

**DISPOSSESSION AND POWER STRUGGLES IN COMMUNITY - BASED
NATURAL RESOURCES MANAGEMENT: A CASE OF BURUNGE WILDLIFE
MANAGEMENT AREA, TANZANIA**

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**A THESIS SUBMITTED IN FULFILMENT OF THE REQUIREMENTS FOR
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EXTENDED ABSTRACT

Institutions remain one of the biggest hindrances to achieving sustainable community-based natural resources management. In Tanzania, knowledge about institutional adequacy, and the contribution of institutions to accumulation by dispossession and power struggles in the Wildlife Management Areas (WMA) is limited. This study was conducted in Burunge WMA in Babati district, Manyara region, Tanzania to assess the effects of institutions on dispossession and power struggles. The specific objectives were to (i) examine institutional challenges facing WMAs (ii) assess institutional rhetoric versus local reality in Burunge WMA (iii) assess evidence of accumulation by dispossession in Burunge WMA and (iv) examine power struggles in the management of Burunge WMA. A cross sectional research design was used. Data collection methods were focus group discussions, key informant interviews, telephone interviews, questionnaires, and literature review. Both quantitative and qualitative data were collected. Statistical Package for Social Sciences (SPSS) Version 20 was used in descriptive statistical analysis to compute frequencies, means and standard deviations. Content analysis method was used to analyse qualitative data where common themes related to institutions, dispossession, and power struggles were analysed. Results showed that participation of local communities in the management and rules making for WMAs have not been sufficiently elaborated in the National Wildlife Policy and Legislation. Moreover, access to resources, land tenure and property rights are unclear in the rules. Likewise, rules do not provide for accountability and transparency to occur, revenues are recentralised, benefits are inadequate and besides existing conflicts, there are no locally based established conflict management mechanisms. Furthermore, respondents had little knowledge of rules on the management of the WMA. Similarly, inadequate participation of local communities in the policy process for WMA establishment and its subsequent management was observed. Rules were used to dispossess local people's resources

including land and revenues. After the WMA establishment, the village land within the WMA changed legal status from village land to reserved land and village councils lost their power over that land. There are power struggles over revenues, land and access to resources that have resulted in conflicts which lacked management mechanisms besides existing land tribunals. Therefore, it is recommended that a review of the Wildlife Policy including taking into account local livelihoods dependence on wildlife resources need to be done. This will accommodate changes that will reinforce devolution rather than recentralisation and accumulation by dispossession, livelihood improvement, accountability, transparency, secure land tenure and property rights, and access to resources and village councils as sole managers of WMAs. Also, a genuinely inclusive process should be employed in the policy and rule making process in WMAs. Lastly, to manage conflicts among actors, low cost locally-based conflicts management mechanisms need to be established in the WMAs.

DECLARATION

I, ROSE PETER KICHELERI, do hereby declare to the Senate of Sokoine University of Agriculture that, this thesis is my own original work, done within the period of registration and that it has neither been submitted nor being concurrently submitted in any other institution.

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DEDICATION

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LIST OF ABBREVIATIONS AND ACRONYMS

AA	Authorised Association
ADMAD	Administrative Management Design for Game Management Areas
AWF	African Wildlife Foundation
CAMPFIRE	Communal Areas Management Programme for Indigenous
CBNRM	Community - Based Natural Resources Management
CBO	Community - Based Organisation
CCS	Communities Conservation Services
CPR	Common Property Regime/Common Property Theory
DNRAB	District Natural Resources Advisory Board
IIED	International Institute for Environment and Development
MNRT	Ministry of Natural Resources and Tourism
NORAD	Norwegian Agency for International Development
RCSA	Regional Center for Southern Africa
	Resources
TANAPA	Tanzania National Parks Authority
TNRF	Tanzania Natural Resources Forum
URT	United Republic of Tanzania
USAID	United States Agency for International Development
WMA	Wildlife Management Area
WWF	World Wildlife Fund for Nature

CHAPTER ONE

INTRODUCTION

1.1 Background Information

Community - Based Natural Resources Management (CBNRM) approach gained global acclaim in the 1980s (Songorwa, 1999; Barrow, *et al.*, 2000; Roe and Nelson, 2009; TNRF, 2011). This approach came into being after the failure of the fences and fines approach in wildlife management. The approach failed because it could not take into account the interests of rural communities (Songorwa, 1999). As a result, the fences and fines approach has been widely cited to have caused rampant poaching and a rapid decline of wildlife populations (Baldus *et al.*, 2001).

