

# Focus on Africa Brief

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## Tanzania

### Lesson 3: Wildlife Management Areas

#### INTRODUCTION

*Wildlife in Tanzania has been property and responsibility of the state since the colonial period. In the late 1900s, however, the government ushered in new policies that granted wildlife user rights to communities that established Wildlife Management Areas (WMAs) on Village Land. WMAs offer rural people new economic opportunities, but they also come with strict conditions. To date, WMAs have not achieved their objectives of conservation and local development. The following lesson explores the decentralization of wildlife user rights and their impact on local communities.*

## STATE CONTROL OVER WILDLIFE

Wildlife in Tanzania has been the property and responsibility of the state since the colonial period. State control, however, has not resulted in conservation or development. In the late 1990s, the government ushered in new policies that granted wildlife user rights to communities. Communities are now able to establish Wildlife Management Areas (WMAs) on Village Land and “have full mandate of managing and benefiting from their conservation efforts.” WMAs offer communities new enterprise opportunities and revenue streams which can support development and poverty reduction, but they also come with conditions that have limited their appeal and usefulness.

Centralized state control over wildlife in Tanzania began gradually in the colonial era, but was well-established by independence in 1961. When the German colonial administration took control of what is now mainland Tanzania in 1891, it established regulations for controlling wildlife utilization—restricting local use by criminalizing traditional hunting and regulating trophy hunting by Europeans. After World War II and under British rule, attention shifted to the preservation of wildlife and the establishment of protected areas. The Tanganyika National Parks Ordinance of 1959 established the organization now known as Tanzania National Parks (TANAPA) and Serengeti was gazetted as Tanzania’s first national park.

In 1974, the independent government of Tanzania passed the Wildlife Conservation Act, which further consolidated central control over wildlife in state agencies. The Act re-emphasized that wildlife is state property, further restricted access to and use of wildlife by local people, and gave the state greater control over commercial use of wildlife. The basic administrative and governing structures for wildlife management have changed little—at least in legal terms—since the 1970s. The Wildlife Division in the Ministry of Natural Resources and Tourism has authority for wildlife in Game Reserves, Game Controlled Areas, and in unprotected areas. Fully-protected National parks are managed by TANAPA, now a semi-autonomous parastatal agency. The Ngorongoro Conservation Area Authority (NCAA) controls the Ngorongoro Conservation Area.

The Wildlife Conservation Act empowers the government to gazette new protected areas and establishes how they are to be managed. It also authorizes the Wildlife Division to declare an open area to be a game-controlled area, grant hunting licenses in game reserves and game controlled areas, and issue grazing permits in game reserves. Today, Tanzania has 16 national parks encompassing an area of more than 42,000 km<sup>2</sup>. Including all categories of protected areas, almost 40% of the country is in the protected estate, a significant amount given that more than 70% of Tanzanians are rural and derive their livelihoods from agriculture and pastoralism. Many

protected areas were established through the exercise of compulsory land acquisition; the local hardships caused by the involuntary resettlements are well documented. Those who now live near protected areas are affected by wildlife which raid crops, damage property and harm people.

Tourism, one of Tanzania’s fastest-growing economic sectors, already accounts for 17% of national GDP and is the country’s largest foreign exchange earner. Tanzania’s command-and-control approach to wildlife management, however, has not resulted in sustainable biodiversity conservation or rural economic development. The government lacks the resources and capacities to effectively manage the protected estate, and there are insufficient incentives for conservation by local communities. A key challenge is to develop policies which encourage communities to protect wildlife, especially on private lands outside the core protected areas.

## EMERGENCE OF COMMUNITY WILDLIFE MANAGEMENT

Community wildlife management emerged in Tanzania in the early 1990s in response to the challenges facing state wildlife management agencies. It was linked to the broader political and economic reforms taking place in the country at the time (democratization and liberalization). In 1995, a government Wildlife Sector Review Task Force concluded that, “...local communities who live amongst the wildlife should derive direct benefit from it.” It called for devolving wildlife user rights and management responsibilities to communities and suggested the creation of Wildlife Management Areas (WMAs) as a means of pursuing conservation and rural development goals. Pilot projects were established in several parts of the country, including around the Selous Game Reserve, Africa’s largest protected area and one of the largest in the world.

