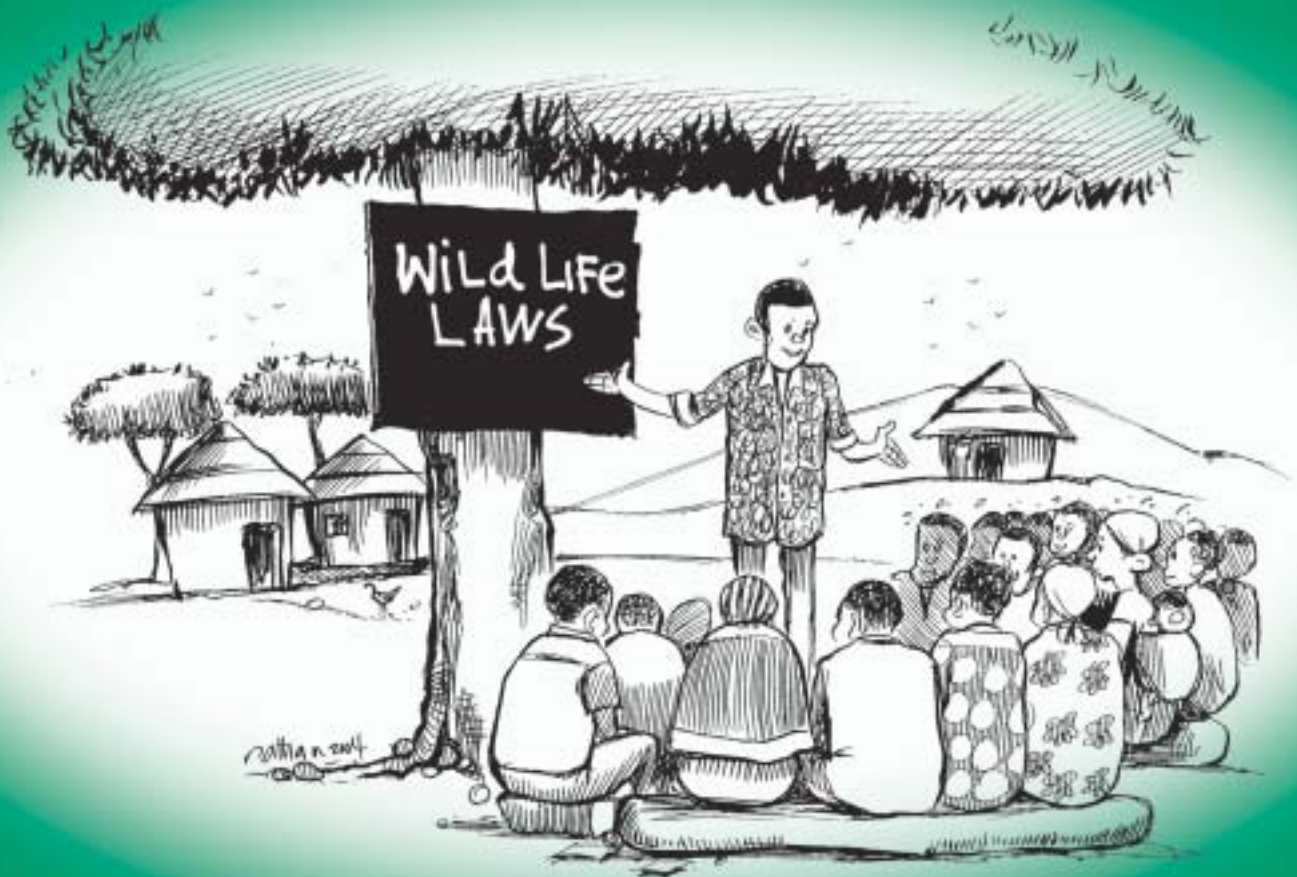


Land and Natural Resources Law and Policy Syllabus



A plain language guide to
The United Republic of Tanzania's
Land, Forest and Wildlife Laws and Policies

Produced for
Wildlife Working Group (WWG)

August 2004

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Preface

Governments need to have a plan of action, known as a policy, supported by the law, in order to help them look after important resources like land, forests and wildlife properly. There are important differences between laws and policies. A policy talks about:

- What the government plans to do for various sectors, such as land, education, health, agriculture, etc.
- How it will carry out its plan
- What general rules or principles should control decision-making

A policy helps people to manage a particular sector, but a policy does not determine rights and powers. It is laws, not policies, which determine the key rights and powers which control land and resource uses. Laws give details as to how to put policies into practice and:

- Decide which institutions or individuals have rights and powers
- Describe the punishment for breaking them
- Help the courts to enforce them

Therefore laws show stakeholders what their real rights and responsibilities are. Policies simply give guidance on how stakeholders can be involved.

This syllabus attempts to provide the main points about the policies and laws which govern three key resource sectors: land, forestry, and wildlife. The information in this document has been organized so that it will be helpful to villages in rural communities. The sectors of land, forestry and wildlife have been chosen because:

Who are stakeholders?

