

**Understanding the Legal** and Institutional **Frameworks Governing Mangrove Conservation** and Sustainable Use in Tanzania



in initiative by:

and Developmen



IUCN

## IUCN Environmental Law Centre

Provide expertise on various environmental legal matters

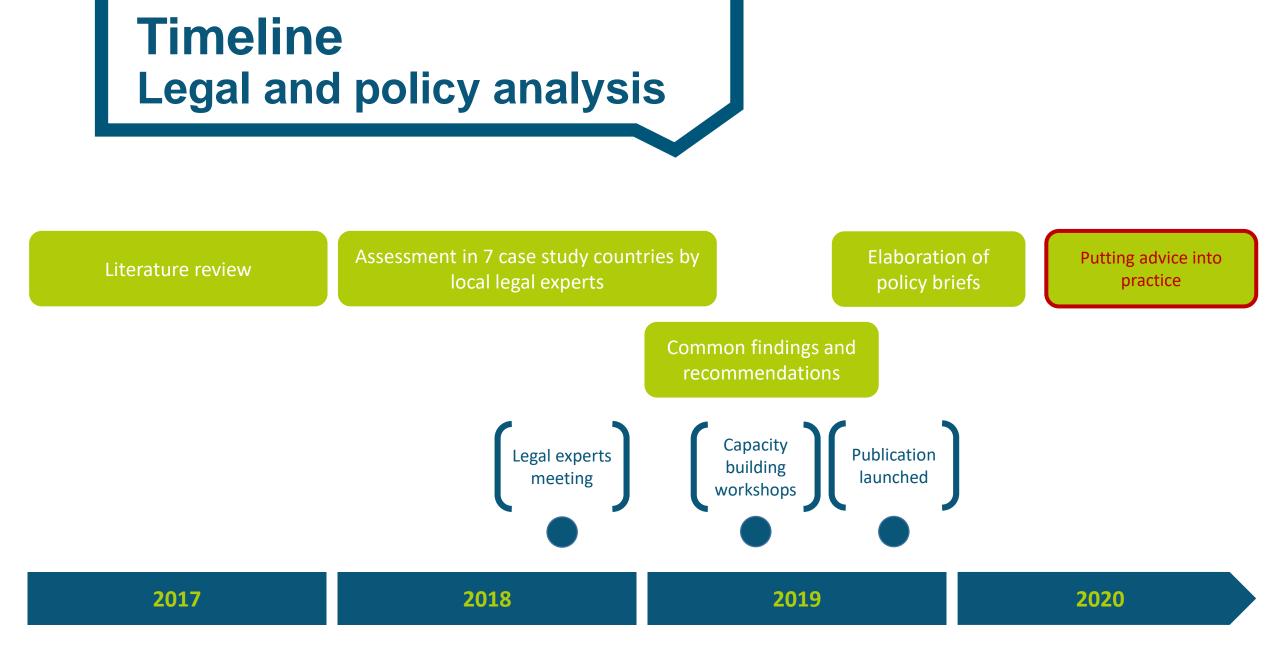
Assist governments, judges, prosecutors or other stakeholders to get a better understanding of environmental legal issues

<u>T</u>

8

Support the elaboration of legal tools and policies at international and national levels to ensure the inclusion of environmental interests

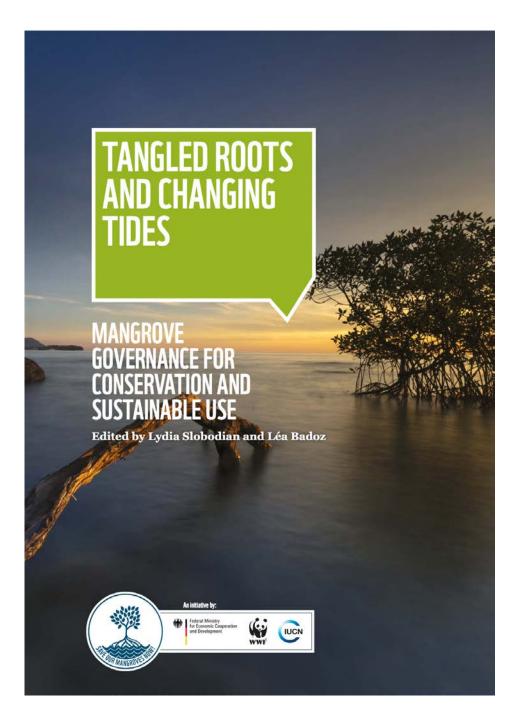




## Tangled Roots and Changing Tides

- Review of international and National legal and governance frameworks and recommendations
- 7 case studies:





