

INDIGENOUS PEOPLES AND FOREST MANAGEMENT — BEFORE AND AFTER REDD

The case of Tanzania

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One of the authors, Maganga, in discussion with Maasai pastoralists about the creation of Wildlife Management Areas in Kiteto District, Manyara Region. Photo: Dr. Agnes Mwakaje of the Institute of Resource Assessment..



*Men at the Hadza's Sengere hunting camp resting in the afternoon. Yaeda Valley, Tanzania.
Photo: Biorn Maybury-Lewis*

While donors and many governments in developing countries are joining hands in promoting the UN Reduced Emissions from Deforestation and Forest Degradation (REDD) initiative, representatives from international NGOs and Indigenous Peoples' Organisations (IPOs) have expressed concern about the possible effects of REDD on indigenous peoples' livelihoods. In Tanzania, enormous amounts of money are being invested in developing a national strategy for REDD, yet until recently the country's indigenous communities had neither been informed nor invited to participate in decision-making in the course of the REDD process.

In order to contribute to the discussion of indigenous peoples' rights in the context of a future Tanzanian national REDD strategy, this article explores how indigenous peoples have experienced the participatory forest management regime of the past few years. As we shall see, there are good reasons for concern with regard to the proposed REDD programme, if indigenous peoples are not immediately brought on board the decision-making process in a meaningful way.

REDD in Tanzania

The United Republic of Tanzania (URT) is one of nine pilot countries involved in the UN REDD initiative, and is represented on the UN REDD Policy Board. The Board met in Panama from 9 to 10 March 2009, and a budget of US\$ 4.28 million, the major part of which was for a one-year assistance package for REDD preparation in Tanzania, was presented. On 12 March 2009, a contract was signed between Norway and the Institute of Resource Assessment (IRA), University of Dar es Salaam, which has been appointed to facilitate the process for developing a National Strategy for REDD in Tanzania. The contract carries a grant of US\$ 2 million. The REDD process is thus now in full swing in Tanzania. In fact Norway's forest carbon aid package to Tanzania is NOK 500 million over five years.

As part of IRA's facilitation, the REDD Secretariat solicited and received 35 concept notes for in-depth studies to be supported, focusing on the following key issues:

- Modalities of establishing and operationalising a National REDD Trust Fund;
- Role of REDD in rural development;
- Legal and institutional framework review in the context of REDD intervention;
- Development of business case for carbon trade through REDD initiative;
- Preparation of REDD information needs, communication and REDD knowledge management.
- Five shortlisted candidates have been contacted to develop full proposals.

A call for NGO pilot studies was also announced in March 2009. A total of 45 NGOs applied, of which nine were shortlisted to develop full proposals. Four different aspects of REDD were envisaged for development and demonstration by NGOs as pilot projects:

- Approaches to organizing REDD work at the local level, with a focus on governance and tenure;
- Incentive schemes that provide equitable benefit sharing mechanisms, especially to local communities;
- Baseline studies and methods for estimating deforestation, carbon sequestration and emissions;
- Participatory methods for monitoring, assessing, reporting and verifying; and
- Approaches that address drivers of deforestation and forest degradation.

The shortlisted NGOs have already submitted full proposals to the REDD Secretariat. Selected proposals for funding will be announced after completion of a thorough review.

However, as will emerge in the following, there seem to be very good reasons for worrying about how REDD activities may affect the situation of indigenous peoples in Tanzania.

First of all, although seminars discussing the REDD initiative have been conducted with government representatives and donors, Tanzania has committed itself to REDD, contracts and agreements have been signed and a draft policy framework for REDD in Tanzania has been developed (URT February 2009), until recently very little seemed to be known about the REDD initiative among the organisations promoting indigenous peoples' issues in Tanzania, not to speak of the communities where indigenous people live.

