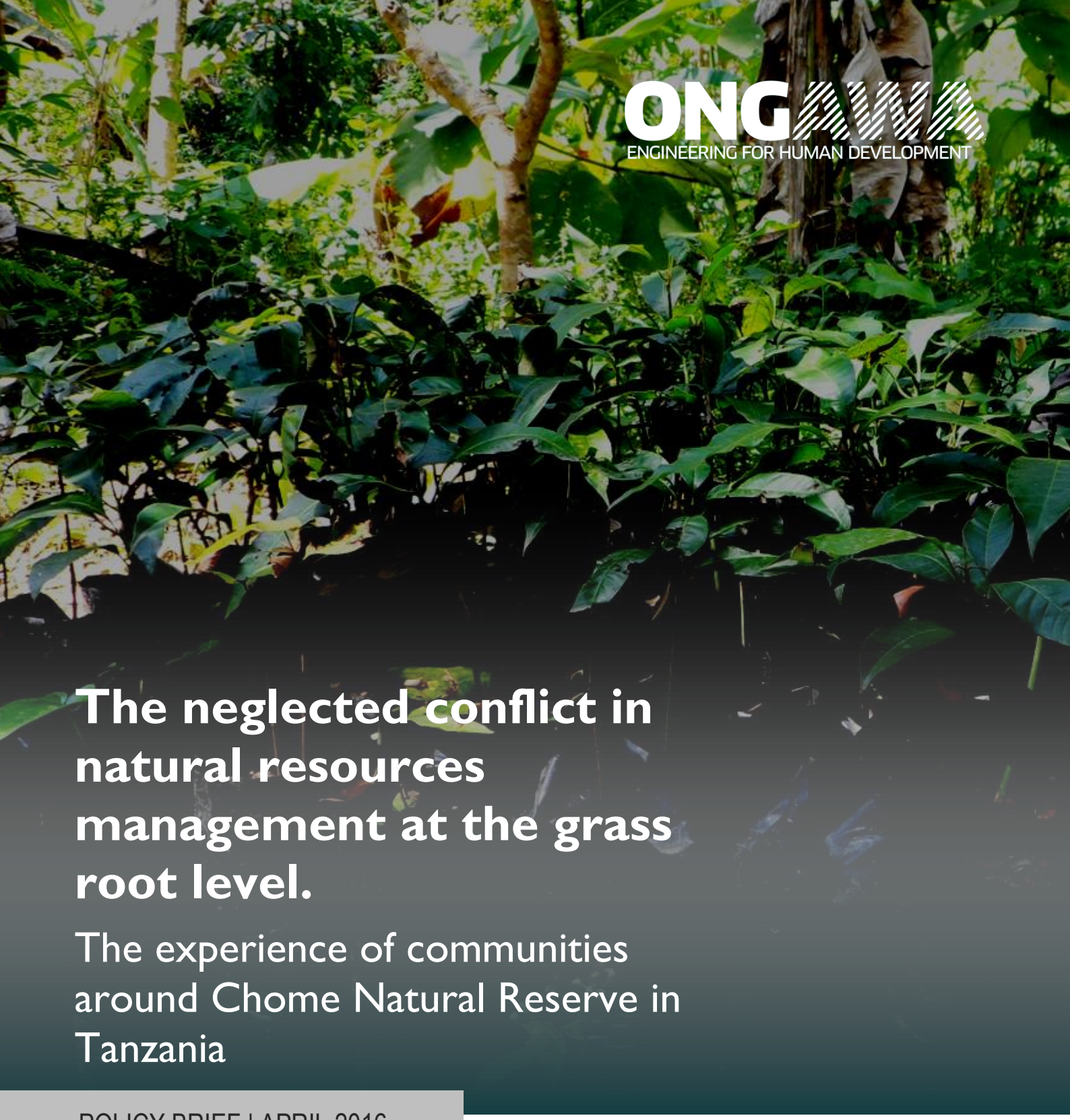

ONGAWA
ENGINEERING FOR HUMAN DEVELOPMENT

The neglected conflict in natural resources management at the grass root level.