# Recommendations

۲۲ ۲۵

Adopt a dedicated national-level policy or plan



Adopt measures to ensure accountability, transparency, participation and access to justice



Ground mangrove conservation and sustainable use in constitutional norms and international obligations



Set up a national mangrove inventory



Ensure coordination across government agencies through mechanisms for cooperation, communication and information sharing



Strengthen institutional capacity at all levels,



Monitor and promote implementation and compliance



Engage communities, the private sector and the public



Align incentives for conservation and sustainable use



Consider measures to address indirect and underlying drivers of mangrove loss

## g

## **TANZANIA** Opportunities Threatened by Political interests

#### By Rahima O. Njaidi

Mangrove management in Tanzania has been facing a lot of challenges caused by the overexploitation of resources for commercial and subsistence uses. The ongoing deterioration of these important ecosystems can be attributed to a lack of specific policies or legislation on mangroves. A failure to revive the 1991 Mangrove Management Plan has put these resources at great risk of extinction. Institutional challenges such as limited staff and financial resources, have made it difficult for forest officers to carry out their duties. Monitoring mangroves has become nearly impossible. Tanzania is party to various international and regional instruments, and has national legislation in place that could be used to fulfil these commitments, but effective implementation of these laws and policies is lacking. Local communities are important stakeholders in natural resource management and have the potential to contribute significantly to mangrove conservation. The introduction of Joint Forest Management to mangrove areas is one way to make this happen.

#### **KEY FACTS**

**POPULATION:** ≈ 45 million

MANGROVE COVERAGE: ≈ 158,100 ha

#### **KEY INSTITUTIONS:**

The Forest and Beekeeping Division (FBD)

Tanzania Forest Service (TFS)

Local Government Authorities (LGAs)

Village Natural Resources Committee

#### MAIN THREATS:



MAIN USES:

LEGISLATION: www.iucn.org/mangrovelaw



 Ramsar sites containing mangroves
 UNESCO world heritage sites containing mangroves





- 1. Instrumental Level: How do national and sub-national legal instruments address or implicate mangroves and activities related to mangrove conservation, use, restoration, and exploitation, directly or indirectly?
- 2. Institutional Level: How are the institutions structured and how well do they operate in practice in relation to issues that may affect mangroves, directly or indirectly?



**3. Behavioural Level:** How do instruments and institutions affect the behaviour of users, gov- ernment officials, regulated entities, commu- nities, civil society, and other stakeholders connected to mangroves?



4. Outcome Level: How do legal instruments, institutions, and behaviour of relevant actors impact the health of mangrove ecosystems?



### **Objectives:**

- Better understanding of the legal frameworks
- Strengthen capacity to face implementation challenges
- > Foster the building of relationships and networks between participants.



### Workshop report available online:

https://www.mangrovealliance.org/wp-content/uploads/2019/03/Tanzania-Mangrove-Workshop-21-22Feb19\_Report.pdf

# **Policy Brief**

#### TANZANIA POLICY BRIEF HOW CAN THE LEGAL AND POLICY FRAMEWORK BE

STRENGTHENED TO ENSURE SUSTAINABLE USE AND CONSERVATION OF MANGROVES? December 2019

and the livelihoods of its citizens representing up to US\$10.3 million per year in direc

Studies show that 12 % of mangroves have been lost in the Rufiii Delta alone because of overuse and conversion to other land uses, such as salt exploration and unsustainable

Strengthen local institutions and local ኛሸጋን Revise the 1991 Mangrove Management

TO ENSURE SUSTAINABLE USE OF THIS

Improve and fully implement the Joint Forest Management mechanism to facilitate local 7Ø1



This policy brief has been elaborated based on a comprehensive study of margrove governance in Tenzaria and the outcomes of a seminar organized on 21-22. February 2019 gathering all stakeholders of margrove management in Tanzania. It is part of the Save Oar Margroves Novi Initizative differs to disseminate best practices on margrove management and governance in Initizative differs to disseminate best practices on margrove management and governance in



