Community-Based Forest Management in Tanzania

TRAINING MANUAL

Volume 2: Supporting communities to establish and implement community-based forest management and sustainable forest-based enterprises

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Abbreviations

CBFM   Community Based Forest Management

CBNRM   Community Based Natural Resource Management

CCRO   Certificate of Customary Right of Occupancy

CSO   Civil Society Organization

DBH   Diameter at Breast Height

FBD   Forestry and Beekeeping Division

FMU   Forest Management Unit

HR   Hour

JFM   Joint Forest Management

LGA   Local Government Authority

MCDI   Mpingo Conservation and Development Initiative

MJUMITA   Tanzanian Community Forest Conservation Network (*Mtandao wa Jamii wa Usimamizi wa Misitu Tanzania*)

NGO   Non-Governmental Organization

NRM   Natural Resource Management

PFM   Participatory Forest Management

SDC   Swiss Agency for Development and Cooperation

TaTEDO   Tanzania Traditional Energy Development Organization

TFCG   Tanzania Forest Conservation Group

TFS   Tanzania Forest Services Agency

TTCS   Transforming Tanzania's Charcoal Sector Project

VA   Village Assembly

VC   Village Council

VEO   Village Executive Officer

VLFR   Village Land Forest Reserve

VLUP   Village Land Use Plan

VNRC   Village Natural Resources Committee

About the project 'Transforming Tanzania's Charcoal Sector' project

This training manual was produced as part of the project 'Transforming Tanzania's Charcoal Sector' project. The **overall project** goal was '*a pro-poor and climate resilient transformation of the economics and governance of charcoal and other forest product value chains*'. The TTCS project had two interlinked outcomes:

Outcome 1: Sustainable and well-governed value chains for charcoal and other forest products improve rural livelihoods, climate change resilience and social services in three districts.

Outcome 2: An enabling and supportive policy and institutional framework exists for well-governed, environmentally sustainable and pro-poor charcoal and other forest product value chains.

What is sustainably produced charcoal?
Sustainably produced charcoal is charcoal produced from miombo woodlands under Tanzania's Community-Based Forest Management regime that integrates ecologically sound harvesting principles. By combining our understanding of miombo woodland ecology and standard forestry methods, the project has developed a 24-year harvesting rotation scheme that aims to be robustly sustainable and easy-to-use. After an area is harvested, natural regeneration is encouraged through careful fire management and exclusion of other disturbances, particularly agriculture. The model aims to sustain the biodiversity and other ecosystem values offered by natural woodland. Charcoal is produced using efficient kiln technology and is produced and transported legally.

Project duration
The TTCS project was implemented between December 2015 and November 2019. It was succeeded by the CoForEST project, also financed by SDC with an implementation period from December 2019 to November 2022.

Project Location
During Phase 1 (2012/15), the model was established in 10 villages in Kilosa District, Morogoro Region.

During Phase 2 (2015/19), the model was extended to another 20 villages in Kilosa, Mvomero and Morogoro Rural Districts. Advocacy and communication were implemented nationally. The project focused on woodland adjacent to the high biodiversity forests of the Rubeho, Nguu, Nguru and Uluguru Mountains.

The Project is financed by the Swiss Agency for Development and Cooperation (SDC). SDC is Switzerland's international cooperation agency within the Federal Department of Foreign Affairs (FDFA)
www.eda.admin.ch/daressalaam

The project was a partnership project between three national non-governmental organisations:

Tanzania Forest Conservation Group
TFCG is a national non-governmental organization whose mission is to conserve and restore the biodiversity of globally important forests in Tanzania. TFCG is the lead partner in the implementation of the project.
tfcg@tfcg.or.tz   www.tfcg.org

Tanzania Community Forest Conservation Network (MJUMITA)
MJUMITA is a national network of community groups involved in participatory forest management. The network provides a forum for capacity building, advocacy and communication for these groups. MJUMITA is responsible for advocating for policies that incentivize community-based forest management by integrating sustainable charcoal production.
mjumitaorg@mjumita.org   www.mjumita.org

Tanzania Traditional Energy Development Organization (TaTEDO)
TaTEDO is a sustainable energy development organization with 20-years of experience of working on rural energy issues. TaTEDO is responsible for contributing to national advocacy and communication.
energy@tatedo.org   www.tatedo.org

The project works closely with the District Councils of Kilosa, Morogoro and Mvomero, the President's Office for Regional Administration and Local Government (PO RALG), the Tanzania Forest Services Agency and the Forestry and Beekeeping Division in the Ministry of Natural Resources and Tourism.

1.   Introduction

1.1   The purpose of this manual

The training manual is intended to enhance the capacity of district level technical staff to train communities to establish and implement Community-Based Forest Management (CBFM) that includes sustainable harvesting for charcoal and timber.

The manual is primarily designed to be used as a reference for trainers who are training district staff and other CBFM facilitators. The manual also includes training information that can be used during the community-level capacity building process. The manual is designed to empower local government staff to provide support to Village leaders, Village Natural Resources Committees (VNRCs), Village Assemblies and Village Executive Officers (VEOs) to ensure sustainability and good governance in CBFM and sustainable forest-product value chains. It is highly recommended that those who are trained as trainers, also train their peers, to enhance sustainability given turn-over of staff within Local Government Authorities. This notion is a key assumption for the sustainability of local government support to CBFM. Thus, this understanding needs to be well-instilled in the district council leadership and decision-makers in order to ensure that trainers are given formal responsibility to ensure training of their peers. It is also critical for scaling up the model into other districts and villages. Cascading is most successful when the trained trainers have specific responsibility at work, to make them pass on the knowledge and skills acquired.

Besides peer training of their fellow Local Government Authority (LGA) staff, the trained trainers at the district councils are expected to reach out to local private sector players, such as the charcoal/timber producers and trader associations. For these stakeholders, LGA staff will enhance entrepreneurship, marketing and business skills. They will also build the capacity of those responsible for regulating and monitoring the value chains to ensure that they function in ways that are sustainable, transparent and equitable.

The manual focuses on two major capacity building blocks as follows:

Sub block 3a: Basics of Participatory Forest management (PFM), business-oriented community-based forest management, and sustainable charcoal and timber value chain development

Sub Block 3b: Enhance understanding on patrolling, monitoring and adherence to by-laws and law enforcement, and roles of legal actors at the district level.

1.2   Intended learning outcomes

It is intended that at the end of the training participants will understand:

   a)   What Village Land Use Plans (VLUPs), PFM and Village Land Forest Reserves (VLFRs) are, how they are established and potential benefits;
   b)   How sustainable production of timber and charcoal can be integrated into CBFM in a more business-oriented way;
   c)   The connection between providing services and revenue collection;
   d)   Why there is a need for protecting forest and what it entails to protect it;
   e)   What the rules and regulations, by-laws and national laws are regarding CBFM;
   f)   How to deal with offenders of local by-laws and national laws.

It is intended that at the end of the training participants will have the capacity to:

a) Facilitate development of VLUPs and PFM;
b) Facilitate establishment, declaration and gazettement of VLFRs;
c) Facilitate development of sustainable timber and charcoal value chain within the context of CBFM;
d) Plan and support establishment of CBFM besides forest revenue collection;
e) Facilitate development of forest management by-laws at village level;
f) Facilitate procedure to follow for apprehend culprits and roles of the involved legal actors;
g) Facilitate monitoring and patrolling in village forest reserves.

1.3   Intended users of the training manual

This Trainers Training Manual is designed for those who plan to support sustainable, forest-based enterprises in the context of community-based forest management, particularly in miombo woodland areas of Tanzania.

The primary target audience for this manual, are technical officers within local government authorities at the district/municipal council and regional secretariat levels, workers from local, national and international Non-Governmental Organizations (NGOs), representatives of local stakeholders, staff of projects working in natural resource management, extension workers, and other individuals committed to enhancing participatory community-based forest management in their surroundings.

In general, it is assumed that those using the manual will have already had some training and exposure to participatory approaches. Those with no prior experience with such approaches are recommended to refer to Volume 1 of this series. Other volumes in this series include:

Volume 1: Facilitation skills and integrating community-based forest management support into local government service delivery.

Volume 3: Building community technical knowledge and skills in planning and implementing sustainable charcoal production and timber harvesting

These volumes are available at http://www.tfcg.org/publications/

Although this manual has been developed in the context of the TTCS project, it is intended for use in local government authorities in other districts in Tanzania and as an input to training in other countries.

1.4   How to use this training manual

The manual is structured according to modules. An overview of the modules and the training sessions relevant to each module are described in Table 1. This provides a general overview that users of the manual can make reference to, during or, when preparing for a training event.

Each training session makes reference to specific handout(s) that provide subject knowledge for the session including exercises, guided questions, and other relevant materials. During the training planning stage, users are advised to review, adapt, and use materials from the handouts relevant to the session(s) of their choice. Furthermore, individual handouts can be photocopied for use during the actual training.

1.5   Practical hints to use the manual

Modules and sessions in the manual are designed to be delivered using participatory training approaches. The following practical hints for conducting participatory training sessions are relevant:

a)   Selection of training venue, materials and equipment

The manual does not propose any specific type of venue. However, it is important to ensure that the trainer(s) and the trainees are comfortable in the training venue. The ideal venue should have sufficient space and movable furniture to facilitate active engagement of participants. Participants should sit in a "U" or circular configuration in order to stimulate effective participation. Furthermore, for each training session some materials and stationery, such as flipcharts, marker pens and masking tapes, will be needed. Trainers are highly advised to prepare these in advance and to use local materials whenever possible.

b)   Documentation of the training

It is important to document the proceedings of the training and outputs of group activities for each training event. Documentation must be done on the same day of the training to avoid forgetting ideas developed by the participants. Documentation of the outputs from different group activities provides valuable information that can be summarized, for participants to take home. Therefore, it is important to include a skilled rapporteur to ensure effective documentation of the training events.

c)   Mutual agreement on the training time

Trainers using this manual are advised to consider agreeing convenient times for the training, for them and the participants. This helps to ensure active engagement from all participants.

2. Training modules

2.1 Overview of training modules and training sessions

The training programme on '*supporting communities to establish and implement community-based forest management and sustainable forest-based enterprises*' is divided into five modules. These are outlined below:

Module 1:   Community-based forest management and charcoal and timber value chain development

Module 2:   Forest governance

Module 3:   Laws and by-laws relevant to CBFM

Module 4:   Law enforcement

Module 5:   Patrolling, monitoring and adherence to by-laws

Table 1.   **List of training modules, sessions and time frame**

Day	Modules to be covered	Sessions	Time required
Day 1	Module 1: Village Land Use Planning, Participatory Forest Management, Business-oriented Community-Based Forest Management including sustainable charcoal and timber value chain development	1.1 Introduction and opening	30 minutes
		1.2 Introduction to VLUP and PFM	5 hours
Day 2		1.3 Community-based forest management and adding value to the forest	5 hours 30 minutes
Day 3		1.4 Establish sustainable charcoal and timber value chains	1 hour
		1.5 Development of sustainable harvesting and management plans	4 hours
Day 4	Module 2: Forest governance	2.1 Introduction to forest governance	1 hour
		2.2 Village governance mechanism	2 hours
		2.3 Ensuring inclusive participation and gender respecting approach	2 hours
Day 5	Module 3: Laws and by-laws relevant to CBFM	3.1 Analysis of national policies and laws on land, forests and environment	30 minutes
		3.2 By-law making process for forest management under PFM	30 minutes
	Module 4: Law enforcement	4.1 Enforcement provisions under the Forest Act, 2002.	15 minutes
		4.2 Critical gap/weaknesses in respect of the enforcement of forest legislations in Tanzania.	15 minutes
		4.3 Conflict analysis and mediation	15 minutes
	Module 5: Patrolling, monitoring and adherence to by-laws	5.1 Importance of patrolling in natural resource management, how to organize patrolling and time schedule	45 minutes
		5.2 Forest monitoring	30 minutes
Day 6	Field Visit	Field visit to meet with Village Natural resource committee	6 hours

Each module is divided into two or more sessions. Each session outline includes information on:

a)   the objectives of the session,
b)   the materials required to complete the session,
c)   the amount of time that should be allocated, and
d)   the training steps.

For each session, detailed content knowledge is presented as handouts, at the end of each session outline. These include elaboration of practical application of different technical concepts; processes and steps involved; and guidance for different training exercises. Therefore, handouts are important components of the training manual. The handouts are designed to expand the knowledge and skills of the trained trainers. The subject-content knowledge is one of the inherent motivating factors likely to encourage the trained trainers to engage in effective and efficient cascading by sharing the training with colleagues and with communities.

3. Module One: Community-based forest management and charcoal and timber value chain development

This module comprises five sessions that require 16 hours to be accomplished:

1. Introduction and opening (30 minutes)
2. Introduction to Village Land Use Planning (VLUP) and Participatory Forest Management (PFM) (5 hours)
3. Community-based forest management (CBFM) and adding value to the forest (5 hours 30 minutes)
4. Establish sustainable charcoal and timber value chains (1 hour)
5. Development of sustainable harvesting and management plan (4 hours)

Table 2. Session plan for module one

Module 1: Village Land Use Planning, Participatory Forest Management, Business-oriented Community-Based Forest Management including sustainable charcoal and timber value chain development	
Session 1.1 Introduction and opening (30 minutes)	
Objectives	By the end of the session, participants: 1. Know each other 2. Understand the relevance, objectives and topics to be covered during the training 3. Are motivated to take the training seriously 4. Set and agree on the training norms
Materials	• Flip charts • Marker pens • Manila cards • Masking tape • Notebooks and pens Handout 1.1: Training objectives and agenda, prepared on a flipchart Handout 1.2: Training evaluation form
Activities	1. The trainer invites a representative of an authority from a higher level (guest of honor) than those being trained and with responsibilities related to forest management to officially open the training event. • Strategic choice of the cadre to officiate the training event is important to add weight to the importance of the training. The right choice is likely to assure participants that the training will be useful in their work and may reinforce the importance of taking the training seriously. 2. The trainer and co-trainers introduce themselves. 3. Each participant is asked to introduce her/himself; each participant is given one manila card and the instruction to draw: i. something that typifies her/himself, ii. something s/he really likes when participating in trainings, iii. something s/he really dislikes when participating, and iv. one clear expectation.

4. The manila cards are exchanged among participants and each participant shares the introductions and the expectations on each card.
   - The trainer or training assistant takes note of the expectations on a flipchart.
5. This process is continued until all participants have been introduced and all expectations are shared.
6. The trainer distributes name tags and asks participants to write their names on the tags.
7. The trainer uses 10 minutes to present training objectives and topics to be covered for six days by using flipcharts prepared in advance by the trainer. See Handout 1.1
8. The trainer introduces the participants to the training session evaluation form and reminds them that each of them should fill in the evaluation form at the end of the six-days training. See Handout 1.2.
9. A reflection exercise is conducted on the expectations and how they relate to the objectives and agenda.
10. Allow 5 minutes for questions and clarification.
11. The trainer distributes materials (notebooks, pens and training agenda) to the participants.
12. The trainer asks participants to volunteer to join the feedback team, service team or the social team explaining that these will be rotated daily. The trainer describes the responsibilities of each of the team member:
      - Feedback team - collects information at the end of the day and analyses the results to be presented the following morning.
      - Service team - responsible for placing flip charts on the wall, distributing cards and marker pens and identifying a timekeeper.
      - Social team - responsible for energizers wherever necessary.
13. The trainer explains briefly the main training approaches which will be used in the training. The trainer emphasizes that the training will apply participatory approaches providing more opportunities to share their views, thoughts, opinion and experiences so that the learning outcome from this training will be more practical to the participants' interests.
14. The trainer explains that each session will build on the previous sessions. As such it is important to attend all training sessions.
15. The trainer facilitates the establishment of the norms to be followed during the training.
16. The trainer writes the norms on a flip chart and asks the participants to discuss and agree. Typical group norms include:
    - Start and finish on schedule
    - Any question is a good question
    - Everyone can ask questions at any time
    - There is not always a wrong or right answer to a question. The purpose of questions can be to elicit discussion.
    - Everyone should have the chance to participate
    - We help each other to learn
    - Share responsibilities for group tasks

	17. Trainer concludes the session by encouraging participants to speak or express their views as much as possible.
Session 1.2 Introduction to VLUP and PFM (5 hours)	
Objectives	By the end of the session, participants: 1. Understand the meaning of village land use planning and participatory forest management 2. Understand the benefits of village land use planning and participatory forest management (PFM) 3. Are familiar with the policies and laws that support PFM
Materials	Handout 1.3: Introduction to village land use planning and PFM Handout 1.4: CBFM Principles Handout 1.5: CBFM establishment steps
Activities	1.1 The trainer makes a presentation to introduce village land use planning and participatory forest management (Handout 1.3) • Linkage between land, forest and people • What do we mean by participatory village land use planning? • Key benefits from participatory village land use plan and CBFM • What do we mean by CBFM? • Policy and laws that support CBFM The trainer facilitates a discussion on key principles of CBFM and steps involved in the establishment of CBFM (Handouts 1.4 and 1.5) • Analyze the six principles of CBFM • Explain the six CBFM-establishment steps The trainer provides time for questions, answers and discussion.
Session 1.3 Community-based forest management and adding value to forests (5 hours and 30 minutes)	
Objectives	By the end of the session, participants understand: 1. Categories of village forests 2. Legal requirements for establishment, declaration and "gazettement" of Village Land Forest Reserves (VLFRs) 3. Business-oriented CBFM 4. How to ensure sustainability when harvesting forest products
Materials	Handout 1.6: VLFRs and adding value to the forest Handout 1.7: Linking conservation and livelihoods under business-oriented PFM
Activities	1. The trainer makes a presentation on the concept Village Land Forest Reserves and Adding value to the forest [Handout 1.6]: • Categories of village forests • What are the legal requirements for establishment, declaration and "gazettement" of VLFRs

	2. Handout 1.7: Linking conservation and livelihoods under business-oriented PFM
	    • Principle for developing business-oriented PFM
	    • Element of the business-oriented PFM

Session 1.4 Establish sustainable charcoal and timber value chains (1 hour)

Objectives	By the end of the session, participants understand: 1. Steps to follow for the development of charcoal and timber value chains 2. Actors involved along the value chain
Materials	Handout 1.8: Establishing timber and charcoal value chains

Activities	1. The trainer makes a presentation on establishing timber and charcoal value chains [Handout 1.8]:
	    • Explain in detail key steps for development of charcoal and timber value chain
	    • Summaries the roles of different actors along the value chain from the production to the end user.

