

How Should Sovereignty Be Reimagined within the Climate Crisis? An African Perspective
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I. The Limits of the Westphalian Order within the Climate Crisis

The contemporary international system is founded upon the principle of sovereignty: the supreme authority of the state within a defined territory and the normative basis upon which states acquire rights and obligations in international law (Carnegie Endowment, 2025). This principle, crystallised in the 1648 Treaty of Westphalia, presupposes fixed borders, stable populations, and territorially bounded authority. Sovereignty thus functions both as a condition for legal personality and as a shield against external interference, rendering events within state borders largely irrelevant to the international legal order (IBID). At the same time, this architecture can operate as a constraint on climate action, insofar as climate drivers and impacts transcend borders while decision-making authority remains fragmented across non-interfering jurisdictions (IBID).

These assumptions were later codified in the Montevideo Convention (1933), which defined statehood through four criteria: a permanent population, a defined territory, a government, and the capacity to enter international relations. Reinforced by the UN Charter (1945), this framework emerged in a period that treated the natural environment as stable and politically inert. Anthropogenic climate change was absent from the conceptual horizon within which sovereignty was constructed.

The climate crisis fundamentally destabilises this framework. Rising sea levels, desertification, and ecological degradation erode the material foundations of territorial sovereignty, while transboundary environmental harm collapses the distinction between domestic and international spheres (Carnegie Endowment, 2025).

These challenges are particularly acute in Africa, a continent responsible for a disproportionately small share of historical greenhouse gas emissions, approximately 3–4%, yet among the most exposed to climate impacts (IPCC, 2022). As seen in Figure 1. Temperature increases attributable to human-caused climate change are detected across the continent, with several regions warming more rapidly than the global average, while precipitation trends show greater spatial variability and lower statistical confidence.

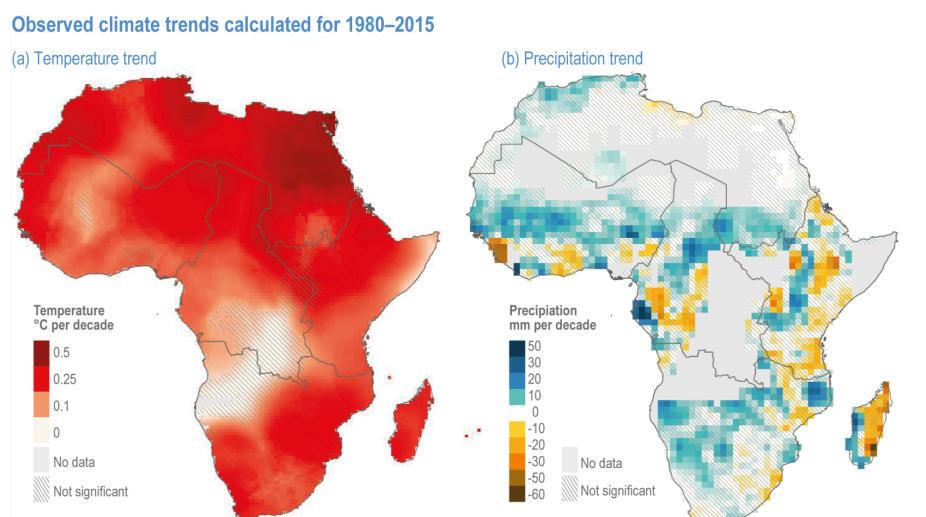


Figure 1. Observed temperature and precipitation trends across Africa (1980–2015).

Mean observed trends in (a) average surface temperature ($^{\circ}\text{C}$ per decade) and (b) average precipitation (mm per decade) across Africa for the period 1980–2015, calculated relative to the climatological mean over the same period. (IPCC 2022)

This asymmetry is reflected both in historical responsibility and in present production-based emissions: the IPCC’s regional accounting of cumulative CO_2 emissions from 1850–2019 identifies Africa as a minor contributor relative to North America and Europe (IPCC, 2022), and long-run emissions datasets likewise show Africa’s share of cumulative CO_2 emissions to be a small fraction of the global total (Our World in Data, 2025).