The experience of communities around Chome Natural Reserve in Tanzania

POLICY BRIEF | APRIL 2016

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Same District Council

CNRO/TFS

TFCG

Executive Summary

The three sectors namely land, forest and water are managed independently with different institutions and guidelines. The land sector is under the Ministry of Lands, Housing and Human Settlement; forest is under Natural Resources and Tourism Ministry while water sector is managed by the Ministry of Water and Irrigations.

Implementation has generally been lacking coordination in local context. A too narrow sectorial focus creates lack of information exchange and communication at village, district and sub national/basin levels, creating confusion and ultimately negative impacts for the natural resources conservation. This improper coordination of natural resources is contributing to new conflicts and obstructing the peaceful resolution of existing ones in the community level.

Therefore despite the credentials of 'good' forest, land and water management policies and strategies, there is still a far way till reaching a real integrated management of natural resources. These circumstances suggest that practical reforms and recommendations beyond policy and legislative amendments are necessary for the integration and coordination of these three sectors.

Introduction

The management of natural resources (land, forest and water) is one of the most critical challenges facing developing countries today, Tanzania being among them. Despite the fact that Integrated Forest Resource Management (IFRM), Land Use Planning and Integrated Water Resources Management (IWRM) provide new paradigms for development approaches, still there has been inadequate knowledge base in understanding the integration process at the catchment or community level in Tanzania.

The objective of the document is to shed light on how integrated management of the three mentioned natural resources actually is in practice. The paper aims at providing an overview of the current situation on implementing land, water and forest activities within the rural communities in Tanzania, taking as an example those adjacent to Chome Nature Reserve, trying to outline the outcomes of discussions relating to the governance of the three sectors and to identify areas for further consideration during the decision making process on the reform of land, forest and water resources strategies, and its implementation at the grass root levels and how institutional arrangements are done and might be improved.

The main question addressed is whether the management of these three resources can be better integrated for enhanced livelihood opportunities and for reduced vulnerability of conflicts to the rural poor.

This paper does not discuss the potential development of these sectors policy and laws at higher levels, but looks at what contradicting functions of bylaws and sectors strategies during their implementation at local level (sub catchment or Communities) and try to see how to overcome these contradictions.

The project

The document is framed in the program "Sustainable Management of Chome Nature Reserve" which is being implemented by ONGAWA, TFCG, Same district council and Chome natural reserve office, under the funding of European Union (EU), co-founded as well by other Spanish donors. The project is expecting to improve the livelihoods of about 87,818 people of 35 communities of Same District through their empowerment and active participation in the management of natural resources.

