

Tanzania Coastal Management Partnership

Institutional and Policy Matrix

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Tanzania Coastal Management Partnership

Developing an Integrated Coastal Zone Management Policy for Tanzania

Institutional and Policy Matrix

A Report Prepared for the Tanzania Coastal Management Partnership

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Executive Summary

This matrix indicates how the issues identified by TCMP for inclusion in national ICM policy are addressed in existing policies, legislation and plans.

The matrix is an input to the Green Paper regarding proposals and options for the institutional framework for implementing the ICM policy.

Part One describes the status of each policy, legislation and plan by identifying the functions and the authority of the agency responsible for their implementation, the implementation strategy and gaps and conflicts between the policies, legislation and plans.

Part Two summarizes the various laws that are related to integrated coastal management and their enforcement record. The detailed nature of the information required in law enforcement necessitated separate treatment.

Part Three contains an organizational diagram showing the linkages between various agencies responsible for coastal management and how they fit in the existing government structure and a summary of the responsibilities of the various line-ministries and local government authorities that have a stake in integrated coastal management.

The following conclusions can be drawn from the matrix:

1. The multitude of policies, plans, laws and a mosaic of uncoordinated sectorally based central government agencies related to one or more of the components of coastal management are a potential recipe for conflicts in coastal management.
2. Cross-sectoral collaboration and coordination in the formulation of relevant policies and action plans and legislation, based on the identification of the roles of the various stakeholders is either very poor or lacking.
3. Coordination between different government agencies involved in natural resources management and conservation is poor. Formal inter-sectoral coordination in the management of natural resources and when carrying out environmental impact assessments as well as integrated system for natural resource management and planning are inadequate or altogether lacking.
4. There are a number of gaps in policies, plans and legislation and conflicts between and among sectoral central government agencies and local government levels with regard to decision-making in coastal management related matters and in marine resources conservation and utilization.
5. Frequent changes in the responsibilities and structures of various sector ministries have not been followed by revision in the respective sectoral legal framework.

6. The exclusion of local communities from planning, managing and conserving marine resources, and the abject poverty of coastal communities pose a threat to coastal areas and marine resources and could become a stumbling block in implementing ICM policy.
7. The involvement and participation of local communities in resource management and sharing of benefits though recognized in newly formulated biodiversity-related policies, has yet to be legally mandated.
8. Existing biodiversity-related legislation, which address albeit minimally the issue of coastal management is poorly enforced.
9. The role of line-ministries and local government authorities as regards to coastal management is unclear.
10. Lower level local governments are subordinated to higher level local governments regarding development planning, financial issues and making of by-laws.
11. Linkages and coordination between the central and decentralized levels are very weak.
12. Research and training institutions lack strategies for tackling the issue of lack of research and training for coastal management, which has contributed to lack of human and institutional capacity for policy implementation and managing coastal resources.

Methodology

In gathering information for the matrix a number of institutions were visited and a couple of individuals in those institutions were interviewed. A list indicating this appears in Annex II. We are greatly indebted to all of them.

Also a number of relevant documents including legislation, policies, plans and articles were collected and reviewed. The Main Library of the University of Dar es Salaam particularly the Biodiversity Section and the Library of the National Environment Management Council served as a precious hub and source of most of the basic literature for the matrix.

Limitations of the study

Due to exigencies of work and time constraint the research was limited to Dar es Salaam and Dodoma only. In the course of collecting materials and conducting interviews we faced a number of hurdles and challenges such as:

- Lack of data on enforcement record and scientific data on resource extraction.
- Difficulties in arranging for interviews with key central government officials because of their busy working schedules thus affecting the time framework that was allocated for the study.
- Difficulty in unearthing vital information from public officials especially on institutional framework based on current civil service reforms, which are classified as "highly confidential."
- Most information and knowledge on coastal management is personalized and thus carried in peoples' heads and not written down and published consequently contributing to a dearth of literature on natural resource policy analysis and institutional arrangements for coastal management in Tanzania.

List of Abbreviations and Acronyms

COSTECH:	Commission for Science and Technology
CBO(s):	Community-Based Organization(s)
CEEST:	Centre for Energy, Environment, Science and Technology
CRO:	Customary Right of Occupancy
CSR:	Civil Service Reform
DAWASA:	Dar es Salaam Water and Sewerage Authority
DoE:	Division of Environment
DoF:	Division of Fisheries
DoW:	Division of Wildlife
DSFA:	Deep Sea Fishing Authority
EEZ:	Exclusive Economic Zone
EIA:	Environmental Impact Assessment
EMDI:	Environmental Management Development in Indonesia
FBD:	Forestry and Beekeeping Division
GASCO:	Gas Utility Operation Company
GN:	Government Notice
ICMP:	Integrated Coastal Management Policy
IMS:	Institute of Marine Sciences
IRA:	Institute of Resource Assessment
LA:	Land Act
LGR:	Local Government Reform
MAC:	Ministry of Agriculture and Cooperatives
MCI:	Ministry of Commerce and Industry
MEM:	Ministry of Energy and Minerals
MFAIC:	Ministry of Foreign Affairs and International Cooperation
MJCA:	Ministry of Justice and Constitutional Affairs
MLHSD:	Ministry of Lands and Human Settlements Development
MNRT:	Ministry of Natural Resources and Tourism
MMP:	Mangrove Management Project
MoW:	Ministry of Water
MPRU:	Marine Parks and Reserves Unit
MRALG:	Ministry of Regional Administration and Local Government
MRD:	Mineral Resources Department
NAEP:	National Agriculture Extension Programme
NALERP:	National Agriculture and Livestock Extension Rehabilitation Project
NARLM:	National Agricultural and Livestock Research Masterplan

NEAP:	National Environmental Action Plan
NEMC:	National Environment Management Council
NIDP:	National Irrigation Development Plan
NGO:	Non-governmental Organization
NLAC:	National Land Advisory Council
NLUPC:	National Land Use Planning Commission
PA:	Protected Area
Reg:	Regulation
PMO:	Prime Minister's Office
PO:	President's Office
PRA:	Participatory Research
R&D:	Research and Development
RUBADA:	Rufiji Basin Development Authority
RWRI:	Rwegarulila Water Research Institute
SRO:	Statutory Right of Occupancy
TAFIRI:	Tanzania Fisheries Research Institute
TAFORI:	Tanzania Forestry Research Institute
TIC:	Tanzania Investment Centre
TCMP:	Tanzania Coastal Management Partnership
TCZDP:	Tanga Coastal Zone Conservation and Development Programme
TOSCA:	Tanzania Official Certification Agency
TPDC:	Tanzania Petroleum Development Corporation
TPDF:	Tanzania Peoples Defense Force
TPRI:	Tropical Pesticides Research Institute
TWRI:	Tanzania Wildlife Research Institute
UCLAS:	University College of Lands and Architectural Studies
UDSM:	University of Dar es Salaam
VC:	Village Council
VLA:	Village Land Act
VPO:	Vice President's Office
WDC:	Ward Development Committee

PART ONE:

Institutional and Policy Matrix

Issue categories	Policy	Legislation	Plans	Responsible agency	Implementation strategy	Conflicts
<p>Maintaining & improving coastal village well being & livelihoods</p> <ul style="list-style-type: none"> • Small scale agriculture • Artisanal fisheries • Coastal forests and mangrove cutting <p>Poverty alleviation</p>	<p>Agricultural & Livestock Policy 1997 - Improvement of rural areas living standards through increased income generation from agricultural and livestock production, processing and marketing. - Development & introduction of new technologies to increase productivity of labour & land.</p> <p>National Land Policy, 1995 - Retains dual land tenure system. - State ownership of all land.</p> <p>National Fisheries Sector Policy and Strategy Statement 1997 - Allocation and utilization of fisheries resources in favour of rural community.</p> <p>National Forest Policy - Community-based and village creation & ownership of forests and trees; grant owner rights of indigenous species including reserved species to village institutions. - Joint management agreements between central government and local communities & equitable stakeholders' benefit sharing.</p> <p>Wildlife Policy of Tanzania 1998 - Involvement & participation of local communities in wildlife conservation in and outside PA network through wildlife management areas and sharing benefits accruing therefrom.</p> <p>Mineral Policy of Tanzania - Transforming artisanal mining into more organized and modernized small-scale mining.</p>	<p>Plant Protection Act, 1997 - Prevents introduction & spread of harmful organisms. - Controls importation & use of plant protection substances. - Regulates exports and imports of plants and plant products and ensures fulfillment of international commitments. - Entrusts all plant protection regulatory functions to Government.</p> <p>Land Act, 1998 - Statutory right of occupancy (SRO) - right to use and occupy land through Certificate of Title.</p> <p>Village Land Act, 1998 - Customary right of occupancy (CRO) – right to use and occupy land through Certificate of Customary Land issued by village council and registered at District Land Registry.</p> <p>Wildlife Conservation Act, 1974</p> <p>Forest Ordinance</p> <p>Fisheries Act</p> <p>Local Government (District & Urban Authorities) Acts, 1982</p> <p>Regional Administration Act, 1997</p> <p>District & Village by-laws</p>	<p>National Agriculture & Livestock Extension Rehabilitation Project (NALERP)(1989)</p> <p>National Agriculture Extension Programme (NAEP)</p> <p>National Irrigation Development Plan (NIDP) - Implementation of major river basins schemes. - Formation of Water Users Associations & Irrigation Cooperatives.</p> <p>National Forest Action Plan</p> <p>Management Plan for the Mangrove Ecosystem in Tanzania, 1991</p> <p>Declaration on Poverty Eradication in Tanzania November, 1998 - Declares the government resolve to eradicate abject poverty by 50% by the year 2010 and by 100% by the year 2025.</p> <p>Mkakati wa Taifa wa Kusimamia Utekelezaji wa Sera za Kuondoa Umasikini (National Strategy for Implementing Poverty Eradication Policies) June, 1998</p>	<p>MAC - Provides improved phytosanitary & plant inspectorate services to prevent spread of plant diseases & introduction of exotic plant pests through importation of plant materials. - Establishes supervisory and regulatory instruments to register, license, monitor and supervise manufacturers, importers, distributors and users of plant protection inputs.</p> <p>TOSCA - Regulates seed industry.</p> <p>TPRI - Conducts research on pesticides.</p> <p>MLHSD PMO VPO - poverty alleviation programmes.</p> <p>NGOs & CBOs</p> <p>MRALG - District Councils. - Village Assembly/ Village Councils.</p>	<p>Gradual transfer of managing extension services from central to local government.</p> <p>Strengthening labour saving technologies, encourage cooperation among women, support their participation in planning and management of development programmes.</p> <p>Women to acquire land in their own right through purchase and allocation.</p> <p>Ensure aquaculture development does not affect local communities livelihood and their access to fishing grounds.</p> <p>Encourage formation of fisher associations, cooperative groups and support their activities.</p> <p>Transforming and upgrading artisanal mining into organized and modernized mining and streamlining and simplifying the licensing of artisanal miners and mineral dealers.</p>	<p>Wildlife conservation, forestry, pastoralism and agriculture conflict.</p> <p>Grant of aquaculture rights in fishing grounds of local people block their access to source of livelihood and income.</p> <p>Allocating land for aquaculture in mangrove forest areas along the coast conflict with conservation.</p> <p>Insecure land tenure is a disincentive to investment and conservation.</p> <p>Lack of tree tenure under existing forest laws contradicts National Forest Policy idea of granting village institutions user rights including rights to indigenous trees and allocation of forest to private individuals.</p>

