

A plain language guide to the Environment, Land, Forest, Beekeeping and Wildlife Policies and Laws of Mainland Tanzania



This guide is a second edition to the earlier guide titled "Land and Natural Resources Law and Policy Syllabus" produced in 2004 by the Wildlife Working Group in cooperation with Hakikazi Catalyst

Reviewed by EMPAFORM Programme which is implemented by CARE International and the Tanzania Forest Conservation Group

February 2008

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Jumuiko
la
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Tanzania



Tanzania
Natural
Resource
Forum

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Preface

This plain language guide to natural resources policies and laws aims to provide local communities and other stakeholders in various parts of Tanzania with basic and simplified information on policies and laws guiding the use of natural resources. A Swahili version of this guide is also available.

Five (5) Policies and six (6) Acts have been used as source of information for this guide; the policies include Land Policy (1995), Forest Policy (1998), Environment Policy (1997), Beekeeping Policy (1998) and Wildlife Policy (1998). The six acts include the Land Act (1999), Village Land Act (1999), Forest Act (2002), Environmental Management Act (2004), Beekeeping Act (2002) and Wildlife Conservation Act (1974).

This guide provides relevant information for all stakeholders active in natural resource management in Tanzania. These include but are not limited to Non Governmental Organizations (NGOs), communities, local government officials working with district councils and village councils, religious leaders and central government officials.

From time to time, this guide will be reviewed to update it and include various changes that take place in the national policies and laws guiding natural resources management in Tanzania. It is anticipated by the EMPAFORM Programme that the guide will be valuable to the target groups and that it will contribute to increase awareness of the people on various policies and laws instrumental to ensure proper environmental management.

ACKNOWLEDGEMENTS

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The earlier guide was reviewed to include information on the Environmental Management Policy and Act, Beekeeping Policy and Act and procedures for making village by-laws. The review work was spearheaded and organized by the EMPAFORM programme implemented in Tanzania by CARE International and the Tanzania Forest Conservation Group (TFCG). EMPAFORM is an acronym standing for *"Strengthening and Empowering Civil Society Organisations for Participatory Forest Management in East Africa"*. This guide was produced through a generous support of the European Union through the EMPAFORM Programme, the Forest and Beekeeping Division (FBD), the Tanzania Natural Resource Forum (TNRF), The World Conservation Union (IUCN) and the Critical Ecosystem Partnership Fund. We also use this opportunity to thank all other organizations which will support this work in the future.

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1 Introduction

Everything around us is part of our environment. It includes all natural resources such as land, water, forests and wildlife. The lives of all Tanzanians are influenced in important ways by these natural resources. Therefore, it is necessary to manage the whole environment well in order to protect and improve the livelihoods of present and future generations.

Looking after the environment concerns everybody. Each community has a responsibility to do what it can to protect its natural resources. The Government of Tanzania is changing how local government is organised. These changes give local communities a more important role in the management of their natural resources. Also, good environmental management is an important part of efforts to reduce poverty. This is reflected both in the Tanzanian National Strategy for Growth and Reduction of Poverty (NSGRP), known as MKUKUTA, and the Millennium Development Goals (MDGs) of the United Nations.

This plain language guide provides easy to read information on the main points of the policies and laws which govern natural resource management in Tanzania.

A policy informs people how Government intends to manage a particular sector. However, it does not determine rights and powers. It is laws, not policies, which determine these rights and powers. Laws state how a policy will be implemented and identify the legal rights and powers of people and institutions.

The policies and laws relating to the environment, land, forests, beekeeping and wildlife are described in this guide. They have been selected because: -

- The policies and laws relating to environmental matters have undergone a lot of changes recently;
- Resources from these natural resources provide villagers with a means of making a living;
- Effective management of natural resources helps to reduce poverty.
- Good management of natural resources upholds the objectives of the MKUKUTA and the Millennium Development Goals (MDGs).

We hope this simple guide will provide local communities, private sector and government institutions with an easy introduction to the policies and laws of Tanzania pertaining to natural resources and the environment.

2 Environment

The National Environmental Policy

The National Environmental Policy was published in 1997 in order:

- To make sure that Tanzania's natural resources are managed for the benefit of everybody;
- To stop further damage to and pollution of land, water, vegetation, and air;
- To improve the condition of both the natural and man-made environments
- To preserve the wide range of plant and animal life in Tanzania;
- To improve the condition and productivity of rural and urban settlements which are suffering from poor environments;
- To raise public understanding about the link between environment and development, and to promote individual and community participation in activities to improve the environment.

Participatory Management of Natural Resources

The National Environmental Policy promotes participatory management of natural resources. This means that environmental management is everybody's responsibility and needs everyone's cooperation. It is important that people are informed and have access to the information they need in order to understand how they can protect the environment and better manage their natural resources. It is the responsibility of government institutions and non-governmental organisations to help people and communities to understand what they need to do to care for their environment in a way that keeps it healthy and productive for themselves and future generations.

Environmental Management Act 2004

The Environmental Management Act was passed because:

Everyone in Tanzania has the right to live in a clean, safe and healthy environment. And that applies to future generations as well as the present one.

- Everyone in Tanzania has a right and a duty to protect the environment.
- Everyone has a right to take legal action against someone who is damaging or threatening to damage the environment or human health.

Principles of the Act

The Act follows the precautionary principle. The precautionary principle means that if there is a possibility that an action could seriously damage the environment then whoever is proposing that action is responsible for proving whether or not it could result in damage. And in the absence of proof, that action should not be taken.

The Act also follows the polluter pays principle. This means that whoever causes pollution or other kinds of environmental damage is responsible for paying for that damage.

Objective of the Environmental Management Act

The objective of the Environmental Management Act is to provide a legal framework for the protection and management of the environment.

The Environment Act states that it is the 'prevailing' act in relation to the Forest Act 2002 and the Fisheries Act 2003. This means that, where there is overlap or conflict between the Acts, the Environment Act should be followed.

Who does what according to the Environmental Management Act

Minister

The Minister responsible for Environment has overall responsibility for the environment and can issue guidelines and directives to public and private institutions. In consultation with other ministries, the Minister also has authority on matters relating to climate change, biological diversity, land use planning, ozone, solid waste management, and pollution.

Director of Environment

The Director of Environment is responsible for coordinating between different parts of government, including local government, on issues relating to the environment; advising the government on legal matters relating to environment including those involving international agreements; and monitoring the state of the environment.

National Environmental Management Council (NEMC)

The National Environmental Management Council is responsible for making sure that projects which might damage the environment assess their potential impact on the environment through 'environmental impact assessments' (EIAs). NEMC are also responsible for making sure that the findings of these assessments are then followed. NEMC may also coordinate and undertake research on the environment as well as providing advice on environmental issues to public and private institutions.

Sector Ministries

Because environment is considered to be a 'cross-cutting' issue, every Ministry is responsible for having an environmental section. These environmental sections should help the Ministry to comply with the Environment Act.

Regional Secretariat

The Regional Secretariat is responsible for coordinating environmental management issues in their respective region. The Regional Secretariat should have a Regional Environment Management Expert who will advise local authorities on environmental matters.

Local government

Local government should have an Environmental Management Officer who is responsible for ensuring that the Act is being followed in their respective district; promoting environmental awareness; and monitoring. They should also prepare a District Environmental Action Plan.

Village Development Committee

At village level, the Village Development Committee is responsible for ensuring the environment within the bounds of a village is properly managed. The District Council may appoint a Village Environmental Management Officer who is responsible for coordinating environmental activities within that village and for taking legal action against anyone causing damage to the environment.

National Environmental Standards Committee

The National Environmental Standards Committee of the Tanzania Bureau of Statistics is responsible for proposing environmental standards relating to water quality, air quality, pollution and other environmental quality standards to the Minister.