OBJECTIVE & APPROACH

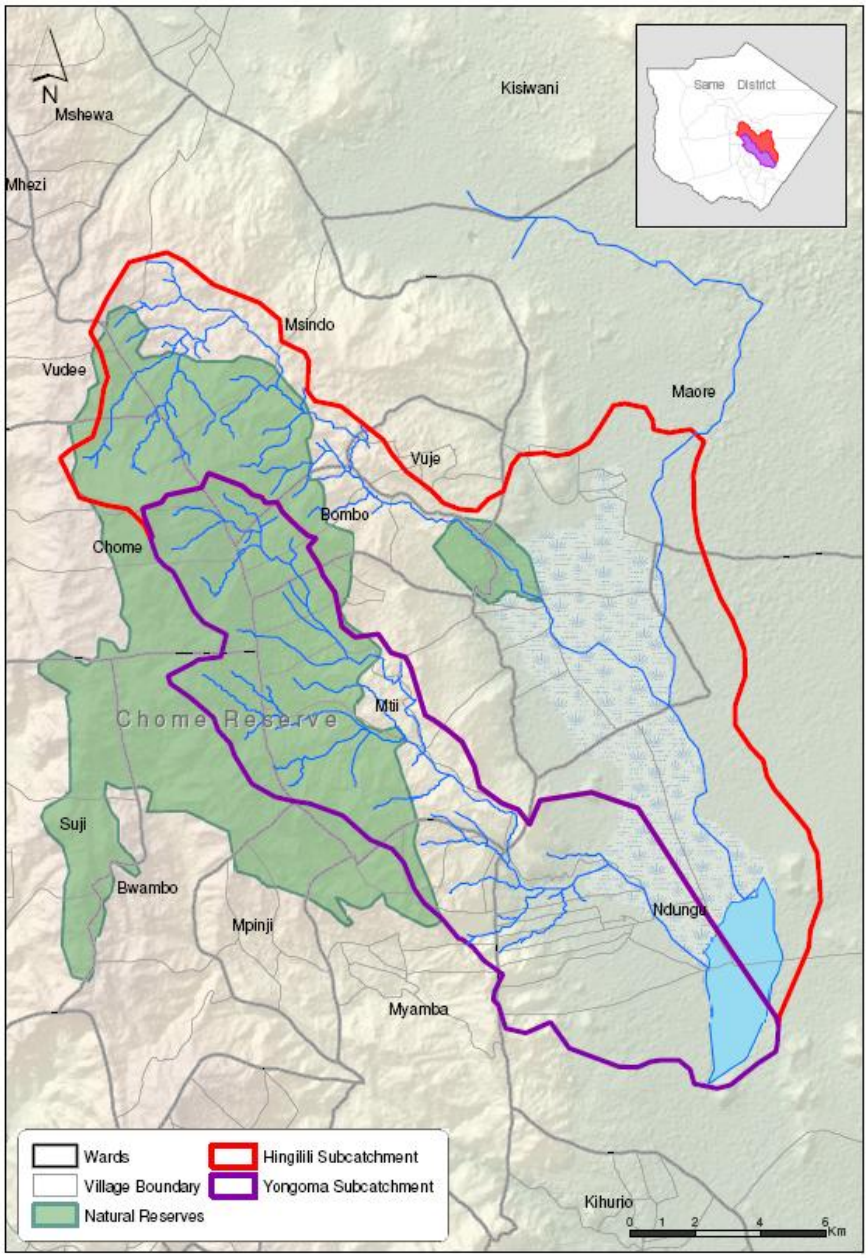
The Action comprises different work packages, exploring the connection within the three mentioned natural resources. It targets different levels, mainly community, district and sub-catchment ones. In the first one it aims at promoting natural resources conservation within communities through development of plans but also through incentives, as new income generating activities or investments in water and sanitation. The project also looks at inter-village level developing communication and coordination mechanisms for improving water resources governance mainly. It also foresees an important component of capacity building of Same District Council and Chome Nature Reserve Office, as main actors in charge of these resources management.

The project has an innovative focus, since it aims at promoting a more holistic approach to natural resources management as a whole. One of its main goals is to develop guidelines and orientations about the integration of land use, forest, and water resources management. Moreover, it includes the analysis and development of learnt lessons about the advantages, difficulties and challenges of working with a more integrated approach at village level, considering these three sectors at the same time. The result of the intervention aims at materializing those linkages at various levels of governance, from local to sub nation level (district and basin), extract and disseminate the lessons to be reflected at a broader policy context at national level.

STUDY AREA

Among the 37 beneficiaries communities of the project, this sectors study review is based on the experience in 5 communities, Kanza, Lugulu, Mtii, Vuje and Duma, within Yongoma and Hingilili sub-catchments, where all the different components proposed in the project have been implemented.

Sub catchment	Name of Villages in the Subcatchment
Hingilili Catchment	*Duma, Mjema, Mvaa, Mvango, Myombo,* Bombo, Vuje, Maore, Mheza, Kadando, Mpirani
Yongoma Catchment	*Mtii, Lugulu, Kanza,* Ndungu, Kalemawe, Vumba



Map 1. Situation of the beneficiary communities and Yongoma and Hingilili sub-catchments.

Current implementation of the sectors at grass root level

When talking about the major natural resources found in most of the rural areas in Tanzania without doubt the sectors of water, land and forest are the most significant resources that supporting the daily lives of the rural population. This is due to the fact that almost 80.3 percent (NBS 2015) of all people in these areas engage in agriculture as their main economic activity. The dependence on these resources is increasing day after day due to social economic pressures, which make these resources even scarcer.

The three sectors depend on one another although they are managed narrowly by different institutions and guidelines as well. The land sector is under the Ministry of Lands, Housing and Human Settlement and forest is under Natural Resources and Tourism Ministry while water resources sector is under the Ministry of Water and Irrigations. Moreover, the Ministry of State, its President´s Office-Regional Administration and Local Government, coordinates and supervises planning of Local Governments (District) including specific activities and actions linked to the mentioned areas. Every sector has its own framework and guidelines on how a particular resource should be utilized and conserved from national to grass root/community levels.