Africa’s contribution to anthropogenic climate change remains among the lowest of any world region as seen in Figure 1. While emissions in North America and Europe rose sharply throughout the twentieth century and remain high on a per capita basis, Africa’s total and per capita emissions have increased only modestly, largely reflecting population growth rather than carbon-intensive industrialisation (IPCC, 2022). Despite this limited contribution, Africa has already experienced widespread and severe impacts from human-induced climate change, including increased frequency and intensity of droughts, heatwaves, flooding, ecosystem degradation, and food insecurity (high confidence) (IPCC, 2022). This stark disjunction between responsibility and harm exposes a central weakness in sovereignty-based climate governance: the international system treats states as formally equal decision-makers, yet climate change distributes vulnerability and constraint in profoundly unequal ways.

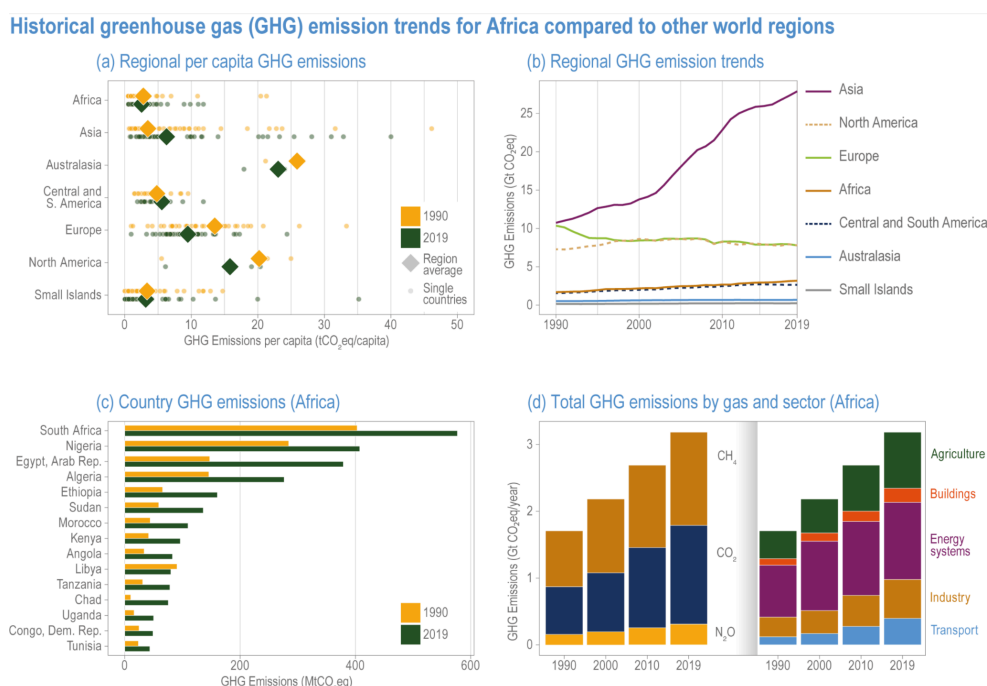


Figure 2. Historical greenhouse gas (GHG) emission trends for Africa compared to other world regions. (a) Per person GHG emissions by region and their change from 1990 to 2019 (circles represent countries, diamonds represent the region average). (b) Total GHG emissions by region since 1990. (c) The total GHG emissions in 1990 and 2019 for the 15 highest emitting countries within Africa. (d) Total emissions in Africa since 1990, broken down by GHG (left) and sector (right). (IPCC 2022)

Africa's vulnerability thus exposes a structural contradiction: formal sovereign equality coexists with materially unequal exposure to climate harm. This is not an abstract disparity: the IPCC concludes that Africa is already experiencing “*widespread losses and damages attributable to human-induced climate change*” across key development sectors, including biodiversity loss, water shortages, reduced food production, loss of lives and reduced economic growth (high confidence) (IPCC, 2022). Recent assessments also indicate that African countries are already losing 2–5% of GDP and in some cases diverting up to 9% of national budgets to respond to climate extremes (Reuters, 2024).

