZANIA

COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE

THE ULANGA LAND CONFLICT- MOROGORO REGION, TANZANIA

- 1.0 The Member of Parliament of Ulanga West Hon. Juma Ngasongwa visited offices of the Commission for Human Rights and Good Governance (CHRAGG). That was early 2009. He presented a formal letter of Complaint to the Commission on behalf of the people of Itete Ward, Mtimbira Division – Ulanga District. The Complaint was against one Mr. Ryan Shallom a professional hunter and investor whose company Wild Footprints Ltd based in Dar es Salaam was licensed to hunt in Ulanga Game Reserve Ulanga District.
 - 1.1 It was alleged in the letter that Mr. Shallom during the second half of 2008 and early 2009 had first arbitrary altered the boundaries of the Game Reserve and the Villages bordering the Reserve. In so doing a big chunk of land belonging to the villages bordering the Game Reserve was hived off showing that they were part of the Game Reserve and that they were illegally occupied by the villagers of Itete Ward. It was then alleged that Mr. Ryan arbitrary ordered his workers to burn down houses and farming huts in those areas. The complainant alleged that he had appealed to the District Commissioner of Ulanga District as well as his superior the Regional Commissioner of Morogoro, but was ignored, hence appealing then to the Chairperson for Human Rights and Good Governance Commission. The Commission assigned one of his commissioner to visit the conflict area and to do the needful.
 - 1.2 When the commission by letter to the District Commissioner and the Regional Commissioner that the commission was about to go to Itete. The District Commissioner travelled from Ulanga to Dar es Salaam and visited the Commissioner assigned to deal with that conflict. He handed a letter with his version of the conflict simplifying that it was just a political problem of the Member of Parliament (the complainant) fearing being unseated during the next General Elections. The same version was transmitted to commission by phone call by his superior the Regional Commissioner.

- 1.3 In February, 2009 The Commissioner went to Ulanga District accompanied by two Inquiry Officers from Commission.

2.0 **PRE –MEDIATION**

The next day started meeting with the villagers for Inquiry at Itete. The whole top official of the District, Division and Ward attended the Inquiry. Mr. Ryan Shallom was also present. The Inquiry meeting was held through on open hearing under a big tree. The villagers of Itete Ward attended in their hundreds. The situation was very tense. The people showed clear anger and hatred towards Mr. Shallom. The Commissioner and his team had to do a lot of convincing that people should trust the Commission. That their right to speak the truth was guaranteed by law and that if any Government leader or official gave any threats to them they would be dealt with sternly in accordance with the law. As the proceedings progressed the people appeared to trust the Commission deeply.

- 2.1 The mode of Inquiry was by a simple style where by the Complainants gave evidence and were cross-examined by the Respondents, and vice versa. The two parties were all assured of free expression without fear. They were assured that in the end the truth would be revealed and would prevail. Of course CHRAGG team was free to ask questions when they felt there was a need to do so in the interests of justice.

3.0 **THE INFORMATION GEATHERING**

- (a) Mr. Shallom was licensed to hunt in the Game Reserve bordering the Villagers of Itete Ward.
- (b) Mr. Shallom arbitrary changed borders and sliced chunks of land occupied by villagers and declared were part of the Game Reserve, and that the said land was illegally occupied by villagers.
- (c) After doing so Mr. Shallom ordered his workers to burn down houses and farming hunts belonging to the villagers.
- (d) Some villagers were forced down and flogged by Shallom's workers and were then forced to laugh and say thank you to the said workers while in great pain and humiliation.