<p>Managing geographical areas of concern, including critical habitats</p> <ul style="list-style-type: none"> • Coral reef management • Mangrove management • Marine Protected Areas • Regional, District, Village site/area planning <p>Village Council and District Land Allocation Committee</p>	<p>National Fisheries Sector Policy and Strategy Statement, 1997 - Involvement of fisher communities in planning, development and management of fishery resources. - Pursue fisheries integrated programme of effective management of coastal zone.</p> <p>National Forest Policy 1998 - Management & control of mangroves similar to terrestrial forest reserves.</p> <p>Water Policy 1991 - Protection, conservation and prevention against pollution of water sources. - Industrial and domestic solid wastes collection and proper dumping. - Domestic & industrial effluent treatment before discharging into receiving water bodies.</p> <p>National Land Policy - District Councils in collaboration with Village Councils to develop local land use plans. - Village land use plans basis for guiding agriculture, livestock, forestry, wildlife, fisheries & environmental conservation.</p> <p>National Environmental Policy - Appreciates that pollution and poor management threatens coastal and marine waters productivity. - Objective: ensuring sustainability & equitable resource use, preventing environmental degradation, and conserving biological diversity.</p>	<p>Fisheries Act 1970 - Fisheries (Explosives, Poisons and Water Pollution) Regulations, 1982, GN 109/82. - Fisheries Principal Regulations, GN 317/89 GN 189/97. Marine Parks and Reserves Act 1994 - Establishes marine parks & reserves. Deep Sea Fishing Authority Act 1997 - Regulates deep sea fishing in Exclusive Economic Zone. Territorial Sea & Exclusive Economic Zone Act 1989 Forest Ordinance, 1957 Local Government (District Authorities) Act 1982 Water Utilization (Control and Regulation) Act, 1974 - Licensing of water use. Water Utilization (Control and Regulation) (Amendment) Act No.10 of 1980 - Provides legal powers for application of temporary water quality standards. Public Health (Sewerage and Drainage) Ordinance - Empowers Urban Authorities to prohibit draining of certain substances into public sewers. - The Mining (Environmental Management and Protection) Regulations, 1999. - EIA is mandatory for all mines within a National Park, Game Reserve and Sanctuaries, Conservation Areas, Forest Reserves or any reserved areas, Marine park or reserve. - Mangrove swamps and coastal areas and marine ecosystems are "sensitive areas."</p>	<p>- Five years action plan. - One year detailed work plan for policy implementation.</p> <p>Tanzania Forest Action Plan 1990/91 – 2007/08</p> <p>Management Plan for the Mangrove Ecosystem in Tanzania, 1991</p> <p>Mangrove Management Project (MMP)</p> <p>Kipumbwi-Sange Collaborative mangrove Management Plan</p> <p>Tanga Coastal Zone Conservation and Development Programme (TCZCDP)</p> <p>Town/City Master Plans</p>	<p>MNRT FBD WD DoF - Policy formulation & implementation overseeing. - Sectoral planning, budgeting, & performance monitoring. - Legislation formulation, review, enforcement & surveillance.</p> <p>MPRU - Establishes, monitors, controls, manages & administers marine parks & reserves.</p> <p>LGA - Artisanal & small scale fisheries operations licenses. - Law enforcement & issuing by-laws. - Revenue collection. - Propose biodiversity conservation areas for gazettement as protected areas. - Involvement in management of aquatic and coastal protected areas (marine parks). - Management of local government/village forest reserves.</p> <p>MNRT MFAIC MoW - Regulatory functions of water resources management and development. - Water quality and waste water pollution monitoring.</p>	<p>Control and/or ban destructive fishing and processing methods.</p> <p>Promote protection of fragile ecosystem, ecosystem processes and conservation of biodiversity.</p> <p>Protect vulnerable species, habitats and areas of special ecological significance by according them special legal status.</p> <p>Discourage mining of live coral.</p> <p>Promote collaborative management approaches with user communities in marine protected areas.</p> <p>Establish village forest reserves & grant village institutions appropriate user rights including rights to indigenous species.</p> <p>Establish legal framework for promotion of private & community-based ownership of forests & trees.</p> <p>Communities to be granted rights to retain revenue accruing from products and services derived from community-managed forests.</p> <p>Transforming and upgrading artisanal mining into organized and modernized mining.</p> <p>Streamlining and simplifying the licensing of artisanal miners and mineral dealers.</p>	<p>Regulation of fisheries within territorial sea by relevant Ministries and Deep Sea Fishing Authority in the EEZ.</p> <p>Certain types of restricted nets still being manufactured or imported.</p> <p>Salt making licenses issued by Commissioner for Minerals, and land titles Commissioner for Lands & water rights by Ministry of Water conflict.</p> <p>Issue of licenses for cutting mangrove poles and for construction of salt pans by local authorities continue despite national ban on cutting down mangroves imposed in 1987.</p> <p>Agricultural activities within Mangrove Forest Reserves pose serious threat.</p> <p>Expansion of existing towns and establishment of new towns take place on customary land.</p> <p>No legal procedures for extinguishing customary land before reallocation hence conflict between urban authorities and village governments of enclosed villages: and statutory tenure and unextinguished customary land rights.</p>
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<p>Information availability for use in making decision</p>	<p>National Science & Technology Policy for Tanzania 1996 -To stimulate generation of scientific and technological knowledge for socio-economic development. -Promote rational utilization of natural resources, including energy resources, and environmentally sound technologies for sustainable ecological and social balance.</p>	<p>Tanzania Commission for Science & Technology Act, 1986 - Establishes Commission for Science & Technology (COSTECH). COSTECH: - Is Government's principal advisory organ on all scientific & technology matters including training & recruitment of research personnel & instruction on scientific subjects in educational institutions. - Formulates policy on development of science & technology & recommends its implementation to government. - Monitors & coordinates scientific research & technology development of all concerned persons. - Acquires, stores & disseminates scientific & technical information.</p> <p>Tanzania Fisheries Research Institute Act, 1980 - Establishes Tanzania Fisheries Research Institute (TAFIRI).</p> <p>University of Dar es Salaam Act, 1970</p> <p>Tanzania Forestry Research Institute Act, 1980</p>	<p>Tanzania Fisheries Research Institute 1998/99 Fisheries Research Action Plan -Fishery statistics and stock assessment. -Aquaculture development.</p> <p>National Agricultural & Livestock Research Masterplan (NALRM) -Appropriate scientific & technical knowledge to local conditions.</p> <p>National Forest Research Master Plan 1991-92</p>	<p>COSTECH -COSTECH's comprises research & development advisory committees composed of various research institutions & line government ministries and departments. -Research & Training Institutions affiliated to Costech include:</p> <p>Tanzania Fisheries Research Institute</p> <p>Institute of Marine Sciences (UDSM)</p> <p>Kunduchi Fisheries Training Institute</p> <p>Mbegani Fisheries Development Centre</p> <p>Rwegarulila Water Resources Institute (RWRI)</p> <p>University College of Lands and Architectural Studies (UCLAS) – Environmental Engineering</p> <p>Water Resources Training Programme (UDSM)</p>	<p>Creation of high levels centres of learning for post graduate training and research in science and technology through strengthening existing ones or establishing new ones.</p> <p>Creation of mechanism to plan & coordinate research efforts.</p> <p>Financial support to both research and development.</p> <p>Establishing mechanism of acquiring & managing science & technology information system.</p>	<p>Institutions affiliated to COSTECH which are autonomous research bodies established under their respective laws with similar powers as those of COSTECH, consequently this has made it difficult for COSTECH to monitor and coordinate research activities of these bodies.</p> <p>Further still COSTECH's research and development advisory committees are composed of members from COSTECH's affiliated institutions thus amounting to duplication of effort and is a fertile ground for conflict.</p> <p>COSTECH has found it difficult to book any of its affiliated institutions if they hinder or obstruct it in carrying out its statutory functions because they are more or less equals forming one big statutory creature!</p> <p>The fact that the law which establishes COSTECH empowers it to formulate policy on development of science and technology and recommend its implementation by government contradicts recent civil service reforms under which the policy formulation, controlling and regulatory functions are exclusively reserved for the government.</p>
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<p>Extraction of coastal resources leading to erosion</p> <ul style="list-style-type: none"> • Sand mining • Quarrying • Coral extraction 	<p>Mineral Policy of Tanzania 1997 -Developing and enabling legal, regulatory, fiscal and institutional environment for private sector investment in mining.</p> <p>National Investment Promotion and Protection Policy - Encourages investments in "areas of national priority" which include natural resources (fishing and fish farming) and tourism (operation of tourist hotels).</p> <p>National Environmental Policy - Provides guidance for proper & balanced use of natural resources & defines sectoral responsibilities for environmental management. - Objective: to control destructive fishing and processing methods by regulation and support, severely combating dynamite fishing and use of poisonous chemicals in fishing.</p> <p>National Land Policy, 1995 - Encourages optimal use of land resources. - Provides specifically that sensitive areas to be protected and not to be allocated to individuals. - Stipulates that all beaches shall be public and waterfront development shall be regulated. - Calls for preparation of detailed land use plans for land development.</p>	<p>Mining Act, 1998 -Regulates issuing of renewable mining licenses for minerals and gemstones, including building materials (sand, soil & stones). -A mining license confers on holder exclusive rights to prospect for and mine minerals and gemstones.</p> <p>The Mining (Salt Production and lodation) Regulations, 1999</p> <p>Marine Parks & Reserves Act, 1994 -Prohibits any construction or any activity within a marine park without first undertaking EIA. -Requires general management plan & regulations for every marine park. -Prohibits mining in a marine park unless permitted under general management plan or regulations. -Possession of any weapon, explosive, trap or poison or making of salt or destroying, defacing or removing any object within a marine park or reserve is prohibited.</p> <p>Fisheries Act 1970 & Regulations Tanzania Investment Centre Act, 1997</p>	<p>TIC Investor's Guide Book</p> <p>NEMC EIA Procedures and Guidelines</p>	<p>Ministry of Energy and Minerals</p> <p>Mineral Research Division -Administers mining laws & regulations. -Issues and administers all types of mineral rights and mineral trading licenses. -Collects revenue arising from mining development.</p> <p>Local Government Authorities</p> <p>District Councils -Issue sand mining licenses.</p>	<p>Harmonizing mining laws with other statutes directly or indirectly affecting mineral sector.</p> <p>Ensuring environmental protection and land reclamation.</p> <p>Setting appropriate guidelines for mining in restricted areas such as forests, national parks, sources of water and other designated areas.</p> <p>Requiring EIA and environmental action plans for new mining projects.</p> <p>Fisheries Division cooperates with Navy and Marine Police to combat dynamite fishing.</p>	<p>Mining laws allow grant of mining rights in protected areas such as forests, national parks, sources of water and other designated areas.</p> <p>Minister responsible for minerals designates area of land for mining and application for mining licence in respect of that area (land) is made to him and not to Minister responsible for land matters and/or protected areas.</p> <p>Marine Parks & Reserves Act prohibition for any person to engage in aquaculture within a marine park or reserve except according to regulations conflicts with National Land Policy object of allocating land for large scale fish farming.</p> <p>The Marine Parks and Reserves Act also allows responsible Minister to make regulations for operation of hotels and other facilities for use of visitors to a marine park.</p> <p>The Act also allows deposit or discharge of sewage, litter, rubbish etc. within a marine park by permission of warden and consistent with GMP.</p> <p>District Councils issue sand mining licenses without adequate control and monitoring.</p> <p>Lack of legally mandated EIA procedures and guidelines contradicts the idea of sustainable development stipulated in new resource policies.</p>
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<p>Supporting local initiatives, decision making for inter-sectoral developments balancing local & national jurisdiction</p>	<p>Policy Paper on Local Government Reform, 1998</p> <ul style="list-style-type: none"> - Local government councils to be most important political body within its jurisdiction. - Creates system of inter-governmental relations & central government with over-riding constitutional powers. - Line ministries to retain policy making; capacity building support; monitoring & quality assurance and regulatory functions. - Minor local government taxes to be reduced; simplify local government tax structure; & streamline the administration. - Restrict government powers vis-à-vis local councils to legal regulation with local governments' decisions. - Sector legislation to be subsumed under amended local government legislation and to adhere to local government reform principles. <p>National Environmental Policy</p> <ul style="list-style-type: none"> - Local authorities responsible for overseeing planning processes, establishing local environmental policies and regulations and educating and mobilizing public to promote environmental objectives. - District, Ward and Village Councils' environmental committees to coordinate and advise on implementation of environmental policy and programmes. <p>National Land Policy, 1995</p> <ul style="list-style-type: none"> - Promoting local community participation in planning, integrating, and coordinating the actions and resources of various sectoral implementing agencies including those in private and popular sector. 	<p>Local Government Laws viz:</p> <ul style="list-style-type: none"> -Local Government (District & Urban Authorities) Acts, 1982; Local Government: Finances Act, Service Act, Negotiating Machinery Act, Regional Administration Act, 1997 & District Corporations Act, 1973 reflect centralist vision of local government; are ambiguous about central-local government relations features; and are based on ultra-vires approach to legislation. -Minister has wide powers and implementation functions. <p>Local Government Laws (Miscellaneous Amendment) Act, 1998</p> <ul style="list-style-type: none"> -Amends all local government & related laws and aims at making local authorities more autonomous in managing their own affairs. <p>Regional Administration and Local Government Act, 1997</p> <p>Constitution of United Republic of Tanzania, 1977 Articles 145 & 146:</p> <ul style="list-style-type: none"> -Provides narrow scope for concept of local government. -Restricts concept of local government by emphasizing local government "institutions" rather than system of local government. 	<p>Local Government Reform Programme</p> <ul style="list-style-type: none"> - Draft Action Plan and Budget for 1998/99 (Prime Minister's Office) June 1998. - Sets out government's vision of a new local government system. - Role of central government and sectoral ministries is policy making, regulation, monitoring, performance assessments and interventions to ensure legality of public service provision. <p>Local Government Reform Agenda 1996-2000</p> <ul style="list-style-type: none"> - Summarizes government's visions and objectives for local government reform. - Overall objective is to improve public services delivery through decentralization (political, financial & administrative) by making local authorities more democratic and autonomous within framework established by central government. 	<p>PMO MRALG</p> <ul style="list-style-type: none"> - Minister responsible for local government co-ordinates central-local relations particularly all sectoral ministries initiatives on related local government matters and issues regulations and guidelines within policy areas specified in law. - Councils constitute highest political authority within local government jurisdiction and pass annual budget, development and sector plans according to regulations. - Village Councils (VC) and Ward Development Committees (WDC) will have functional responsibilities as delegated by higher level local authorities. -Central government & sectoral ministries role & functions that is, Agriculture, Livestock, Water & Sanitation, Health, Transport, Energy, Mining, Lands, Industry, Tourism, Wildlife, Forestry & Fisheries etc. will be: <ul style="list-style-type: none"> - Policy-making - Regulatory - Control - Monitoring & - Evaluation 	<p>Three phased implementation for in-depth local government reform changes, each phase to include one-third of all districts and urban councils started in January, 1999.</p> <p>Amending Local Government Laws during 1998/99.</p> <p>Coordination mechanism for central-local government relations both with respect to division of revenue sources and public revenues and with respect to sector legislation, regulations, policies and guidelines to be established.</p> <p>New local government organizational structure not to be uniform, each Council to adopt own organization and staffing arrangements.</p>	<p>Local Government Reform Policy statement that local government councils are autonomous in policy making, operational decisions & by-laws making without interference by central government is inconsistent with State ownership of all natural resources, central government ministerial powers of policy formulation, and by-law making under sectoral natural resource legislation.</p> <p>Lower level local governments are subordinated to higher level local governments regarding development planning, financial issues and making by-laws.</p> <p>Revised Local Government Acts authorize central government to regulate and monitor local councils.</p> <p>Does not specify scope of regulations by Minister and their relation to sectoral legislation.</p> <p>Amended Local Government Laws do not provide specifically for environmental committees as stipulated in National Environmental Policy.</p> <p>District Councils consider & approve village council by-laws and regulate and monitor collection and utilization of revenue of village councils.</p>
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<p>Inadequacy of human and institutional capacity</p> <ul style="list-style-type: none"> • Mandates to build human capacity 	<p>National Environmental Policy, 1997</p> <ul style="list-style-type: none"> - Greater institutional capacity is a prerequisite for the conception, planning and management of appropriate policy proposals, policy analysis and the formulation of strategic policy decisions. - Capacity to assess and articulate needs, form networks and create partnerships, and develop technical and management solutions in a field with diverse issues and interests as the environment, require substantial expertise. - Capacity to analyze data and information, to generate policy options and design management measures based on available data, and apply and enforce them. - Adequate facilities and trained personnel. - Establishment and strengthening of institutions responsible for systematic monitoring of the state of the environment to cover for environmental information gaps. <p>National Forest Policy, 1998</p> <ul style="list-style-type: none"> - Capacity of most government agencies responsible for natural resources to respond to future challenges is weak. - Professional and specialist training is inadequate and training curricula not updated to meet multiple-use forestry needs. - Practical aspects of training are weak and curricula does not provide for sufficient possibilities for specialization. 	<ul style="list-style-type: none"> - Section 17(1) of the Land Act, 1998 establishes a National Land Advisory Council (NLAC) of not less than seven members and not more than eleven members appointed by the Minister and the Chairman appointed by the President. <p><u>NLAC Functions:</u></p> <ul style="list-style-type: none"> - To review and advise the Minister on the National Land Policy and recommend changes where necessary; - To review institutional framework and advise the Minister on jurisdiction and organizational structures of the institutions involved in land matters; - Comment on the drafts of any regulations and forms proposed to be made under the Act. <p>The Instrument for Allocation of Business to Department and Assignment of Responsibilities to Ministers, GN No.720 published on 15/12/95 stipulates that each sector ministry is responsible for manpower development.</p>	<p>Tanzania Fisheries Research Institute Fisheries Research Action Plan, 1998/99</p> <p>National Agricultural & Livestock Research Master Plan</p> <p>National Forest Research Master Plan 1991-92</p>	<ul style="list-style-type: none"> - All Line Ministries are responsible for manpower development within their respective areas of jurisdiction. <p>The Institute of Marine Sciences (IMS) in collaboration with line ministries and training institutions will be responsible for developing a curriculum for and in conducting short-term courses in coastal management geared at training coastal managers.</p> <ul style="list-style-type: none"> - Learning by doing supported with professional in put particularly in: <ul style="list-style-type: none"> - Water quality control - Resource survey and mapping e.g GSI etc. - Environmentally friendly mining technologies. - Agricultural extension services. - Local level environmental governance. <p>TAFIRI UDSM UCLAS</p>	<p>Water Policy, 1991</p> <p>To increase number of experts to internationally accepted ratio of 1:5:25 i.e 1 engineer to 5 technicians and 25 auxiliary technicians</p> <p>On the job-training for in-service staff.</p> <p>Review Water Resources Institute curriculum to emphasize practical training.</p> <p>Collaborate with UDSM to train more water engineers.</p> <p>To conduct training of village water project assistants and educate people on importance of water projects.</p> <p>National Forest Policy</p> <p>To ensure adequate and competent professional and technical staff to manage the forest sector, sufficient resources will be provided to strengthen existing forestry training institutions.</p> <p>Develop demand-driven regular manpower needs assessment, curricula review and training planning system.</p> <p>Promote international and regional cooperation in forestry training and links between forest sector training institutions.</p>	<p>Lack of coordinated training among institutions responsible for training coastal zone management professionals and compartmentalized nature of existing training contradict the idea of creating all-round coastal managers.</p>
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<p>Shorefront planning of economic activities</p> <ul style="list-style-type: none"> • Tourism • Oil and gas • Agriculture 	<p>National Land Policy, 1995 - Construction of tourist hotels, residential buildings & recreational activities along the coastline/islands shall be regulated to prevent coastline erosion & ensure public access. - Coastline development shall be done after EIA study has been carried out - A Coastal Zone Integrated Development and Management Programme will be prepared for conservation of both land and aquatic environments.</p> <p>Mineral Policy of Tanzania, 1997 - Talk of stimulating exploration & mining development but no mention of oil & gas.</p> <p>The Energy Policy of Tanzania, 1992 - To develop and utilize natural gas resources - Policy is under review – too ambitious, ineffective, & outdated.</p> <p>National Investment Promotion Policy, 1990 - To maximize utilization of nation's natural and other resources.</p> <p>National Environmental Policy, 1997 - Prevention, reduction and control of pollution of the marine and coastal waters, including that from land-based sources of pollution.</p>	<p>Land Ordinance</p> <p>Town & Country Planning Ordinance, 1956, Cap 378</p> <p>The Town and Country Planning (Public Beaches Planning Area) Order, 1991, GN 76 published on 25/5/92 and deemed to have into operation on 24th November 1989.</p> <p>- Schedule: All that land lying within 250 meters and forming shores beaches of Indian Ocean is a planning area. - Rule 2: A planning scheme for a planning area fronting ocean must reserve strip of land of a width of not less than 60 meters from the high water mark exclusively for conservation and for strictly water-related human activities.</p> <p>The Town and Country Planning (Use Classes) Regulations, 1960 as amended in 1993</p> <p>Hotel Ordinance 1963 Tourist Agents (Licensing) Act, 1969</p> <p>Petroleum (Exploration and Production) Act, 1980 Tanzania Investment Centre Act 1997</p>	<p>National Land/Zonal Use Plans</p> <p>Town Master Plans -A blueprint plan for the physical, social & economic development of a town over a long time period of usually 20 years.</p> <p>District Land Use Plans</p> <p>Village Land Use Plans</p> <p>Model Production Sharing Contract for petroleum exploration agreements.</p> <p>"Towards a Strategy for the Conservation of Coastal Biological Diversity in Tanzania."</p> <p>Integrated Tourism Master Plan 1996</p> <p>Investors Guide prepared by TIC</p>	<p>Ministry of Lands & Settlements Development</p> <p>Local Government Authorities</p> <p>Tanzania Petroleum Development Corporation (TPDC)</p> <p>Ministry of Energy</p>	<p>To support investments for facilitating delivery of natural gas from Songo Songo and Mnazi Bay to Dar es Salaam for use in industries, transport, power generation and commercial & household sectors.</p> <p>Establishment of necessary infrastructure and make operational gas utility (GASCO) to carry out management and operation of the system.</p> <p>To maintain a legal framework that gives due guarantee of protection to investments in Tanzania.</p>	<p>Natural gas use as chemical industries feedstock including fertilizers & methanol production though economically viable will contribute to marine environment pollution.</p> <p>Acquiring marine seismic data for oil & gas extraction can destroy marine environment & life.</p> <p>Multiple land administration & allocation authorities create conflicts in land use planning & management.</p> <p>Investments along beach (beach privatization) though contributing to national economy block public access & enjoyment.</p> <p>Commissioner for lands grants land rights accompanied with development conditions, but Local Government Councils issue building permits.</p> <p>Application for investments is made to TIC and relevant ministries' comments are invited within a specified period, which upon lapsing project is endorsed as viable and Certificate of Approval is issued.</p> <p>Coastline development such as construction of tourist hotels, residential buildings & recreational activities along the coastline/islands is unregulated and done without EIA.</p>
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PART TWO: RELEVANT LEGISLATION AND ENFORCEMENT CAPACITY

