

Making REDD work for communities and forest conservation in Tanzania

A one-step guide to making the National REDD strategy more pro-poor

Step 1. Recognise community rights to Village Land.

Let's start with the solution...

It is recommended that the National REDD Strategy recognise community land rights in keeping with the Village Land Act 1999. Forests, outside of Government reserves, should be considered to be on Village Land, unless it is proven that no community uses or plans to use that land. Only forests on private estates should be categorised as General Land.

Land grabbing loopholes in the Strategy could be easily tightened with the right dash of political will...

The Draft National REDD Strategy states that '17.3 million ha (49% of all forestland), are unprotected forests in General Land'¹.

In adopting this interpretation of the Village Land Act 1999, the National REDD strategy undermines village land rights and contradicts the data published by the Ministry of Lands.

Whilst this issue was highlighted during stakeholder consultation in response to the National REDD framework, the error is perpetuated in the draft National REDD strategy of 2010.

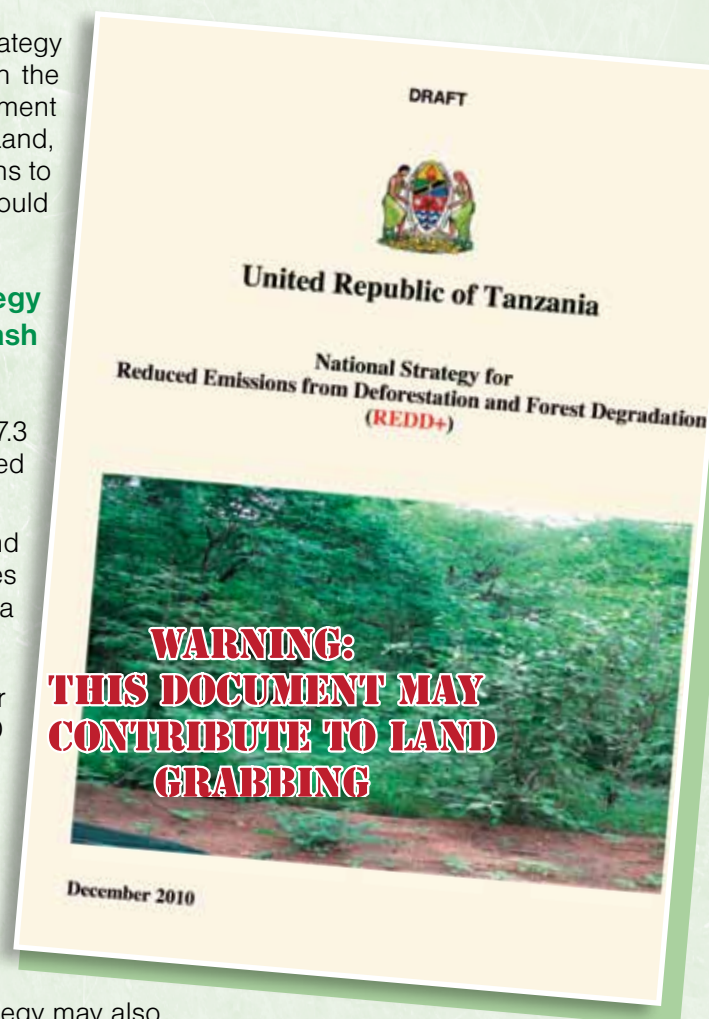
With the right political will, the issue could easily be resolved by applying the land categories published by the Ministry of Lands into the revised National REDD strategy. Failure to do so risks undermining community rights to their land. By eroding community land rights, the strategy may also undermine national efforts to achieve Tanzania's Vision 2025.

The strategy just needs to come into line with the Village Land Act...

The Ministry of Lands and Human Settlements Development classifies:

- 70% of Tanzania's land area as Village Land,
- 28% as Reserved Land and
- 2% as General Land.

By following this interpretation of the law, the National REDD strategy would take an important step towards empowering communities to benefit from REDD.



¹ URT 2010. National Strategy for Reduced Emissions from Deforestation and forest Degradation. P. 3. Confusingly on p. 28, it states that 57% of all of these forests are on general land with open access. No reference is given for either figure.

So what is it that the Village Land Act says, that needs to be incorporated in the National REDD Strategy?

According to Article 7 of the Village Land Act 1999, Village Land can be determined in several different ways. For example, the Village Land Act states that:

‘Village land shall consist of land, the boundaries of which have been agreed upon between the village council claiming jurisdiction over that land and (i) where the land surrounding contiguous to that village is village land, the village councils of the contiguous village;’

That means that so long as adjacent villages recognise each others boundaries, the land may be considered as Village Land. The intention of the Village Land Act is to protect community land rights even in the absence of the Commissioner for Lands issuing a Village Land Certificate.