Environmental protected areas and Environmentally sensitive areas

The Minister can declare an area to be an 'Environmental Protected Area'. NEMC are then responsible for managing these areas. These can be areas with particular scenic value or high biodiversity.

Environmentally sensitive areas include areas such as swamps, arid and semi-arid lands and land prone to soil erosion or landslides. The Minister can issue guidelines specifying how these areas should be managed.

Environmental Impact Assessments

The Act specifies that any projects that might have an impact on the environment must



conduct an environmental impact assessment prior to starting. Details of how they should be conducted are provided in regulations. The results of an Environmental Impact Assessment are presented in an Environmental Impact Statement. These statements may or may not be presented at a public hearing. Any Environmental Impact Statement is accessible to the public upon paying a fee to NEMC.

Subject to the findings of the Environmental Impact Assessment, NEMC will make a recommendation to the licensing authority as to whether a project should be approved or cancelled. Approval may be subject to meeting some conditions. NEMC are then responsible for monitoring whether a project meets those conditions.

3 Land

The National Land Policy

The National Land Policy was passed in 1995 because:

- The growth in Tanzania's population meant a lot more people were using the land
- There were increasing conflicts between farmers, pastoralists and other users over the use of land;
- People needed to have a clearer understanding of their land rights particularly in rural areas;
- Since the economy had been opened up to private investors more land had to be made available to them;
- Land was being bought and sold increasingly and, there was a need to guide these transactions.

Since more land will be opened up to private investors, how will the land rights of pastoralists and other traditional communities be protected?

The Policy aims:-

- To divide land fairly;
- To give everyone the right to have access to land particularly small-holder farmers and herders;
- To make sure that people's existing rights to land, particularly those without legal documents, are easily understood, agreed upon and given legal status;
- To limit the amount of land that can be owned by an individual;
- To ensure that land is put to its most productive use that results in the optimal improvement of people's livelihoods (refer to objective 2.4 in the land policy);
- To improve and make clearer the way that land is managed and how disputes over land are fairly solved;
- To make sure that the land is properly managed so that it is not overworked and can remain productive.

The policy says important things about how land should be managed in Tanzania.

- The President is entrusted with how the land in Tanzania is used on behalf of the people;
- Land has value - that is to say it can be bought and sold.
- People cannot have their rights to land taken away from them without the permission of the Government and without full, fair and prompt payment of compensation.
- Village Councils will manage all village lands.
- Arrangements must be made for places that are of special importance like water catchments, islands, beaches, forests, rivers, wildlife migration routes, etc. to be protected.

The Land Act, 1999 and Village Land Act, 1999

These Acts tell people how the land is to be used, managed and owned throughout mainland Tanzania.

General Principles, Roles and Responsibilities

The purpose of the law is to make sure that the general ideas and aims of the National Land Policy are acted on. The Land Act makes clear that all land in Tanzania is public land which the President holds in trust on behalf of all the people. At Central Government level, the President gives power to the Minister of Lands (through The Commissioner for Lands) to make sure that everything is done properly. The Commissioner is given a lot of power to make decisions concerning land management and is the chief land administrator in the country.

Village Governments and the Local Government Act of 1982

This law gives village governments the authority to use and manage land. This Act gives village governments a lot of power to enter into agreements and enterprises which provide for the well-being of villagers.

Responsibility for Land - Who Does What

President	Trustee on behalf of citizens of all land in Tanzania Can take away a person's right to occupy land Can take land for the benefit of the people and the nation as a whole
Minister of Lands	Helps the President and oversees the Commissioner of lands
Commissioner of Lands	Main person in charge of land matters Helps the President put land laws into practice Can ask other people or institutions to do certain tasks Makes important decisions about how land is distributed Issues Certificates of Village Land
District Councils	Help to tell the relevant institutions about land management decisions
Village Councils	Manage village lands on behalf of Village Assemblies Make decisions about applications for land Allocate village land after approval from Village Assemblies Give certificates to people to show they have the right to use land
Village Assemblies	Check that the Village Councils manage village lands properly Agree on what decisions concerning village life need to be acted on
Village Adjudication Committees	Mark land boundaries Find out what land belongs to whom Settle disputes if people think a mistake has been made Report to the Village Council
Village Land Councils	Settle disputes over land matters in village lands

Pastoralists and Land Use Issues

The Pastoralists' Indigenous NGOs (PINGOs) Forum states that pastoralism makes a large contribution to Tanzania's economy but it has been mostly ignored by policy makers. Pastoralists have not participated in the creation of policies which affect them.

Pastoralism is the backbone of the commercial livestock sector, makes profitable use of relatively harsh dry lands, and provides a living for over 400,000 Tanzanians. Pastoralism is also an important traditional way of life and if properly supported by government, is the most productive use of the drylands.

Do the current land laws and policies address the problems of pastoralists and hunter / gatherers, such as poverty, land insecurity, vulnerability, conflict with other land users, degradation of natural resources, and marginalization of the pastoral way of life?

Types of Land

All land in Tanzania is divided into three types:

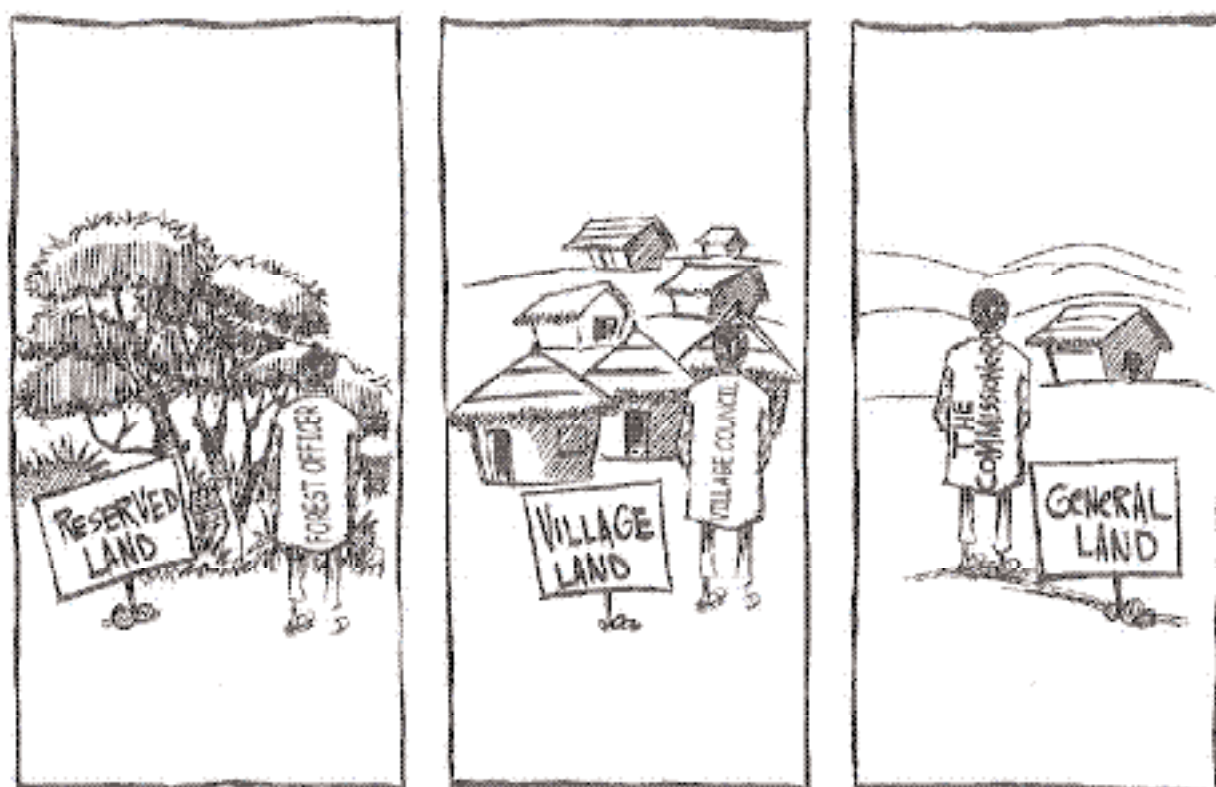
Reserved Land is land set aside for protection or conservation purposes (such as game reserves, forest reserves, marine parks) and its management is described in specific laws for each sector (for example the Wildlife Conservation Act, National Parks Ordinance, Marine Parks and Reserves Act)

Village Land is land inside the boundaries of a village and is also called the Village Area. Village Councils and Village Assemblies are given power to manage Village Land. Village Land is defined in many ways including:

- The area within the boundaries of a registered village;
- The area designated as village land under the Land Tenure (Village Settlements) Act of 1965;
- The area as agreed between the village council and neighboring village councils or the area as agreed by the village council with the Commissioner of Lands, the District Council, the Town Council or Forestry/Wildlife Division or any other body in charge of land which borders the village land;
- Where the land is not reserved and has been occupied and used by villagers for twelve years as village land.