Session 1.5 Development of sustainable harvesting and management plans (4 hours)

Objectives	By the end of the session, participants understand: 1. How to develop a forest harvesting plan 2. How to develop a forest monitoring plan
Materials	Handout 1.9: How to develop a forest harvesting plan Handout 1.10: How to develop a forest management plan

	1. Trainer makes a presentation on how to develop a forest harvesting plan [Handout 1.9]
	    • Linkage between a Participatory Forest Resource Assessment (PFRA) and a harvesting plan
	    • Key parameters to be assessed
	    • Sustainable timber harvesting quota for the planning period
	    • What are the key elements for the harvesting plan?
	    • Sustainable harvesting annual quota
	    • Annual harvesting coupes
	    • Marking of harvesting trees
	    • Tree harvesting monitoring, reporting and verification mechanism
	2. Trainer makes a presentation on how to develop a management plan [Handout 1.10]
	    • Description of the biophysical and socio-economic parameters
	    • Quantification of available resources
	    • Forest management prescriptions
	    • Budget, monitoring and evaluation
	    • Roles and responsibilities for the plan development
	    • Time span and action plan

Handout 1.1: Training Objectives

The objectives of the training are:

1. To enhance the capacity of participants to transmit knowledge and skills to communities, other officials and other stakeholders, including private sector, with regarding Participatory Forest Management (PFM), Business oriented Community-Based Forest Management (CBFM), and sustainable charcoal and timber value chain development;
2. To enhance the capacity of participants to train communities and other stakeholders on forest patrolling, monitoring and adherence to by-laws and law enforcement, including roles of legal actors at the district level.

3. To enhance the capacity of participants in the following areas:
    i. Participants know what Village Land Use Plans (VLUP)s, PFM and Village Land Forest Reserves (VLFRs) are; how they are established; and potential benefits
    ii. Participants understand how sustainable production of timber and charcoal can be integrated into CBFM in a more business-oriented way
    iii. Participants understand the connection between providing services and revenue collection
    iv. Participants understand why there is a need for protecting forests and what it entails to protect it
    v. Participants know what the rules and regulations, by-laws and national policies and laws are, regarding CBFM
    vi. Participants know how to deal with offenders of by-laws and national laws.

Handout 1.2: Session evaluation form

Please complete the questionnaire below. Be totally frank. We are interested in your opinion, whether it is positive or negative. Your feedback will help facilitation team to improve training delivery, in future. This questionnaire is anonymous

1. I felt that the workshop programme / agenda were (check one):
a) Excellent☐   ☐
b) Very good   ☐
c) Good   ☐
d) Fair   ☐
e) Poor   ☐

2. Please indicate the degree to which you agree by checking one the given options in each statement:

Items	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I achieved the workshop objectives					
The presentation points were clear					
The presentation points enhanced my learning					
The time allocated for each agenda was correct for this workshop					
The instructor/presenters/facilitators were knowledgeable and well-prepared					
Participants were given ample opportunity to exchange experience and ideas					

3. What was the most useful part of the workshop?

………
………
………………………………………………………………………………

4. What was the least useful part of the workshop and how could it be improved?

………
………
………………………………………………………………………………

5. What advice would you give to the facilitation team for improving future training of this kind?

………
………
………………………………………………………………………………

6. How would you suggest the resource persons improve the overall quality of their presentations?
………
………
………………………………………………………………………………

Handout 1.3: Introduction to village land use planning and participatory forest management

1.   Linkages between land, forest and people (1 hour)

Land use planning is an important tool in achieving the sustainable management of natural resources including soil, water, vegetation and biodiversity. Land use planning contributes to multiple sectors of the economy including agriculture, forestry and industry. In carrying out land use planning, human uses of land are balanced with the ecological capacity of the land and the protection of ecosystem services. Effective land use planning can contribute to addressing a range of environmental and social problems including soil erosion, deforestation, pollution and land-related conflicts.

Participatory Village Land Use Planning

2.   What do we mean by participatory village land use planning?

Trainers work with the trainees to reach a common understanding of what participatory village land use planning involves. Emphasis should be placed on the participatory nature of the process, including involvement of women, youth, vulnerable groups and pastoralists. Trainers can use interactive training tools to explore what is involved in participatory village land use planning, making sure that the following concepts are covered.

Participatory village land-use planning is the process whereby communities plan on how their village land will be managed, and on the allocation of their land to different uses. Active involvement of community members is central to the concept. Village land use planning should consider all of the natural resources on the village land including soils, water, forests and other vegetation types. Therefore, land-use planning aims at achieving optimal use of the natural resources for the benefit of the current and future generations.

Participatory land-use planning is characterized by the following features:

- ✓ The process is initiated by the actual needs of the people for their own benefits
- ✓ Community members take the leading role in the process
    - • It is important to mobilize and train community members and support village-level institutions to ensure their meaningful involvement
- ✓ All groups within the communities should be involved in the planning process including women, youth, vulnerable groups, pastoralists and representatives of sub-villages distant from the village centre.
- ✓ It is supported by a multidisciplinary/multisector team of technical staff to ensure access to technical information for each of the natural resources on the village land
- ✓ The major role of district staff (outsiders) is introducing, guiding and facilitating the idea of participatory land-use planning and resource management, rather than making the plans themselves
- ✓ Interests of the various legitimate stakeholders are taken on board holistically to create a realistic balance between different groups
- ✓ It capitalizes on capacity building and empowerment to ensure that future adjustments on different land uses are made with less external inputs.

3.   Key benefits of participatory village land use planning and participatory forest management (30 minutes)

3.1   Benefits of participatory land use planning

When training communities on village land use planning it is important to discuss the benefits of village land use planning. This could be done in a participatory way by asking participants to share their views on the benefits of land use planning. The facilitator should ensure that three key benefits are discussed.

Benefit 1:   Improve natural resource conservation

The process of participatory land use planning examines all land uses in an integrated manner. It identifies the most efficient trade-offs between land-use options in relation to socio-economic development within the environmental context of the village. This helps to achieve sustainable land management that ensures conservation of natural resources on the land for the benefit of the present and future generations.

Benefit 2:   Improve land tenure security for village members

Traditional land rights are informal and may not be directly recognized and supported by statutory laws. Participatory land use planning identifies, harmonizes and formalizes land rights for different land users. Land rights for different categories of land users are ratified and approved by the Village Council, Village Assembly and finally the District Council; and approved by the minister responsible for land sector. This formalization of land rights for different land users ensures their tenure security as the rights are protected from being altered. Village land use planning is a prerequisite for other steps in securing land tenure including getting village land certificates and Certificates of Customary Rights of Occupancy (CCROs).

Benefit 3:   Reduce conflicts between land users

Villages consist of different land users (e.g. farmers, pastoralists, charcoal makers, etc.) often with competing interests on available natural resources. In the absence of an articulated framework to guide decisions on land allocation, conflicts and tensions between different land users are common. Participatory land-use planning ensures that the interests of each category of land user are properly integrated, so that it helps to manage conflicts and ease tensions among different land users.

4.   Laws that support village land use planning

Trainers begin by explaining the legislative background and linkages for village land use planning.

Participatory land use planning in Tanzania is grounded in the national legislative framework governing land tenure and local government

- Land Use Planning Act No. 6 of 2007
- Local Government (District Authorities) Act, 1982
- Land Act No. 4 of 1999
- Village Land Act No. 5 of 1999
- Environmental Management Act, 2004
- Forest Act No. 14 of 2002
- Water Resources Management Act, 2009

Participatory Forest Management

5.   What do we mean by participatory forest management? (1hr)

Trainers work with the trainees to reach a common understanding of what participatory forest management involves. Emphasis should be placed on the participatory nature of the process, including involvement of women, youth, vulnerable groups and pastoralists. Trainers can use interactive training tools to explore what is involved in participatory forest management making sure that the following concepts are covered.

5.1   What is Participatory Forest Management

Participatory Forest Management (PFM) is a strategy to achieve sustainable forest management by encouraging the management or co-management of forest and woodland resources by the communities living closest to the resources themselves. PFM has the potential to contribute to triple objectives of improving rural livelihoods whilst protecting the environment and promoting gender-equality.

Participation means that all groups within communities should be involved in forest management including women, youth and those living close to the forest.
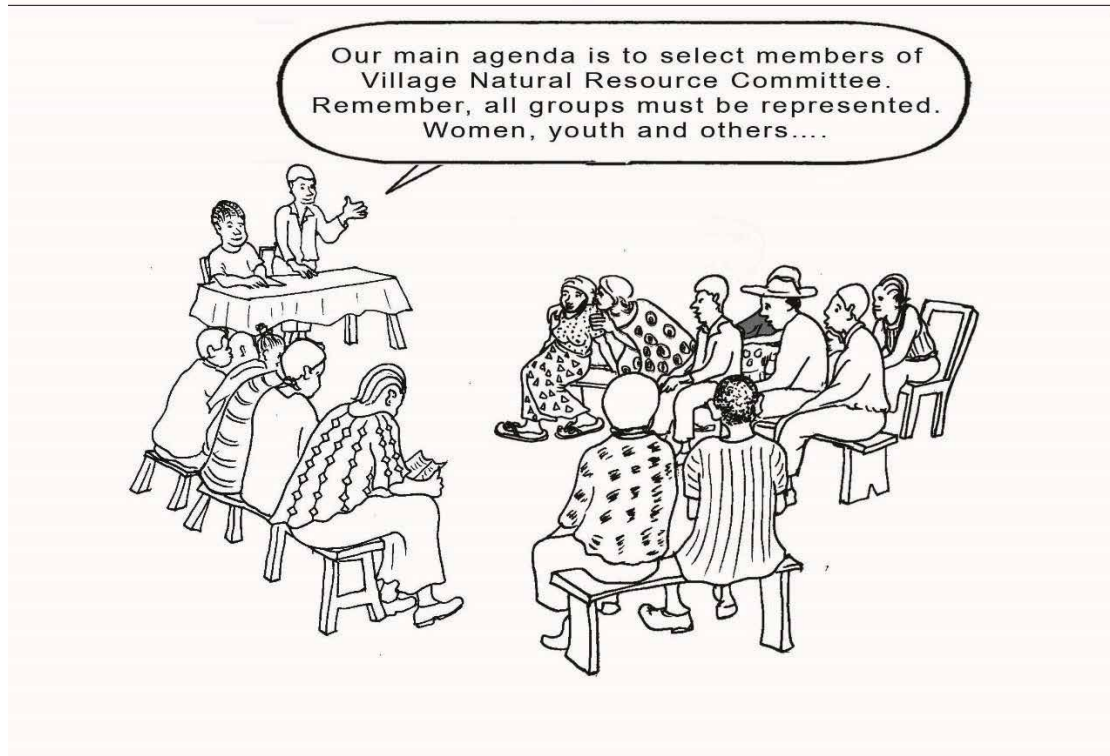
5.2   Different forms of participatory forest management and actors in Tanzania

In Tanzania, there are two major forms of PFM: Community-based forest management (CBFM) and Joint Forest Management (JFM). These categories of PFM differ in terms of forest ownership and cost/benefit flows.

Community Based Forest Management (CBFM) is one type of PFM approach that takes place on village land, on forests that are owned or managed by the village Council on behalf of the village and leads to the

establishment of Village Land Forest Reserves (VLFR), Community Forest Reserves (CFR) or Private Forest Reserves (PFR). The trees are owned and managed by a village government through a Village Natural Resource Committee (VNRC), a group, or an individual. The owner carries most of the costs and accrues most of the benefits relating to management and utilization. The role of central government is minimal while the district authorities have a role in monitoring and providing technical support.

Joint Forest Management (JFM) is a second type of PFM approach that takes place in forest on reserved land (land that has already been set aside/reserved by government e.g. Central or local government forest reserves). The forest is jointly managed by different stakeholders usually local communities and Central or Local Government but it could also be private sector. The roles and responsibilities of the partners and the details on cost and benefit sharing are described in a Joint Management Agreement (JMA).

JOINT FOREST MANAGEMENT
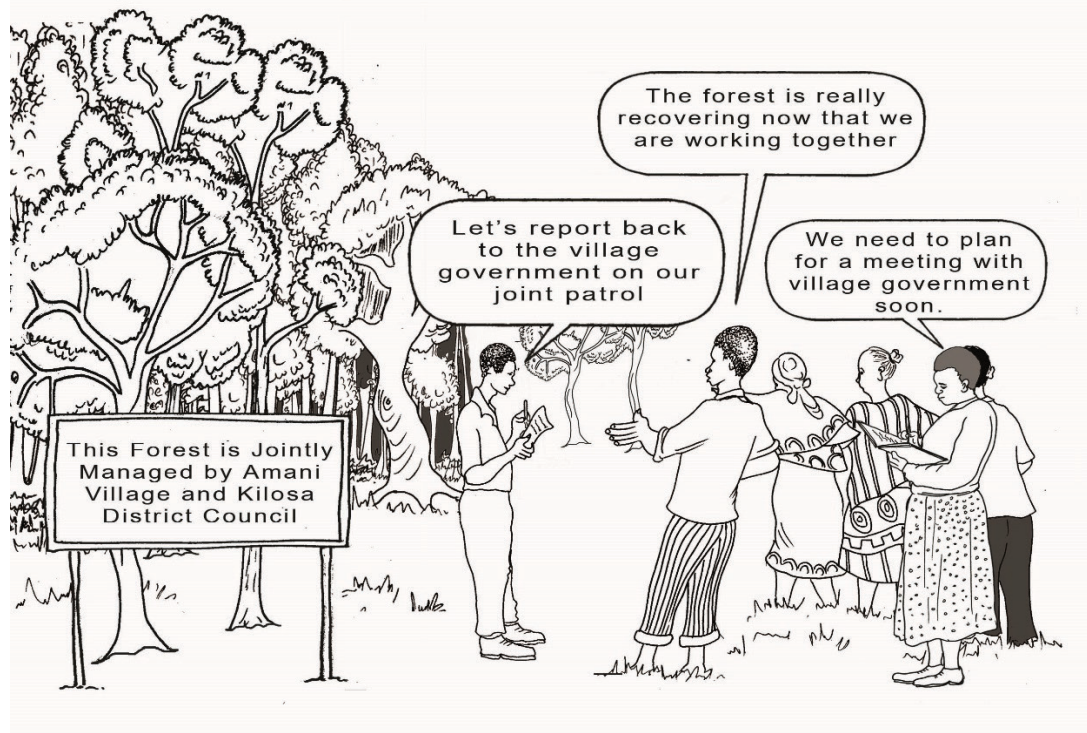
5.3   Benefits of protecting forests on village land

Trainers can use participatory techniques to encourage participants to share their thoughts and knowledge on i. the importance of protecting forests; and ii. the advantages of involving communities in forest management. Trainers should ensure that the following information is covered in the training process.

Forests and woodlands play a vital role in sustaining ecosystem services that underpin community livelihoods.

Ecosystem services that forests protect include: protecting the climate, protection of soil from erosion, maintaining soil fertility, protecting water sources, providing habitat for crop pollinators such as bees and other biodiversity and providing forest products including medicinal plants.

Through community-based forest management, forests and and woodlands can be harvested sustainably for products such as charcoal and timber that can provide income and employment for community members. This must be done in a well-organised way that allows forests to recover after harvesting.

5.4   What are the benefits of adopting Participatory Forest Management

Participatory forest management empowers communities to manage village land forests or co-manage Central or Local Government Forest Reserves.

Participatory Forest Management was adopted in many sub-Saharan countries from the 1990s following recognition of the social, economic and environmental benefits that could be achieved by involving communities in forest management.

Benefits include:

a)   Improved forest condition, water flow and wildlife

Active involvement of communities in forest management through patrols and other actions to exclude illegal activities, reduce the incidents of unregulated activities such as unlicensed charcoal making and pit-sawing, and wildlife traps. This enhances forest regeneration, stocking and standing volume. As a result, PFM can result in improved forest condition, more reliable water supplies, and more biodiversity.

b)   Improved livelihoods and poverty reduction

CBFM offers opportunities to improve livelihoods and reduce deforestation. This is because, CBFM offers the full delegation of management rights, responsibilities and returns to village level institutions. Examples include:

Examples of communities benefiting from CBFM

In 2017 from Kilwa and Tunduru District (under MCDI support) 16 villages generated TZS 1.4 billion from sustainable timber sales which benefited 33,868 people.

In 2018, a typical community participating in CBFM in Kilosa District (with a well-developed sustainable charcoal value chain) generated an average of annual revenue of TZS 16 million per village, in harvesting fees.

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6.   Policies and laws that support Participatory Forest Management

Trainers explain the laws and policies supporting participatory forest management. While detailed information is presented in this handout for use as a reference by facilitators, this can be simplified when training communities.

6.1   The Forest Policy

The Government of Tanzania approved the National Forest Policy in 1998. It contains a number of statements in support of PFM. The National Forest Policy aims to create an enabling environment for the development of the forestry sector by decentralizing responsibilities for forest management to local communities and district councils, separating the normative and service delivery functions of the Government of Tanzania through the establishment of an Executive Agency.

The National Forest Policy 1998 is supportive of enterprise-oriented community-based forest management by:

- providing an over-riding policy goal focused on managing forests sustainably for national development;
- providing the foundation for community-based forest management including the establishment of productive village and community forest reserves for 'all different uses of forests'.
- indicating the need for management plans to be in place as a basis for harvesting whether in productive reserves or on unreserved village land;
- recognising the importance of wood fuels to the national economy.

