



PROPOSED INSTITUTIONAL FRAMEWORK FOR THE ESTABLISHMENT OF COMMUNITY BASED FOREST MANAGEMENT (CBFM) APEX BODY IN TANZANIA

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BY

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1.0 INTRODUCTION

1.1 Background information

Forest cover in Mainland Tanzania is about 48.1 million hectares. This is equivalent to 51% of total surface area or 54% of land surface area. These forests supply a variety of ecosystem goods and services. Their ownership falls under two different Government authorities namely Central Government under the Ministry of Natural Resources and Tourism (MNRT) and Local Government under and President Office – Regional Administration Local Government (PO-RALG). Forests under MNRT include National Forest Reserves (NFRs) and those found within National Parks, Ngorongoro Conservation Area, Game Reserves, Game Controlled Areas, Marine Parks and Reserves as well as Bee Reserves. Forests that falls under PO – RALG includes Local Authority Forest Reserves (LAFRs), village forests (including Village land forest reserves, community forest reserves, unreserved forests on village land and Wildlife Management Areas). There are also forests under private land holder.

Management regime of these forests are either Centralized Forest Management (CFM) or Participatory Forest Management (PFM). The CFM is also termed as ordinary state management, is a forest management regime/system whereby state reserves all access and use rights of the forest and excludes local communities in decision making about forests (Sunseri, 2009; Neumann, 1997; Woodcock, 2000; Pfliegner, 2010). Such a system is mainly implemented in the management of NFRs and LAFRs and routine management of the forests are vested to the foresters – individuals who received training on forest management from forestry colleges. On the other hand, PFM is another management regime that involve different stakeholders, including people living in and around the forests. Stakeholders in this context refers to individuals, groups of people, organizations, and institutions who have direct, significant and specific stakes in a forest management. PFM entails two approaches depending on type of forest ownership. These includes: 1) Joint Forest Management (JFM), and 2) Community Based Forest Management (CBFM) (URT, 2001).

The JFM is implemented in either forest reserve owned by the Central Government (i.e. NFRs), or those owned Local Government Authorities (i.e. LAFRs). Primary objective of the JFM is to increase the workforce in the forest management through inviting forest adjacent communities as co-managers to work along with foresters in the management. Through JFM, villages invited to manage a particular forest are required to establish Village Natural Resources Committee (VNRC), which is the principal body concerned with the management of the Village Forest Management Area (VFMA) as indicated Forest Act: Section 33 (1, 2). The VNRC is therefore become a Co – Manager and is responsible to undertake patrols inside the forest reserve as part of their routine work (URT, 2013).

On the other hand, CBFM takes place on village land, on forests that are owned or managed by the Village Council on behalf of the Village Assembly and leads to the establishment of Village Land Forest Reserves (VLFR), Community Forest Reserves (CFR) or Private Forest Reserves (PFR). Unlike JFM, the CBFM is aimed to secure unreserved forests on village lands through setting aside, or “reserve” a forest area for a range of reasons. These include: 1) to curb deforestation and forest degradation because uncontrolled utilization; 2) to restore bare lands, and 3) to earn benefits from sustainable harvesting of forest products. Generally, the CBFM is more about increasing number and coverage of protected areas (forest condition) while improving the

livelihood of the rural people and governance. Moreover, its management is exercised through village institutions elected by all community members. The role of the professional foresters at district level is limited to provision of support and assist for the communities to manage their own forests sustainably. It should be noted that under CBFM, communities are owners and managers of the reserve on the village land (Blomley, and Iddi, 2009; Blomley, and Ramadhani, 2007; URT, 2001, 2002, 2007).

Community participation in forest management started in early 1990s with some few forests being piloted in Babati and Kiteto districts with less legal back up. To make it legally placed, in 1998 PFM was officially introduced in the National Forest Policy (URT, 1998) to address weakness of the CFM through policy statements 3, 5, 6 and 7 that call for stakeholders' participation in the forest management. Since it was introduced has paved the way for stakeholders' participation in the forest management. The stakeholders in CBFM implementation are broadly divided into two main categories: internal and external stakeholders. Internal stakeholders comprising of villages or individuals or institutions that are either co-managers (in JFM arrangement) or owners and managers (in CBFM arrangement) while external stakeholders including individuals or institutions or organizations (e.g. NGOs) that facilitate or regulate forest management under PFM arrangement.

Unfortunate, stakeholders in forest management in Tanzania for a long time have not been operating under a well-defined and coordinated institutional framework from National to grassroots levels. Yet, there are attempts of putting together these stakeholders through establishment of forums/platforms and networks to discuss challenges they facing with and sharing experience regarding forest management under PFM arrangement. However, such platforms are established based on either project (e.g. Ruvuma Landscape Forum) or individual based membership (e.g. MJUMITA networks) or group based membership (e.g. Kilosa Sustainable Charcoal Production). With exception of MJUMITA networks that has national platform, the rest are operating mainly at project level, a situation which making difficult to establish a national coordination.

Unlike stakeholders in PFM, other stakeholders in the forest sector have well organization structure that include everyone in board to discuss their matters and raise voice to higher government authorities. Such stakeholders include tree growers and owners of forest based industries. Whereas tree growers have established an apex body called Tanzania Tree Grower Association Union (TTGAU), owners of forest based industries have established Tanzania Forest Federation Industries. In addition, in wildlife sector, there is consortium of community owning and managing Wildlife Management Areas. The arrangements were also reported in water sector. All associations and apex bodies are standing to defend for interests of her members against any external intervention. Such coordination is missing among stakeholders implementing CBFM in Tanzania, and therefore they are lacking effective representation at the national level, the situation which limits networking, exchanging views, experience and opinions and even advocacy and lobbying capacity.

In this regard, there is need to establish an arrangement to ensure that all key actors in forest management under PFM arrangement are effectively and efficiently coordinated at all levels. Unlike other PFM platforms and networks, a primary focus here is on putting together individuals,

villages, and institutions that managing or co-managing PFM forests at grassroots levels (i.e. village level). Terms of Reference (ToR) in Appendix 1 guided the Consultants on the development of the CBFM Apex Body.

To start with, a proposed Apex Body will focus on CBFM rather than JFM or both. This is because of the following reasons. First, the implementation of CBFM gives full authority to the villages in allocating and managing the existing forest within the village land. Second, CBFM offers significant benefits to villages from forest revenues such as timber and other forest products. Third, incomplete implementation of JFM where many villages have not signed a Joint Management Agreement (JMA) and even those who have signed, its implementation has not started or is not good. Thus, the implementation of JFM has continued to present challenges between villages and governmental authorities especially TFS. Fourth, CBFM is being implemented by many villages in many districts and in which villages have experienced significant economic and environmental benefits. Thus, some villages will be able to contribute to the operating costs of the proposed Apex Body.

1.2 The legal basis of CBFM

Legal basis of CBFM was built in 1982 when the government re-introduced Local Government Authorities with objective of enhancing the decentralization process by devolution (D by D) under the Local Government Act No. 7 of 1982. This is because it was this time when villages were vested power to make decision on their area of jurisdiction, including an authority of drafting bylaws, which then became approved by district council. Bylaws states penalties to various unlawful activities carried out on defined natural resources. The act put public lands (including forests) under the jurisdiction of local governments and village governments became statutory arms of local government.

In the implementation of CBFM, the Village Land Act (1999), the Local Government Act (1982), the Forest Act No 14 of 2002 (URT, 2002) and the Forest Regulations (2004) provide the legal basis for villages to own and manage forest resources on village land in ways that are both sustainable and profitable. The Forest Act No 14 of 2002 provides incentives to villages for reserving unprotected forests or woodlands. These include: 1) Waiving state royalties on forest produce (Forest Act: Section 78 (3)), Retaining 100% of revenue from sale of forest products, levying and retaining fines, Exemption from the “reserved tree species list”, and Confiscation of forest produce and equipment from illegal harvesting (URT, 2002, 2007).

To formalize CBFM arrangement, there are several legal requirements need to be accomplished. These includes election a Village Natural Resource Management Committee (VNRC), preparation of Forest Management Plan (FMP) and preparation of bylaws for forest management. VNRC is a sub-committee of the Village Council, established in accordance with Forest Act No. 14 of 2002 (Forest Act No. 14 of 2002, Section 33 (1), (2)), CBFM guidelines for the establishment of VLFRs and CFRs. According to the Forest Act, VNRC members in any village participating in CBFM should be democratically elected through village assemblies and must take account of gender considerations.

Regarding the FMP, the Forest Act does require that every forest reserve must have a management plan (Section 11 (4)). In the implementation of CBFM, FMP is a pre-requisite for transferring

forest management authority to the local communities. As per Section 35, (2), (c) of the Forest Act No. 14 of 2002, the plan must contain a map and must then be presented to the Village Assembly for approval. Furthermore, the village must prepare bylaws that support the FMP and these must be approved by the full Village Assembly (Forest Act No. 14 of 2002: Section 34 (4)) (URT, 2002).

1.3 Significance of the CBFM in the development of forest sector in Tanzania

The CBFM plays a significant role in the development of forest sector in Tanzania. This is reflected in its three goals, namely to improve forest condition (quality), livelihood, and forest governance. CBFM has significant contribution in improving forest governance through putting emphasis on establishment or strengthening effective and representative village Natural Resource Management institutions. Through this, regulations and guidelines governing implementation of CBFM in Tanzania, local forest governance structures (institutions) such as VNRCs have been established. These structures are playing important roles in conservation and management of forest, regulating access and utilization of forest resources. A setup of these governance structures in the implementation of CBFM are in line with the Public Service Reform Programme (PSRP), and the Local Government Reform Programme (LGRP) that aim at improving the delivery of services particularly to enhance the role of local communities in decision making and hence ensure sustainable development.

Along with, CBFM, through its regulations and guidelines, has emphasized on good governance in the management of PFM forests. As it is well known, the centerpiece of the CBFM is participation of the relevant stakeholders, including communities. Participation is one element of good governance. In addition, implementation of CBFM requires villages to comply with other principles of good governance through ensuring existence of accountability, transparency, and rule of law, to mention a few. In ensuring principles of good governance are complied, CBFM guidelines have clearly defined how governance structures are established and its accountability at village, district and national levels. They also defined participation of different stakeholders and their roles and responsibilities, and hierarchical lines (who gives orders to whom), co-operation (who co-operates with whom), operational (who provides inputs/services to whom) and financial (who finances/pays who).

CBFM goal to improve livelihood (i.e. alleviating poverty.) is stemmed on the assumption that reserved forests will generate financial returns (from the sale or lease of forest resources and collection of fines). Such returns from forests and woodlands at the village will be captured by community and household level, thus rural livelihoods will become more secure and sustainable. This is in line with the Tanzania Development Vision 2025 which is a principal vision of the Country to alleviate the widespread poverty by improving socio-economic opportunities, ensuring good governance, transparency, and improved and redefined public sector performance, with emphasize on appropriate balance between public and private institutions by year 2025. The goal is also in line with National Poverty Eradication Strategy Paper (PRSP I and II) and Tanzania Assistance Strategy (TAS) which is a medium term national strategy encompassing joint efforts of government and the international community in improving the living standard of the normal Tanzanians.

CBFM goal to improve forest quality is aiming to restore or maintain forest quality and the environmental and ecological services they deliver to local and national stakeholders. This is emanated from assumption embedded in the Forest Act that delegating management responsibility to the lowest possible level will lead to improvements in the quality of the forest resource in question. This is in line with Tanzanian National Conservation Strategy for Sustainable Development (NCSSD), (NCSSD, 1995), which pinpointed the major environmental issues in relation to forestry including uncontrolled deforestation, weak concession and revenue collection systems, inadequate involvement of local communities, lack of sufficient staff and information on the state of resource, inefficient utilization of resources and a preference for a narrow range of forest species in terms of utilization. In addition, CBFM is backing efforts of TFS on putting more unreserved forests on either general or village lands under proper management (i.e. establishment of new forest reserves). These efforts are also in line with CCM election manifesto of 2020 to 2025.

The CBFM plays important role in addressing Sustainable Development Goals (SDGs), either directly or indirectly. It has direct contribution in addressing environmental related SDGs (e.g. 13 and 15).

- Goal No. 13 – Climate Action: Established and well managed CBFM forests are serving as carbon sinks.
- Goal No. 15 – Life on Land: Established and well managed CBFM forests are helping to combat desertification, halt and reverse land degradation and halt biodiversity loss.

Indirectly, CBFM contributes in addressing non environmental SDGs. These include SDG 1 – No poverty, SDG 2 – Zero Hunger, SDG 4 – quality education, SDG 6 – clean water and sanitation, SDG 7 – affordable and clean energy, and SDG 8 – decent work and economic growth (Table 1).