General Land is land which is neither reserved land nor village land and is managed by the Commissioner.

The Village Land Act requires the Commissioner of Lands to issue a Certificate of Village Land to a village provided its boundaries have been properly demarcated and there are no pending disputes.



Village Land Management

Village Councils are responsible for looking after village lands on behalf of the Village Assemblies. Village Councils do not own Village Land. Villagers hold rights called *"customary rights of occupancy"* which means that if they have lived on the land for many years they have the right to continue living on that land. The Village Land Act gives people who have customary rights of occupancy the same legal protection as those who have what is called *"granted rights of occupancy"*.

Village Councils must remember these important points as they manage village lands:

- The land must be used in such a way that it can support people's livelihoods and resource uses.
- The trees, water supply and other resources in and around the village must be looked after properly.
- There are other public bodies which have power over the village land and its surroundings and their decisions and orders can influence the village's use of land.
- Village land lies within a local authority so that local authority must be asked for its views in certain instances.

The Village Land Act allows Village Councils to divide their land into three types:

Common land:

- which is to be shared so that everyone can use it;
- which may include forests, grazing pasture or other areas of natural resources which groups of people manage;
- which must not be given to any individual;
- which will be known as communal village lands;

Occupied land: This has already been given and is being used for housing, cultivation, business, etc.

Future land: This can be set aside for future use by individuals or the community.

The Village Assembly must approve any decisions that are made about dividing land into common, occupied and future land.

Village Councils are allowed to enter into **joint village land use agreements** with one or more other Village Councils in neighbouring lands. These agreements are particularly useful for villages that want to manage shared resources together such as grazing land. If they want to do that, each Village Council must first:

- Let the District Council know what they are planning
- Get permission and agreement from each Village Assembly involved

If at least **one hundred** villagers feel that the Village Council of their village is not managing the village land properly and in accordance with the land laws, they must tell the District Council which will then tell the Commissioner. He may set up an enquiry which may recommend that either the District Council or the Commissioner himself become responsible for looking after the village land. In addition, any villager can sue the Village Council if he or she feels that the village land is being badly managed.

Certificates

Villages will no longer be given 'title deeds' for village lands. Instead Village Councils will be given **Certificates of Village Lands** which will:

- Be issued in the name of the President;
- Be proof of the customary rights of occupancy in a given area of village land;
- Give the Village Councils the authority to manage village lands;
- Show the boundaries of the village land that were agreed on and marked on the ground.

Villagers do not need to wait for the issue of a Certificate of Village Land in order to manage their land. Any village that already has agreed boundaries, Village Title Deeds, any formal survey or has agreed boundaries with its neighbours is regarded the same as villages already having received a Certificate of Village Land.

Land Allocation

Village Councils are responsible for allocating village lands but they cannot do it without the approval of the Village Assemblies.

Village Councils may give customary rights of occupancy to individual villagers, families, village organisations or non-village citizens who will be given a "Certificate of Customary Title" to prove that they can legally use the land.

Laws already exist which give villages the power to control their lands and resources. The problem is that these laws are not being enforced and the good ideas in policies are not being put into action. What will the government do to make sure that existing laws and policies are acted upon so that the rights of villages are protected?



Villages may also lease land to an outside party who will be given the same rights as the village. These rights are known as "derivative rights". There are three types of leases which can be applied for by outside parties based on how much land they want and how long they want to use the land. (See table below)

Class	Amount of Land	Period of Time	Decision-makers
Class A	5 hectares or less	Five years or less	Decided by Village Council
Class B	6 to 29 hectares	Six to nine years	Decided by Village Council and agreed on by Village Assembly
Class C	30 hectares or more	Ten years or more	Decided by Village Council, agreed on by Village Assembly and advised by Commissioner

If villages decide to lease any of their land they must first make sure that:

- It fits in with any plans for how the land is to be used;
- The villages keep enough land for future reserves and communal use;
- They work out how granting the lease is likely to benefit the village.

Village Councils may not grant land to foreigners or foreign-owned companies. That would be illegal and could threaten the village's customary rights of occupancy.

All transactions must be done on the proper land forms which can be obtained from District Land Officer. Land transactions not done on these forms will not be legal.

The Village Land Act ensures that land allocated by Village Councils between 1978 and May 1, 2001 is given legal status.

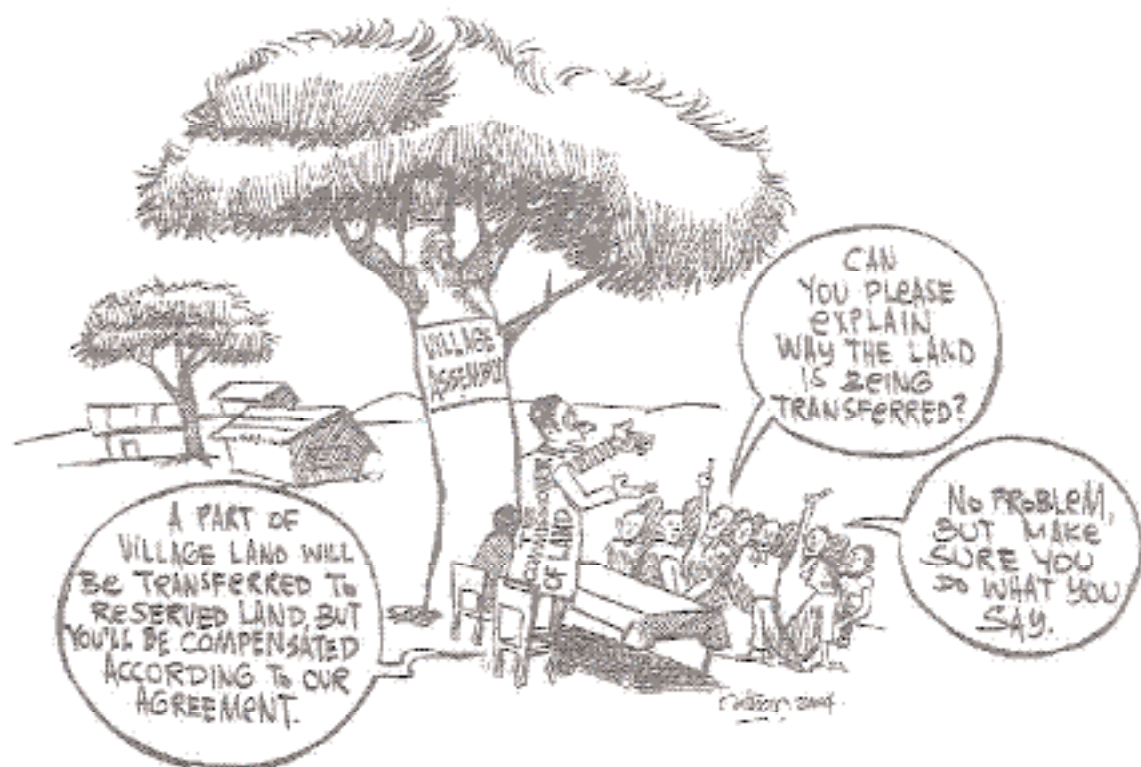
Transfer of Land

The President may transfer village land to general or reserved land which means that the Village Council no longer manages it. He may decide to do this as an investment for the nation's benefit.