The underlying frameworks and guidelines such as policy and laws are good and have no serious contradiction at higher levels such as national level as they are clearly define duties and responsibilities of each stakeholders and institution for conserving and managing a particular resource. The contradiction starts when these legal frameworks are translated into operative structure such as by laws and plans to be used in community level. This is because in the local or community level where these guidelines and policy are translated and put into implementation every sector implementer has its own way of doing things with different local sector guidelines, institution and by laws, although all the local implementers are sharing the same motives of resources conservation.

Among the problems of not coordinating natural resources sectors are conflict related to water uses in terms of quantity i.e rationing and quality due to pollution, land ownership as well as over exploitation of forest resources.

INSTITUTIONAL FRAMEWORK

Natural resources development and management efforts are typically compartmentalized along different distinct political and administrative lines and implementation remains at the sectorial level, as shown in the following figure 1. Every sector organizes development and management of the resources considering a different unit:

- In the water sector, the unit considered is the basin and later catchments and sub-catchments. In each of the last ones a Water Users Associations (WUA) should be formed, which is the most decentralized entity. WUAs manage allocation of water resources at local level, watching for an equitable allocation and mediate in local disputes.

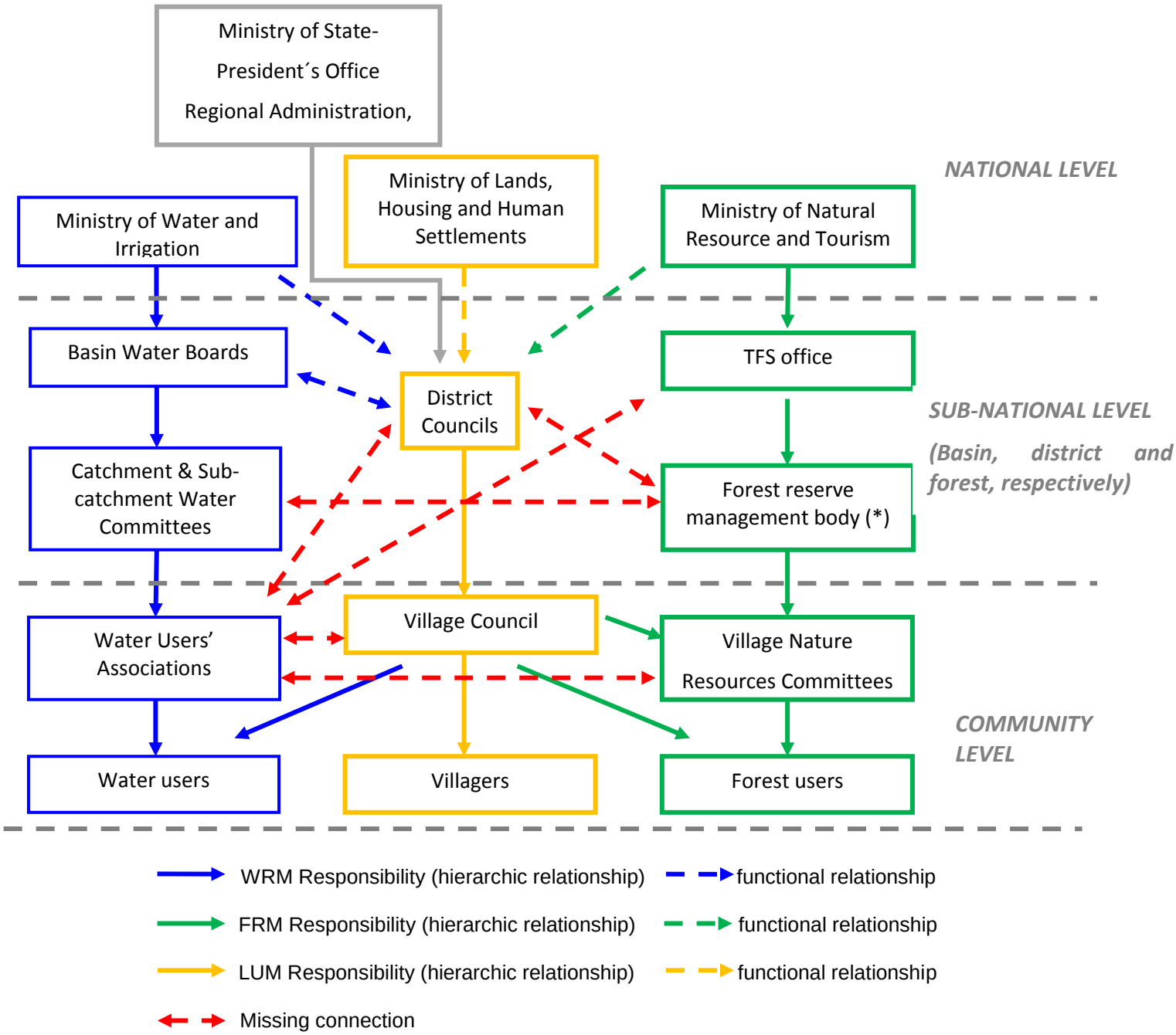


Figure 1: Institutional Framework for Water, Land and Forest Resources Management

Note: This figure is not reflecting all the different situations foreseen in the different laws for management of natural resources. It has been done in order to show the main gaps with many simplifications.

(*) We are considering the case of a local or national forest reserve. In the case of a village forest this figure won´t exist.

- In forest sector, the management units are the different forest established, which depending on the property and type of protection will have different management structures. In the case of national and local government forest reserves, management depends on the Tanzania Forest Services (TFS), a semi-autonomous government Executive Agency, which appoints specific offices and extension services for managing each forest under its jurisdiction. At community level a Village Natural Resources Committee (VNRC) is normally formed, which is the principal body concerned with the management of the Village Forest Management Area (VFMA).