Table 1: Indirect contributions in addressing non environmental SDGs

SDGs	Role of CBFM forests	Illustrations and examples
SDG 1 – No poverty	Marketing of forest products harvested from CBFM forests	Villagers are allowed to collect/harvest forest products either free or with less fee
SDG 2 – Zero Hunger	CBFM forests are habitat of bees and other pollinators	Pollinators from CBFM forests improve agricultural productivity
	CBFM forests are rich of forest products, including NTFP	Forest adjacent are allowed to harvest NTFP for food or trade
SDG 4 – quality education	Forest products from CBFM forests can be harvested and traded, and villages retain 100% of revenue generated (under CBFM)	Villages may use forest based funds to support education e.g. provision of meals for pupils etc.
SDG 6 – clean water and sanitation	CBFM forests sustain reliable water sources (catchment forests)	Villagers are free to tap water from CBFM forests e.g. in Eastern Arc Mountains (EAMs)
SDG 7 – affordable and clean energy	Protection and maintenance of water flow in rivers	Water sources from CBFM forests contribute water in rivers and

		dams for Hydro Electric Power projects
SDG 8 – decent work and economic growth	CBFM forests are serving as a bee reserve	Villagers are allowed to keep bees from CBFM forests

2.0 AN OVERVIEW OF CBFM: INTRODUCTION, PERFORMANCE AND CHALLENGES

2.1 Background to CBFM introduction

The PFM was officially introduced in 1998 to replace a centralized forest management (CFM), which was introduced by the colonialists in 1890s. Formulation of 1998 forest policy was benefited by a lesson learnt from community forestry pilot projects in 1990s. These includes SIDA funded Land Management Program (LAMP) pilot projects in Duru Haitemba in Babati District, and Migori in Singida District and SULEDO in Kiteto District whose communities opposed the introduction of “command and control” forest management system because it limits access to the forest (Blomley, and Ramadhani, 2007; Blomley, and Iddi, 2009). Other pilot projects of community forestry include Danida funded MEMA and UTUMI projects in Iringa and Lindi regions, respectively).

In addition, the pilot projects were used to prepare procedures that informed CBFM frameworks and best practice recommendations for the development of guidelines that helped scaling up of CBFM. The scaling of CBFM was started in 2001 under the National Forest Program phase I (2001–2010). In this period, a PFM desk was set up at the MNRT, and extension and publicity units at Forestry and Beekeeping Division (FBD) and in seven zones were established/strengthened. It is estimated that more than 60 million USD were invested by development partners such as SIDA (Sweden), NORAD (Norway), Finnida (Finland), DANIDA (Denmark), the Royal Netherlands Embassy (Netherlands), World Bank/IDA, UNDP/GEF, and Belgian Development Agency (BTC) (Belgium) to support PFM implementation including PFM research that was coordinated by the Tanzania Forestry Research Institute (TAFORI) (Lund et al., 2017).

The National Forest and Beekeeping Programme (NFBKP II) was implemented between 2013 and 2016. In that period, and even to date, the implementation of CBFM was championed by projects, programmes and Non-Government Organizations (NGOs). Good examples are Lindi and Mtwara Agribusiness Support (LIMAS, 2010–2016) under Finnish government. Others are charcoal production in Kilosa under the Tanzania Forest Conservation Group (TFCG), Ruvuma Landscape Programme under WWF in Ruvuma Region, Mpingo Conservation Development Initiative (MCIDI) in Lindi Region, Belgium Technical Cooperation (BTC/ENABEL) in Morogoro and Kigoma regions, Forestry and Value Chains Development Programme (FORVAC) – Finland in Tanga, Ruvuma and Lindi regions, and Jane Goodall Institute (JGI) Tanzania in Kigoma Region, to mention a few.

2.2 Overall Achievements of PFM

2.2.1 Achievements of PFM in improving forest governance

CBFM improves forest governance through putting emphasis on establishment or strengthening effective and representative village Natural Resource Management institutions. Generally, there is

relatively good forest governance in CBFM forests as compared to non-CBFM and unreserved PFM forests. This is mainly revealed in participation of forest adjacent villagers in various decision making process, including: i) establishment of the VNRC; ii) preparation and approval of the Forest Management Plan (FMP), harvesting plan and bylaws at village level (Kajembe et al., 2009).

2.2.2 Achievements of PFM in improving forest condition

CBFM has helped the establishment of new protected areas. CBFM has significantly helped to put unreserved forests under proper management. Figure 1 presents forest area that was converted from unreserved to reserve through CBFM arrangement. If it was not been implementation of CBFM arrangement, those forests would have been cleared for other uses such as farms or settlements.

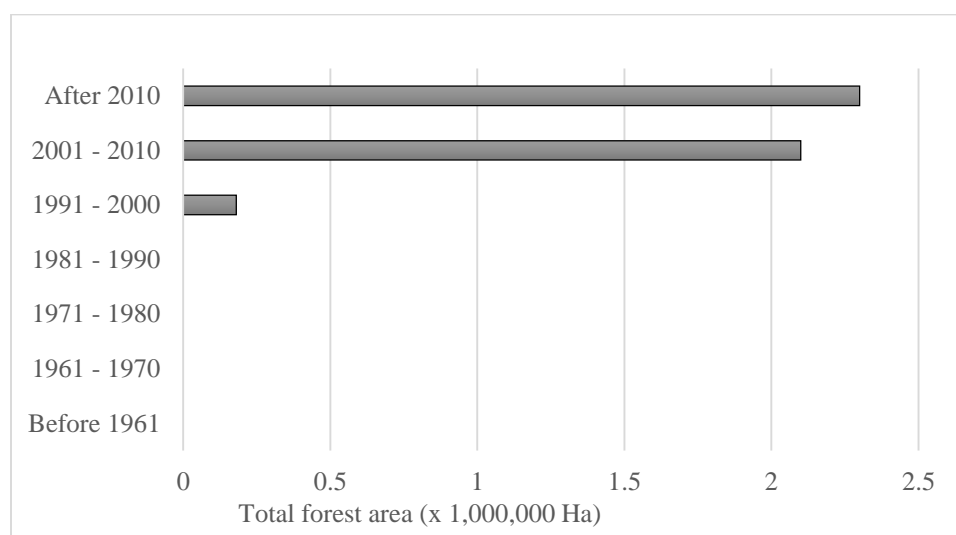


Figure 1: Area under CBFM over time, including proposed, declared and gazette VLFRs (Source: URT, 2006, 2012).

In addition, forest condition in villages implementing CBFM arrangement is relatively improved as compared to villages without CBFM. This is because in the villages that are implementing CBFM, the villagers have been educated on forest management and they have reserved forests for harvesting forest products sustainably. It is believed that without CBFM the areas that currently have forests would have been cleared for either establishment of farmlands or settlement. Examples are many including Kiwele and Mfyome in Iringa District, Migori in Singida District, 14 villages managing SULEDO VLFR in Kiteto District, 13 villages managing Duru Haitemba VLFR in Babati District.

2.2.3 Achievements of PFM in improving livelihoods

There are vivid examples showing how CBFM has contributed to improvement of the livelihood of forest adjacent communities. However, these benefits are not evenly distributed, are limited to few villages with: 1) potential forest stock for timber production, 2) approved harvesting plan, and 3) potential timber buyers. Table 2 presents examples of villages in Kilwa, Rufiji, Liwale and Tunduru districts that have marketed timber harvested from VLFRs and how they use revenue generated to improve livelihood. Many CBFM villages have yet to realize sufficient financial

benefits because of: 1) having highly degraded forests, thus they have no stock suitable for timber or charcoal production; 2) having well-established forests for total protection (no harvesting) (e.g. CBFM forests in the EAMs), 3) having well-established forests but lacking harvesting plan, and 4) having well-established forests and harvesting plan but lacking market. Sources of revenues in such forests are limited to eco-tourism, non-wood products, and fines, which are trivial and unsustainable.

Moreover, it is through CBFM, a total of 15 VLFRs in Kilwa, and Tunduru districts have certified their forest thus adding value to their produce from the forests particularly timber. It is through Forest Certification schemes that it is assumed forest products produced meet the highest environmental, economic and social standards. Forest certification was introduced in the early 1990s to address concerns of deforestation and forest degradation and to promote the maintenance of biological diversity, especially in the tropics. Therefore, through CBFM arrangement, villagers are certified their forests which enables them to sale wood products in markets that are sensitive to environments at high premium. For example, recently (July 2020) Sautimoja Village in Tunduru District supplied *Pterocarpus angolensis* (Mninga) timber to Gurumeti Luxury Tented Camp in Serengeti, Mara.

Table 2: Examples of CBFM villages benefited from timber production in VLFRs

SN	District	Village name	Revenues earned (TZS)	Social services resulted from timber revenues
	Kilwa	Liwiti	51,153,846 + 45,000,000	Health insurance for 20 VNRC members, Forest Patrol Gears for 20 VNRC members, school desks, 53 household provided with 34 kg of maize during famine, 2 classroom building, school office, Teacher house, building teacher`s house and one classroom, food for ward secondary school.
	Kilwa	Nanjirinji A	614,872,620	320 students was provided with School uniforms, Health insurance for 16 VNRC and disabled people, 10million for Police Post building, Forest Patrol Gears for 16 VNRC , 17rooms village Guest house, 9 boreholes ,4 motorcycle for Forest Patrol, village office building 6 rooms, 3 classrooms building, School office, 20 mattress and 40 bed sheets at village dispensary, 1 village godown, 480 pregnant women were provided with Tsh 50,000/= for preparation before birth, 120 students was provided with porridge, 1 teacher`s house building, 45 school desks, 31 students each was provided with Tsh 100,000/= for preparation to join form one, School latrine i.e. 6 pits.

	Rufiji	Tawi	3,532,800	Built 1 classroom, Forest Patrol Gears for 16 VNRC i.e. 16 gun boots, VNRC office equipment, 6 water canes for tree nursery.
	Liwale	Kitogoro	19,312,000	Built 1 classroom, Installation of 1 solar panel at midwife house, Forest Patrol Gears, 1 bicycle for forest patrols, 17 disabled households provided with Health Insurance, latrine for dispensary workers i.e. 4 pits, provision of porridge to 251 students.
	Liwale	Mtawatawa	19,748,560	1 borehole, 1 motorcycle for Forest Patrol, Village office repair.
	Tunduru	Sautimoja	18,022,400	2 motorcycles for Forest Patrol, village office building, Health Insurance for 20 VNRC, built 1 resident house for a teacher.
	Tunduru	Machemba	25,630,669	Village office with office equipment i.e. 20 chairs and 1 table, 1 motorcycle for Forest Patrol, Village Market building, provision of 600 Kg of maize during famine to the students, 2 dispensary latrines with 2 pits @, 1 latrine for workers and 1 latrine for the patients, 100,000/= Tsh was provided to 31 pregnant woman to purchase utensils.

Source: MCDI reports of 2020

2.3 Challenges of CBFM

In spite of all achievements, implementation of CBFM has never been smooth. There are challenges in both establishment of CBFM forests and implementation of forest management activities. These include:

- (i) Limited investment from the government in CBFM as its implementation depends on funds from donors;
- (ii) Weakness in district councils in terms of financial resources and manpower to oversee CBFM activities in villages;
- (iii) Presence of parallel structures in forest management at district level (e.g. presence of DFO and DFC), of which sometimes are conflicting in implementing their duties with respect to CBFM forests;
- (iv) CBFM villages have limited capacity in terms of manpower, facilities and financial to prevent illegal activities in VLFRs such as to evict farmers or livestock keepers who encroached forests;
- (v) Country's priorities – forest management is not a major priority of government at various levels including villages, districts and the nation. Therefore, CBFM forests are not allocated or allocated a small budget for its management; and some forests are converted other land uses;
- (vi) CBFM villages are lacking sustainable technical and financial support to manage forest sustainably;

- (vii) Poorly developed forest value chains in CBFM as the result leading to limited direct economic benefits that villages accrue from reserving forests as compared to other land uses;
- (viii) Lack of unity among CBFM villages, thus villages have little or no voice about their PFM forests. Consequently, villages have been receiving and implementing various directives from higher authorities an act that significantly affects forest management activities;
- (ix) Confusion on definition of general land with respect to forest resources as defined in Land Act No. 4 of 1999 and Village Land Act No. 5 of 1999. This is causing unfair competition in harvesting of forest products in CBFM forests and unreserved forests as traders prefer general land than in CBFM forests;
- (x) Establishment of urban authorities – the transformation has impact on land governance as it shift from village land, which is under Village Land Act No 5 of 1999 to general land under the Land Commissioner as per Land Act No. 4 of 1999;
- (xi) Mistrust among stakeholders e.g. between TFS on one side and PFM facilitators and PFM villages on another side. Each side is alleged to sabotage efforts of another side with respect to PFM forests;
- (xii) Control of forest produce movement harvested from CBFM forests is difficult in some places;
- (xiii) Low advocacy, not well accepted by some of practitioners hence limited implementation;
- (xiv) Frequent disrupting decrees from MNRT/TFS that jeopardize and frustrate CBFM;
- (xv) Public awareness on PFM – especially to the forest adjacent communities on the monetary and intrinsic values of the forests; and
- (xvi) CBFM villages are lacking guarantor when signing a contract with companies interested to harvest in CBFM forests.

3.0 CONTEXT AND JUSTIFICATION OF ESTABLISHING CBFM APEX BODY

3.1 Context of establishing CBFM apex body

The CBFM is operational in over 1,233 Tanzanian villages. This includes over 2,316,635 ha (Kilahama, 2013; URT, 2012), among these 409 VLFRs have been declared and 71 VLFRs have been gazetted (URT, 2012).

