

**COMMISSION FOR HUMAN RIGHTS AND GOOD GOVERNANCE**



**CHRAGG CONTRIBUTIONS TO THE REPORT ON INTENTIONAL DESTRUCTION  
OF CULTURAL HERITAGE IN TANZANIA**

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## INTRODUCTION

### About CHRAGG

The Commission for Human Rights and Good Governance (CHRAGG) is an independent government department vested with broad mandate to promote and protect human rights in Tanzania. Its functions<sup>1</sup> include handling complaints on violation of human rights and contravention of good governance principles, advising the government on human rights issues, dealing with systemic human rights issues through research, public enquiry, monitoring and carrying out public education and other sensitization programmes.

### CULTURAL RIGHTS IN TANZANIA

Cultural rights can be described within the context of culture which is inseparable from the quality of human being and sense of self respect. Culture as way of life includes a set of distinctive spiritual, material, intellectual and emotional features of the society. Therefore, culture encompasses art, literature, lifestyles, and ways of life, values, traditions and beliefs.<sup>2</sup>

Cultural values affect peoples' livelihood in a number of ways, including on matters of inheritance, taboos that enhance moral rights, language, dressing style, entertainment, food and drinks. However, cultural rights are the most difficult components of human rights that to some extent may defeat principles of human rights such as universality principle.

The Cultural Rights are promoted and protected by the main International and Regional mechanisms which have been ratified and domesticated by the government of Tanzania. These mechanisms includes the *Universal Declaration of Human Rights 1948*, *International Covenant on Economic, Social and Cultural Rights, 1966* and the *African Charter on Human and Peoples Rights, 1981*.

There are over 120 ethnical groups in Tanzania all of them having diverse cultures. However, there are some ethnic groups which are closely attached to their culture compared to other groups

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<sup>1</sup> Section 6 (1) (a-j) of Act No. 7 of 2001 and its Amendment Act No. 16 of 2001

<sup>2</sup> Joanne Bauer (2004) "Why Cultural Rights Now? Human Rights Initiatives Program (1994-2005). A paper by Dr. Elsa Stamatopoulou and Joanne Bauer.

which seem remotely attached or abandoned their culture in favour of modern way of life. Cultural rights in Tanzania are particularly important for indigenous peoples and minority groups<sup>3</sup> because these communities are deeply attached to their culture and their land territories, leading to discrimination and marginalization by the mainstream (dominant) community. The protection and preservation of the cultural rights of these communities is compromised by the challenges such as development projects, policies and laws, investments, climate change and cultural interactions.

### **PROTECTION AND PROMOTION OF CULTURAL HERITAGE IN TANZANIA**

Cultural heritage represents the totality of cultural objects, traditions, knowledge and skills that a given nation or community has inherited by way of learning processes from previous generations and which provides its sense of identity to be transmitted to subsequent generation.

Tanzania is well endowed with abundant significant cultural heritage resources which range from the Pliocene period about four million years ago to present time which are: historical sites, historical towns, traditional settlements, historic buildings sites with special memories, archaeological or paleontological sites and natural features and structures.

The examples of cultural heritages found in Tanzania are: Kondea Rocks, Ruins of Kilwa Kisiwani, Ruins of Songo Mnara, Oldupai Gorge, Isimila, Bagamoyo, Kalenga and Engaruka.

### **THE IMPACT OF INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE**

Intentional destruction means an act intended to destroy in whole or in part cultural heritage, thus compromising its integrity, in a manner which constitutes a violation of international law or an unjustifiable offence to the principles of humanity and dictates of public conscience, in the latter case in so far as such acts are not already governed by fundamental principles of international law.<sup>4</sup>

The intentional destruction of cultural heritage in Tanzania is caused by a number of factors such as population pressure and unemployment, tourist activities, implementation of large scale

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<sup>3</sup>Hadzabe, Barbaig, Maasai and Akiye

<sup>4</sup> UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage, 2003

development projects, human activities such as mining, agriculture, deforestation and settlement, destruction of ancient buildings, climate change and poaching.