All who have a part in the policy, including those who:

- Are affected by the policy
- Carry out the policy
- Give money to support the policy

- The policies and laws relating to them have gone through a lot of changes recently
- The resources from these sectors provide villagers with their means of making a living
- It is very important for local people that the resources are managed properly

LAND

THE NATIONAL LAND POLICY

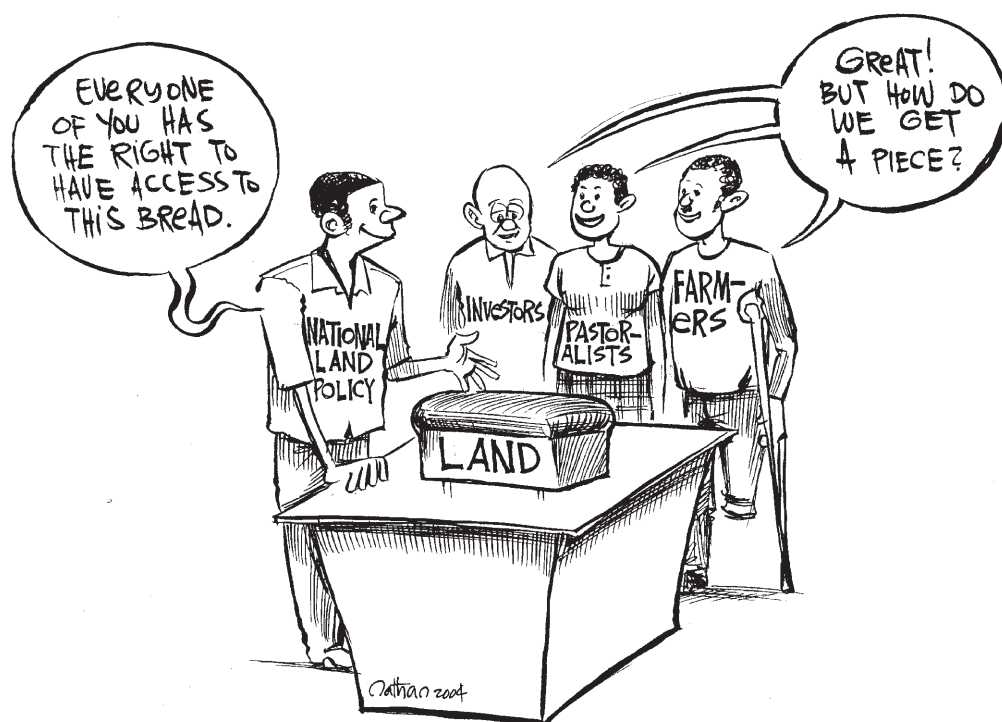
Tanzania's first National Land Policy was passed in 1995 because:

- The growth in Tanzania's population meant that a lot more people were using the land
- There were increasing fights between farmers and pastoralists over different uses of land
- People in many rural areas felt confused and insecure about their land rights
- Since the economy had been opened up to private investors, more land had to be made available to them
- Because land could now be bought and sold there was a great need to better control these transactions
- There were more disputes about occupying and owning land

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

The National Land Policy says that the country's land has been well managed since independence. In order to provide a better service to the people it aims:

- To divide the land fairly
- To give everyone the right to have access to land
- To make sure that people's existing rights to land, particularly those people 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 make sure that the land is used in ways that will improve the well-being of everyone
- To improve and make clearer the way that land is managed and how disputes over land can be solved
- To make sure that the land is properly managed so that it is not overworked and can continue to be productive in the future.



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

- The President is entrusted with the ownership of all the land in Tanzania on behalf of the people
- Land has value
- People cannot have their rights to land taken away from them without permission from the law 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 to be protected, like water catchments, islands, beaches, forests, rivers, wildlife migration routes, etc.

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 these laws 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 citizens. In the Central Government the President gives power to the Minister of Lands and next to him 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 now the chief land administrator in the country.

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 public
Minister of Lands	Helps the President and oversees the Commissioner on land administration
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
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 from villagers and outsiders Allocate village land after approval from Village Assemblies Give certificates to people to show they have the right to live where they do
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 Rights

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

Pastoralism is the backbone of the commercial livestock sector, makes profitable use of relatively harsh and dry lands, and provides a living for over 400,000 Tanzanians. Pastoralism is also an important traditional way of life which should be supported by the law.

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 wildlife, forests, marine parks, etc., and the ways these areas are managed is explained in the laws that protect each sector (e.g. Wildlife Conservation Act, National Parks Ordinance, Marine Parks and Reserves Act, etc.).

Village Land includes all land inside the boundaries of registered villages, where the Village Councils and Village Assemblies are given power to manage. The Village Land Act gives the details of how this is to be done.