This essay argues that traditional, state-centric notions of sovereignty hinder effective and just responses to the climate crisis in Africa. They obscure historical responsibility, legitimise externally imposed solutions, and marginalise indigenous forms of authority and ecological knowledge. By integrating post-colonial analysis with case studies from Tanzania and Kenya, particularly the Maasai experience in Serengeti and Ngorongoro, carbon offsetting schemes involving Volkswagen, and jurisprudence concerning the Ogiek and Endorois communities, the essay advances a reimagined conception of sovereignty grounded in peoplehood, land-based relations, and justice. It further treats sovereignty not only as a legal doctrine but as a practical obstacle to collective climate governance when it is interpreted primarily as non-interference and territorially bounded authority (Carnegie Endowment, 2025).

II. Sovereignty, Colonial Inheritance, and the Anthropocene

Although sovereignty presents itself as a neutral legal principle, its historical development is inseparable from European colonial expansion. The international legal order was largely formulated by colonial powers whose conception of territory prioritised continental landmasses and extractive governance, marginalising alternative spatial and ecological relationships (Carnegie Endowment, 2025). This legacy persists in contemporary discussions as well as international law, which continues to privilege states and intergovernmental organisations while excluding non-state collectivities, particularly indigenous peoples, from full legal subjectivity. This exclusion matters for climate governance because sovereignty remains the principal gatekeeper of international legal standing, while many of those most affected by climate harms are not fully recognised as subjects capable of shaping binding legal obligations (IBID, 2025).

Climate change intensifies these exclusions. Ecological processes ignore political borders, rendering absolute territorial authority increasingly untenable. Scholars of the Anthropocene argue that institutions designed for the relatively stable conditions of the Holocene are ill-suited to an era of rapid Earth-system transformation (Dryzek, 2015; Burke et al., 2016). Sovereignty, premised on environmental stability, is therefore under conceptual strain. The strain is not merely theoretical: the scale of adaptation needed in developing countries is projected to reach USD 160–340 billion annually by 2030 and USD 315–565 billion by 2050, while international adaptation finance remains far below these levels (UNEP, 2023). This gap is especially consequential for African states whose fiscal space is constrained by debt, exposure to commodity volatility, and high disaster-response costs (WMO, 2024). In this context, sovereignty can become a governance constraint: states are held responsible for protection within their territories even as the causal drivers of harm lie beyond their jurisdiction, and meaningful cooperation is limited by norms of non-interference (Carnegie Endowment, 2025).

Yet this strain is unevenly distributed. African states confront climate impacts largely generated elsewhere, while their responses are constrained by financial dependency, externally designed

governance mechanisms, and inherited territorial arrangements. These constraints become most visible where climate policy intersects with land, particularly land inhabited, managed, and understood through indigenous systems. Where climate governance is articulated through conservation enclosures or carbon markets, it frequently reactivates colonial logics of territorial control, rendering communities “manageable” by displacing them, restricting their mobility, or translating their land relations into tradable environmental services (Survival International, 2025). This illustrates how sovereignty, when operationalised through exclusive territorial authority, can facilitate solutions that meet external climate accounting objectives while weakening local resilience and political agency (Carnegie Endowment, 2025).

III. Indigenous Sovereignty and UNDRIP: Beyond State-Centrism

Efforts to reimagine sovereignty have increasingly turned to indigenous rights frameworks. The 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) represents a shift away from exclusive state authority by recognising indigenous peoples’ rights to self-identification, land, culture, and self-determination. Importantly, African jurisprudence has adapted UNDRIP to regional contexts, rejecting a narrow “first peoples” definition in favour of three interrelated criteria:

1. Self-identification
2. A distinct relationship with land as the basis of livelihood and culture, and
3. Historical and ongoing marginalisation (African Commission on Human and Peoples’ Rights; Ogiek case).