Established VLFRs are managed by villages through VNRCs on behalf of the Village Council. While villages through committees are fulfilling their day-to-day responsibilities of forest management, they have been facing with various challenges as highlighted in section 2.3. Most of those challenges are common to almost all CBFM villages and have been around for a long time, hence, have been affecting the implementation of forest management at village level. Efforts of CBFM villages and other stakeholders to address those challenges have been hampered by following factors:

- (i) Lack of an umbrella forum that put together all villages with VLFRs (CBFM villages) for networking, communicating each other in order to share views and experience. Along with, umbrella forum will enable CBFM villages to have lobbying and advocacy capacity of matter affecting them;
- (ii) Lack of unity among CBFM villages. With exception to few villages that have established Zonal Executive Committee (ZEC) like villages managing SULEDO VLFR, majority of villages are working in an isolation. Even in SULEDO, the unity is limited to forest level. Lack of unity makes difficulty to solve common challenges facing CBFM villages at

district or nation levels. Lacking a legally recognized unity makes it difficult to present the challenges at various levels of decision-making. In addition, lack of the unity makes difficult even to forest bureaucracies to appoint representatives from villages with CBFM forests to participate in higher decision making forums or advisory bodies who can air out their voice.

3.2 Justification of Establishing CBFM Apex body

The Apex Body will be a national organization of all CBFM villages. It will be a coordinating organ behind CBFM implementation in Tanzania. The body will consist of all CBFM villages, of which CBFM villages as primary members and other stakeholders as secondary members. The aim of the body is to provide structures for communication between CBFM villages and state (e.g. ministries involved in forest management - MNRT and PO – RALG), and non-state organizations. A brief account of factors and how they necessitate establishment PFM apex body is outlined hereunder:

3.2.1 Need to have an umbrella forum for communication, networking, sharing views and experience

Following policy changes that led to introduction of PFM, CBFM in particular, and the willingness of various donors to finance the CBFM process, many VLFRs were established in various districts in the country. Examples of districts and the number of villages with VLFRs in brackets are as follows: Kilosa (25), Babati (37), Tunduru (7), Liwale (23), Songea (8), Kilwa (11), Mpwapwa (14) and Handeni (95) to mention a few examples. Each village has VNRC which is responsible to manage forest on behalf of the village government. Unfortunately, these villages are not communicating, networking and therefore are sharing information and resources, views and experience. A reason for this, among others, is a lacking a formal forum/platform that putting them together.

Effects of villages not having a common platform (umbrella forum) are many including villages are failing to share information and experience on various aspects of forest management. These include forest deforestation warnings, market availability of forest products, and changes of regulations and guidelines. Therefore, the presence of the forum will help to improve communication between villages, and therefore improves forest condition, livelihood and governance.

Furthermore, with CBFM villages scattered across the country in over 75 districts, it is difficult to nominate representative from the CBFM villages to represent interests of villages in different forums. Such forums include formulation of laws or regulations that aimed to improve the management of forests, and involvement in various task forces/advisory committee formed by the Government.

3.2.2 Need to have joint power/efforts to address challenges

Villages owning and managing VLFRs are facing with many challenges that constraining sustainable forest management. These include: 1) lack of reliable and sustainable sources of revenue; 2) limited capacity in terms of manpower, facilities and financial to prevent illegal activities in VLFRs; and 3) lack of sustainable technical and financial support to management forest sustainably. A closer look on how VLFRs are managed at village level, the followings can

be observed: 1) most of villages do not have the funds to cover costs of forest management, so forest management is dormant, 2) few villages are relying on funds, expertise and technologies from NGOs but such support is skewed to few villages within the district or districts within the region, and 3) very few villages can afford to cover more than 50% of the forest management expenses. Comparing these three groups you will see that there is bigger number of villages that do not have the funds to manage VLFRs. Thus, it will be one of the responsibilities of the Apex Body to mobilize resources from various sources, including among members, and distribute to villages equitably.

In addition, since forest laws that guide the implementation of the CBFM in Tanzania stipulate the following powers of village governments on the management of VLFRs: 1) the powers of creating rules or modifying the old ones, 2) the powers of making decisions on how a particular resource or opportunity is to be used, 3) the powers of implementing and ensuring compliance with the new or altered rules, and 4) the powers of adjudicating disputes that arise from the efforts of creating rules and ensuring compliance. With these facts, CBFM villages need to be well guided in legal matters to avoid legal disputes with other stakeholders, especially in signing management or commercial agreements. For example, villages that wishes to harvest forest products, they are required to sign commercial agreements with companies or individuals. Currently, CBFM villages are guided by staff from either district or NGOs. Once Apex Body is established by villages themselves, these responsibilities will be performed by a lawyer delegated by the Apex or Association to do the job. It will be the responsibility of Association to advise villages on all matters related to contracts.

3.2.3 Need to have higher level and autonomous institution (Apex Body) for communication, lobbying and advocacy

All forest management activities, including VLFRs, are under the jurisdiction of the MNRT. When it comes to the PFM issue, at the national level is coordinated by the National PFM Coordinator who is under the Director of the FBD. At the district level, the responsibility of overseeing PFM activities is under the DFO, especially in the CBFM forests. Collectively, the FBD and DFO have a major role to play in defending the interests of the CBFM villages where they appear to be undermined by other government authorities or other stakeholders. A good example is the banning of harvesting in VLFRs which reported in many regions such as Iringa and Lindi between 2017 and 2019. However, our experience shows that the existence of limitations that make government officials (foresters) fail to fight for the interests of the community at large. This is because they are administratively subordinate to the higher government authorities, thus have little or no room to question the government directives. For example, it is difficult for forest officials to question the decisions of Regional or District commissioners or even higher TFS officials. All of these factors make it difficult for government officials to fight for rights of villages managing VLFRs at higher levels.

Currently, CBFM villages have been working closely with NGOs and seen as their guardians. A good example is Mtandao wa Jamii wa Usimamizi Mimitu Tanzania (MJUMITA). Although this is good but it has several shortcomings that make it impossible to fulfill some goals of CBFM villages. First, NGOs exist in a few parts of the country, so not all villages have been reached. Experience shows that CBFM villages working closely with NGOs are very few as compared to the total number villages. For instance, MJUMITA is operational in 13 regions, 30 districts and

450 villages (MJUMITA, 2019). Even in those 30 districts, not all CBFM villages have networks (CBOs) which is pre-requisite to be a member of MJUMITA, thus are not members of MJUMITA. Second, NGOs activities in villages are project based, once the project is completed, activities are closed. Third, some requirements/conditions for villages to receive support from NGOs are complex of which some villages cannot meet. For instance, to be a member of MJUMITA, at least two villages need to form a network, which is regarded as CBO. Since one CBFM village cannot form CBO, thus cannot be a member (e.g. Ngea Village in Kilwa District). Even in villages where there is network, a linkage between CBO and Village Government owning and managing VLFR is not clear, in some cases does not exist. Fourth, NGOs are not member based organizations, so they are established for the general public interest and not to fight for the interests of members. Associations like proposed CBFM Apex Body is established to defend rights and interests of members themselves.

4.0 METHODOLOGY FOR PREPARATIO OF A PROPOSED CBFM APEX BODY

4.1 Approach

The service provision for establishment of CBFM apex body was participatory in nature in the sense that it involved participation of the National PFM Coordinator as well as the PFM stakeholders, both PFM implementers and practitioners, at different levels from national to village levels. A focus was to have detailed discussion in order to capture their opinions and perceptions towards CBFM Apex Body. Participation of CBFM stakeholders was effected through Focus Group Discussion (FGD), in depth interview and stakeholders' meetings.

PFM stakeholders involved in development of CBFM apex body were from village, district, regional and national levels. This served dual purposes: 1) to share information regarding intention of the Ministry (i.e. MNRT through Forestry and Beekeeping Division) to facilitate establishment of CBFM apex body, and 2) to collect information to be used to initiate the process.

4.2 Implementation Design

Based on expected deliverables of this assignment, the team was undertaken the following activities: 1) Desk work and 2) Consultation with key stakeholders (including stakeholder analysis).

4.2.1 Desk studies

The desk study involved reading necessary literatures (published and unpublished reports, conference proceedings, and thesis) about CBFM in Mainland Tanzania. Unpublished literature, among others, were official reports, CBFM guidelines, and PFM research reports at TAFORI and SUA for all projects that were carried out between 2006 and 2013. Published literature were retrieved from electronic databases by the use of search terms "Participatory Forest Management", "Community Based Forest Management", "Joint Forest Management", "Community Forestry", "Joint Forest Management Agreement", "Community Based Natural Resource Management", and "Tanzania" to identify both peer reviewed publications in international journals and reports.

In addition, during literature review, both backward and forward snowballing was used to find articles or reports based on literature identified and already familiar to the authors. Backward snowballing involved reviewing the reference list of identified literature by tracing cited references. Whereas, forward snowballing employed build in tools in databases that enable

identification of studies that are citing known studies. Desk studies were carried out to get detailed understanding of apex bodies. Table 3 presents a list of all published and unpublished literature reviewed for this assignment.

Table 3: List of all published and unpublished literature reviewed

SN	Literature reviewed	Author
1	Participatory forest management in Tanzania: 1993-2009: Lessons learned and experiences to date.	Blomley and Iddi, 2009.
2	PFM facts and figures	URT, 2006; 2008; 2012
3	The Forest Policy of Tanzania.	URT, 1998
4	National Forest Programme in Tanzania 2001 - 2010	URT, 2001
5	The Forest Act No. 14 of 2002	URT, 2002
6	The Forest Regulations of 2004	URT, 2004
7	Guidelines for Participatory Forest Resource Assessment (PFRA) and Management Planning.	URT, 2005
8	Community Based Forest Management guidelines for the establishment of Village and Forest Reserves and Community Forest Reserves.	URT, 2007
9	Joint Forest Management Guidelines for the establishment of Joint Management Agreements in Protection and Production Forests	URT, 2013
10	Proceedings of the First Participatory Forestry Management (PFM) Research Workshop: Participatory Forest Management for Improved Forest Quality, Livelihood and Governance.	TAFORI, 2008
11	Participatory forest management in Tanzania – A overview of status, progress and challenges ahead	Blomley and Ramadhani, 2007.
12	Community Natural Resources Management in Tanzania - policy review.	Williams, A. (2018).
13	Status, ecological potential and sustainable management of forest resources in Mainland Tanzania	2020
14	Participation in Community Based Forest Management in Tanzania	Amanzi, 2020

4.2.2 Consultation with key stakeholders

A number of consultations and discussions with key CBFM stakeholders were carried out during the implementation of this assignment. Before consultation, stakeholders were first identified through: 1) literature review as shown in 2.2.1, and 2) “going back-approach¹”. Both literature review and going back approaches helped to identify CBFM stakeholders in Tanzania, which fall under the following categories: government ministries/department/agencies, local and international Non-Government Organizations (NGOs), district councils, community based organizations, (CBOs), village governments, and existing apex bodies.

¹ In this case, “Going back-approach” is a studying of one’s own experience in PFM implementation in Tanzania.

Of all stakeholders identified through literature review and going back approaches, some were visited for either FGD or in depth interviews (see Appendix 2). Visited stakeholders set a basis for further stakeholders' identification through which snowball sampling, which is non-probability sampling was employed to find other stakeholders. The reason why this type of sampling method was chosen is the fact there are many stakeholders who are operating at different levels (i.e. district, regional and national), some of them are difficult to find in literature. Besides visited stakeholders, the rest were contacted through emails or telephone.

The consultation with stakeholders was done to obtain their opinions about establishment of Tanzania CBFM apex body, particularly its membership, duties, responsibilities, organization and sources of finance. To meet both purposes, in depth interview with key informants (face to face interview) and FGD were carried out. Key informants were heads of organizations/institutions/departments, District Forest Officer (DFO) in District Council and District Forest Conservator (DFC) in TFS at district level. Existing or related apex bodies in the country such as Tanzania Tree Growers Association Union (TTGAU) and Community Wildlife Management Area Consortium (CWMAC) were visited and their heads were interviewed about organisation structure, and sources of finance, opportunities and challenges.

Focus Group Discussion (FGDs) were used to elicit perceptions', opinions and attitudes of the CBFM implementers and practitioners on the establishment of the PFM apex body (including, membership, duties, responsibilities, organization and sources of finance of PFM apex body). FGDs were carried out with representatives of Ministries, departments, executive agencies as well as sub bodies. They were also carried out with few members of Village Natural Resources (VNRC) in sampled CBFM villages.

4.2.3 Meetings

Apart from stakeholder consultations, two meetings were held in Morogoro to discuss establishment of Tanzania CBFM apex body. The first meeting with Legal experts to deliberate on the locus of CBFM Apex Body in the Tanzanian legal National frameworks, was held on 24th August, 2020, at TAFORI Headquarters, Morogoro. The meeting was attended by 18 participants from targeted institutions including Legal Unit of the MNRT (Appendix 3). In this meeting, consultants made two presentations: 1) PFM in Tanzania: Understanding concept and its implementation; and 2) Establishment of the Tanzania PFM Apex Body: Context, Justification and its Legality. Appendix 4 presents records of the meeting.

The second meeting with Legal experts to deliberate on the locus of PFM Apex Body in the Tanzanian legal frameworks was held on 09th November, 2020, at National Carbon Monitoring Centre (NCCM), Sokoine University of Agriculture (SUA), Morogoro. This was a follow up meeting after the first meeting held on 24th August 2020 at TAFORI Headquarters, Morogoro. In this meeting, ten (10) participants attended, most of them being Legal Officers (Appendix 5). Appendix 6 presents records of the second meeting.

4.3 Analysis of collected data

Results from focus group discussion, key informants interview, meetings and literatures review were analyzed through content analysis. Content analysis is a research tool used to determine the presence of certain words, themes, or concepts within some given qualitative data (i.e. text). Using

content analysis, the consultants were able to quantify and analyze the presence, meanings and relationships of such certain words, themes, or concepts.