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



TYPES OF LAND

Village Land Management

Village Councils are responsible for looking after village lands on behalf of the Village Assemblies. Villagers hold rights called “*customary rights of occupancy*” which means that if they have lived on the land for many years they have rights to it. The Village Land Act gives people who have customary rights of occupancy the same legal protection as those who have what are called “*granted rights of occupancy*”. People who have granted rights of occupancy have already been given legal status. Village Councils must remember these important points for their management of village lands:

LAND

- The land must be used in such a way that it can continue to 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

Village Governance and the Local Government Act of 1982

This law gives village governments the authority to use, manage and own land and other property. It also gives the village government responsibility for the affairs and business of villages. This act gives village governments a lot of power to enter into agreements and enterprises which provide for the well-being of villagers.

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

Communal land

- which is land used by a large number of people in a village, and which may include forests, grazing pasture or other areas with 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 which has already been given and is being used for housing, cultivation, business, etc. by individuals or single families.

Future land which 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 these types.

Village Councils can enter into **joint village land use agreements** with one or more other Village Councils in neighbouring lands. If they want to do that, each Village Council must first:

- Let the District Council know what they are planning
- Get permission 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.



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 own the land.

Villages may also lease land to an outside party who will be given the same rights as the village. These rights are known as

Laws already exist which give villages the power to control their lands and many important 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 villages are able to exercise their rights to use and control land?

“*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).

TYPES OF LEASES

Class	Amount of Land	Period of Time	Decision-makers
Class A	5 hectares of land	5 years or less	Decided by Village Council
Class B	6 to 29 hectares of land	6 to 9 years	Decided by Village Council and Village Assembly
Class C	30 hectares or more	10 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 will be distributed to villages. 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.

Certificates

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

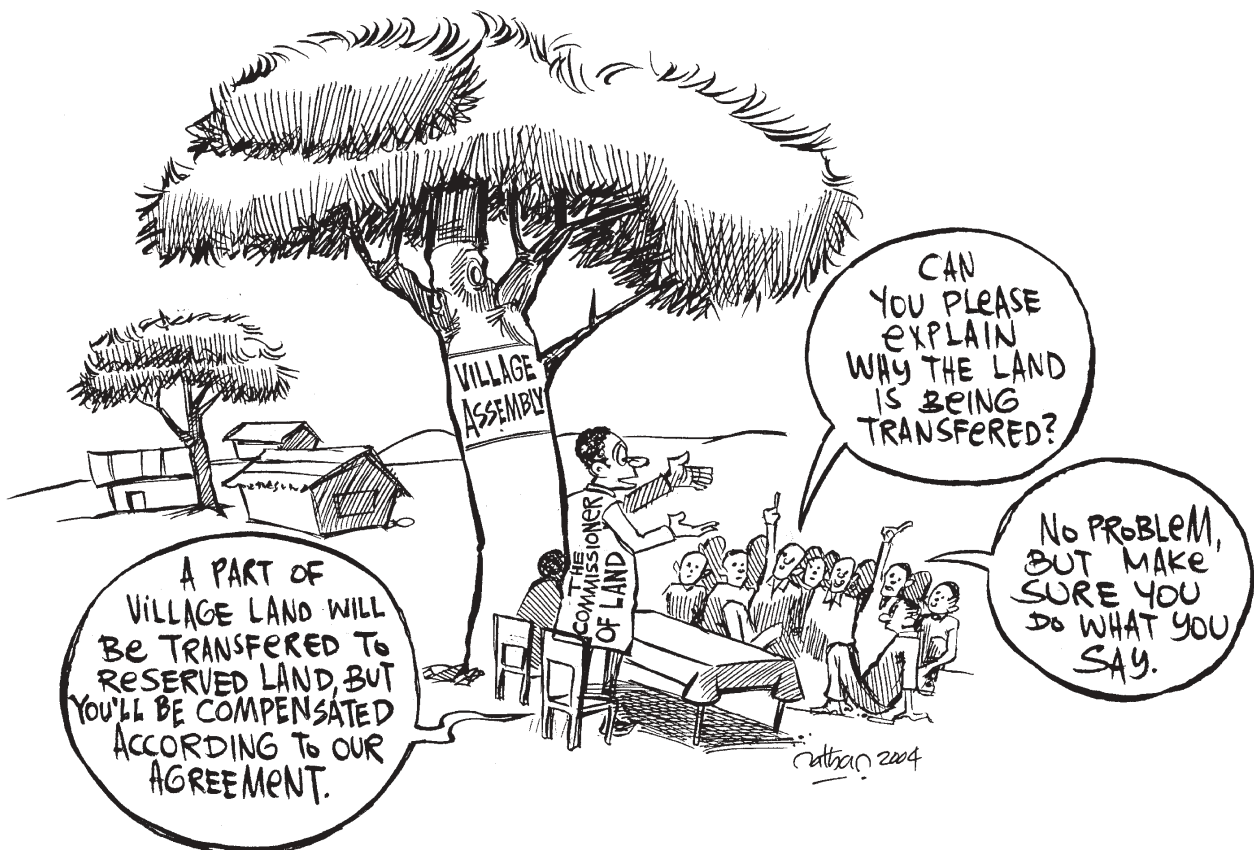
- Be issued in the name of the President
- Be proof of the customary rights of occupancy in a given area of village land
- Give the Village Councils the authority to manage village lands
- Show the boundaries of the village land that were agreed on and marked on the ground

Transfer of Land

The President may transfer village land to general or reserved land which means that the Village Council would no longer manage it. He may decide to do this for the public benefit, for example if land is needed for investment.