As Oleshangay, a Maasai human rights lawyer from Ngorongoro, explains, sovereignty from an indigenous perspective is not reducible to state authority but is instead *“the capacity of the people... to determine their own affairs. Our sovereignty as people is older than the state itself. We might belong to Tanzania, but we have affairs that are not Tanzanian state affairs. Sovereignty must be about human freedom, not the political freedom of the state.”* (2025). This framing challenges the assumption that sovereignty must be monopolised by the state and instead positions it as inherent to peoples whose political and ecological systems predate colonial borders. Oleshangay highlights the contradiction exposed by climate change: while sovereignty is invoked to protect states from interference, communities most affected by climate impacts are often those least able to shape climate policy, and those most marginalised in land governance regimes. In this sense, sovereignty can hinder climate governance not only by fragmenting authority across borders, but by narrowing legitimate authority within borders to the state alone (Carnegie Endowment, 2025).

IV. Conservation, National Parks, and the Continuation of Colonial Dispossession

The case of Serengeti and Ngorongoro illustrates how conservation has functioned as a continuation of colonial governance under a different moral register. Declared game reserves in the 1940s and later transformed into national parks, these areas were legally redefined as spaces without people, despite the long-standing presence of Maasai pastoralists. As Oleshangay shares, conservation became *“the easiest way that our right to property was interfered with and interfered forever. You cannot be Maasai if you do not have cattle, and you cannot have cattle without land. Our relationship with land is not imposed by the government, it is our own creation.”* (2025).



Image 1. Masai of Ngorongoro, Tanzania (Survival International, 2025)

The eviction of Maasai communities from Serengeti in 1959, justified by colonial conservation law, exemplifies how legal frameworks rendered indigenous inhabitants ‘illegal’ within their known territories. As described by Oleshangay: *“Under the law, the Maasai were living illegally in their own home. My father was evicted from Serengeti in 1959. Today, where his home once stood, there is a hotel. This is what conservation looks like for us”* (2025) This model persists in contemporary governance, where access to land, housing, education, and healthcare in Ngorongoro remains contingent on conservation authorities. Such practices reveal conservation not as environmental necessity but as a spatial technology of control that reproduces colonial hierarchies, in this way *“For the Maasai, conservation is synonymous with colonialism”* (Oleshangay, 2025).

This history matters for climate governance. Conservation is increasingly framed as climate mitigation, yet when imposed through exclusionary land regimes, it exacerbates vulnerability rather than resilience. Indigenous pastoral systems, adaptive, mobile, and ecologically attuned, are constrained precisely when flexibility is most needed in response to climate variability. The broader climate context reinforces this point: in sub-Saharan Africa, the cost of adaptation alone is estimated at USD \$30–50 billion annually over the next decade (WMO, 2024), and 118 million extremely poor people could be exposed to drought, floods, and extreme heat by 2030 without adequate response measures (WMO, 2024). Restricting mobility and access to drought refuge areas therefore has direct implications for climate resilience, not merely for cultural survival. Where sovereignty is operationalised through the state’s unilateral land-power, it can enable climate and conservation policies that weaken, rather than strengthen, adaptive capacity (Carnegie Endowment, 2025).

V. The Externalisation of Climate Burdens

Market-based climate mechanisms, particularly carbon offsetting, further illustrate how sovereignty and justice intersect. Carbon offset programmes allow high-emitting actors to continue polluting by financing emissions “reductions” elsewhere. In practice, these schemes frequently relocate the burden of mitigation onto marginalised communities.

The Volkswagen-funded carbon offset programme operating across northern Tanzania and southern Kenya is implemented through the Longido and Monduli Rangelands Carbon Project (LMRCP), developed by Soils for the Future Tanzania Ltd (SftF) and financed through Volkswagen

ClimatePartner. The project operates as a soil carbon sequestration scheme, generating carbon credits by altering grazing and land-management practices rather than through afforestation. On Maasai communal rangelands, this model imposes strict grazing rotations and land-use restrictions, including livestock rotation every fourteen days under contracts lasting up to forty years, with the stated aim of increasing vegetation cover and soil carbon storage. The resulting credits are then used to offset Volkswagen’s ongoing industrial emissions, effectively transferring the burden of emission reduction onto pastoralist communities who have contributed minimally to global carbon outputs (Survival International, 2025).

