



## Governance of protected and conserved areas in Tanzania

### First steps of an IUCN-assisted process of assessment and action to enhance governance for conservation and sustainable livelihoods

UN Main Conference Hall, UNDP Tanzania Country Office, Dar es Salaam  
21<sup>st</sup> - 22<sup>nd</sup> March 2017



#### **Background**

The event was a first meeting of actors invited to take part in the IUCN-assisted process of assessment and action to enhance governance for conservation and sustainable livelihoods. Among the key expected results of the Phase I workshop were:

- A shared understanding of issues and processes crucial for “governance for conservation” among key actors concerned with the system of protected and conserved areas in Tanzania
- A shared understanding of the phases of a standard process of assessing, evaluating and taking action to enhance governance for a national system of protected and conserved areas (a process of “governance assessment and action” for short)
- Identification and use of criteria to select an effective “Governance Planning Team” for guiding the process of governance assessment and action in Tanzania

#### **Day One Format**

The first day took place from 9:00 to 18:00. The workshop consisted of several informative presentation sessions by the IUCN, IUCN-ESARO, the ICCA Consortium and the Wildlife Division of the Ministry of Natural Resources and Tourism of the Government of Tanzania.



This was followed by an expert panel, and thereafter group work sessions to delve into the details of national governance assessments in Tanzania.

### **Day One Speakers:**

The meeting was opened and facilitated by **Doyi Mazenzele, Project Officer at IUCN Tanzania**. He welcomed all participants and allowed for a Tour de Table. Opening remarks were made by **Robert Mande, Acting Director of the Wildlife Division of the Ministry for Natural Resources and Tourism (MNRT), Government of Tanzania** and thereafter by **Luther Bois Anukur, Regional Director of IUCN ESARO**. Mr. Anukur spoke about the importance of appropriate and equitable governance for achieving the Aichi Targets. The workshop agenda and objectives were then outlined by **Leo Niskanen, Technical Coordinator, Conservation Areas and Species Diversity Programme, IUCN ESARO**.

The first detailed presentation was given by **Grazia Borrini-Feyerabend, Global Coordinator, The ICCA Consortium**. This presentation entitled ["Governance of Protected Areas: From understanding to action"](#) outlined the key concepts and messages around the governance of protected and conserved areas. She also posed questions to the workshop participants which generated brief content for later expansion:

→ **What types of governance of protected areas do you have in Tanzania?**

There are several types of governance structures of PAs in Tanzania. Some of these are National Parks (NPs) which are managed by the Tanzania National Parks Authority (TANAPA); Game Reserves and Game Controlled Areas – all currently managed by the newly established Tanzania Wildlife Authority (TAWA) and the Ngorongoro Conservation Area administered by the Ngorongoro Conservation Area Authority (NCAA). Also, there are nature forest reserves and forest reserves all managed by the Forestry and Beekeeping Department of the MNRT.

→ **Do you have areas & territories that are conserved but are not protected areas?**

In addition to state managed PAs, there are conserved areas (CAs) which are jointly managed by the national government and villages in joint forest management (JFM) agreements. Other community managed CAs are Wildlife Management Areas (WMAs) - managed by Authorized Associations (AAs), Community-based Forest Management (CBFM) and Village Land Forest Reserves (VLFR).

→ **Are those properly recognized and supported?**

All the latter categories of CAs are found within village lands and the village authority have a say on their governing bodies.

→ **Are they part of a coherent conservation system? What quality criteria are, or should be, the most important for the governance of protected and conserved areas in Tanzania?**

The recognition of self-determination of indigenous and traditional communities was highlighted. The integration of indigenous knowledge and indigenous customary user rights into key legislation was also raised.

→ **What measures and instruments are there to ensure that such criteria are respected? What examples can you cite?**

→ **What it would mean to enhance the vitality of governing protected and conserved areas in Tanzania?**



It would mean taking a holistic approach to the systems of governance in place by both, reviewing the laws and policies in place and making sure that those are implemented and harnessed to the fullest.

The [second detailed presentation](#) was given by **Robert Mande, Acting Director of the Wildlife Division, Government of Tanzania** who spoke about the history of conservation measures, law and policy in Tanzania, the institutional arrangements and legal framework (including both national and international agreements signed by Tz), the two forms of wildlife resource utilisation (consumptive and non-consumptive), the stakeholders involved in wildlife conservation, law enforcement measures in place to deal with poaching, challenges in wildlife management and strategies to enhance the management of wildlife. He emphasised that his Ministry is now driving an integrated antipoaching drive to root out the network(s) of poachers and ivory dealers from grassroots to national to international levels.