It appears, though, that "a number of civil society organisations and NGOs" were consulted about the

REDD initiative in Tanzania, at meetings in Dar es Salaam on 24 February and 5 March 2009, and that the organisations present endorsed the programme and declared their willingness to cooperate in its implementation. The meetings appear to have taken place very late in the process, however, and it is unclear which organisations participated, who they represented, how many they were, which parts of the country they came from, whether any concerns about the impact on local communities (and indigenous peoples) were aired, etc.

Secondly, in the draft policy framework for REDD, there is no specific strategy for the involvement of local communities, not to mention indigenous peoples (a problematic term anyway in Tanzania, see below), in the selection of pilot sites and the various stages of implementation of activities. The draft policy refers though to the fact that, in the international debate about REDD, concerns as to how "rights of indigenous people and communities who depend on forests will be affected by REDD programmes" were aired (URT 2009, p. 6).

However, while carefully avoiding the term "indigenous peoples", the policy stresses that: "The overwhelming need as regards communities and people in the forest is to ensure that they are involved in a positive and mutually beneficial way in management, since this is one of the very few effective means of controlling degradation over very large areas" (URT February 2009, p. 6).

The draft policy framework focuses on involving local communities in order to prevent increased degradation, and to raise awareness and train them to undertake that role. There is no specific mention as to what will be done to make sure that the rights of different groups of resource users to natural resources will be safeguarded during the process. The Policy Framework Section 3 (URT, February 2009, p. 14) does, however, mention that there is a need to identify local and indigenous rights with respect to REDD. And yet the lead institutions/facilitators identified to undertake activities in this regard are the Forestry and Beekeeping Division (FBD) of the Ministry of Natural Resources and Tourism, the Vice President's Office (VPO) and local government authorities.

There is no mention of involving representatives from local communities, community-based organisations (CBOs), indigenous peoples' organisations, NGOs, etc., in this task. Considering the current situation of indigenous peoples' rights to land and other natural resources in Tanzania, and the many conflicts related to land in the country, it is worrying that the REDD policy framework does not envisage a



more prominent role for local communities and non-state organisations.

Thirdly, it is important to stress that most authorities in Tanzania do not give the necessary attention to indigenous peoples' concerns. The authorities define different groups in Tanzania according to the type of livelihood pattern they pursue, that is, pastoralist, hunter-gatherer etc. In fact, the organisations promoting the rights of such groups, and who often participate in international forums where indigenous peoples' issues are discussed, do not even refer to themselves as indigenous peoples' organisations in Tanzania because, they argue, it antagonizes the government and people not considered "indigenous", and makes it even more difficult for them to influence policies and developments affecting indigenous peoples in Tanzania.

Fourthly, there are a number of recent developments in areas with indigenous peoples in Tanzania which are very disturbing. For example, the evictions of pastoralists and their livestock from Mkomazi Game Reserve (Mustafa 1993), and the current court cases in this regard (personal communication, January 2009); the evictions from Ihefu in Usangu Plains, Mbarali District in 2006 and 2008 (Walsh 2008); the evictions from Kilosa, which started in January 2009 and are still ongoing (IWGIA Alert, February 2009, Mwarabu, May 2009), to mention only a few of the most controversial cases that have made the news headlines.

There are also several cases of land grabs on the part of politicians, government officials and private businessmen, less discussed in public but easily documented on the ground, and which pose a threat to the livelihoods of both pastoralists and hunter-gatherers. That some of these incidents are, in fact, part of an official policy towards pastoralists and not just isolated cases is illustrated in the Strategic Plan for the Implementation of the Land Laws (SPILL, URT 2006). Based on a number of very negative statements about the present livelihood pattern practised by pastoralists (p. 14), the strategy concludes that nomadism must stop and that pastoralists must be forced to settle and change their production system into a ranching system (SPILL, URT 2006, pp. 14).

The intentions of the Wildlife Act 2008 (passed by Parliament in January 2009 with some minor recommended changes) include, for example, a strengthening of the powers of the President to declare any part of Tanzania a game reserve, thus prohibiting uses such as grazing of livestock in such areas. This can have a far-reaching and negative impact on pastoral livelihoods.

