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The ICCA Consortium

**Territories and areas conserved
by indigenous peoples and local communities in Tanzania**
UN Main Conference Hall, UNDP Tanzania Country Office, Dar es Salaam
23rd of March 2017



Background

Billions of hectares of forests, rangelands, wetlands, mountains, coastlands and sea are still—de jure and/or de facto—governed by the indigenous peoples and the traditional communities who have customarily governed and managed them for centuries. When such effective local governance is accompanied by close and unique connections between people and nature, and demonstrated conservation results, we speak of ICCAs—an abbreviation that refers to the territories and areas collectively conserved by indigenous peoples and local communities.



Format

This was a one day event held to bring together representatives, stakeholders and rights holders associated with territories and areas conserved by indigenous peoples and local communities in Tanzania. The proceedings took place from 9:00 to 18:00. The workshop consisted of several informative presentation sessions by the IUCN, ICCA, the UNDP and GEF representatives. This was interspersed with an expert panel and group work sessions to delve into the finer details and issues.

Speakers:

The meeting was opened and facilitated by **Doji Mazenzele, Project Officer at IUCN Tanzania**. He welcomed all participants and allowed for a Tour de Table. Opening remarks were made by **Nehemiah Murusuri** of the UNDP GEF SGP Tanzania. Thereafter, **Dr. Grazia Borrini-Feyerabend** (ICCA Consortium) gave an interactive presentation entitled [“Territories and areas conserved by indigenous peoples and local communities— history, values, threats and opportunities”](#). Questions posed during the presentation revealed many insights:

- In the history of your country and your peoples, do you find access and use rules and customary institutions for the sound governance and management of nature (e.g., land, water, natural resources, animal and plant species)?
- If yes, do you have any example?

A representative from Frankfurt Zoological Society (FZS) spoke about the Batemi people in Loliondo. He spoke of the strong traditional systems of protecting water and the forest among the Batemi people. There are several components that make up this system: Firstly, the traditional leaders set specific rules which prevent the cutting of certain trees and restrict the usage of water to certain times of the day. These rules belong to a wider entrenched and time-established system of maintaining the territory and they are respected by the community as there is an understanding by the community of being custodians of their resources. The community takes collective responsibility to enforce the rules at certain times of the day. They also coordinate the water purification and cleaning operatives of farms in a 2km radius. It has been found that that traditional systems work well, however when systems such as imposed systems as with the national government water committees, the traditional leaders were disempowered and the communities disintegrated. Further examples are forest dwellers that depend on acacia and have created internal community rules for sustainable use. This led to the creation of Mpungu, which are protected forest reserves, outside of the community forest reserves. Mpungu are used for the minimal collection of firewood and ritual and cultural use, conflicts around unsustainable use are resolved internally.

- Are there ICCAs in Tanzania?

There are but there is no legal recognition of these areas.

- Are there threats to ICCAs in Tanzania?

There are a number of varied threats to ICCAs in Tanzania:

1. Due to the fact that there is no formal recognition of indigenous people, especially those dependent on distinct bodies of resources, and their ability to manage those resources, it is very difficult for these groups to have their voices heard and make their own decisions, leaving them more susceptible to the decisions of others and to threats generally
2. Development initiatives which infringe upon more traditional ways of life, eg, a customary system of water protection was supplanted by a government initiative in Loliondo, North Tz.
3. Other state conservation measures may not be appropriate, for example Wildlife Management Areas are not always appropriate for local indigenous groups
4. Economic interests often take precedence over the interests of local dwellers, such as Forest dwellers
5. Loss of traditional knowledge systems due to these kinds of external pressures
6. Corruption by other stakeholders
7. Increase in local populations from both internal and external migration, which is causing local level conflict.
8. Ambiguities in legislation are being taken advantage of by other stakeholders who exploit this lack of clarity to their own economic advantage

→ Are there opportunities to respond to these threats?

Yes, though network building and lobbying. However not enough is being done at the local, national nor international levels.

→ Would it be desirable to have formal recognition of ICCAs in Tanzania?