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 damaged 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 arranged 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

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

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

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.

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

This 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, the 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

FORESTRY

GENERAL DEVELOPMENTS AND POLICY OBJECTIVES

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
- A new Forest Act has been completed and passed by Parliament which allows the National Forest Policy to be put into action.

In order to see if progress has been made, we also need to know if:

- Village forest reserves are being successfully managed;
- Local communities really have control over the forests;
- There been any conflicts.

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

- How the laws are changing in the way woodlands and forests are managed in Tanzania
- Villages are getting the chance to start looking after neighbouring forest reserves as well as those on their own land
- Villages will be given more power to manage and have control over these resources

The main aims of Tanzania's National Forest Policy are

- To make sure there continues to be enough timber and wood products through good management of forest areas
- To employ more people and earn more foreign exchange through industrial development and trade in forest products that can be maintained without harming the environment
- To make sure all the different plants and animals in the forest are conserved
- To protect the water sources that forests provide
- To keep the soil fertile
- To help everyone involved to develop the forestry sector for the benefit of the nation as a whole



A big aim of the policy is to involve local people in looking after the forest. The policy 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 and to control resources and own land. The communal management of village lands, managed by Village Councils, creates a good environment for starting community management of forests.

ROLES FOR COMMUNITIES

The Ministry's Community-based Forest Management Guidelines describe three roles 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.

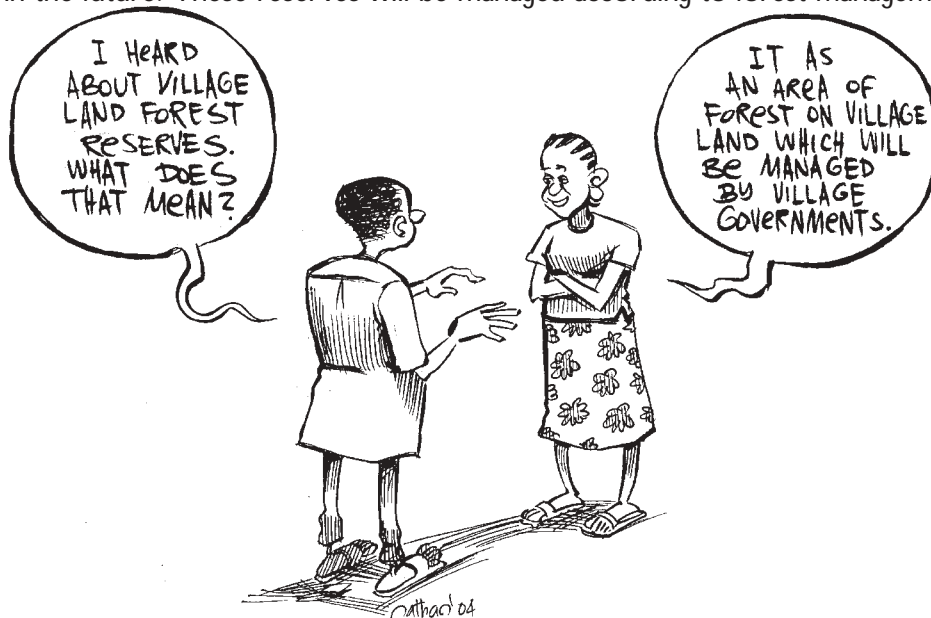
- As **co-manager** with the national government for National Forest Reserves or local government for Local Authority Forest Reserves. These co-management arrangements will be governed by Joint Management Agreements.

The Forest Act of 2002

A new law for managing forests in all of mainland Tanzania was passed by Parliament on April 23, 2002. This law provides a lot of opportunities for villagers to manage, use, and protect the forests around them. The law says one of its main goals is to put the responsibilities and rights for managing forests with the local people living in and around forests.

COMMUNITY-BASED FOREST MANAGEMENT ON VILLAGE LANDS

The law says that forests and woodlands on village lands should be managed by the Village Councils and Village Assemblies. Village Councils can mark out Village Land Forest Reserves if they want to make sure forests and woodlands in their areas are especially well looked after. Those village forest reserves will be managed by village governments or by other people chosen by village governments. These reserves will be managed to produce important resources from trees like wood, traditional medicines, fruits, etc., and for protection of the forest in order to ensure that the environment is taken care of and that the forest will be there in the future. These reserves will be managed according to forest management plans.



Village Land Forest Reserves which have been marked out by Village Councils must be managed according to:

- Policies decided on by the Village Councils
- By-laws written by the Village Councils and passed by the Village Assemblies
- A Village Land Forest 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. The law says that 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
- Say how they hope to benefit from managing the forest and how it will help the economy, society and the environment
- 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: Different areas within a forest where different types of resource uses are allowed.