If the President and the Ministry of Lands want to go ahead with such a transfer of land, the following actions must be taken:

- Details of the proposed transfer must be published in the Gazette and be given to the Village Council
- The Commissioner of Lands must attend a meeting of the Village Council or Village Assembly to explain why the land is to be transferred and to answer any questions villagers may have
- The type, amount and timing of compensation to be paid to the village must be agreed by the Village Council and the Commissioner before village land can be transferred

- If the Commissioner and Village Council cannot agree on the sum to be paid for compensation, then the transfer cannot go ahead until the High Court decides on the amount

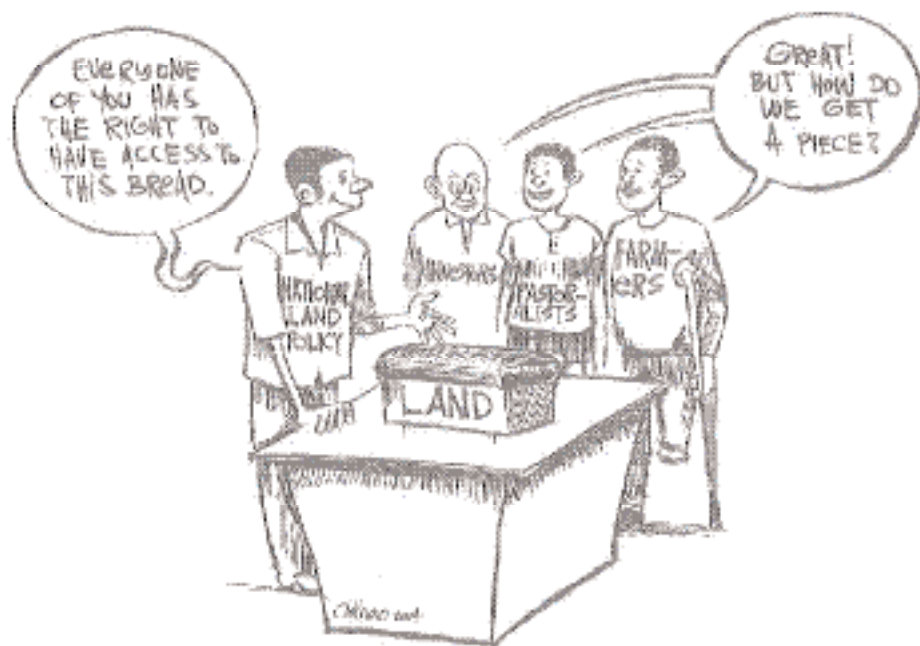


The Minister may declare any area of village land to be **Hazard Land** which he considers too dangerous to occupy or which may be spoilt by being occupied. This land includes:

- Mangrove swamps
- Wetlands
- Land set apart for the dumping of hazardous waste
- Land within sixty metres of a river bank or a lake
- Land which should not be developed because it is fragile
- Land which should not be developed because of its importance to the environment

Before the Minister can declare hazard land, he must:

- Show the boundaries of the area
- Publish the details of the proposed hazard land in the Gazette
- Inform the local authorities
- Let all the people occupying the proposed hazard land know
- Let the President know if it is occupied by people with customary rights. The President may then arrange to pay compensation to those people.



Settlement of Disputes

There are five levels of courts which have been set up by the land laws to settle disputes over land. From the lowest to the highest they are:

- Village Land Council
- Ward Tribunals
- District Land and Housing Tribunal
- High Court (Land Division)
- Court of Appeal of Tanzania

All villages must have a **Village Land Council** which will help people who disagree to come to decisions that will benefit everyone. Council members will:

- Total seven people, including at least three women
- Be nominated by the Village Council and approved by the Village Assembly
- Serve for a term of three years

Where village boundaries have not been decided upon, villagers must start a process called **adjudication**. This means they need to judge where the boundaries of village lands should be placed and to involve all those who are affected.

Village decision-making bodies should be provided with information about their rights and responsibilities and important laws and policies.

Capacity building trainings on leadership and decision-making skills would improve their abilities to manage village lands.

Villages must form a **Village Adjudication Committee**. The members will:

- Be elected by the Village Assembly
- Total no more than nine people, including at least four women
- Serve for three years
- Be allowed to serve for one more three-year term if re-elected

The Committee will be responsible for doing the following things:

- Deciding on the boundaries of village lands during the adjudication process
- Setting aside land or marking *rights of way*
- Using customary law to sort out the land rights of affected people during the adjudication process
- Protecting the interests of women, minors, disabled, etc. during the adjudication process

Villages must also appoint a **Village Adjudication Advisor** who will be:

- A respected local, a professional person, a public servant or official, or a magistrate
- Appointed by the Village Council
- Responsible to the Village Adjudication Committee, serving as its executive officer

Village Adjudication Advisor will be doing the following:

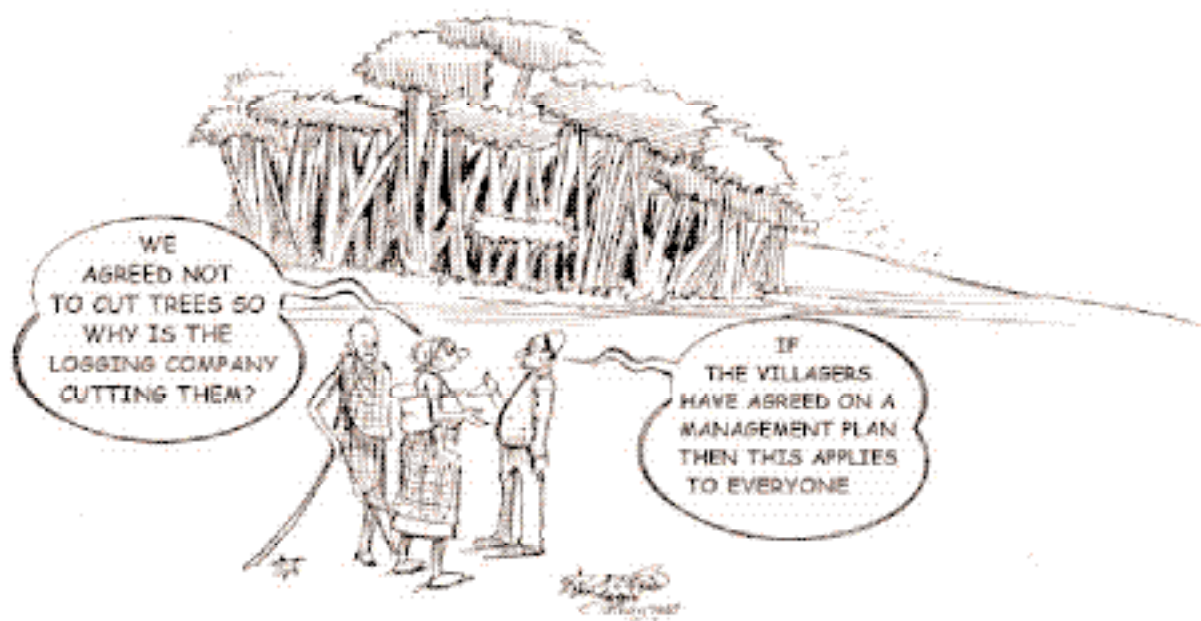
- Implement decisions made by Village Adjudication Committee
- Warn the committee of any wrong doing regarding village land management issues
- To stand and demand for rights of an absent individual or disabled individuals to avoid injustice
- To attempt to settle land disputes before reaching Village Adjudication Committee
- To investigate wrong-doings related to village land management issues

4 Forestry

The National Forest Policy 1998

There are a lot of changes taking place in the laws governing Tanzania's forests. A new National Forest Policy was issued in March 1998. Tanzania has tried hard to make the policy work and good progress has been made in the following ways:

- Over 600 village forest reserves have been established in the country
- Community-based Forest Management Guidelines were published by the Ministry of Natural Resources and Tourism in April 2001 and updated guidelines for Community Based Forest Management and Joint Forest Management are currently being produced
- A Forest Act has been passed by Parliament which allows the National Forest policy to be put into action.