Issue categories	Legislation	Enforcement Capacity																							
<ul style="list-style-type: none"> Artisanal fisheries 	<ul style="list-style-type: none"> Fisheries Act, 1970 as amended by Act No.10/1994 Fisheries (Inland Water) Regulations, GN No.22 of 1982 Fisheries Principal Regulations, 1989, GN No.377 of 1989 as amended by Fisheries (Amendment) Regulations, GN No.189 of 1997 Fisheries Regulations Miscellaneous Amendment Regulations, GN No. 624 of 1998 	<p>Offenses under GN 317/89 as amended by GN 189/97 & GN No. 624 /98:</p> <ul style="list-style-type: none"> Fishing, collecting or export fish or fish products without a valid license [Reg. 13(1)]. Fishing, killing sea turtle or possessing turtle shell or any species classified as endangered in any International Convention to which Tanzania is a party [Reg. 13(7)(e)]. Importing any live fish or fish products into Tanzania Mainland; introducing into any water, transferring any species of fish or fish products not indigenous to Tanzania Mainland or from one water to another within Tanzania Mainland or exporting any protected live fish or fish products from Tanzania Mainland [Reg. 23(1)(a)-(d)]. Possessing or using dynamite or explosive or electric device in killing fish or simplifying fishing and possessing dynamited fish at sea or lake or river, or at fish receiving station or at any other place [Reg. 25(1) & (2)]. Possessing or using poison to kill fish in any lake, river, dam, estuary or sea [Reg. 26]. Causing or knowingly permitting any solid, liquid or gaseous matter to flow or pass into water or causing water pollution in any lake, river, dam, estuary or sea water [Reg. 27(1)]. Willfully disturbing any spawn, or spawning fish or any bed, bank or shallow water in which there is spawning fish [Reg. 28(1)]. Using beach seines [Reg. 28(3)]. <p>Under Regulations 13, 23, 27 & 28, 1st offense fine not exceeding 300,000/- or imprisonment not exceeding 2 years or both. 2nd or subsequent offense fine not exceeding 500,000/- or imprisonment not exceeding 5 years or both.</p> <p>Under Regulations 25 and 26, 1st offense fine not less than 300,000/- or imprisonment not exceeding 3 years or both. 2nd or subsequent offense fine not exceeding 500,000/- or imprisonment not exceeding 4 years or both.</p> <p>Under Regulation 30 no foreign fishing vessel shall enter territorial waters without authorization by law or any treaty or international convention to which the United Republic of Tanzania is a party.</p> <ul style="list-style-type: none"> In the period 1997/98 a total of 603 fisherfolks were booked at various parts of the Tanzanian coastal area for using dynamite and "juya la kojani" in fishing. Some were fined and others received jail terms ranging from one to two years. <table border="1" data-bbox="884 1182 2041 1356"> <thead> <tr> <th>YEAR</th> <th>AREA</th> <th>OFFENSE</th> <th>PERSONS</th> <th>FINES</th> <th>JAIL TERM</th> </tr> </thead> <tbody> <tr> <td rowspan="2">1997/Aug.</td> <td>Tanga</td> <td>Dynamite fishing</td> <td>17</td> <td>40,000/- to 100,000/-</td> <td>2 years</td> </tr> <tr> <td>Tanga</td> <td>Fishing using juya & Without license</td> <td>31</td> <td>200,000/-</td> <td>2 years</td> </tr> <tr> <td>1997/July-Dec.</td> <td>Bagamoyo & Dsm</td> <td>Dynamite fishing</td> <td>12</td> <td>30,000/-</td> <td></td> </tr> </tbody> </table>	YEAR	AREA	OFFENSE	PERSONS	FINES	JAIL TERM	1997/Aug.	Tanga	Dynamite fishing	17	40,000/- to 100,000/-	2 years	Tanga	Fishing using juya & Without license	31	200,000/-	2 years	1997/July-Dec.	Bagamoyo & Dsm	Dynamite fishing	12	30,000/-	
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<ul style="list-style-type: none"> Coastal forests and mangrove cutting 	<ul style="list-style-type: none"> Territorial Sea and Exclusive Economic Zone Act, 1989 Deep Sea Fishing Authority Act, 1997 Forest Ordinance, 1959 Written Laws (Miscellaneous Amendments) Act, 1997, Act No.18 of 1997 	<p>1998/April Dar es Salaam Dynamite fishing 15 10,000/- to 15,000/-</p> <p>1998/March & April Mtwara Dynamite fishing 30 1- 2 years</p> <p>1998/May/June Dar es Salaam Fishing using juya 29 20,000/ to 30,000/- & Fishing nets forfeited.</p> <p>Under the Territorial Sea and Exclusive Economic Zone Act:</p> <ul style="list-style-type: none"> Foreigners caught fishing within the Zone without an agreement with the Union government may pay a fine not exceeding US \$ 250,000 or imprisoned for a term not exceeding 5 years or both and their vessel, structure, equipment or device will be forfeited [sec. 10(3)]. Any law relating to Fisheries, National Environment Management, Merchant Shipping, Petroleum and Mining apply in relation to exploration of natural resources and question of Marine pollution in territorial and exclusive economic zone [sec. 12(1)]. Where desirable Minister responsible for administration of the Act (Foreign Affairs) after consultation with appropriate authority and with approval of Parliament may extend application of any legislation to territorial sea and exclusive economic zone and he may where necessary, repeal and re-enact that law, amend it, or make necessary modifications to make the law consistent with its application [sec. 12(2) & (3)]. <p>Under the Deep Sea Fishing Authority Act, 1997:</p> <ul style="list-style-type: none"> The Deep Sea Fishing Authority is the licensing authority for vessels which carry fishing activities in the Exclusive Economic Zone [sec. 6(3)]. Any person who upon being called by the Authority to furnish information relevant to its work, fails to do so may be fined not less than 250,000/- or imprisoned for not less than six months or both. Subsequent offense fine of not less than 5,000,000/- or imprisonment for not less than 3 years. Further subsequent offense attracts a forfeiture of any vessel, structure, equipment or thing used in the commission of the offence [sec. 17(2)(I),(ii)&(iii)]. General offenses fine not less than 1,000,000/- or imprisonment not exceeding 2 years or both plus forfeiture of any vessel, structure, equipment, device or thing used in the commission of the offense [sec. 19(a)-(c)]. <p>Offenses under Forest Ordinance as amended by the Written Laws (Miscellaneous Amendments) Act No. 18/1997:</p> <ul style="list-style-type: none"> Cutting, removing, possessing, setting fire to or damaging any forest produce, or clearing, cultivating or breaking up for cultivation and land in any forest reserve without license or lawful authority [sec. 15(1)]. Felling, cutting, damaging or removing any reserved tree on any unreserved land without a license or lawful authority [sec. 18(1)]. <p>Penalty 300,000/- or imprisonment not exceeding 6 months plus forfeiture of any forest produce. If forest produce has been damaged or injured or removed, offender compensates Director of Forestry and Beekeeping its value in addition to any other penalty [sec. 26(1)].</p>
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<ul style="list-style-type: none"> • Coral Reef Management 	<ul style="list-style-type: none"> • Fisheries Act, No.6/1970 • Fisheries (Marine Reserves) Regulations, 1975, GN 137/1975 • Fisheries Principal Regulations, 1989, GN 317/1989 and GN 189/1997 	<p>Under the Fisheries Act, the Minister responsible for fisheries may make regulations for among other things:</p> <ul style="list-style-type: none"> • Prohibiting or restricting the collection, removal or destruction of any variety of fish, aquatic flora, fish product or product of aquatic flora. • Establishing marine parks, sanctuaries or reserves for any purpose. • Under Regulation 25 of the Fisheries Principal Regulations GN 317 of 1989, possession, or use of dynamite or explosive or electric device for purpose of killing fish or simplifying fishing is an offense.
<ul style="list-style-type: none"> • Marine Protected Areas 	<ul style="list-style-type: none"> • Marine Parks and Reserves Act, No.29/1994 	<p>Offenses under the Marine Parks and Reserves Act:</p> <ul style="list-style-type: none"> • Possessing weapon, explosive, trap or poison; engaging in aquaculture, making salt, conducting any sport fishing, tourism or destroying, defacing or removing any object within a marine park or reserve in contravention of regulations [sec. 22(1)(d),(e),(f),(g)&(k)]. • Depositing or discharging any sewage, litter, rubbish or other substance or article within a marine park or reserve, buffer zone or adjacent areas without Warden’s permission and consistent with general management plan of the marine park [sec. 24(1)(e)]. • Depositing or discharging oil, chemicals, or other hazardous substances within marine park or reserve or buffer zone or adjacent areas [sec. 24(1)(d)]. • 1st offense under sec. 24, fine not exceeding 200,000/- or imprisonment not exceeding 2 years or both. Subsequent offense fine not exceeding 400,000/- or imprisonment not exceeding 4 years or both. • 1st offense under other sections of the Act, fine not exceeding 100,000/- or imprisonment not exceeding 12 months or both. Subsequent offense fine not exceeding 150,000/- or imprisonment not exceeding 18 months. • Offenses against subsidiary regulations made under the Act where no penalty is mentioned, 1st offense fine not exceeding 50,000/- or imprisonment not exceeding 6 months. Subsequent offense fine not exceeding 100,000/- or imprisonment not exceeding 12 months. • Clean up costs and restoration of value of damaged resources is an additional penalty to fine or imprisonment as well as forfeiture.
<ul style="list-style-type: none"> • Water Quality and Pollution Control 	<ul style="list-style-type: none"> • Water Utilization (Control and Regulations) Act, No.42/1974 • Water Utilization (Control and Regulations (Amendments) Act, No.10/1981 	<ul style="list-style-type: none"> • Act No.42/74 deals mainly with water distribution and utilization. • Act No. 10/81 sets two “temporary” standards for effluent and receiving water standards, namely, those for direct discharge into receiving waters and those for indirect discharge via municipal treatment works. • Discharge of any effluents from commercial, industrial or trade systems is prohibited under the Act except with a permit and in accordance with the standards [sec. 15A(1)]. Minister empowered to make provisions regulating the procedure for making and considering applications for the grant of consents to discharge and related issues [sec. 15A(4)].

