

Report of the Community Conservation Resilience Initiative in Tanzania





Country report on Tanzania Community Conservation Resilience Initiative (CCRI) February 2018

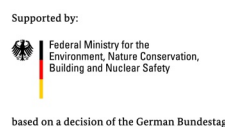
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Cover photos: The river Dehu in Kahe community is used for irrigation and domestic needs. Salome Kisenge/GFC; Members of the Kahe community planting trees in their forest. Simone Lovera/GFC; Planting trees in Kahe community forest. Simone Lovera/GFC

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National Report of the Community Conservation Resilience Assessment (CCRA) in Tanzania.

2017

Introduction of the three communities that performed the CCRA, the lands and territories they depend on/inhabit/conserves, their formal and customary rights regarding these lands and territories, and the community conservation resilience assessment processes performed.

Wiri, Sanya and Lawate communities in Siha District and Ngasini community in Kahe, in Moshi Rural District, both in Kilimanjaro Region, conducted community assessments on conservation resilience, of the lands, forests, water sources and other natural resources. During the assessments, it was reported that, village land, water resources and community forests are controlled by village government. In Tanzania, village government is also part of the Local Government structure.

Every village has committees for developing village plans and decisions on environment, health, community development, education, land, water, forests and other developmental issues. Communities in the Wiri, Sanya and Lawate depend on agriculture which is dependent on land for food security, livelihood and culture preservation. In all these communities, women are major producers. Taking an example of Lawate village, there is Lawate river which is used by community members for irrigation and domestic purposes. In the three communities, vegetation cover and forests are a habitat to a range of indigenous animals, insects and birds.

Customary land rights are still followed in the villages and protected by Village Land Act No.5 of 1999 (Cap 114). They are recognized by the government of Tanzania. Likewise, there is Land Act No. 4 of 1999 (Cap 113) governing access, ownership and utilization of land in Tanzania.

Community members through discussions identified four causes of biodiversity damage being conventional farming that uses intensive agrochemicals killing beneficial organisms, agricultural expansion by farmers, deforestation for charcoal and climate change. Climate change caused Lake Magadi (Lake with bicarbonate of soda) in Wiri village and River Lawate in Lawate village to dry, due to change in rainfall pattern, deforestation leading to water shortage for irrigation and domestic use. There have been long periods of strong sun and heat in the district. Today, deforestation and the drying of the river remain major challenges. Even the amount of snow on top of Mount Kilimanjaro had reduced because of the global warming.

Community conservation initiative and its biological impact.

The community members in Wiri, Sanya villages in Siha District and Ngasini village in Kahe in Moshi Rural village have developed conservation groups. They have established tree nurseries as part of their long-term afforestation and conservation plan. They have linked with the District Councils who also supplied them with tree seedlings. The trees will help in rainfall creation, air cleaning, building materials, fuel, medicinal, animal fodder, cooling during this period of climate change and global warming and serve as habitat for insects, animals and birds.

In addition, the communities have developed environmental committees in collaboration with the village leaders to oversee environmental protection through enforcement of developed village by-laws. There are fines to be paid by those who enter the forest and cut down trees without permission and those who pollute water sources with toxic agrochemicals and oil which spills out of water pumps, flowing into water sources eg. In river Rau in Kahe area, in Moshi Rural. The formed by-laws will regenerate the damaged biodiversity and restoration of the environment for balanced ecosystem and for socio-economic development. Communities will have their indigenous trees which they used for their livelihood, as ornamental, bee keeping, health problems, construction and agroforestry.

Furthermore, communities have resorted to organic farming for agricultural production, income generation, soil regeneration, environmental conservation and human health. Majority of them are making their level best to make sure that, they have better understanding of organic farming. It was also revealed that, farmers in the communities keep two types of gardens or farms, conventional one for commercial purposes and the organic one for their family consumption.

Internal and external threats to the community conservation initiatives that were identified during the CCRA.

During the assessments, it was discovered that, the natural forests, land and rivers/lakes are prone to internal threats where agricultural investors and large-scale farmers cultivate on adjacent land. They also diverge water flow away from communities to their farms leaving community members without enough water for their agricultural production and domestic use. The water pumps were placed near rivers, spilling their oils into fresh water which is also used by human beings for domestic purposes hence posing environmental and human health threats to people. Also, commercial people doing illegal logging, cutting trees for charcoal burning and bricks making pose internal threat to the forests and trees grown for years.

Agrochemicals pollution from conventional agriculture and climate change are exacerbating the threats. Lack of communities' awareness on biodiversity conservation and consequences also exaggerate the problems. Lack of women's land ownership limits their work in environmental conservation and protection of the resources. In Kilimanjaro region, even in the four communities, According to Chagga customs and tradition in Wiri, Sanya and Lawate villages in Siha District and Ngasini village in Kahe in Moshi Rural District, women or girl children are denied to inherit land from their parents. Even when they die without being married, they bodies will be buried at the sides of the border of her Father's plot. This is done according to Customary law in Kilimanjaro.

Solution-oriented approaches, strategies and policies that could be deployed to counter these threats.

Communities in Wiri, Sanya, Lawate and Ngasini villages have taken steps to conserve biodiversity in their areas. They have established tree nurseries to plant trees around water sources, around farms and adjacent to forests for protection of soil, water the ecosystem and livelihood improvement. Bee keeping is also done. Bee hives are placed in up the trees in the forests, or surrounding the walls beside the roofs of their houses. They keep stinging bees and stingless bees. Honey, pollen and propolis obtained from bee keeping is used for commercial purposes for income generation and also used at homes as food and medicine to control coughs among children, adults and people living with HIV and AIDS.

The communities in their environmental groups have divided responsibilities to protect water sources, land resource and forest by ensuring the village by laws are adhered to and reporting to the

local government offices of any environmental destruction act performed by anyone, which incorporates acts like burning forests, illegal cutting down of trees, putting water pumps machines in rivers leading to pollution. They have started consultations with the local government to control water utilization by large scale farmers adjacent to rivers eg. River Dehu in Kahe. Paying of fines or taking offenders to court will apply.

Preliminary recommendations to outside actors.

- NGOs in collaboration with local government officials to conduct community awareness raising on environmental conservation and effects of climate change.
- Intergenerational learning sessions are encouraged for transferring traditional knowledge and skills from elders to youth for effective biodiversity management.
- Advocacy on women’s land ownership and participation in decision making need promotion.
- Gender roles in conservation and resilience have to be known to promote conservation.
- Donors have to be engaged to support community conservation efforts.
- Engagement of media for public awareness on environmental destruction that goes on and for conservation need to be sustained.

Personal story of one of the community members on either community conservation and/or the threats and/or the solutions, with a photo portrait of the community member.

Trees Aid depleted environment and interfered with agricultural production in Lawate village.



“I am farming organically for a long time using Lawate river for irrigation. This river was surrounded by local trees with high volume of water used for livelihood. Last year, Siha District Council gave us fast-growing trees famous as three minutes (locally known as Dakika Tatu) for planting. Me and my colleagues planted them adjacent to the river and around our farms. We cut down our local trees. These new species heavily suck underground water, depleting the environment causing river water shortage leading to poor crops performance. Crops grown in the area where the trees are planted, have poor growth performance. We reported the matter to Village Extension Worker and Ward Executive Officer, then to District Council who granted us permission to uproot the trees and revert to the local varieties”, Mr. Marselian Temba who lives in Lawate lamented.

1. Report on the process through which the assessment was performed.

The basic data about the communities that performed the assessment and how their Free Prior and Informed Consent was solicited.

