

FOCUS ON LAND IN 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. In the late 1990s, the government ushered in new policies which grant 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 local development and poverty reduction. A few pilot WMAs have begun to generate revenues for member villages, but implementation has also revealed a number of institutional and management challenges that have limited their appeal and usefulness.

Centralized state control over wildlife in Tanzania began gradually in the colonial era, but was well-established at 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 government greater control over commercial uses of wildlife. The basic administrative 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 over 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 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 km². Including all categories of protected areas, almost 40% of the country is in the protected estate, a significant amount of land given that more than 70% of Tanzanians are rural and derive their

livelihoods from agriculture and pastoralism. The local hardships caused by involuntary resettlements and from wildlife raiding crops, damaging property, and harming people are well documented.

Tourism, one of Tanzania’s fastest-growing economic sectors, accounts for about 17% of national Gross Domestic Product (GDP) and is the country’s largest foreign exchange earner. Research suggests, however, that Tanzania’s command-and-control approach to wildlife management has not resulted in sustainable biodiversity conservation or contributed significantly to rural development. Among a number of challenges, the government lacks the resources and capacities to effectively manage the protected estate. Until recently, there were also few incentives in place for conservation by local communities. As a result, wildlife on Village Land was often not managed or poorly managed, resulting in declining populations of many species.

EMERGENCE OF COMMUNITY WILDLIFE MANAGEMENT

Community wildlife management emerged in Tanzania in the early 1990s in response to challenges facing state wildlife management agencies. It was also linked to the broader political and economic reforms (democratization and liberalization) taking place at the time. 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) on Village Lands 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.

In 1998, a new national Wildlife Policy was established. The policy recognized that conservation outside protected areas must generate benefits for villagers and communities. 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 managed by communities for biodiversity conservation purposes with the expectation that wildlife will generate local benefits. They often, but not always, exclude



human habitation and curtail human activities such as agriculture and livestock grazing. WMAs are designed to generate revenues from high-quality trophy hunting or game-viewing opportunities. To effectively manage wildlife for these purposes, Village Lands from several adjacent villages (commonly from two to more than ten villages) may need to be included in a WMA. WMAs are based on assumptions about collective management of communal lands. Effective management of common property depends largely on the ability of communities to establish and enforce rules over land and natural resource uses, and to capture and share benefits arising from those uses. .

In late 2002, the government released the Wildlife Conservation (Wildlife Management Areas) Regulations and, in January 2003, formally launched the WMA process. The Regulations provide the procedure for establishing a WMA and detail community rights and responsibilities as well as government roles and authorities. 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 km². The Regulations also designate four international conservation organizations to facilitate and support 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 several steps: 1) the Village Assembly (all villagers over the age of 18 years) agrees to form a WMA; 2) the village forms a community-based organization (CBO) and registers it at 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) the village prepares by-laws to support the LUP; 7) the CBO prepares a Resource Management Zone Plan (or General Plan); 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.

When the WMA is designed, several additional steps are needed for implementation: 11) the CBO applies to the Director of the Wildlife Division for Authorized Association (AA) status (the delegated WMA management authority); 12) the CBO or AA applies to the Director of the Wildlife Division for wildlife user rights; 13) the CBO or AA enters into investment agreements for commercial activities; and 14) each proposed investment in the WMA is subject to an Environmental Impact Assessment. The wildlife user rights may be for consumptive (hunting) or non-consumptive (game viewing) uses of wildlife. All usufruct rights are limited to three-year terms and only wildlife-related investor activities are allowed on WMAs.

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. To date, no WMA has been granted consumptive user rights, although advocates expect that some villages will be granted such rights when the existing trophy hunting concessions expire at the end of 2012.

The existing hunting blocks—including some on Village Land and in pilot WMAs—were allocated to hunting companies in 2007 by the Director of the Wildlife Division under the Tourist Hunting Regulations. These 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 involved villages. 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 game-drives, photography safaris and walking safaris as well as investments in construction of a tented camp, lodge, business, or research and educational facility. The Director can revoke, suspend or vary any permit. Furthermore, under the Tourism Agents Licensing Act, no person shall operate such businesses without a license from the Director of Tourism. Several pilot WMAs have been awarded non-consumptive wildlife user rights and some member villages have generated revenues from tourism and game-viewing.