	<ul style="list-style-type: none"> • Merchant Shipping Act, No.43/1967 [Part XI – Pollution – sec.309 – pollution of sea by oil & sec. 310 – smoke] • Public Health (Sewerage and Drainage) Ordinance, Cap.336 • Land Act (LA), 1999 • Village Land Act (VLA), 1999 	<ul style="list-style-type: none"> • The Act bans any discharges from industrial or commercial systems into any area within 230 meters from a bore hole, well or other water hole [sec. 15A(1)]. • It is an offense to pollute water, stream or water course or any body of surface water “to such extent as to likely cause injury” either directly or indirectly to public health, to livestock or fish, to crops, orchards or gardens which are irrigated by such water or to any product in the processing of which such water is used. • The Offense is punishable with a fine not exceeding 1,500,000/- or a term of imprisonment not exceeding 3 years or both. A second or subsequent conviction for that offense attracts an enhanced fine. <p><u>Water pollution case record for Tanga Region (1990 – 1994):</u></p> <table border="1"> <thead> <tr> <th>Year</th> <th>No. of cases filed</th> <th>Won</th> <th>Fines</th> <th>Jail terms</th> <th>Lost</th> <th>Reasons</th> </tr> </thead> <tbody> <tr> <td>1990</td> <td>3</td> <td>2</td> <td>20,000 & 40,000/-</td> <td></td> <td>1</td> <td>Lack of sufficient evidence.</td> </tr> <tr> <td>1993</td> <td>5</td> <td>5</td> <td>70,000/- to 25,000/- or 3 to 2 years – both convicts paid the fines.</td> <td></td> <td></td> <td></td> </tr> <tr> <td>1994</td> <td>1</td> <td></td> <td></td> <td></td> <td>1</td> <td>Withdrawn</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Under section 309(2) of Act 43/67 discharging any oil or oily mixture from ship into harbour or into sea within 100 miles from the coast of United Republic is an offense. • Owner or Master of the Ship is liable upon conviction to a fine not exceeding 10,000/-. • Person providing information leading to arrest is entitled to one half of imposed fine. • Convicted person to defray expenses incurred in removing pollution or damage. • Cap 336 empowers Urban Authorities to prohibit draining of certain substances into public sewers. • Minister may order in the Gazette any general land or reserved land to be transferred to village land and vice versa [LA sec. 5(2)]. President may direct the transfer of any area of general or reserved land to village land [VLA sec.5]. • Minister may declare any area of village land a “hazardous land” - land whose development is likely to pose danger to life or to lead to environmental degradation or destruction on that land or contiguous land and it includes mangrove swamps and wetlands [LA sec. 7(1)] & [VLA sec. 6(1)]. • Local authority with jurisdiction in village advise Minister to declare Village Land as hazard land [VLA sec. 6(2)]. • Where proposed hazardous land or part of it is occupied and used under granted or customary right of occupancy, Minister reports the matter to the President who can then declare such land to be hazardous land and the declaration operates to compulsorily acquire, subject to compensation, any right of occupancy in that land [LA sec. 7(7) & (8)] & [VLA sec. 5(9) & (10)]. • President may direct Minister to transfer any area of village land to general or reserved land for public interest which include investments of national interest [VLA sec. 4(1)&(2)]. 	Year	No. of cases filed	Won	Fines	Jail terms	Lost	Reasons	1990	3	2	20,000 & 40,000/-		1	Lack of sufficient evidence.	1993	5	5	70,000/- to 25,000/- or 3 to 2 years – both convicts paid the fines.				1994	1				1	Withdrawn
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<ul style="list-style-type: none"> • Regional, District, Village site/area planning - Prescribe conditions to be satisfied by a site for any building or for any class of buildings. - Declare any area of land to be reserved for the purpose of reconditioning. - Establish, control and manage drainage and sewerage works. - Establish, control and manage recreation grounds, open spaces and parks. - Prevent water pollution, regulate or control use of water. 	<ul style="list-style-type: none"> • Local Government (Urban and District Authorities) Acts, Nos. 7&8/1982 • Local Government Laws (Miscellaneous Amendments) Act, 1998 	<ul style="list-style-type: none"> • Where village transfer land less than 100 acres in extent the Village Council must consult the Village Assembly before deciding whether or not to approve the proposed transfer [VLA sec. 4(6)]. • Greater than 100 but less than 500 acres in extent, Village Assembly decides whether to approve or refuse to approve the proposed transfer after considering Village Council and any representations by the District Council of the area where the land is situate [VLA sec. 4(6)(b)]. • Greater than 500 acres in extent the National Assembly or any of its committees must signify its approval or refusal to approve the proposed transfer but after considering Minister’s recommendation and representations by Village Council and District Council of the area where the land is situate [VLA sec. 4(6)©]. • Local Government Authorities have powers to make by-laws for carrying into effect their functions under the Act [sec.152]. - Prescribing reasonable fees, charges and tariffs to any act to be done, or any license, permit or other instrument. - To require certain things to be performed or done. - To empower prescribed persons to issue orders requiring acts or things to be performed or done. - To impose conditions and prescribe periods and dates upon, within or before which, such acts or things shall be performed or done or the conditions shall be fulfilled. • In the event of any conflict between a by-law which affects natural resources or any rule or order made under Ngorongoro Conservation Area, Cap.413, and the Range Development and Management Act, 1964, the latter shall prevail [sec. 150(5)]. • Under the Local Government (District Authorities) Act, 1982: <ul style="list-style-type: none"> - Minister make uniform by-laws for district councils respecting a specified subject [sec. 147]. - District Councils make by-laws but without over-riding or derogating from other written laws in force lodge them with Regional Commissioner for approval and comment and submit them to Minister for consent [sec. 148 & 149]. - Township Authorities make by-laws subject to approval by district council [sec. 155]. - Village Councils make by-laws by convening a meeting of the village assembly to consider proposed by-laws then Village Council consider and pass the by-laws and submit them together with minutes of the village assembly meeting to the district council for approval [sec. 163 & 164]. - Minister may also make uniform by-laws in respect of villages [sec. 165]. • Any by-law, made by or in respect of a village council for any village, may annex to the breach of the by-laws a fine not exceeding two thousand shillings [sec. 167(1)]. • No penalty of imprisonment for any term shall be annexed to any breach of any by-law made by or in respect of a village [sec. 167(2)]. • Penalties to be affixed to a breach of a village by-laws may apart from a fine, include such measures as may be deemed to be most fitting to exemplary deterrent to potential wrong-doers, to ensure the actual redress of the wrong done by the person concerned and to restore balance in the social equilibrium previously disturbed as a result of the offensive act concerned [sec. 167(3)].
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<ul style="list-style-type: none"> • Research and Training • Data Collection, Storage & Dissemination 	<ul style="list-style-type: none"> • Tanzania Commission for Science and Technology Act, 1986 (COSTECH Act) • Tanzania Forestry Research Institute Act, 1980 (TAFORI Act) • Tanzania Fisheries Research Institute Act, 1980 (TAFIRI Act) • Serengeti Wildlife Research Act, 1980 [now called Tanzania Wildlife Research Institute (TWRI) vide the Written Laws (Miscellaneous Amendments) Act, 1999] • University of Dar es Salaam Act, No.12/1970 - Institute of Marine Sciences – (IMS, Zanzibar) • Sokoine University of Agriculture Act, No.6/1984 (SUA). 	<p>Offences under the Research and Training Institutes laws:</p> <ul style="list-style-type: none"> • Under COSTECH Act, hindering or obstructing the Commission or an authorized officer without reasonable excuse in carrying out any functions under the Act attracts a fine not exceeding 10,000/- or imprisonment not exceeding 2 years or both [sec. 5(5)]. - Some of its functions is to advise the government on all matters relating to scientific research and technology development. - Monitoring and coordinating research and technology development activities of all respective persons. • Under section 5(1) of the TAFORI Act the Minister may, after consultation with the Council (COSTECH), by order published in the Gazette, declare any forest or forest reserve to be a Centre for purposes of forestry research and vest in the Institute the control and management of that Centre. • The Institute is granted right of occupancy over the land over which a Centre exists upon such terms and conditions as the President may approve, without paying any fee or duty in respect of the right of occupancy [sec. 5(3) & (4) & (6)]. • Every person engaged, or intending to engage, in any aspect of research relating to or connected with forestry within the United Republic shall, at his own expense, furnish to the Institute information relating to that research and shall make available to the Institute copies of any relevant records or findings in such form and within such periods as may be specified [sec. 9(1)]. • Contravention or failing to comply with the above is an offense the conviction of which attracts a fine not exceeding 5,000/- [sec. 9(2)]. • Under the TAFIRI Act, Minister may order any place or area to be a Centre for purposes of fisheries research and the Institute is granted a right of occupancy over the land without payment of fees or charges [sec. 5(5)]. • Section 10(1) of the Act is similarly worded as section 9(1) of the TAFORI Act save for the fine which is 10,000/- [sec. 10(2)]. • Every person engaged or intending to engage in any aspect of research relating to or connected with wildlife within Tanzania is legally obliged to furnish to the Institute information relating to the research and avail copies of relevant records or findings [sec. 10(1)]. • Contravention or failure to comply with such obligation is an offense punishable with a fine not exceeding 10,000/- [sec. 10(2)]. • Establishes the Serengeti Wildlife Research Institute to carry out research in wildlife and wildlife environment. • Under the Act the term “wildlife” means undomesticated animals, game and game birds specified in the First, Second and Third Schedules to the Wildlife Conservation Act, 1974, and their habitat and ways of life, and includes bees, fish, birds, insects and other animals which, though not specified, are related or connected to, or affect, the lives or the habitat of the specified animals, game or game birds. • Establishes the University of Dar es Salaam as a training and research institution in a number of fields. • The Institute of Marine Sciences (IMS) which is affiliated to the UDSM is responsible for conducting research in marine biology and marine science.
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<ul style="list-style-type: none"> • Sand Mining • Quarrying 	<ul style="list-style-type: none"> • Mining Act, 1998 as amended by the Written Laws (Miscellaneous Amendments) Act, 1999 • The Mining (Environmental Management and Protection) Regulations, 1999 	<ul style="list-style-type: none"> • Under the Mining Act, 1998 applications for mining license are made to the Minister, who grants an application for prospecting and mining license for building materials in respect of an area of land. A mining license confers on the holder the exclusive right to carry on mining operations in the mining area [sec. 47, 48 & 49]. The mining license is granted for a period not exceeding ten years subject to renewal [sec. 50(2)]. • Application for mining operations within National Parks, Game Reserve and Sanctuaries, Conservation Areas, Forest Reserves or any reserved areas, protected monuments, Marine Parks or Reserves requires an EIA [sec.64 of the Act and Schedule 1 of the Mining (Environmental Management and Protection) Regulations, 1999]. • No licensee, or Manager or agent of the licensee, shall cause or knowingly permit any discharge, deposit or emission of liquid, solid, gaseous or particulate material, noise or vibration, from a mine, as defined in the Act, into the environment which will cause pollution except: <ul style="list-style-type: none"> - In the case of a liquid effluent, in accordance with an authorization issued by the Water Officer under section 15A of the Water Utilization (Control and Regulation) Act, 1974 and - In accordance with any relevant standards published by the Tanzania Bureau of Standards, or where such standards do not exist, in accordance with the standards and criteria specified in Schedule 5 of the Regulations [Reg. 12(a), (b), (c) & (d)]. • Any person who breach the Regulations or fails to implement directions or to take measures or adopt procedures agreed with licensing authority commits an offense of which upon conviction attracts a fine not exceeding 1,000,000/- or imprisonment not exceeding 6 months [Reg. 20(a)]. • Artisanal and small scale miners are also required to observe good environmental practice in their operations such as not washing or sluicing along or close to rivers, streams or any water sources; not heating mercury amalgam to recover gold without using a retort; not using cyanide leaching without written approval of the Chief Inspector. Breach of these regulations attracts a fine not exceeding 50,000/- or imprisonment not exceeding 3 months or both [Reg. 46].
<ul style="list-style-type: none"> • Coral Extraction 	<ul style="list-style-type: none"> • Marine Parks and Reserves Act, 1994 	<p>Under the Marine Parks and Reserves Act</p> <ul style="list-style-type: none"> • Mining or installing any heavy industry within a marine park or reserve or outside the boundaries of marine park or reserve in a manner that causes negative effects on the marine park or reserve is prohibited unless the activity is specifically permitted under the general management plan or regulations adopted for the marine park or reserve [sec. 24(1)(b) & (c)]. • Gathering, collecting, selling or removing any fish, animal, aquatic flora, or vegetation, whether live or dead, or any sand, minerals, or aquatic substrate within a marine park or reserve has to be according regulations [sec. 22(1)(b) & (c)]. • Similarly, destroying, defacing or removing any object within a marine park or reserve [sec. 22(1)(k)]. • First offenders under the Act pay a fine not exceeding 200,000/- or get 12 months jail term or both. • Under Section 24 of the Act first offenders pay a fine of 200,000/- or 2 years jail term or both and for subsequent offense fine not exceeding 400,000/- or 4 years jail term or both. • First offenders under subsidiary legislation made under the Act pay a fine of 50,000/- or get a 6 months jail term and subsequent offense attracts a fine of 150,000/- or 12 months jail term. • Clean up costs and restoration of value of damaged resources may also be awarded as an additional punishment under the Act for certain types of offenses.