Preparing the management plans is an important step for villages to create their Village Land Forest Reserves under the law:

- Management plans for the village forest reserves must be approved by the Village Assemblies and commented on by the District Council
- Villages can make by-laws to support their management plan
- Villages manage their forest reserves for a trial period
- Villages can then ask for their Village Land Forest Reserve to be published in the Gazette. Villages must apply to the Director of Forestry for this to happen.



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 a set group of people 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

COMMUNITY-BASED FOREST MANAGEMENT ON RESERVED LANDS

Villages may enter into **Joint Management Agreements** with National or Local Authority Forest Reserves, with either:

- 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 law says that 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

The parts of forests in National or Local Authority Forest Reserves where the villages are given the right to manage the forests are called Village Forest Management Areas. These areas are managed by the Village Councils if the people want the authority to do so and it is approved by the Village Assemblies.

Village Forest Management Areas can be created by the Director of Forestry once the Village Assemblies have sent an application to him. Villages managing these areas also need to have a Village Forest Management Committee.

HOW LOCAL COMMUNITIES CAN TAKE ADVANTAGE OF NEW OPPORTUNITIES IN FOREST MANAGEMENT

These are the issues which must be looked at to see if there is a need for community-based forest management in a given area:

- Broadly, how are forest and woodland resources used by local communities?
- Does the way the resources are managed at the moment mean that they will continue to be available in the future?
- If the answer is no, what is wrong with the way the resources are managed?
- If local people realise what is wrong and can see for themselves the harm that is being done, what would they do to improve the situation?
- If local people were more involved in managing the resources, how would that bring about an improvement?

Once these questions have been answered by local people with guidance from outside, that will help them to decide whether to go for a Village Land Forest Reserve, a Community Forest Reserve within the village or a Joint Management Agreement with a national or local government manager of a neighbouring forest reserve.

WILDLIFE

THE LEGAL BACKGROUND

During the past 25 years the **Wildlife Conservation Act of 1974** has governed the management of Tanzania's wildlife. This law governs wildlife and other resources in in two basic ways:

- By establishing and managing protected areas like **Game Reserves** and **Game Controlled Areas**
- By regulating the use and consumption of wildlife and wildlife products

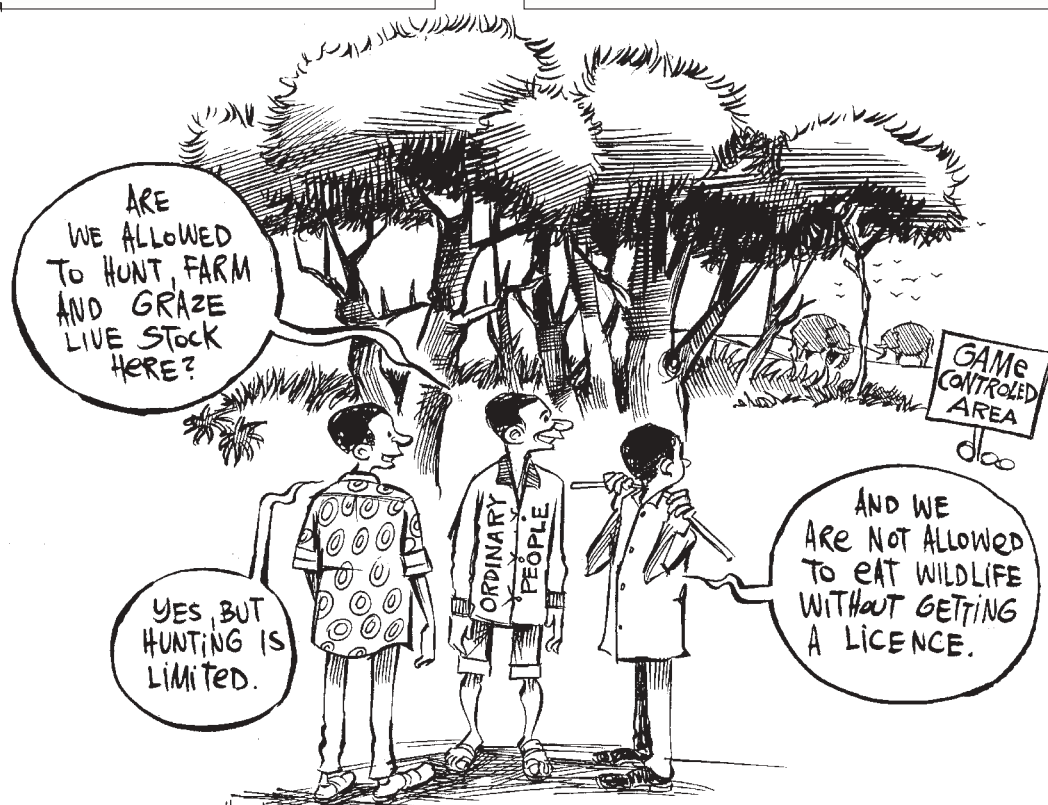
Hunting by tourists and by residents are the main ways that wildlife is being used under the law in Tanzania. These activities are controlled by the Wildlife Conservation Act. Hunting is carried out in Game Reserves, Game Controlled Areas and open areas. The Wildlife Division of the Ministry of Natural Resources and Tourism leases hunting blocks, that is an area marked out in reserved or village lands, to a hunting tour operator.