The Policy focuses on involving local people in looking after the forest. It says that the ownership of land and natural resources and the right to use them are very important for development and for the care of the environment. Protection of the environment can only happen when people are able to have all of their needs fulfilled, control resources and own land. The community ownership of village lands, managed by Village Councils, creates a good environment for starting community management of forests.

The Forest Act No. 14 of 2002

In 2002, Parliament passed the Forest Act of 2002 which became effective in 2004 when Forest Regulations were issued. The objectives of the Act include:-

- Promoting the contribution of the forest sector to the sustainable development of Tanzania;
- Encouraging and facilitating active citizen involvement in the sustainable planning, management, use and conservation of forest resources;
- Delegating responsibility for the management of forest resources to the lowest possible level of local management;
- Facilitating public awareness of the benefits of sustainable conservation of forest resources.

Forests can be found on reserved, general or village lands. Local people will have a say in how they are managed, depending on which type of administration they are under. They need to be aware of three things:

- How the laws are changing the way that woodlands and forests are managed in Tanzania
- Villages can become involved in managing forests on village lands as well as forests neighbouring their village managed by the government.
- Villages are being given more power to manage and have control over these resources

Forests are classified into four categories:-

1. **National forests**, managed by Central Government which consist of:-
 - a) National Forest Reserves (NFR) managed for protection
 - b) National Forest Reserves managed for production
 - c) Nature Forest Reserves;
 - d) Forests on general lands which are managed by central government
2. **Local authority forest reserves**, reserved by local government and which consist of:-
 - a) Local Authority Forest Reserves (LAFRs) managed for protection
 - b) Local Authority Forest Reserves managed for production

The Minister may declare, by order published in the gazette any area of land to be a National forest reserve or Local authority forest reserve.

3. Village forest reserves which consist of:-

- a) Village land forest reserves;
- b) Community forest reserves created out of village forests
- c) Forests on village land which are not reserved and of which management is vested on the village council

4. Private forests which are:-

- a) Forests on village land held by one or more individuals under a customary right of occupancy;
- b) Forests on general or village land of which the rights of occupancy or a lease has been granted to a person or persons or a partnership or a corporate for the purpose of managing the forest.

Participatory Forest Management (PFM)

The Forest Act supports PFM by:-

- 1) Enabling local communities to own and manage Village Land, Community, or Private Forest Reserves. This is often called Community Based Forest Management
- 2) Allowing communities to enter into agreements with government and other forest owners for Joint Management Agreements. This is often called Joint Forest Management.

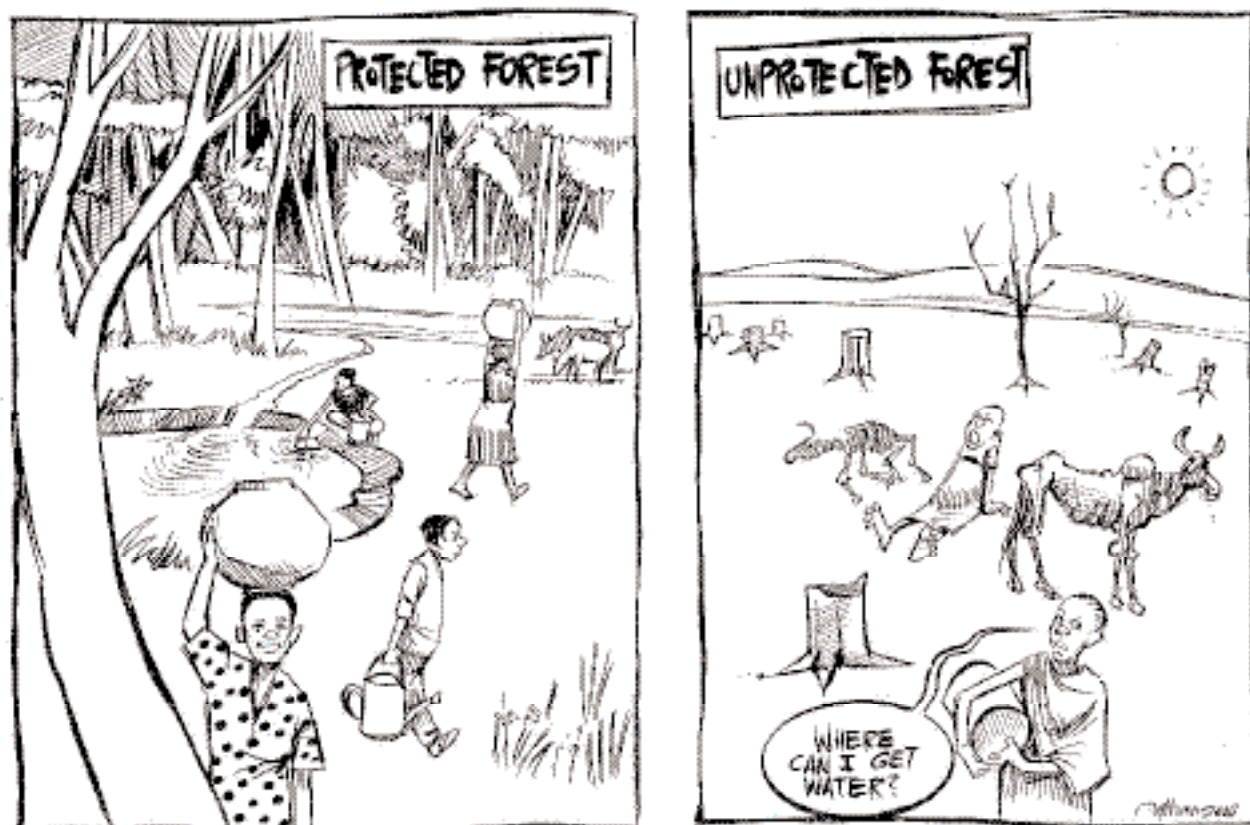
Total area of forest covered by PFM arrangements	3,672,854 hectares
Percentage of total forest area under PFM	10.8%
Number of villages involved in PFM	1,821
Percentage of total villages involved in PFM	17.5%
Number of villages with approved management plans or signed Joint Management Agreements	531
Number of districts with ongoing PFM processes	57

Source: Ministry of Natural resources and Tourism (FBD Survey 2006).

Roles of the Community

The Ministry's Community Based Forest Management Guidelines describe three roles that local people can play in forest management:

- As owner-manager in the case of Village Land Forest Reserves or Community Forest Reserves which local communities have the right to manage
- As designated manager in the case of Village Forest Management Areas. Where communities live next to National or Local Authority Forest Reserves they can be given the right to manage a section, as long as there is an agreement between the village and the reserve's managing authority
- As co-manager with the national government for National Forest Reserves or local government for Local Authority Forest Reserves. These co-management arrangements will be governed by Joint Management Agreements



Community-Based Forest Management on Village Lands

Forests and woodlands on village lands are managed by the Village Councils and Village Assemblies. The Forest Act allows Village Councils to set aside Village Land Forest Reserves for purposes such as environmental protection or sustainable forest management. The National Forest Policy states that village forest reserves will be managed by a committee which is part of the village government. This committee is usually called the Village Natural Resource Committee.