In 1998, a new national Wildlife Policy was established. The policy recognized that conservation outside protected areas must generate benefits at the community level. To create local conservation incentives, it called for “conferring user rights of wildlife to the landholders to allow rural communities and private land holders to manage wildlife...with the aim of ensuring that wildlife can compete with other forms of land use.” It also called on the government to, “facilitate the establishment of a new category of PA [protected area] known as WMA, where local people will have full mandate of managing and benefiting from their conservation efforts.”

WMAs are Village Lands set aside by communities specifically for conservation. They exclude human habitation and curtail human activities; settlements, agriculture and livestock grazing



are prohibited in these areas. WMAs are based on assumptions about collective management of communal lands. Effective management of common property depends largely on the ability of the community to establish and enforce rules over land and resource uses, and to capture benefits arising from those uses. The pilot WMAs were designed to create high-quality trophy hunting concessions or game-viewing opportunities. As a result, many WMAs are larger than the land contained within a single village's boundaries; some WMAs include up to two dozen villages with contiguous land areas.

In late 2002, the government released the Wildlife Conservation (Wildlife Management Areas) Regulations and, in January 2003, formally launched the WMAs process. The regulations detail the rights and responsibilities of communities, government powers and authorities, and the procedure for establishing a WMA. They include a list of 16 pilot WMAs, encompassing more than 135 villages in 16 districts, with a cumulative land area of about 16,000 km<sup>2</sup>. The regulations also designate four international conservation organizations to oversee the creation of the pilot WMAs—Gesellschaft für Technische Zusammenarbeit (GTZ), World Wide Fund for Nature (WWF), Frankfurt Zoological Society (FZS), and the African Wildlife Foundation (AWF).

The process of establishing a WMA generally involves 10 steps: 1) the Village Assembly agrees to form a WMA; 2) the village forms a community-based organization (CBO) and registers it with the Ministry of Home Affairs; 3) the CBO prepares a Strategic Plan; 4) the village prepares, surveys and registers a Land Use Plan (LUP); 5) the LUP is subject to an Environmental Impact Assessment; 6) villages prepare by-laws to support the LUP; 7) the CBO prepares a General Management Plan (GMP); 8) the CBO applies to the Director of the Wildlife Division to designate part of Village Land as a WMA; 9) the Director considers the CBO's application and sends his recommendation to the Minister of Natural Resources and Tourism; and 10) the Minister declares a designated WMA by order in the gazette.

Thereafter, the CBO applies to the Director of the Wildlife Division for Authorized Association (AA) status (the delegated WMA management authority), and the AA applies to the Director of the Wildlife Division for wildlife user rights. The rights may be for consumptive (hunting) or non-consumptive (game viewing) uses of wildlife. All usufruct rights are limited to three-year terms. The AA may enter into agreements with potential investors for commercial activities in the WMA, but only wildlife-related investor activities are allowed on WMAs. All wildlife-based business ventures are subject to an Environmental Impact Assessment.

The consumptive and non-consumptive uses of wildlife are governed by separate regulations. Under the Wildlife Conservation (Tourist Hunting) Regulations of 2000, the AA must apply to the Director of the Wildlife Division for consumptive user rights and for a hunting block. If approved, the Director grants villagers a quota of animals which

they can either hunt themselves or sell to a tourist hunting operator. All village agreements with private hunting operators must be approved by the Director. The Director also has the authority to withdraw or revoke any investment agreement.

Hunting blocks are allocated to hunting companies by the Director of the Wildlife Division under the Tourist Hunting Regulations. Hunting block allocations are subject to renewal or cancellation at the Director's discretion despite any direct contracts a village may have with a hunting company. All fees for these activities are paid to the Wildlife Division, not to the village with the WMA. The Tourist Hunting Regulations prohibit game-viewing tourism within a hunting block or within any wildlife protected area without the written permission of the Director, even though most game controlled and open-block areas are located on village lands.

The Wildlife Conservation Act (Non-Consumptive Wildlife Utilization) Regulations of 2007 declare all non-consumptive wildlife utilization illegal without a permit granted by the Director of the Wildlife Division. This includes conducting game-drives, photography safaris and walking safaris as well as investing in the construction of a tented camp, lodge, business, or research and educational facility. The Director can revoke, suspend or vary any permit. Furthermore, no person shall operate such businesses without a license from the Director of Tourism under the Tourism Agents Licensing Act.