The spatial fragmentation of carbon offset projects across Maasai rangelands illustrates how multiple carbon governance regimes can be layered onto the same territories. As shown in Figure 2, the SftF project area is contained within the larger Resilient Tarangire Ecosystem Project led by The Nature Conservancy, while additional SftF-affiliated projects operate on the Kenyan side of the border, including in Kajiado County and the Maasai Mara region. Neither project methodology requires spatial contiguity, resulting in dispersed and overlapping project zones across a wider landscape. This fragmentation raises challenges for implementation, particularly where pastoral livelihoods depend on mobility and flexible access to grazing land, and where mechanisms to ensure meaningful community consent remain limited.

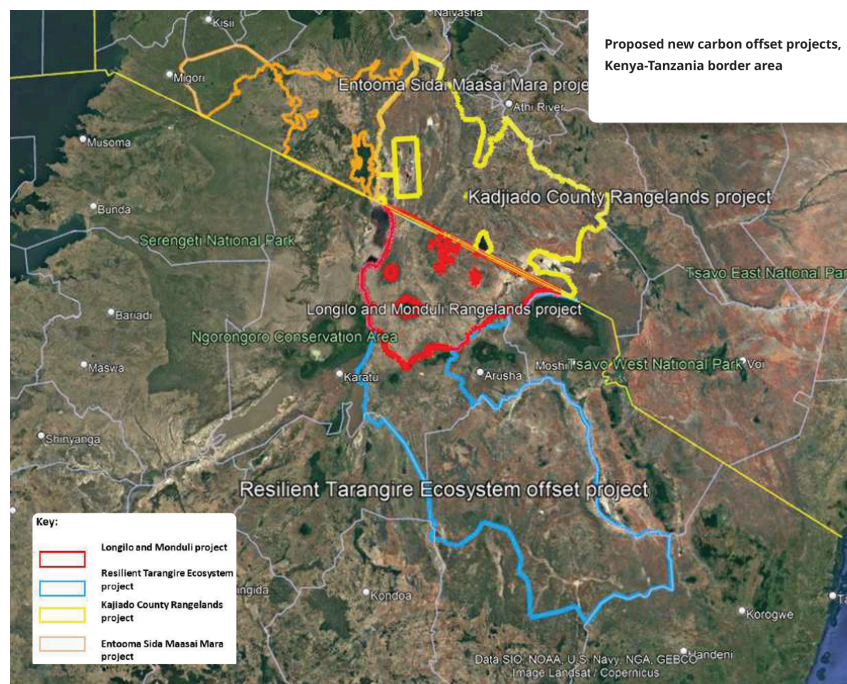


Image 2. Project boundaries, including both TNC project in blue and the SftF project in red (Survival International, 2025)

Oleshangay describes the burden of carbon offsetting as borne by communities who have contributed negligibly to climate change and rely on land for survival; *“The burden of emissions is being carried by a Maasai who has never driven a car. A Maasai who has never been to Germany is paying the price for German car manufacturers. Rotating cows every fourteen days will never compensate for manufacturing cars. That equation will never balance. The Maasai do not need money, they need land. Carbon projects are a new form of dispossession, just with a greener name”* (Oleshangay, 2025).

Reports by Survival International (2025) and the Maasai International Solidarity Alliance (MISA) document how such projects proceed without free, prior and informed consent, and therein risk restricting access to land critical during drought periods (MISA, 2025). These findings mirror shortsightedness in adaptation governance: where finance is scarce and states are fiscally pressured, communities face increasing exposure to externally designed market mechanisms presented as “solutions” (WMO, 2024). In this context, carbon markets may function less as climate repair than as a reallocation of climate burdens, especially when the livelihoods and land tenure of pastoralists are treated as adjustable inputs to meet external decarbonisation claims (MISA, 2025).

These schemes strain existing challenges to sovereignty, notably, who decides how land is used in the name of climate action? When decisions are negotiated between states, corporations, and intermediaries without free, prior, and informed consent, indigenous sovereignty is effectively nullified. Such eurocentric schemes risk reinforcing the Westphalian presumption that mitigation can be territorially outsourced, an assumption increasingly criticised for allowing high-emitting production patterns to persist while shifting governance and livelihood risks onto others (UNEP, 2023). Sovereignty, in this sense, can obstruct climate solutions by legitimising territorialised “fixes” that defer emissions reductions at source while relocating constraints to communities with minimal responsibility for the problem (Carnegie Endowment, 2025).