6.1.1   Forest Policy Statements (PS) in Support of Participatory Forest Management

Policy Statement 1: To ensure sustainable supply of forest products and services and environmental conservation, all types of forest reserves will be managed for production and / or protection based on sustainable management objectives defined for each forest reserve. The management of all types of forest reserves will be based on forest management plans.

Policy Statement 3: To enable participation of all stakeholders in forest management and conservation, joint management agreements, with appropriate user rights and benefits, will be established. The agreement will be between the central government, specialized executive agencies, private sector or local governments as appropriate in each case and organized local communities or other organizations of people living adjacent to the forest.

Policy Statement 5: To enable sustainable management of forests on public lands, clear ownership for all forests and trees on those lands will be defined. The allocation of forests and their management responsibility to villages, private individuals or to the government will be promoted. Central, local and village governments may demarcate and establish new forest reserves.

Policy Statement 6: Village forest reserves will be managed by the village governments or other entities designated by village governments for this purpose. They will be managed for production and/or protection based on sustainable management objectives defined for each forest reserve. The management will be based on forest management plans.

Policy Statement 7: Private and community forestry activities will be supported through harmonized extension service and financial incentives. The extension package and incentives will be designed in a gender sensitive manner. Extension services and financial incentives will be provided in support of "forestry activities*" per se.*

6.2   The Forest Act (No. 7, 2002)

The Forest Act (No. 7, June 2002) provides the legal framework to implement the National Forest Policy. The Act aims to encourage and facilitate the active involvement of Tanzanian citizens in the sustainable planning, management, use and conservation of forest resources through the development of rights and responsibilities to use and manage forest resources at the lowest possible level. The Forest Act supports PFM by enabling local communities to declare – and ultimately gazette – Village, Group or Private Forest Reserves. It provides for three categories of Community-based Forest Management (CBFM):

(a)   Village Land Forest Reserves (VLFR) managed by the entire community,
(b)   Community Forest Reserves (CFR) managed by a particular designated group in the community, and

(c)   Private Forests (PF) managed by individual designated households

The Forest Act empowers Village Councils (through the designated village committee) to issue permits to fell and extract timber for domestic commercial use and sale and to gather and take away specified forest produce including charcoal, from Village Land Forest Reserves.

Only Village Councils are permitted to issue permits within Village Land Forest Reserves for timber for domestic commercial use and sale and for gathering and taking away specified forest produce including charcoal. Neither the respective District Harvesting Committee nor the Tanzania Forest Services Agency (TFS) may issue permits to harvest timber or other forest produce within Village Land Forest Reserves (VLFRs). The Village Council's authority to issue charcoal and timber harvesting permits within village land forest reserves is granted through the following subsections of the Forest Act 2002:

Part VI Permits and Licenses.

Section 49, Subsection (6) A village council shall, by resolution, which shall require confirmation by the village assembly, adopt the provisions of this Part with such adaptations and modifications as may be prescribed, in respect of the granting of permission to any person to undertake, for other than domestic purposes, any of the activities to which this Part refers **in a village land forest reserve or a village forest** but no such resolution shall operate to replace any arrangements providing for domestic use permits for villagers.

(7) A village council shall send a copy of a resolution referred to in subsection (6) to the district council having jurisdiction in the area where the village is situated.

(8) Notwithstanding the permits issued under this section, any person permitted to undertake the activities specified under subsection (1), shall be required to obtain licences to carry or undertake other activities connected with such permit.

The above-mentioned section refers to the following permits (amongst others):

Section 49, Subsection (1) The following are the permits which may be issued, to permit the activities specified; that is to say, permits to:
(a) fell or extract timber:
(i) for domestic commercial use and sale;
(b) gather and take away specified forest produce

The Forest Act 2002 defines forest produce as follows:

Part 1. Section 2 "forest produce" means anything which is produced by or from trees or grows in a forest or is naturally found in a forest and includes bamboos, bark, bast, branchwood, canes, **charcoal**, earth, fibres, firewood, fruits, galls, gums, honey, latex, laths, leaves, litter, natural varnish, peat, plants. Poles, reads, resin, roots, rushes, sap, sawdust, seeds, slabs, timber, trees, thatch, wattles, wax, wild silk, withies, wood shes, wood oil, and any other living or inanimate object declared by notice in the Gazette to be forest produce for purposes of this Act;

In simplified terms and in the context of sustainable charcoal production, this section empowers the Village Council to issue permits for charcoal production in a village land forest reserve and in village forests provided that a resolution to that effect is in place and has been shared with the District. The authority that Section 49 grants to the village council over village forests (rather than just village land forest reserves) is often over-looked where **village forests include unreserved forests on village land** (see the excerpt from Section 4, below).

The Forest Act 2002 indicates that harvesting permits for village land forest reserves must be based on the village forest reserve management plan.

Section 49, Sub-section (4) No permit shall be granted under this Part unless the activity in respect of which the permit is applied for is-

(a) consistent with any forest management plan applicable to the forest reserve where it is proposed to undertake the said activity.

The Forest Act 2002 specifies that the Village Land Forest Reserve management plans shall state the fees to be paid in respect of permits as stated below:

Forest Act 2002, Part III.

Section 11, Subsection (3)
The forest management plan may contain...

k) an outline of the estimates of the financial and human resources needed to implement the management plan and **the proposals for charges and fees which may be made for access to or use of the forest and the produce of the forest** and for the division of the resources so generated by such charges and fees between the various authorities and persons likely to be involved in the management of the forest;

Furthermore, the Forest Act 2002 grants the forest manager, the Village Council in the context of a VLFR, the right to dispose of any forest produce from a village land forest reserve that has been harvested illegally and confiscated accordingly as follows:

Section 97. Sub-section 1 (b)

Any forest produce in respect of which the offence has been committed and anything which has been used in the commission of the offence be forfeited to the forest reserve manager of the forest reserve where, or in connection with which, the offence occurred and may be disposed of by the forest reserve manager after such interval of time and in such manner as he may see fit;

In the case of a village land forest reserve, the forest manager is the village council committee allocated the duties of managing the village land forest reserve:

Part V Forest Reserves

Section 33, Sub-section (1)

A village council, may by resolution-

(d) establish a committee to manage a village land forest reserve or allocate the duties of managing a village land forest reserve to an existing committee of the village council.

(2) Where a village land forest management committee is established, it shall-

(d) be the principal village body concerned with the management of a village land forest reserve; (e) report on a regular basis to and take account of the views of the village assembly on its management of the village land forest reserve.

The Forest Act 2002 reinforces the exclusive right of Villages to charge for permits by specifically exempting forest produce from village land forest reserves or community forest reserves from government royalties:

Section 78, Sub-section (3) No royalties shall be required for the harvesting or extraction of forest produce within a village forest reserve or a community forest reserve by the resident of the village or the members of a Group as the case may be unless such a requirement is specifically provided for under any agreement under which they are managed.

The Forest Act 2002 also states that:

Section 4 (c) Village forests consist of:
Village land forest reserves;
Community forest reserves created out of village forests;
Forests which are not reserved, which are on village land and which the management is vested in the Village Councils.

As noted before, this section is significant in that it reinforces the authority of the village council to manage both village land forest reserves and forests on village land that are not included in village land forest reserves.

Although such forests are not included in the exemption from royalties provided for under Section 78 Subsect (3), it provides the legal basis for communities to have the overall decision-making authority regarding any harvesting on village land. This is further clarified under Section 49, Subsection (6). See above.

Overall the Forest Act is supportive of sustainable charcoal production in the context of community-based forest management. The Forest Act defines the authority of the village council to decide on sustainable harvesting in village land forest reserves provided that a sustainable management plan is in place. The Forest Act also grants decision-making authority to Village Councils on harvesting in any forest on village land provided that by-laws are in place. This authority means that neither TFS nor the District can unilaterally issue harvesting permits for forest products on village land, rather that authority rests with the respective Village Councils. The Forest Act also grants exemption from Central Government royalties for forest produce from village land forest reserves. This is logical since it empowers the Village Council responsible for the management of the forest to earn the revenue from that reserve. In this way a village can generate an income that can be used to pay reserve management costs. Where revenues exceed management costs, funds can be channeled directly into community development projects. This has the dual benefit of improving livelihoods for the rural poor and incentivizing sustainable forest management by generating direct benefits for forest-owning communities.

6.3   National Land Policy

The National Land Policy is relevant to sustainable charcoal production as it provides the basis for Tanzania's approach to land tenure and therefore *forest* land tenure. The 1997 National Land Policy aimed to provide a comprehensive policy that would help to address the many land-related issues that had arisen since Independence whilst still retaining:

1.1 'four central land tenure tenets:

- That land is publicly owned and vested in the President as a trustee on behalf of the citizens;

- Speculation in land will be controlled;

- Rights of occupancy whether statutory or customary are and will continue to be the only recognised types of land tenure; and

– Rights and title to land under any consolidated or new land law will continue to be based mainly on use and occupation.'

The objectives of the National Land Policy include to:

2.1 Promote an equitable distribution of and access to land by all citizens.

2.2 Ensure that existing rights in land especially customary rights of small holders (i.e. peasants and herdsmen who are the majority of the population in the country) are recognised, clarified, and secured in law.

2.4 Ensure that land is put to its most productive use to promote rapid social and econonmic development of the country.

2.8 Protect land resources from degradation for sustainable development.

6.4   The Village Land Act, 1999

The Village Land Act reiterates the principles laid out in the National Land Policy, 1997, including the principle '*to ensure that land is used productively and that any such use complies with the principles of sustainable development*.'

The Village Land Act includes definitions of some key terms of relevance to this review:

"Certificate of customary right of occupancy" means a certificate issued under Section 29 of the Land Act, 1999

"Certificate of village land" means a certificate issued under section 7 of this Act

"Customary right of occupancy" means right of occupancy created by means of the issuing of a certificate of customary right of occupancy under Section 27 of this Act and includes deemed right of occupancy.

The Act provides for different mechanisms to classify the location and boundaries of a village's land:

Section IV 7. Management and Administration (I) Village land shall consist of:

(a) land within the boundaries of a village registered in accordance with the provisions of section 22 of the Local Government (District Authorities) Acts 1982.

(b) land designated as village land under the Land Tenure (Village Settlement) Act 1965.

(c) land the boundaries of which have been demarcated as village land under any law or administrative procedure in force at any time before this Act comes into operation whether that administrative procedure based on or conducted in accordance with any statue law or general principles of either received or customary law applying in Tanzania and whether the demarcation has been formally approved or gazetted or not;

(d) land, the boundaries of which have been agreed upon between the village council claiming jurisdiction over that land and

(i) where the land surrounding or contiguous to that village is village land, the village councils of the contiguous village;

(ii) where the land surrounding or contiguous to that village is general land the Commissioner; or

(iii) where the land surrounding or contiguous to that village is reserved land the official or public organisation for the time being responsible for that reserved land; or

(iv) where the land Which is claimed as a part of the land of, or is surrounding or contiguous to, that village is land which has been declared to be urban land or peri-urban land, the local authority having jurisdiction over that urban land or peri-urban land; or

v) where the land which is claimed as part of the land or or is surrounding or contiguous to, that village is land which is occupied and used by a person or body under a right of occupancy, that person or body;

(e) land, other than reserved land, which the villagers have been during the twelve years preceeding the enactment of this Act regularly occupying and using as village land in whatever manner such persons or the village assembly or village council were allocated such land including land:

 (i) Lying fallow at any time during the said preceding twelve years;

 (ii) Used for depasturing cattle belonging to villagers or to persons using that land with the agreement of the villagers or in accordance with customary law; land customarily used for passage or land used for depasturing cattle.

These multiple definitions are important as it means that villages do not need to have village land certificates in order to access their full rights. The Act also defines the roles and powers of the Village Council in managing Village Land:

Management of Village Land

8 (I) The village council shall, subject to the provisions of this Act, be responsible for the management of all village land.

(2) The Village Council shall exercise the functions of management in accordance with the principles applicable to a trustee managing property on behalf of a beneficiary as if the council were a trustee of, and the villagers and other persons resident in the village were beneficiaries under a trust of the village land.

(3) In the management of village land, a village council shall have regard to

(a) the principle of sustainable development in the management of village land and the relationship between land use, other natural resources and the environment in and contiguous to the village and village land;

(b) the need to consult with and take account of the views and, where it is so provided, comply with any decisions or order of any public officer or public authority having jurisdiction over any matter in the area where the village land is;

(c) the need to consult with and take account of the views of other local authorities having jurisdiction in the area where the village land is.

The Act also defines the role of a Certificate of Village Land as follows:

Section 7. Subsection (7)

A certificate of village land shall:
(a)   be issued in the name of the President;
(b)   confer upon the village council the functions of management of the village land.
(c)   affirm the occupation and use of the village land by the villagers under and in accordance with the customary law applicable to the land in the area where the village is situate.

Overall the Village Land Act is significant in defining Village Land, which is the land category that the majority of Tanzania's unreserved forests and woodlands fall into; and for bestowing upon the Village Council the responsibility to manage village land including the natural resources occurring on the village land based on principles of sustainable development.

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Handout 1.4: CBFM Principles (based on CBFM Guidelines, MNRT 2007)

Successful establishment of any CBFM initiative requires fulfillment of seven basic principles. The principles are important for ensuring sustainability and relevance to communities. The basic principles of CBFM include:

i) Communities are the primary forest managers

Local people through their VNRCs are authorized to play a role as both managers and sustainable forest users. Forest management is exercised through VNRCs, elected democratically by all community members and approved by the Village General Assembly. The role of the local government is to track progress, support and assist the communities to manage the forests sustainably and in accordance with current policies and legislation.

As forest managers, communities should be given relevant powers about *all* aspects of forest management such as forest protection, regulation of access and use of the forest, and actions to rehabilitate or develop the productive capacity of the forest. Besides practical responsibilities of forest management communities should also be given authority to make decisions, which guide those operations. This ensures responsiveness to local needs and aspirations.

Similarly, powers transferred to communities must be free from limitations as much as possible to avoid attenuation of the same power. This requires that foresters change their role from that of limiting community access to the forest to facilitators who provide technical guidance and empower communities to carry out the actual forest management. However, this should not compromise the role of foresters from district councils as monitors of progress on PFM implementation and managers' performance.

ii) Policies and legislation

CBFM is legally supported by the National Forest policy (1998), the Forest Act (2002), the Forest Regulations (2004), the Village Land Act (1999) and the Local Government Act (1982). See Handout 1.3 for details.

iii) Forest governance

Forest governance refers to the rules, processes and structures through which decisions are made about access to forest and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in forests are managed. Effective and good governance is needed to ensure appropriate implementation of PFM. Good governance is built on accountability, transparency, participation, representation, effective communication and democratically elected leaders.

iv) Participation

Communities should be given opportunities to participate in the PFM processes from beginning to end. Effective participation has the following advantages:

- ✓ Creates a sense of ownership
- ✓ Ensures transparency
- ✓ Minimizes conflicts
- ✓ Builds communities capacity
- ✓ Ensures sustainability

v) Capacity building to local communities

Capacity building is needed in order to increase the knowledge, confidence and skills of the communities. This can be achieved through training and by ensuring that the Village Natural Resource Committees, user groups and Village government are able to apply the knowledge and skills gained through training.

vi) Precise identification of stakeholders and their needs

Communities are not homogeneous but are made up of different social groups including men and women, youth and elders, poor and better-off, pastoralists and farmers. The different social groups may have different needs, capabilities and interests. Women and the poor have been historically marginalized by existing governance structures and systems. These pre-existing social relations are likely to influence who can access the benefits from PFM and negotiate continued access to forest resources, either through reciprocal relations or payments.

Although the purpose of PFM is to ensure participation of all social groups in decision-making and access to benefits, experiences show that in the absence of proactive actions and robust mechanisms to ensure inclusion of the poorest and women, these marginalized groups may lose out and possibly the gap between rich and poorest or men and women may increase. This implies that structures and processes of PFM need to recognize these pre-existing social relations in order to design and implement an appropriate mechanism to empower the marginalized so that their voices are heard, and needs and interests are captured. Here two things need to happen to reach this end:

a) Ensuring that the poorest and most vulnerable groups are identified, and that rules and plans are constructed in a way that specifically favours these groups.
b) Creating and integrating legally binding mechanisms in forest management plans and by-laws that ensure representation of the poorest and other vulnerable groups in the Village Natural Resource Committees (VNRCs).

vii) Clear linkage to local needs for different user groups

Participatory forest management needs to be sensitive to the rights and needs of different social groups within the community, particularly women. For example, it is important to identify all forest user groups and involve them in the planning process. Women and the poorest households should be given special opportunity to participate in the design, implementation and monitoring of PFM implementation. Extra effort should be made to ensure that the domestic needs of the poorest households for e.g. fuel-wood, non-timber forest products such as fodder are considered during the planning process.

Handout 1.5: CBFM establishment steps

The information on this handout is based on the CBFM Guidelines (MNRT, 2007)

Step 1: Getting started

This involves mobilization at the district and village levels. It involves briefing District staff on CBFM concepts and issues and formation of a multidisciplinary team to participate in establishment and implementation of CBFM. At the village level, the District team meets with the Village Council and the Village Assembly to facilitate the establishment and orientation of the Village Natural Resource Committee.

Step 2: Assessment and Management Planning

This step involves land use planning, forest assessment and management planning. The district staff work with the communities and with members of the Village Natural Resources Committees (VNRCs) to identify and record the village land boundaries as well as the village forest boundaries. The forest resources are then measured or "assessed". Based on the results of forest assessment, a management plan is developed together with village by-laws.

Step 3: Formalizing and legalizing CBFM

The VNRC presents the draft forest management plan and by-laws to the Village Council and Village Assembly for approval. These are then submitted to the District Council for review and approval. At this stage, communities may start implementing their forest management plans while waiting for approval from the district council.

Step 4: Implementing CBFM plan and Bylaws

All systems are in place and being implemented to manage the forest including: appointing and training the patrol team, starting record collection and making sure the rules are known, enforced, and so on. District staff and TFS staff remain with a role of providing technical backstopping, monitoring and facilitating.