- (e) The Police sided with Shallom and arrested and charged the villagers in the Primary Court for Criminal Trespass on flimsy grounds.
 - (f) Three villagers were shot at by Shallom's workers – allegedly they had illegally entered his camp while hunting wild animals called Sheshe which are protected animals. These three villagers were seriously wounded and admitted at a Referral Hospital called Ifakara. One of them who were shot through his buttocks has lost his potency. He was married to two wives.
 - (g) The District Wildlife Officer stated the official boundary, and that the villagers were occupying land outside the Game Reserve. That is they were residing within their area legally, and that their villages were registered according to law.
 - (h) The information revealed that the District Commissioner encouraged and permitted Shallom to illegally change the boundaries.
 - (i) One early night while the District Commissioner when on his way from Shallom's Camp he took part to burn down some of the people's houses.
- 3.1 This open air public hearing took three days attracted many people; some were travelling with their bicycles from far away villages.
On the fourth day Commissioner and his officers visited the seriously affected area called Iragua Asilia. Facts showed clearly that the complaints were true. While visiting the affected areas the situation become very tense. Angers were inflamed, especially when villagers saw Mr. Shallom and his workers.
- 3.2 That night the Commissioner appraised the entire information or evidence and made the requisite findings. He found that there was very urgent need to prevent VIOLENCE and restore PEACE. Section 25 (d) of the Human Rights and Good Governance Act No. 7 of 2001, states – "Quote" "The Commission shall for the purposed of performing its functions under this Act, have power to make **Interim Orders** to preserve, pending determination of the matters at issue in the existing state of affairs between the parties to the proceedings or the rights of the parties".

After making a finding that the villagers were occupying the said lands legally and that Mr. Shallom had illegally displaced them from their villages. The Commissioner made an Interim Order as per section 25 (d) of the Act; In that order he declared that those disputed lands legally belonged to the displaced villagers, and that the said villagers were allowed to occupy their village lands, reside and farm normally and peacefully without any interference by Mr. Shallom or anybody. Before making this order Mr. Shallom who looked very remorseful makes public statement declaring that, he is ready to cooperate, reconcile and take responsibility through his Company. He appeared to be afraid that his Hunting license would be revoked by the Government. The order was made pending any future directives by the Government on the Land use of that area.

The Interim Order that has been made was great applauded by the people, i.e. the villagers. The public hearing was adjourned to another time to be fixed later.

The District Commissioner asked the Commissioner when on his way returning to Dar es Salaam to stop in Morogoro and visit his superior the Regional Commissioner to, that it was a request by the said Regional Commissioner, who has earlier appeared very uncooperative to the Commission. The Commissioner decided not to visit him, in order to maintain dignity of the Commission so, he drove straight to Dar es Salaam.

- 4.0 After reporting back to CHRAGG on how the case have been handled, the Commission authorized that Commissioner to complete the process to secure compensation to the villagers by MEDIATION.

MEDIATION PROCESS

- 5.0 In April, 2009 Commissioner and his Officers were back in Ulanga. He directed that those who should attend the Mediation Meetings must be only those who were victims of the destruction made by Shallom's Workers, then Shallom himself and the District, Divisional, Ward and Village's leaders. At the same time those criminal cases in Court which faced Shalloms Workers like Arson, destruction of property, Assault etc should continue. The day the meeting was convened hundreds of people attended instead of only those who were affected. The Commissioner has to sort them out. All the same, the rest of the massive crowd remained outside the meeting hall to witness what would happen next. The anger of the people against Mr. Shallom and his Workers could easily be inflamed into deadly violence. Then the

Commissioner met the complainants separately, and Shallom separately. All of them agreed to enter into the Mediation Process which could finally end up with the requisite Compensation.

5.1 When the meeting started, Commissioner read out the list of those whom it was alleged their houses/huts were burned, or beaten, or shot. The Police Officer Commanding District (OCD) requested that, before we do that job it is important that the Police should make verification of the said damage or injury. The Commissioner showed surprise and disappointment as to why the Police had not done his said verification earlier. Was it a tactical delay to help Mr. Shallom? It is important to note that at that meeting the District Commissioner had colluded with Mr. Shallom was conspicuously absent, and the reason of his absence showed it was a deliberate evasion. It is difficult to narrate here all that happened later showing how this District Commissioner sabotaged the process in order to help Mr. Shallom. All the same the meeting had adjourned till July, 2009.