In Game Reserves:

- People's rights to enter are limited
- People cannot cut vegetation without a license
- People cannot graze their livestock
- People cannot kill animals without a license

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 without getting a license



THE WILDLIFE POLICY OF TANZANIA

Like land and forestry, Tanzania's wildlife sector is changing. A big change came with the Wildlife Policy of Tanzania, which was released by the Government in 1998. The main aims of Tanzania's national Wildlife Policy are:

- To make sure that all life forms are preserved
- To make sure that the wildlife is not used in a way which makes the number of animals decline
- To raise the contribution that wildlife makes to the income of the country and the well being of the citizens
- To make sure that the wildlife sector makes life better for poor people in Tanzania
- To let the nation continue to own the wildlife and manage it on behalf of the citizens

Wildlife in the country face a lot of dangers that can make their numbers go down and even make animals disappear completely in some places. The Policy describes the problems facing wildlife as follows:

- Village people need to use the same land as wildlife; with less land, wildlife numbers may decline
- Competition for the land between people and wildlife means that the numbers of wildlife are decreasing
- Because more people need to use the land for dwellings, growing crops, grazing animals, mining and logging, wildlife 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; this often results in their not caring if wildlife is conserved or not because it is hard for them to get benefits from the wild animals

Wildlife Conservation (Tourist Hunting) Regulations, 2000

- New law added to Wildlife Conservation Act (WCA) 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*. If this is true, it means that *village governments have control over all other tourist activities on village lands*.



The Policy states that the wildlife sector faces the following challenges in conserving the country's wildlife:

- To get local people involved in conserving wildlife
- To earn more foreign exchange
- To make sure that conserving wildlife and developing rural communities go together
- To see that wildlife resources are used legally in a way that will make sure they survive into the future
- To make sure that looking after wildlife is as important as other forms of land use to the villagers

What does Conservation mean?

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

These are some of the ways to meet these challenges, according to the Wildlife Policy:

- 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 the National Parks and Game Reserves

- 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 industry
- Give helpful rules and regulations so that rural communities and the private sector can work together to conserve wildlife

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.”*

Who Controls Tourist Hunting?

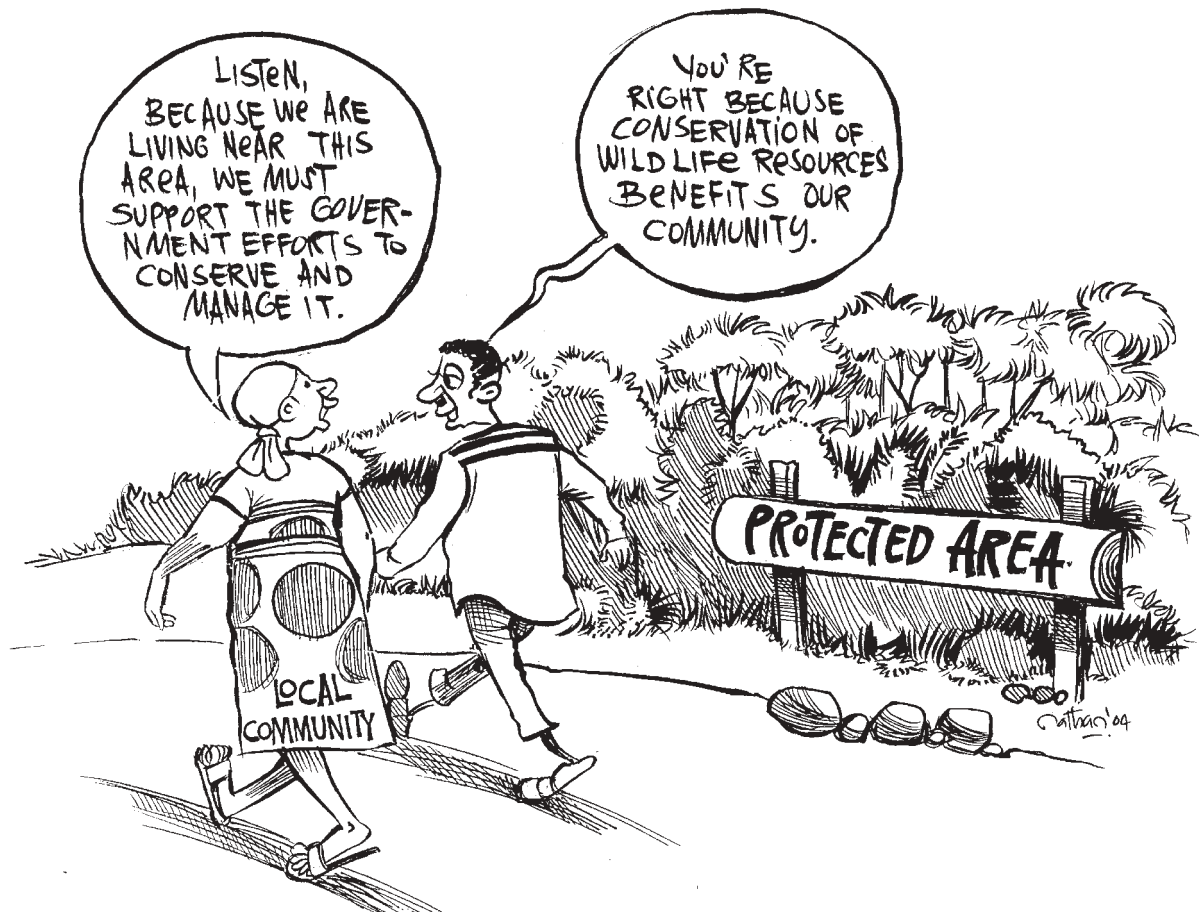
Tourist hunting on village lands is now controlled by the Wildlife Division. The WCA of 1974 says that no one is allowed to hunt and capture animals on private land without a license from the Director of Wildlife and *the permission of the land owner*. Village lands are private lands, so anyone who receives a license to hunt in these areas must also have the permission of the Village Council (land authority). In many cases, hunting companies enter village lands without permission of village governments, which should not be done according to the WCA.