Step 5: Revising forest management plan, by-laws and gazette VLFR

After three years, the community should review and revise their management plan based on what has been done so far. At this stage, the village may request the Tanzania Forest Service (TFS) Agency to officially gazette their forest.

Step 6: Expanding to new areas

Based on accumulated experience, the village may wish to expand the area under CBFM within their village. This expansion will bring the advantages of improved forest management to a wider area.

References and further reading

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Handout 1.6: VLFRs and adding value to the forest

1)   Legal requirements for establishment, declaration and "gazettement" of VLFRs (1 hour)
Establishment of VLFRs is a precondition for practicing CBFM. There are six key legal requirements for establishment of VLFRs:

a) Villagers must have legal tenure over their land on the basis of The Land and Village Land Acts.
b) The villagers must then describe the boundaries of the forest including agreeing with neighboring villages on the boundaries.
c) The villagers must then develop a management plan for their village land forests, approved by the Village General Assembly, reviewed and agreed with the District Executive Director and submitted to the Director of FBD.
d) The village must elect a Village Natural Resources Committee (VNRC) through the Village Assembly. The VNRC is the principal manager of the VLFR on behalf of the village.
e) The village must then prepare a forest management plan and by-laws that support implementation of the forest management plan; all of which must be approved by the Village Assembly.
f) The management plan, the by-laws and proceedings of all respective Village General Assembly meetings must be ratified by the District Council. Once these processes are observed, the VLFR is said to be legally "declared" by the Village Assembly and ratified by the District Council. The declared VLFR must be managed in accordance with the respective forest management plan, by-laws and normal rules governing local governments. This gives the village mandate to do the following:
✓ enforce rules and by-laws to protect the forest
✓ levy fines and retain them at village level
✓ harvest forest produces for their own use or commercial purposes in accordance with the approved forest management plan
✓ sell forest produce to outsiders and retain 100% of revenue at village level

g) The District Natural Resources Office should maintain a register of village forest reserves. Details of the new reserve should be entered in the District VLFR register.

2)   Business orientation in CBFM

Nowadays, it is realized that PFM should integrate forest conservation with enterprise development in order to provide incentives for effective participation of forest-adjacent communities. Providing economic incentive to local people through sustainable utilization and protection of forests is important to ensure long term sustainability. Some early projects supporting PFM were directed to forests with little or no potential for incentives, returns and incomes. Given that many communities are faced with high levels of poverty and inadequate access to basic social services, they cannot afford to protect forests without any tangible benefit. This in turn encourages the conversion of forests to other competing land uses such as farming. Thus, the second-generation PFM integrates a livelihood improvement component with forest protection in order to incentivize communities to invest their time and energy in forest management.

Handout 1.7: Linking conservation and livelihoods under enterprise-oriented CBFM

1.1 Objectives of enterprise-oriented CBFM

Enterprise-oriented CBFM focuses on raising communities' incomes through better market linkages for sustainably produced timber, charcoal and other non-timber forest products, and/or the monetization of carbon stocks and watershed protection through various forms of payment for environmental services.

Enterprise-oriented CBFM aims to generate revenue for three key purposes

1. To cover the costs of implementing CBFM such as costs associated with the work of the VNRCs, patrol teams in patrolling, boundary marking, law enforcement, awareness raising etc.

2. To improve the livelihoods of women and men involved in sustainable forest-based enterprises including by improving the governance and security of their livelihoods.

3. To provide an incentive to communities as a whole to allocate forest lands to CBFM. This might include funds to pay for community development projects including improving social services such as education, health and water supplies.

1.2 Principles for developing business-oriented PFM

The following basic principles should be considered in development of a business-oriented PFM approach:

Environmental sustainability – refers to processes that increase economic benefits and improve livelihoods while resulting in positive environmental impacts, or at least, not causing negative environmental impacts;

Economic sustainability – Screening the five aspects of the business environment that need attention in enterprise development:

- ✓ market/economy/finance
- ✓ environment
- ✓ social/cultural
- ✓ institutional/legal
- ✓ technology/product research and development

Strategic alliances – between entrepreneurs and service providers and among businesses in the value chain

Participation – providing opportunities for engagement to different groups within the communities including women, youth and vulnerable groups.

Capacity development

Gender – ensuring that gender issues are addressed and that women are actively involved.

1.3 Element of the enterprise-oriented PFM

In planning for enterprise-oriented CBFM, the following issues should be covered:

General description of the enterprise. What is the enterprise about? What are its mission and vision?

Products and services. What are the products and services that the enterprise will supply? What is their competitive advantage? How are they produced and commercialized?

SWOT (strength, weakness, opportunities and threats) analysis.

- ✓ What are the strengths and weaknesses of the enterprise?
- ✓ What are the main threats and opportunities?

Market development strategy

The market development strategy should consider the following:

- ✓ What are the objectives for marketing and sales?
- ✓ Which market segment will the enterprise target?
- ✓ Who are the customers and what is their profile (existing and potential)?
- ✓ Who are the competitors?
- ✓ What are they offering, and what makes them different?
- ✓ What makes the enterprise's products and services attractive?
- ✓ Resources management/environmental strategy.
- ✓ Assess whether the resource can regenerate (and in what time)
- ✓ can be harvested sustainably.
- ✓ What are the costs involved in maintaining the sustainability?

Social strategy

The social strategy should consider the social and equity relationships among enterprise participants (both male and female); and should establish mechanisms to ensure that decision-making and the distribution of benefits are equitable.

Institutional strategy

- • legal aspects regulating the enterprise

The impact of policies on the enterprise.

The organizational structure needed to ensure that the enterprise maintains links with supporting institutions at all levels.

Technological strategy

Technological options best adapted to the values and concerns of the entrepreneurs and environmentalist

- • Operational plan

How will the enterprise operate in producing its products and services?

What qualifications and training are needed to meet enterprise production?

- • Management and business support plan

How the enterprise is managed? Do they have business plan to guide them?

- • Financial plan

What are the capital requirements?

What is the financial strategy of the enterprise?

What is the profit-and-loss projection, at least for the first three years?

Under CBFM, the community becomes exempt from paying royalties to TFS on listed timber species. However, two conditions need to be fulfilled:

a) completion of the process of establishing the Village Land Forest Reserve (VLFR)

b) having an approved management plan.

In communities where CBFM is operational, the village government through VNRCs can charge those engaged in forest enterprises (e.g. loggers, charcoal transporters, etc.) the same amount of respective royalties and retain those fees for themselves. This requires that the business model is integrated with sustainable forest management.

Handout 1.8: Establishing sustainable timber and charcoal value chains

1. Steps to follow for the development of charcoal and timber value chains

Developing sustainable charcoal and timber value chains involves six steps:

Step 1: Conduct village land use planning and establish village land forest reserves (VLFR).

Village land use planning is used to demarcate the village land and set aside the village forest reserves. During the land use planning communities are mobilized and encouraged to set aside VLFR as big as possible.

Step 2: Integrating charcoal and timber Forest Management Units (FMUs) in the Village Forest Reserves i.e. areas designated for sustainable charcoal production. The size and distribution of charcoal FMUs will reflect the distribution of the forest and should exclude ecologically fragile sites such as steep slopes and land around water sources.

Step 3: Map out coupes within each FMU and assess stock

Within each FMU, coupes or harvesting blocks are mapped and assessed to quantify the amount of harvestable standing trees that can be harvested for charcoal. A coupe is a 50 m x 50 m area of forest within an FMU that is harvested in a single operation. The VNRCs are capacitated to carry out the assessment of a coupe to ensure sustainability of the process. Information and data from the assessment of the harvesting potential of a VLFR are used to determine the annual charcoal quota. The calculated charcoal quota forms the basis for the ceiling specified in harvesting permits issued to charcoal makers. The harvesting plan is based on a harvesting cycle of 24 years. The harvesting cycle has been developed based on ecological research on miombo woodlands and coincides with the point that the annual increment in biomass is at its highest. Each charcoal FMU in every VLFR is divided into 50 m x 50 m coupes. Each year 1/24 of the coupes can be harvested. For example, if there are 48 coupes in an FMU, and each coupe is 50 m x 50 m, then 2 coupes can be harvested each year. During harvesting, care is taken not to harvest valuable timber trees, trees on steep slopes or trees that are used as breeding grounds for birds and other wildlife. See Volume 3 for details on the forest assessment procedures.
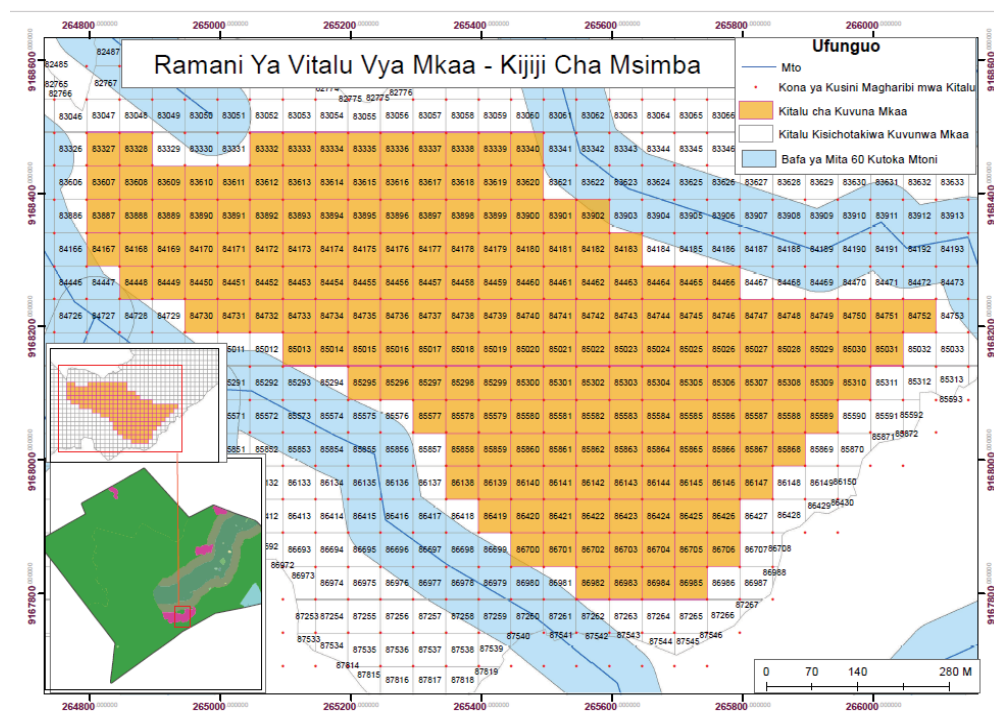
Map 1. Map of harvesting coupes within the charcoal Forest Management Unit in the Msimba VLFR, Kilosa District

To ensure sustainability and profitability, it is a requirement that charcoal must be produced using improved basic earth kilns. The kilns are more efficient than traditional kilns by as much as 42 %.

After harvesting, FMUs are managed to allow natural regeneration over 24 years harvesting cycle. Regeneration is based on **coppicing whereby coppicing rate of harvested stumps in wet miombo ranges from** 70 to 100 %. Coppices grow faster than seedlings due to their well-developed root stock.

Furthermore, the harvested coupes need to be carefully protected from wild fires and grazing in order to allow natural regeneration to grow properly. It is important to note that the model is not applicable in high biodiversity Coastal and Eastern Arc Mountain forests. These forests with their globally unique biodiversity values should not be used for charcoal production.

Step 4: Establishing good governance for the VLFRs

The sustainability of harvesting in the VLFRs depends on good and effective governance in accordance with the management and harvesting plans. Thus, permits should be issued in line with the annual harvesting quota. This requires transparent procedures for issuing permits and record-keeping with regard to fees retained by the villages; and enforcing the by-laws objectively and effectively.

One of the key aspects of good governance of the VLFRs is clear roles and responsibilities; transparency in decision making; good record keeping; and accountability for village leaders, patrol teams and VNRCs. To facilitate accountability standard official permit books and receipts from FBD have been adopted.

Step 5: Producers sell their charcoal/timber to transporters

Once they have produced their charcoal/timber, the producers usually then sell to transporters / traders. The transporters should be registered with the district authorities and with TFS. The trader should be given the charcoal/timber production license by the producer and should obtain a transit permit from the district council or TFS. These documents demonstrate that the charcoal/timber has been legally harvested from the VLFRs. To ensure smooth governance and effective government control of the value chain it is important to work closely with TFS to ensure that proper documentation is issued; and that staff along the highway recognise and respect the documentation.

Step 6: Granting legal right for exemption from TFS the royalties

The permits issued by the district ensure that the charcoal is exempt from TFS royalties. The transit permit and production licence for charcoal or timber produced in a VFR will be scrutinised at natural resources check-points along the highway.

2. Actors along the value chains

There are important differences between charcoal that follows a formal value chain compared with charcoal which follows an informal value chain:

a. **The "formal" chain:** involves harvesting of wood from sustainably managed forests to produce charcoal. The product is transported and traded by officially licensed transporters and traders, who pay the necessary duties and taxes.
b. **The "informal" chain:** involves harvesting of wood with no official licensing that is transported and traded in ways that avoid authorities, taxation and penalties. Most of the charcoal in Tanzania follows this path.

The charcoal value chain has four main levels:

i) Level 1: Forest management

For the MJUMITA/TFCG sustainable charcoal model, charcoal is produced in VLFRs. Parts of the VLFR are allocated for charcoal production. VNRCs are responsible for managing the forests and overseeing the allocation of harvesting blocks to charcoal producers and ensuring compliance with the forest management plan. The VNRCs take care to protect the forest so that it can regenerate after harvesting. After 24 years of regeneration, the harvesting block can be harvested again.

ii) Level 2: Charcoal production

Charcoal is produced using an improved earth kiln by producers who have been trained in sustainable charcoal production. Charcoal production should only take place in the designated harvesting blocks. Producers should be members of a Charcoal Producers Association.

iii) Level 3: Transportation

Charcoal producers are contracted by traders before production, or sell their charcoal to traders after production. Charcoal traders are responsible for securing transit permits. Traders usually sell the charcoal to wholesalers or retailers.

iv) Level 4: Wholesalers and retailers

Traders then deliver the charcoal to wholesalers or to retailers. Wholesalers sell the charcoal on to retailers, while retailers sell the charcoal to the final consumer. The sale of charcoal to consumers provides employment for many people in urban areas, in particular women.

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Handout 1.9: How to develop the VLFR forest harvesting plan

1.1 Linkage between PFRA and harvesting plan

A Participatory Forest Resource Assessment (PFRA) determines the amount of different forest produce that can be harvested on a sustainable basis. Thus, PFRA is only undertaken if the forest management area or part of it is to be managed for consumptive utilization such as for charcoal production or timber harvesting.

PFRA is meant to measure and assess the forest resource, its use and potential. PFRA involves simplified analysis and presentation of information for communities to use in managing their forests. PFRA needs to be kept as simple as possible to ensure that communities can learn and apply it with minimum external technical support. It should be noted that not all the stages of PFRA described here are to be followed in all PFM situations, nor is the process that is used, the same in all circumstances. For example, when a forest is to be managed for non-consumptive uses such as water catchment or carbon sequestration purposes it is likely that the level of utilization will be very limited and PFRA becomes redundant. The same applies for forests in degraded lands that have no potential for harvesting options where the management plan have only to ensure adequate protection and conservation rather than for harvesting.

1.2 Key parameters to be assessed

In the context of community-based forest management (CBFM), PFRA should provide information that helps the community to manage their forest in a sustainable manner. The information to be collected will help the community to: make decisions about sustainable forest management and utilization of the village forest reserve that maximizes benefits to local people; develop a management plan that is based on good forest management practices; develop a forest harvesting plan; and monitor the forest condition over time as utilization takes place.

Important parameters are:

1) Socio-economic:
   - Level of current and projected demand for different forest products;
   - Threat to the forest; and
   - Stakeholders and their needs.
2) Biophysical information:
   - Extent of the VLFR;
   - Forest condition:
     - Tree species composition and distribution;
     - Forest structure, i.e. number of trees and basal area per hectare (ha);
     - Total and merchantable volume by species and diameter classes; and
     - Annual allowable cut.

1.2.1 Socio-economic assessment

Socio-economic assessment is done by means of Participatory Rural Appraisal (PRA). PRA is done with representative community members to find out the forest products and tree species that are most important for the community (either for domestic, subsistence or commercial uses). This is done in two stages: i) community members identify and rank the most important forest uses and forest products (timber, poles, charcoal, grazing, etc.) and then determine which species are most important for these particular uses; ii) community members are facilitated to produce a Forest Product Utilization Matrix (Tables 1 & 2).

Table 1: A checklist of possible forest uses

	a) Environmental & social services		b) Non-wood products
1	Water catchment in general (wider area)	25	Grazing
2	Secures hilly soils	26	Thatching grass
3	Represents spare land	27	Reeds/grasses for mat making & baskets
4	Buffer zone between villages	28	Fodder
5	Provides pleasant environment/shade	29	Leaf litter for fields
6	Recreation: a place to visit, walk, relax	30	Medicinal plant parts
7	A place to put beehives	31	Wild vegetables and fruits
8	Place for social or traditional ceremonies	32	Stones for building, grinding grain, road making
	c) Wood products	33	Clay for pottery, house building
9	Timber (furniture, building)	21	Minor wood products (sticks, toothbrushes)
10	Sawn timber to sell	22	Withies for baskets
11	Weapons (spears, bows, arrows shafts, etc.)	23	Fuel wood for home
12	Pole wood (houses, fences)	24	Fuel wood for brick-making, beer brewing
13	Beehives	34	Wild animals for food
14	Roofing tiles	35	Wild animals for skins, feathers, bones
15	Household equipment (pestles, bowls, etc.)	36	Minerals (gold, other)
16	Boats	37	Salt
17	Carts	38	Wild honey
18	Tools (handles for hoes, spears, etc.)	39	Dyes
19	Charcoal	40	Resins
20	Carving material		

Table 2:   Example of Forest Product Utilization Matrix

Village Name	Ulaya-Mbuyuni	
Number of households	345	
Product	Annual household requirement/need	No of households using the product or "all"
Timber	200 big pieces	All
Beekeeping	None	20
Poles	2500 poles	All
Grazing	Grazing for 3000 cattle	45
Firewood	200 loads	All
Charcoal-making	100 bags	12

1.2.2 Biophysical assessment

Biophysical assessment makes use of the following tools and equipment:

1) A compass	4) Girth/dbh tapes	9) 20 metre survey tape measure
2) Forest Maps	5) Measuring tape (100 metres)	10) GPS receiver
3) Marker Pens	6) Wedge Prism	11) Flipchart paper
	7) Large Plastic Ruler	12) Calculator
	8) Writing Pens	

Forest Mapping and Participatory forest resource assessment procedure
Details on forest mapping and participatory forest resource assessment procedures and techniques are found in Volume 3 of the TTCS training manuals.

