

FACTSHEET: IN RE APPLICATION OF LOSERIAN MINISTO

SUPPORTING AND PROTECTING THE LAND RIGHTS OF TANZANIAN MAASAI HERDERS

EarthRights International (ERI) filed *In re Application of Loserian Ministo* seek evidence from tour operator Thomson Safaris about the dispossession of three Tanzanian Maasai communities, the violent harassment of villagers, and the destruction of their homes and cattle. The villagers claim that they have been subjected to violence and prevented from using their land and the natural resources they need to sustain their cattle, in order to make way for Thomson Safaris' tours.

THOMSON SAFARIS' OPERATIONS AT SUKENYA FARM

Thomson-Wineland Adventures Inc., also known as Thomson Safaris, is a high-end outfitter for safari tourism based in Watertown, Massachusetts. In 2006 Thomson's affiliate, Tanzania Conservation Ltd. (TCL), acquired 12,617 acres of land known as "Sukenya Farm," which had traditionally been used by the Maasai communities of Mondorosi, Soitsambu, and Sukenya. Many Maasai lived at Sukenya Farm and used the land and its abundant water sources for the cattle that form the center of their subsistence livelihoods. Thomson renamed the area the "Enashiva Nature Refuge" and made it a destination for luxury tourism. But the Maasai communities consider the area their home and are seeking justice for what they believe to be the illegal deprivation of land and resources that are crucial to their survival.



The Sukenya Farmland. Photo: Minority Rights Group

A MURKY LAND DEAL

The story begins in 1984, when Tanzania Breweries Limited (TBL) acquired 10,000 acres at Sukenya Farm, without the consent of the local communities. The villagers claim that the acquisition was never legalized because TBL did not follow required conditions, such as compensating the landowners, and in any event used only a tiny fraction of the land, leaving the local pastoralists to continue grazing their cattle as they always had done. By continuing to use the land without disturbance for over 19 years, they believe that they had legally become the landowners again. But TBL sold all 10,000 acres, plus an additional 2,617 acres of land, to TCL in 2006.

LEGAL STRUGGLE OVER EXCLUSION, IMPOVERISHMENT, AND VIOLENT CONFLICT

The villagers sued TCL and TBL in 2010, asking a Tanzanian court to revoke the company's land title, prevent TCL from converting the land's designated use from pastoralism to tourism, and award damages for the injuries they have suffered due to their exclusion from the land. They claim that TCL, together with local Tanzanian police and government officials, have conspired to illegally confiscate from their land. According to the lawsuit, villagers have seen their homes burned, and they have been beaten, detained, and even shot at for trying to use the land and water at or near Sukenya Farm that they so desperately need. TCL and TBL vehemently deny all the allegations, and Thomson has in fact sued activists for posting information about the abuses on their websites. The villagers' lawsuit was dismissed in August 2010 but then reinstated appeal in 2012, and they expect to proceed to trial this year.

LEGAL ACTION IN THE UNITED STATES

While the case against TCL is proceeding in the Tanzanian courts, Thomson Safaris and its owners, Rick Thomson and Judi Wineland, are located in Massachusetts and are not part of the lawsuit. The villagers believe that Thomson and its owners have crucial information on the circumstances of the land transfer and the companies' responsibility for the violent abuses they have suffered, much of which would not be available in Tanzania. To bring this evidence to light, ERI filed an action under 28 U.S.C. § 1782 in the U.S. federal court in Boston. This law allows participants in a foreign lawsuit to obtain information from individuals or companies in the United States.



Maasai waiting for a meeting at Sukenya Village. Photo: Minority Rights Group

WHY IS EARTHRIGHTS INVOLVED?

ERI filed this action to assist the Maasai of Sukenya Farm and to show solidarity for communities suffering from land grabs across Tanzania and other parts of the world. We are also concerned that Thomson is contributing to the problem of “conservation refugees” – a phenomenon where indigenous and traditional communities are displaced and impoverished to make room for conservation areas and tourism. If the evidence produced in this legal action shows that Thomson or its owners knew that the villages had a rightful claim to Sukenya Farm, or that they willingly contributed to violent abuses, then it can help the Maasai to reclaim their land and livelihoods and prevent further harms.