These practices take away the rights of communities to control their land. *Does the current policy require the Wildlife Division to request permission from village governments before issuing hunting licenses?*

HOW THE WILDLIFE POLICY CAN BE PUT INTO PRACTICE

- Continue helping people involved in managing lands and wildlife to communicate with one another
- Establish ways for communities to benefit from wildlife so that villagers can get involved in conserving wildlife
- Hand over more responsibility to villages and the private sector for managing the wildlife on the village lands

According to the Policy, giving user rights for wildlife to the rural communities so that they can manage wildlife will mean that looking after wildlife will be seen as an important form of land use. Giving the people the job of putting the policy into action will help *“to support the government efforts in the conservation and management of the wildlife resources”*. In addition, according to the Policy, local communities living near Protected Areas (PAs) or in areas with a lot of wildlife have a role in managing and benefiting from wildlife on their own lands by creating Wildlife Management Areas.



COMMUNITY PARTICIPATION THROUGH WILDLIFE MANAGEMENT AREAS (WMAs)

The Wildlife Policy says that it is very important that local people are involved in protecting the nation's wildlife. They will be given greater responsibility for managing the resources on their land as well as benefiting from the wildlife. A way to bring about these reforms will be to set up WMAs on village land.

The Policy says that WMAs will be set aside by village governments in order to:

- Conserve and manage wildlife
- Give local people the responsibility for doing that
- Enable local people to benefit from wildlife resources
- Allow communities to benefit from wildlife the way they benefit from other uses of their lands
- Benefit the people financially so that they see the value of conserving wildlife

The Government has made new Regulations—a law made to improve the Wildlife Conservation Act of 1974—for creating WMAs. These are the Wildlife Management Area Regulations of 2002.

This new law explains how villages can create WMAs on their lands, and what rights and responsibilities the communities will have in the new WMAs:

- Villages can set aside a portion of their village land for conservation. Other uses of land may occur in WMAs, but the main purpose of these areas will be for conserving wild animals.
- WMAs will be managed by **community-based organisations** (CBOs) representing the villages involved, not by Village Councils or village natural resource committees.
- These CBOs will ask the Director of Wildlife to make the WMA legal (to *gazette* the WMA) so that the villages involved will get user rights to an annual quota of wild animals. The CBO must prove that it can manage local wildlife resources properly.
- Once the CBO receives the user rights it will become an **Authorised Association** (AA), as stated in the Wildlife Conservation Act. This means that it has been authorised by the Director of Wildlife to manage and use the wild animals in the WMA.
- The CBO/AA will then be legally responsible for managing wildlife within the WMA, according to the agreement it makes with the Director of Wildlife.

This is how to set up a WMA:

First, the Village Assemblies must decide that they wish to form a WMA using parts of the village lands. Then representatives from the village or villages will form a CBO. This CBO will be registered with the Ministry of Home Affairs according to the provisions of the 1994 Societies Ordinance, and must have a valid constitution, membership, rules of conduct, etc.

The villages must then:

- Prepare land use plans by involving the villagers in the planning process
- Mark out the *resource use zones* and the area to be included in the WMA
- Be prepared for their plans to be reviewed to see how they affect the environment (Environmental Impact Assessment)

Resource Use Zones: Areas in which specific resources are used in different portions of village land according to a simple plan made by the villagers.