- In land sector, management is directly under Village Council, although in the process of development land used plans a specific committee is formed and trained (Village Land Use Planning, VLUPC). Afterwards, Village Council might assume the management or delegate in a specific committee.

The three main sectorial local entities are working without any "official" and clear linkage among themselves to their activities at the catchment or community level. They have different referees at each level and a specific and independent law and policy to follow. This too narrow sectorial focus can lead to lack of information and communication at village level, creating confusion and ultimately negative impacts for the natural resources conservation.

Therefore despite having a consensus at the national policymaking bodies and within the international development community for the need of an INRM framework, institutional fragmentation remains a key barrier to integrated approaches on the ground in Tanzania.

In addition, the "sectoralization" of the natural resource sector with different by laws, procedures, and local institutional arrangements for community-level management of water, land and forest resources, poses the risk of institutional conflicts caused by overlapping and competing mandates of different community-level organs.

This mismanagement of land, water and forest resources in community level is contributing to new conflicts and obstructing the peaceful resolution of existing ones. The contradiction of this sectors implementation at the grass root level namely land, forest and water has been divided into two main categories being institution and legal frameworks governing those sectors at a particular locality in villages adjacent to CNR.

Institutional arrangements analysis

This section highlights the weaknesses of institutional arrangements foreseen in the different strategies or policies related to the management of natural resources relevant to water, land and forest management, when applied at sub-national or local level.

- There are three different committees namely VNRC, WUA and VLUP working within same areas and issues and sharing the same goal, but performing separately **without knowing each other and without coordinating among different sectors operating within the**

communities. This lack of information sharing among different sectorial group (VLUC, VNRC and WUAs) causes some important contradictions in the final documents and local rules developed by each of them, as it will be seen in the next point of this document.

For instance, Hingilili sub catchment WUA claimed to have neither any information about the land use plan exercise nor joint forest management plan done in some of the communities within their sub catchment areas, meanwhile they were supposed to be involved during the establishments of the committees in charge of those processes.

- In local or community level there are **conflict between Village Government and other committees** responsible for protecting the available nature resource within the village.