Handout 1.10: How to develop the forest management plan

This handout is adapted from the CBFM Guidelines (MNRT 2007)

1. Key elements that constitute the management plan

1.1 Description of the biophysical and socio-economic parameters

Biophysical description covers the following information:

- Extent of the VLFR including location and official map
- Forest condition:
  - ✓ Tree species composition and distribution;
  - ✓ Forest structure, i.e. number of trees and basal area per ha;
  - ✓ Total and merchantable volume by species and diameter classes; and
  - ✓ Annual allowable cut.

Socio-economic description covers the following parameters:

- Level of current and projected demand for different forest products;
- Threat to the forest; and
- Stakeholders and their needs.

1.2 Quantification of available resources

- Biological aspects covering plants and animal species occurring in the forest:
  - Species composition, quantities and distribution;
  - Management challenges
  - Different fauna and plant species
  - Threats and their causes

1.3 Forest management objectives

This section of the management plan describes management objectives, tools and different strategies to achieve the stated objectives. This has to be harmonized with both national and international policies. For example, management prescriptions should exclude harvesting in areas close to water sources and along riverbanks.

1.4 Budget, monitoring and evaluation

1.4.1 Budget

This summarizes the financial implications of the strategies and actions specified above. It is important that budgets are realistic and ensure value for money. Budgeting process may be informed by experiences gathered from previous management. The budgeting process should be transparent and participatory.

1.4.2 Monitoring and evaluation

Monitoring is done to ascertain whether management is on-track. Effective monitoring should include checks on whether harvesting is being carried in compliance with the harvesting ceilings.

2.5 Roles and responsibilities for the plan development (1 hour)

2.5.1 Actors involved and their roles

2.5.1.1 Village General Assembly

This is the top decision-making body in the village. All adult residents of a village are members of the Village General Assembly. Village assembly has the role of electing the village council and VNRCs; and approving by-laws, management plans and harvesting plans.

2.5.1.2 Village Council

Village council is the custodian of the village forest reserve on behalf of the villagers. The council has the role to oversee the general management of the forest including formulation of by-laws and their enforcement.

2.5.1.3 Village Natural Resources Committee

The VNRC is responsible for day to day management of the village forest reserve such as patrols, supervision of harvesting and other forest management activities. VNRC members are elected by the Village General Assembly and report to the Village Council.

2.5.1.4 Forest product customers

These are individuals such as charcoal traders from within and outside a village who buy forest products from the village forest reserve.

2.5.1.5 District council

The district council gives supervision and technical expertise to the management of the village forest reserve. The main roles of the district council include approval of VLFR management plan and by-laws, and supervision of the implementation of the management plan.

3.   Time span and action plan

This shows period of management plan (normally 5 years), when the plan should be revised, and actors to be involved, and their roles and responsibilities (e.g. Local Government).

4.   Module Two: Forest governance

This module comprises three sessions that require 5 hours to be accomplished:

1. Introduction to forest governance (1 hour)
2. Village governance mechanism (2 hours)
3. Ensuring inclusive participation and gender respecting approach (2 hours)

Table 3:   **Session plan for module two**

Module 2: Forest governance	
Session 2.1: Introduction to forest governance (1hour)	

Objectives	At the end of the session, participants understand:
	  1. What is the purpose of forest justice?
	  2. What does forest justice entail?

Materials	Handout 2.1: Forest justice
Activities	1. The trainer makes a presentation about forest justice and its requirements • Meaning of forest justice • What does forest justice entail
Session 2.2: Village governance mechanism (2 hours)	

Objectives	At the end of the session, participants understand:
	  1. Links between village governance and forest management
	  2. The role of village meetings in forest governance
	  3. How to identify and engage with different village-level stakeholders in CBFM

Materials	Handout 2.2: Village governance mechanism
Activities	1. The trainer makes a presentation on village governance mechanisms • What do we mean by forest governance? This is followed by a discussion among the participants of examples of good forest governance and of governance shortfalls. • Village statutory meetings: why and how • Stakeholder analysis
Session 2.3: Ensuring inclusive participation and gender respecting approach (2 hours)	
Objectives	At the end of the session, participants understand: • What is gender and why it is relevant to CBFM and good forest governance
Materials	Handout 2.3: How to ensure inclusive participation and gender respecting approach
Activities	1. The trainer makes a presentation on gender participation • What is gender and gender analysis • Why gender matters in sustainable forest management

Handout 2.1: Forest governance

1. What is the purpose of forest justice and forest governance?

Tanzania has achieved significant results in implementing community-based forest management (CBFM) in terms of forest area under CBFM and number of villages benefiting from CBFM. Successful CBFM requires good forest governance. This includes accountability of the government at different levels (village, ward, district, region and national levels). Some of the governance challenges that arose in early CBFM areas included:

- ✓ Unsustainable harvesting because communities were not managing harvesting effectively;
- ✓ Corruption at all levels that had a negative impact on VLFR management and resulted in an inequitable distribution of CBFM benefits.

These issues are not unique to CBFM areas, and also affect Local Government and Central Government Forest Reserves.

2. What does Forest Justice entail?

Forest Justice entails promotion of good governance and improved accountability in the forestry sector in order to enhance contribution of the forest sector to local and national development. Five strategies can be used to enhance forest governance:

i) **Concurrent monitoring of forest governance, accountability and forest condition:** monitoring forest condition and governance at different levels (village, district, region and national levels). The purpose is to identify and address governance issues contributing to unsustainable harvesting, conversion of forests to other land uses, and elite capture of forest benefits.

ii) **Promoting effective law enforcement at all levels:** encouraging action to address forest crimes and to take appropriate action against forest governance shortfalls at all levels. This requires cooperation between stakeholders to ensure the consistent application of forest laws and by-laws. Communities may need support from local government, police and district courts to ensure that those committing forest crimes are brought to justice.

iii) **Evidence-based argumentation:** compiling, analyzing and communicating evidence about processes, stakeholders and activities that undermine CBFM's contribution to local and national development.

iv) **Documenting and promoting best practices:** compiling and promoting best forestry governance practices at different levels to promote their adoption across all levels and geographical coverage.

v) **Raising awareness on forest rights and responsibilities**: good forest governance requires that citizens demand good forest governance. To achieve this, it is important to raise awareness on the roles and responsibilities of different stakeholders including VNRCs, Village Councils, District Officers, TFS, FBD and others. In this way, citizens are empowered to put pressure on office-bearers to fulfill their roles and responsibilities in ensuring good forest governance.

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Handout 2.2: Village governance mechanisms

1.   Village governance and forest management

1.1   *What do we mean by forest governance?*

Forest governance is the manner in which power is exercised in the management of forest resources to meet the needs of different categories of stakeholders.

1.2   *Village governance and sustainable forest management*

In Tanzania, policies and legislation provide ample opportunities for communities to participate and equitably benefit from sustainable forest utilization. However, governance shortfalls, including corruption; inadequate transparency and communication within villages; and inadequate participation and lack of accountability mechanisms, have limited realization of the potential opportunities and benefits of CBFM.

2.   Village statutory meetings: why and how

The overall objective decentralization is to strengthen local government authorities at all levels as the main vehicles for delivering quality public services to citizens. At the village level, village statutory meetings provide a forum for communities to hold their leaders accountability for the delivery of adequate services and fulfilment of their roles and responsibilities. Governance organs at the village level include:

a) ***Village assembly (VA)***: adult members resident in the village.
b) ***Village Council (VC):*** 15 to 25 members of the VA elected by the VA under the leadership of an elected chairperson. All sub-village chairpersons are members of the village council.

2.1   *Agenda setting*

The VA is the supreme body at the village level and has the power to set the agenda for VA and VC meetings. The VC is the executive body of the village government.

2.2   *Decision making procedures*

The VC presents decisions to the VA for approval. The VA has the right to reject proposals made by a Village Council, and to propose and approval alternative decisions.

2.3   *Information accessibility*

Effective governance at the village level depends on effective citizen participation. Governance is defined as the manner in which power is exercised at different levels of government in the management of economic, social and natural resources, at a given level of government. Under participatory forest management, village natural resource committees (VNRCs) play a key governance role under their respective VCs and VAs. VNRCs are supposed to uphold the interests of the village regarding forest governance. This requires villagers to have the required level of awareness of their own role, the role of the VC and the VNRCs. Therefore, clear communication and education system that facilitates information flow to and within a targeted community is necessary to ensure proper functioning and accountability of the VNRCs and Village Councils.

3.   Stakeholder analyses and facilitation skills

In order to achieve a participatory approach, it is important that all stakeholders within a community are known. This should extend to an understanding of how different stakeholders use and depend on forest resources. Stakeholder analysis involves three interrelated stages:

i)   Identification of stakeholders
ii)   Differentiating between and categorizing stakeholders
iii) Investigating relationships between stakeholders

Stakeholder identification: seeks to identify individuals and groups with "interest" in and "influence" over forests or other natural resources such as land and water sources within an area such as a Village Land Forest Reserve. The end result of this stage is a shopping list of individuals, groups and organizations that are considered to have "interest" in and "influence" on the resources. For example, this could include identifying groups and individuals who depend on a village forest for livelihood activities such as bee-keeping, collection of forest medicines and foods, and livestock-grazing.

Differentiating between and categorizing stakeholders: iterative defining and grouping of the identified stakeholders based on the nature (positive or negative) and magnitude and extent of the different effects exerted on each of them and effects each of them exert on the natural resources. This culminates in groups of related stakeholders.

Relationships between stakeholders: analysis of the relationships within and between stakeholders; and predicting how such relationships would affect their own status and status of the natural resources over different time horizons.

The information from a stakeholder analysis is relevant in CBFM planning and implementation.

3.1   *Importance of facilitation skills for village leaders*

Village leaders have a role to equally engage diverse social groups and stakeholders, sometimes with competing interests, to achieve shared goal such as achieving sustainable forest management.

To fulfill this role, village leaders need to have good facilitation and conflict-management skills. A leader with facilitation skills is capable of creating a safe environment to enable different stakeholders to work together to achieve effective and equitable CBFM. A good facilitator will be skilled in:

✓ Identifying and solving problems
✓ Resolving conflicts between different stakeholders
✓ Making collective sound mutual decisions
✓ Developing natural resource management plans together
✓ Developing cooperation mechanisms that takes care of their diverse and conflicting interests

Handout 2.3 How to ensure inclusive participation and gender respecting approach

1.   Gender

1.1   Gender analysis

1.1.1   Related concepts

- ✓ **Gender:** dynamic socially constructed rather than biologically determined roles and status of men and women as well as the relationships between them in a given society at a specific time and place. The roles and relationships are not fixed, but can and do change. Thus, gender defines what it means to be a man or a woman, boy or girl in a given society at a given time. It is attached to specific roles, status and expectations within economic, social and political institutions. These vary from culture to culture.
- ✓ **Sex:** is universal biological status of individual human beings acquired at birth-typically categorized as male, female, or intersex. There are a number of physical characteristics of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia.
- ✓ **Gender roles:** are the roles that men and women are expected to occupy based on their sex within a given society. These are reflected by men's and women's activities and how the access and control over production resources and benefits from production, are divided.

1.2   What do we mean by gender analysis?

Gender analysis identifies types of gender differences and inequalities in order to ensure appropriate consideration of relevant gender issues in forest management planning and implementation. For example, gender analysis highlights how men and women have different access to and control over forest resources, carry out different social roles, face different constraints and receive different benefits from natural resource management. The objective is to ensure that both women's and men's interests are effectively integrated in forest management planning, implementation, monitoring and evaluation.

1.3   How is gender analysis conducted and applied in CBFM?

- ✓ **What do we mean by gender *mainstreaming:*** a strategy for integrating women's and men's concerns and experiences in the design, implementation, monitoring and evaluation of CBFM so that women and men benefit equally and inequality is not perpetuated?
- ✓ Three steps are followed to achieve gender mainstreaming:
  - a) Undertaking gender analysis to identify gaps in gender equality with respect to differences in limitations and opportunities between men and women of different social status with respect to access and control over natural resources; their roles, strategic and practical needs. Gender analysis provides answers to six basic questions: (i) Who does what? (ii) Who has what? (iii) Who decides? (iv) How? (v) Who gains? (vi) Who loses? (v)Which women? (vi) Which men?
  - b) Developing and promoting gender equality requires transformative strategies to address the underlying causes of gender inequality
  - c) Providing resources (physical, financial and human/expertise) is necessary in achieving gender equality. This includes putting monitoring systems in place; and holding individuals and institutions accountable for results.

1.4   *Why gender matters in sustainable forest management*

Women and men differ in their knowledge, preferences and use of forest resources, and these preferences shape the priorities and concerns of different groups within forest communities. Socio-cultural norms often make it difficult for women to participate in local forest governance as key stakeholders. Neglecting women's role in forest decision-making can jeopardize CBFM outcomes, as women's specific livelihood needs and preferences can be overlooked. Women tend to control less valuable resources like fuelwood, fodder and non-timber products while men control more valuable forest products like timber and charcoal. Women's participation in value chains is usually limited to small-scale retail trade, while men dominate larger businesses and tend to engage in higher- value chains. Men's activities inside the forest tend to be more destructive compared with women activities.

- Increasing women's participation in forest decision-making bodies improves forest sustainability
- Forest degradation has meant that women have had to walk longer distances into the forests to source materials, with negative impacts on their time poverty, income and personal safety

Note: Before intervention we need to acknowledges that women and men have different roles in forest management and those roles shape their needs, access to resources and the benefits they receive and both roles are equally important to achieve sustainable forest management.

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5.   Module Three: Laws and by-laws relevant to CBFM

This module comprises two sessions that require 1 hour to be accomplished:

1. Analysis of national land, forest and environmental laws and policies (0.5 hour)
2. By-law making process under participatory forest management (0.5 hour)

Table 4: Session plan for module three

Module 3: Laws and by-laws relevant to CBFM	
Session 3.1: Analysis of national land, forest and environmental laws and policies (30 minutes)	
Objectives	At the end of the session, participants will understand 1. Forest, land and environmental legislation and policies related to CBFM 2. Measures that can be taken to promote forest law enforcement
Materials	Handout 3.1: Analysis of national land, forest and environmental laws and policy
Activities	1. The trainer makes a presentation about legislation relevant to CBFM [Handout 3.1] • The Forest Act and National Forest Policy • Other policy tools including those relating to land, environment and local government • How to promote effective forest law enforcement
Session 3.2: Making by-laws for CBFM (30 minutes)	
Objectives	At the end of the session, participants understand: 1. Powers to make by-laws under the Constitution of the United Republic of Tanzania 2. General procedural requirements in the by-law making process 3. Different actors in the by-law making process 4. How to deal with discrepancies in by-laws
Materials	Handout 3.2: The by-law making process in participatory forest management Handout 3.3: Who is involved in making PFM by-laws, and what are their roles and responsibilities? Handout 3.4: How to deal with discrepancies in by-laws?
Activities	1. The trainer makes a presentation about the process of making by-laws in the context of PFM [Handout 3.2]. The presentation covers: • The power to make by-laws under the Constitution of the United Republic of Tanzania • Principal legislation governing by-law making • Mandatory requirements for making CBFM by-laws • General procedural requirements in the CBFM by-law making process • Stages making CBFM by-laws • Commencement of the by-law making stage

	• Advantages of by-laws in the management of forests under CBFM 2. The roles and responsibilities of different actors [Handout 3.3] • Actors to be involved in the by-law making process • Role of District Councils in making by-laws for effective Forest Management 3. Discrepancies in the Forest Act [Handout 3.4] • Qualities of good by-laws

Handout 3.1: Analysis of national land, forest and environmental laws and policies

1.1   Background to the Forest Act and Policy

The evolution of forest laws in Tanzania, dates back to the colonial era. It was the intention of the colonialists to ensure that forests are utilized to meet the demand of the colonialists. It was with this motive there was no attempt to legislate with the view to enhancing benefits to community members. As a result, laws that were enacted during the colonial period had an impact of placing citizens at the periphery as far as forest management was concerned.

In 1998, the National Forest Policy was adopted. One of the objectives of the policy was to ensure participation of community members in forest management. The policy introduced the idea of participatory forest management, including both joint forest management and community-based forest management.

The Forest Act, No.14 of 2002 governs forest management in Tanzania. Participatory Forest Management (PFM) was introduced into law with the enactment of the 2002 Forest Act, which provides a clear legal basis for communities, groups or individuals to own, manage or co-manage forests. The 2002 Forest Act distinguishes between Community-Based Forest Management (CBFM) and Joint Forest Management (JFM).

1.2   The Constitution of the United Republic of Tanzania of 1977

The constitution provides the legal foundation for the conservation of forest resources in Tanzania. Article 27(1) of the constitution calls for all people in Tanzania to participate in protecting publicly owned resources. The principle of Participatory Forest Management PFM can be said to originate in the constitution. It can be further emphasized that failure to take part in conservation of Tanzania's public resources is a breach of the constitution.