The consultants were then make inferences about the messages within the texts, the writer(s), the audience, and even the culture and time of surrounding the text. To analyze the text using content analysis, the texts were first coded, or broken down, into manageable code categories for analysis (i.e. “codes”). Once the text was coded into code categories, the codes were then further categorized into “code categories” to summarize data even further. All information obtained after analysis were used to prepare this detailed consultancy report.

5.0 PROPOSED CBFM APEX BODY

5.1 Overview

The CBFM apex body will be the highest decision-making body for CBFM villages. The Apex will be formed by Associations of Villages with Village Land Forest Reserves or in Swahili “Jumuiya ya Vijiji vyenye Misitu ya Hifadhi ya Vijiji (JUVIMIHI)”. These associations will be formed at district level (see section 5.3.3 for detailed information about JUVIMIHI). Each district will form and register an association. For instance, Jumuiya ya Vijiji vyenye Misitu ya Hifadhi ya Vijiji wilaya ya Kilwa (JUVIMIHI - Kilwa) or Jumuiya ya Vijiji vyenye Misitu ya Hifadhi ya Vijiji wilaya ya Tunduru (JUVIMIHI - Tunduru). All associations formed at district level will join to form Apex Body.

5.2 Vision, Mission and Functions CBFM Apex body

5.2.1 Vision

To improve quality of CBFM forests, forest governance, and livelihoods of forest adjacent communities are improved.

5.2.2 Mission

To bring together CBFM stakeholders across the country in a coordinated manner in order to achieve three PFM policy goals of improving forest condition, governance and livelihoods of forest adjacent communities

5.2.3 Functions

The main objective, for which PFM apex body is established, is to serve as a multi-stakeholder platform for the consolidated coordination of actors involved in PFM in order to ensure coherence in the implementation of PFM initiatives, learning and experience sharing. In particular, the functions are:

- (i) To deal with lobbying and advocacy for conducive CBFM enabling environment and collectively find solutions to systemic barriers that inhibit effective management of VLFRs at national level;
- (ii) To stimulate cooperation among its members in the activities and all matters regarding to CBFM;
- (iii) To create means whereby members will be able to meet and exchange views, opinions and promote forest management;
- (iv) To promote genuine practice of CBFM, knowledge management and learning among stakeholders;

- (v) To collaborate with the private and public institutions in the initiatives aimed at furtherance of forest management;
- (vi) To collaborate with private and public institutions in finding reliable markets for forest products and services;
- (vii) To mobilise resources through different mechanisms including development of projects which will eliminate and or reduce hardship, increase effectiveness in forest management and its value chain; and
- (viii) Perform such other functions and to undertake such other activities in conformity with the constitutions and legislation in forestry sub- sector.

5.3 Guiding principles and core values

5.3.1 Guiding principles

In pursuit of the vision and mission, CBFM apex body will be guided by the following guiding principles:

- (i) Voluntary, open and inclusive membership
- (ii) Democratic, transparent and participatory approach in all undertakings;
- (iii) Work through Thematic Working Groups;
- (iv) Members commit to provide in-kind, technical or financial contributions in support of the apex body' activities;
- (v) Openly share apex body information, knowledge, experiences, expertise, and support collective learning;
- (vi) Free public access and use of CBFM apex body information;
- (vii) Independent and technical CBFM platform without any political leanings and undertakings
- (viii) Concern for smallholder farming, the environment and rural livelihoods
- (ix) Separate legal entity and not a representative voice of member institutions

5.3.2 Core Values

- (i) *Professionalism* - Working together as the CBFM Apex body while retaining own identities, branding, individual charter and governance in a professional manner;
- (ii) *Expertise*– the CBFM Apex Body brings together wide range of expertise in different areas that support PFM in Tanzania;
- (iii) *Inclusivity* – the CBFM Apex Body will be an open and inclusive multi-stakeholder platform that brings together various CBFM actors without discrimination;
- (iv) *Participation* - the CBFM Apex Body will at all times involve all her members in different activities and will provide a platform where members will be able to share their experiences;
- (v) *Gender Equity* – the CBFM Apex Body will employ gender responsive approaches in all its activities; and
- (vi) *Partnership* – the CBFM Apex Body will aim to foster transformational partnerships through public private partnerships (PPPs) and such other acceptable arrangements that may be put in place from time to time.

5.3 The CBFM apex body organizational structure

The CBFM apex body organizational structure will have two main levels (chapters): 1) national level, and 2) district level (Figure 2). The national level will comprise of: 1) General meeting, (2)

Executive Committee, (3) The Secretariat, and (4) Thematic Working Groups (TWGs). Thematic Working Groups will be the key link with the rest of CBFM apex body members, partners and interested parties. The district level will comprise of: 1) District General Meeting, 2) District Executive Committee, and 3) District Secretary. Individual members of the Apex Body will be at village level (Fig. 2).

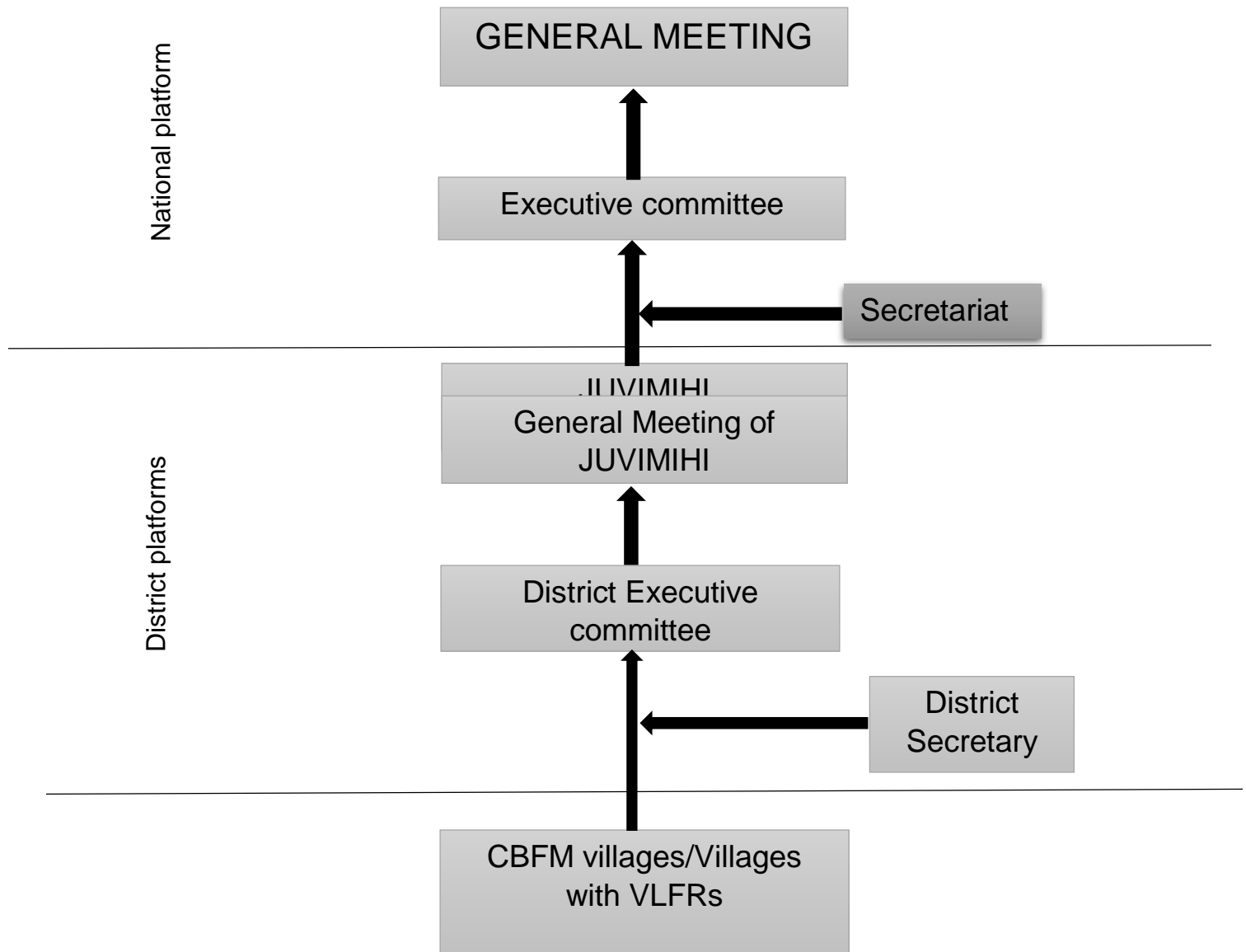


Figure 2: Organization structure of CBFM Apex Body

5.3.1 General Meeting

The General Meeting (GM) shall meet at least once in a year or as frequency necessary called special meetings. The GM shall be the high level of decision making to all matters of the Apex Body and shall guide the body in its work according to the agreed tenets. One representative from each District General Meeting, mainly the chairman, is entitled to attend the GM as will be

determined by the Executive Committee (EC). The GM shall be responsible for the following specific duties:

- (i) Choosing Apex Body leaders in the following positions: a) Chairman and Vice Chairman of the Apex Body, b) Secretary and Deputy Secretary, c) Treasurer, and d) Manager;
- (ii) Guide the Apex Body in fulfilling its objectives;
- (iii) Discuss and approve budget of the coming year and receive and adopt the income and expenditure statements for the previous year;
- (iv) Approve the overall strategic plan and annual plan of the Apex Body, and ratify financial and annual report of the Apex Body;
- (v) Approve the report of the activities of the Apex Body for the preceding year;
- (vi) Approve the plan of work for each succeeding year. It will also develop long term plan, as required;
- (vii) Approve the by-laws of the Apex Body;
- (viii) Approve amendment of rules and regulations;
- (ix) Suggest and carryout activities for promotion of the Apex Body;
- (x) Discuss and adopt areas of future prioritization of the Apex Body as proposed by the Executive Committee; and
- (xi) Approve Executive Committee members of the Apex Body.

5.3.1.1 Chairman of the Apex Body

The Chairman of the Apex Body will be elected by the GM from amongst members of the Association. Upon absence of the Chairman, the Vice Chairman shall continue to preside over meetings.

5.3.1.2 Treasurer of the Apex Body

The treasurer will be elected by the GM from amongst the members of the Association basing on the financial academic backgrounds which will be responsible to manage the PFM Apex Body's funds.

5.3.1.3 Secretary of the Apex Body

The Secretary of the forum will serve as the Chief Executive Officer (CEO) of the Apex Body. The secretary will be a member of Executive Committee and a top leader of the CBFM Apex Body's secretariat.

5.3.1.4 Terms of office

The terms of the office of each GM members will be three (3) years and can be re- elected the other tenure of three years.

5.3.2 The Executive Committee

The Executive Committee (EC) of the Apex Body shall consist of Chairman, Vice chairman, Secretary, and Treasurer, the Manager, two members elected by the General Meeting. This will forge a close working relationship with MNRT and PO – RALG and other institutions in order to influence key Apex Body policy and strategic decisions along the key thematic areas. The EC shall be responsible for the following specific duties:

- (i) Plan, approve and monitor the works of the Apex Body;
- (ii) Have charge of funds and endowments of the Apex Body;

- (iii) Authorize expenditures, appoint auditors and conduct other business as may be desirable for furthering the objectives of the Apex Body;
- (iv) Appoint any staff as per constitution of the forum of the need for such staff arises;
- (v) Raise funds and purchase properties (Movable and immovable);
- (vi) Have full charge of all immovable property belonging to or vested in the Apex Body in such a manner as it deems fit;
- (vii) Invest the forum's funds as per the policy guidelines;
- (viii) Lead in the development and review of the Apex Body annual work plans and budget for approval by the GM;
- (ix) Provide guidance and oversight of the Secretariat ensuring delivery according to the approved plan and budget;
- (x) Recruit the head of the secretariat and recruit members who shall manage the day-to-day activities of the Apex Body;
- (xi) Approve advocacy and communication strategies and validate relevant tools to ensure they reflect the principles and values of the Apex Body;
- (xii) Periodically assess work of the secretariat and evaluate progress towards achievement of strategic goals of the Apex Body;
- (xiii) Establish special temporary Thematic Working Groups as may be necessary to achieve set goals and objectives; and
- (xiv) Recommending amendments to the charter, policies and regulations to the Apex Body for approval.

5.3.2.1 The Secretariat

The Secretariat shall be an executive authority under the EC and shall be managed by a Coordinator, who will serve, as the Head of Secretariat, approved by the EC. The apex body Secretariat Office bearers, comprising of Office Secretary and Assistant, Finance administrator, and Thematic Working Groups Specialists. The CBFM Apex body secretariat will perform the following duties:

- (i) Day to day management of the Secretariat of the Apex body;
- (ii) Convene EC meetings on the orders of the EC Chair(s) and keep meeting records;
- (iii) Execute resolutions of the EC;
- (iv) Organise the apex body events and establish a monitoring system to track progress;
- (v) Develop the annual report for the approval of the EC;
- (vi) Work closely with relevant institutions including MNRT and PO - RALG to ensure complementarity between the Apex body activities and the national priorities;
- (vii) Act as custodian of the physical and financial assets of the Alliance;
- (viii) Review work plans and establish internal management structures for the Apex body; and
- (ix) Undertake any other relevant duties as may be assigned by EC.