For example in some cases the VEO uses bylaws and regulations developed by the Village Government, who is also eligible to make decision regarding resources found within the village including the water resources and its extraction, while according to the water resource act of 2009 the entity responsible of handling water resource related issues in the community is WUA and not the Village Government. The same conflict has been reported in forest management where some VEOs have been reported to be involved in forest issues i.e harvest which is the duty of VNRC. Therefore there is conflict of interest on who should be responsible in protecting resources i.e. water, forest and land between sectors implementing committees (VLUPC, WUA and VNRC). This has created some contradiction in decision making between bodies/committee when handling issues related to natural resources conservation.

- There is contradiction **between central government (CNR/TFS) and local government bodies' i.e village governments** and other committees within the village (VNRC and WUA) in conservation issues.

For instance in conservation of water resources this conflict raised as one of the challenges that hinder the performance of the WUA in water resources protection. Taking into consideration the CNR forest is officially gazetted to become a protected nature reserve (the law bans 100% human activities inside), its ownership and management has shifted to other administrative context of the law (natural reserve office). On the other hand the Reserve is the source of water of the 2 sub catchments, Yongoma and Hingilili, and WUA that manages water resources claims to possess legal power to protect its origin up and up to its utility. The conflict arises where this two legal entities (Nature reserve and WUA) are working separately with different guidelines and organization setup (in terms of sectors), although all are dedicated to the issue of protection.

- There is also an **information gap between WUAS, District Council and Pangani Basin Water Office** (PWBO) concerning various issues rising at both sides.

> *For instance the Pangani Basin Office is not well informed about the possible plans and activity implementation reports from the WUA office and vice versa. This has been supported by the fact that YONGOMA sub catchment WUA evacuated about thirty (30) households from wetland areas but other authorities such as Same District Council and Pangani Basin Office were not aware of this matter which was important to provide legal advice and support. The independent action of WUA in these issues that involve legal bases poses a danger of being driven to court by the involved part if not well handled with care. Therefore there is a communication and coordination gap between the parties mentioned which may result to lack of reliable assistance to WUA taking into consideration that they are new entities in the community and are in infant stages of development to be able to assume their responsibilities more efficiently.*

Sectorial legal and strategies arrangements

As consequence of a general lack of knowledge and recognition of the different communities involved in each sector, and also inexistence of coordination and communication, documents which rule management of different sectors are not eable to adopt each other. Thus, there are some contradicting issues/ aspects in various legal and institutional documents of the three sectors namely forest, land and water, used within the same communities. In some cases one document in one hand seemed to contradict with another document on the other hand concerning the same issue.

- **In water resources protection the WUA by laws are contradicting with some land use plan**s within the same communities or subcatchment.

> *For example, according to the WUA by laws, which are supported by integrated water resources management act of 2009, the distance that should be left without any human activities from the water sources of a river bank or the shoreline of an inland lake, is sixty (60) meters, but still practically in the grass roots levels due to some context such as population density and landscape it's not possible to maintain the said distance as this will fuel even more resources conflicts. For instance, land use plan and bylaws in Kanza village have shown the distance to be ten (10) meters (although this seemed to be special case) due to the fact that the village is situated in mountainous terrain with high population density already, where practically it is not possible to evacuate them to have the required 60 meters .*

- There are conflicting and incoherence provisions in various by laws and local rules between PFM plans and VLUP. This shows that there is a possibility of contradiction or

overlapping of activities between different sectors during their implementation in the same communities, which in turn may create confusion among community members.

- The three **sectors by laws and regulation do contradict** in the area of punishment and fines to be collected from the same offense. The contradiction has been shown by one offence to have different punishments/fines according to different sector by laws and regulations.

> *For instance, WUAs by laws fines and punishment seemed to be higher than those of other sectors such as land use plan. According to WUA by laws (Hingilili and Yongoma sub catchments) the punishment/fine of destroying a water source is about Tsh 100,000 while in land use plan (Ref Kanza village land use plan) by law directs the fines to be less than Tsh 50,000/- which provide the loop hole for the wrong doer to have an option to go for lower fines. This also will result in working contradiction and disappointment of one side (particularly those with higher punishment) as the wrong doer will not respect the mandate of the said committee knowingly there is alternative solution of lower fines, and hence affect the conservation effort. In some cases, the penalties and fines are defined in the VLUP and PFM but not specified correctly in the by-laws as done in the WUAs. This is hindering decision making by those regulating the water, forest and land use. They are promoting different insights of confusion in terms of roles and responsibility, respect, and those falters rely on the weakest organs arrangements.*

Recommendations

Sustainable use and management of natural resources can best be achieved by **adopting an integrated approach to natural resources management, and with the direct involvement and participation of the different actors** especially VNRC, VLUC and WUA at the grass root level. This will allows anticipating the conflicts and overlapping activities to the communities adjacent to Chome nature reserve since water, forest and land use management are inseparable.