VI. Marginalisation, Climate Change, and African Jurisprudence: The Ogiek Case

The Ogiek case in Kenya further demonstrates how indigenous land rights intersect with climate justice. The African Court on Human and Peoples’ Rights ruled that the Kenyan government violated the Ogiek’s rights by evicting them from the Mau Forest under the pretext of conservation (Amnesty International, 2023). In the Court’s reasoning, the state’s conservation rationale did not negate the community’s longstanding relationship to land; notably, the judgment records that the respondent state did not dispute the Ogiek’s occupation “since time immemorial” (IBID). Subsequent legal commentary notes the Court’s reparations ruling, which reinforced that conservation policies cannot be pursued through unlawful dispossession (Harvard International Law Journal, 2023).



Image 2: Ogiek community from the Mau Forest (Amnesty International, 2023)

This jurisprudence directly challenges conservation-as-exclusion and affirms that indigenous governance systems can coexist with environmental protection. It also reinforces the three pillars of

indigeneity, self-identification, land relationship, and marginalisation. Importantly, the ruling situations environmental harm within broader structures of inequality, recognising that those least responsible for climate change often bear its heaviest costs. The Ogiek case study clarifies a climate-governance dilemma: sovereignty cannot be treated as an absolute shield when state action itself produces vulnerability under the banner of environmental policy (Carnegie Endowment, 2025).

VII. Reimagining Sovereignty

Such cases reveal that the climate crisis is not merely an environmental problem but a crisis of political authority. Traditional sovereignty, grounded in territorial control and state exclusivity, enables solutions that reproduce colonial patterns of dispossession. Reimagining sovereignty requires a shift toward relational and plural forms of authority that recognise peoples, not only states, as legitimate political actors. This need is reinforced by the scale of climate governance gaps: current adaptation finance flows remain far below projected needs, and the implementation gap is widening (UNEP, 2023). Where states respond under fiscal duress, the “choice set” of policy options is often shaped by external finance, external verification regimes, and externally framed land-use priorities (WMO, 2024). More broadly, the climate crisis exposes the limits of a world order in which sovereignty fragments authority precisely when effective action requires coordinated, cross-border governance and shared responsibility (Carnegie Endowment, 2025). A different approach becomes even more critical due to the shifting consequences of climate change and its variability, as seen in Figure 3.