During the 1960s, the rights of indigenous peoples were abolished, and it is desirable to have them reinstated for a number of reasons:

1. Ensure the right to self-determination, to make their own appropriate intelligent decisions for themselves
2. To ensure the formal recognition of an indigenous group of people associated directly to a distinct body of resources
3. To ensure the recognition of indigenous conservation methods
4. To reintroduce or formalize indigenous methods of conflict resolution which could be used in conflict situations regarding sustainable use
5. To ensure that the precious elements of indigenous culture are not lost and also to prevent new problems from forming, for example, by utilizing customary systems in water regulation, a culture can also be sustained and a group of people protected from external threats
6. To ensure land use plans incorporate indigenous peoples cultural rights
7. To prevent indigenous communities from fragmenting and dissolving
8. To formalize traditional knowledge and its teachings

Directly after, a researcher from the University of the Western Cape, South Africa, **Emmanuel Sulle**, chaired a panel with the title “Territories and areas conserved by indigenous peoples and local communities *in Tanzania*: where from and where to?”. The following experts were invited

to speak during the panel: **Makko Sinandei**, Executive Director of the Ujamaa Community Resources Trust (UCRT), **Mganus Ngoile**, Consultant on Oceans & Coastal Policy and Governance, **Joseph Olila**, Director of the Tanzania Natural Resources Forum, **Charles Meshack**, Tanzania Forest Conservation Group (TFCG) and **Felician Kilahama**, Retired Director, Forest and Beekeeping Division at the Ministry of Natural Resources and Tourism. The question set to the panellists was: **Given your experience working with communities, can you give us your views on history, present and future of ICCAs in Tanzania?** The key points emanating from the panel were:

- History plays a key role to bring things to light, there is a need for the current governance systems to understand the historical context of community governance of their resources, e.g., via the Hadzara community, the Maasai elders, and recognising the most appropriate way to conserve the resources. Many practices are carried out by diverse groups, but there can be unity and common themes in documenting those at national level
- There is a need to document best practices where cultural/religious values and practices have been bringing to the fore excellent conservation practices. These must be legally recognised as effective customary conservation practices. They often operate informally—although legitimately – and they may benefit from legal recognition..
- Conversely, there is a need to identify the laws that support and recognise customary use and try to strengthen those.
- The General Land Act, 1999, No. 5 recognises customary use of land and soil just below the surface, but not anything at a deeper level, which creates a contradiction for use. There is a need to look at how rights to the deeper surface level can be secured
- There is a need to look at contradictions and ambiguities in legislation

The last hour before lunch was dedicated to explaining the GSI initiative with presentations given by **Nehemiah Murusuri** ([The GSI initiative—overview and role of UNDP GEF SGP Tanzania](#)), **Jennifer Kelleher** ([The GSI initiative—the role of IUCN and on-going initiatives](#)) and again by **Grazia Borrini-Feyerabend** ([The GSI initiative, the global ICCA movement and the role of national strategic/ catalytic organisations](#)).

Just before lunch, four groups were identified to discuss a number of questions and prepare presentations for later open discussion with the whole group. These questions were designed to identify the key issues and opportunities for recognition and support for territories and areas conserved by indigenous peoples and local communities in Tanzania. The group work guidance document [is available here](#).

Each group was encouraged to identify a chairperson to organize the work and a rapporteur to record the results of the discussion. They were also asked to deliver the results of the work as a **power point presentation** (ppt) providing answers to the questions in bold below. The group work presentations and output can be found here: [Group 1](#), [Group 2](#) and [Group 3](#) and further can be synthesized as follows:

- **Reflecting upon the presentations and discussions of this morning, if your group would have to collectively identify the five most important issues that concern ICCAs in Tanzania— what would those be?**

The term “Indigenous”

1. No formal legal recognition of the term “Indigenous” and “ICCAs” in the Constitution and also in legislation
2. No formal recognition of self-determination for IPs
3. Contested definitions of the term Indigenous and a need for it to be defined and inserted into all existing legislation e.g. Wildlife Act clause 45 vis-à-vis the constitution
4. No recognition of IPs rights to exclusively access, use, control and own their own natural resources
5. No adequate compensation in place where benefit sharing has been identified, little tangible benefits to incentivize communities to engage in conservation initiatives.