1.3   The Forest Act No.14 of 2002

The Forest Act transforms into law, the policy statements under the National Forest Policy of 1998. The Forest Act legistlates for community participation in the management of forest resources. Section 4 of the Forest Act vests community members with a mandate to participate in the management of forest resources. It provides for different types of forest and allows communities to establish their own forest or join their efforts in the management of communally owned forests. The Forest Act No. 14 of 2002 makes explicit reference to the development of forest management by-laws by Village Councils, through the legal provisions provided for under the Local Government Act No. 7 of 1982. The Forest Act therefore recognizes the role of the Village Councils through the formation of Village Forest Committees also known as Village Natural Resources Committees (VNRCs. The established VNRCs are therefore mandatory institutions for effective implementation of PFM.

1.4   The Land Act No.4 of 1999

The Land Act is another important piece of legislation which calls for sustainable management of forest resources. It recognizes three categories of land: village land, reserved land and general land. Since forests are found in all three land categories, it is important to understand how the Land Act affects the governance of forests.   Section 6 of the Land Act No. 4 of 1999 refers specifically to forest issues.

1.5   The Village Land Act No. 5 of 1999

1.5   The Village Land Act No. 5 of 1999

The Village Land Act applies to village land. The Act gives Village Councilsthe mandate to manage land on behalf of the Village Assembly, and this includes demarcating land that is to be allocated to individuals and land which will remain under communal use and management for purposes such as forest management and conservation. Therefore, for effective management of forest resources, actors involved in the process need be acquainted with this law.

1.6   The Local Government (District Authorities) Act No. 7 of 1982

The Local Government (District Authorities) Act grants Village Councils with the mandate to make by-laws about the conservation of natural resources found in a village, including forests. The law provides for the procedures through which by-laws should be made. It is important that CBFM facilitators are aware of the procedures involved in making by-laws.

1.7   The Local Government (Urban Authorities) Act No. 8 of 1982

The Local Government (Urban Authorities) Act makes reference to conservation and management of forest resources, found in urban areas.

1.8   The Environmental Management Act No. 20 of 2004

This law also calls for sustainable management of forest resources. Section 7 of this law stipulates its objectives. However, Section 7(3) (i) in particular calls upon community members to effectively take part in fostering sustainable conservation of natural resources and the environment. This provision gives community members the mandate to take action to protect forests on village land.

Other laws include The Land Use Planning Act, 2007, Water Resources Management Act, 2009, Wildlife Management Act No.5 of 2009, the Penal Code Cap 16, The Criminal Procedure Act, the Interpretation of Laws Act, Village and district by-laws and other regulations developed by various government agencies/bodies.

How to promote more effective forest law enforcement?

- Understanding laws on forests, land and local government is an important step towards improved law enforcement.
- Effective forest management can only be achieved where there is a strong inter-sectoral link to ensure that cross-sectoral issues are resolved.
- Forest issues cannot be dealt with in isolation of other sectors including land, agriculture, energy environment, mining, fisheries and water.

Handout 3.2: By-law making process for participatory forest management

1.1 Power to make by-laws under the Constitution of the United Republic of Tanzania

In Tanzania, laws, rules, and regulations are used to conserve and protect forests resources. The power to make laws is vested in the Parliament through Article 97 of the Constitution. Laws that are enacted by Parliament are generally referred to as 'principal legislation'.

The Constitution permits Parliament to delegate its law-making powers to other persons or authorities. Parliament extends its law-making function to other bodies or authorities for several reasons including: because Parliament cannot oversee every situation that might emerge after the principal legislation is passed; due to the need to cater for emergencies where it may not be possible for parliament to enact a timely law; and due to the nature of the subject in question. This means that there are issues that need to be addressed by relevant professional personnel. Article 97 (5) of the Constitution provides categorically that, though the parliament is the sole organ with mandate to make laws, it shall not be prohibited from delegating its law making- powers to any other person or authority.

1.2 Definition of by-laws

The laws that are enacted in accordance with the provisions of Article 97 (5) are often referred to as subsidiary (delegated) legislation. Subsidiary (delegated) legislation could be in the form of regulations, rules or by-laws. By-laws can therefore be defined as a body of laws that is not made by Parliament directly, but through any other authorized person or entity.

1.3 Justification of by-laws

Laws enacted by Parliament are often general in scope and coverage, leaving the details to be covered by subsidiary legislation. For example, it would be difficult for Parliament to make by-laws for effective and meaningful conservation and protection of forests in every village practicing CBFM.

1.4 Principal legislation governing by-law making

Parliament has often promulgated principal laws to govern or regulate the making of by-laws. Usually, principal legislation provides for the making of subsidiary legislation by the Minister. Apart from the Constitution, other principal legislations are in place governing the by-law making process by local government authorities/entities including City and District Councils, townships, municipalities and villages. The following laws are relevant to the by-law making processes:

> - The Interpretation of Laws Act, Cap. 1 R.E. 2002;
> - The Local Government (District Authorities) Act, Cap. 287, R.E. 2002; and
> - The Local Government (Urban Authorities) Act, Cap. 288 R.E.2002

1.5 Mandatory requirements for by-law making processes for CBFM

Although the Local Government (District Authorities Act) of 1982 confers powers to make by-laws to a local authority, the situation for CBFM by-laws is modified by the Forest Act No. 14 of 2002. Section 31 of the Forest Act No. 14 of 2002 provides that, notwithstanding any provisions concerning the making of by-laws contained in the Local Government (Urban Authorities Act, 1982 and the Local Government (District Authorities) Act 1982, a local authority exercising the functions of managing all or part of a national reserve or a local authority forest reserve or any forest land under the jurisdiction of a local authority shall, prior to making any by-laws to any such forest reserve or forest land submit a draft of any such proposed by-laws to the Director; consider carefully any comments or recommendations the Director may make on any such draft.

1.6   General procedural requirements in the by-law making process for CBFM

1.6.1   Requirement of Publication

In order to facilitate consultation and broad community participation in the by-law making processes, the Local Government (District Authorities) Act, 1982 provides that proposed by-laws be made public. The Interpretation of Laws Act also places emphasis on the requirement of publication. It makes the publication of by-laws in the Government *Gazette* mandatory unless the contrary intention appears in the principle legislation under which that by-law was made. However draft village by-laws including those related to conservation of forests under the CBFM need not be published in the government gazette but must be made known to villagers through the available means or channel of communication in a given society, after passing through all the required stages/steps.

Publication of draft village by-laws is to be made in an open place that people frequently meet, before they come into operation. This could be done at a traditional place where community members gather. These areas include, and are not limited to the market place, local government (village leader's) offices and places that community members use for worshipping. The intention of publicizing proposed by-laws is to provide an opportunity for people to communicate their views or provide comments on the by-laws thereby avoiding conflicts and facilitating smooth implementation and enforcement processes.

1.6.2   Parliamentary Control

The Interpretation of Laws Act makes it mandatory to submit by-laws (regulations) made by a Minister, District, Municipality or Township to Parliament for approval following publication in the government *Gazette*. When such a by-law is submitted to Parliament for approval, three things are likely to happen to it. The by-law may be left intact, amended or annulled altogether. However, this requirement is irrelevant to by-laws made for Village Land Forest Reserves since the control of these by-laws is vested on the Director of Forests by virtue of Section 31 of the Forest Act No.14 of 2002.

Where the by-law is annulled, it ceases to have effect but transactions made prior to it being annulled will be legal. Village by-laws come into operation after being approved by the relevant Council District. These are not laid before Parliament. By-laws made by the villagers to manage forest reserves fall under this aspect.

1.6.3   Retrospective Operation

A retrospective law is that which is enacted to make illegal a transaction or dealing that had taken place before its coming into force, or to legalize such transaction or delay. Section 37 (2) of the Interpretation of Laws Act provides that no by-law shall have retrospective operation. This principle applies to by-laws made for forest managements under both forms of Participatory Forest Management (JFM and CBFM). Authorities may, however, appoint different days for the coming into force of different parts or provisions of the by-laws.

1.6.4   Enforcement

The Interpretation of Laws Act states that by-laws may provide for offences and prescribe fines. However, these must be specific and provide for maximum or minimum amounts. The Interpretation of Laws Act places a limitation on the amount of fine for by-laws made by District authorities. It provides that such fines should not exceed six hundred thousand Shillings (TZS 600,000). The total value of the forest produce illegally obtained may exceed this amount, therefore, in case this happens then by-laws are rendered ineffective. A different approach therefore needs to be put in place in order to ascertain the value of the forest product first, in each case of transgression of the by-law and then determine the amount of fine that should be imposed.

1.6.5 Judicial Control

The principle legislation emanating from Parliament, giving power to authorities to make by-laws usually sets out limits within which the power is to be exercised. Where an authority makes a by-law in violation of the power vested in it by the principal law, such by-law could be challenged in a court of law on the basis of non-compliance with the principal law.

Besides making reference to principal legislation in determining the validity of by-laws, courts have also developed a number of principles to ascertain their legitimacy. Accordingly, courts are likely to declare illegal those by-laws that do not conform to or fail the tests of the principles of fairness, reasonableness, clarity, definiteness or where they clearly appear to be ambiguous.

1.7   *Stages in by-law making under the Participatory Forest Management (PFM)*

1.7.1   Process for making village by-laws under Participatory Forest Management system

The objective of this section is to highlight some important steps that should be followed in making PFM by-laws. General procedures for by-law making are well stipulated under section 168 and 169 of the Local Government (District Authorities) Act, 1982. This section provides that subject to section *169,* and to the provisions of any regulations, directions and delegations made by the Minister pursuant to section 110, a village council may make by-laws for carrying into effect or for the purposes of any of the functions conferred by this Act. Additionally, section 169 of the Act enumerates briefly the procedures which should be followed in making the by -laws. Section 168 (1) states that:

'Where a village council proposes to make by-laws it shall convene a meeting of the village assembly and cause the proposals to be considered, and it shall then, at a meeting of its own, consider the proposed by-laws and pass them with or without amendments, account being taken of the view taken by the inhabitants of the village of the proposals at the meeting of the village assembly; and shall then submit the by-laws, together with the minutes of the meeting of the village assembly which considered the proposals, to the district council in whose area of jurisdiction the village is situated for its approval of them.'

Additionally, Section 164 (2) provides that:

where a district council to which village by-laws are submitted for approval approves them, the by-laws shall thereby be made and shall come into operation on a date agreed upon by the district council upon the recommendation of the village council concerned.

The provisions of the law above are very clear however it is important to note that in forest management the problem does not lie with the steps or stages but rather with issues that are involved in the entire process. The promulgation of by-laws in respect of forest management under CBFM is a second step which comes after the forest management plan is place. Reading the wording of Section 34(1) of the Forest Act No. 14 of 2002 it is clearly evident that the completion of the Forest Management Plan is an outcome of the completion of resolving issues such as competing land use at village level. Therefore, it should be taken into account from the onset that making by-laws to regulate forest management under CBFM is not the first stage in establishing a forest management system.

1.7.2   Issues to note as far as by-law making process is concerned, under CBFM

It is however important to address few critical issues that are likely to emerge as far as by-law making processes is concerned before enumerating briefly the stages that are important to consider when making by-laws.

   a)   The first critical issue is inability of resolving the ever-increasing competition between different land uses and boundary conflicts within the village. This can make it hard to pass by-laws in the

sense that whenever villagers do not agree, or where the majority refuses to approve the by-laws, then that causes the process to come to an end. It should be remembered that villagers are not allowed to legislate beyond what the principal legislations allow. Given the magnitude of land conflict in Tanzania, the processes of making by-laws are likely to encounter this challenge. This is coupled with a lack of effective mechanisms of curbing land disputes that might emerge at the village level. This is the first challenge as far as the legislative process of the village council is concerned.

b) Secondly, the laws are silent on the broad participation of community members and who should actually participate in the by law making process at the village level. Although section 164 seems to confer powers to the village council to make by-laws the process is affected by other actors who may not be part of the initial process. For example, where the District Council refuses to approve the by-laws referred to it by the Village Council then the process comes to an end. Additionally, the proposals to improve forest resources are likely to fail whenever the provisions of the Land Act No.4 of 1999 are invoked against the Village Land Act No.5 of 1999.

c) Thirdly, the legal requirement for establishment of VLFRs is lengthy and complicated. Making by-laws to manage VLFRs requires completion of certain matters which, in most cases, may be beyond the control of village council. These include securing legal tenure over their land. In other words, it must be classified by the Ministry of Lands and Human Settlement as "Village Land" (and not "general land". Section 7 of the Village Land Act provides a range of ways in which villages may define (or redefine) the limits and status of their village area/village land. By-laws may only be prepared where the tenure security is guaranteed. There are some problems with this, in some areas.

d) Fourthly, by laws should be applied in areas that fall within the boundaries of a village. However, boundary conflicts remain a problem for many villages. It is therefore important that issues related to village boundaries are resolved before commencing the by-law making processes.

Awareness raising about proposed by-laws requires engagement with multiple stakeholders. This need times. Effective by-law making therefore needs time and well-informed villagers.

Lack of formal and mandatory requirements in the by-law making processes pose another challenge for CBFM. Upon a thorough examination of the Forest Act No. 14 of 2002, the law does not clearly indicate what the mandatory legal steps in preparing by laws are. For example, villages may develop by-laws, without a forest management plan, or vice versa. In other cases, it has been experienced that villagers may proceed to declare a village land forest reserve without demarcating their village boundaries. This makes it difficult to enforce the by-laws that are made.

Effective by-laws making under CBFM should involve the following stages/steps:

1. Initial/Preparatory stages:

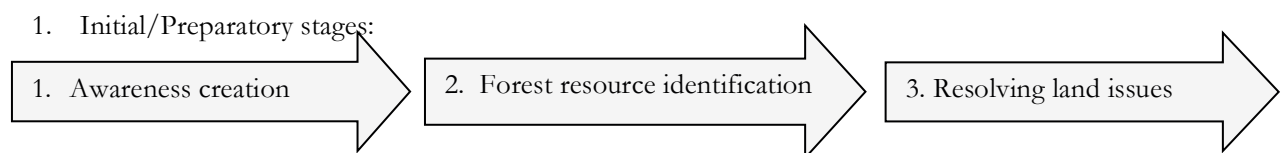| 1. Awareness creation | 2. Forest resource identification | 3. Resolving land issues |

Figure 1. The by-law making process

The above stages should involve all actors including villagers, forest officials, land officials, officials from mining and fisheries sector, and other interested groups.

1.8   Commencement of the by-law making stage

1.8.1   The channels for by-law development

Though the procedures for making by-laws by the Village Council are well enumerated under the Local Government (District Authorities), Act of 1982, Section 37 of the Forest Act No. 14 of 2002 gives some modification as far as the by law making process is concerned in respect of the gazetted village forest reserve. This section provides that where the Village Council is managing a gazetted village land forest reserve and decides to make by-laws, the proposed draft by-laws should be channeled/submitted to the Director of Forests through the district council having jurisdiction in the area the village is situate. After receiving the draft by laws, the Director will make comment or recommendations and that whenever comments or recommendations are made then the village council should consider such comments first before proceeding to make by-laws.

1.8.2   Mandatory steps which by-law making processes must undergo include the following:

1.   Preparing the Forest management Plan. Communities must first develop a management plan for their village land forest before making by-laws. The management plan describes how the forest is used, managed and protected. Where there are opportunities for utilization of the forest, it will describe how much timber or forest products can be harvested and from which areas. According to the Forest Act (2002) (Part III, Section 14), the management plan shall be forwarded to the District Council for comments. In addition, the plan shall be forwarded to the Director Forestry for "Comments and consideration". The management plan must contain a map. Various actors are involved at this stage. These include district council officials, conservation groups, and other stakeholders interested in the process. It is important to ensure that this stage involves all stakeholders to ensure that the plan is comprehensive and takes on board all other land uses by inhabitants in a given village.

2.   Convene a meeting of the village assembly and cause the proposals to make by-laws for forest management. All villagers who have attained the age of 18 years and above have the right to participate in this meeting.

3.   Convene a meeting to consider the proposed by-laws and pass them with or without amendments, account being taken of the view taken by the inhabitants of the village of the proposals at the meeting of the village assembly.

4.   Submit the by-laws, together with the minutes of the meeting of the village assembly which considered the proposals, to the district council in whose area of jurisdiction the village is situated for its approval of them. It is the Ward Councilors who deliberates on the proposed village by laws.

5.   Approving the by-laws by the relevant district council. It is the role of the Full Council to approve them.

6.   Propose the date on which the approved by-laws will become operational.

1.9 Advantages of by-laws in the management of forests under CBFM

The advantages of by-laws for CBFM include:

- Giving mandates to the local communities to determine the manner in which forest resources in their areas should be utilized;
- Enabling villages and local government authorities to levy taxes and fees on forest resources available in the areas;
- Vesting powers to the local communities in respect of control of the influx of people into their areas who could cause degradation of forest resources in their jurisdictions;
- Helping to identify and protect local people's forest resources which would otherwise be susceptible to alienation or being issued to other people without assigning relevant reasons to local government authorities;
- Helping to codify forest resources conservation traditions and customs so that they may become part of the laws that govern the forest resources management regime of the community; and
- Enable villagers to enforce rules and by-laws of their own to protect their forests.

Handout 3.3: Who is involved in the by-law formulation process and what are the roles and responsibilities

1.   Actors to be involved in the by law making process

As already noted above, by-laws for the management of forest resources could be enacted at different levels. Given this fact, the involvement of actors also varies. Additionally, the subject matter to be dealt with also determines the actors to be involved in the process. Three levels are involved in the by-law making process:

1. The Ministerial level – involving respective line Ministers;
2. Local Government Authority level – including city, township, district authorities; and
3. The Village level – involving Village Councils and Village Assemles.

1.1   Ministerial Level

The Minister responsible for local governments is empowered to make by-laws (including ones dealing with the environment and forest resources management) to govern District and Village Councils under the provisions of the Local Government Authority Acts. The Minister responsible for natural resources may also make regulations for the management of forest resources. He may also make model forest management by-laws for local government authorities to consider for adoption.