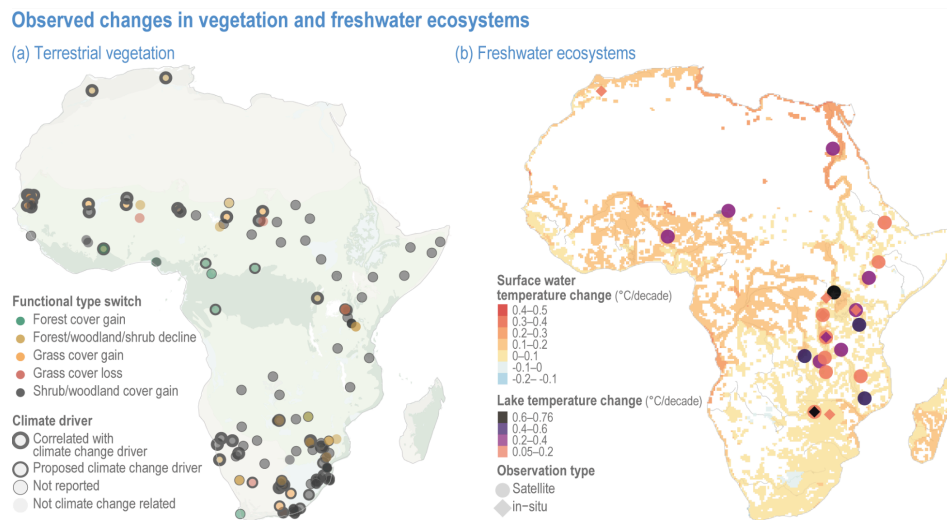


Figure 3. Widespread changes to African vegetation have been reported, especially increasing woody plant cover in many savannas and grasslands, with 37% of these changes proposed to be driven by human-caused climate change and increased CO2 (a) The warming of lakes and rivers has been detected across Africa and is attributed to climate change. Data on vegetation change was gathered from 156 studies published between 1989 and 2021 (b) Climatic changes, mostly associated with changes in rainfall, are enhancing grass production in arid grasslands and savannas, and causing grass expansion into semi-desert regions with notable increases in the Sahel and southern Africa. (IPCC, 2022).

This does not necessitate dismantling African states or redrawing borders. Rather, it requires placing substantive limits on state power, particularly where “public interest” is invoked to justify dispossession. As Oleshangay argues, meaningful sovereignty entails the right of communities to be

consulted, and to refuse projects that fundamentally alter their relationship to land; *“Consultation must include the right to say no. Not a rubber stamp, a real choice. Public interest cannot mean removing people from their own land”* (2025). The Ogiek jurisprudence supports this direction by clarifying that environmental objectives cannot lawfully override core collective rights to land, culture, and livelihood (Amnesty International, 2023).

Such a reconceptualisation aligns with emerging notions of ecological and shared sovereignty, in which authority is exercised through stewardship, consent, and responsibility rather than domination. It also resonates with climate justice principles that demand historically responsible actors reduce emissions at source rather than outsourcing mitigation to the Global South, particularly where offsetting instruments risk reproducing inequities through land alienation or livelihood restrictions (MISA, 2025). In this sense, sovereignty must be rethought not as a barrier to collective action, but as a framework capable of accommodating interdependence and non-state authority in climate governance (Carnegie Endowment, 2025).

VIII. Towards Climate Justice and Sovereignty

The African experience of climate change exposes the limits of Westphalian sovereignty and the enduring influence of colonial legal structures. Through conservation regimes and carbon markets, climate governance often reinscribes inequalities by privileging state authority and corporate interests over indigenous sovereignty and ecological knowledge. These dynamics are sharpened by the continent’s disproportionate exposure to climate impacts and the scale of the adaptation finance gap: Africa is already losing significant GDP and fiscal capacity to climate extremes, while facing escalating adaptation costs in the coming decade (UNEP, 2023). The IPCC further concludes that Africa is already experiencing widespread losses and damages attributable to human-induced climate change (high confidence), underscoring that the burden is not prospective but present (IPCC, 2022).

By integrating indigenous perspectives, post-colonial analysis, and African jurisprudence, sovereignty can be reimagined by centralising peoplehood, land, and justice. Such a framework does not weaken sovereignty; it redefines it as accountable, relational, and responsive to ecological reality. It also addresses the central question posed by the climate crisis: sovereignty, when treated as territorially bounded non-interference, can impede the collective action and responsibility-sharing required to address transboundary ecological harm (Carnegie Endowment, 2025). Within the climate context, effective solutions require vigilance to ensure that responses to environmental harm do not entrench the inequalities that produced it, in this way *“Conservation and climate change must never be tools of injustice. Good causes lose their meaning when they perpetuate injustice. All human beings are born free and equal in dignity and rights”* (Oleshangay, 2025).

In an era where climate change renders borders increasingly porous, the legitimacy of political authority will depend less on territorial control and more on the capacity to govern justly within a shared and fragile planet.

Figures:

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Images:

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Appendix 1: Interview with Joseph Moses Oleshangay

Interviewee: Joseph Moses Oleshangay

Position: Maasai Human Rights Lawyer

Location: Ngorongoro, Tanzania

Interviewer: Ava Mitzi

Date: 20 December 2025

Format: Online video interview

Duration: Approximately 1 hour

Note: This transcript has been lightly edited for clarity and spelling. No substantive meaning has been altered.

Introduction

Joseph Oleshangay:

My name is Joseph Moses Oleshangay. I am from Tanzania, from a place called Ngorongoro. I am speaking to you now from Ngorongoro, which is my home. I am Maasai, part of a pastoralist community living in the northern part of Tanzania, particularly in areas such as Ngorongoro and Serengeti, which are closely associated with conservation.