Mr Mande's presentation was followed by the interactive panel entitled "Governance for nature conservation and sustainable livelihoods in Tanzania: threats and opportunities" opened by **Leo Niskanen**. The panel consisted of **Emmanuel Sulle**, a researcher from the University of Western Cape, South Africa, **Joseph Olila**, Director of the Tanzania Natural Resources Forum, **Charles Meshack**, Executive Director of Tanzania Forest Conservation Group (TFCG) and **Rugemeleza Nshala**, Executive Director of the Lawyers Environmental Action Team. The panel began with the following questions posed by Leo Niskanen:

- What are the crucial issues and processes for the conservation of Protected and Conserved Areas in Tanzania?
- Is it useful to better understand governance on the national scale? If yes, how could this understanding be promoted?

The panel unanimously agreed that it would be very useful to better understand governance in a national sense in order to allow for a national level system that accommodates the full suite of diversity. The following **seven points** were emphasised:

- There needs to be a real and meaningful devolution of power from central government down to the local level
- There needs to be a clear recognition of village lands and their importance in conservation
- Tanzania has many interesting cases of community reserves, which should be highlighted and shared
- The following questions need to be answered with regard to protected and conserved areas: Who benefits from them? Who bears the costs? Where are the incentives to conserve for local communities?
- Government institutions in Tanzania are complex, fragmented and take a sectoral approach to protected areas, this results in conflicting legislation with no coordination mechanisms in place
- There is an urgent need to create dialogue between all of the varying government and community institutions vertically and horizontally
- The anti-poaching drive must recognize the need to have communities as key actors

The final session before lunch was a presentation by **Jennifer Kelleher**, Programme Officer, Governance, Equity & Rights, GPAP, IUCN, on ["Assessing, evaluating and enhancing](#)



[governance for conservation—a process outline](#)". This presentation looked at the methodology of conducting the assessment and evaluation, based on materials from the Protected Areas Best Practice Guidelines no. 20.

The final task before lunch was to divide the teams into three groups for the post-lunch group work activities on assessing and enhancing governance of protected and conserved areas in Tanzania. Each group was encouraged to identify a chairperson to organize the work and a rapporteur to record and deliver the results of the discussions as a **power point presentation** providing answers to the questions below:

- Reflecting upon the presentations and discussions of this morning, if your group would have to collectively identify the **five most important issues that concern “governance for conservation and livelihoods” in Tanzania** and that you would like to see substantially improved as soon as possible— what would those be?
- For each of those issues, would you please identify a **realistic horizon for improvement** and the kind of **process that would have best chances for the improvement to happen?** (for instance, the horizon could be 1 year, 5 years, 10 years, 20 years... longer?... and the process could be enhancing capacities in some government ministry; improving legislation (what specifically?).
- Do you think it would be useful to better understand “governance” as it applies to protected and conserved areas in Tanzania? At what scale(s) would it be useful to understand that? Practically, at what scale would it be most feasible to understand it?
- If a team of people would have to be pulled together to accompany and facilitate such a process of understanding at a useful and feasible scale, what characteristics and capacities do you believe it should include?
- If our workshop of today could result in the most positive and powerful process of governance understanding and action that you can imagine, what would be a results that—twenty years from now—would truly make you proud?

The results of that group interaction were presented in three presentations given by the groups, the presentations are available here for [Group 1](#), [Group 2](#) and [Group 3](#). See table below, with issues highlighted thematically.

