*Tanzania Conservation Ltd*

*Arusha, Tanzania*

12 May 2015

You asked us to respond to the concerns raised in this book -

“Business and Human Rights: Indigenous Peoples’ Experiences with Access to Remedy”, Cathal M. Doyle (ed.), Asia Indigenous Peoples Pact (AIPP), ALMÁCIGA and IWGIA,  2015, <http://www.enip.eu/web/wp-content/uploads/2015/03/Business-and-Human-Rights-Indigenous-Peoples-Experience-with-Access-to-Remedy.pdf>  [see page 220] before the Business & Human Rights Resource Centre draws international attention to this issue in a forthcoming edition of the Weekly Update newsletter. We are happy to do so and are following the general thread of those pages and the comments written.

We are happy to respond as follows –

“Sukenya Farm” is not 12,600 hectares as written. The facts are that the farm is 5,106 hectares. This is poor research and reporting, fact checking or both.

Sukenya Village is not located in Soit Sambu Ward, this is bad research or fact checking or both. Sukenya Village is located in Oloipiri Ward.

Ngorongoro District Council did not grant 12,600 hectares as written, the number was 5,106 hectares.

Despite what is written, Sukenya Sub-Village was in fact an entity at the time TBL sought land for Barley. People lived there and went about their lives. To say “no such entity existed at the time” is a wrong. The facts are that Sukenya was a sub-village under the Soit Sambu Village. As as a sub-village, Sukenya could not govern itself, the Soit Sambu Village Council was the authority that governed Sukenya Sub-Village. Sukenya Sub-Village had 3 seats on the council, but the huge majority of the seats were taken by Soit Sambu Village Councilors. Sukenya Sub-Village had very little control over what the council chose to rule on.

Tanzania Conservation Ltd (TCL) is not a subsidiary of Thompson Safaris Ltd, it is a stand alone company. By the way the name is Thomson Safaris Ltd, a small error perhaps, but points to poor research and fact checking when something as basic as that gets by.

Despite what is stated, TCL does not own, nor has it established a safari camp.

Maasai like most peoples are not all one group, there are many Maasai clans (groups) and some are large and dominant while others are small and weaker. Soit Sambu Village population is Purko clan Maasai. Sukenya Village is Laitaiyok clan Maasai.

When TBL came seeking land for Barley, the Soit Sambu Village Council chose to use Laitayok land for TBL rather than to use Purko land. The legal identity of the land is ‘Sukenya Farm 373’. It is named this way because it is in Sukenya.

Naturally the Laitayok were not happy about this outcome and went to court claiming the process was not legal. They had not given approval to the Council for their land to go to TBL. They lost because the Soit Sambu Council followed procedure correctly and legally. The Laitayok had to accept the situation. They were a sub-village being ruled by another clan and the Council had signed off.

TBL never abandoned the land. TBL had staff, farm and staff buildings on ‘Sukenya Farm 373’ throughout. Some even stayed after Tanzania Conservation Ltd (TCL) took over. No homes were ever burned on the farm because no one lived there, no one was evicted from the farm because no one was living there.

There is a large mention of Land Case no.10 of 2010. As far as we are aware, no Land Case no.10 against TBL and TCL exists.

We do not have information on why the government has not responded to letters from CERD.

We met with the ERI legal team and were happy to do so, we provided them with documents and sworn evidence, we had nothing to hide.

In closing, the land was offered for sale, we bought it. Many were interested. At the outset another party won the bid, but failed to close after the required time frame, so TBL went back to the interested parties and set up round two. We took over ‘Sukenya Farm 373’ in 2006. As pointed out the Hon. Prime Minister Pinda had a large team investigate all aspects of the sale and purchase. Despite what is written, Tanzania is a country governed by laws and a court system. While Tanzania invites foreign investment, the process has rules and regulations that are required to be followed.

There are repeated mentions of “alleged” and “allegations of” human rights abuses. This is hearsay.

Sukenya Village is now a Village in its own right, it has its own council and can control its future. The Laitayok Clan is happy to have tourism in its village. They support tourism and seek other investors.

To date our Community Tourism Project has had great success and has managed to complete the following list of buildings that have all been handed over to community, all funded with donations from tourism. By far the longest list of completed buildings of any NGO or other identity working in the region, something we are very proud of. These projects were requested by community.

Sukenya Primary School – 2 teachers houses

Soit Sambu Primary School – 2 teachers houses

Oloipiri Primary School – 2 teachers houses

Soit Sambu Secondary School – Girls Dormitory for 100 girls

Orkiu Primary School – classrooms and teachers houses

Orkenyene Primary School – classrooms

Sukenya Village – Dispensary clinic and staff housings together with borehole and solar array and windmill, providing running water and electricity

In addition we transported 50 tonnes of Maize to the region during the 2009 drought. This maize was for human consumption.