I am a human rights lawyer. For the past ten years, I have worked primarily on human rights issues, democracy, and the rule of law. What pushed me to become a lawyer was the situation in my own community. I do not practise commercial law because it does not align with my conviction that the law should be used as a tool for human rights.

Beyond legal work, I organise communities, speak out, and expose violations. Going to court alone does not stop systemic problems affecting large groups of people. Over the last four years, these issues have intensified. We are told that this place is a World Heritage Site, and therefore we must leave. But before it was UNESCO's heritage, it was our home.

On Sovereignty

Ava Mitzi:

What does sovereignty mean from your perspective, and from the Maasai perspective? How does it differ from how sovereignty is defined in Tanzania or Africa more broadly?

Joseph Oleshangay:

Sovereignty is often understood as belonging to the state, but that understanding forgets the people. Everything becomes a state affair. For me, sovereignty is the capacity of people to determine their own affairs.

I avoid grounding this purely in law because not all laws are just. Sovereignty should be rooted in the inner morality of humanity — that you should not kill, dispossess people of their property, or use force against others.

Our sovereignty as people predates the modern state. The Maasai should be able to determine our own affairs. We belong to Tanzania, but we also have affairs that are not Tanzanian state affairs. Sovereignty is about freedom, not political freedom of the state, but human freedom.

For the Maasai, land is life. We have the right to exercise control over our land, resources, and environment.

On Conservation and Dispossession

Ava Mitzi:

How have conservation policies impacted Maasai land rights and livelihoods?

Joseph Oleshangay:

If there is anything that has impacted the Maasai most, it is conservation. Conservation is synonymous with colonialism for us. It was the easiest way to interfere with our right to property.

Serengeti and Ngorongoro were declared game reserves in the 1940s and later national parks. According to the law, human beings were not allowed to live there, yet the Maasai were already living there. This meant we were considered illegal in our own homes.

My father lived in Serengeti and was evicted in 1959 by the British colonial administration. Today, where his home once stood, there is a hotel. That is what conservation means to us.

Yesterday, when I returned home, I was stopped at the gate and asked for my identification. My name was written down. I was told I needed a permit to go to my own home. This is daily life under conservation.

Homes are demolished. Schools and health services are defunded. The government has weaponised social services to force people out. This is not about wildlife. Lions would never ask us to leave.

On Climate Change

Ava Mitzi:

How does climate change exacerbate these inequalities?

Joseph Oleshangay:

Climate change is real. Rainfall is unpredictable, grass is limited, livestock die. But climate change is layered on top of dispossession.

Pastoralism depends on mobility. When we are squeezed into small areas because of conservation, we lose the ability to adapt. Climate change becomes deadly.

The government is content to see the Maasai suffer because suffering makes eviction easier.

On Carbon Offsets

Joseph Oleshangay:

Carbon offset projects are a new form of dispossession. European companies come to Africa to compensate for emissions they continue to produce.

For example, car manufacturers offset emissions by restricting Maasai grazing land. Maasai who have never driven a car carry the burden of industrial pollution.

We are told to rotate livestock every 14 days for 40 years. That will never compensate for manufacturing cars. The equation will never balance.

Land is sold for two dollars per hectare. Livestock die. Companies receive certificates saying they are “green.”

On Indigenous Rights and UNDRIP

Ava Mitzi:

Is the UN Declaration on the Rights of Indigenous Peoples effective?

Joseph Oleshangay:

In Tanzania, it is not effective because the government claims there are no indigenous peoples. African courts, however, define indigeneity differently, through land dependence, distinct culture, self-identification, and historical marginalisation.

Cases like *Endorois* and *Ogiek* affirm this understanding.

Final Reflections

Joseph Oleshangay:

We are all born free and equal in dignity and rights. Conservation and climate change must never be tools of injustice.

The state should have limits. It must consult us, and consultation includes the right to say no. Our coexistence with nature was not imposed, it was created by us. That is why this land still exists.