The Wildlife Act (URT 2008) has given rise to much debate in Tanzania and NGOs and civil society organisations have tried to influence the Act, proposing changes that take pastoral rights more into consideration (PINGOs FORUM, October 2008). However, it is still unclear as to whether any of their concerns have been included in the final text of the Act.

Finally, and the remaining part of this paper will focus on this, experiences of involving local communities, and in them groups of indigenous peoples, in forest management in Tanzania are not particularly promising, despite much rhetoric to the contrary.

Indigenous peoples' experiences of Participatory Forest Management

Participatory Forest Management (PFM) has now generally been accepted as a generic term used to describe various approaches to participation by different interest groups in forest management, and covers both Joint Forest Management (JFM), e.g. involvement of local communities in managing state-owned forests, and Community-Based Forest Management (CBFM), which mainly refers to involving local communities in managing forests on non-state owned land. Participatory Forest Management has become the overall guiding principle for forest policy in Tanzania.

Tanzania has a total of 33 million hectares of forests and woodlands (www.un-redd.net/Portals/25/documents/events/20090309Panama) – this is more than 1/3 of the country's total surface area of 94.3 million hectares (www.tanzania.go.tz/lands). The REDD policy framework for Tanzania refers to some positive models and success stories in Tanzania with regard to Participatory Forest Management (PFM) implementation (p.6), and Tanzania is often praised for its progressive forest policies and legislation focussing on the involvement of local communities in forest management.

For more than a decade, Tanzania has indeed put much effort into changing the institutional and legislative framework for natural resource management. Examples are the Land Policy (1995), the Land Acts (May 1999) (enacted by the President in May 2001); the National Forest Policy (URT 1998), the Forest Act (enacted in May 2002); and Community-Based Forest Management Guidelines (Ministry of Natural Resources, Forestry and Beekeeping Division, DSM 2001). The latest National Forest Policy (URT 1998) truly marks a turn away from the top-down approaches previously adopted (Iddi and Sjöholm 1997).

To facilitate the implementation of the Forest Policy, the Ministry of Natural Resources and Tourism (Forest and Beekeeping Division) has now produced a set of guidelines (see URT 2001) specifically directed at Community-Based Forest Management. Part I of the Guidelines points out that: "Community Based Forest Management (CBFM), refers to any forest management regime in which local people play a major role. This may be developed in respect of still unreserved forests in village or general lands or in respect of Government Forest Reserves" (URT 2001, p. 1).

The guidelines look at Community-Based Forest Management as a process the main foundation of which is reservation, that is "... the act of setting aside an area to forest development (protection or production)." (p. 2) The guidelines distinguish between three main reserving processes occurring in Community-Based Forest Management, namely villagers who reserve an area out of common land in the village; smaller community groups wanting to establish a reserve on land they own together; and CBFM established in a Government Forest (National Forest Reserves and Local Authority Forest Reserves).

The question is now the extent to which some of these fine principles are reflected in the experiences so far with Participatory Forest Management in Tanzania.

Until now, the approach to Community-Based Forest Management/Participatory Forest Management in Tanzania has focused particularly on villagers reserving areas from common village land. In the following, we shall look at some of the experiences indigenous peoples have had with this kind of community-driven forest management.

Conflict of interests

Conflicts of interests between different groups of resource users are bound to arise as soon as villagers start to discuss which area(s) should be set aside as reservations, what type of restrictions should be instituted and how, who is allowed to do what and where etc. Many problems have indeed accompanied the efforts of Community-Based Forest Management /Participatory Forest Management in Tanzania, and have hit pastoralists and other vulnerable groups in the areas affected in particular. The following observations are based on the authors' involvement in assignments related to Community-Based Forest Management/Participatory Forest Management implementation in Tanzania.