The assessment was performed in 4 communities, namely Wiri, Sanya, Lawate in Siha District and Ngasini community in Kahe, Moshi Rural District, both in Kilimanjaro Region. These were contacted through local government authorities at village level and their group leaders who consulted community members for permission to be assessed. Face to face interviews were done with community members using group discussions. In Lawate village, 35 community members were involved with 13 men and 22 women. In Kahe community, 8 men and 17 women were involved. In Wiri/Sanya Juu communities (around Lake Magadi) 11 men and 14 women were involved. Elders and youth from all the communities were part of the process.

The community groups were divided in groups of women and men to ensure full and free participation of each member. They explained on how their environment and biodiversity at large used to be based on questions asked. They reported on how the forests used to be, the vegetation cover, trees and how they conserved them. They reported on how community members managed their farms, soil/land and conserved water sources – rivers, springs. They explained on how they selected, stored and multiplied their indigenous seeds for food production and other cultural uses. During the assessment, observations of the natural resources in the communities was done.

Strategic visioning process that was performed.

During assessment meetings, community members were organized in groups of women and men where discussions and mapping of community resources were done including conservation resilience measures done before interventions and provided recommendations and plans for the future conservation work. They also made recommendations for the community, government and partners to support and incorporate in the plans. Each group had a chance to present on what they have discussed and agreed. Plenary discussions were done, questions and answers were also given.

Recommendations for sustainable community conservation resilience:

National government: -

- To enforce environment laws, policies and regulations and oversee healthy use of the environment.
- To ensure proper payment of fines for those who damage the environment.
- To effectively coordinate gender sensitive multisectoral activities that boost environmental community conservation.
- Capacity building of local government officials in biodiversity conservation.

Organizations: -

- To create awareness of the community members on environmental conservation and laws to ensure good practices and attitude that conserve and protect the environment.

Donors: -

- To support community conservation resilience initiatives.

During strategic visioning, the communities had opportunity to share stories of community conservation in the past, cultural practices that were done for the same, the current situation and

what they love to see in the future. They also drew maps on flip chart paper to illustrate the environmental situation before, current status of community resources and the condition they would love to see their environment to look like afterwards. Community members shared information through personal stories based on realities of conservation resilience work they do and cultural practices done in the communities. Communities emphasized on the importance of promoting socio-ecological practices to the wider society.

The way the baseline was being established.

The baseline was established by developing objectives of the assessment followed by preparation of list of respondents to be involved in the baseline exercise. Afterwards, data collection tools with closed and open-ended questions were prepared as a Key questions list, which were administered to selected sample of community members in 4 communities i.e Wiri, Sanya, Lawate and Ngasini in Kahe. In each community, the community members in the sample were divided in two groups of men and women of 10 – 13 members each. Group discussions were done among men's and women's groups in each community. This gave more room for community members to discuss based on gender experiences, practices and gave future recommendations to curb the challenges faced in the meantime.

Legal review process.

The legal review was done in collaboration with A Lawyer. This process was done through reading is composed of international conventions on environment and biodiversity conservation, Tanzania national laws, and policies, national strategies and plans, implementation challenges and recommendations. Tanzania is party to the following international agreements.

Main international legally binding agreements for sustainable development (Rio Conventions) reviewed.

- **International Instruments on Gender Equality, Environmental Justice and Climate Change**

Tanzania is a party to various international and regional instruments which oblige the state to address gender equality issues in environment. Three Conventions resulted from the 20th Anniversary of the Rio Earth Summit (2012). First, the Convention on Biodiversity (CBD), the Convention to Combat Desertification (UNCCD), and the United Nations Convention Framework to Climate Change (UNFCCC). In 2002, the World Summit for Sustainable Development (WSSD) was convened in Johannesburg to assess sustainable development achieved since the Rio Earth Summit. The WSSD, which was attended by 190 governments, 104 heads of state and other stakeholders, brought together a total of 60,000 participants. During the summit three documents were adopted – they are the Political Declaration reiterating the principles of Agenda 21, the Johannesburg Summit Plan of Implementation on plans to implement Agenda 21 and a few bilateral commitments. Agenda 21 Chapter 3 of the Rio Convention focuses on combating poverty, 3.6 focuses on crosscutting issues including basic education, maternal health and advancement of women (www.sustainable-development.un.org/agenda21)

- **The Convention on Biological Diversity (CBD)**

The Convention on Biological Diversity (CBD) aims at conservation and sustainable use of biological diversity, which is defined as “the combination of life forms and their interactions with each other and the rest of the environment that has made Earth a uniquely habitable place for humans” (CBD 1992). Biological resources, both habitats and species, are being critically threatened. Key habitats are being lost at a rapid rate, and species are disappearing at a rate 50 – 100

times the natural rate. 34,000 plant and 5,200 animal species face extinction, as well as 30% of the main breeds of farm animals (GTZ 2002).

The CBD also advocates the fair and equitable sharing of genetic resource benefits. Furthermore, the CBD establishes a connection between sustainable conservation and development, and the rights of indigenous peoples and local communities. For example, plant genetic resources (PGR) are of significant importance and economic value as they represent an irreplaceable, locally adapted source of characteristics such as resistance to pests and disease and suitability to specific micro-climatic, edaphic and environmental conditions. However, PGR are being lost at a rapid rate, in part due to the replacement of farmers' heterogeneous traditional varieties with a relatively small number of homogenous, modern commercial varieties. This loss of crop genetic diversity poses a grave threat to long-term food security (FAO/IPGRI 1996). In effect, biodiversity is important in rural livelihood for spreading risks, as the reliance on a variety of genetic sources allows their agricultural systems to adapt to varying conditions, and generation of income from a range of natural resources.

Local-level biodiversity is maintained through knowledge and know-how of both women and men. In effect, because of gender-based roles in rural livelihoods, women and men acquire and transmit different and complementary knowledge: they have knowledge about different things, and different knowledge about the same things; they organize knowledge in different ways, and transmit it by different means (Huisinga Norem et al 1993).

This knowledge pertains to domestic plant and animal genetic resources, which are the basis of both the productivity and adaptability of agricultural systems, and also to wild and semi-domesticated sources, which offer safety nets in case of food scarcity (Koziell, McNeil 2002). Both sources also provide important goods for traditional medicine, as well as material for the pharmaceutical industry.

Failure to target both sexes in biodiversity conservation results inevitably in a loss of knowledge of local and international relevance, as well as producing a gender bias in policies and programmes which may be detrimental to the functions that women perform. Depending on women and men's roles, their knowledge will be applied to different functions in livelihoods. It has been noted in many regions that whereas men concentrate on cash crop cultivation, women concentrate on subsistence agriculture as well as household-related tasks such as care to family members and food preparation. Thus, failure to integrate women's biodiversity knowledge in each of these functions has impact on household-level food security and nutrition.

The Biodiversity Agenda, has been criticised for focusing on conserving rare species of global value, whereas less attention has been paid to biodiversity of local value, that helps to sustain the livelihoods of the poor (Swiderska 2002). The rural poor are the first to suffer if these resources are degraded or lost (Koziell, McNeil 2002), hence their high stake in ensuring their conservation.

- **The UN Framework Convention on Climate Change (UNFCCC)**

The objectives of the United Nations Framework Convention on Climate Change (UNFCCC) are to stabilize the concentrations of greenhouse gases (carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, perfluorocarbons and sulphur hexafluoride) in the atmosphere, as they are believed to exacerbate climate change and alter agricultural/eco zones. Some predict that by 2100, climatic zones in mid-latitude regions will shift between 150-500 Km towards the poles (UN 1997), and that due to glacial melt and thermal expansion of the sea, sea levels will rise by as much as 65 cm,

threatening both coastal and low-lying areas. The frequency and intensity of extreme natural events are also expected to increase (GTZ 2002).