5.3.3.2 Thematic working groups

The Apex Body Executive Committee shall set up three Thematic Working Groups (TWGs) that shall serve as technical arms of the Apex. These include: 1) Policy, Advocacy and communications, 2) Marketing, resource mobilization and fundraising, and 3) Forest planning, management and governance. The TWGs shall be guided by clearly defined terms of reference to be developed by EC.

(a) Thematic working group 1: Policy, advocacy and communication

This will be responsible for promoting and communication of the Apex body integration into policies, strategies, plans and budgets at all levels. Some responsibilities of this TWG includes:

- (i) Identify policy barriers, which hinder implementation of CBFM and through policy advocacy, engage with various stakeholders including government to put in place enabling environment to address those barriers;
- (ii) Support in mainstreaming of CBFM activities, in particular, technical and financial support in management of CBFM forests into the national and district development planning and budgeting;
- (iii) Leading and developing policies, strategic plans, partnerships and agreed procedures with other CBFM stakeholders and tiers of government to foster efficient and streamlined approval processes, including accreditation of processes to meet requirements of other legislation and policies;
- (iv) Assist CBFM villages when drafting and signing various agreements including management and commercial agreements;
- (v) Provision of expert advice to parties where the provisions of specific forest management plans are queried or challenged;
- (vi) Track and monitor implementation of forest related policies and strategies at the national and district levels; and
- (vii) Lead in communication of CFM implementation related information to influence policy decisions.

(b) Thematic working group 2: Marketing, resource mobilization and fundraising

This TWG will be responsible for marketing of forest produce from CBFM forests, and mobilizing financial resources from various sources (public and private) to support management of PFM forests, in particular:

- (i) Seeking internal and external market of forest goods and services from CBFM forests as strategy to increase revenue for CBFM villages to be used in forest management activities;
- (ii) Advice the EC on how to engage with government of Tanzania and development partners on mobilisation of resources for investment of CBFM forests for both goods and services;
- (iii) Advise Apex body members on how to mobilize resources and invest in forest based enterprises;
- (iv) Rising fund for the apex body through different mechanisms, including project development;

(c) Thematic working group 3: Forest planning, management and governance

This thematic working group will be responsible for mobilizing technical resources from various stakeholders in order to improve forest resources management, governance and livelihood of the villagers, in particular:

- (i) Seek forest related experts who will be willing to assist CBFM villages in the implementation of forest management activities such as preparation of forest management and harvesting plans;
- (ii) Support development and/or updating of the Forest Practices Code and forest planning tools, including the of forest management and harvesting plans;

- (iii) Reviewing forest management and harvesting plans and providing expert advice to ensure that the plans meet relevant legislative and policy requirements forwarded to higher government authorities; and
- (iv) Training and professional development, in collaboration with District Forest Officers or forest committee members.

5.3.3 Jumuiya ya Vijiji vyenye Misitu ya Hifadhi ya Vijiji (JUVIMIHI) organization structure

There will be established association at district level. The association will bring together villages owning and managing VLFRs in the district. The association to be called JUVIMIHI in 'X' District. Overall objective of the association is to bring together all CBFM villages managing VLFRs for the to serve as a multi-stakeholder platform for the consolidated coordination of actors involved in CBFM at district level in order to ensure coherence in the implementation of CBFM initiatives, learning and experience sharing. At this level, there will be: 1) District General Meeting, 2) District Executive Committee, and 3) District Secretary. At village level there will be individual CBFM villages (Fig. 3).

5.3.3.1 District General Meeting

District General Meeting (DGM), which is also called Annual General Meeting of villages with VLFRs. This is a higher level of decision making body at District level. The DGM is formed by two representatives from each member village: Village Chairman and Chairman of VNRC. It may also be attended by invited members including DFO, District Forest Conservator and NGOs' staff (but with no vote). The DGM shall meet at least once in a year or as frequency necessary called special meetings.

Roles and responsibilities of the DGM includes:

- (i) Choosing leaders of association in the following positions: 1) Chairman and Vice Chairman, 2) Secretary and Deputy Secretary, and 3) Treasurer;
- (ii) Discuss and approve budget of the coming year and receive and adopt the income and expenditure statements for the previous year;
- (iii) Approve the overall strategic plan and annual plan of the Association, and ratify financial and annual report;
- (iv) Approve the report of the activities of the Association for the preceding year;
- (v) Approve the plan of work for each succeeding year. It will also develop long term plan, as required;
- (vi) Approve the Constitution of the Association;
- (vii) Suggest and carryout activities for promotion of the Association;
- (viii) Discuss and adopt areas of future prioritization of the Association as proposed by the Executive Committee; and
- (ix) Approve Executive Committee members of the Association.

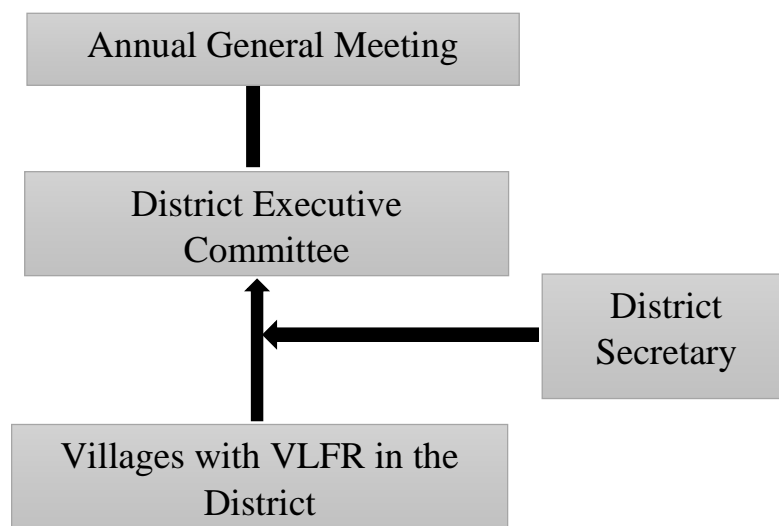


Figure 3: Organization structure of JUVIMIHI

5.3.3.2 Chairperson of the Association

The Association Chairperson will be elected by the DGM from amongst representatives of villages with VLFRs. Upon absence of the Chairperson, the Vice Chairperson shall continue to preside over meetings.

5.3.3.3 Treasurer of the Association

The treasurer of the Association will be elected by the DGM from amongst representatives of villages with VLFRs.

5.3.3.4 Secretary of the Association

The Secretary of the Association will serve as the Chief Executive Officer (CEO) of the Association and District Level. The Secretary will be recruited with preference to retired energetic officer with educational background on forestry or related biological natural resource fields. The secretary will link between association and other authorities or associations.

5.3.3.5 Terms of office

The terms of the office of each DGM members will be three (3) years and can be re- elected the other tenure of three years.

5.3.4 The District Executive Committee (DEC)

The District Executive Committee (DEC) of the Association shall consist of Chairman, Vice Chairman, Secretary, and Treasurer, District Forest Officer (DFO), District Forest Conservator, and one representative from each Non – Government Organization (NGO) dealing with CBFM in the district. This will forge a close working relationship with District Council and TFS at District

level and other institutions in order to influence key Association policy and strategic decisions. The DEC shall be responsible for the following specific duties:

- (i) Plan, approve and monitor the work of the Association;
- (ii) Have charge of funds and endowments of the Association;
- (iii) Appoint any staff as per constitution of the forum of the need for such staff arises;
- (iv) Raise funds and purchase properties (Movable and immovable); and
- (v) Have full charge of all immovable property belonging to or vested in the forum in such a manner as it deems fit.

5.3.5 Villages owning and managing VLFRs

Villages owning and managing VLFRs are primary members of the Association. Each village will be represented by two representatives to attend DGM. These are Village Chairman and Chairman of VNRC.

6.0 FINANCING OF CBFM APEX BODY

Financing of the Apex body will be through the following means:

- (i) Membership and annual subscription fees;
- (ii) Grants/donations from Government, National and International funding agencies, or any other sources;
- (iii) Projects to attract funds that will be developed by the Secretariat on behalf of the Apex body;
- (iv) Fees/services charges for various activities provided.

7.0 LEGALITY OF CBFM APEX BODY AS PER LAWS GOVERNING FOREST MANAGEMENT IN TANZANIA (A LOCUS OF CBFM APEX BODY)

7.1 Introduction

The management of all forests in Tanzania regardless of its ownership, is done in accordance with the Forest Act No 14 of 2002, its regulations and various guidelines and decrees issued by the MNRT through the FBD. CBFM forests, including VLFRs and community forests are not exempted, they all managed in accordance with the law, which has established a management system.

The law does not authorize the establishment of any other forest management body, including JUVIMIH and CBFM Apex Body. However, since the law does not preclude another management system from being established for the management of such forests, **another management mechanism may be developed as proposed under the Societies Act (The Societies Act, Cap. 337). Therefore, the proposed JUVIMIHI and the Apex Body will be established as per Societies Act.**

The challenge that arises if another management body is established in accordance with other laws is that the body **cannot interact with the regulatory bodies established in accordance with the Forest Act.** Therefore, in order to establish an apex body, **which will interact with existing regulatory bodies in accordance with the Forest Act,** it is necessary that the Forest Act be amended to provide for the following:

- (i) To establish the authority for the establishment of the body;

- (ii) To specify that the members of the body will be derived from the regulatory bodies contained in the Forest Act;
- (iii) Amend the provisions that provide for the management of existing entities in order to align the "apex body" with the current management system.

7.2 Procedure for making amendments to the law

Amendments to the law are made either by drafting a Cabinet Letter to seek approval or if the amendments are not numerous and do not require Government decisions can be made through the various amendments bill (The Written Laws Miscellaneous Amendments).

The process of reviewing the various laws amendment bill does not take long as the relevant Ministries submit the amendment proposals to the Attorney General (AG) and if they meet the criteria then they are included in the Bill and submitted to the Cabinet Committee on Constitution, Law and Parliament for approval before being published in the Government Gazette and submitted to Parliament for reading, discussion and approval.

Since the Forest Act already has a mechanism for the management of village and community forests, amendments to the law establishing the authority and order for the establishment of an apex body are not a matter that requires policy decisions that will require the preparation of a Cabinet Letter. Thus, the information can be prepared in order to apply the procedure to apply the Amendment Bill submitted by the Attorney General. If the amendments are tabled early, they can be read for the first time in parliament in February 2021 and the law passed in parliament in April 2021.

8.0 PILOT DISTRICTS FOR ESTABLISHING ASSOCIATIONS OF VILLAGES WITH VLFRSS (JUVIMIHI)

Twelve (12) districts are proposed to start as pilot: Kilwa, Ruangwa, Nachingwea and Liwale (Lindi Region), Tunduru, Namtumbo and Songea (Ruvuma Region), Kilosa (Morogoro Region), Handeni and Kilindi (Tanga Region); Kiteto (Manyara Region) and Mpwapwa (Dodoma Region). Reasons for selecting these district, is that they have many villages with VLFRs; Activeness of villages and presence of stakeholders that supporting villages in the management of their CBFM forests.

9.0 PROCEDURES FOR REGISTRATION OF ASSOCIATIONS

Procedures for registration of associations are provided under Societies Act, [cap. 337 R.E 2002] and the recent amendments of Written Laws (Miscellaneous Amendment) (No 3) Act of 2019] as follows;

- (i) Application letter to be addressed to the Registrar of Societies;
- (ii) Three (3) copies of the Constitution of the Association;
- (iii) By laws of the Association;
- (iv) Societies Act (SA) Form No. 1 and 2 both in duplicates;
- (v) Minutes of authorization to establish the said Association containing a list with full names and signatures of founder members not less than 10 (can be submitted separately);
- (vi) Personal particulars of office bearers/CVs;
- (vii) Passport size photos of office bearers;

- (viii) Introduction letters from Local Government Authority which should be submitted to District Commissioner and Regional Commissioner's offices for Approvals or Parent Ministry or Institution (6 copies of the Application will be prepared 1 for each approval and will be submitted to the Registrar, the other 2 copies will be for organization and a Lawyer for records);
- (ix) Full address and physical location of the head office of the organization; and
- (x) Various payable fees: 1) Application is TZS 10,000/=; 2) Registration is TZS 100,000; (3) Annual fee is TZS 40,000.

10.0 WAY FORWARD

In order to move forward with the process of establishing the CBFM Apex Body, the Ministry (i.e. MNRT via FBD) through FORVAC and other CBFM stakeholders, should start doing the following things:

- (i) Educate CBFM villages (Leaders, Committees and Villagers) on the importance of establishing Association. This is important to enable the villagers to own and manage the entire process of establishing the Association (bottom up approach of establishing Associations);
- (ii) The Ministry shall begin a process of minor legal amendments that will allow for the establishment of the Apex Body through the Forest Act;
- (iii) The Ministry through FORVAC and other stakeholders to shall assist villages in the pilot districts to register the JUVIMIHI and establish an Apex body; and
- (iv) The Ministry through FORVAC and other stakeholders shall allocate budgets to enable JUMIVIHI and CBFM Apex Body to operate within the first three years.