In 2009, the government repealed the Wildlife Conservation Act of 1974 and enacted a new Wildlife Conservation 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.

CONCERNS OVER WILDLIFE MANAGEMENT AREAS

WMA benefit-sharing arrangements are central to creating incentives for communities to safeguard wildlife on Village Land. The WMA Regulations, however, do not clarify how the revenues generated from wildlife in WMAs are to be shared with government and member villages. The Wildlife Conservation Act of 2009 states 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." Currently, the government requires 35% of WMA revenues to go to the Wildlife Division and the remaining 65% to WMA communities, although a number of other fees and taxes are applied which reduce the villages' share. Further, the WMA Regulations 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.

On 31 March 2006, the government granted official status to four of the original 16 pilot WMAs. Many of the other pilot WMAs were established in the following years. The process of establishing most WMAs and securing user rights over wildlife took several years and required significant community investments of time and resources. The steps and conditions provided in the WMA Regulations to establish and benefit from a WMA represent significant barriers for villagers and contribute to delays. For example, the Land Use Plan (LUP) and Resource Management Zone Plan require villagers to collect considerable data and complete multiple forms. Few villagers have the needed skills and expertise. As a result, villagers have had to rely on external organizations for the necessary resources, experience and technology.

Some WMAs have achieved their dual objectives of wildlife conservation and local development. For example, in Burunge WMA in northern Tanzania, the natural vegetation has been reestablished and populations of many species of wildlife have increased in the WMA. Revenue from tourism has also steadily increased since the WMA was established and granted wildlife user rights in 2006. In 2009, the Burunge WMA generated 227 million Tshs of which the ten member villages received nearly 114 million Tshs. WMA revenues are usually divided equally among member villages and invested in social services, principally education and water. In addition to generating revenues, tourism provides some local employment and opportunities to sell local goods, such as handicrafts.

Despite these positive outcomes, many WMAs experience internal conflicts, growing wildlife-human conflicts and other challenges. In Burunge WMA, for example, the Barabaig

pastoralists, a minority group within the community, have refused to vacate their pastures in the WMA and have taken legal action to maintain their land rights. Another Burunge WMA village has refused to remove some of its members who are farming land now in the WMA. The AA of the Burunge WMA has withheld 13 million Tshs of revenues from this village and requested the district government to take legal action to remove the farmers from the WMA.

In Burunge, Enduimet and other WMAs, some villages—often those whose lands harbor significant wildlife populations and critical habitats—had direct contacts with tour operators prior to the establishment of the WMA. These villages profited from their arrangements and have little interest in sharing their revenues with other member villages. The WMA Regulations, however, require that all WMA commercial investments must have an investment agreement with the AA. Further, the WMA revenues that member villages receive do not match the opportunity costs from not cultivating the land in the WMA. The Burunge WMA generates some of the highest revenues of all WMAs in Tanzania (about 11 million Tshs per village in 2009), yet considerably greater sums would be needed for wildlife and tourism to effectively compete with agriculture.

As a result of these and other challenges, some rural advocates have joined with disgruntled villagers to question the usefulness and benefits of WMAs to communities and local development. The WMA Regulations emphasize the role of villages in independently resolving to create a WMA, and in having the legal authority to manage the land and wildlife. Some villagers and advocates argue, however, that, in practice, the process of establishing WMAs has been driven largely by a handful of international conservation organizations. For example, they claim that many villagers, including some local leaders, were not engaged and did not consent to the formation of the WMA on their Village Lands.

Some public interest lawyers have also argued that the Wildlife Conservation Act of 2009 does not provide a sufficient foundation for the establishment of WMAs and that it contradicts other legislation, including the Land Act of 1999, Village Land Act of 1999, and 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 WMA Regulations infringe on the established authorities of village government to govern Village Land.