In the areas where the authors have worked, pastoralists have, for example, mostly not been involved in the decision-making processes about reservation of certain parts of the village. In some villages it has been decided to reserve several thousand acres, including important seasonal grazing areas used by pastoralists. In some of the villages, pastoralists were simply not called to or informed about village meetings where the issue was discussed and decisions made.

The village Assembly, composed of all resident villagers in a village, is the highest authority at the village level in Tanzania, and final decisions relating to how to use various parts of the village area are made at village Assembly meetings, in which all villagers have a right to participate. The reasons given as to why pastoralists were not involved in the decisions-making process were, for example, that they were not considered "proper" members of the community, or that the meetings were called with such short notice that they did not have a chance to make it to the village centre in time, due to their livelihood pattern, implying that they usually reside far away from the village office where the meetings are conducted (MEMA report 2001).

Reservation of a certain area always implies that collection of fruits, roots, herbs and firewood, building materials and honey will be restricted, and this naturally hits vulnerable groups like hunter-gatherers,



Parakuyo pastoralists with their cattle, Usangu Plains, Tanzania. Photo: Jens Dahl.

women and pastoralists very hard (Kiwasila and Odgaard 1992, Mema 2001, Maganga and Odgaard 2002)

The establishment of donor-financed natural resource committees, the members of which are empowered to be part of the control and regulation mechanisms related to use of resources in reserved areas, has implied that new village elite groups with vested interests have emerged. In one case, a village natural resource committee in south-eastern Tanzania included, for example, some female timber dealers, who insisted that a forest should be left completely untouched for a long period of time. The reason appeared to be that the forest contained some valuable tree species they were dealing in, and they wanted these trees to be left to mature without interference. As members of the natural resource committee, they considered themselves to be in a better position than others to be given licences to harvest the trees at a later stage.

In other cases, in south-western Tanzania, natural resource committees in some villages decided that all activities in reserved areas, except beekeeping, should be prohibited. In these cases, the areas used to serve as seasonal pastures for livestock owned both by pastoralists and farmers. In addition women, who used to collect mushrooms, herbs, roots etc. (which form valuable contributions to the diet and are also a source of income for some of the poorest and most vulnerable groups) were negatively affected by these decisions.

Generally, the rights of pastoralists to land were often denied by village authorities and various groups

of villagers that depend on farming, with reference to pastoralists being immigrants and not belonging to the area. However, in many villages implementing Participatory Forest Management activities, many farmers are also immigrants and, in some cases, arrived in the areas in question later than the pastoralists. The issue of “belonging” or “not belonging” to an area is a commonly used mechanism of exclusion in Tanzania (Odgaard 2005, 2006 and Maganga, Odgaard and Sjaastad 2007).

But not only do problems with the decision-making processes give rise to worries in relation to indigenous peoples and forest management in Tanzania. There are also some elements in the institutional framework which may entail problems for the rights of indigenous peoples and other vulnerable groups.

It is stipulated in the Forest Act (p. 42) that once a national or local authority reserve has been declared: “..... the rights to land, trees or forest produce which may be exercised within that national or local authority forest reserve are those rights which have been determined to be exercisable in that national or local authority forest reserve”. The act also contains a long list of activities that are prohibited without prior permission (licence, permit etc.), including collection of honey, fruits, roots etc. and land clearing, cultivation and grazing (Forest Act, pp. 44-45). Such restrictions may seem far-reaching for villagers who look on village public land as a communal resource to be used by all villagers to satisfy various subsistence needs, and also to enlarge farms through clearing if needed.



Young Parakyo pastoralist with his family's cattle, Usangu Plains, Tanzania. Photo: Jens Dahl

As mentioned, some villages have reserved quite large areas, and the management tasks accompanying a reserve of maybe several thousand acres are considerable. It is important to note here that there is a provision in the Forest Act that the Director of Forestry and Beekeeping Division may withdraw the authority to exercise management functions from the village if it is found that such functions are not being undertaken in a sustainable way. A village may therefore run the risk of eventually losing the right to exercise authority over a large part of their village land should it be found (by the Forest Authorities in the Ministry) that they have not been able to manage the area in what is seen as a sustainable way. (Forest Act, August 2000, Section 9, subsections 4 and 5, pp. 14-15).