Most critical issues that concern governance and livelihoods in Tz	Realistic horizon and process for improvement
<b>Substantive Issues</b>	
Inadequate recognition of the rights holders rights to participate in conservation and earn tangible benefit from their conservation efforts	<ul style="list-style-type: none"> <li>• Realistic horizon 1 year</li> <li>• Review of policy and legal framework e.g NRM cost and benefit sharing</li> <li>• Harmonization of laws and policies</li> <li>• Effective implementation of the revised laws</li> </ul>



<p>Agreed integrated land use plan which is based on improved land tenure</p>	<p>and policies</p> <ul style="list-style-type: none"> <li>• 5-10 years at all governance levels</li> <li>• Agreed participatory land-use and marine spatial plan</li> <li>• Any new land/sea use changes should be reviewed in true participatory manner and compensation fairly negotiated and implemented</li> <li>• Awareness raising needed – whole period</li> </ul>
<p>Evaluating current laws for community rights to govern land and land use and to receive benefits</p>	<ul style="list-style-type: none"> <li>• 2/3 years</li> <li>• Evaluating current laws governing community-based conservation and tourism initiatives e.g. WMAs</li> <li>• Comparing/Harmonising Zanzibar and Mainland fisheries policies for accountability and rights-based management</li> <li>• Holistic review of current laws governing NRM in the country within 5-10 years</li> <li>•</li> </ul>
<p>Policy shift allowing community management in place but lack of subsequent change in budgetary arrangements to support the new protection models/ NR is not a “priority” sector – funds go health, education, etc – not reinvested to conservation</p>	<ul style="list-style-type: none"> <li>• A need to define and maintain investments fund in natural resource protection to maintain income for the nation’s natural treasure particularly at the district level where the majority of CAs and buffer CAs lie/are found</li> </ul>
<p><b>Procedural Issues</b></p>	
<p>Community consultation and participation (FPIC) in governance</p>	<ul style="list-style-type: none"> <li>• 5-10 years</li> <li>• Agreed strategy for WMAs development and management as an example</li> <li>• Policy needs review</li> <li>• Community awareness of their rights and responsibilities</li> <li>• Create a platform for dialogue</li> </ul>
<p>Lack of clearly defined devolution process of power in natural governance e.g. the continued control of the central government in decision making, revenue collection and distribution, leaving communities as mere recipients of policies and revenue shares</p>	<ul style="list-style-type: none"> <li>• 1 to 5 years</li> <li>• Empower grassroots institutions to manage CBRM initiatives</li> <li>• Build capacity of natural resources management bodies on governing resources</li> <li>• Secure political will (buy in of policy makers and implementers)</li> <li>• Improve awareness about natural resources governance process among policy makers</li> <li>•</li> </ul>
<p><b>Legislative Issues</b></p>	
<p>Conflicting laws and policies on natural resources governance and land use. Not only cross-sectoral but inter-sectoral e.g. sea cucumber fishing is prohibited on mainland coast but permitted in Zanzibar using specific take and allowable nets. Another example is the Gas and mining exploration licenses that granted inside conservation areas</p>	<ul style="list-style-type: none"> <li>• 5 years</li> <li>• Review and harmonize policy and legislation</li> <li>• Implement the revised policy and legislation</li> <li>• Awareness raising</li> </ul>
<p>Assessing current legislative framework for wildlife (savannah) e.g. wildlife policy – is there room for another model?</p>	<ul style="list-style-type: none"> <li>• 5 years including consultation</li> <li>• Review of current legal and institutional framework</li> <li>• Look at best practices elsewhere and come up with an appropriate model</li> </ul>





NR judiciary system lacks capacity for prosecution of natural crimes / wildlife crime– e.g. blast fishing, poaching, illegal logging	<ul style="list-style-type: none"> <li>• 2 years depending on finances</li> <li>• Invest in judiciary capacity to deliver timely sentencing prosecutions / acquittals</li> </ul>
<b>Good Governance / Governance Quality</b>	
Harmonization of laws and policies across ministries - Need for institutional coordination	<ul style="list-style-type: none"> <li>• 5 year process</li> <li>• Review of current laws to identify overlap and gaps and conflicts e.g. wildlife conservation act and village land act</li> <li>• Recognition and respect of customary laws and traditional knowledge and rights of local communities and indigenous peoples– review recognition in national laws (– 5- 10 years)</li> <li>• Identifying a body to coordinate process</li> </ul>
Lack of transparency and accountability	<ul style="list-style-type: none"> <li>• 5 year process</li> <li>• Advocate good governance at all level</li> <li>• Assess, monitor, evaluate and challenge the implementation of policy and legislation</li> <li>• Institutionalize transparency at all levels</li> <li>• Improve communications based on clear expectations and understanding</li> <li>• Avoids politicization of issues</li> </ul>
<b>Other Community Specific Issues</b>	
Lack of clear and effective coordination mechanism within the grass roots institutions and how such a mechanism could liaise and connect with central authorities	<ul style="list-style-type: none"> <li>• 5 year process</li> <li>• Put in place communication and coordination mechanism</li> </ul>