Since cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, therefore it has to be taken into consideration that its intentional destruction may have adverse consequences on human dignity, people's welfare and human rights.

Intentional destruction of cultural heritage has both positive and negative socio-economic impacts to the whole process of preservation and management of natural and cultural heritage resources.

## **POSITIVE IMPACTS OF INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE**

### **Tourists' activities**

Despite the fact that tourism and its associated activities and construction of tourists' facilities have detrimental effects to natural and cultural heritage; the sector contributes largely to the national income. Tourism also provides formal and informal employment to the segment of the Tanzanian population.

### **Mining activities**

Extraction of minerals in or around the national parks, game reserve areas and cultural heritage contributes largely to the country's economy as well as employment among the local population.

### **Preservation of cultural heritage in achieves**

The process of digging and excavating tangible properties from the cultural heritage sites for the purpose of storing and preserving them in National Museums and Archives contributes to preservation and management of cultural heritage resources for the benefit of present and future generations. Even though the process is somehow considered as intentional destruction of cultural heritage resources it helps in the preservation of these resources.

## **NEGATIVE IMPACTS OF INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE**

### **Destruction of national identity**

Intentional destruction of cultural heritage resulted into the deterioration of national identity. Since Cultural heritage is an important component of the national identity, its destruction results into the loss of national identity, tourists' attraction and the country's world ranking as an important world heritage site.

### **Destruction of cultural heritage resources**

The implementation of different development projects such as roads, industries, tourists' hotels, electrical power lines and other social services have detrimental effects on the cultural heritage resources. Deterioration or disappearance of any item of the cultural heritage constitutes a negative effect of the country's heritage.

### **Commercialization of Cultural Heritage Resources**

Commercialization of culture and its products has a disturbing impact to cultural heritage resources. The production, distribution and consumption of cultural goods and services have become commercial commodities along with the essentials of life. The commodities such as crafts, arts, clothes, music, food, sports and games are now sold in the market, imported and exported.

### **Globalization and internet services**

Currently, globalization and the internet services have eased access to cultural heritage since a number of the people can access things of cultural heritage significance online instead of on-site visiting of historical sites, libraries and museums. The negative impact of cultural globalization and internet is that physical visits to the museums and libraries have become less frequent and redundant. Also, the information and details installed and uploaded in the electronic devices might not be detailed in terms of contents and sometimes misleading contrary to real artifacts found in the historical sites, museums and libraries.

## **EXAMPLES OF DIFFERENT SITUATIONS ILLUSTRATING THE IMPACT OF INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE**

One of the devastating threats to cultural heritage resources in protected areas is quarrying for to obtain gravels for road construction. Due to lack of awareness among the park employees and constructors on the rich cultural heritage in 1977 and when re-visited the site in 2000, it was found to be entirely destroyed by quarrying. For example, severity of the threat was noted in well-preserved and culturally stratified site at the Naabi Hill Gate in SENAPA.<sup>5</sup>

The rapid increase in tourist activities and building or expansion of tourist facilities such as safari lodges and several permanent tented camps, special campsites, and public campsites in Ngorongoro Conservation Area and Serengeti National Park have resulted to intentional destruction of cultural heritage in terms of richness and diversity of wildlife, ecology and landscape.

## **EXAMPLES OF GOOD PRACTICES RELATED TO PREVENTION AND PROTECTION AGAINST DESTRUCTION OF CULTURAL HERITAGE**

### **Cultural Heritage Management**

Cultural Heritage Management (CHM) is an important public policy issue which requires investors to undertake Environmental Impact Assessments (EIAs) to ascertain expected impacts on the environment due to socioeconomic developments, and to prevent destruction or damage of heritage sites. The effects of intentional destruction of cultural heritage should be screened and assessed through the Cultural Heritage Impact Assessment (CHIA).

### **Good Management and Coordination**

At the national level, the Ministry of Natural Resources and Tourism (MNRT) is responsible for the management and conservation of Tanzania's cultural and natural heritage resources. While the management and conservation of immovable and movable tangible cultural heritage is under

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<sup>5</sup> CRM: The Journal of Heritage Stewardship, Volume 8; Article on Cultural Heritage Management in Tanzania's Protected Areas: Challenges and Future Prospects; Audax.Z.P & John F.R. Bower

the Directorate of Antiquities, the Director General of the National Museum and House of Culture is responsible for the movable cultural heritage stored in museums.