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LIST OF APPENDICES

Appendix 1: Terms of Reference (ToR) Back-stopping Services for the Establishment of the Tanzania PFM Apex Body



Ministry of Natural Resources & Tourism (MNRT), P. O. BOX 1351 – 40472 Dodoma

E-mail: info@forvac.org; Mobile +255-745-730300

Terms of Reference

Back-stopping Services for the Establishment of the Tanzania PFM Apex Body

Short-term Consultancy

(2 national Experts)

Project number and title	P34809P001 / Forestry and Value Chains Development Programme (FORVAC)
1. Duty Station, Operational Area	Morogoro with frequent travels to Dodoma and Dar es Salaam
2. Timing / Duration	29 June – 15 September 2020. 2 consultants, 21 effective working days by both of them, with an option for extension.
3. Background	<p>The Forestry and Value Chains Development Programme (FORVAC) is a 4-year (7/2018-6/2022) Programme funded by the Governments of Tanzania and Finland. The implementing agency of the programme is the Forest and Beekeeping Division (FBD) of the Ministry for Natural Resources and Tourism (MNRT), in close cooperation with Tanzania Forest Service (TFS) and the President's Office Regional Administration and Local Government (PO-RALG).</p> <p>Forestry and Value Chains Development (FORVAC) aims to contribute in increasing economic, social and environmental benefits from forests and woodlands while reducing deforestation. The expected outcome of FORVAC is <i>“Improved forest-based income, livelihoods and environmental benefits”</i>. The outcome will be achieved through the following outputs:</p> <p>Output 1: Improved Value Chains and increased Private Sector Involvement in the forest sector.</p> <p>Key interventions:</p> <p>1.1 Establishment and Mobilization of Village Land Forest Reserves (VLFR); under this category (VLFR)” is a starting point for CBFM and related value chains development in the context of FORVAC. The VLFR establishment also covers land use planning to</p>

secure ownership over forest products, such as timber, NWFP/NTFP and charcoal, for local communities.

1.2 Support to value chains development

Output 2: Stakeholder capacity to implement and promote forestry value chain development enhanced.

Key interventions:

2.1 Improved institutional and management capacities of Village Councils and VNRC to implement CBFM and develop forest value chains;

2.2 Improved capacities to support and monitor CBFM/forest and related value chains and incorporating HRBA aspects; and

2.3 Forest products value chains/market system and business development skills incorporated in curricula of relevant training institutes.

Output 3. Functional extension, communication, monitoring systems and Management Information System (MIS) in place.

Key interventions:

3.1 Enhanced extension and communication services; and

3.2 Monitoring and Management Information System (MIS) established.

	<p>Output 4. Supportive legal and policy frameworks to forest value chain and sustainable forest management developed.</p> <p>Key interventions:</p> <p>4.1 Improved policy and regulatory framework for forest value chain development; and</p> <p>4.2 Support to development of forest law enforcement, forest governance and trade of legally sources timber</p> <p>The Programme supports development of the Participatory Forest Management (PFM) regime, establishment of Village Land Forest Reserves (VLFRs) and related value chains development in three clusters: Tanga cluster (Handeni and Kilindi districts in Tanga region, the district of Mpwapwa located in Dodoma region and the district of Kiteto (Suledo Forest Community) in Manyara region); Lindi cluster (Liwale, Ruangwa and Nachingwea districts); and Ruvuma cluster (Namtumbo, Tunduru, Songea, Mbinga and Nyasa districts).</p>
4. Objectives	<ol style="list-style-type: none"> 1. Through developing communication on Participatory Forest Management regime, contribute to sustainability of Tanzanian forest management. 2. Establish a model for the Tanzania PFM Apex Body to facilitate lobbying and advocacy on PFM issues within top Tanzanian authorities.
5. Scope	<ul style="list-style-type: none"> • Mapping all actors ("Sub PFM Apex bodies") and developing a proposal for the PFM Apex Body to assist in providing necessary backstopping on PFM issues across Tanzania. These Sub-Bodies may include, but are not limited to, for instance Ruvuma Landscapes Forum, Mjumita Platform, Kilosa Charcoal Production and others from across Tanzania. • To plan and propose the framework for the Tanzania PFM Apex body: membership, duties, responsibilities, organization and sources of finance. • In cooperation with the Forestry and Beekeeping Division of MNRT and the FORVAC programme, organizing a validation workshop to brief of the results of the consultancy and further discuss plan for the establishment of the Apex Body.

	<p>The purpose of this consultancy is to facilitate MNRT to further develop and organize Tanzanian forestry, also to promote public private partnerships (PPP) and sustainable all-inclusive forest based livelihoods development, including gender consideration. Apex Body would work as a tool for lobbying and advocacy in this process.</p> <p>The Apex Body, when operational, will assist VLFR, CFRs and JFM in challenges of forest value chains development starting from raw material production and trade to processing, transportation and marketing of the forest products. .</p>
6. Expected deliverables	<p>Workplan and the detailed approach and methodology to be discussed in the kick-off meeting.</p> <p>Report including description of the framework/model and the plan for the Tanzania PFM Apex Body, also describing the rationale, membership, duties, responsibilities, organization and sources of finance.</p> <p>Presentation of the above-mentioned report in the validation workshop.</p> <p>Final report of the consultancy, also including recommendations for further measures to be taken.</p>
7. Timing	<p>29 June 2020 – 15 September 2020, with the following preliminary schedule for activities:</p> <ul style="list-style-type: none"> • 29 June – 15 July, kick-off meeting (tentatively 30 July), desk studies, communication with stakeholders. • 15 July – 15 August, development of the proposal for the PFM Apex Body approach and framework. • 15 August 2020, validation workshop. • 15 August – 5 September 2020, further communication with stakeholders and finalization of the report of the consultancy. • Submission of the final report by 15 September 2020 at the latest.
8. Proposed Consultants	<p>i) Chelestino Peter Balama, PhD, Team Leader with the input of 21 effective working days in total (CV given attached).</p> <p>Numan Said Amanzi, MSc. (For.), CBFM Expert, with the input of 21 effective working days</p> <p>ii) in total (CV given attached).</p>

Annexes	<p>Programme Document (PD) https://forvac.or.tz/wp-content/uploads/2019/12/FORVAC-Programme-Document_FINAL.pdf</p> <p>Market Systems Analyses https://forvac.or.tz/wp-content/uploads/2019/11/20181218_Market-Systems-Analysis.pdf</p> <p>FCG Code of Conduct https://forvac.or.tz/wp-content/uploads/2020/01/FCG-Code-of-conduct.pdf</p> <p>FORVAC COVID-19 Guideline for service providers https://forvac.or.tz/wp-content/uploads/2020/03/FORVAC-Guideline-of-COVID-19_Partners-Service-Providers_202004231.pdf</p>
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Appendix 2: Stakeholders visited for face to face interview

SN	Stakeholders to be consulted	Location	Date visited
1	WWF Tanzania	Dar es Salaam	13.07.2020
2	TFCG	Dar es Salaam	13.07.2020
3	UDSM - IRA	Dar es Salaam	13.07.2020
4	MCDI	Kilwa Masoko	14.07.2020
5	Kilwa District Council	Kilwa Masoko	14.07.2020
6	TFS - Kilwa District	Kilwa Masoko	14.07.2020
7	Ngea Village government – CBFM and JFM Village	Ngea - Kilwa	14.04.2020
8	TFS - DFC Liwale District	Liwale	15.07.2020
9	Liwale District Council	Liwale	15.07.2020
10	Mtawatawa Village government – CBFM and JFM Village	Mtawatawa - Liwale	15.07.2020
11	TFS – Southern Zone	Zonal Office - Masasi	16.07.2020
12	Sautimoja Village government – CBFM Village	Sautimoja - Tunduru	16.07.2020
13	TFS - Tunduru District	Tunduru	17.07.2020
14	Tunduru District Council	Tunduru	17.07.2020
15	Regional Secretariat – Ruvuma Region	Songea	18.07.2020
16	FORVAC	Songea	18.07.2020
17	TFS - Tunduru District	Songea	18.07.2020
18	Tunduru District Council	Songea	18.07.2020
19	Tanzania Tree Growers Association Union (TTGAU)	Njombe	20.07.2020
20	Kitunduweta Village government – CBFM Village	Kindunduweta - Kilosa	21.07.2020
21	MNRT	Dodoma	22.07.2020
22	PO RALG (TAMISEMI)	Dodoma	23.07.2020
23	SULEDO – CBFM Forest	Sunya - Kiteto	23.07.2020
24	Ayasanda Village government – CBFM and JFM Village	Ayasanda - Babati	24.07.2020
25	TRAFFIC	Arusha	25.07.2020
26	Kisiwani Village government – JFM Village	Kisiwani - Muheza	26.07.2020
27	Community Wildlife Management Area Consortium (CWMAC)	Dar es Salaam	28.07.2020

Appendix 3: List of participants in the first meeting with legal experts held on 24th August, 2020

SN	Stakeholders to be consulted	Location	Date visited
1	WWF Tanzania	Dar es Salaam	13.07.2020
2	TFCG	Dar es Salaam	13.07.2020
3	UDSM - IRA	Dar es Salaam	13.07.2020
4	MCDI	Kilwa Masoko	14.07.2020
5	Kilwa District Council	Kilwa Masoko	14.07.2020
6	TFS - Kilwa District	Kilwa Masoko	14.07.2020
7	Ngea Village government – CBFM and JFM Village	Ngea - Kilwa	14.04.2020
8	TFS - DFC Liwale District	Liwale	15.07.2020
9	Liwale District Council	Liwale	15.07.2020
10	Mtawatawa Village government – CBFM and JFM Village	Mtawatawa - Liwale	15.07.2020
11	TFS – Southern Zone	Zonal Office - Masasi	16.07.2020
12	Sautimoja Village Government – CBFM Village	Sautimoja - Tunduru	16.07.2020
13	TFS - Tunduru District	Tunduru	17.07.2020
14	Tunduru District Council	Tunduru	17.07.2020
15	Regional Secretariat – Ruvuma Region	Songea	18.07.2020
16	FORVAC	Songea	18.07.2020
17	TFS - Tunduru District	Songea	18.07.2020
18	Tunduru District Council	Songea	18.07.2020
19	Tanzania Tree Growers Association Union (TTGAU)	Njombe	20.07.2020
20	Kitunduweta Village government – CBFM Village	Kindunduweta - Kilosa	21.07.2020
21	MNRT – FBD & Legal Directorate/Division	Dodoma	22.07.2020
22	Moshi Co-operative University (MoCU)	Dodoma	22.07.2020
23	Ministry of Home Affairs (MoHA)	Dodoma	22.07.2020
24	Ministry of Health and Social Welfare	Dodoma	22.07.2020
25	PO RALG (TAMISEMI)	Dodoma	23.07.2020
26	SULEDO – CBFM Forest	Sunya - Kiteto	23.07.2020
27	Ayasanda Village government – CBFM and JFM Village	Ayasanda - Babati	24.07.2020
28	TRAFFIC	Arusha	25.07.2020
29	Kisiwani Village government – JFM Village	Kisiwani - Muheza	26.07.2020
30	Community Wildlife Management Area Consortium (CWMAC)	Dar es Salaam	28.07.2020
31	Mtandao wa Jamii wa Usimamizi wa Misitu Tanzania (MJUMITA)	Dar es Salaam	11.09.2020
32	Ministry of Home Affairs (MoHA)	Dar es Salaam	23.10.2020

Appendix 4: Records of the Meeting legal experts to deliberate on the locus of Participatory Forest Management Apex body in Tanzanian legal frameworks held on 24th august, 2020 at TAFORI Headquarters, Morogoro

1.0 Overview

The meeting with Legal experts to deliberate on the locus of Participatory Forest Management (PFM) Apex Body in the Tanzanian legal frameworks was held on 24th August, 2020, at TAFORI Headquarters, Morogoro. 18 participants attended the meeting from targeted institutions including Legal Unit of the Ministry of Natural Resources and Tourism (MNRT) and the Attorney General Chambers (AGC) (Annex I). The National PFM Coordinator, Mr. Emmanuel Msoffe at 0945 hrs, officially opened the meeting. Before giving opening remarks, Mr. Msoffe officially welcomed participants (Plate 1) to the meeting and requested them to make self-introduction.



Plate 1 (a&b): Participants during opening session of the PFM Apex Body meeting

After self-introduction, Mr. Msoffe provided the aim of the meeting by giving insight of the meeting. He insisted that the meeting was primarily to bring together legal experts at national level to deliberate on the locus of the PFM apex body. However, other forest experts were invited to back up the legal experts on PFM technical aspects. After that, he mentioned the time schedule that will guide the whole process of the meeting (Annex II). After the opening remarks, two presentations by the consultants were given. One was about PFM in Tanzania: Understanding concept and its implementation and another was about establishment of the Tanzania PFM Apex Body: Context, Justification and its Legality.

During the presentation session and all other sessions, Mr. Sanford Kway, the Advisor of Forestry matters from the President's Office, Regional Administration and Local Government (PO-RALG), was a chairperson.

2.0 Presentation and Discussion Session

The first presentation aimed to familiarize participants with PFM. The presentation was about “Participatory Forest Management (PFM) in Tanzania: Understanding concept and its implementation”, which was presented by Mr. Numan Amanzi (Plate 2).



Plate 2: Mr. Numan Amanzi making the first presentation on PFM concepts

The second presentation was about “Establishment of the Tanzania PFM Apex Body: Context, justification and its legality” which was presented by Dr. Chelestino Balama. The contents of the presentations in short are as follow.