The UNFCCC points out that reducing greenhouse gases should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change. Furthermore, the UNFCCC aims to ensure that food production is not threatened by climate change, and to enable economic development to proceed in a sustainable manner.

The UNFCCC is supplemented by the Kyoto Protocol (1997) which contains legally binding targets, by which industrialized countries (Annex I countries), must reduce their combined emissions of six key greenhouse gases by at least 5% , in relation to 1990 levels, by the period 2008-2012, calculated as an average over those five years”(UNFCCC 1992). However, as of 2003, the Kyoto Protocol has not yet entered into force: the rules for entry into force require two thresholds to be attained, in terms of the number of ratifying parties but also volumes of greenhouse gases produced per ratifying country. This threshold cannot be reached without the ratification of Russian Federation or the USA (UNFCCC).

Rising of sea levels, increasing aridity, rising frequency of disasters, among other factors, erode the quality of the natural resource base. Decrease in agricultural productivity can be expected. Climate change will exacerbate existing vulnerabilities and create new ones, thus making the fight against poverty still more difficult (Adger et al 2003).

Other effects of climate change will affect women and men, sometimes in the same way, sometimes differently. An increase in temperature-related illnesses and deaths can be expected; changes in the geographic range of vector-borne diseases such as malaria and dengue fever because of changes in temperature and rainfall patterns are also likely. Anaemia – resulting among other factors from malaria – is responsible for a quarter of maternal mortality (ADB et al 2003).

Degradation of water sources is a usual consequence of drought and natural disasters. Children and pregnant women are particularly susceptible to diseases which thrive in such conditions such as diarrhoea and cholera. Furthermore, because of their roles in relation with household water supply and domestic chores, women are particularly at risk for such diseases (ADB et al 2003).

A direct correlation has been observed between women’s status in society and the likelihood of their receiving health care. If climate change has been observed to “exacerbate current gender inequalities” (ADB et al 2003), due to the increase of pressure on societies, negative consequences on women’s health can be expected.

Extreme weather effects such as flooding, landslides, and storms, cause death and injury, and may affect women and men differently, depending on the means at the disposal of each to ensure their own safety. It has been noted that in Bangladesh, cultural constraints on women’s mobility hinder access to shelter and health care in the context of cyclones and floods (Rowshan 1992).

Adaptation to climate change challenges traditional coping mechanisms. Traditional risk-sharing mechanisms, based on kin and social groups, may not be adequate, since whole regions are affected. If the natural resource base is degraded to the point of being insufficient to support the livelihoods of the current population, drastic measures are implemented, such as selling off of assets and migration.

Across regions, women and/or men, and of different age groups migrate for different reasons. However, in the case of male migration, female-headed households have been identified as particularly vulnerable, since women must assume traditionally male responsibilities, without

having equal or direct access to all resources, financial, technological, and social. Remittances, which can help mitigate the vulnerability of these households, depend on the economic opportunities offered to the migrant. In the context of decreased productivity that goes along with climate change, economic and social development is expected to slow down (ADB et al 2003). Furthermore, natural disasters related to climate change take their toll in terms of loss of lives, of private assets and public infrastructure, and reduced productivity. Low investment in preventive infrastructure and institutions drives up the costs of rehabilitation (ADB et al 2003).

The scientific work undertaken in response to the challenge of climate change has allowed developing tools for monitoring climate change, developing early warning systems, modelling changes in climate and forecasting consequences on rural livelihoods. However, the involvement of women and men has proven to be the key to the efficiency of solution finding decision-making and implementation process for long-term and short-term responses to disasters and climate change. A case study from Bangladesh may illustrate the gender issue on this subject: a community-based cyclone preparedness program in Bangladesh has found that sites where women were not involved in village level disaster preparedness committees, responsible for maintaining cyclone shelters and transmitting warnings, made up the highest proportion of cyclone victims. In Cox's Bazaar in east Bangladesh, where women are now fully involved in disaster preparedness and support activities (education, reproductive health, self-help groups, and small and medium enterprises), there has been a huge reduction in the numbers of women killed or affected by cyclones (IFRC-RCS 2002, in ADB et al 2003).

The UNFCCC does not mention either a gender perspective or women and men as specific stakeholders in the convention. In the CBD, the only mention of women and men is in the Preamble, which states: "Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policymaking and implementation for biological diversity conservation, (...)" (CBD, 1992). The rest of the text does not mention the specific roles, responsibilities, participation of women and men. The decisions of the last (sixth) Conferences of the Parties do not refer to gender, or women and men. However, the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) has emitted the Recommendation II/7 on agricultural biological diversity, in which it is stated, on the subject of social and cultural importance of biological diversity, that "Actual and potential knowledge about local agricultural ecosystems generated by farmer communities is an important key to optimising the management of those agricultural ecosystems. Much of the agricultural practices and knowledge are performed and maintained by women in local societies in many regions of the world. The role of women for maintaining those skills and knowledge is of fundamental importance". The SBSTTA further on recommends that "the Conference of the Parties encourage (...) the development, maintenance and mobilization of local knowledge of farmers and of farming communities, with special reference to gender roles in food production for sustainable development".

- **The UN Convention to Combat Desertification (UNCCD)**

The United Nations Convention to Combat Desertification (UNCCD) addresses the impacts of desertification, and seeks to mitigate the effects of droughts. Under the convention, desertification refers to dry land areas vulnerable to over-exploitation and inappropriate land-use as a result of poverty, political instability, deforestation, overgrazing and bad irrigation. Currently the livelihoods of over 1.2 billion people are threatened or at risk because of drought and desertification, impacting 110 countries (GTZ 2002).

Recognizing the link between desertification and poverty, the UNCCD stresses the importance of a “bottom-up participatory approach in identifying, implementing, monitoring, and evaluating projects that combat desertification and mitigate the effects of drought”. The UNCCD approach thus seeks to combine science and technology with local knowledge, to come up with effective solutions for sustainable dry land development such as early warning systems and mechanisms to assist environmentally displaced persons; drought contingency plans; the provision of food storage and marketing facilities in rural areas; the promotion of alternative livelihood projects to provide incomes in drought-prone areas and the development of sustainable irrigation programmes for crops and livestock. As it will be developed further on, the UNCCD is the only one of the three Rio conventions to have clearly addressed the importance of targeting participation of women as well as men at all stages of the process.

Climate change and desertification share common causes, and have many points in common in terms of adaptation strategies to be deployed at individual and policy level. Whereas direct correlation has been admitted between development of industrialized countries and climate change, a mutually reinforcing relation has been equally observed between poverty and desertification in developing countries: populations are forced to encroach further on fragile ecosystems and scarce water resources to meet basic needs. Whatever the set of causes for both problems, the poor are most affected, as wealthier groups assert their rights to limited resources (OECD 2002b).

Given the intimate relationship between desertification and poverty, a local-level gender-sensitive understanding of livelihood roles is all the more relevant for devising solutions. Women, men, boys and girls perform different tasks which may have direct or indirect desertification results. Women and girls are often responsible for collecting firewood, fodder, and water. Women and/or men, girls and/or boys, depending on cultural context, are responsible for grazing of animals. Wood cutting for commercial timber activities is often the responsibility of men.

Whatever the role distribution may be, the specific targeting of sex and age groups in needs assessment and solution design and implementation is an essential factor of programme success.