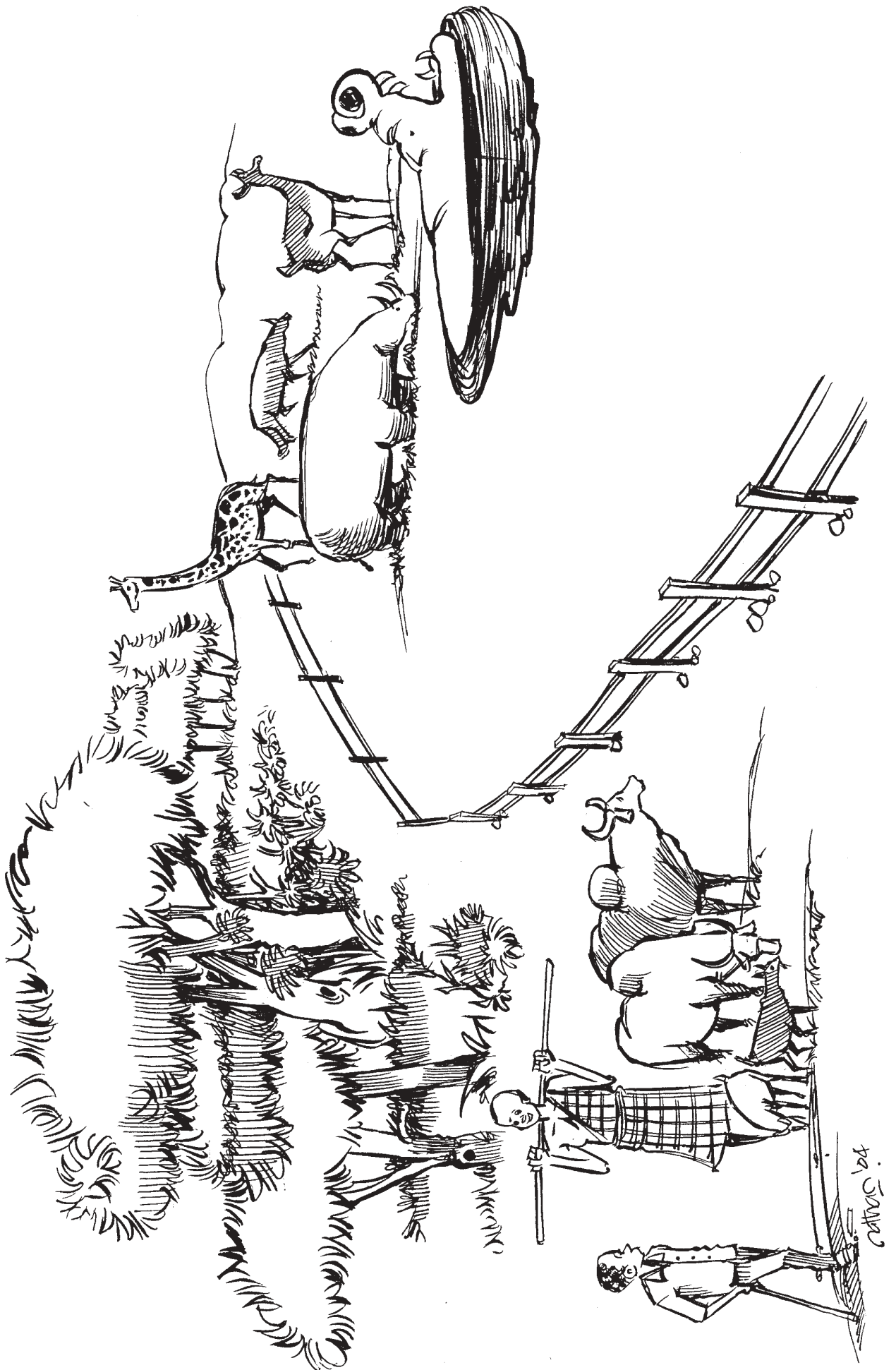
The villages, through their CBO, must prepare a **Strategic Plan** for the WMA area outlining their vision, mission, business plan, etc. In other words, they have to say how they are going to manage the WMA for the villagers' benefit.

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, etc. However, the WMA Regulations say that the resource use zone plan can be used for up to five years instead of having to make a General Management Plan immediately.



Once these steps are completed, the CBO can ask the Wildlife Division for user rights for wildlife in the proposed WMA and so become an Authorised Association. When user rights are granted, the WMA will become officially recognised. When the CBO is given the user rights to wildlife in the WMA, it becomes what is called an Authorised Association ('AA'). This means that it has been authorised by the Wildlife Division to manage and use some of the animals in the WMA.

Once this WMA has been legally formed following these procedures, the AA can then look for investors in the WMA. These can be for tourist hunting, photographic tourism, or resident hunting. If the AA wants a tourist hunting investor, they must ask the Director of Wildlife to designate a tourist hunting block in the WMA. Then the Director of Wildlife will give this block to a hunting company of its choosing, and the AA will then be able to enter into a contract with that company. Photographic tourism does not need any hunting blocks to be designated, but all tourism investments in WMAs must be approved by the Director of Wildlife.



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**For more information
Contact:**

Hakikazi Catalyst
2nd Floor, Meru Plaza Building
Esso Road
P.O. Box 781
Arusha
Tel/Fax: 027-2509860
Email: hakikazi@cybernet.co.tz
Website: www.hakikazi.org