1. Participatory Forest Management (PFM) in Tanzania: Understanding concept and its implementation

Forests in Mainland Tanzania are now under two management regimes. These are either:

1. Centralized Forest Management (CFM), or
2. Participatory Forest management (PFM).

Centralized Forest Management

Centralized Forest Management (CFM) is conventional forest management approach introduced by German administration (1885-1916). Then, it was adopted by British administration (1918 - 61). Finally, inherited by independent Tanganyika, then Tanzania. Under CFM, the state reserves all access and use rights of the forest (Top – down approach). Foresters, working closely with trained forest guards to manage forests. Laws and regulations are introduced that prescribed dos and don'ts. His forest management approach was implemented in central and local (native) government forest reserves.

Participatory Forest Management

Participatory Forest Management (PFM) introduced to address challenges emerged during implementation of the CFM e.g. limited government resources. Community forestry pilot area was established in Manyara (SIDA) and Iringa (DANIDA). Officially was introduced in 1998 through the National Forest Policy.

PFM involves different stakeholders (see policy statements No. 3, 5, 6 and 7). Forests are managed in participatory manner by both foresters and the communities. It is implemented in both forest reserves under either Central or local government, and forests on village lands.

PFM entails two approaches depending on type of ownership of forestland. These approaches are:

1. Joint Forest Management (JFM) – Usimamizi wa Pamoja wa Misititu (UPM), and
2. Community Based Forest Management (CBFM) – Usimamizi wa Misititu ya Jamii (UMJ).

Note: The two approaches are mentioned in the National Forest Programme (see page 23, 40, 50, 52, 58, 59, 62, 93, 107).

Joint Forest Management

Joint Forest Management (JFM) is implemented in forest reserves owned either by Central Government (i.e. NFRs), or those owned by Local Government Authorities (i.e. LAFRs).

Its objective is to increase the workforce in the forest management by involving stakeholders, including forest adjacent communities (villages). JFM is legalized after signing of a Joint Management Agreement (JMA) – see Forest Act: Section 16 (1 -5).

Legal requirements for establishing JFM forest

- i. Electing a Village Natural Resources Committee (VNRC) (Kamati ya Maliasili ya Kijiji – KMK) – Forest Act: Section 33 (1, 2);
- ii. Defining the external, and internal forest boundaries (VFMA) – Forest Act: Section 28 (boundaries of forest reserves);
- iii. Developing a FMP (see Forest Act: Section 11 (4)) and VFMA Management Plans;
- iv. Preparing and signing JMA – Forest Act: Section 16 (1 - 5); and
- v. Preparing Village Bylaws for JFM in accordance with Local Government (District Councils) Act No. 7 of 1982.

Community Based Forest Management

Community Based Forest Management (CBFM) takes place on Village Land and leads to the establishment of Village Land Forest Reserves (VLFRs), Community Forest Reserves (CFRs) or Private Forest Reserves (PFRs). Objective of CBFM is increasing number and coverage of protected forest areas. Figure 1 presents an increasing coverage of CBFM forests.

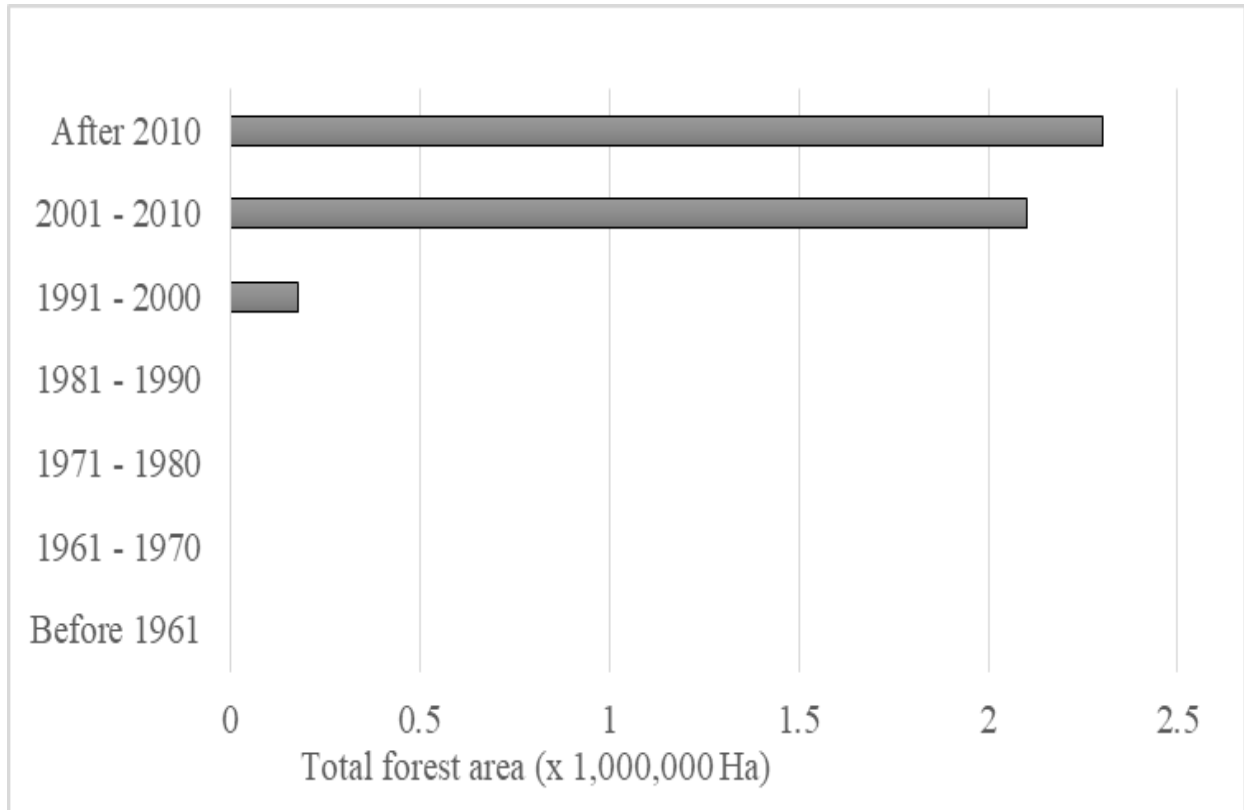


Figure 1: Increasing Forest area under CBFM

Legal basis for villages to own and manage forest resources:

- The Forest Act (2002) and the Forest Regulations (2004),
- The Village Land Act No 5 of 1999,
- The Land Use Planning Act Cap 116 of 2007,
- The Local Government Act No 7 of 1982.

Among the forest reserves under CBFM are the VLFRs. Legal requirements for setting up and managing VLFRs are as follow:

- i. Villagers registering their own village land as stated in Village Land Act of No 5 of 1999: Section 7;
- ii. Electing a VNRC – Forest Act: Section 33 (1, 2);
- iii. Defining the forest boundaries for VLFR – CBFM guidelines of 2007;
- iv. Developing a village Forest Management Plan (FMP) – Forest Act: Section 14 (1);
- v. Preparing Village Bylaws - Local Government Act No. 7 of 1982;

- vi. “Declaring” the VLFR – Village assembly and District Council approve Management Plan and Bylaws; and
- vii. “Gazetting” a VLFR (optional) after 3 years later – Forest Act: section 35 (1 – 11).
Note: declared VLFRs must be recorded in the register of VLFRs – Forest Act: section 24 (1- 5).

Status of PFM (JFM and CBFM): PFM facts and Figures 2012

Table 1 indicates status of PFM (JFM and CBFM) as per PFM Facts and Figures issued in 2012.

Table 1: Status of PFM (JFM and CBFM): PFM facts and Figures 2012

A total area of forest covered by PFM arrangements	7,758,788 hectares
Number of villages involved in PFM	2285 from 77 districts
Number of villages with declared / gazetted village forests or signed Joint Management Agreements	580
Number of villages with CBFM established or in process	1233 from 69 districts
Area of forest covered by CBFM arrangements	2,366,693 hectares
Number of declared Village Land Forest Reserves	409
Number of gazetted Village Land Forest Reserves	71
Area of forest covered by JFM management arrangements	5,392,095 hectares
Number of villages with JFM has been established, or in process of being established	1052 from 65 districts
Number of villages that have signed JMAs	171

Challenges of PFM implementation

Some of the key challenges face PFM implementation include:

- i. Delay of JFM formalization process – signing of JMA;
- ii. Politics and uncoordinated directives to PFM villages from higher government authorities;
- iii. Conflicts with state agencies on resource ownership/control and use;
- iv. Weakness of district councils to provide required support to PFM villages;
- v. Limited capacity of PFM villages to implement planned activities;
- vi. Limited or lack of direct economic benefits from PFM forests;
- vii. Conflicting or unclear laws governing forests; and
- viii. Increasing demand of forest resources in PFM forests.

2. Establishment of the Tanzania PFM Apex Body: Context, Justification and its Legality

Context

PFM apex body is expected to be higher level and/or national organization/alliance of PFM stakeholders, in particular, PFM villages. It will also be an autonomous institution for defending rights of all PFM stakeholders. Furthermore, it will be a coordinating eye behind PFM

implementation in Tanzania. It will also be responsible to facilitate lobbying and advocacy on PFM issues within top Tanzanian authorities.

Justification

There is a need for unity/alliance that will lead to existence of a common/collective voice for all PFM stakeholders, in particular over 580 PFM villages. The apex body is needed to address a challenge of benefit sharing in JFM arrangement. There is also a need to address challenges of PFM implementation at all levels. PFM apex body will be a platform for establishment of clear mechanisms for resource mobilization and provision of support to PFM stakeholders.

Legality

Today's meeting is expected to deliberate on the following key questions:

- i. What are existing legal basis for the establishment of PFM apex body (i.e. a locus - laws guiding its establishment?)
- ii. What are the legal requirements for establishing PFM apex body?
- iii. Does PFM forests/villages meet the existing legal requirements for establishing the apex body?
- iv. If No, what is needed to be done, how and who is responsible?
- v. How mandates/functions and financing of PFM apex body can be sustained in legal perspective?

3.0 Discussion with Participants

One of the participants contributed by saying that, establishing an apex body needs to see what are the benefits are going to be realized by both communities or the government. Therefore, the context of benefit realizing is important for discussion. The proposed apex body can take into the context of the setting of Community Wildlife Management Areas Consortium (CWMAC).

Participant argued that, as the currently there is move on Paramilitary in the forest sector, it looks like suppressing efforts of communities' participation through JFM arrangement. Therefore, there is a need to know what is the current status of JFM forests under the Central Government in the country as far as already some forests are practicing paramilitary scheme which is not compatible with communities' participation. Also, JFM seem to have failed as it does not address issues of benefits. Currently there are no signed Joint Management Agreements (JMAs) in place. Failure to sign the JMAs seem to have discouraged communities in participating in forest management on the Central Government forests.

Participant argued that, 'if we say the apex body is going to address/overcome some of the PFM challenges, what will happen in case those challenges will not be solved/tackled?'. Further, they argued that, most of the existing challenges are linked to the government bureaucracy, can be solved over time. Moreover, participant recommended for the consultants to come up with the SWOT (Strength, Weakness, Opportunities and Threats) analysis for JFM and CBFM so that from there different issues may be tackled.

In additional to the above, participants argued that, it is important again to analyze the challenges versus how the apex body will solve them. We should not just go the conclusion about the need of

the apex body rather than discussion existing challenges and see how to solve them one by one. In addition, participants said that, the NAFAC² committee should address some of the challenges.

It was also noted that, the words Participatory Forest Management (PFM) are not seen in the Forest Act of 2002 and Forest Regulations of 2004. However, the National Forest Policy of 1998 just mention about communities' participation in forest management but does not directly talk about PFM. Therefore, is important to see how such institutional frameworks take on board issues of PFM boldly.

It was again advised that, for the PFM apex body to be more effective, communities themselves should provide evidences to justify establishment of the apex. Various challenges faced by communities during implementation of PFM should be well explored to support need of the apex body.

4.0 Way forward

After long discussion on PFM apex body, the following were the deliberations

- (i) It is important to provide enough time for the Legal Experts at the Ministry of Natural Resources and Tourism (MNRT) so that they sit with the Consultants to deliberate on the locus of the apex body. Today's meeting has mainly provide highlights but for the legal purpose, it is import for them to understand critically particularly on the underlying institutional frameworks including the Forest Act of 2002 as well as the Forest Regulations 2004.
- (ii) Consultants should critically analyze existing PFM forums and networks like MJUMITA in order to develop the apex body that will take on board all PFM stakeholders.
- (iii) There is also a need for the PFM National Coordinator to sit together with TFS to deliberate on the status of JFM in forests that area under the central Government forests.
- (iv) At the beginning, the PFM apex can be established through other laws outside the MNRT such as Societies Act of 2015, No. 337. However, there should be a mechanism of how the body will be recognized by the MNRT, as is the ministry responsible with forests. To achieve this, it need thorough discussion with legal officers in MNRT and other legal officers.
- (v) Since implementation of JFM is not clear, the proposed PFM Apex body can start with CBFM villages. Even with CBFM villages, it may start with only few villages as pilots, e.g. PFM Villages within FORVAC Clusters. In those villages, there should be clear financing mechanisms that will ensure its sustainability.

5.0 Closing the Meeting

Mr. Frederick Komba (Legal Officer from the MNRT) closed the meeting on behalf of the Director of Legal Services – MNRT. On his closing remarks he thanked participants for their active participation in the meeting. He insisted that, on the need of few legal officers to sit together and see how PFM is well reflected in the Forest Act 2002 and consequently it's Forest Regulations 2004. The meeting was adjourned at 1420 hrs.

² A committee that advises the Minister for the Natural Resources and Tourism (MNRT) on issues related to forests.