Of particular concern to communities are the WMA benefit-sharing arrangements. The Wildlife Act and Wildlife Conservation (Wildlife Management Areas) Regulations, however, do not clarify how the revenues generated from wildlife in a WMA are to be shared with government. The Act states only that it "shall comply with guidelines issued by the Government from time to time and shall adhere to mechanism of equitable distribution of costs and benefits." The Wildlife Conservation (Wildlife Management Areas) Regulations does stipulate that the AA must ensure that from its annual gross revenue, not less than 15% shall be invested for resource development, not less than 50% shall be directed to member villages forming the WM, and not less than 25% shall be used to strengthen the AA.

## CONCERNS OVER WILDLIFE MANAGEMENT AREAS

On 31 March 2006, the government granted official status to four of the original 16 pilot WMAs. Rural communities have invested substantial resources in establishing the WMAs, but as of 2007, they had not benefited financially from them. The WMAs had achieved their conservation objective, but not their local development objective. Communities had set aside Village Lands to establish the WMA that could have been used for other purposes, and they had protected wildlife populations, which led to an increase in animal numbers as well as human-wildlife conflicts. By 2007, the four WMAs

still had not been granted user rights over wildlife by the government or been able to develop any approved commercial wildlife-based activities that could create new sources of income. Thus, no WMAs had earned income for the community.

Given these early experiences, villagers and rural advocates have begun to question the usefulness and benefits of WMAs to communities and local development. Several complaints have been voiced. The Wildlife Conservation (Wildlife Management Areas) Regulations emphasize the role of the village in independently resolving to create a WMA and in having the legal authority to manage it. In practice, however, the process of establishing WMAs has been driven in large part by a handful of international conservation organizations, not by communities. Many villagers, including local leaders, claim that they had been brought into the WMA without their knowledge, participation or consent.

The process of establishing a WMA requires significant community investments of time and resources. The set of requirements and conditions provided in the WMA regulations that communities must fulfill in order to establish a WMA are highly prescriptive, represent a barrier for villagers, and contribute to delays in WMA formation. For example, the Land Use Plan (LUP) and General Management Plan (GMP) require collecting considerable data and the completion of forms that are quite technical. Few villagers have the needed skills and expertise. As a result, villagers must rely on international conservation organizations for the necessary resources, experience and technology.

WMAs provide communities with government grants of wildlife user rights in exchange for Village Land use restrictions. When a WMA is gazetted by the government, the land still legally belongs to the village, but it becomes an official protected area, and authority over that land in large measure rests with the Wildlife Division and with district and regional governments. Moreover, the WMA regulations give the Director of the Wildlife Division important controls, including over how usufruct rights are realized and how wildlife is actually used in WMAs. From the perspective of villagers, their land has been appropriated, their rights to use that land have been significantly curtailed, and many have been forcefully evicted from their lands in the WMA.

Public interest lawyers have argued that the Wildlife Conservation Act does not provide sufficient foundation for the establishment of WMAs and that the law contradicts other legislation, including the Land Act of 1999, the Village Land Act of 1999, and the Local Government and District Authorities Act of 1982. This latter legislation grants village government (i.e., Village Assembly, Village Council) executive powers over Village Land.

The lawyers contend that the Wildlife Conservation Act and the WMA Regulations infringe on the established powers of the village government to regulate the use of Village Land.