1.2   City/Township/District Level

Cities, townships and Districts are empowered to make by-laws under the provisions of the Local Government (District Authorities) Act and the Local Government Finances Act. The law requires the broad participation of all inhabitants residing in a particular township or district. Likewise, township/district authorities are allowed to make by laws to regulate various matters within their respective jurisdictions, provided those by-laws do not conflict with relevant principal legislations.

1.3   Village Level

Village Councils have been vested with powers to make village by-laws by the provisions of the Local Government (District Authorities) Act. The by-laws have to be approved by the District Councils. At the village level, actors to be involved include ordinary villagers residing in the respective village who have attained the age of 18 years and above. Villagers are required to effectively participate in the process through sharing of their views particularly on forest resources use, as proposed in the by-laws. It is the right of all villagers in the village to participate in the by law making processes.

2.   Role of District Councils in making by-laws for effective Forest Management

The amendment to the Local Government (District Authorities) Act was specifically aimed at empowering District Councils with the mandate of making by-laws to ensure that the environment, including forests, is safeguarded.

District Councils are vested with powers to approve village by-laws. District Councils should, with the assistance of legal officers, forest officers and other officials, give guidance to village councils on by-law formulation. The District Council's main roles in making by-laws, are to:

➢ Educate Village Councils on the procedure to be applied in by-law making;
➢ Provide technical assistance in drafting village by-laws;
➢ Facilitate awareness creation in the by-law making process

> ➢ Provide support in the initial by-law making process particularly by resolving land-related issues prior to the commencement of the by-law making process;
> ➢ Ensure that village by-laws are not in conflict with principal laws; and
> ➢ Help in enforcing village by-laws.

The principal legislation governing village by-law making process, the Local Government (District) Authorities Act provides for guidelines which are mandatory in the by-law making process. These have to be followed to the letter and it is the duty of the District Councils to ensure that the procedure is complied with, before approving the by-laws.

COMMUNITY BASED FOREST MANAGEMENT
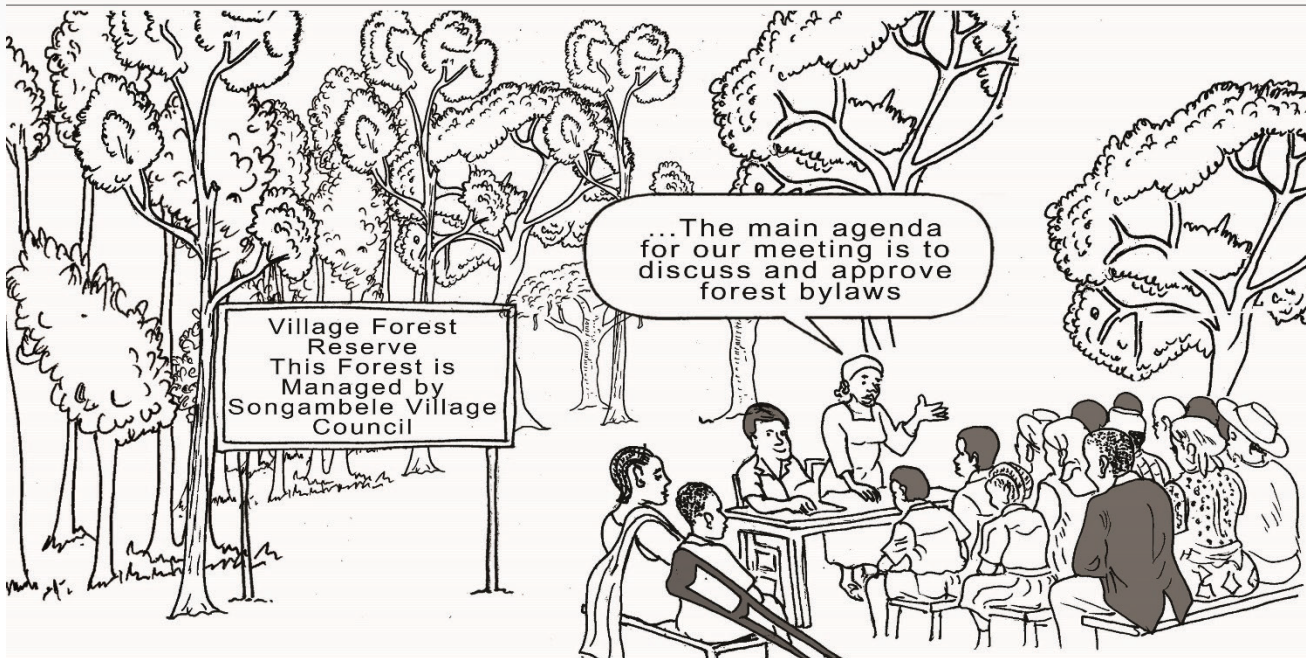
Handout 3.4: How to deal with discrepancies in by-laws?

By-laws should not conflict with the principal legislation. Therefore, in the process of developing by-laws it is important to avoid any contradictions that might impede the enforcement of the by-laws. It should further be pointed out that some of the provisions of the by-laws are contradictory making their implementation and enforcement difficult, from a legal point of view. The rules and schedules in some by-laws conflict with the text of by-laws that the rules have purportedly been made under. In case this happens then relevant by-laws should be subjected to modifications under the normal procedures stipulated under the law.

Qualities of good by-laws

Effective by laws should possess the following qualities@

- Easy to enforce
- Should not be ambiguous
- Should not be unreasonable
- Should not be discriminatory
- Should not be absurd

Key elements for PFM and for Sustainable Charcoal and Timber Value Chain (SCTVC) in the by-law making processes.

Sustainable charcoal and timber value chains require strong by-laws. By-laws for PFM should have the following qualities:

- The by-law making process should address the major drivers of forest degradation and deforestation. These include addressing illegal harvesting, degradation and poor management of forest reserves; addressing issues related to insufficient incentives to conserve forest resources; poverty resulting in overexploitation; and poor inter-sectoral coordination to address the cross-sectoral challenges.
- By-laws should address the entire charcoal value chain including production, transportation and trade.

By-laws should contain provisions which call for sustainability of charcoal and timber value chain. Effective management of forest resources should be a major driver behind the by-law making process.

6. Module Four: Law Enforcement

This module comprises three sessions that require 45 minutes:

1. Laws enforcement provisions under the Forest Act, 2002 (15 minutes)
2. Critical gaps/weaknesses in the enforcement of forest legislation (15 minutes)
3. Conflict resolution and mediation (15 minutes)

Table 5: Session plan for module four

Module 4: Law enforcement	
Session 4.1: Enforcement provisions under the Forest Act 2002 (15 minutes)	
Objectives	At the end of the session, participants understand: 1. Mechanisms for smooth law enforcement 2. The legal chain of justice
Materials	Handout 4.1: Enforcement provisions under the Forest Act, 2002 Handout 4.2: The legal chain of justice
Activities	3. The trainer takes the participants through enforcement provisions under the Forest Act, No. 14 of 2002. [Handout 4.1] • Mechanism for smooth enforcements of legislation • Legal chain of justice
Session 4.2: Critical gaps /weaknesses in the enforcement of forest legislation in Tanzania (15 minutes)	
Objectives	At the end of the session, participants understand: 1. Critical gaps /weakness in Tanzania's forest legislation 2. Techniques to settle disputes in the interpretation of forest legislation
Materials	Handout 4.3: Critical gap/weaknesses in respect of the enforcement of forest legislations in Tanzania
Activities	2. The trainer takes the participants through critical gaps/weaknesses in forest legislation in Tanzania [Handout 4.3] • Examine the weakness of Tanzania legislation • Procedures for forest related dispute settlement under PFM • General recommendations in the enforcement mechanisms under the Forest Act, 2002
Session 4.3: Conflict resolution and mediation	
Objectives	At the end of the session, participants understand: Conflict, conflict analysis and conflict resolution
Materials	Handout 4.4: Meaning, types and sources of conflict Handout 4.5: Conflict analysis

	Handout 4.6: Conflict negotiation and mediation in natural resource management
Time	0.25 hour

Activities	1. The trainer takes the participants through meaning, types and sources of conflict [Handout 4.4]
	   • Type of conflict
	   • Causes and manifestation of conflict
	   • Source of conflict
	2. The trainer takes participants through conflict analysis [Handout 4.5]
	   • Conflict analysis main stages
	3. The trainer takes participants through conflict negotiation and mediation [Handout 4.6]
	   • Meaning of mediation
	   • Negotiation and mediation process

Handout 4.1: Enforcement provisions under the Forest Act, 2002

1. Mechanism for smooth enforcement of forest legislation

In order to manage forest resources under CBFM, it is important to have a strong mechanism in place which allows for the smooth enforcement of forest laws. This includes clear laws and the required number of legal personnel to prosecute forest-related offences.

Where there are no effective enforcement mechanisms in place, the following problems are likely to emerge:

➢ Forest offenders go unpunished
➢ Increased forest crimes resulting in deforestation and forest degradation
➢ Increased number of cases puts pressure on the prosecution to process forest-related cases
➢ Lack of trust among government entities/institution mandated to prosecute cases

Article (13) 6) (b) of the Constitutions of the United Republic of Tanzania of 1977 gives a foundation of justice as far as the protection of the rights of offenders are concerned. This provision calls for the requirement of presumption of innocence for all offences in Tanzania until a thorough investigation have been made to establish whether the accused is guilty or not. It is accordingly forbidden to enact any law or subsidiary legislation which is inconsistent with the spiritof this provision.

This provision requires the investigating machinery to accord all necessary evidence to enable law enforcing organs to undertake their roles/obligations. The standard of proof for all forest crimes is to be 'beyond reasonable doubt'.

The provisions of the Forest Act No.14 of 2002 seem to depart from this principle. The onus of proof, in respect of forest offences, is on the accused person. This means that if an accused for example is found in possession of timber alleged to have been illegally harvested, then it is the obligations of the accused to person to prove about the legality of his/her ownership in respect of the timber in question and that, in case he fails to do so, then it will be presumed that such timber was illegally obtained. It is therefore not the obligations of the police officials to investigate but rather a responsibility of the accused to establish the legality or lawfulness of the products in question.

Handout 4.2: The legal chain of justice

Despite the good intention of protecting of forest resources, all measures directed at curbing illegal utilization of forest resources must be supported by the law.

In order to ensure that justice is done, then it is important to ensure that all mandatory stages/steps in the prosecution are followed and that each person involved in the process must play his/her roles effectively. This is aimed at promoting the rights of the accused persons.

Procedures in dealing with forest offences involve different steps. In each step it is important to ensure that the laws and by-laws are followed since failing to do so may result in the accused being acquitted.

1.   Stages/steps in the legal chain of justice

1.1   Reporting forest related offences

It is an obligation of all citizens in Tanzanians to take part in the protection of public resources. Article 27 (1) of the Constitution of the United Republic of Tanzania vests an obligation to all citizen to take part in preserving Country's publicly owned resources and respect other people's property. Reporting of forest offences in particular is one form of taking part in protecting country's resources in forest resources.

1.1.1 Key issues related to reporting forest crimes

- Reporting should be made where there are sufficient reasons/factors to justify the belief that an offence against forest resources has been committed
- Reporting should be made in good faith. This involves giving information based on an honest belief. This is an important element in safeguarding the right person who may fall victim to information grounded on ill intention/motive.
- Reporting should be made to the relevant authority. These include village Chairpersons, Village and Ward Executive Officers, Ward Councillors, members of village Natural Resources Committees and where applicable, the police.
- Identities of the informers should not be disclosed. This will encourage more reporting since many citizens are afraid of reporting, for fear of taking part in the prosecution of cases as witnesses.

1.2 Arresting of offenders (Section 11 of the Criminal Procedure Act, No.9 of 1985)

In order to enforce the law or any by-law then the offender must first be arrested. It is however important that the by-laws stipulate the minimum required standards in arresting a suspect. Failure to do so, may result to the violation of human rights of the arrested persons.

The following are the minimum standards which should be applied when arresting offenders in connection with forest offences:

- Reasonable force may be applied in arresting an offender, where the accused person resists arrest.
- Retaining the accused person in police custody should be for not more than 24 hours
- The accused person should not be subjected to torture or inhuman treatment.
- The accused person has the right be given reasons as to why he/she is being arrested
- Right to get bail. This is a constitutional right and should be exercised as provided for under the law.

1.3   Investigation of forest offences

Of particular importance at this stage is that strong evidence should be adduced to prove the case. In the entire duration of investigation, the accused person should be regarded as innocent until the investigation has been concluded and it has been actually proved that the accused person is guilty. It is the duty of the police force to launch all investigations in relation to forest related offences.

Key points:

- Important evidence should be made available to the court
- Investigations should not be prolonged unnecessarily
- There should be no interference in the investigation process ether by the accused person while on release under bail or his agents and the investigating team.
- Investigation should be made with government officials (the police) with the mandate to do so. Where an investigation is launched by village organs then the outcome of the investigation should be communicated to relevant organs like the police immediately after the completion of the investigation.

1.4   Prosecution

In prosecution of forest offences, standards of justice should be met. All actors involved in the prosecution must play their roles. These include prosecutors, magistrates or judges, witnesses and any other persons involved in the prosecution.

At this stage key issues which should be considered include:

- Having on board key witnesses
- Having sufficient evidence to prove that the forest offence was committed
- There should be fair trial in which the accused person be given the right to representation.
- Sentences should be those stipulated under the law
- Fines should be those provided under the by-laws. Fines should not exceed those stipulated in the principal legislation.

Whenever there are gaps in the entire chain, it is the obligation of all actors to propose changes either in the law or the practices to ensure that the chain works easily.

Handout 4.3: Critical gap/weaknesses in respect of the enforcement of forest legislations in Tanzania

The Forest Act No. 14 of 2002 stipulates punishments that are insufficient to deter offenders from re-offending. Section 84 of the Forest Act makes it an offence for any person to enter into the forest reserve and perform acts prohibited by section 26 which include cutting the trees, carry out mining activities, construct a road, paths bridges, cut or re-open any saw-pit or work place, and any other acts prohibited under the law.

The law requires a permit for the person to undertake such activities and that whenever a person does such activities without a permit then that person contravenes the law. The law provides that such person should be punished with a fine not less than thirty thousand shillings and not more than one million shillings or an imprisonment term of not more than two years. The fine stipulated here seems to be too low and the offenders are likely to commit similar offences.

Likewise, Section 85 provides that whoever cuts or fells, removes, sells trees from unreserved land without a valid license is guilty of an offence and is liable to a fine not less than fifty thousand shillings and not more than one million shillings or a jail term of not more than one year. Section 86 makes it an offence to pick, pluck, take sample or interfere with the wild plants or to poison them and to sell or export wild plants without a license and provides a punishment of fine of not less than two hundred thousand shilling (200,000/-) and not more than one million shillings or an imprisonment term of not more than two years. Not only are the fines too low under these provisions, no reference is made to dealing with repeating offenders.

The low level of finds stipulated in the Forest Act 2002 limits the effectiveness of the law to act as a deterrent. Offenders are likely to repeat committing similar offences and this may appear to be a challenge to those entrusted with the duty to enforce forest legislations.

Procedures for forest-related dispute settlement under PFM

The Local Government District Authorities Act No. 7 of 1982 does not make reference to dispute settlement mechanisms as far as forest management is concerned. Likewise, the Forest Act No. 14 of 2002 does not make any reference on what procedures should be adopted to resolve conflicts. Instead District Officials have been undertaking this role. The Village Land Act No.5 of 1999 makes it a requirement to resolve land conflicts at the village level through mediation. Section 60 of the Village Land Act provides procedures for dispute settlement. In case a dispute cannot be resolved at village level, then that dispute should be referred to the District Authority in which the village is situate.

Handout 4.4: Meaning, types and sources of conflict.

1.   Meaning of conflict

Conflicts can be understood as all kind of disagreement between agents in society. Practically each of us has in one way or the other been involved in conflicts either at family level, workplace, and many other places. Generally, a conflict exists when there is an interaction between two or more individuals, groups or organizations where at least one side sees their thinking, ideas, perceptions, feelings or will contradicting with that of the other side and feels that they cannot get what they want because of the other side.

The existence of a conflict shows that something in a relationship–or the whole relationship – between involved parties cannot continue as it was. It is an opportunity for adjustment and for constructive change. A relationship without conflict stagnates, a society without conflict does not make progress.

In everyday life, however, we tend to experience conflict as something painful which we would rather avoid, neglect or forget about. Sometimes, for these reasons, we accuse others of "disturbing the peace" when they try to protect their interests and needs. A good example is the conflict between the civil society and the government.

In other cases, we use conflicts to confront others with our ideas, our own interests or use our power to impose these ideas on them. Rarely are conflicts perceived or used as an opportunity to reach a higher degree of satisfaction in relationships. The conflict referred above was an opportunity for the two parties to enhance their relationship. We certainly learn the mechanism of dealing with conflicts more or less constructively in our life time. Conflict transformation is a more systematic approach, one that makes use of our experience and wisdom. Knowledge about the nature of conflict is used to develop systems, instruments and skills that can help us gain a better understanding of conflicts and deal with them more satisfactorily. Usually conflicts are centered on an issue, a problem, a question or a theme (e.g. shortage of fuel, quota system, academic freedom etc)

2.   Types of Conflicts

Conflicts are classified as follows:
- Intra-personal conflicts: Conflicts within a person, psychological conflict, decision making conflict in one person. Though these conflicts may play a part in social conflicts, they are not the subject matter of conflict transformation work but more of a concern of therapy or counselling.
- Inter-personal conflict: Conflicts between two or a small number of people without groups building up around one side.
- Intra-group conflicts: Conflicts within smaller (team, organization, family) or larger groups (religious community, within elites in a country). Here group dynamics add to the normal dynamics of inter-personal conflicts.
- Inter-group conflicts: Conflicts between groups, like organizations, ethnic groups, political parties
- Inter-national, inter-state conflicts: Conflicts between two or more countries, states.