Appendix 5: List of participants to the second meeting with legal experts held on 9th November 2020

SN	Name	Name of Institution and address	Phone number	Email address
1	Alex Njahani	FORVAC – FME - DODOMA	0755380673	alex.njahani@forvac.or.tz
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6	Bahati Chonya	PO RALG - DODOMA	0754866261	bahati.chonya2@tamisemi.go.tz phideantony@gmail.com
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10	Numan S. Amanzi	TAFORI - KIBAHA	0713424835	numan.amanzi@tafori.or.tz

Appendix 6: Records of the Meeting with legal experts to deliberate on how the associations of villages with village land forest reserves / PFM apex body could be recognized in the parent legal frameworks (i.e. Forest Act, 2002), held on 09th November, 2020 at National Carbon Monitoring Centre, Sokoine University of Agriculture, Morogoro

1.0 Overview

The meeting with Legal experts to deliberate on the locus of Participatory Forest Management (PFM) Apex Body in the Tanzanian legal frameworks was held on 09th November, 2020, at National Carbon Monitoring Centre (NCMC), Sokoine University of Agriculture (SUA), Morogoro. This was a follow up meeting after the first meeting held on 24th August 2020 at TAFORI Headquarters, Morogoro.

In this meeting, ten (10) participants attended, most of them being Legal Officers (Annex I). National PFM Coordinator, Mr. Emmanuel Msoffe at 0945 hrs, officially opened the meeting. Before giving opening remarks, Mr. Msoffe officially welcomed participants (Plate 1) to the meeting and requested them for self-introduction.



Plate 1: Participants of the meeting

After self-introduction, Mr. Msoffe provided the aim of the meeting by giving insight of the meeting. He insisted that, this is the second meeting with Legal Officers from different Ministries to deliberate on how the Associations of Villages with Village Land Forest Reserves / PFM Apex body could be recognized in the parent Act (i.e. Forest Act, 2002). After that, he mentioned the time schedule that will guide the whole process of the meeting (Annex II). After the opening remarks, the consultants provided one presentation. The presentation was about “The Establishment of Associations of Villages with Village Land Forest Reserves: A step towards establishment of PFM Apex Body”.

2.0 Presentation and Discussion Session

2.1 Presentation

The presentation on the establishment of Associations of Villages with Village Land Forest Reserves: a step towards establishment of PFM Apex Body was guided by the following topics:

Context and justification of establishing Associations of Villages with VLFRs

Over 1,233 Tanzanian villages own and manage VLFRs. Those villages are found in over 75 districts in the country. The villages are facing various challenges in managing VLFRs. The main challenges among others are as stated below:

Challenges necessitated the establishment of the Associations

Main challenges necessitated the establishment of the Associations include:

- (i) Lack of an umbrella forum that put together all villages for communicating;
- (ii) Networking and sharing views and experience;
- (iii) Limited or lack joint power/efforts to address challenges facing villages with VLFRs; and
- (iv) Lack of unity among villages with VLFRs – villages operate in an isolation situation.

Justifications for establishing Associations of Villages with VLFRs

The following are the justification of establishing associations with villages with VLFRs:

- (i) Need to have an umbrella forum to be used for communication, networking, sharing views and experience;
- (ii) Need to have a “unity” for lobbying and advocacy villages’ rights at different decision making levels; and
- (iii) Need to have joint power/efforts to address challenges facing villages with VLFRs; and
- (iv) Need to have higher level and autonomous institution (Apex Body) for communication, networking, lobbying and advocacy.

Proposal of establishing Associations

To establish Associations of Villages with Village Land Forest Reserves. In Swahili: Jumuiya ya Vijiji vyenye Misitu ya Hifadhi ya Vijiji (JUVIMIHI). These will be established at district level: one district can form association. Example 1: Jumuiya ya Vijiji vyenye Misitu ya Hifadhi ya Vijiji Wilaya ya Kilwa (JUVIMIHI - Kilwa). These associations will be stepping stones towards establishment of PFM apex body.

Functions of associations

The functions of the associations will include:

- (i) Lobbying and advocacy for conducive CBFM enabling environment and collectively find solutions to systemic barriers;
- (ii) Stimulate cooperation among its members in the activities and all matters regarding to CBFM;
- (iii) Create means for members to meet and exchange views, and opinions;
- (iv) Promote genuine practice of CBFM, knowledge management and learning among stakeholders;
- (v) Collaborate with the other institutions in the initiatives aimed at furtherance of forest management;

- (vi) Collaborate with other institutions in finding reliable markets for forest products and services; and
- (vii) Mobilise resources through different mechanisms.

The JUVIMIHI organizational structure

The proposed organisation structure is as indicated in Figure 1.

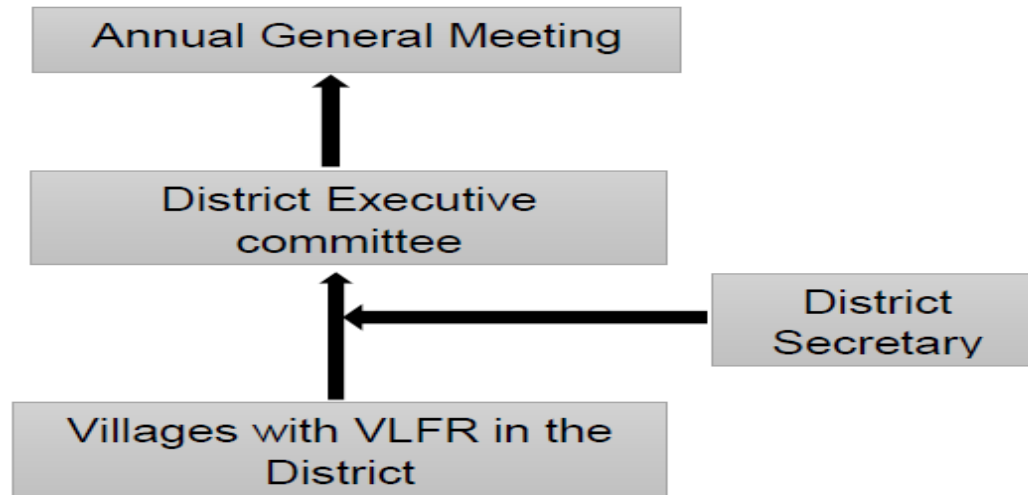


Figure 1: Proposed organisation structure of is as indicated in Figure 1.

Financing of Associations of Villages with VLFRSs (JUVIMIHI)

Financing of the association will be follows;

- (i) Membership and annual subscription fees;
- (ii) Grants/donations from Government, National and International funding agencies, or any other source;
- (iii) Projects to attract funds that will be developed by the DEC on behalf of the Association; and
- (iv) Fees/services charges for various activities provided.

Pilot districts for establishing Associations of Villages with VLFRSs (JUVIMIHI)

Twelve (12) districts are proposed to start as pilot: Kilwa, Ruangwa, Nachingwea and Liwale (Lindi Region), Tunduru, Namtumbo and Songea (Ruvuma Region), Kilosa (Morogoro Region), Handeni and Kilindi (Tanga Region); Kiteto (Manyara Region) and Mpwapwa (Dodoma Region). Reasons for selecting these district, is that they have many villages with VLFRs; Activeness of villages and presence of stakeholders supporting villages.

Procedures for registration of associations

- (i) Application letter to be addressed to the Registrar of Societies.
- (ii) 3 copies of the Constitution of the Association;
- (iii) By laws of the Association;
- (iv) Society Act (SA) Form No 1 and 2 both in duplicates;
- (v) Minutes of authorization to establish the said Association containing a list with full names and signatures of founder members not less than 10 villages;

- (vi) Introductory letter from the District Commissioner;
- (vii) Personal particulars of main office bearers/CVs;
- (viii) Passport size photos of office bearers;
- (ix) Full address and physical location of the head office of the organization; and
- (x) Application and registration fee.

2.2 Discussion

2.1 General views

It was insisted that, needs for establishing an apex should be driven by local communities not by just few people at district, region or national level. This is because the established apex will address needs of the communities at the villages and no other people at the top/Ministry. If the establishment of the association/apex is bottom – top; will ensure sustainability of the association/apex. On the other hand, members of the association should understand what they are going to benefit, i.e. what is missing under the current scenario. If people/villagers will understand their benefits, it will be very easy to convince others to join or form associations.

It was further argued that, for the communities to register the association, one of the pre-requisite need is the constitution and regulations of the association. Therefore, at this juncture as the communities are not well conversant with such development, the Government/development partners can assist the process, though every idea should emanate from the communities themselves.

On the other hand, members suggested that, the issue of the organogram (structure) of the apex could be looked clearly to included structure of the meetings and leadership. The two aspects could not be taken as same. In the proposed organogram, members of the District Executive Committee (DEC) should be the villagers themselves from different associations, not others like representatives from the development partners or district council levels. Other important partners other than villagers could be invited as stakeholders based on their roles. Therefore, leaders in every stage should be the people/members from the associations who are either the villagers or the VNRCs.

2.2 Procedure for the Establishment of Institutional Management Authority

Background

Part V of the Forest Act has established three main types of forests which are-

- (a) A forest reserve that is not a village forest or a community forest;
- (b) Village forest reserve;
- (c) Community forest reserves.

Village Land Forest Reserve Management

The village forest reserve is managed by a Committee to be established for the management of the village forest (Section 33 (2)). The committee must submit its report to the Village General Assembly.

Community Forest Reserve Management

Pursuant to Section 42 (3) of the Act, the District Council shall compile a list of all community forests and shall manage such forests to ensure that such forests are managed in accordance with the principles set out in the law.

Establishment of Apex Body

As mentioned above, the management of village forests and community forests is defined in accordance with the law, and the forest management agencies have established a management system that is also in accordance with the law.

The law does not authorize the establishment of any other forest management body. However, since the law does not preclude another management system from being established for the management of such forests, **another management mechanism may be developed as proposed under the Societies Act (The Societies Act, Cap. 337).**

The challenge that arises if another management body is established in accordance with other laws is that the body **cannot interact with the regulatory bodies established in accordance with the Forest Act.**

Therefore, in order to establish an apex body, **which will interact with existing regulatory bodies in accordance with the Forest Act**, it is necessary that the Forest Act be amended to provide for the following:

- (iv) To establish the authority for the establishment of the body;
- (v) To specify that the members of the body will be derived from the regulatory bodies contained in the Forest Act;
- (vi) Amend the provisions that provide for the management of existing entities in order to align the "apex body" with the current management system.

Procedure for making amendments to the law

Amendments to the law are made either by drafting a Cabinet Letter to seek approval or if the amendments are not numerous and do not require Government decisions can be made through the various amendments bill (The Written Laws Miscellaneous Amendments).

The process of reviewing the various laws amendment bill does not take long as the relevant Ministries submit the amendment proposals to the Attorney General (AG) and if they meet the criteria then they are included in the Bill and submitted to the Cabinet Committee on Constitution, Law and Parliament for approval before being published in the Government Gazette and submitted to Parliament for reading, discussion and approval.

Since the Forest Act already has a mechanism for the management of village and community forests, amendments to the law establishing the authority and order for the establishment of an apex body are not a matter that requires policy decisions that will require the preparation of a Cabinet Letter. Thus, the information can be prepared in order to apply the procedure to apply the Amendment Bill submitted by the Attorney General. If the amendments are tabled early, they can be read for the first time in parliament in February 2021 and the law passed in parliament in April 2021.

3.0 Way forward

After long discussion on PFM apex body, the following were the deliberations:

- (i) Validation workshop to include members where field work was not covered like Shinyanga, Songwe, Pwani, Sumbawanga, Katavi, Kigoma, Singida, Mara, and Mbeya regions for more sensitization on establishment of PFM Apex body;
- (ii) Registration can be done through either Societies Act 337 or Forest Act 2002 based on Section 33(2) and 42(3) of the Act. However, establishing the Apex body through the Forest Act, 2002, we need to have minor amendments to provide an avenue for the Minister to establish regulations with regards to establishment of PFM/VLFRs association apex body;
- (iii) Need for Constitution and regulations for the associations to enable registrations to continue. Communities need to be sensitized on how to prepare the two documents. FORVAC could continue facilitating this process to enable VLFRs come up with their own constitutions and regulations;
- (iv) Other important issues apart from the apex body that need regulations in the Forest Act may be itemized and taken on board for minor amendments and thus regulations in place. But, carefulness is needed in dealing with minor issues which need amendments/regulation from the Act. This is because if one aspect is not accepted, all issues will be dropped, as they were in the same track. Otherwise, we need to take only few and very sensitive aspects; and
- (v) There is a need for training to be done to officers responsible for management of forest on how to write policy documents (including Cabinet Letter, Act amendment, Policy review/framing). This training can be given by the people from Cabinet Secretariat. This will enable the Ministry to have competent people in writing various policy documents which need high level of skill in argument making like when you want to do some amendments in the Act, or review the policy.

5.0 Closing the Meeting

Mr. Frederick Komba (Legal Officer from the MNRT) closed the meeting on behalf of the Director of Legal Services – MNRT. He said that there is improvement in ideas on how this apex body could be reflected in our legal frameworks in particularly the Forest Act. Everyone has contribution on this, therefore let continue working together so that we set good legal environment for the PFM apex body to be established. Next meeting, will be the validation workshop which has been arranged to be on 19th – 20th November, 2020 at a place to be communicated. He wished everyone in particularly to attend the validation workshop on the proposed dates. The meeting was adjourned at 1523 hrs.

FCG.