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Ref No: UB/S/633/14/15/ARDHI/BAGAMOYO/126

COMMISSION OF HUMAN RIGHTS AND
GOOD GOVERNANCE,
P.O. BOX 2643,
TANZANIA,
11/05/2017

Hussien S. Akida,
Chairperson, Uninje hamlet,
Saadani Village,
Bagamoyo – Coastal Region.

RE: INCLUSION OF UVINJE HAMLET AS A PART OF SAADAN NATIONAL PARK

Please refer to your complaint by way of a letter dated 3rd March, 2013 with regard the above captioned subject matter, and a letter from Tanganyika Law Society (TLS) dated 18th February, 2015 with Ref No: TLS/Lau/Feb/2015/11 who were acting on your behalf.

In your letter, you complained about forceful acquisition of your land and being disturbed and mistreated by the Saadani National Park officers. You also complained of the Saadani National Park's move of extending the Park's boundaries to cover the Uvinje hamlet land and the threats of forceful eviction from your land by the Park's officials. This move was as a result of the Saadani Game Reserve being upgraded to Saadani National Park.

The Commission has conducted an investigation on the complaint and has discovered that TANAPA disregarded the boundaries that were mutually agreed upon by the Wildlife Department and the Uvinje villagers when the Saadani Game Reserve was created and instead they produced another map which eventually considered Uvinje hamlet to be part of the Saadani National Park without the knowledge of the Uvinje villagers. The map that was produced by TANAPA did not take into consideration the original boundaries that were clearly stated in Government Notice No. 275 of 1974.

The Commission further discovered that the establishment of the Saadani National Park went contrary to the requirement of the law, for the reason that it did not abide by the provisions of section 4 of the Village Land Act, (No. 5 of 1999) Cap 114 [R.E 2002] which requires participation of the villagers whenever there is an expansion boundaries. Attached herewith is a copy of the Commission's recommendations.

Because of the foregoing illegalities, the Commission has forwarded its recommendations to relevant authorities, including Ministry of Natural Resources and Tourism, TANAPA and

SANAPA so that the matter could be handled properly and in accordance with the law and proper procedures.

Signed

Bahame T. Nyanduga
Chairperson

COPY: Bahati Edward
TLS –LAU Programme Officer

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COMMISSION’S OPINION AND RECOMMENDATIONS ON LAND DISPUTE (BOUNDARIES) BETWEEN UVINJE HAMLET AND SAADANI NATIONAL PARK

1.0: OPINIONS

Upon hearing both parties, considering the exhibits tendered and evidence gathered, it is the Commission’s finding that the villagers have been able to prove that they are the indigenous people in Uvinje hamlet. Uvinje hamlet has never been part of the Saadani Game Reserve, therefore its inclusion within the boundaries of National Park is unlawful and contrary to the Constitution of the United Republic of Tanzania of 1977 as amended, the Village Land Act, (No. 5 of 1999) Cap 114 [R.E 2002] and the Land Acquisition Act, (No. 47 of 1967).

2.0 RECOMMENDATION:

On the basis of the foregoing observation, the Commission recommends as follows;

- (i) In the event SANAPA wants to acquire the Uvinje hamlet land and evict the villagers, appropriate legal procedures should be followed,
- (ii) Bagamoyo District Council, in conjunction with the Ministry for Land, housing and Human Settlement Development and SANAPA, should demarcate the boundaries between the Saadani village and the SANAPA to avoid future conflicts between the Park and villagers,
- (iii) Ministry of Natural Resources and Tourism should make enquiries to ascertain whether the compensation that is said to have been paid by TANAPA was really paid to the right people and whether the same was done according to law.

Signed

Chairperson