Village Land Forest Reserves must be managed according to:

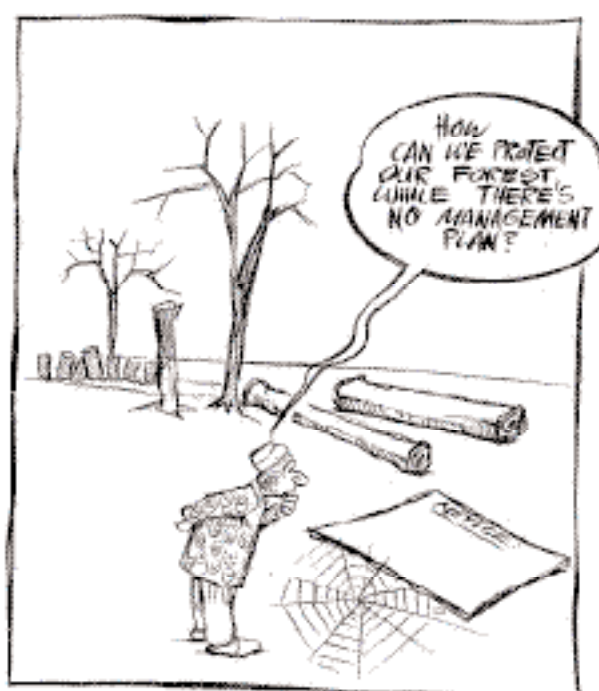
- Rules decided with the Village Councils
- By-laws written by the Village Councils and passed by the Village Assemblies
- A management plan

There must be a **Management Plan** if villagers are to be involved in forest management. This is because it is important to know what needs to be done so that the right action can be taken. Village forest management plans should therefore:

- Describe all the different resources of the forest, including plant and animal life, soil and water and how people use them to make a living or as part of their culture
- Describe how the resources are used and by whom
- Describe how the forest will be managed, and what rules exist for forest management.
- Describe land within the forest where *local user zones* will be created and the rights that people will have in those areas

Local User Zones:
Areas which local people will be allowed to use.

Once village land forest reserve management plans have been prepared they must be approved by the Village Assemblies and commented on by the District Council. The forest is declared by the Village Assembly and the District Council and after this the villagers can manage their forest according to the management plan. After three years villagers can apply to the Forestry and Beekeeping Division for their forest to be "gazetted" by central government.



Community Forest Reserves are another type of forest reserve that may be set up on village lands by sub-groups of people within a village living within or near a particular forest or woodland in the village.

These groups:

- must be recognised by the Village Council
- can be given authority by the Village Council to manage their part of the forest
- must produce a management plan which clearly explains their aims, activities and responsibilities

Joint Forest Management on Reserved Lands

Villages may enter into **Joint Management Agreements** with the owners of forests next to their villages. This is usually central or local government, but could also be a private individual or company. Agreements are usually made between villages and

- The Forestry and Beekeeping Division of the Ministry of Natural Resources and Tourism in the case of National Forest Reserves or
- District Councils in the case of Local Authority Forest Reserves

The National Forest Policy gives the following explanation of the nature and purpose of these agreements. It states that Joint Management Agreements will allow all people who have interests in forest management and conservation to participate, and that these agreements will provide rights and benefits to them. The agreements will be between local communities and the national government, other government agencies, private companies or local governments, depending on the situation.

Therefore Joint Management Agreements will give local people more rights to make use of forest produce within reserved areas and involve local people helping to look after the forest so that it will continue to be productive

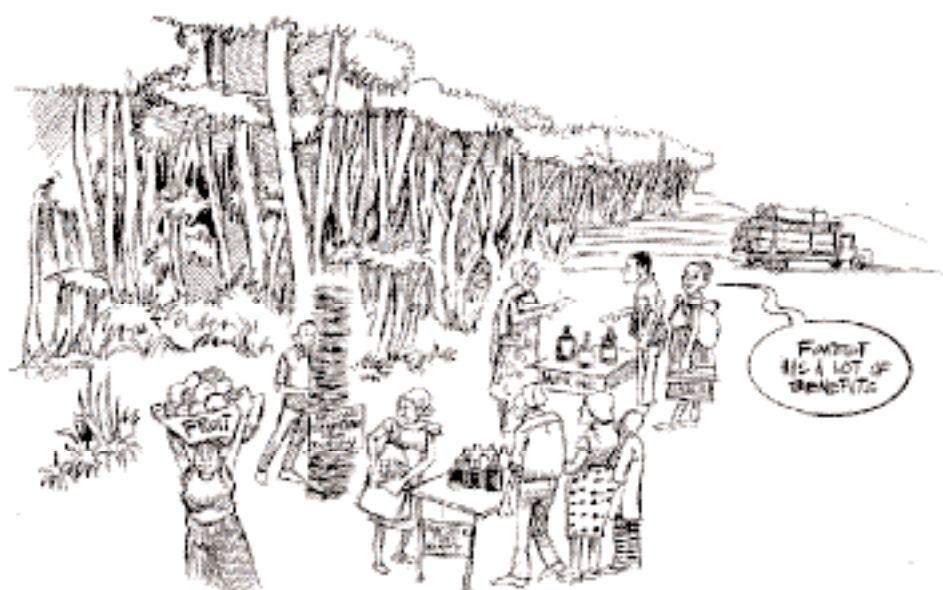
The contents of Joint Management Agreements should include the following:

- A description of the forest reserve covered by the agreement
- A description of the matters which are covered by the agreement
- What the aims of the agreement are
- What the forest management is expected to do
- What the forest reserve rules are (for example, who is allowed in, who has been appointed as guardians, what their powers and duties are and what the penalties for breaking the rules are)
- Who the third parties are, that is people who have a right to be in the forest but are not part of the agreement
- What happens to any money that is received as a result of the agreement
- How disputes are settled

Village Forest Management Areas

These are forests or areas of a forest reserves that are managed by a village council as part of a joint management agreement. They

- May be created within National or Local Authority Forest Reserves
- Can be managed by the Village Councils if the people want the authority to do so and it is approved by the Village Assemblies
- Can be created by the Director of Forestry once the Village Assemblies have sent an application to him
- Need to have a Village Forest Management Committee



5 Beekeeping

Beekeeping means the keeping of honeybees. Honey bees include stinging and stingless bees. Bee products are sources of food (honey); raw material for various industries (cosmetics, textiles, lubricants etc); medicine and income.

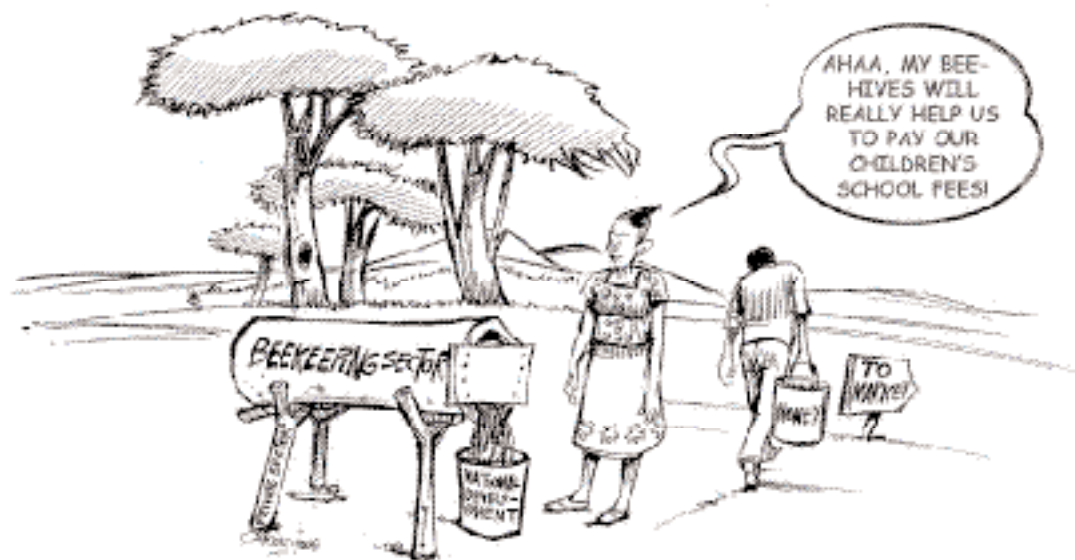
The Beekeeping Policy

In 1998 the Government issued the Beekeeping Policy. The overall goal of the policy is to enhance the contribution of the Beekeeping sector to the sustainable development of the country. The Policy has several policy statements which include:

- To enable participation of all stakeholders in conserving and managing honeybees;
- To ensure sustainable supply of high quality bee products and pollination services and encourage the establishment and management of private apiaries;
- To enable sustainable management of honeybees and floral resources through establishment and management of beekeeping-agro forestry systems.
- To ensure availability of appropriate beekeeping equipment;

Objectives of the Beekeeping Sector

- i. To promote and enhance the contribution of the beekeeping sector to the development of the Country;
- ii. To enhance national capacity to manage and develop the beekeeping sector;
- iii. To ensure beekeeping sector is developed among local communities;
- iv. To ensure sustainable existence of honeybees by the creation, maintenance and effective management of bee reserves and apiaries;
- v. To improve the quality and quantity of bee products;
- vi. To improve bio-diversity
- vii. To increase employment and foreign exchange earnings.



Beekeeping Act 2002

The Beekeeping Act was enacted in 2002 and became operational on 1st January 2006. This Act encourages local communities to establish, manage and own bee reserves and enter into joint Forest Management Agreements for the purpose of keeping bees.

Bee reserves and Beekeeping zones

The Act allows the creation of Bee reserves and Beekeeping zones.

a) Bee Reserves

A Bee Reserve is a land area administered and managed for the purpose of sustainable development of bee and bee fodder resources. A bee reserve may be private, national, local authority or village owned.

The establishment of a bee reserve involves:-

- Survey of an area (minimum is 50 hectares).
- Establish rules governing and regulating use and access to resources of the bee reserve

b) Beekeeping Zones

Beekeeping zone is an area of land within a national or local authority forest reserve in which the keeping of bees and management of apiaries in accordance with an approved management scheme is permitted.

c) Establishment of beekeeping zones

Any person or group of persons may apply to the Director of Beekeeping through the nearest natural resources officer to keep bees in a Beekeeping Zone.

6 Wildlife

The Legal Background

The Laws that govern wildlife management in Tanzania are the Wildlife Conservation Act of 1974, the National Parks Ordinance of 1959 and the Ngorongoro Conservation Area Ordinance of 1959. The National Parks Ordinance deals with the establishment and management of National Parks and TANAPA. The Ngorongoro Conservation Area Ordinance deals specifically with the Ngorongoro Conservation Area. The Wildlife Conservation Act is the law that governs the management of wildlife resources. The Act governs the management of Tanzania's wildlife in two ways:

- By establishing and guiding the management of Game Reserves and Game Controlled Areas;
- By regulating the use and consumption of wildlife and wildlife products

Hunting by tourists is one of the ways that wildlife is being used in Tanzania and is controlled by the Wildlife Conservation Act. Hunting is carried out in Game Reserves, Game Controlled Areas and open areas. The Wildlife Division of the Ministry of Natural Resources and Tourism leases hunting blocks which are areas marked out in reserved or village lands, to a hunting tour operator. When this occurs on Village land, permission from the village council is also required.

In Game Controlled Areas

- Hunting is allowed but is regulated
- People can live on and use the land for farming and grazing livestock
- People are not allowed to eat wildlife meat without getting a license

In Game Reserves

- People's right to enter is limited
- People cannot cut vegetation
- People cannot graze their livestock
- People require a permit to hunt wild animals

The Wildlife Policy of Tanzania

In 1998, the Government formulated the current Wildlife Policy.

The main aims of Tanzania's national Wildlife Policy of March 1998 are:

- To ensure that Tanzania's wildlife resources are conserved and properly managed,
- To involve all stakeholders in wildlife conservation and sustainable utilisation as well as in fair and equitable sharing of benefits,

- To raise the contribution that wildlife makes to the income of the country from 2% to 5% over the next twenty years,
- To make sure that the wildlife sector makes life better for poor people in Tanzania.

The Policy describes the problems facing wildlife as follows:

- Village people need to use the same land as wildlife.
- Competition for land between people and wildlife means that the number of wild animals is decreasing.
- Because more people need to use land for dwellings, growing crops, grazing animals, mining and logging, wildlife species are losing the places where they normally live and breed.
- There is a growing illegal trade in wildlife.
- The state owns the land as well as the wildlife so private investors are not encouraged to develop industries connected with wildlife.
- Village people have very few rights to wildlife use.

What does Conservation mean?

Taking care of trees, plants and wild animals so that they continue to be there in the future. It also means taking care of water sources so that they remain clean and are not up or polluted. Conservation means we cannot use too many trees or kill too many animals. If we use trees, we must plant others or protect new ones.

Who Has Control over Tourist Hunting?

Most tourist hunting on village land is controlled by the Wildlife Division. The Wildlife Conservation Act of 1974 says that no one is allowed to hunt and capture animals on private land without a license from the Director of Wildlife and the permission of the land owner. Village lands are private lands, **so anyone who receives a license to hunt in these areas must also have the permission of the Village Council** (land owner). In most cases, hunting companies enter village lands without permission of village governments, which is illegal under the Wildlife Conservation Act.

The Policy states that the wildlife sector faces the following challenges:

- To involve local people in conserving wildlife,
- To earn more foreign exchange,
- To conserve wildlife in a way that supports the development of rural communities,
- To use the nation's wildlife resources in a sustainable way,

User Rights:
The right to use something (for example, wildlife resources).

These are some of the ways to meet these challenges:

- Involve more people in conserving wildlife, particularly people from the villages and the private sector;
- Encourage local people to set up Wildlife Management Areas (WMAs) to protect and conserve wildlife outside Protected Areas (PAs);
- Give more *user rights* to people who are affected by wildlife;
- Explain clearly to people what the government wildlife policy is;
- Encourage more people in the public and private sector to invest in the wildlife Sector;
- Give helpful rules and regulations so that rural communities and the private sector can work together to conserve wildlife

Wildlife Conservation (Tourist Hunting) Regulations, 2000

- New regulations added to Wildlife Conservation Act of 1974
- Explains procedures for distribution of hunting blocks
- States that written permission of the Director of Wildlife is needed to conduct tourist hunting, game viewing, photographic safari, walking safari or any wildlife-based tourist safari within a hunting block or within any Protected Area (PA)

The WCA is the original law and it says that the Wildlife Division can only control the capture, hunting and commercial photography of wildlife. Therefore, village governments have control over all other tourist activities on village lands.

Director of Wildlife is given more powers in the subsidiary legislation than provided in the main legislation.

There is conflict between powers assumed by the Director under the Hunting Regulation and the local Government Act 1982 and Village Land Act 1999

The Policy states clearly concerning local communities: *"It is the aim of this Policy to allow rural communities and private land holders to manage wildlife on their land for their own benefit."*

How can the Wildlife Policy be put into Practice?

- Devolve full user rights and responsibility to villages and other landholders to manage wildlife on their lands
- Support rural people to manage their wildlife better in partnership with partners including the private sector and NGOs
- Review and improve the management and accountability of protected area agencies
- Ensure that protected areas are providing higher levels of ecological and economic benefits to adjacent communities

Community Participation through Wildlife Management Areas (WMA)

The Wildlife Conservation (Wildlife Management Areas) Regulation of 2005

The regulations set out how WMAs should be developed and managed. For example they provide guidance on how to manage and establish a WMA.