<ul style="list-style-type: none"> • Roles/responsibilities between different levels of government • Authority of local government 	<ul style="list-style-type: none"> • Local Government (District & Urban Authorities) Acts, 1982 • Regional Administration Act, 1997 • Land Act, 1999 • Village Land Act, 1999 • Executive Agencies Act, No.30/97 	<p>The First Schedule to the Local Government (District Authorities) Act lists the functions which the Minister may in specific cases confer on Local Authorities, among these being:</p> <ul style="list-style-type: none"> • Providing services for the improvement of agriculture; • Controlling or prescribing the methods of husbandry in respect of any agricultural land; • Declaring any area of land for the purpose of reconditioning; • Establishing, maintaining, operating and controlling drainage and sewerage works; • Establishing, controlling and managing recreation grounds, open spaces and parks; • Establishing and maintaining seed farms, plant nurseries, apiaries, fish ponds and animal at stud; • Establishing, providing and maintaining and controlling public water supplies and impose water rates; • Preventing the pollution of water in any river, stream, water course, well or other water supply in the area, and regulating or controlling the use of water supply; • Regulating or controlling the use of swamp or marshland; • Regulating the use and preventing the misuse or waste of or any interference with water, gas, oil or electric power. <p>It is the duty of every local government authority to make regulations in relation to these and to exercise the powers and discharge the duties conferred or imposed by the regulations to the best of its ability and resources [sec. 112(3)].</p> <p>The Schedule to the Local Government (Urban Authorities) Act, 1982 is almost similarly worded as that of the Local Government (District Authorities) Act, 1982 save for a few things.</p> <ul style="list-style-type: none"> • Minister establishes committee of officers of the Ministry at appropriate levels of government called Land Allocations Committee (LAC) to advise the Commissioner for Lands on the exercise of his powers to determine applications for rights of occupancy [sec. 12(1)]. • A local government authority, other than a Village Council, cannot make an offer of or grant any right of occupancy to any person or organization unless authorized under the Act or regulation made under it. Such purported offer or grant shall be void [sec. 14(1)]. • An application for change of use of land must be made to the Commissioner who has to consult with and take account of the views of the authority responsible for town and country planning or the local authority with jurisdiction in the area where the land is situate [sec. 35(1)&(3) (a) & (b)]. • Commissioner issues certificate of village land to every village with demarcated boundaries in the name of the President which confers upon the village council the functions of management of the village land and affirms the occupation and use of the land by the villagers [VLA sec. 7(6)]. <p>The Village Council is responsible for the management of all village land and exercises its 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 [VLA sec. 8(1)&(2)].</p> <ul style="list-style-type: none"> • Regulates the establishment and operation of semi-autonomous Executive Agencies within ambit of Government Ministries for providing public services in selected areas in a more efficient and effective manner. • Executive Agencies are headed by Chief Executive [sec. 9(1)] appointed & terminated by Minister on advice of Civil Service Commission.
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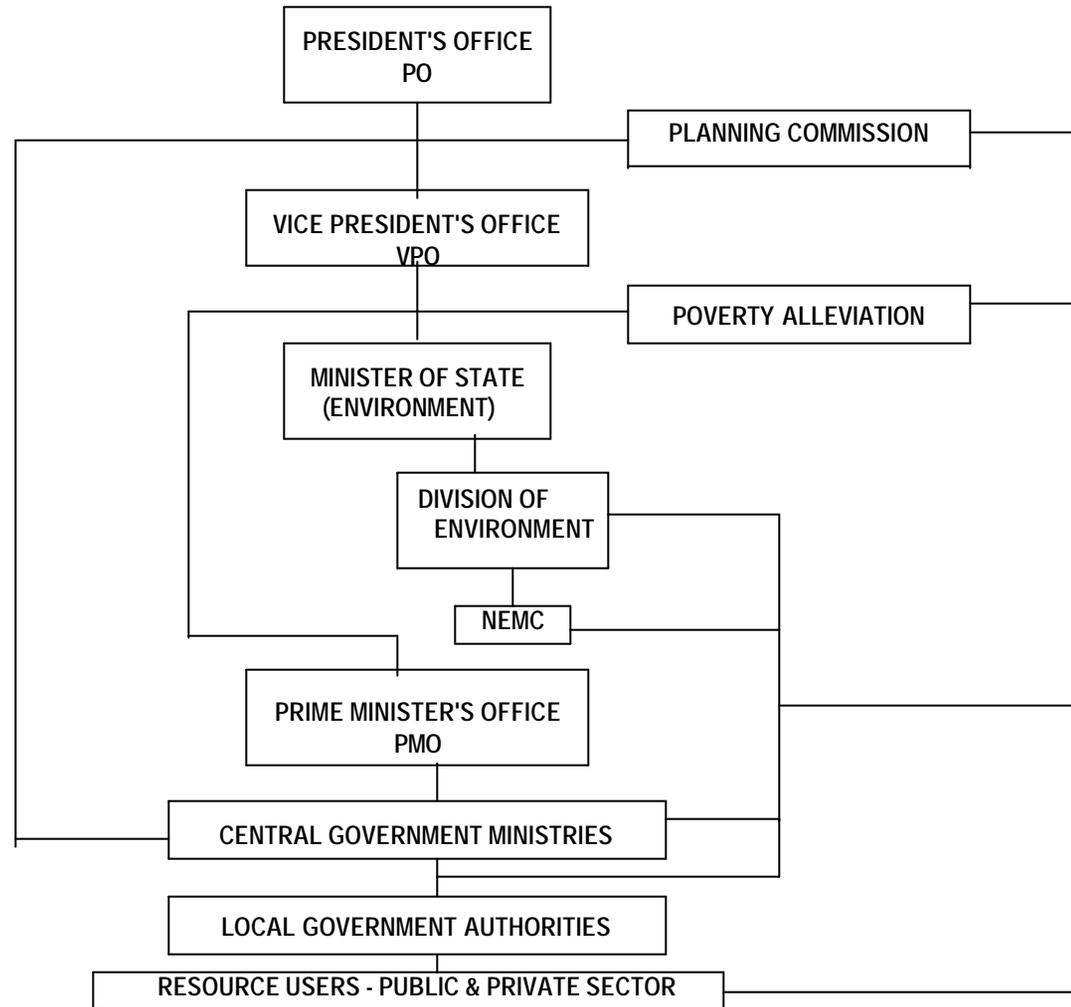
		<ul style="list-style-type: none"> The Permanent Secretary of respective ministry under which Executive Agency is established is responsible for strategic management only [sec. 5(1)] & Chairman of Ministerial Advisory Board.
<ul style="list-style-type: none"> Mandates to build human and institutional capacity 	<ul style="list-style-type: none"> Allocation of Business to Department and Assignment of Responsibilities to Ministers, GN. No. 720 published on 12/15/95 	<ul style="list-style-type: none"> According to GN.No.720 each Ministry has a responsibility to develop its own manpower. Consequently some Ministries have their own tailor-made institutions for training their respective in-house technical personnel. The Civil Service Department under the President's Office is responsible for manpower allocation, training and recruitment. The Minister for Science and Technology is responsible for the development of various local experts in science and technology.
<ul style="list-style-type: none"> Shorefront planning Agriculture Tourism Oil and gas 	<ul style="list-style-type: none"> Town and Country Planning Ordinance, 1956, Cap. 378 National Land Use Planning Commission Act, No.3/1984 	<ul style="list-style-type: none"> No development in planning area without planning consent [sec. 35]. Development and planning consent to have regard to scheme in course of preparation [sec. 37]. Town & Country Planning Control Board has powers to arrest certain development in planning area [sec. 41]. Penalty for contravention of scheme fine not exceeding 5000/- and a further fine not exceeding 100/- for every day during which default continues after conviction [sec. 71]. Local Authorities have powers to order owner of land to discontinue, demolish or remove development without planning consent or contrary to planning consent conditions [sec. 72]. Planning consent prevails over certain by-laws and rules made under the Local Government Authorities laws [sec. 80]. First Schedule to the ordinance comprises of matters of which provision may be made in schemes and Part V thereof covers amenities (4) – providing for the preservation or protection of forests, woods, trees and groups of trees. Under sec.78 the Board with approval of President may make regulations for better carrying out of the provisions and purposes of the Ordinance. Establishes National Land Use Planning Commission (NLUPC). <u>NLUPC functions under sec. 4(1):</u> <ul style="list-style-type: none"> Formulate land use planning policy & advise its implementation. Coordinate activities of all bodies concerned with land use planning. Specify standards, norms and criterion for protection of beneficial uses & maintenance of quality of land. Establish & maintain liaison with Regional & District Land Advisory Committees regarding land use planning issues & matters to ensure national & local interests in land use are taken into consideration. Prepare Regional Physical Plans and ensure their implementation by regions. Commission work through District & Regional Land Advisory Committees for overall supervision of all land use planning activities in the respective Districts and Regions [sec. 6(1)].