As in the case of climate change, tasks distributed to women on the basis of their gender roles, such as wood and water collecting, are time-and energy consuming, and as desertification causes these resources to rarefy, an ever-increasing work burden is associated to these tasks. Win-win solutions which are environmentally sustainable, time/energy-saving and socially relevant have been devised, such as improved cooking stoves and local-level agroforestry activities (FAO 2003).

The UNCCD goes further in gender mainstreaming, not only in recognizing the role of women in rural livelihoods, but in explicitly encouraging the equal participation of women and men.

The prologue mentions: « Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought”. The General provisions, article 5, oblige affected country parties to “promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of nongovernmental organizations, in efforts to combat desertification and mitigate the effects of drought”. National Action programmes (part 3, section 1, and article 10) are required to “specify the respective roles of government, local communities and land users and the resources available and needed”. In this, they must “provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and

implementation and review of national action programmes” (point f). As for capacity building (Part 3, section 3, article 19), parties are required to promote capacity building “through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organizations” (point 1). Furthermore, for understanding of causes and effect of desertification, and actions to be undertaken to meet the conventions, Public awareness and educational programmes will ensure that opportunities are extended to all “in particular for girls and women, on the identification, conservation and sustainable use and management of the natural resources of affected areas” (point 3).

The Regional Implementation Annex for Africa is the only regional implementation plan for the UNCCD which mentions women and men. Article 8, Point 2, states that National Action Plans should favour, among other features, “the increase in participation of local populations and communities, including women, farmers and pastoralists, and delegation to them of more responsibility for management.”

In relation to the wide difference in levels of gender mainstreaming into the conventions, it is interesting to note that the UNFCCC and CBD developed out of primarily northern environmental concerns through governmental and UN mechanisms (Intergovernmental Panel on Climate Change (IPCC) and the UNEP ad hoc Committee of Experts on Biodiversity), whereas the UNCCD was proposed by the South, who sought a solution to desertification, which has primary impact on the world’s poorest populations (Swiderska 2002). This has been hypothesised as a cause to explain the wide differences between conventions, in their success in mainstreaming gender. The fact that each convention had been developed at different moments in the evolution of the Gender and Development paradigm has also been put forth as a possible explanation. In this case, the UNCCD, being the last to be signed, would have benefited from the higher level of maturity of the Gender and Development paradigm.

- **The Stockholm conference, 1972 (The United Nations Conference on the Human Environment)**

The United Nations Conference on the Human Environment, known as the Stockholm Conference was primarily based on ‘Northern’ environmental concerns, related to consequences of rapid economic growth. It represented the first international recognition of environmental issues. The Conference developed Principle 21, which is widely considered as having become a rule of customary international law. This principle held nation-states responsible for harmful environmental actions within their sovereign borders, as well as actions that cross over and harm another state. The Conference led to the establishment of the United Nations Environment Programme (UNEP) and many national environmental protection agencies.

Following the Stockholm conference, the international conferences took place reflect growing awareness and increased focus on specific environmental issues, and important UN conventions are signed: the Convention on Wetlands (RAMSAR 1971), the UNESCO Convention for the Protection of the World Cultural and Natural Heritage (1972), the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES 1973), the Convention on Long-Range Transboundary Air Pollution (1979), the UN Convention on the Law of the Sea (1982), the Montreal Protocol on Substances that Deplete the Ozone Layer (1987), and the ILO Indigenous and Tribal People Convention (1989) . In 1988, the World Meteorological Organization (WMO) and UNEP established the scientific advisory body “Intergovernmental Panel on Climate Change (IPCC)” to look into climate change and its causes.

The Stockholm Convention was adopted in 2001. This focused on chemicals which are highly toxic, persistent and bio cumulative.

These international instruments do not address gender or women specific issues in chemicals.

- **The UNESCO Convention for the Protection of the World Cultural and Natural Heritage (1972)**

In addition to the UN conventions, specialised agencies have also passed a few instruments. For example, UNESCO Convention for the Protection of the World Cultural and Natural Heritage (1972), the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES 1973) and the Convention on Long-Range Transboundary Air Pollution (1979).

- **Basel Convention (1989)**

There are however few international instruments which have been agreed upon in setting standards for managing and controlling use of chemicals. Some of these instruments include: The Basel Convention on control of Transboundary movement of hazardous waste and their disposal (1989).

- **Rotterdam Convention (revised 2005)**

The Rotterdam Convention 1998, and the Stockholm convention on Persistent Organic Pollutants (POPs). This covers pesticides and chemicals providing rules and conditions for exporting hazardous chemicals.

NATIONAL LAWS AND POLICIES REVIEWED

THE NATIONAL CONTEXT

Tanzania has attempted to translate the international conventions which have gender equality implication into legal, policy, program activities at national level.

LEGAL FRAMEWORK IN TANZANIA

The Constitution of the URT (1977)

The Constitution of the URT, (1977) Part 11(8-a) states that the supreme power resides in the people of Tanzania and that the government's mandate to govern is granted by the people (b) the primary goal of the government is the welfare of the people, and that (c) the government is accountable to the people and that (d) the people will participate in the governance processes. Although the language is gender neutral, the concept of people as used in the constitution is inclusive of women and men. Para 9 (c) states that the wealth and natural resources of the nation will be developed, protected for the benefit of all the people (d) and that development of the economy will be guided by equity principles. And (k) the governance processes will be guided by democratic principles. Article 14 provides for a right to live, which can be interpreted to include the right to live in a healthy environment. The constitution being the primary law of the land provides a basis and a strong foundation for promoting gender equality in management of natural resources and protection of the environment.

- **Environmental Law of 2004**

A more specific legal instrument on environment is the 2004 Environmental Management Act 2004. Part 11 of the law define the principles which will guide environmental policies, plans, programs and activities. Part 11 (4 (i) states that every person living in Tanzania has a right to clean, safe and healthy environment. These rights include: access to education, health, spiritual cultural and economic. The principle on public participation in the development of policies, plans for the management of the environment is spelt out in (d) while the principle of equal access to justice is articulated in (e) The principle of intergenerational equity as well as intra generational equality are also provided in this section. Additionally, Part 11 defines the administrative structures and

institutional arrangements which is silent on gender equality application in recruiting key personal for the various positions. It however calls for ‘public’ participation in environmental decision making. Here the ‘public’ presumably refers to men and women. It requires undertaking of Environmental Impact Assessment (EIA) prior to implementing any major projects as well as Environmental Strategic Assessment (ESA). The assessment will be incomplete if gender impact is not part of the assessment (URT 2004).

- **Forest Policy, 1998**

While the Forest Policy acknowledges the potential of the forest sector to the development of the economy, and the need for engaging diverse stakeholders including communities, the policy does not make direct commitment to promoting gender equality in managing accessing and benefiting from forest resources. The main objective of the Tanzanian Forestry Policy is development of sustainable regimes for soil conservation and forest protection, taking into account close links pertaining to issues of desertification, deforestation, fresh water availability, climate change and biological diversity. The four objectives spelt out in this policy document do not include an objective of enhancing gender equality or women’s participation in key decision-making organs.