Reason for concern

It would seem that the experiences so far with Participatory Forest Management in Tanzania leave quite a lot to be desired in relation to benefits to local communities in general and indigenous peoples in particular. This ought to give rise to serious concerns regarding the REDD process and indigenous peoples' rights in Tanzania. Worries about the possible effects of REDD are not calmed by Tom Blomley, advisor to the Tanzanian government on forest issues. He is concerned about a lack of clarity in relation to how funds will be used on planned pilot REDD projects, and says that the programme carries risks both for legally recognised community forests and for

communities seeking state recognition of customary forest rights (Development Today, October 2008). Among the latter are a number of groups of pastoralists and hunter-gatherers (Odgaard 2009, LHRC 2007)

According to Blomley, there is already a lack of clarity as to how benefits are to be shared in government forests with Joint Forest Management. He is also concerned that the massive influx of REDD funds could result in a sudden increase in the value of woodlands, and that REDD funds, while accelerating the process of declaring community forests, could also lead to massive land grabs in which communities would lose out. As can be seen above, both of these scenarios would have very serious implications for indigenous peoples in Tanzania.

Recent information from Tanzania indicates that NGOs and IPOs are now becoming more aware of ongoing REDD processes in Tanzania and the possible implications for different groups of natural resource users at community level, so hopefully they may be able to influence the process and reduce some of the negative effects anticipated for indigenous peoples' communities, and vulnerable groups in local communities more generally. Based on the information provided above, it is fair to conclude that they are up against strong forces – forces that are even stronger when the considerable financial benefits available to Tanzanian government circles are considered. □

Read more about indigenous peoples' recent engagement in the REDD process in Tanzania in the next pages (ed.).