VALUABLE RESOURCE SUFFERING



MANGROVE LOSS IN THE RUFIJI DELTA BETWE

#### STRENGTHENING MANAGEMENT RECOMMENDATIONS

 Ensure that part of the revenue collected by TFS is earmarked for mangrove management and additional budget is allocated to institutions such as TFS and local governments. Funding has been a problem in implementing

mangrove management. Most forest management activities depend on donor funding. Due to a · Develop agency guidelines or regulations to clarify roles and responsibilities of different agencies and establish coordination shortage of staff and working facilities, the Tanzania procedures. Forest Services Agency (TFS) faces challenges

· Establish task forces involving all relevant agencies to ensure in regularly patrolling and monitoring for illegal activities, and lacks capacity and resources to cross-sectoral coordination in the elaboration of plans, strategies and policies. provide services for local communities.Additionally, the different agencies involved in mangrove

 Elaborate a Mangrove Working Group based on the model of the Tanzania Forest Working Group (TFWG), for participatory and management are generally not well coordinated. coordinated design of policies, plans, strategies, and programs.

2 POLICY BRIEF

AND INSTITUTIONAL CAPACITY

#### CONDUCTING A PARTICIPATORY AND RECOMMENDATIONS EFFECTIVE REVISION OF THE 1991 · Institute a coordinating unit involving all stakeholder MANGROVE MANAGEMENT PLAN The National Mangrove Management Plan developed in 1991 was never implemented due to a lack of funding, · Fund the implementation of the plan from TFS and the inadequate technical resources, and the absence of an enabling institutional

framework



#### ENABLING COMMUNITY PARTICIPATIO

Communities have not been able to benefit from the legal framework governing mangroves, leading to frustration and unsustainable use. The Joint Forest Management (JFM) approach has significant potential for mangrove conservation, but needs to be better implemented.

#### RECOMMENDATIONS

Extend the JFM model for mangrove areas and provide that all revenue is managed at the district level, to ensure that local communities get a share of benefits. · Facilitate granting of permits for sustainable

activities with clear benefits for local communities, such as certain eco-tourism projects. Ensure community participation in the full process of developing mangrove forest management plans and ensure a fair representation of community members in



### in charge of developing the plan and ensuring its prope

Conduct public consultations with communities and other stakeholders during the development of the plan.

Tanzania Forest Fund to avoid dependency on donors. · Use accurate and recent data to support the measure included in the plan.

#### MANGROVE MANAGEMENT PLAN

### machanisme

**CLARIFYING THE LEGAL STATUS** OF MANGROVES

Mangroves are commonly referred to as forest reserves based on their status as reserved land, but they are not currently listed as forest reserves under the Forest Act- an inconsistency which raises questions as what activities are allowed in mangrove areas. RECOMMENDATIONS

· Revise the Forest Act to explicitly classify mangroves as forest reserves.

· Highlight the role of mangroves in carbon sequestration and coastal protection so that

strategies can be developed for their conservation Issue a Government Notice to prohibit conversion

of mangroves to other land uses · Declare particularly sensitive mangrove areas as

spawning areas under the Fisheries Act

POLICY BRIEF 3

#### COLLECTING AND DISSEMINATING ACCURATE DATA TO ENABLE SCIENCE BASED DECISION MAKING

There is a critical lack of data on mangroves in Tanzania. The absence of information on coverage, status and land tenure impedes effective management. Few stakeholders have a good understanding of mangroves despite their enormous benefits economically, ecologically and socially.