- **Water Policy of 2002**

The objective of the Water Policy, 2002 to have in place a water management system, which protects the environment, ecological systems and biodiversity. The objectives include ensuring quantity and quality water for both surface and groundwater resources based on scientific information available considering both the temporal and spatial water requirements to maintain the health and viability of riverine and estuary ecosystems and associated flora and fauna; and use of environmentally-friendly raw materials with less-toxic elements and adapt cleaner production technologies (NBSAP, 2015)

- Section 4.8 of the water policy emphasizes the need for effective participation of women and men in rural water supply programmes. It is stated in the policy that, in rural areas women bear the burden of searching for water and guardians of the living environment. However, this pivotal role has rarely been reflected in institutional arrangements for the development and management of rural water supply and sanitation services. In order to improve gender participation in rural water supply programs the following will be undertaken:
 - (i) A fair representation of women in village water-user entities will be encouraged.
 - (ii) Rural water supply programmes shall be based on what both women and men in rural communities know, want and are able to manage, maintain and pay for.
 - (iii) Raise awareness, train and empower women to actively participate at all levels in water programs, including decision making, planning, supervision and management.

The policy recognizes the importance of involving women in leadership in the water sector. The framework for the water sector policy strategies stem from the Tanzania vision 2025. The national Development Vision 2025 for water and Sanitation is: Universal Access to safe drinking water by 2025 through involving private sector, empowering local communities and promoting broad based grassroots participation in mobilising knowledge and expenses.

Similarly, MKUKUTA identified a close relationship between water resource and management and reduced poverty.

On Equity, it is acknowledged that inequality in water allocation and ill-defined water rights restrict access to and control over water resources poses major obstacle to poverty reduction processes.

- **The National Water Sector Strategy, (2006-2015) (URT 2005)**

Although it recognizes access to water as a right to all citizens, it establishes that water as an economic good to be financed by users. This is an ideological shift, from the concept of water as a common good which all citizens poor and rich are entitled to into a commodity which all citizens who can afford it are entitled. It also emphasizes cost recovery and the role of private sector in service delivery.

- **Revised National Energy Policy, 2015**

In 2015, the government of the United Republic of Tanzania revised its 1992, energy policy which aimed to ensure adequate and sustained supply of energy for continued sustained growth. The thrust was to have affordable, energy supply in the whole country. The policy acknowledged that inferior energy practices are negatively affecting poor people generally but more so poor women in rural and urban sectors. Women's health is often times compromised as well as time taken in searching for domestic energy. The policy hence aims at introducing institutional focus aiming at improvement of rural and urban energy practices which will relief women the workload of supplying domestic energy as well as contribute to improved health conditions. Despite this gender equality is not stipulated in the sub sectors policy statement of electricity, petroleum, natural gas, or renewable energy. While rural energy sub sector notes the negative impact of insufficient supply of rural energy to all economic activities, including gender equality, the policy statements are silent on gender equality. The issue of gender equality is spelt out in the cross cutting section. The policy statements include promoting gender equality in subsectors, both demand and supply side, facilitate education and promotion of training for women as well as promotion of awareness and advocacy on gender issues in the energy.

The main challenge is absence of gender equality principles in the key sub sectors might make the gender agenda spelt out in the crosscutting section a nobody's business.

- **Land Act No.4 and Village Land Act No. 5 enacted in 1999**
Brief History of Land Tenure Systems in Tanzania.

There are three major land tenure eras in the history of land ownership in Tanzania Mainland which are Pre-colonial era, Colonial era and Post-Independence era.

Pre Colonial Era.

During this era, land ownership was based on traditions and customs of societies. Also, land was for usufructuary right. Land disputes were resolved traditionally using traditions and customs of a particular tribe.

Colonial Era.

This was a period of German rule, where all land in Tanganyika was declared to be under the Germans. Land administration was by way of decree. During the British Rule declared all land in Tanganyika was declared to be public land vested to the Governor on behalf of the Queen. However, Land Act No. 3 of 1923 was enacted recognizing deemed and granted right of occupancy. Granted Right of Occupancy was regarded as superior tenure and was more protected. In the colonial era, there was land alienation due to introduction of large farms and industries. There was existence of land disputes and resistance by the locals.

Post-Independence Era.

In this era, Land was still declared public but vested to the President as a trustee. The Laws recognize two tenure systems; Granted and Deemed. The President was involved in land administration and management through his representatives. During this era, there was introduction of villagization, ujamaa villages, estates owned by parastatal organizations which intensify land alienations and a number of challenges in land ownership and administration. In 1980's challenges intensified characterized by poor land administration, corruption and poor land conflict management mechanism, awareness of land value and market.

The above challenges rose a need for change of land tenure regime which lead to the following;

- Formulation of the Presidential Commission of Inquiry into Land Matters in 1991 which came up with profound recommendations which laid the foundations of the National Land Policy and Land laws.
- Enactment of the National land policy in 1995 which was amended in 1997 and is now under amendment process.
- Land Act no.4 and Village Land Act No. 5 were enacted in 1999 and became operational in 2001 with a number of amendments (e.g Abolition of Offer of Right of Occupancy, Mortgage finance)
- Enactment of other land laws, The courts (Land Dispute Settlement) Act (2002), Land Use Plan Act, The Urban Planning Act, Planners Registration Board Act in 2007, Unit Titles Act in 2008, Valuation and Valuers Act of 2016, Estate Agency Bill and Real Estate Regulatory Authority Bill.

Sources of Land Rights in Tanzania.

Sources of land rights in the country are: The Constitution of the United Republic of Tanzania, The Land Policy, Land Laws and Other Laws.

The Constitution of the United Republic of Tanzania.

Article 12 of the Constitution stipulates right to equality, all human beings are equal. Also, Article 24 of the Constitution talks about right to own property and to protection of the property owned in accordance to the law.

The Land Policy.

- Fundamental principles of the National Land Policy recognize equality in access, ownership and use of land
- Emphasizes about equitable distribution of land
- Provide equal ground for all gender to participate in decision making in land matters

Land Laws.

Categories of Land S. 4(4)

- a) General Land - Commissioner for Lands
 - b) Reserved Land- Reserve Authorities
 - c) Village Land - Village Council
- Current Tenure- Right of Occupancy
- a) Granted
 - b) Deemed

Gender and rights in Tanzania

Right to access, own, occupy and use land- URT, Land Policy, Land Laws

- By citizens s.19
 - By Non citizens s.20
 - Recognition of gender interest
-
- a) Right of women to own land is equal to that of men S.3 (2)
 - b) No discrimination in application of Customary Right of Occupancy, S. 23(2) (c) of Village Land Act (VLA)

Right to be part of the decision-making machinery.

Gender is considered in Land Dispute Resolution, S. 60(2) of VLA requires that a number of women in VLC not to be less than 2 out of 7, S.60(9) of VLA talks about quorum which is supposed to be 4 people with at least one woman.

Right to protect matrimonial interest in land.

- a) Mortgage, S.-114 of the LA requires a married person who mortgages a matrimonial property to seek consent from his/her spouse.
- b) Transfer, s. 59 of the Law of Marriage Act requires the transferor who is married to seek consent of his/her spouse.
- c) Caveat, S.78 of the Land Registration Act empowers any person with an interest in particular property to file a caveat. That interest includes interest in matrimonial properties. Transfer and change of Ownership by Legal Personal Representative
- d) Transfer of land and Change of Ownership by the Legal Personal representative must be consented by all beneficiaries of the deceased. This benefits all beneficiaries including widows.
- e) Co occupancy.

The law allows occupation of land by more than two people. There are two types of co occupancy; Occupiers in common (with division of shares), When one dies his/her share will be subject of administration. The second type is Joint Occupiers (no division of shares). This is allowed to spouses only as per S.159(8) of the LA (when one dies the property shift to the survival).

Challenges.

If you look at the URT, Land Policy and Laws you can feel that land rights in Tanzania are well protected, however there are a number of serious challenges in their implementation.