3.   Causes and manifestation of Conflict
2.1   Causes of Conflicts

It is important to understand the root causes of each conflict. Some common causes of conflict include:

3.1.1 Destructive Conflict

This type of conflict results from strong emotions, stereotypes, miscommunication and repetitive negative behavior. It is this type of conflict which often provides fuel for disputes and can promote destructive conflict even when the conditions to resolve the other sources of conflict can be met.

3.1.2 Value Conflict

This conflict arises from ideological differences or differing standards for evaluation of ideas or behavior. The actual or perceived differences in values do not create conflict. It is when values are imposed on groups or groups are prevented from upholding their value system that conflict arises.

3.1.3 Structural Conflict

This is caused by unequal or unfair distribution of power or resources perpetrated or justified by established institutions or structures e.g. the informal and formal structures in an organization, party etc.

3.1.4 Interest Conflict

This involves perceived or actual competition over interests, such as resources, perceptions of trust and fairness.

An analysis of the different types of conflicts the parties are dealing with helps the intervener to determine strategies for effective handling of the disputes.

2.2 Manifestations of Conflict

It is important to know that conflict is always a pointer to something deeper or hidden. There are two things that conflict points to.

First, conflict can point to a fundamental disagreement concerning the means or objectives an organization or a group intends to pursue. Conflicts of this kind are said to be substantive.

Second, conflicts can also point to interpersonal difficulties that arise over feelings of anger, mistrust, dislike, fear, resentment, etc. Conflicts of this nature are said to be emotional; they are to do with "clash of personalities".

Note: Whenever there is conflict, it is important to find out whether the conflict is substantive or emotional. However, substantive conflicts can eventually give rise to emotional conflicts. For example, in situations of glaring economic disparities, some people might be hated not because of their personal wrong doing, but because of belonging to a class that is seen to be exploiting others. Again, emotional conflict can take wider dimension if people involved are leaders.

3. Sources of Conflict

There are a number of sources out of which conflicts arise. The following are common:

- Political sources: power struggles, differences in ideologies, etc.
- Religious sources: power struggle, differences in doctrine, etc.
- Cultural conflict: when two cultural traditions compete for dominance
- Economic privileges: where some people feel marginalized
- Natural resources e.g. land, forest resources etc.

These sources of conflict can be interlinked, e.g. political power can be linked to control over resources and economy.

References and further reading

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Handout 4.5: Conflict analysis

1.   **Conflict Analysis:**

Conflict analysis involves moving from an attitude of "I don't know what the real cause of the conflict is!" to "Now I know why we have this conflict!" Through conflict analysis, the main issues should become clear. This handout describes the main stages of conflict analysis which can be applied in situations where conflicts affect CBFM.

1.1 Conflict analysis: main stages

First the mediator team reviews the available secondary information and develops initial ideas and assumptions about the conflict setting. This analysis is important for deciding whom to contact as a stakeholder.

Then, the mediators carry out a strategic preliminary conflict assessment to decide whether or not to proceed in and what steps to undertake next. If the mediators agree not to become involved, they may recommend other courses of action to the contesting parties.

The following stage involves engaging with stakeholders in the conflict to analyse their positions, interests and needs in comparison with those of other stakeholders. The aim is for stakeholders to reach a common understanding of what the conflict is about, and what its meanings and implications are for each party.

Stakeholders can be identified as individuals or groups affected by the outcome of a conflict, as well as those who influence that outcome. Stakeholders may share a collective identity (such as neighborhood ties, kinship or membership of resource user groups) or a common characteristic (such as using the same resource or residing in the same general area).

Handout 4.6: Conflict negotiation and mediation in natural resource management

1. Mediation

Mediation is a conflict resolution technique that involves a neutral third party. A mediator is responsible for facilitating dialogue and discussion between two conflicting parties. The mediator helps the two parties to identify the root causes of the conflict. The parties are also assisted to appreciate the views of each other and accept their situation before searching for solutions to the conflict. Normally, participation in a mediation process is voluntary and can be ended at any time.

2. The negotiation and mediation process

At the beginning of the negotiations the mediators should remain sensitive to the dynamics of group interactions, the specific circumstances and issues of equality in participation. Great care is needed to understand local history, cultural reference points, proverbs, etc. Sometimes people need to discuss other complaints or opinions before they can deal with the heart of a conflict. The mediator needs first to address the participants 'basic needs for comfort and safety.

- **Clarifying roles**: The mediator should then define the negotiations and his/her role in them. Even if the mediator's role has already been clarified with the individual parties, it is important for them to hear the mediator giving the same information in the presence of other parties.
- **Building trust:** It is essential that the mediator creates a supportive, open and respectful atmosphere for the disclosure of information, including – if culturally appropriate – the sharing of feelings. Feelings may be indirectly revealed in the ways in which the different parties present information. The importance of building trust in negotiations cannot be overstated. Where there is conflict, people often do not trust each other at the beginning of negotiations. This means that stakeholders question the truthfulness or accuracy of each other's statements and behavior. When trust is low, the mediator can encourage stakeholders to make moves that increase their trust in each other.

3. How to build stakeholders trust

- Stakeholders can be asked to clarify their assumptions about how other stakeholders use or need the resource under question, how they perceive their own attitude towards the other parties, how they perceive the other parties 'attitudes and motivations, and how they think the other parties perceive them.
- Discussing how the negotiation process can gradually build trusting relationships, through a series of promises followed by actions that meet those promises, helps to reinforce the belief that commitments will be carried out.
- A series of checks can be established to assure that trust endures throughout the negotiation process.
- Participants can be asked to describe what is meant by trustworthy behavior, and to identify where there has been trust in the past, and what spoiled it. At this point, any assumptions about trust in their past relationships can be usefully explored.

Reference

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7. Module Five: Patrolling, monitoring and adherence to by-laws

This module comprises two sessions that require 45 minutes to be accomplished:

1. Importance of patrolling in natural resource management, how to organize patrolling and time schedule (15 minutes)
2. Forest Monitoring (30 minutes)

Table 6:   Session plan for module five

Module 5: Patrolling, monitoring and adherence to by-laws	
Session 5.1: Importance of patrolling in natural resource management, how to organize patrolling and time schedule (15 minutes)	
Objectives	At the end of the session, participants understand: • Importance of patrolling • Key elements to consider for conducting patrols in VLFRs • Stakeholders involved in patrolling • Debriefing & report preparation • Disturbances/destructive signs • Chain of custody
Materials	Handout 5.1: Importance of patrolling in natural resource management, how to organize patrolling and time schedule
Activities	2. The trainer takes the participants through importance of patrolling in natural resource management, how to organize patrolling and time schedule [handout 5.1] • Why do we need patrolling? • Who is involved: roles and responsibilities? • How to organize the patrolling and time schedules
Session 5.2: Forest monitoring (0.5 hour)	
Objectives	At the end of the session, participants understand: • Meaning of forest monitoring • Types of forest monitoring • About community forest monitoring • Purpose and possibilities of monitoring forest deforestation
Materials	Handout 5.2: Forest monitoring
Activities	The trainer takes the participants through types of forest monitoring and its importance in natural resource management [Handout 5.2] • Type of forest monitoring- ground truthing and satellite imagery • What is Community forest monitoring? • Purpose and possibility of monitoring deforestation

Handout 5.1: Importance of patrolling in natural resource management, how to organize patrolling and time schedule

The information included in this handout is based on training materials provided by trainers from Likuyu-Sekamaganga Community Based Conservation Training Centre. CBFM facilitators can consider involving trainers from the training centre in establishing CBFM and / or financing community members to attend training courses at the training centre.

1.1   Importance of patrolling

Information on the status of forest resources must be gathered regularly so that the level of resource use can be changed according to observed trends. It is necessary to react to this monitoring information by changing relevant rules and regulations in the management plan, if some resources are becoming scarce or forest quality is threatened. Continued monitoring will tell the Village Natural Resource Committee if the adjustments to the Management Plan have increased resource availability or forest quality, or if further adjustment is needed. Continued monitoring of the forest and its resources will ensure that resources, services and biodiversity will persist in the forest.

Forest patrols collect information on:

1. Observations of disturbances and resource extractions that may be a threat to the forest

2. Observations of selected wildlife, which:
- Depend on good forest quality, or
- Are vulnerable to forest disturbance, or
- Are endemic species found only in Tanzania, or
- May have significant impact on the livelihoods of the villagers.

2.   How to organize the patrolling and time schedules (0.5)

2.1   Key elements to consider for conducting patrols in forest areas under CBFM

Where to Patrol?

- The Patrol Supervisor in collaboration with VNRC can agree on the respective patrol areas depending on knowledge about areas under pressure.
- The area or route should be changed for every patrol in order to cover different areas of the Village Land Forest Reserve (VLFR).

How often to Patrol?

- Patrolling is a key activity in monitoring any natural resource in protected areas. The patrol supervisor is responsible for organizing regular patrol activities. The patrol schedule is flexible, can be reshuffled depending on forest incidents and availability of resources (Human, financial, equipment).

In what kind of groups?

The patrol group ranges from 7 – 10 people, depending on the objective of the patrol and availability of resources

Stakeholders involved in Patrolling

- Patrol team
- Patrol Supervisor

- Village Natural Resource Committee
- Village government
- Forest Officers from District or TFS

2.2   *Patrolling Reporting chain*

Patrol Team ➡ Patrol Commander ➡ VNRC ➡ VEO ➡ POLICE

Arrested offenders will be taken to VEO and be fined or punished according to available Village by – laws. If the offender refuses to pay a fine or if the case involves other criminal activities, the case will be taken to Police.

Formation of a Patrol team

- Every person in the team should know his/her responsibilities
- Pre-patrol preparation (All needs such as food, first aid kit, tents, GPS, Binoculars, Handcuff, weapons, note book, topographical map etc.)

a) briefing

The team members should meet to arrange patrol planning and strategies on how to execute patrol. This should cover the objectives of the patrol, timing, roles and geographical focus for the patrol.

b) Starting patrol safari

The advised time to departure is before 6:00 AM to have ample time of patrolling

Important issues to note in the patrol area;

- Thorough investigation of the patrol area
- To make sure that patrol unit align with objectives
- It should abide to the patrol techniques, conservation ethics, patrol team code of conduct and respect human rights.

Patrol precautions;

- Spotting an enemy/illegal logger before spotting you
- Locating snares
- Observing illegal harvesting signs such as foot prints, abandoned camps, smoke from campfires.
- Maintaining silence in patrol (use hand signals in communication)
- Avoid wearing easily observed or reflective attires, dress on advised uniform that mimic with the environment
- Don't make fires near to tents
- Observe conservation and firearms rules

Debriefing & report Preparation

Things to consider when preparing patrol report

- The report is prepared by the patrol unit supervisor in collaboration with VNRC member.

1.2. Patrol report format sample
- ➢ Name of protected area…………………………………
- ➢ Number of incidents……. Date of incident……………
- ➢ Area Offender/suspect Arrested (GPS Coordinate) ……….
- ➢ Name of patrol leader………………………..
- ➢ Name of suspect (as the table below indicate)

Table 7: Report writing format

S/N	First Name	Second Name	Other names	Date of birth	Gender	Residential	Name of sub village chairman	Address	Remarks

- ➢ Crime statement…………………………………...
- ➢ Trophy/Timber/any found property…………………...
- ➢ Found weapons……………………………….
- ➢ Observe wildlife or forest act section or sub section used……………...
- ➢ Measures taken………………….
- ➢ Penalty or fine rendered…………...
- ➢ Name of police station the suspect handed………….
- ➢ No. of case………………………………
- ➢ Name of the court………………………
- ➢ Date of case or judgement………….

1.3. Patrol logistics (Administration)
- • **rations**- how many days, number of guards, resupply required
- • **water**-how many days, where will it be re-filled? Is it clean?
- • **medical-** who carries it and where? if someone is injured or killed what happens
- • **special equipment's**- navigations, bicycles/ car/motorcycle and aircraft
- • **communications** – who carries the radio/ cell phone, where are the spare batteries, frequencies, call signs, code words, where is cell signs
- • bush survival techniques.

2. Disturbances/Destructive signs

5.1. Meaning of signs and exhibits

Signs: spoor/foot prints, damaged vegetation, spiderweb, dew, smell (urine/shit, wood or tobacco smoke), food &voucher remnants, papers etc

Exhibits: Any materials thing or object recovered which is connected to a particular crime and which may be produced before court as evidence.

5.2. First contact with exhibits

Exhibits may be recovered as follows;

- • At the scene
- • From suspect

- Where hidden

5.3. Action on recovery,

Observe property and note serial number, color and general appearance.

5.3.1   Marking
- Exhibits should be marked for identification
- Solids may be marked by sharp pointed instruments
- Porous materials should be marked by a pen and ink
- Liquids and pastes should be placed in container and labeled

5.4. Sealing

Containers should be sealed in such a manner that they cannot be opened without breaking the seal

5.5. Labelling

A label in the form of sticker or tag bearing identification case information should be place on the container or object. The label should contain the following;

- Case number
- Date/time of finding
- Place of recovery
- Signature of investigator who made recovery
- Name of witness to the recovery

5.6. Storage

Exhibits store should be constructed and equipped so that physical protection is assured against alteration or destruction from natural causes. Deposits and removal of evidence should be recorded and the record should include:

- Date evidence recovered
- Case file number
- Case title
- Person /place from whom recovered
- Complete description of item
- Disposition
- Signature of officers in charge store
5.7. Submission of Exhibits for forensic analysis

Exhibits submitted for analysis shall be forwarded to relevant specialists accompanied by a letter describing the exhibits and analysis required.

Table 8:   **Submission of Exhibits for forensic analysis**

Exhibits	Specialist	Examination
(a) Fire arm	To scene of crime / finger print	Finger /palm prints developed and comparison
(b) Timber/charcoal/ poles	District Forest Officer	Species, size and quantity
(ii) fire arm	Ballistics	Whether weapon used for firing questioned bullet
(c) Live ammunitions cartridge, bullets	Ballistics	Identification of weapon from used
(d) carcass or meat	Government chemist	Whether is wild animal or domestic
(e) Tusks		
(f) Skins		
(g) bows or arrows		Blood or poison
(h) blood stains		Whether animals or human

6.   Chain of custody

The number of persons who handle evidence from the time of recovery to the final disposition should be kept to a minimum. Each transfer of evidence must be receipted. Each transferee should ensure that:

- the evidence is accounted for during the time it is in her / his possession
- it is properly protected
- there is a record of the names of persons from whom s/he received it and to whom s/he delivered it, together with the date/time of such receipt/delivery.

Handout 5.2: Forest monitoring

1. What is forest monitoring

Forest monitoring is defined by the International Union of Forest Research Organizations (IUFRO) as the regular and periodic measurement of certain parameters of forests (physical, chemical, and biological) to determine baselines to detect and observe changes over time. Forest monitoring can be done by measuring features on the ground and by using remote sensing, including satellite imagery.

1.1 Ground-based monitoring systems

Ground-based monitoring systems may include variables relating to: the state of the forest such as biomass or species diversity; pressure on the forest such as levels of tree-cutting or fire; or to management responses such as length of reserve boundary cleared.

1.2 Satellite imaging technology

Forests can also be monitored using remote sensing images such as satellite imagery. Satellite images can be used to monitor the status of the forests in terms of forest area as well as forest threats such as fire frequency and extent, or conversion of forests to non-forest land use such as agriculture.

2. Community forest monitoring

Community forest monitoring involves local communities using culturally appropriate data collection methods, or conventional scientific methods like GPS and GIS system. Community-based monitoring systems work well when designed to measure parameters that are important to the communities such as monitoring resource utilization (e.g. number of trees harvested legally and illegally).

3. Purpose and possibilities of monitoring deforestation

3.1 Purpose of monitoring forest disturbances/illegal activities

Developing local monitoring capacity is necessary to generate information to guide sound forest management decisions. Community-based forest monitoring has been tested and found to work in different parts of Tanzania (Iringa, Morogoro, etc.). Monitoring results are used to inform the management of a VLFR.

3.2 Lessons learned and roles of different actors

The sustainability of a monitoring system depends on:

✓ Designing a system that is based on local management needs (e.g. number of trees harvested, incidents of illegal activities, number of traps found in the forest, etc.) rather than externally defined agenda (e.g. levels of biodiversity, etc.).
✓ Integrating the system in the existing local governance structures (existing patrol teams and VNRCs).

The major challenge for community-based monitoring was that the monitoring information neither reached the District Authorities nor the central government i.e. TFS (FBD by then). This means that the roles of TFS and District Authorities in supporting PFM at the local level were obscured due to lack of smooth flow of monitoring information.

- ✓ TFS is supposed to provide technical and policy guidance to improve standardization, harmonization and quality control in the wide array of approaches implemented across the country
- ✓ District Authorities are supposed to provide direct technical support and coordination of similar initiatives at the local level

Thus, a sound monitoring system needs to strike a balance between costs required to ensure that monitoring information flows upwards while at the same time oversight from TFS and technical support from the District Authorities flow downwards to communities. Innovative mobile-phone based monitoring systems have the potential to ensure adequate upward flow of monitoring information and downward flow of targeted policy and technical support at lowest costs.

3.3 Utilization of forest patrol reports for forest management decisions

The patrol teams report directly to their Village Council expecting to initiate management appropriate decision-making processes. Adequate utilization of the monitoring information for decision-making requires that a forum for discussion of the data is created to ensure wide participation of community members in reaching decisions related to monitoring data.

- ✓ Therefore, monitoring systems must be integrated to the village statutory meetings i.e. VC and VA.

In addition, lessons from Ngumburuni Forest Reserve in Rufiji District suggest that VC, District Authorities and other local stakeholders may not be quick in responding to patrol reports due to accountability and corruption challenges. Furthermore, due to inadequate analytical skills, local decision-making on the basis of the forest monitoring data/patrol reports were based on one-off patrol event rather than trend analysis.
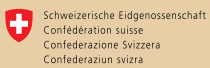
- ✓ Thus, in order to ensure adequate utilization of forest monitoring data for sound local decision-making and accountability the system need to link to District Authorities and TFS As noted earlier, this linkage can be achieved with locally affordable investment and running costs through application of mobile monitoring systems.

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