**Further key issues highlighted** during those discussions may be synthesized as follows:

**Substantive issues:**

1. Call to recognize a right to self-determination and enshrine it in the new Constitution
2. Call for a legal definition of customary lands
3. Call to recognize cultural rights linked to land and resource use, and enshrine those in law
4. Call to integrate land use plans based on land tenure
5. Finding alternative models for sharing benefits and cost between WMAs and the central government
6. Village land-use plans are not aligned with maintaining the integrity of important wildlife corridors

**Procedural issues:**

1. Traditional knowledge to be identified and recognized in law and conservation practices and in educational programmes such as at the wildlife colleges, training centres and universities
2. Community consultation and participation (FPIC) between village level and central government
3. Create/strengthen a general devolution process – empower the grassroots level by building the capacity of their management bodies



4. Conduct an analysis of communities as “consensual” parties to existing agreements, they may no longer wish to be party to these agreements
5. Understanding participation and interaction not only by and with the community level but also at the household level

### Legislative issues:

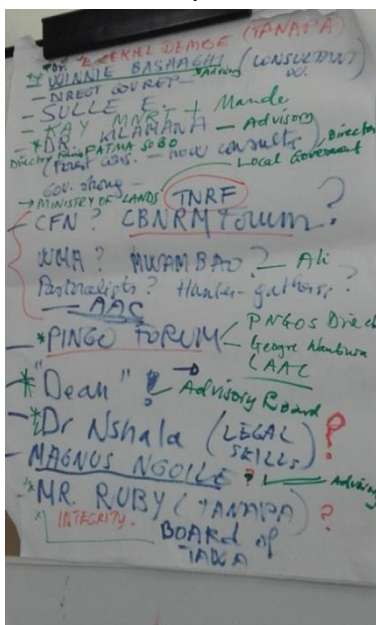
1. Conflicting laws vertically and horizontally (all sectoral laws should be reviewed & harmonized, by taking a holistic approach)
2. Identify community based practices and incorporate them into the national legislation, e.g., the example of the Octopus enclosures in practice on Pemba Island, could be integrated into the national fisheries legislation
3. Excessive, burdensome legislation, is there a room for another model of governance?
4. Difficult to compare legislation and diverse governance models especially from mainland to Zanzibar.

### Governance structural issues:

1. Harmonization of ministries, need for coordination not only horizontally but also vertically from traditional authorities to ministerial level
2. Lack of a coordination mechanism between authoritative bodies
3. Transparency and accountability must be institutionalised
4. Good policy shift in decentralization but no fiscal arrangement to enable that to happen,
5. Institutional capacity is also weak, lack of resources is an issue

### External drivers/Other issues:

1. Lack of clear and effective coordination within grassroots organisations and effective coordination mechanisms needed amongst the community level to tackle fragmentation and hostility
2. Lack of awareness at the community level on governance issues at all levels, there needs to be a robust civil society in place to challenge the government on accountability



3. Issue of increased population among communities within or adjacent to protected and conserved areas

Thereafter, the criteria for the Governance Team (GT) was put forward by participants, to help to facilitate the identification of the GT for Tanzania.

Agreed characteristics were:

→ A multi-disciplinary group that should be made up of diverse sectors and organisations with excellent skills & knowledge of the field such as conservationists,



- PA managers, lawyers and people who know about the social aspects and livelihoods
- dedicated and trusted people who have time
- importantly, the Team should include someone mandated by the Tanzanian government.

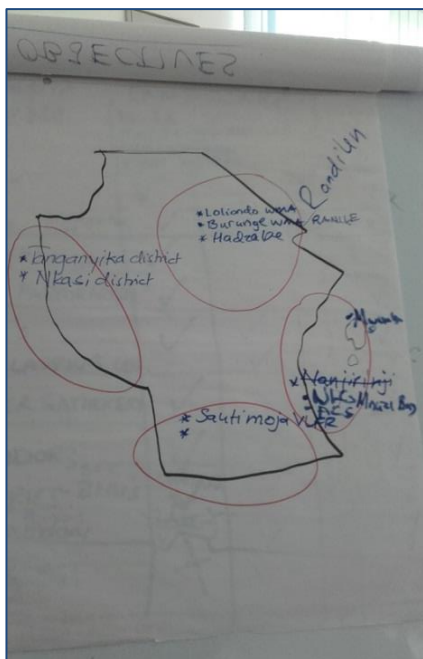
The GT members for Tanzania were then selected to be:

Emmanuel Sulle	Researcher	Institute for Poverty, Land and Agrarian Studies, University of the Western Cape
Makko Sinandei	Executive Director	Ujamaa Community Resources Trust (UCRT)
Joseph Olila	Executive Director	Tanzania Natural Resources Forum (TNRF)
Ali Thani	Country Coordinator	Mwambao Community Coastal Network
George Wambura	CEO	Community Wildlife Management Consortium
Kay Kagaruki	Principal Game Officer	Ministry of Natural Resources and Tourism
Kathryn Doody	Interim Project lead for Selous Game Reserve and the Mahale NP programme	Frankfurt Zoological Society

An advisory panel was also proposed. A final session was convened to plan the ways forward for the next day and the meeting was closed.

**Day Two Format**

The second day took place from 9:00 to 14:00 on the 22<sup>nd</sup> of March. **Doyi Mazenzele** set out the agenda of interactive discussions and **Grazia Borrini-Feyerabend** led the talks. She reiterated the process and methodology of carrying out the project referring specifically to page 76 of Chapter 8 of the no.20 Best Practice Guidelines.



**Geographical Scope**

The discussions centered around defining the territorial scope of the focus. The GT decided to build on the idea of focusing on those areas that act as a catch-all for the most critical themes in Tanzania. There was a general agreement to focus on areas that are already illustrating good governance and how positive and practical action can be proposed and swiftly implemented, if changes are needed. The team created a map (see left) to highlight





the important regions in Tanzania that should be highlighted. The themes are also available [here](#).

Theme/Topic	N. Tz Maasai Steppe Ngorongoro/Serengeti/Manyara/Eyasi/Natron	Tanganyika Ecosystem (Katavi - Rukwa - Nsumbu Ecosystem)	Rufiji Mafia and Kilwa and Selous GR	Northern Seascape (Pemba - Tanga Channel)	Mtwara - Ruvuma System
Park	Y	Y	Y	Y	Y
CBFM (Village Forestry)	Y	Y	Y		Y
Pastoralism	Y				
Agropastoralism	Y	Y	Y		Y
WMAs	Y	Y	Y	Y	Y
Overlapping Legislation	Y	Y	Y	Y	Y
Hunter gatherers	Y			Y	Y
Corridors / grazing areas	Y	Y		Y	Y
Fisheries/BMUs	Y	Y	Y		Y
Cross boundary		Y	Y		Y
Marine/MGT/Coastal			Y	Y	Y
Marine Parks /Village liaison Community			Y	Y	Y

**Objectives**

1. To learn from existing models on Protected Areas and Conserved Areas in governance in Tanzania
2. To identify avenues for key changes and improvements
3. To provide effective recommendations for enhancing governance
4. To share governance lessons across the various sectors in Tanzania and internationally (with a tentative goal to be able to present the findings at the next CBD COP to be held in November, 2018).

**Action Items/Next Steps**

The GT agreed on the following next steps:

- 1) Coordination internally with Emmanuel Sulle as Team Leader
- 2) The creation of a concept note detailing the issues
- 3) Draft a Terms of Reference document to define the objectives and scope for the planning team
- 4) Identify the work plan and budget (which should remain lean/modest)
- 5) Skype call to be arranged during the 1<sup>st</sup> week of April (or telephone calls between the GT)
- 6) Work-plan should be endorsed after the first skype call



- 7) Identify a name for those lands or bodies of resources that a particular group associates with, e.g., Mpungi, or we can use WMAs instead?
- 8) A need to keep the Tanzanian government involved in the process through Kay Kagaruki in the GT
- 9) Kathryn Doody to identify an existing report which looks into the practical devolvement of powers from the MNRT to the local government
- 10) The AAC (Authorised Association Consortium) was identified as a key partner as it is able to connect the GT with all AAs (authorised associations) that manage Wildlife Management Areas (WMAs)

### **Contact**

Jenny Kelleher, Programme Officer, Governance, Equity & Rights, Global Protected Areas Programme, IUCN. Email: [Jennifer.kelleher@iucn.org](mailto:Jennifer.kelleher@iucn.org)