- VLA recognizes ownership of land through traditions and customs, the VLA came to formalize what has been there already, in most customs a woman is not allowed to own land, she has a right to use only, this has made many women landless.
- The law recognizes that every citizen has a right to access and own land but in reality, the land is not accessible by all citizens, in order to access it you either inherit it, be given as a gift or buy it, if you don't fit in these three you are landless, women suffer more.
- There is unequal distribution of inherited land between women and men in most tribal customs and Islamic Religion.

Legal and Non-Legal Aspects of Recognising and Supporting Community Conservation Initiatives in Tanzania.

Section 1: National context

a. Overview.

- **Area, population and demography, key geographical and ecological features, key industries, etc.**

Tanzania is covered by natural vegetation (green), rich mineral deposits (yellow), Tanzanian people (black), and numerous lakes and rivers and the Indian Ocean (blue) as represented by our national flag. It is located in Africa continent at East Africa Region bordering the Indian Ocean, laying between Kenya and Mozambique. Tanzania has a total area of **885,800 sq. km** of land and **61,500 sq. km** of water with an estimated population of **51.82 million that has diverse** ethnic, linguistic, and religious groups (Muslim and Christian communities are approximately equal in size, each accounting for 30 to 40 percent of the population and remainder consisting of practitioners of other world faiths, indigenous religions, and people of no religion).

Climate varies from tropical along coast to temperate in highlands. There is a mean elevation of **1,018 m** with extremes of the lowest point being at **Indian Ocean (0m)** and highest point being located at **Kilimanjaro Mountain (5,895 m)**. At coastal belt: tropical conditions prevail, with temperatures averaging about 27°C and high humidity while at central plateau: hot and dry conditions, with considerable daily and seasonal temperature variations. There are two rainy seasons; the short rains are generally from October to December, while the long rains last from March to June.

Tanzania key industries are agricultural processing and mining. Agriculture is still the main activity of the domestic economy and remains a key earner of foreign revenue. Labor force by occupation in agricultural sector is 50%. Fishing is another key food sector. It's mostly carried out using traditional small-scale methods, though other species such as prawns and tilapia are fished commercially along the coast.

Apart from wealth in agriculture, forestry and wildlife land being part of Tanzania's Natural Resources, the country is also very rich in minerals such as gold, diamond, iron, coal, nickel, tanzanite, uranium, hydropower, tin, phosphates and natural gas. Recently natural gas deposits have been discovered.

- **The main indigenous people, local communities or community-level livelihood strategies in Tanzania.**

Indigenous people of the United Republic of Tanzania include the Maasai, the Barbaig, Akie, Taturu and Hadzabe. Indigenous pastoralist and hunter/gatherer communities constitute the most vulnerable segments of the Tanzanian society. Their economies and traditional ways of life rely heavily on cattle herding, as well as hunting and gathering. The indigenous people have been migrating from their areas to other areas where there are resources for their livestock and livelihood activities. For example, the Maasai people nowadays in Tanzania, have settled in different villages in various regions, such as in Wiri village around Lake Magadi (Bicarbonate of soda lake), the local Chagga people found in Lawate village both in Siha District, and also the mixture of Maasai, Chagga and Pare in Ngasini village in Kahe community, in Kilimanjaro region.

Indigenous people's resource management practices and techniques contribute to the maintenance and adaptation of productive, sustainable ecosystems. Their agricultural, hunting, gathering, fishing,

animal husbandry and forestry practices typically incorporate sustainable use of land and water resources, as well as various habitats and economic, social and cultural components. This, in turn, contributes to sustainable land and water management, forest and marine conservation, and efforts to combat desertification. Through their dynamic conservation of bio-cultural diversity (e.g. diversity of seed stock, crops and related knowledge systems), they contribute to climate change adaptation and risk mitigation.

- **Some of the main drivers of biodiversity loss and land/resource appropriation.**

Tanzania's biodiversity is influenced by a number of factors including *climate, altitude, anthropogenic activity* and *physical features*. The country also hosts terrestrial, coastal and marine and inland water (lakes, rivers, dams and wetlands) ecosystems. Notably these are trans-boundary, shared with the seven countries that border Tanzania. It is estimated that Tanzania has lost at least **one-third** (1/3) of its important ecosystems and biodiversity hosted within from **forests and wooded areas** over the past few decades due to **agriculture expansion** and **urban growth**. In addition to agricultural expansion, grazing and urban growth, biodiversity is threatened by a number of issues including: **overexploitation; pollution; invasive alien species; exploration and extraction of oil and gas; climate change; genetic erosion; poverty; the need for economic growth; political and social instability in neighbouring countries; culture and beliefs; inadequate awareness and knowledge; and inadequate policy, legal and institutional response, habitat degradation due to forest fires, unplanned land use, unmanaged natural resource extraction** has resulted into serious habitat degradation and consequent loss of biodiversity in the country. Other serious threats to habitats include **fuel wood gathering, mineral and aggregate mining, commercial logging, coral destruction and infrastructural development**. Forest fire is another serious threat especially to forests in the country and is reported to be increasing at an alarming rate (URT, 2008). Most fires are caused by human activities particularly farm preparation. Other causes include game hunting, honey collection, charcoal burning, and burning to simultaneously improve pasture quality.

Almost 38% of Tanzania's forest cover is being lost at the rate of about 400,000 ha annually and should this continue, the country would deplete its forest cover in the next 50 -80 years. Along the coast, 18% of the mangrove forest cover has been lost over a period of 25 years (1980 – 2005). Similarly, more than half of inland water ecosystems (rivers, lakes and dams) have been degraded and 90% of the wetlands are under increasing pressure losing many of their important functions.

- **Some of the main threats to cultural diversity.**

Despite the cultural diversity richness and conservation commitments in place, Tanzania's cultural diversity is experiencing substantial reduction in quality. The main threats being introduction of external technologies in livelihood systems in indigenous localities and communities especially the young generation, introduction of invasive alien species, climate change and genetic erosion. This has affected the local values, practices and culture. For example, in Siha District, where Maasai and Chagga tribes have come together, there have been cross cultural learnings and community members could identify some best cultural practices through mapping where various aspects of livelihood, natural resources conservation and gender relations were discussed.

b. Introduction to national legal system.

• **Constitution of the United Republic of Tanzania and recognition of the environment or Indigenous People's rights.**

The Constitution of the United Republic of Tanzania recognises the environment or Indigenous People's rights. It is stated in the following Articles that: -

- 12(1) All human beings are born free, and are all equal.
- 12(2) Every person is entitled to recognition and respect for his dignity.
- 13(1) All persons are equal before the law and are entitled, without any discrimination to protection and equality before the law.
- 13(2) No law enacted by any authority in the United Republic shall make any provision that is discriminatory either of itself or in its effect
- 13(3) The civic rights, duties and interests of every person and community **shall** be protected and determined by the courts of law or other state agencies established by or under the law.
- 24(1) It is explicit that every person is entitled to own property. The article further states that any deprivation of a person's property is unlawful unless declared by law which makes provision for fair and adequate compensation. Land is a property that every citizen is entitled and therefore women as citizens are entitled to this right as well as indigenous rights.
- 27(1) Every person has the duty to protect the natural resources of the United Republic, the property of the state authority, all property collectively owned by the people, and also to respect another person's property.
- 27(2) All persons shall be required by law to safeguard the property of the state authority and all property collectively owned by the people, to combat all forms of waste and squander, and to manage the national economy assiduously with the attitude of people who are masters of the destiny of their nation.
- 29(3) Ensures that no citizen shall have a right, status or special position on basis of lineage, tradition or descent.