### **Conventions and Regional and International Cooperation**

The government has ratified and domesticated different Conventions regarding the protection and conservation of cultural heritage resources. Also the government has established cooperation with International Organizations which deal with protection and preservation of cultural heritage. These organizations include International Centre for the Study of Preservation and Restoration of Cultural Properties (ICCROM); World Heritage Centre (WHC) in Paris, France; International Council on Monuments and Sites (ICOMOS) and African Organization for Museums (AFRICOM)

### **National Policy and Legal Framework**

The Cultural Heritage Policy, 2008 aimed at the protection, management, preservation, conservation and development of cultural heritage resources. The policy also identifies roles and responsibilities of different actors and stakeholders of cultural heritage resources. While the roles of the public, individuals, corporate and institutions in managing cultural heritage resource is elaborated in the policy; the ways in which cultural heritage activities will be managed and administered is also analyzed.

The Antiquities Act of Tanzania, enacted in 1964 (amended in 1979 and 1985), is the basic legislation for the management, protection, and preservation of movable and immovable tangible cultural heritage resources. The Act provides for the recognition and protection of cultural properties including relics, monuments, protected objects, conservation areas and ethnographic objects. Also, the Act specifies the need for CHIA and identifies the Director of Antiquities to act as administrator and ensure such pre-development impact assessments are properly conducted and ensure that resources found in an area of impact are scientifically examined. Other related laws for the protection of natural and cultural heritage include the Ngorongoro Conservation Area Authority Act, 2002, the Wildlife Conservation Act, 2009.

## **Development of Cultural Heritage Resources**

The Ministerial Strategic Plan 2013-2016 which aimed to develop and preserve cultural heritage resources is also a good practice. Implementation of Antiquities plans focused mainly on priority areas which include Implementation of the Cultural Policy Strategy, Responsible conservation and development of monuments and sites.

The plans also focused on Good Governance, National, Regional and International Cooperation on Cultural Heritage Development, Protection and Promotion of Cultural Heritage and Stakeholders' participation and involvement in its conservation.

## **Cultural Identity for Tanzania**

In 2011 the government formed a committee which was assigned to propose the national dress and in 2012 submitted its report to the respective Ministry. The process which involves local population from different parts of the country aimed at enhancing the national cultural identity which represents unity among Tanzanian citizens.

## **Stakeholders Participation and Involvements**

The cultural policy of 2008 calls for stakeholders' participation and involvement in the preservation and protection of cultural heritage in the country. The local communities, private organization and non-governmental organizations are fully involved in the management, conservation and development of cultural heritage resources. Sustainable uses of cultural heritage resources need exchange of perceptions and experiences among stakeholders.

## **Marketing and Promotion of cultural Heritage**

There is a marketing and promotion Plan for Antiquities to promote the cultural heritage resource within and outside the country. The promotion is done during national festivals and exhibitions, TV Programmes, use of brochures and ongoing campaigns to promote cultural heritage resources in secondary and primary schools.



## **CHALLENGES FACING CULTURAL HERITAGE MANAGEMENT IN TANZANIA**

### **Cultural Heritage Impact Assessment (CHIA)**

The National Cultural Policy 2008 insists on the conservation and management of the country's cultural heritage resources. The policy also stipulates that cultural impact assessment should be conducted before undertaking the development projects. However, in the recent struggle for development, cultural heritage resources are regarded as low priority, and many new projects continue to be carried out in Tanzania without conducting Environmental Impact Assessment in general and CHIA in particular.

### **Growth of Tourist Industry**

The recent growth of tourist sector in Tanzania of which the national economy substantially depends on heritage-based tourism is a challenge to protection and preservation of cultural heritage. The tourists' activities and construction of many new lodges and other infrastructure in the national parks have negative impacts on cultural heritage.