Establishment of WMA



WMAs can be established in the following areas:-

- On the outside of core wildlife protected areas;
- In areas used by local community members.

WMAs are set aside by village governments in order to:

- Conserve and manage wildlife,
- Give local people more responsibility over wildlife,
- Enable local people to benefit from wildlife resources,
- Bring together wildlife management with other ways that land is used,
- Benefit people financially so they see the value of conserving wildlife,

Village Assemblies which want to have WMAs on their lands will have these areas announced in the Government Gazette

- A WMA has to be managed by a **community-based organisation** (CBO) which represents the villages involved.
- The CBO, must have a constitution,
- The CBO has to apply to the Director of Wildlife to approve the WMA. The CBO will then get user rights to an annual quota of wildlife. The CBO must prove that it can manage the local wildlife resources it is applying for.
- Once the CBO receives the user rights it then becomes an **Authorised Association (AA)**, as stated in the Wildlife Conservation Act.
- The CBO/AA will then be legally responsible for managing wildlife within the WMA.

Formation of Wildlife Management Areas

Representatives from the village or villages will form a CBO. This CBO will be registered with the Ministry of Home Affairs and must have a valid constitution, membership and proper rules of conduct.

The CBO must then apply to the Director of Wildlife to Establish a WMA.

The application to the Director must be:-

- In writing,
- Copied to the District Council of the area,
- Accompanied by;
 - Minutes of the Village Assembly meeting approving formation of the WMA.
 - Completed WMA information Data Sheet.
 - Copy of the certificate of registration of the CBO.
 - Copy of the Constitution of the CBO.
 - Land use plan of the village.
 - Sketch map of the proposed WMA.
 - Size and boundary of the WMA.

Resource Use Zones:
Areas in which specific resources are used.

Village Councils have the following responsibilities in the management of WMAs:

- Prepare land use plans by including local people in the planning process.
- Formulate natural resources Management by-laws.
- Mark out the *resource use zones* and the area to be included in the WMA.
- Coordinate the natural resource activities in the area.
- Get the Land use plans passed by the District Council to obtain legal status.
- Monitor the activities of the authorised association.
- Be prepared for their plans to be reviewed to see how they affect the environment (Environmental Impact Assessment).

The villages, through their CBO, must prepare a **Strategic Plan** for the WMA outlining their vision, mission, business plan, etc. In other words, they have to say how they are going to manage the WMA for everyone's benefit.

The CBO/villages must prepare a **General Management Plan** explaining in detail how it is going to manage the resources, what resources will be used in different areas, and so on.

Once the CBO has acquired the status of an authorised association it can ask the Wildlife Division for user rights for wildlife in the proposed WMA. When user rights are granted the WMA will become officially recognised.

Exercise of user Rights

- An Authorised Association with user rights may enter into an agreement with an investor for utilizing resources in the area.
- The Authorised Association must give a copy of the agreement to the District Council and the Director of Wildlife.
- The District Council may give advice on the agreements as it claims proper.

Hunting for meat

- Hunting for meat by an association can be carried out only under the supervision of a District Game Officer
- Hunting must use the quota issued to the association and must be done between 1st July and 30th December of each year or in a manner specified by the Director of Wildlife.

Hunting for Tourism

- An Association can sell game animals to hunting enterprises from their quota
- Before a tourist company can carry out hunting in a WMA, it must have proof of allocation of a hunting block, clearance of any unpaid debts and a hunting permit.

Annex 1. Procedure for making village by-laws for forest management

The legal source of village by-laws is the Local Government (District Councils) Act No. 7 of 1982. The procedure for making a Village By-Law is as follows:-

1. A proposal for a By-Law is put forward by a Committee in the village community.
2. The Village Council calls a Village Assembly meeting to discuss the proposal.
3. Views of the villagers should be taken into account. Village Council then drafts the final by-law and passes it. It is recorded in the Village Council meeting minutes.
4. The Village Council submits the By-Law to the Ward Development Committee for its comments and support. It is recorded in the minutes. Though not legally required, the District Council may want this.
5. The Chairperson of the Village Council then submits the proposed By-Law to the District Council Chairperson, through the District Executive Director and copied to the District Forest Officer. He must include:
 - a. a copy of the Minutes of the Village Assembly where the By-Law was discussed and;
 - b. agreed;
 - c. a copy of the Minutes of the Village Council meeting;
 - d. a copy of the Minutes of the Ward Development Committee meeting.
6. At its next meeting, the District Council discusses the By-Law. Usually the DFO presents the By-Law to the Council meeting and gives his technical opinion. If the By-Law is approved, this is recorded in Council Minutes.
7. The District Chairperson signs and dates all the copies of the Village By-Law. These are returned to the Village Council.
8. The Village Chairperson also signs and dates the copies. Some copies are returned again to the files of the District Council. The District Council may post a copy on its notice board as public notice.
9. Usually the Village Council makes sure that the local Primary and District Magistrates have copies to use if any cases relating to the matter are brought before them. The Village Council keeps one copy in its file and also posts one copy at the Office so that everyone in the village can see it.



Other points to note when making a Village By-Law:

- i. The Village By-Law should be in Swahili. An English copy may be made.
- ii. The By-Law from the village may be initially hand written and then subsequently typed at the district.
- iii. There is no fixed format for the By-Law.
- iv. When the community is making a Village By-Law for a Village Forest Management Area within a National Forest Reserve or Local Authority Forest Reserve, then the officer in charge of that forest must forward the draft bylaws to the Director of Forestry and Beekeeping for comments.

Annex 2. Guideline for Sustainable Harvesting and Trade of Forest Products

- The Forest and Beekeeping Division of Ministry of Natural Resources and Tourism has produced guidelines on Sustainable Harvesting and Trade of Forest Products in 2007. The guideline is in line with National Forest Policy (1998) and Forest Act No 14 (2002).
- To ensure sustainable harvesting, it is important to have a management plan. Harvesting forest products will be managed by District Forest Harvesting Committee which will be led by District Commissioner as chairperson.
- Structure of the District Forest Harvesting Committee:
 1. District Commissioner (Chairperson)
 2. District Executive Officer (Secretary)
 3. District Water Engineer (Member)
 4. District Forest Officer (Member)
 5. Executive Officers in villages adjacent to the forests to be harvested (Member)
 6. District Natural Resources Officer (Member)
 7. Chairpersons in villages adjacent to the forests to be harvested (Member)
- District Forest Harvesting Committee will have power over the following type of forests:
 1. District Council Forests
 2. District Miombo/woodland Forests
 3. Forests under Joint Forest Management
 4. National Forest Reserves (NFR)
- District Forest Harvesting Committee will not have power over the following type of forests:
 1. Village Land Forest Reserves ((VLFR)
 2. Community Forest Reserves (CFR)
 3. Private Forests
 4. Forests owned by Non Governmental Organizations
- The guideline has important information on procedures to get licence for harvesting forest products and benefits which communities get in areas where government forests are managed.

Annex 3. Acronyms

CBFM	-	Community Based Forest Management
CBO	-	Community Based Organisation
DED	-	District Executive Director
DFO	-	District Forest Officer
JFM	-	Joint Forest Management
LARFRs	-	Local Authority Forest Services
MDG	-	Millenium Development Goals
MKUKUTA	-	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Tanzania
NFR	-	National Forest Services
NGOs	-	Non Governmental Organisations
NSGRP	-	National Strategy for Growth and Reduction of Poverty
PAs	-	Protected Areas
PFM	-	Participatory Forest Management
TANAPA	-	Tanzania National Parks Authority
WCA	-	Wildlife Conservation Act
WMAs	-	Wildlife Management Areas