Notes and references

- 1 This appears clearly from, for example: several articles by Chris Lang at the www.REDD-Monitor.org, from <http://news.mongabay.com/2008/1202-fern-redd.html>, from Griffiths: "Seeing REDD? Forests, climate change mitigation and the rights of indigenous peoples", Report, Forest Peoples Programme 3. December 2008, and from "REDD and Rights of Indigenous Peoples. Ensuring equity and participation in World Bank Funds", 17/04-2009: www.brettonwoodsproject.org/art-564322, and from "The Anchorage Declaration", Indigenous Peoples' Global Summit on Climate Change, Anchorage, Alaska. UN document E/C.19/2009/CRP.9, 5 May 2009.
- 2 Tanzania, United Republic. UN-REDD National Joint Programme. Policy Board Meeting, Panama, 9-10 March 2009. Available at www.un-redd.net/Portals/25/documents/events/20090309Panama/Presentations
- 3 Norway's official website in Tanzania, downloaded 28 May 2009.
- 4 www.norway.go.tz/News/Embassy-Norway/FirstREDDcontract.htm
- 5 Development Today. Nordic outlook on Development Assistance, Business & the Environment no 15-16, October 22, 2008.
- 6 National Framework for Reduced Emissions from Deforestation and Forest Degradation (REDD). First Draft. United Republic of Tanzania, Ministry of Natural Resources and Tourism, Forestry and Beekeeping Division. February 2009.
- 7 Please note that this is based on observations during a visit in January 2009 by one of the authors to several IP communities in different parts of Tanzania, and from discussions in Arusha and Dar es Salaam with a number of organisations involved in promoting indigenous peoples' rights in Tanzania. For an update on indigenous peoples' engagement in the REDD process in Tanzania, please refer to the next pages.
- 8 www.un-redd.net/Portals/25/documents/events/20090309Panama.p.4
- 9 See for example R. W. Tenga: "The Right to Food and Security of Pastoral Resource Rights in the United Republic of Tanzania". In L. Cotula: *The Right to Food and Access to Natural Resources*. IIED/FAO 2008; C.M. Peter: "Human Rights of Indigenous Minorities in Tanzania and the Courts of Law". In *International Journal on Minority and Group Rights*. Vol 14 No 4, 2007; M. T. Walsh: "Pastoralism and Policy Processes in Tanzania". Case studies and Recommendations. A Report to the Tanzania Natural Resource Forum, Arusha & Contribution to the collaborative Study. September 2007; F. Maganga, R. Odgaard and E. Sjaastad: "Contested Identities & Resource Conflicts in Morogoro Region, Tanzania. Who is Indigenous?" In B. Derman, R. Odgaard and E. Sjaastad (eds.): *Conflicts over Land and Water in Africa*. James Currey Publishers, Michigan State, UKZN Press 2007, pp. 202-214; Legal and Human Rights Centre, Annual Report 2007; R. Odgaard: "Land Rights and Land Conflicts in Tanzania: A Case Study". Report. Danish Institute for International Studies, November 2006; C. Soerensen: "Study on main issues impacting on the livelihoods of pastoralists and hunter-gatherers in Tanzania & mapping of key organizations. Report for IWGIA, April 2006 just to mention a few.
- 10 Maganga, Odgaard and Sjaastad 2007; E. Porokwa, W. Olenasha, R. Mako, Y. Mnyenzi and E. Mvula: "The conflict between Loita Maasai and the Batemi in Loliondo and Sale Divisions, Ngorongoro District, Tanzania. Report of Fact Finding Mission 2004"; S. Ojalamm: "Contested Lands: Land Disputes in Semi-arid Parts of Northern Tanzania. Case Studies of the Loliondo and Sale Divisions in the Ngorongoro District". Ph.D, University of Helsinki 2006.
- 11 Examples are PINGOs Forum, TAPHGO, CORDS, PAICODEO etc. For further elaboration of this see also D. L. Hodgson: "Cosmopolitics, Neoliberalism, and the State: The Indigenous Rights Movement in Africa". In P. Werbner (ed.): *Anthropology and the New Cosmopolitanism: Rooted, Feminist and Vernacular Perspectives*. Berg 2008 and Soerensen 2006.
- 12 K. Mustafa: "Eviction of Pastoralists from Mkomazi Game Reserve in Tanzania: A Statement". Unpublished Paper, IIED, March 1003
- 13 Personal communication with villagers, village authorities and CORDS employees in Kiteto District, January 2009, Tenga 2008, Odgaard 2006 for example.
- 14 For critique of the SPILL plan see for example Odgaard 2006 and Soerensen 2006
- 15 Debate on The Wildlife Act of 2008, Tanzania Natural Resource Forum Homepage www.tnrf.org
- 16 The final version of the Wildlife Act of 2008 is not yet available.
- 17 The New Forest Act was enacted in May 2002.
- 18 S. Iddi & H. Sjöholm: "Managing Natural Forests at the Village Level. Reaching the Ultimate Development Goal". A Paper prepared for the XI World Forestry Congress Antalya, October 1997
- 19 See for example F. Maganga and R. Odgaard: "UTUMI. Planning and Implementing Community Based Forest Management in Kilwa and Lindi Districts: Report. Ornis Consult/Centre for Development Research and Institute of Resource Assessment", December 2002
- 20 DANIDA: MEMA Review Report 2001
- 21 H. Kiwasila and R. Odgaard: "Socio-cultural Aspects of Natural Forest Management in the Udzungwa". Report prepared for DANIDA, Copenhagen Centre for Development Research, Copenhagen 1992
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- 23 R. Odgaard: "Community Research and Development Services (CORDS) and PARAKUYO Pastoralists Indigenous Community Development Organisation (PAICODEO). Capacity Assessment and possible future Collaboration". Report for IWGIA. July 2009.

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