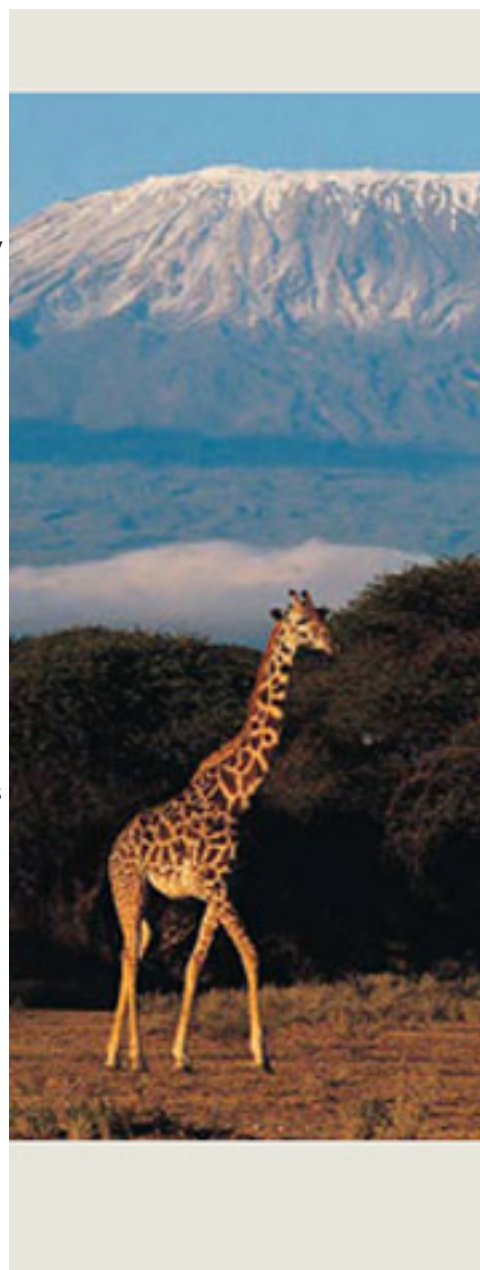
Under a WMA, a village essentially agrees to restrict the use of some Village Land (to manage it for wildlife) in exchange for wildlife user rights and the opportunity to benefit from state-owned wildlife. The WMA land remains Village Land under the legal authority of the community, but the Wildlife Division and district government also have powers over how WMA land is used and managed. For example, the WMA Regulations provide the Director of the Wildlife Division with important controls, including over how usufruct rights are realized and how wildlife is actually used in WMAs. From the perspective of villagers who once lived on and worked the land now in the WMA, their rights have been curtailed significantly. Some villagers have been forcefully evicted from their lands in a WMA.

In response to these and other concerns, some communities have refused to participate in a WMA while some WMA member villages are seeking to degazette their WMA. For example, communities in Loliondo (east of Serengeti National Park)—a locality with a long history of land lost to national protected areas—have refused to participate because they view the WMA as a government strategy to expropriate Village Lands. Other communities with gazetted WMAs now want out, although this has proven to be problematic. The WMA Regulations stipulate that a village can leave a WMA by changing its LUP, dissolving the AA, or applying to the Director of the Wildlife Division for de-gazettement. All of these options, however, must be endorsed by the Director and approved by the Minister, authorizations which have proven difficult to secure.

WMAs in Tanzania 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 with fewer prerequisites, while the wildlife user rights granted to communities are broader and more empowering than in Tanzania. Research shows that Namibia's conservancies—which govern more than 20% of the land—have achieved conservation and local development. Many conservancies have expanded their mandate to manage other local natural resources. Conservancies have also become a powerful institution at the local and national level. As a result, the number of conservancies in Namibia is growing.

The government of Tanzania is currently revising the WMA Regulations, providing an opportunity to address the institutional and management challenges identified in the first decade of implementation. For WMAs to meet their objectives of conservation and local development, and to be sustainable and achieve scale, local advocates have presented a number of needed reforms. These

include: 1) streamline and clarify the procedural framework for establishing WMAs; 2) limit the power of the Director of the Wildlife Division over wildlife uses in WMAs and grant communities greater authority over wildlife on Village Land; 3) recognize the established authority of village government over Village Land, including over local investments; and 4) reform WMA benefit-sharing arrangements to provide more member village revenue retention by reducing shares to the Wildlife Division and AA.



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