#### RECOMMENDATIONS

· Establish a national mangrove inventory regularly updated and accessible to the public containing information on the status, ecology and size of mangrove areas. · Carry out a comprehensive review of the mangrove lan

| International Commitments  |  |  |
|--|--|--|
| Tanzania's first Nationally<br>Determined Contribution<br>(NDC) (2016)<br>United Nations Framework<br>Convention on climate Change | Suggests mangrove restoration<br>programmes in the context of<br>sustainable forest management,<br>but does not include specific<br>targets.   | Include specific targets and indicators<br>for the conservation of mangroves in the<br>second NDC.                         |
| National Biodiversity Strategy<br>and Action Plan (NBSAP)<br>(2015-2020)<br>Convention on Biological<br>Diversity                  | Includes as a target the<br>revision and enforcement of<br>legislation governing aquatic and<br>associated terrestrial resources,<br>and as a priority action the<br>promotion of mangroves<br>conservation. | Revise the Forest Act, the<br>Fisheries Act and the Mangrove<br>Management Plan.   |
| Voluntary commitments on<br>Ocean Action<br>Sustainable Development<br>Goal 14   | To date, Tanzania has<br>not submitted voluntary<br>commitments.   | Submit Voluntary commitments under<br>Ocean Action focusing on mangrove<br>conservation and including clear<br>indicators. |

#### SOURCES AND FURTHER READING

Njaidi, R. O. (2019). "Opportunities threatened by political interests", in Slobodian, L. N., Badoz, L., (eds). Tangled Roots and Changing Tides: mangrove governance for conservation and sustainable use. WWF Germany, Berlin, Germany and IUCN, Gland, Switzerland. Additional sources, not specified in this policy brief, can be found in the publication.

Mshale, B. et al. (2017). Governing Mangroves; Unique Challenges for Managing Tanzania's Coastal Forests. CIFOR and USAID Tenure and Global Climate Change Program, Bogor, Indonesia and Washington, DC. 62pp.

Turpie, J.K. (2000). The Use and Value of Natural Resources of the Rufiji Floodplain and Delta, Tanzania. Rufiji Environment Management

Monga, E., Mangora, M., Mayunga, J. (2018). Mangrove cover change detection in the Rufiji Delta in Tanzania. WIO Journal of Marine Science 17(2):1-10

4 POLICY BRIEF

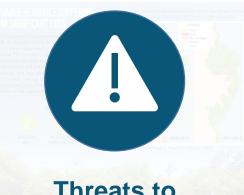


## tenure system.

STRENGTHENING AND IMPLEMENTING INTERNATIONAL COMMITMENTS







## Threats to mangroves

## Legal and institutional gaps & recommendations





## International commitments





Value of

mangroves

# • Representing up to **US\$10.3 million per year** in direct use of natural resources for the **Rufiji Delta** alone.

| Resource           | Gross           | Net<br>Financial Value | Cash<br>Income | Net<br>Economic Value |
|--------------------|-----------------|------------------------|----------------|-----------------------|
|                    | Financial Value |                        |                |                       |
| Salt               | 141 140         | 94 065                 | 132 478        | 116 127               |
| Clay               | 12 937          | 8 763                  | 10 214         | 9 983                 |
| Grass              | 6 308           | 6 099                  | -              | 6 573                 |
| Reeds              | 6 689           | 6 556                  | -              | 7 036                 |
| Papyrus            | 604             | 581                    | -              | 626                   |
| Medicinal Plants   | 104 426         | 103 990                | 58 925         | 119 144               |
| Food Plants        | 294 124         | 293 733                | 8 197          | 303 076               |
| Milala             | 14 662          | 14 484                 | 797            | 15 312                |
| Milala Products    | 234 023         | 212 506                | 11 899         | 220 970               |
| Ukindu             | 113 309         | 112 998                | 84 327         | 128 668               |
| Ukindu Products    | 93 713          | 45 130                 | 16 545         | 51 608                |
| Charcoal           | 25 973          | 25 873                 | 25 973         | 28 613                |
| Firewood           | 796 455         | 792 716                | 4 885          | 750 641               |
| Poles & withies    | 477 002         | 472 953                | 315 187        | 535 257               |
| Timber             | 268 028         | 265 746                | 259 249        | 313 633               |
| Wood Products      | 278 141         | 184 844                | 231 289        | 215 165               |
| Canoes             | 28 239          | 28 163                 | 24 777         | 32 773                |
| Jahazi             | 20 722          | 20 722                 | 20 722         | 21 413                |
| Fish & Crustaceans | 7 776 486       | 6 505 568              | 6 896 038      | 7 354 530             |
| Mammals & Birds    | 36 040          | 29 804                 | 13 469         | 34 140                |
| Honey              | 24 958          | 24 793                 | 12 877         | 29 138                |
| Total              | 10 753 979      | 9 250 088              | 8 127 849      | 10 294 426            |
| Value Per Hh       | 668.24          | 574.79                 | 505.05         | 639.68                |