	<ul style="list-style-type: none"> • Planning Commission Act, No.11/1989 • The Town and Country Planning (Public Beaches Planning Area) Order, 1991, GN 76 of 25/5/92 deemed operational on 24th November 1989 • The Town and Country Planning (Use Classes) Regulations 1960 as amended in 1993 • Town and Country Planning (Application for Planning Consent) Regulations, 1960 • The Town and Country Planning (Modifications of Planning Scheme) Regulations, 1964, GN 678/64 • Land Act (LA), 1999 	<ul style="list-style-type: none"> • Hindering the Commission from performing its functions attracts a fine of 5000/- or 12 months jail term or both • Refusal or failure to comply with Commission’s call for information: fine 5000/- or 6 months or both. • Planing Commission (PC) is responsible for management of the economy and for leading the planning process & supervising implementation of the economic and social plans as approved, with a view to always secure sustained national economic growth & development within framework of national policy [sec. 5(1)]. <p><u>Functions of PC:</u></p> <ul style="list-style-type: none"> • To assess the state of national investment resources and advise the government on the efficient utilization of those resources. • Formulation & implementation of plans for effective & balanced utilization of the country’s resources. • Monitor implementation of plans & decisions. • Under the Schedule to the Regulations, all land lying within 250 meters and forming shores beaches of Indian Ocean is a planning area. • Under Rule 2 of GN 25/92, a planning scheme for a planning area fronting ocean must reserve strip of land of a width of not less than 60 meters from the high water mark exclusively for conservation and for strictly water-related human activities. • The Rule 2 defines “water-related human activities” to include tourism, aquarecreation, luxury beach hotels, fishing, boat and ship building, harbours, mining, defense and security, structures of supreme national importance. • The Regulation arranges for purposes of planning and control of development all buildings and uses of land. • Forestry including arboriculture, silviculture, apiculture, sericulture, wildlife keeping, aquaculture and eco-reserves are categorized as use group R – Plant and Animal Husbandry. • Any person who proposes to develop or make a change of use of land or buildings has to obtain a consent or permit by making an application to the Area Planning Committee or to the Local Authority under the 1960 Planning Consent regulations [Reg. 3]. • Application for grant of planning consent has to be made in writing by Area Planning Committee to the Minister responsible for town and country planning [Reg. 3 of GN 678/64]. • A non-citizen shall not be given land unless it is for investment purposes under the Tanzania Investment Act, 1997 [LA sec. 20]. • A breach of conditions of the right of occupancy gives rise to revocation [sec. 45(1)]. An attempted disposition of a right of occupancy to a non-citizen is “good cause” for the President to revoke the right of occupancy under section 45(2) of the Land Act. The President can also revoke a right of occupancy for public interest [LA sec. 45(3)].
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	<ul style="list-style-type: none"> • The Town and Country Planning (Urban Farming) Regulations, 1992 • Tourist Agents (Licensing) Act, 1969 • Petroleum (Exploration and Production) Act, No.27/1980 • Tanzania Investments Act, No.26/1997 – 	<ul style="list-style-type: none"> • An application for a right of occupancy if made by a non-citizen or foreign company, must be accompanied by a Certificate of Approval granted by the Tanzania Investment Act, 1997 and any other documentation which may be prescribed by that Act or any other law [LA sec. 25(1)(h)]. • A grantee of a grant of right of occupancy for constructing buildings must apply for planning consent under the Town and Country Planning Ordinance, and apply for a building permit under the Township (Building) Rules within six months of the grant of the right of occupancy [LA sec. 34(2)]. • Under Regulation 2 “urban farming” means the carrying out of plant and animal husbandry activities within statutory township boundaries. • No person shall occupy or use more than three acres of land for urban farming [Reg. 3(1)]. • No person shall, except where that person practices zero grazing, graze his animal in an urban area [Reg. 3(2)]. • The Act applies to Zanzibar and Mainland Tanzania [sec. 1(2)], to and in respect of the sea-bed and subsoil of the continental shelf [sec. 2]. Under the Act “exploration area” means an area of land subject to an exploration license and “land” means land in Tanzania including land beneath territorial waters and the continental shelf. • Carrying out petroleum exploration or production without a license, in case of an individual fine not exceeding 10,000/- or prison term not exceeding 2 years or both and in case of a company or corporation fine not exceeding 100,000/- [sec. 4(3)]. • A registered holder of a license cannot exercise any of his rights without the written consent of the Minister responsible for petroleum affairs in respect of inter alia, any land dedicated or set apart for any public purpose (other than mining) or any reserved area [sec. 48(1)(a)(i)&(vi)] or in respect of land in a national park, any forest reserve game reserve or in conservation area without the written consent of the authority having control over the park, reserve, or the conservation area [sec. 48(1)(c)]. • The Act makes provision for investment in Tanzania and provide for more favourable conditions for investors. • Establishes the Tanzania Investment Centre as a one-stop centre for investors. The Centre is government’s primary agency under Minister responsible for investments to coordinate, encourage, promote and facilitate investment in Tanzania and to advise the government on investment policy and related matter [sec. 5]. • Where license or approval is required by investor, the Centre liaise in writing with relevant authorities to secure the necessary licenses and approvals [sec. 16(2)]. • Relevant authority has to issue required license or approval within 14 working days of receipt of request or serve written objection to the Centre [sec. 16(3)]. • If Centre does not receive relevant authority’s written objection within the specified time, the necessary license or approval is deemed to have been granted [sec. 16(4)]. • If the Centre does not agree with objection it has, within 7 days of its receipt, to communicate it together with its own recommendation to the Minister and he has within 7 days notify the Centre and the relevant authority of his decision and the Centre has to communicate the decision to the investor immediately and any aggrieved person has to appeal to the Minister [sec. 16(5),(6) & (7)]. • A holder of certificate of incentives has to commence operations within the first 2 years otherwise the Centre may declare the certificate void unless there are satisfactory reasons [sec. 17(8)].
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PART THREE