The National REDD strategy currently takes a different interpretation by stating that,

‘Most of the villages are not yet registered and their lands may be categorised as General Land.’²

The National REDD strategy has interpreted the law in a way that is detrimental to the interests of communities and goes directly against both the intention of the Village Land Act 1999 and its specific articles. What is needed is for the strategy to reflect the intention of the Village Land Act which was to protect community land rights. The strategy also needs to reflect the articles of the law to the extent that classification of land as Village Land is not dependent on registration with the Commissioner for Land. It also needs to reflect the progress that the Ministry of Lands has made in surveying and mapping almost all of Tanzania’s 10,000 villages.

² URT 2010. National Strategy for Reduced Emissions from Deforestation and forest Degradation. P. 63.



Do pole cutting, medicinal plants and shifting agriculture constitute ‘use’? According to parts of the draft National REDD strategy, they do not. This contradiction could be resolved by aligning the National REDD strategy with the land classification data published by the Ministry of Lands and Human Settlement Development. Photo by Raymond Nlelwa, TFCG.

The strategy also needs to consistently recognise that agriculture, grazing, harvesting of forest products and settlement are legitimate land uses for communities...

The National REDD strategy states that, 'The importance of forests and woodlands to human life cannot be overemphasized. They are crucial as a source of livelihoods and provide direct benefits like firewood, charcoal, fruits, poles, timber, traditional medicines and many others.' (p.3).

In keeping with this statement, which clearly recognises the importance of forest products to community livelihoods, the interpretation of land tenure in the Strategy also needs to reflect the different ways in which communities legitimately use Village Land.

The draft National REDD strategy justifies the classification of 49 % of forests as being on general land by stating that,

'General Land as used here means all public land which is not reserved or village land including unoccupied or unused village land.'

On the same page, the strategy also states,

'Forests in General Land are 'open access', characterized by unsecured land tenure, shifting cultivation, annual wild fires, harvesting of wood fuel, poles and timber, and heavy pressure for conversion to other competing land uses, such as agriculture, livestock grazing, settlements and industrial development.'

Confusingly, in these two definitions, land that communities use for agriculture, harvesting of wood products, grazing and even settlement is defined as 'unused'.

Again this interpretation goes against both the intention of the Village Land Act and its specific articles in a way that is detrimental to the interests of the communities.

The Village Land Act (Articles 12 and 13) recognises different categories of use which include:

- Individual use and settlement which includes land used for agriculture and settlement;

- Communal use, which includes land used for grazing, harvesting of forest products;
- Land set aside for future use.

Most forests on village land fit into the last two categories of legitimate use.

These contradictions would be resolved by adopting the same interpretation of Village Land as is used by the Ministry of Lands and Human Settlements Development.

Why REDD can't apply to General Land if General Land is unused land

REDD is about reducing land uses that cause deforestation and forest degradation. If General Land is, by definition, unused land, then deforestation can never occur on General Land. If agriculture, grazing, settlement and harvesting of forest products are at least recognised as uses, and if used land is Village Land, then REDD can only ever apply to Village Land.



Village land or General land? Given that deforestation occurs because of some kind of use. And if used land is village land. Then it also follows that deforestation (and therefore reduced deforestation i.e. REDD) can only occur on village land.



According to the Ministry of Lands, 70 % of Tanzania is Village Land and only 2 % is General Land.
(<http://www.ardhi.go.tz/land-delivery-services.html>).

Recognising Village Land is better for Tanzania...

The National REDD strategy aims to contribute to high quality livelihoods and good governance in keeping with Tanzania's Vision 2025. Recognising land rights is critical to both of those aspirations.

If REDD is to contribute to Vision 2025 and to mitigating climate change, incentives need to benefit those whose livelihoods would otherwise involve deforestation and forest degradation. The incentives need to flow to the communities who depend on the forests.

By interpreting the law in such a way as to re-classify vast tracts of land as General Land instead of Village Land, the National REDD strategy puts the forests resources on that land under the authority of the Forestry and Beekeeping Division and out of the control of the Village Assemblies. Not only does this risk land grabbing, it also risks undermining the effectiveness of an equitable REDD strategy. Only by ensuring that revenues that accrue as a result of reduced rates of deforestation on village land flow to those same communities, can there be real reductions in rates of deforestation and forest degradation. Recognising village land is an important first step towards achieving that.

About 'Making REDD work for communities and forest conservation in Tanzania'

This 5 year partnership project was launched in September 2009 between the Tanzania Forest Conservation Group (TFCG) and Community Forest Conservation Network of Tanzania (MJUMITA).

The aim of the project is to reduce greenhouse gas emissions from deforestation and forest degradation in Tanzania in ways that provide direct and equitable incentives to communities to conserve and manage forests sustainably.

The project is piloting REDD in two high biodiversity sites. One site is in Lindi Rural District in Lindi Region and includes areas of Coastal Forest. The other site is in Kilosa District in Morogoro Region and includes areas of Eastern Arc Mountain forest.

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