“Traditional knowledge”

6. Lack of recognition of traditional knowledge as a cultural value and as a fundamental support to natural resource management
7. Traditional knowledge is not written down and therefore easily lost; systems of knowledge inheritance do not function, nor are they taught formally in learning centres...

Land ownership, uses and pressures

8. Loss of land – pressures coming from various land uses e.g agribusiness (Mikumi) and conservation interests/tourism in Northern Tanzania lead to a commodification of nature (e.g. land grabbing/green grabbing)
9. Conflicts abound in legislation and policy in various sectors with regard to competing land uses
10. Population growth, both internal and migratory pressures is a crucial issue
11. Climate change is upon us

- **Can ICCAs be formally “recognized” in Tanzania today? If yes, how? If not, would it be desirable to have the possibility of formal recognition of ICCAs in Tanzania? What should that recognition imply?**

Yes, it may be possible to recognize ICCAs in a number of ways, e.g. by:

1. Identifying and recognizing ICCAs as a category of conservation, alongside WMA, CBFM, GR, NP, FR etc.
2. Reviewing legislation and policy in various sectors and integrating the term ICCA
3. Recognising communal lands through the land law and tenure system
4. ICCA caretaker communities could also formally register their association to the land or body of resources formally (for example an hunter-gatherer community could registered an interest to a territory by seeking a Customary Certificate of Rights of Occupancy or CCRO)
5. Creating a policy to recognize community caretaker groups and enabling parliament to recognise those

6. Examining the regional and international declarations that the Tanzanian government has signed
- **Is there any movement or organization that – under whatever name – is already working to get ICCAs properly recognized and supported in Tanzania? If the movement is not there, would it be useful to have one?**

International

1. Frankfurt Zoological Society (FZS), World Wildlife Fund (WWF).

National

1. Tanzania Natural Resource Forum (TNRF) is a member-based organization advocating for good governance of natural resources in the country
2. Pastoral Indigenous NGOs (PINGOs) a member based forum
3. Tanzania Land Alliance (TALA)
4. Authorised Association Consortium (AAC) which has a national network of WMAs
5. Community Forest Conservation Network (MJUMITA)

Local

1. **Ujamaa Community Resource Team (UCRT)** operating in Manyara and Arusha i.e. building the capacity of local communities for management land and natural resource (communal areas). They have and are working with both Hunter gathers (Hadzabe and Akie communities) and pastoral (Maasai and Barabaig) communities.
 2. UCRT can work with either PINGOs Forum or TNRF or AAC to conduct nationwide advocacy campaigns OR all of these organisations work together.
- **If you believe it would be good to have a movement to uphold and advocate for ICCAs in Tanzania, which kind of organization could best do that? What capacities should the organization have? What activities could it develop?**
 1. Constituency, credibility and visibility at the national and local level
 2. Human, financial and technical resources to facilitate progress
 3. Excellent advocacy, lobbying and communication skills
 4. Excellent national outreach with ability to link the local to the national
 5. Involved not only in advocacy but also research and publications
 6. Accountability
 - **What activities could it develop?**
 1. Set up a formal process to review the process of recognizing ICCAs in the legal framework – scoping study
 2. Set up a national workshop to validate the study results
 3. Set up communication activities to ensure government engagement in the process
 4. Develop advocacy and lobbying strategies for the recognition of ICCAs and a formalization of ICCAs through land use planning schemes, securing CCROs e.g.

5. Build the capacity of TNR Forum members
 6. Set up a database of all persons who wish to be identified with and supporting the ICCA
- **If our workshop of today will prompt the effective recognition and support of ICCAs in Tanzania, what practical results will you be able to see five or ten years from now? What will make you most proud?**
 1. IPs and their self-determination formally recognized in the Constitution
 2. ICCAs formally recognized in the Constitution
 3. A strong ICCA Consortium operating at the national level
 4. This same ICCA Consortium is part of a global network
 5. All local communities in Tanzania are informed about how to establish an ICCA and are empowered to do so autonomously
 6. An improved systems of PAs and CAs in terms of livelihoods of rural communities and IPs
 7. Eradicate human-wildlife conflicts

The meeting was finally closed with a synthesis of the issues and the recommendations for the national strategic/ catalytic process in support of ICCAs in Tanzania by **Grazia Borrini-Feyerabend**.

Contact

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