**Diagram No.1: ORGANIZATIONAL DIAGRAM:
RESPONSIBLE AGENCIES AND LINK WITH EXISTING GOVERNMENT STRUCTURE**



(A) CENTRAL GOVERNMENT ORGANS

Functions of Central Government Organs relating to coastal management

1. *PRESIDENT'S OFFICE (PO)*

-**PLANNING COMMISSION (PC)**: Planning, coordinating, controlling, implementing & monitoring national development plans; national resources utilization guidelines

-**TANZANIA INVESTMENT CENTRE (TIC)**: Government's primary agency under minister responsible for investments to coordinate, encourage, promote and facilitate investment in Tanzania and to advise the Government on investment policy and related matters.

2. *VICE PRESIDENT'S OFFICE (VPO)*

-**MINISTER OF STATE (ENVIRONMENT)**: Environmental policy, environmental protection, environmental sanitation, beach erosion protection.

-**NATIONAL ENVIRONMENT MANAGEMENT COUNCIL (NEMC)**: Principal government advisory body on all environmental matters.

3. *PRIME MINISTER'S OFFICE (PMO)*

-**Government Business Coordination**: coordination, monitoring and follow-up of implementation of activities in all ministries, regional administration, local government, district and urban councils, rural development.

4. *MINISTRY FOR REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT (MRALG)*

-This newly created ministry takes over the portfolio of Regional Administration, Local Government, District and Urban Councils from the Prime Minister's Office.

5. *MINISTER FOR FINANCE (MF)*

-**Financial Policy and Control**: taxation, revenue, customs and excise.

6. MINISTER FOR SCIENCE, TECHNOLOGY AND HIGHER EDUCATION (MSTHE)

- Dissemination of research findings regarding development of science and technology.
- Higher education policy: universities and institutes.

7. MINISTER FOR AGRICULTURE AND COOPERATIVES (MAC)

- Agriculture, cooperative and livestock development policies and their implementation, agriculture and land-use planning.
- Rufiji Basin Development Authority (RUBADA).

8. MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION (MFAIC)

- International treaties, conventions and agreements.

9. MINISTER FOR LANDS AND HUMAN SETTLEMENTS DEVELOPMENT (MLHSD)

- Land Policy: land development, surveys, valuation, sites and services, land registration, registration of documents.
- Urban Development Policy: urban development, town planning, master plans, regional physical planning.
- National Land Use Planning Commission.

10. MINISTER FOR INDUSTRIES AND TRADE (MIT)

- Industrial policy development and promotion of industries, industrial research.

11. MINISTER FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (MJCA)

- Justice: The Judiciary, The Attorney General's Chambers, Parliamentary Drafting.

12. MINISTER FOR ENERGY AND MINERALS (MEM)

- Energy Development Policy: petroleum, mining policy and its development, mines.

13. MINISTER FOR NATURAL RESOURCE AND TOURISM (MNRT)

-Tourism Policy, Wildlife Policy, Beekeeping Policy, National Parks Development, Games and Game Parks Development of Beaches and other Tourist Attractions.

-Natural Resources, Forest Policy, Forests and Afforestation, Beekeeping Policy, Beekeeping, Fisheries Policy, Fisheries.

14. MINISTER OF WATER (MOW)

-Water Development Policy: sewerage and drainage, river basin development, water quality and pollution control.

All of the above functions are based on the assignment of responsibilities to ministers vide the Presidential Order GN.720 published on 15/12/95.

(B) LOCAL GOVERNMENT AUTHORITIES

Apart from central government organs, the other level of government that is crucial in implementing an integrated coastal management policy is the local government. Institutions of local government authorities are mentioned in the country's Constitution of 1977 and are established under the Local Government (District Authorities) Act, 1982 and the Local Government (Urban Authorities) Act, 1982 respectively.

Local government authorities are organs of people's government at the district or urban and village levels (local government organs in districts or urban areas and villages) and are very crucial in implementing an integrated coastal management policy because they are the organs most closest to resource users. Most of the ICM initiatives and activities take place at the local level.

Functions of Local Government Authorities relating to coastal management

The main functions of a Local Government Authority that are relevant to an integrated coastal management policy include:

- Promoting the social welfare and economic well-being of all persons within its jurisdiction; and
- Furthering the social and economic development of its area of jurisdiction subject to national policy and plans for rural and urban development.

Organs of Local Government Authorities:

(a) District Authorities:

- i. District Councils**
 - Divisions
 - Wards
- ii. Township Authorities** - a township authority upon attaining a town council status ceases to be a local government district authority and operates as an urban authority.
- iii. Village Government Organs**
 - Village Assembly
 - Village Council

(b) Urban Authorities:

- i. Town Council**
- ii. Municipal Council**
- iii. City Council**

1. District Councils - composed of both elected and appointed members

The main functions of a district council that are relevant to integrated coastal management include:

- Formulating, coordinating and supervising the implementation of all plans for the economic, commercial, industrial and social development in its area of jurisdiction;
- Ensuring the collection and proper utilization of its revenue and regulating and monitoring the collection and utilization of revenue of village councils;
- Making by-laws applicable throughout its area of jurisdiction, and considering and approving by-laws made by village councils within its area of jurisdiction;
- Considering, regulating and coordinating development plans, projects and programmes of villages and township authorities within its area of jurisdiction, so as to ensure the more beneficial development and mobilization of productive forces in the village and township authorities and their application towards the enhancement of productivity; the acceleration of social and economic development of village; and the amelioration of rural life.

District Council Committees

District Council Committees are established by a district council and are necessary for the better performance of the functions and efficient management of the affairs and business of the district council.

District Council Committees can probably be used to push forward for coastal management issues at the district level.

However, according to the recommendations of the Local Government Reform Programme, the District Council will now be the focal point of development at the local government level. The Region will no longer have an up-hand in decision-making regarding development activities at the grassroots level.

This arrangement has created a vacuum as far as coordination of district activities thus creating a need for a Coordinating Committee in every Region which will be responsible for coordinating coastal management activities at the regional level.

Joint Committees

A district council may concur with any one or more other district council or local government authorities, in appointing from among their respective members a joint committee of those councils or of that council and the local government authority or authorities for any purpose in which they are jointly interested, and may delegate to that committee any powers or functions of the council relating to the purpose for which the joint committees is formed.

Divisions and Wards - the size and number wards and divisions are determined by district council or by order of the Minister

Ward Development Committee (WDC)

- Ensures the implementation of the decisions and policies of the district council, and of development schemes, which relate to the ward;
- Supervises and coordinates the implementation of projects and programmes of the district council within the ward.
- Formulates, and submits to the village councils or to the district council, proposals for the making of by-laws in relation to the affairs of the ward.

2. Village Government Organs

Village Assembly

- A Village Assembly is the supreme authority on all matters of general policy-making in relation to the affairs of the village as such, and is responsible for the election of the village council and the removal from the council of any or all of the members of the council and for the performance of any other functions conferred upon it by law.
- A Village Assembly is comprised of every person who is ordinarily resident in the village and who has attained the apparent age of eighteen years.
- The Village Assembly is an important entry point in implementing coastal management programs at the village level especially those programs that deal with poverty alleviation and coastal conservation award schemes and awareness raising.

Village Council

- A village council is the organ in which is vested all executive power in respect of all the affairs and business of a village and is elected by the village assembly. Election of its new members takes place after every five years.
- The Village Council will be our focal point in coastal management.

The functions of a village council include:

- Doing all such acts and things as are necessary or expedient for the economic and social development of the village;
 - Initiating and undertaking any task, venture or enterprise designed to ensure the welfare and well being of the residents of the village;
 - Planning and coordinating the activities of and rendering assistance and advice to the residents of the village engaged in agricultural, horticultural, forestry or other activity or industry of any kind;
 - Encouraging the residents of the village in undertaking and participating in communal enterprises; and
 - Participating, by way of partnership or any other way, in economic enterprises with other village councils.
- A Village Council may make by-laws for carrying into effect or for the purposes of any functions conferred by law and this will be very crucial in coastal management. However, according to Local Government Laws, village by-laws require the approval of the District Council.

Village Committees - these are special committees established by a village council for the efficient and effective discharge of its functions.

At the village level, most probably committees that will deal with environmental and coastal management matters will fall under this umbrella of Village Committees.

The following issues are worth noting regarding the proposals and options for the institutional framework for coastal management in Tanzania:

- (1) Coastal management issues identified in the policy document cut across many sectors.

One of the possible institutional framework options is to have a coordinating mechanism at the central government, which will be responsible for coordinating the activities of line-ministries that have a bearing on coastal management. The issue is under which particular central government organ this coordinating mechanism is going to be placed and the scope of authority it is going to enjoy vis-à-vis line ministries regarding coastal management.

- (2) Each central government agency has a management stake on each of the coastal management issues, which are governed by sectoral policies, plans and legislations.

These organs may wish to continue enjoying their powers and authorities under their respective policies, plans and legislations and each would wish to have a "piece of the action" in coastal management thus plunging into a "do-nothing" option with all the attendant institutional conflicts and gaps.

- (3) Local government authorities also have an important role to play in coastal management.

Local government authorities will necessarily add another dimension on the institutional arrangement for coastal management at the local level. This may give rise to the question whether there is going to be delegation and/or devolution of power from the central government to local government authorities. The central government would not like to relinquish regulatory and control powers over local government authorities and will most probably feel more comfortable with delegation and not total devolution of authority.

- (4) Because of lack of coordination in natural resource policy implementation, there will be a need for a strategically focused National Natural Resources Programme (NNRP) to guide policy implementation to be prepared and periodically updated.
- (5) In order to establish cross-sectoral resource management there will be a need to establish a suitable consultative group to advise the sectoral administration and promote cross-sectoral and donor coordination.