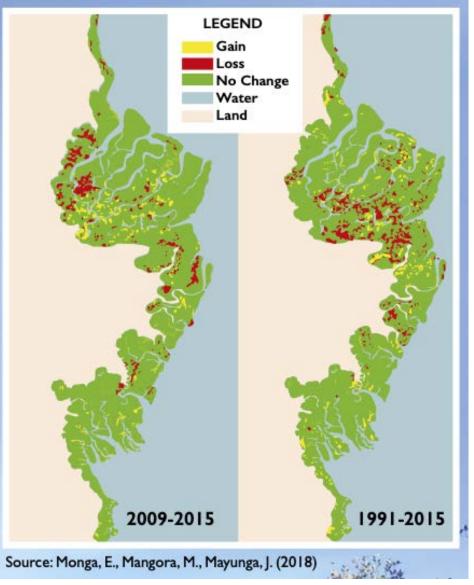
Source: Turpie, J.K. (2000)



Threats to mangroves



Over **6,000 ha**, representing more than 10% of the total coverage of the Rufiji delta, has been lost since 1991 MANGROVE LOSS IN THE RUFIJI DELTA BETWEEN 2009 AND 2015 AND BETWEEN 1991 AND 2015





1. Strengthening Management and Institutional Capacity

Legal and institutional gaps & recommendations

- 2. Conducting a Participatory and Effective Revision of the 1991 Mangrove Management Plan
- 3. Enabling Community Participation
- 4. Clarifying the Legal Status of Mangroves
- 5. Collecting and Disseminating Accurate Data to Enable Science- Based Decision Making



Legal and institutional gaps & recommendations

## 1. Strengthening Management and Institutional Capacity

- Dependant on donor funding
  - Shortage of staff and working facilities
  - No coordination

## RECOMMENDATIONS

 Part of the revenue collected by TFS earmarked for mangrove management and additional budget allocated to institutions such as TFS and local governments



- Clarify roles and responsibilities of different agencies and establish coordination procedures
- Establish task forces involving all relevant agencies to ensure cross-sectoral coordination
- Elaborate a Mangrove Working Group based on the model of the Tanzania Forest Working Group (TFWG)



## Legal and institutional gaps & recommendations

2. Conducting a Participatory and Effective Revision of the 1991 Mangrove Management Plan

The National Mangrove Management Plan developed in 1991 was never implemented due to a lack of funding, inadequate technical resources, and the absence of an enabling institutional framework

## RECOMMENDATIONS

• Institute a coordinating unit involving all stakeholders in charge of developing the plan and ensuring its proper implementation.



- Conduct **public consultations** with communities and other stakeholders during the development of the plan.
- Fund the implementation of the plan from TFS and the Tanzania Forest Fund to avoid dependency on donors.
- Use accurate and recent data to support the measures included in the plan.



## 3. Enabling Community Participation

Legal and institutional gaps & recommendations



The Joint Forest Management (JFM) approach has significant potential for mangrove conservation, but needs to be better implemented.

## RECOMMENDATIONS

• Extend the JFM model for mangrove areas and provide that all revenue is managed at the district level



- Facilitate granting of permits for sustainable activities with clear benefits for local communities, such as certain eco-tourism projects.
- Ensure **community participation** in the full process of developing **mangrove forest management plans** and ensure a fair representation of community members in the task force in charge of implementing the plan.



Legal and institutional gaps & recommendations



Ξ

Mangroves are commonly referred to as forest reserves based on their status as reserved land, but they are not currently listed as forest reserves under the Forest Act- an inconsistency which raises questions as to what activities are allowed in mangrove areas.

### RECOMMENDATIONS

• Revise the Forest Act to explicitly classify mangroves as forest reserves.



- Highlight the role of mangroves in carbon sequestration and coastal protection so that strategies can be developed for their conservation.
- Issue a Government Notice to prohibit conversion of mangroves
  to other land uses.
- Declare particularly sensitive mangrove areas as **spawning areas** under the Fisheries Act.