• **Structure and type of Tanzania's legal system. Key issues with conflicts between national and sub-national jurisdiction over certain areas of law.**

The United Republic of Tanzania is made up of Tanzania Zanzibar and the Mainland. The Tanzanian public authority is divided into central and local government authorities (decentralized governance). Local governments are allowed to create binding by-laws to govern various issues in the districts. The political governance structure of Tanzania is divided into three parts. According to Article 4 of the Constitution of the United Republic of Tanzania of 1977, these parts are the Executive, the Legislature and the Judiciary. Tanzania's legal system is based on English Common Law. According to Section 2 of the Judicature and Application of Laws Act, Cap. 358, Common Law, doctrines of equity and statutes of general application are enforceable in Tanzania (but only so far as the circumstances of Tanzania and its inhabitants permit, and subject to such qualifications as local circumstances may render necessary). The supreme law of the country is the Constitution of the United Republic of Tanzania of 1977 as amended from time to time.

International treaties or code of conducts in any fields are not applicable in Tanzania unless they are ratified pursuant to Article 63 of the Constitution by the legislature. Apart from rules legislated by the parliament, the local governments and some of the statutory bodies are also allowed to make bylaws, rules, regulations, procedures and orders (called in general subsidiary legislation), which

are binding pursuant to the parent legislation. In order to avoid any contradiction between national laws and international legal instruments, Tanzania uses a coherent approach, whereby existing laws which are inadequate or which contradict the provisions of the international instruments are amended in order to make sure that the norms set forth in those instruments are domesticated in the Tanzanian laws.

Despite all these rights, problem is in existence due to the following: -

- **Dualism** in land tenure system. Tanzania has a dual system where customary tenure operates along with statutory tenure. Statutory tenure is regarded as more superior to customary tenure. Most Customary tenures are still **discriminatory** to women.
- **Legal technical gaps**; the policy allows for women inheritance of clan or family land to be governed by customs and traditions provided they are not contrary to the constitution and principles of natural justice. Such loop holes are sometimes used against women rights as those who apply also define the provisions discretionally.
- **Inadequate legal knowledge** among the community members. Strong confinement on tradition, culture and their local experience which discriminate against women.

Section 2: Laws that support or undermine ICCAs or community conservation initiatives.

a. Human Rights

- **Human rights laws or policies that support community conservation (e.g., rights relating to Indigenous Peoples' and/or local communities' self-determination, self-governance, connection with territories or natural resources, freedom of culture and religion/belief, freedom of association, free speech, access to information, etc.). This may include a wide range of procedural as well as substantive rights.**

Tanzania has undertaken various measures to ensure sustainable conservation demonstrated by the signing Convention of Biological Diversity (CBD) on 12th June 1992 and ratifying of the same on 1st March 1996; Development and implementation of the 2001 National Biodiversity Strategy and Action Plan (NBSAP) (URT, 2001); Development and implementation of National strategies such as: - Climate Change (2012); Strategy on Urgent Actions on Land degradation and Water Catchments (2006); Strategy on Urgent Actions for the Conservation of Marine and Coastal Environment, Lakes, Rivers and Dams (2008); and Development of National Environmental and Action Plan (2013-2018) and other Strategies aimed at pollution control. In addition to that, formulation of different Acts, Regulations and Policies has led to among other things, development and implementation of Programmes and Projects, strengthening and establishment of Institutions and Agencies to manage biodiversity such as the Tanzania Forest Services Agency (TFS); Institutions to conduct research which include, Tanzania Fisheries Research Institute (TAFIRI), Tanzania Wildlife Research Institute (TAWIRI), Tanzania Forestry Research Institute (TAFORI) and several Agricultural Research Institutes (ARIs); Long term monitoring initiatives such as the National Forest Resources Monitoring and Assessment (NAFORMA) Programme; educational programmes like the "Malihai clubs"(1,687) in primary and secondary schools as well as Beach Management Units (BMUs).

National level interventions are carried out in tandem with and or complement to regional and international obligations as Tanzania implements several multilateral agreements for protection of biodiversity.

- **Tanzania national laws and human rights protections.**

Tanzania national laws provide for human rights protection as stipulated in the Constitution and supported by international conventions that have been ratified.

- **Optional: National or sub-national human rights institution. Relevant past or current studies, cases or statements that may provide important precedents or political backing.**

Tanzania has a Commission for Human Rights and Good Governance.

b. Land, Freshwater, Coastal and Marine Laws and Policies.

- **Main forms of title or tenure.**

In Tanzania, main forms of title and tenure include: Granted right of occupancy as provided under Cap 113 (Land Act of 1999) which derives from the general land or reserved land. Customary right of occupancy provided is another form of title provided under Cap 114 (Village Land Act of 1999) which derives from customary land.

- **Legislation recognising Indigenous or community territories or collective, Native or Aboriginal title. 'Private' or 'public' consideration in perpetuity or otherwise.**

Cap 114 (Village Land Act of 1999) recognizes indigenous and community territories.

- **Rights over sub-soil resources.**

The Government of the United Republic of Tanzania has the rights over all sub-soil resources in the country. According to the definition of land under the Land Act of 1999 (Cap 113) land includes the surface of the earth and the earth below the surface and all substances **other than** minerals and petroleum forming part of or below the surface, things naturally growing on the land building and other substances permanently affixed to land.

- **Extent of statutory land/freshwater/coastal/marine law that enables or allows customary laws and procedures to be used for community governance or management of ICCAs. Any conditions or restrictions.**

Village Land Act of 1999 (Cap 114) enables or allow customary laws and procedures to be used for community governance or management of ICCAs.

c. Protected Areas and Other Area- or Territory-based Conservation Measures.

- **Laws and policies that provide for the gazettement of protected areas. Types of protected areas provided in Tanzania.**

The following laws and policies provide for the conservation and gazettement of protected areas: - Land Act and Village Land Act of 1999 (Cap 113 & 114); Wildlife Policy, 2007, National Environmental Policy, 1997; National Forestry Policy, 1998; Fisheries Sector Policy and Strategy Statement, 1997.

National Water Policy, 2002; The Tanzania Natural Gas policy, (2013); The Environmental Management Act No. 20 of 2004; Gender Policy of 2002, The National Parks Act No. 11 of 2003, The National Parks Act of 2003; The Marine Parks and Reserves Act No. 29 of 1994.

Tanzania has designated a large network of wildlife and forest protected areas covering 16 National Parks, 1 Conservation Area, 28 Game Reserves, 42 Game Controlled Areas, 38 Wildlife Management Areas and 4 Ramsar Sites, 109 Forest reserves. Four Protected areas are inscribed into UNESCO's World Heritage Sites and three are Biosphere Reserves. The Biosphere Reserves are Lake Manyara, Ngorongoro - Serengeti and East Usambara. World Heritage Sites under the Nature category are: Serengeti National Park, Kilimanjaro National Park, Ngorongoro Conservation Area

and Selous Game Reserve. In addition, Tanzania has twenty-one (21) Marine Protected Areas which include four (4) Marine Parks and seventeen (17) Marine Reserves. Out of the 32,000 km² of the territorial sea of Tanzania Mainland only 2,173 km² (about 6.5%) has been gazetted as Marine Protected Areas (MPAs). The Protected Areas in Tanzania Mainland are: Mafia Island Marine Park (MIMP), Mnazi Bay and Ruvuma Estuary Marine Park (MBREMP) and Tanga Coelacanth Marine Park (TaCMP), and fifteen (15) Marine Reserves. In Zanzibar, there is one (1) Marine Park and two (2) Marine Reserves.