ROLES AND RESPONSIBILITIES OF MAIN STAKEHOLDERS IN ICM POLICY IMPLEMENTATION

Stakeholder	Coastal Management	Marine-Industry and Products	Marine Ecosystem Conservation and Management
Local Communities/CBOs	<ul style="list-style-type: none"> • Conservation and management of coastal village marine protected areas and resources • Participation in joint management of marine protected areas • Production and subsistence of marine products • Coastal village to village advice and joint management • Formulation and enforcement of by-laws • Employment in coastal management and utilization 	<ul style="list-style-type: none"> • Production of subsistence and commercial marine products • Employment in marine-based industry 	<ul style="list-style-type: none"> • Conservation and management of village marine protected areas and resources • Participation in joint management of marine conservation areas
NGOs	<ul style="list-style-type: none"> • Awareness raising and extension services • Capacity building • Training and technical assistance • Financing of coastal and marine environment activities • Promote gender roles in coastal management and women empowerment 	<ul style="list-style-type: none"> • Awareness raising and extension services • Capacity building • Training and technical assistance • Financing of coastal and marine environment activities • Promote gender roles and women empowerment 	<ul style="list-style-type: none"> • Awareness raising and extension services • Capacity building • Training and technical assistance • Financing of coastal and marine environment activities • Promote gender roles and women empowerment

Stakeholders	Coastal Zone Management	Marine-Industry and Products	Marine Ecosystem Conservation and Management
Private sector and/or specialized executive agencies	<ul style="list-style-type: none"> • Joint management of marine resources • Provision of employment • Sustainable harvesting and utilization • Awareness and extension services • Financing of investments in coastal areas 	<ul style="list-style-type: none"> • Provision of employment • Production of marine products • Marketing products • Investment in environmentally sound production technology • Awareness and extension services • Financing of marine industry investment • Eco-tourism development 	<ul style="list-style-type: none"> • Application of bio-diversity guidelines in marine resources management • Application of EIA in marine investments • Joint management of marine protected areas
Local Government Authorities	<ul style="list-style-type: none"> • Coordination of extension services • Revenue collection • Law enforcement • Management of local government marine protected areas • Creation of new marine protected areas • Promotion of mangrove planting and seedling production 	<ul style="list-style-type: none"> • Regulation • Revenue collection 	<ul style="list-style-type: none"> • Regulation • Management of local government marine protected areas for conservation of biodiversity values

Stakeholders	Coastal Zone Management	Marine-Industry and Products	Marine Ecosystem Conservation and Management
<p>Central Authorities</p> <p>Government</p>	<ul style="list-style-type: none"> • Policy formulation • Sectoral planning and budgeting • Legislation • Law enforcement • Revenue collection • Management of strategic marine parks and reserves • Monitoring and evaluation • Information systems • Manpower planning and human resources development • Extension services • Research and research coordination • Training and curricula development • Coordination of other stakeholders 	<ul style="list-style-type: none"> • Policy formulation • Sectoral planning and budgeting • Legislation • Law enforcement • Revenue collection • Monitoring and evaluation • Information systems • Extension services • Research and research coordination • Training and curricula development • Coordination of other stakeholders • Global and regional cooperation 	<ul style="list-style-type: none"> • Policy formulation • Sectoral planning and budgeting • Legislation • Law enforcement • Revenue collection • Monitoring and evaluation • Information systems • Manpower planning and human resources development • Extension services • Research and research coordination • Training and curricula development • Coordination of other stakeholders • Global and regional cooperation

Stakeholders	Coastal Zone Management	Marine-Industry and Products	Marine Ecosystem Conservation and Management
Other government institutions	<ul style="list-style-type: none"> • Coordination and collaboration in extension, training and research • Law enforcement • Assist in monitoring and evaluation • Support in conservation and management • Support in collection and dissemination of information • Land use monitoring 	<ul style="list-style-type: none"> • Coordination and collaboration in extension, training and research • Law enforcement • Assist in monitoring and evaluation • Assist in licensing of industries and trade • Support in conservation and management • Support in collection and dissemination of information. 	<ul style="list-style-type: none"> • Coordination and collaboration in extension, training and research • Law enforcement • Assist in monitoring and evaluation • Support in conservation and management • Support in collection and dissemination of information
International community	<ul style="list-style-type: none"> • Partners in sustainable development • Financial assistance • Capacity building through technical assistance, training and transfer of technology • Facilitation of implementation of international obligations 	<ul style="list-style-type: none"> • Partners in sustainable development • Financial assistance • Capacity building through technical assistance, training and transfer of technology • Facilitation of implementation of international obligations 	<ul style="list-style-type: none"> • Partners in sustainable development • Financial assistance • Capacity building through technical assistance, training and transfer of technology • Facilitation of implementation of international obligations

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Annex I:

List of Relevant Policies, Plans and Legislation

Policies (in a chronological order):

1. National Investment Promotion Policy, 1990
2. Water Policy, 1991
3. The Energy Policy of Tanzania, 1992
4. National Higher Education Policy, 1995
5. National Land Policy, 1995
6. National Science and Technology Policy for Tanzania, 1996
7. Sustainable Industrial Development Policy - SIDP (1996 - 2020), 1996
8. National Agricultural and Livestock Policy, 1997
9. National Fisheries Sector Policy and Strategy Statement, 1997
10. Mineral Policy of Tanzania, 1997
11. National Environment Policy, 1997
12. National Forest Policy, 1998
13. Wildlife Policy of Tanzania, March, 1998
14. Policy Paper on Local Government Reform, 1998

Plans, Programmes and Projects (in alphabetical order):

1. Declaration on Poverty Eradication in Tanzania, November, 1998
2. Integrated Tourism Master Plan
3. Kipumbwi-Sange Collaborative Mangrove Management Plan
4. Local Government Reform Programme - Draft Action Plan and Budget for 1998/99
5. Local Government Reform Agenda 1996-2000
6. Management Plan for the Mangrove Ecosystem in Tanzania, 1991
7. Mangrove Management Project
8. Mkakati wa Taifa wa Kusimamia Utekelezaji wa Sera za Kuondoa Umaskini, June, 1998 (National Strategy for Implementing Poverty Eradication Policies)
9. National Agriculture Extension Programme
10. National Agriculture and Livestock Extension Rehabilitation Project, 1989
11. National Agricultural and Livestock Research Master Plan

12. National Forest Action Plan
13. National Forest Research Master Plan
14. National Irrigation Development Plan
15. Tanzania Environmental Impact Assessment - Volume One: EIA Procedure and Checklist of Environmental Characteristics prepared by the National Environment Management Council (NEMC)
16. Tanzania Fisheries Research Institute 1998/99 Fisheries Research Plan, September, 1998
17. Tanzania Forestry Action Plan 1990/91 - 2007/08, September 1989

Legislation: (in alphabetical order)

1. Constitution of the United Republic of Tanzania, 1977
2. Districts Corporations Act, 1973
3. Deep Sea Fishing Authority Act, 1997
4. Executive Agencies Act, 1997
5. Fisheries Act, 1970
6. Forest Ordinance, Cap. 1959
7. Land Act, 1999
8. Local Government (District Authorities) Act, 1982
9. Local Government Laws (Miscellaneous Amendment) Act, 1998
10. Local Government (Urban Authorities) Act, 1982
11. Marine Parks and Reserves Act, 1994
12. Merchant Shipping Act, 1967
13. Mining Act, 1998
14. National Land Use Planning Commission Act, 1984
15. Petroleum (Exploration and Production) Act, 1980
16. Public Health (Sewerage and Drainage) Ordinance, Cap. 336
17. Planning Commission Act, 1989
18. Plant Protection Act, 1997
19. Regional Administration Act, 1997
20. Rufiji Basin Development Authority Act, 1975
21. Serengeti Wildlife Research Institute Act, 1980 (now Tanzania Wildlife Research Institute)
22. Sokoine University of Agriculture Act, 1984
23. Tanzania Commission for Science and Technology Act, 1986
24. Tanzania Fisheries Research Institute Act, 1980
25. Tanzania Forestry Research Institute Act, 1980

26. Tanzania Investment Centre Act, 1997
27. Territorial Sea and Exclusive Economic Zone Act, 1989
28. Tourist Agents Licensing Act, 1969
29. Town and Country Planning Ordinance, Cap.378, 1956
30. University of Dar es Salaam Act, 1970
31. Urban Water Supply Act, 1981
32. Village Land Act, 1999
33. Water Utilization (Control and Regulation) Act, 1974
34. Water Utilization (Control and Regulation)(Amendment) Act, 1980
35. Wildlife Conservation Act, 1974
36. Written Laws (Miscellaneous Amendments) Act, 1997

Subsidiary Legislation (in alphabetical order)

1. Allocation of Business to Department and Assignment of Responsibilities to Ministers, GN.No.720 published on 15/12/95
2. Fisheries (Explosives, Poisons and Water Pollution) Regulations, GN. No.109/1982
3. Fisheries (Inland Water) Regulations, GN.No.22/1982
4. Fisheries (Marine Reserves) Regulations, GN. No.137/1975
5. Fisheries Principal Regulations, GN. No.317/1989
6. Fisheries Principal Regulations Amendments GN. No.189/1997
7. Fisheries Principal Regulations Amendments GN. No.624/1998
8. Mining (Environmental Management and Protection) Regulations, 1999
9. Mining (Salt Production and Iodation) Regulations, 1999
10. Tanzania Petroleum Development Corporation (Establishment) Order, GN. No. 40/1969
11. The Town and Country Planning (Application for Planning Consent) Regulations, 1960
12. The Town and Country Planning (Modifications of Planning Scheme) Regulations, GN.No.678/1964
13. The Town and Country Planning (Public Beaches Planning Area) Order, 1991, GN.No.76 of 25/5/92 deemed operational on 24/11/1989
14. The Town and Country Planning (Urban Farming) Regulations, 1992
15. The Town and Country Planning (Use Classes) Regulations, 1960 as amended in 1993

Annex II:

List of people interviewed

1. Mr. Rumisha, Unit Manager, Marine Parks and Reserves Unit.
2. Mr. Kalekela, Senior Fisheries Officer (Surveillance).
3. Mr. Ernest Mgogo, Petroleum geologist, Ministry of Energy.
4. Mr. Hosea Mbise, Executive Engineer, Ministry of Energy.
5. Mr. Fred Mahobe, Environmental Officer, Ministry of Minerals.
6. Mr. John Bosco, Dar es Salaam and Coastal Region Mining Officer.
7. Mr. John Mayopa, Dar es Salaam and Coastal Region Mining Officer.
8. Mrs. Ester Kerario, EIA Section, National Environment Management Council.
9. Mr. Shao, Tanzania Investment Centre.
10. Mr. Mnanuo, Forestry and Beekeeping Division.
11. Mr. Claudis, Acting Commissioner, Local Government.
12. Mr. Msuya, Director of Water Resources, Ministry of Water.
13. Mr. Maganga, Ministry of Water.
14. Mr. Kobalyienda, Principal Water Officer.
15. Mr. Mjengela, Water Quality and Surveillance.
16. Dr. Y. Kohi, Director General, COSTECH.
17. Dr. Ruta, Ministry of Agriculture and Cooperatives.
18. Mr. Kirenga, Plant Protection Officer.
19. Mr. A. Mwandembwa, Ministry of Foreign Affairs and International Cooperation.
20. Mr. Nyiti, Director of Industry, Ministry of Trade and Industries.
21. Mr. Thomas Massawe, Head, Licensing Sector, Ministry of Trade and Industries.
22. Mr. P. Marwa, Licensing Sector, Ministry of Trade and Industries.
23. Mr. Bayona, J.B.R., Director, Tanzania Fisheries Research Centre.
24. Mrs. Shayo, Senior Agricultural Field Officer and Officer Incharge, Agriculture Inspectorate Service, Dar es Salaam International Airport.
25. Mr. Florence Mununa, Senior Scientific Officer, Tropical Pesticides Research Institute (TPRI)
26. Mrs. Mbyopyo, Ministry of Lands and Human Settlements Development.