A preliminary review, **suggests four prominent policy options or proposal** to achieve the linkages of this sectors;

- In order to reduce the misunderstandings and conflict that may raise between the sectors during the implementation it is advised the three sectors (Land, Water and Forest) and actors (WUA, VLC and VNRC) **to collaborate during the preparation and implementation of their plans**. This could be done through two complementary interventions, depending on each specific situation:

    i. When implementation of land use, water resources and forest management plans at villages level are not developed yet, the land use plan **should start as the prime sector incorporating necessary legal and institution arrangements** of other sectors. In the long term, national laws and strategies should take into account this recommendation, promoting the development of Village

Land Use Planning as a "hosting" and umbrella document, where the rest of the plans might be accommodated.

ii. In those cases where plans have been already developed, as a mitigation measure to be implemented in the short term, it´s suggested to facilitate the **harmonization process of bylaws, strategies and working arrangements of the committees** responsible in managing the respective three sectors. This will be achieved by the agreement of both committees to make changes to the contradicting by laws and strategies to have the same meaning, magnitude and effects. The institutions responsible for implementation at the community level may have a general agreement, including a MoU and guidelines showing how they are going to work together in collaboration without confusing the beneficiary communities as it has been successfully implemented under the CNR project intervention.

iii. The recent experience in the grass root alongside the project intervention, has identified the need that the committees integrate and coordinate all the uses of natural resources within the communities in the sub catchment basin and has laid emphasis on the **formation of an umbrella committee at every village** (working under VG) incorporating leaders from the said committees (VLUPC, VNRC and WUA representatives). It will be the platform to meet periodically to discuss various issues concerning their respective sectors including their future plans and strategies as well as resolving any conflicts that may have raised between the committees in the course of their activity implementation. The main role of the committee is to coordinate, and supervise natural resources use and management within the village.

iv. **Ensure participation of the different actors during the definition of the management plans**.

Sectors coordination meeting Kanza village
Sectors coordination meeting Lugulu village

- The information flow between the parties mentioned here in should be improved (two way traffic) especially the provision of reliable assistance to the sectors community

committees such as WUA, VLUC and VNRC taking into consideration that they are new entities in the community and are in infant stages of development to be able to assume their responsibilities more efficiently through learning and developments.

- **There should be improved coordination mechanisms among authorities with sectorial responsibilities in the intervention**; this witnessed where there has been an opportunity for learning based on the plan to increase knowledge and awareness about the experience of VLUP and PFM implementation especially a coordinated approach between SDC department and CNRO. In terms of roles and responsibility, and when bodies come to the reality of intervention at village level, all government seems to have gaps, but rest seems to supplement the other. E.g. the legal officer is not available at Basin Level or at CNR level, but there is a legal officer at SDC level. Also WUAs have a reporting responsibility to the PBWO's but their daily life are vested in the presence of/and immediate response or look of the District Council.
- Experience from Yongoma sub catchment WUA shows that there are positive results when other stakeholders such as police and primary courts officials/ staffs are involved during the preparation of bylaws and regulations as they will be involved when there is any case of breaking the said by laws. Their involvement will fasten the decision making in favor of the said by laws as well as be in position to provide assistance (security and legal) to the committees were applicable.

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Acronyms and abbreviations

BWB –Basin Water Board

CNR- Chome Nature Reserve

CNRO- Chome Nature Reserve Office

IFRM - Integrated Forest Resources Management

INRM- Integrated Natural Reserve Management

LUP- Land Use Plan

PFM- Participatory Forest Management

SDC- Same District Council

TFCG- Tanzania Forest Conservation Group

VEO-Village Executive Office

VLUC –Village Land Use Committee

VNRC- Village Nature Reserve Committee

WUA –Water User Association