- **Area- or territory-based conservation measures recognised within or outside of the official protected area system.**

In Tanzania, there are village based environmental committees overseeing conservation measures among community members. These are recognized outside the official protected area system in collaboration with the local government authorities. In addition, there are environmental conservation CBOs and Community environmental conservation groups and governmental Biodiversity conservation projects/programmes.

- **Degree that protected area framework recognises community conservation initiatives (including sacred sites) and/or allow for governance or management by Indigenous Peoples and local communities.**

Community conservation initiatives are recognized by the protected area framework since the community based environmental committee's work is recognised. Community members have appointed the committee for protection and awareness of other community members, also every member is motivated to be a watchdog to ensure that natural resources are protected and benefits shared by all. Proportion of revenues obtained from protected sites are provided back to the communities to support development work.

- **Selection of people in power (e.g. by election or traditional leadership from within the community, appointed by government, etc.).**

The selected village environmental committees they are local government structures who are selected by voting of community members.

- **Conditions or restrictions on the types of institutions that are recognised or (customary) laws that can be the basis for local decision-making.**

All institutions operating in the communities whether state or private, should abide to national laws, rules, regulations and village plans concerning conservation of the natural resources.

- **The degree of conflict between communities and protected areas (e.g. community evictions, arrests for collection of forest products, etc.).**

There is low degree of conflict between communities and protected areas except with exceptional cases where community members are displaced for investment eg. In Northern Tanzania (Loliondo case).

d. Natural Resources, Environmental and Cultural Laws and Policies

- **A review of natural resource or environmental laws, as appropriate. Examples include laws concerning forests, biodiversity, agriculture, fisheries, wildlife, environmental protection, sub-soil resources and climate change. Their support or hinder community conservation initiatives.**

The laws and policies have provisions that support community conservation initiatives in Tanzania for all development sectors. Take for instance, the Environmental Management Act No.20 of 2004 provides both legal and institutional framework for the sustainable management

of the environment, prevention and control of pollution, waste management, environmental quality standards, public participation, environmental compliance and enforcement. The Act establishes the Environmental Appeals Tribunal, National Environmental Trust Fund and National Environmental Advisory Committee. It requires the undertaking of Environmental Impact Assessments (EIA) and Strategic Environmental Assessment (SEA) for investment projects and programmes respectively. It further emphasises the need for research, public participation in environmental decision-making, environmental awareness, and dissemination of environmental information (URT, 2004).

e. Economic Rights

- **Is there any legal recognition or non-legal support for the traditional occupations and livelihoods of Indigenous Peoples and local communities?**

There is legal recognition for the traditional occupations and livelihoods of Indigenous People and local communities since the local government authorities recognizes them and work with them to influence change.

Section 3: Non-legal recognition and support.

- **How (if at all) do government agencies recognise and support community conservation initiatives through non-legal means (e.g. financial support, technical support, awards, etc.)?**

The government of Tanzania provides financial and technical support to community conservation initiatives through projects and programmes such as Tanzania Forest Fund. Participatory Forest Management is another government initiative which involves communities in conservation of natural resources, research, documentation and advocacy.

Also, Peoples, communities and supporting civil society groups influence government policy and programmes. They provide recommendations and concerns that need further action by the government and other actors.

Section 4: Analysis and recommendations.

- **Laws support or recognise community conservation initiatives.**

The following laws and policies provide for the conservation and gazettement of protected areas: - Land Act and Village Land Act of 1999 (Cap 113 & 114); Wildlife Policy, 2007, National Environmental Policy, 1997; National Forestry Policy, 1998; Fisheries Sector Policy and Strategy Statement, 1997; National Water Policy, 2002; The Tanzania Natural Gas policy, (2013); The Environmental Management Act No. 20 of 2004; Gender Policy of 2002, The National Parks Act No. 11 of 2003, The National Parks Act of 2003; The Marine Parks and Reserves Act No. 29 of 1994. All the laws have provisions that support every person to conserve the natural resources and environment at large.

Capacity building workshop that was organized and other capacity-building activities.

The capacity building workshop was organized for 25 community members from the 4 communities, i.e 2 in Siha District and 1 in Kahe ward in Moshi Rural District. The 2-day workshop was done with the aim of creating community awareness in Kilimanjaro by strengthening their capacity to restore biodiversity, culture and environment in general by developing strategies for building resilience to global changes. They discussed on importance of biodiversity in human life and other living things at large and conservation of biodiversity and culture.

Community members shared case stories on what was done in the past in regard to community conservation work and resilience on land, forests, types of trees that existed, (eg. Misesewe, Mninga, Mkuyu, Mruka to mention a few) medicinal plants and their uses, water sources and rules to protect them, rainfall patterns, minerals, lake of bicarbonate of soda (Lake Magadi), animals that were used for rituals, human health, soil fertility, seed security and environmental conservation and culture as part of traditions and customs. They also discussed on food stuff used, their benefits and taboos, land and water use. They discussed on traditional laws and customs that led all the systems in their daily lives, for example, women and youth were not allowed to go to water sources. If they went, water did not come out.

They discussed on wild animals (Antelopes, Buffaloes, Elephants, Zebras, Wilderbeest, Giraffes, Buffaloes, Lions, Leopards, Ostriches, Flamingoes, Water Ducks, Hyenas, Baboons) that existed, domestic animals (Cows, Goats, Chicken, Dogs) and their present status.

Participants were divided in two groups of women and men. Guiding questions were provided to groups. After discussion, groups presented their work. They also shared on methods use to trade through exchange of commodities. For example, when people wanted to have different commodities other than they have, for example, Maasai people exchanged milk with meat, maize was exchanged with beans. Cows were exchanged with land.

A person was not allowed to dig a spring, for example at Lake Magadi, in Wiri village, a witch was not allowed to go there, because bicarbonate of soda that she would take, would turn into water. This custom also helped to change people's bad behavior. The bicarbonate would also turn into blood in case the government would demand tax from people who went to collect the bicarbonate of soda. In addition, a woman was not allowed to collect the bicarbonate of soda when she was in her menstrual cycle.

Also, they shared on animals that were used for prediction of weather, harvest and wealth. Traditional medicines from animal parts and by products such as Elephant's faeces, Python's faeces, Elephant's oil, Ostrich's oil, Lion's oil, Mhanga (on vichuguu vya mchwa) and Ngesi. It was recommended to create communities' awareness on environmental conservation for sustainable development.

Assessment process itself and the methodologies that were used.

The assessment was done using community groups who were divided men and women to provide convenient space for all to give their views while one was recording the information on flip chart. They also drew maps on the flip paper. The groups later shared what came up during their groups discussions and plenary contributions, questions and answers were given to clarify issues.

Advocacy activities that were undertaken as part of the process.

Community representatives were interviewed through Radio interviews eg, during the National Workshop. They gave their experiences on how communities used to conserve their environment before, the importance of culture and traditions, the current status of the biodiversity and the damage and their future recommendations for the future.

Sharing community conservation plans with committee members dealing with environment.

Sharing the outcomes and recommendations with community members and district council official (Natural Resources and Tourism Officer), local government officials.

- **Community meeting illustrating the CCRA process.**

Female participants from Wiri village, Siha District discussing while a young woman is writing what others are saying, during CCRA process to map their community biodiversity resources and prioritizing actions for restoration. Far up, men's group discussing the same during the CCRA process.

- 1 Image giving a good impression of the biodiversity/ecosystem that is conserved with the community conservation initiative (preferably but not necessarily with community representative(s))



Kahe Forest conserved by community members in Ngasini community.





River Dehu in Kahe community used for irrigation and domestic uses.

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