### **Lack of Cooperation and Coordination**

Lack of cooperation and coordination between stakeholders is a challenge since it results in to conflicts and inefficient cultural heritage management. The government departments and public institutions operate differently in the course of protection and management of the cultural and natural heritage resources.

### **Lack of qualified staff**

Proper management of cultural heritage resources in protected areas is challenged by the lack of trained cultural heritage specialists. The protection and preservation strategies of cultural and natural heritage is hindered by the lack of qualified staff who could recognize such resources and recommend measures for reducing or eliminating impact of intentional destruction activities.

## **STRATEGIES IN PLACE TO PROTECT CULTURAL HERITAGE**

The international community recognizes the importance of the protection of cultural heritage and reaffirms its commitment to fight against its intentional destruction in any form so that such cultural heritage may be transmitted to the succeeding generations. Conserving and understanding Tanzania's cultural heritage is part of the quest for a sense of Tanzanian identity, giving to each of its people a cultural soul and individuality. Tanzania's past can serve as a barometer of progress that measures and provide a sense of continuity necessary to the life of contemporary players for whom it could represent a powerful physical, moral and regenerative influence on the path to progress and development.

### **Records Management**

There is a need to have update and proper records in all Antiquities sites as well as continue with erection of information centers in strategic sites. Proper records management will provide information on the trend of intentional destruction of cultural heritage and the status of protection, preservation and management of cultural and natural heritage resources.

### **Prioritize Cultural Heritage in the Government Plans**

The protection, preservation and management of cultural heritage is given first priority and integrated in the government development plans. The prioritized issues include; implementation of cultural heritage policy strategy; conservation and development of cultural heritage sites, national, regional and international cooperation and promotion and stakeholders' involvement.

### **Revenue Collection Strategy**

Prepare and implement revenue collection strategy by involving stakeholders in order to raise financial capacity in conservation and management of cultural heritage resources.

### **Raise Public Awareness**

To raise public awareness on importance of cultural heritage to the community in particular and national income at large is of critical importance. Since most of the citizens do not have adequate information about their rich and diversified cultural heritage, there is a need for the public to be sensitized on the socio- economic impact of intentional destruction of cultural heritage.

### **Law Enforcement**

Due to the existing legal gaps in the Antiquities Act, 1964, there is a need for the Act to be reviewed in order to include provisions that stipulate mandatory CHIA prior to project implementation and require developers to meet the costs of such activities.

### **Coordination and Cooperation**

There are different government institutions and Civil Society Organization (CSOs) which deal with the protection and management of cultural and natural heritage resources. There is a need for the efforts of the stakeholders to be well coordinated to ensure effective protection, preservation and management of cultural heritage resources.

### **Sustainable Training Programmes**

Training programmes on cultural heritage management is crucial since it will contribute in solving the problem of shortage of qualified staff and specialists on conservation and protection of cultural and natural heritage. The sustainable training will also benefit the personnel who are currently working in the cultural sector and dealing with cultural heritage management of which would greatly improve the management of cultural heritage in protected areas.

### **Archeological Research**

The respective authorities should conduct archeological research with the intention that cultural heritage resources are not only conserved for future generations, but also for contemporary scientific and socioeconomic purposes. For example, Tanzania National Parks (TANAPA) and Ngorongoro Conservation Area Authority (NCAA) should encourage archeological research in

the parks, controlled areas, and game reserves, and institutionalize archeology in their scientific planning, development, and management decisions.

## **CONCLUSION AND WAY FORWARD**

Since globalization and internet uses have been noted as modern and current way of accessing and preserving cultural heritage, there must be mechanisms and frameworks for monitoring and evaluation in order to control the shortcomings.

The respective government ministries should ensure sustainable training programmes on the use of Information and Communication Technology (ICT) for documentation, digitization and preservation of cultural heritage as means of curbing intentional destruction of cultural heritage.

The government and other stakeholders should control spread of intentional destruction of cultural heritage through implementation of policy and laws, raising community awareness, proper coordination and cooperation, sustainable training programmes, archeological research, records management and train and recruit qualified staff.