# 4. Collecting and Disseminating Accurate Data to Enable Science- Based Decision Making

Legal and institutional gaps & recommendations



The absence of information on coverage, status and land tenure impedes effective management.

## RECOMMENDATIONS



- Establish a **national mangrove inventory** regularly updated and accessible to the public containing information on the status, ecology and size of mangrove areas.
- Carry out a comprehensive review of the mangrove land tenure system.



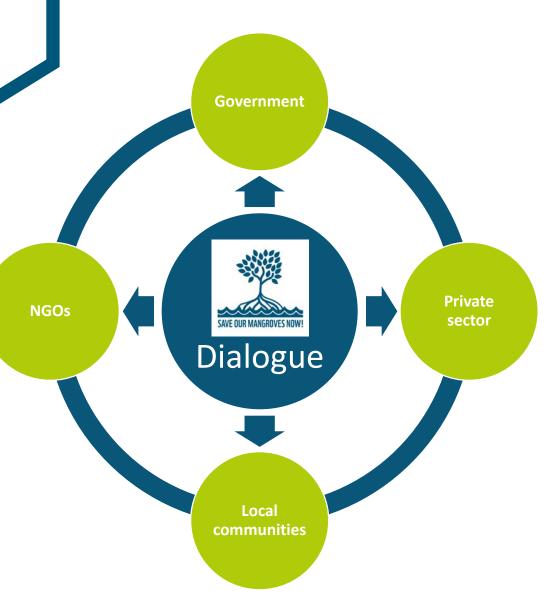
# International commitments

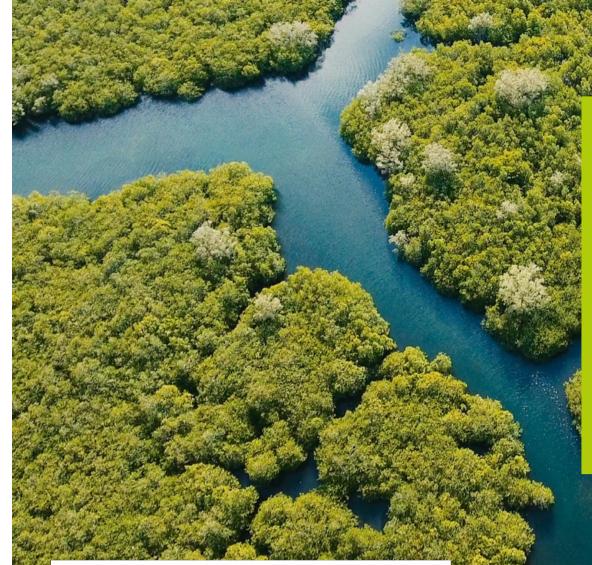
| International Commitments  | Situation  | Recommendations  |
|--|--|--|
| Tanzania's first Nationally<br>Determined Contribution<br>(NDC) (2016)<br>United Nations Framework<br>Convention on climate Change | Suggests mangrove restoration<br>programmes in the context of<br>sustainable forest management,<br>but does not include specific<br>targets.   | Include specific targets and indicators<br>for the conservation of mangroves in the<br>second NDC.                         |
| National Biodiversity Strategy<br>and Action Plan (NBSAP)<br>(2015-2020)<br>Convention on Biological<br>Diversity                  | Includes as a target the<br>revision and enforcement of<br>legislation governing aquatic and<br>associated terrestrial resources,<br>and as a priority action the<br>promotion of mangroves<br>conservation. | Revise the Forest Act, the<br>Fisheries Act and the Mangrove<br>Management Plan.   |
| Voluntary commitments on<br>Ocean Action<br>Sustainable Development<br>Goal 14   | To date, Tanzania has<br>not submitted voluntary<br>commitments.   | Submit Voluntary commitments under<br>Ocean Action focusing on mangrove<br>conservation and including clear<br>indicators. |

# **Suggested Next steps**

Engage with all stakeholders in a dialogue process to disseminate the findings of the policy brief

- Send hard copies and email to the Policymakers and key senior officers
- □ Social media tagging respective office
- Side events during relevant international conferences
- Workshop with all stakeholders in the process of creating a dialogue







An initiative by:





IUCN

Thank you! lea.badoz@iucn.org

SaveOurMangrovesNow.org **MangrovesNow** 

# **L**mangroves