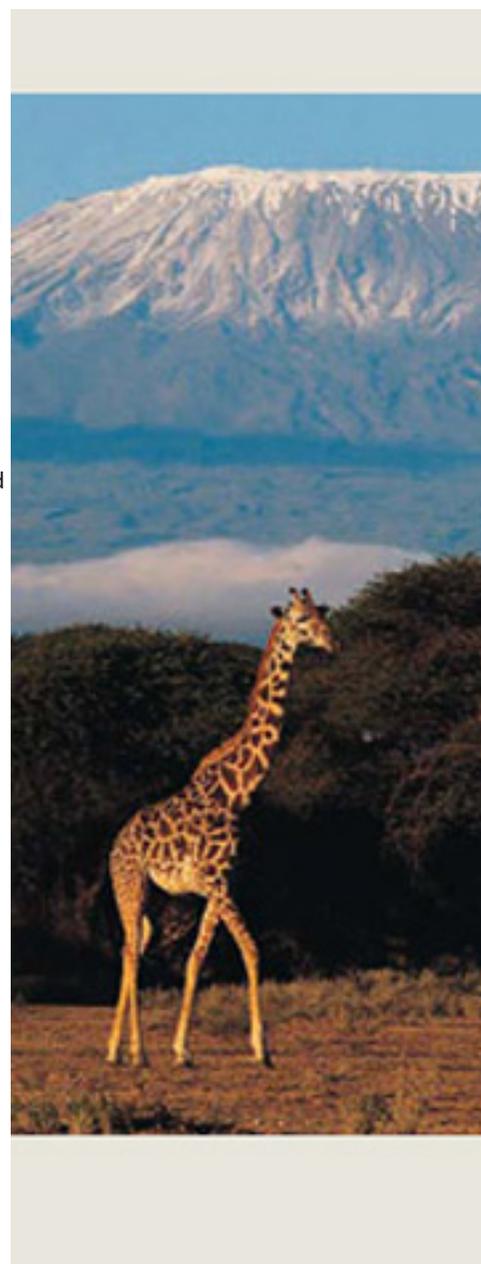
In response to these concerns, some communities have refused to participate and others with WMAs are seeking to degazette their WMA. For example, the communities in the Loliondo area (east of Serengeti National Park)—a locality with a long history of land lost to state conservation areas—have refused to participate because they view the WMA as a strategy for appropriation of communal lands. Other communities with gazetted WMAs now want out, although this has proven difficult. The WMA Regulations stipulate that a village can leave a WMA simply by changing its LUP, dissolving the AA, or applying to the Director of the Wildlife Division for de-gazettement. However, all of these options must be endorsed by the Director and approved by the Minister.

In response, the government has strengthened its authority over wildlife. In 2009, it repealed the Wildlife Conservation Act and enacted the Wildlife Act. The new Act maintains the state's legal ownership and control of wildlife, and places new restrictions on wildlife and land use. It restricts the grazing of livestock in Game Control Areas (GCAs) without the written permission from the Director of the Wildlife Division, and prohibits the establishment of GCAs on Village Land. The Act also gives the government new powers to appropriate and regulate the use of Village Land. Under the law, the Minister of Natural Resources and Tourism has the authority to: 1) establish new protected areas; 2) designate wildlife corridors, dispersal areas, buffer zones and migratory routes and species management areas; and 3) declare any animal or class of animals to be a national game.

WMAs contrast sharply with the decentralization of other natural resources in Tanzania. For example, Tanzania is one of Africa's leaders in community-based forest management. In comparison with WMA procedures, the requirements for establishing Village Land Forest Reserves are relatively simple and the rights granted relatively strong. The forestry sector empowers existing local institutions—the village councils and their committees—and does not require the establishment and registration of a new CBO or AA. As a result, community-based forestry has led to the emergence of numerous local jurisdictions for forest management with many achieving their forest management and local development objectives.

Tanzania's WMAs also contrast sharply with community wildlife management in other African countries. For example, in Namibia, the procedure for establishing a community-based conservancy is less prescriptive and has fewer prerequisites, while the user rights granted to communities are broader and more empowering than in Tanzania. Namibia's conservancies have achieved conservation and local development, and, in many cases, have expanded their mandate to manage other natural resources, and have become a powerful institution in the local arena as well as at the national level. As a result, the number of conservancies in Namibia is growing and they now cover more than 20% of the land.

For WMAs to achieve their objectives of conservation and local development, a number of reforms are needed. These include: 1) streamline and clarify the procedural framework for establishing WMAs; 2) limit the powers of the Director of the Wildlife Division over wildlife uses, especially non-consumptive uses of wildlife on Village Land; 3) recognize the established authority of communities over Village Land, including over local investments; and 4) secure wildlife benefits for rural communities by clarifying benefit-sharing arrangements and establishing generous local revenue retention from wildlife utilization on Village Land.



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