5.2 It was strange that when the meeting reconvened OCD had not submitted the verified list of those affected. The earlier list contained 201 people. At a meeting with District Government officials, the OCD submitted a list of 46 people instead without any explanation. The list showed it was prepared by the Office of the District Commissioner and not the Police OCD. The District Commissioner was again absent though he had earlier been ordered by the new Region Commissioner. The District Commissioner decided to be hostile to the Commission of Human Rights and Good Governance.

By the fact that the list of 46 allegedly people had no explanation. The Commissioner rejected the list, and adopted the earlier list of 201. He was absolutely convinced that the District Commissioner had forced the Police OCD to produce this cooked list in order to help Mr. Shallom, that he wanted him to pay only 46 people instead of 201 people.

THE MEETING

5.3 The Commissioner made a detailed explanation to the people what the Mediation Process was all about. There was total agreement and the atmosphere became quite friendly but needed a lot of guidance from Commissioner on the way because some of the people where either semi-illiterate or

illiterate. The Roll Call of those affected was made, and cross checked with the local leadership if every one called was indeed affected. The Village Leaders brought written verified evidence of properties destroyed and the value. Their articulate list showed the name of the person, properties destroyed, and the value. Finally reached a total value of Tanzania Shillings TS. 85 million. This is equivalent to about US \$ 55,000.

- 5.4 Mr. Shallom politely requested the Complainants to reduce the amount, that his Company would be unable to pay such a big compensation. The Commissioner convinced the Complainants to accept the principle of Give and Take.

The Complainants agreed, and finally decided to reduce the amount by 50% and thus becoming TS. Million or about US \$ 27,000.

- 5.5 Later the Commission's Officers and some complainants alerted the Commissioner that Mr. Shallom was frequently going out and communicating by mobile phone with his Godfather the District Commissioner. Indeed his stand gradually started to harden. When he was requested to state whether he accepted to pay Compensation of TS. 42 million he curtly stated his company was not capable to pay that amount, although the complainants had reduced the amount by 50%! Instead he offered to pay TS. 10 million!!!, which is less than one quarter of the actual loss the complainants sustained of TS 85 million.
- 5.6 After statement was made by Shallom tempers suddenly rose up. The complainants, including angry women, were ready to physically attack him. Commissioner and his Officers strenuously appealed for calm and they adjourned the meeting to the next day. This was to allow tempers to cool down and Shallom to reconsider his stand.
- 5.7 The next day, Shallom restated that his Company was incapable to pay the amount of TS. 42 million. Commissioner tried to show that his workers committed Arson which is a serious criminal offence; they flogged some people, and shot at three people. That in law he was vicariously a party to those offences. Why does he take that dangerous stand? Why he can't take a Bank Loan and pay this Compensation? That definitely it will be very difficult for him to continue hunting in a Game Reserved with such hostile villagers as neighbors. Commissioner warned him

his attitude of taking the misguided advice of the District Commissioner, but Shallom remained adamant.

- 5.8 That was the position, the Commissioner had no option but sadly stop the Mediation Process which showed early to be proceeding very well.

The next step by commissioner was to assured the Complainants to be patient and remain peaceful. That the Commission for Human Rights and Good Governance would assist them to lay this matter before the Court of Law for determination. Fortunately, it was still apparent that the complainants appeared to trust the Commission, especially that had early made an Interim Order which allowed them to remain in the disputed villages, continues to reside and farm peacefully.

- 5.9 When the Commissioner back and report the matter to the Commission, it was decided that the Commission's Lawyer's do the needful and by taking the matter before the Court of Law.

As far as the behavior of the District Commissioner of Ulanga District the Commission reported the matter to the President of Tanzania.

Later it was reported in the Media that the said District Commissioner was transferred to a remote District bordering Zambia and the Democratic Republic of the Congo (DRC). But no reasons were stated for the transfer.

Some time later Mr. Shallom is reported to have stopped operations as the investor and Hunter in that Game Reserve. Be that it may, this protracted land conflict has reached a point where peace is basically restored.

Zahor Juma Khamis
COMMISSIONER.