Therefore, CBNRM is an alternative approach for managing common pool resources, such as wildlife, while maximising benefits to local communities (Roe and Nelson, 2009). Characteristically, CBNRM involves institutional¹ reforms including changes in policies that lead to decentralisation by devolution of power from the Central Government to communities (Junge, 2002; Ribot, 2002). This is, in essence, based on the principle that sustainable governance of common pool resources must be entrusted to the communities (Agrawal, 2003) so as to improve peoples' livelihoods while maximising incentives for wildlife management. However, while such governance principles are clear, most policy reforms towards CBNRM globally, together with the planning and implementation processes of these policies along with their subsequent legislative provisions are claimed to be re-centralised while they are meant to be decentralised (Ribot *et al.*, 2006; Swiderska, *et al.*, 2008).

¹ For the purpose of this study, institutions are defined as rules including policies, legislations, regulations, guidelines, by-laws, and other long established patterns of conduct or customs through which people interact with one another.

Moreover, scholars have revealed that CBNRM is used as another form of dispossession through primitive accumulation² where communities are used strategically to increase protected areas network while in the process they lose their rights to resources including land and revenues. As a result, communities are excluded, disenfranchised, and impoverished (Perelman, 2000; Kelly, 2011, Hall *et al.*, 2011; Butler and Athanasiou, 2013).

In addition, CBNRM in Africa such as Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe; the Administrative Management Design for Game Management Areas (ADMADE) in Zambia and Conservancies in Namibia have received wide acclaim for their success. Along with the documented success stories in these community- based approaches, there have been shortcomings regarding policies governing operationalization of these regimes. For example, ADMADE's policy does not state clearly who would make the decision making body and management authority. As a result, chiefs used ADMADE to secure more power and resources for themselves rather than enabling local communities' participation in wildlife conservation (Junge, 2002). In Zimbabwe, while the policy advocates devolution, the CAMPFIRE was only able to devolve authority over wildlife to the district councils instead of the communities at the village level leaving communities with no discretionary power over wildlife. This necessitates local communities to have land use strategies that were incompatible with wildlife conservation (Songorwa *et al.*, 2000; Junge, 2002).

In Tanzania, CBNRM has been implemented through WMAs. These are areas under the village land that have been set aside for wildlife conservation (URT, 1998). Initially, 16

² Primitive accumulation involves the 'process of divorcing the producer from the means of production'; it also involves enclosing the commons that leave communities dispossessed (Kelly, 2011).

pilot WMAs were established with Burunge WMA being one among them. These WMAs were established under the Wildlife Conservation Act No. 12 of 1974 (now repealed by Act No. 5 of 2009), the Wildlife Management Areas Regulation 2002 (revised in 2005 and 2012) and the Wildlife Policy of Tanzania 1998 (revised in 2007). According to the Policy, local communities are considered as sole governors, proprietors and beneficiaries of the resources in a WMA. Thus, communities were expected to live in harmony with wildlife. However, contrary to the policy expectations, since their commencement, WMAs are faced with myriad of problems including local resistance against their establishment (Nelson and Makko, 2005), complaints over allocation and use of benefits accrued from WMAs between the Central Government, district councils and villages, and even attempts of pulling out from WMAs (Nelson, 2007; Mbunda, 2010) after long and cumbersome process underlying WMAs establishment (Baldus *et al.*, 2004). Nonetheless, information on the effects of institutions in WMAs is limited. Therefore, this study specific objectives were to (i) examine institutional challenges facing WMAs (ii) assess institutional rhetoric versus local reality in Burunge WMA (iii) assess evidence of accumulation by dispossession in Burunge WMA and (iv) examine power struggles in the management of Burunge WMAs.

1.2 Problem Statement and Study Justification

1.2.1 Problem statement

The challenge of institutional reforms is a pervasive constraint on CBNRM globally (Nelson *et al.*, 2007). In Africa, CBNRM programmes accompanied by decentralisation processes and policy reforms have faced many challenges. These challenges including recentralisation of decision making power and benefits are sometimes claimed to be associated with institutional failure (Ribot *et al.*, 2006). In connection to that, it is claimed that Central Governments and front line agents usually transfer insufficient or

inappropriate powers and make policy choices that serve their own interests (Ribot *et al.*, 2006). For instance, Songorwa *et al.* (2000) reported that communities in Masoka ward under CAMPFIRE do not manage wildlife but wildlife revenues allocated to them because the legal authority was retained by the Central Government. In line with this, there is dispossession of resources including land and revenues in CBNRM programmes through accumulation (Hall *et al.*, 2011). Evidence shows that establishment of enclosures that relocate or evict people from their land have had significant negative welfare implications for the involved communities. In Tanzania, for example, the eviction of five thousand residents from the Mkomazi Game Reserve, led to a loss of 3, 235km² of farm land (Neumann, 2001: 313). Brockington, (1999) reports further that eviction from Mkomazi Game Reserve seriously impacted the livelihoods especially of the poor families.

Moreover, the policy and legal framework for wildlife management is supposed to provide an enabling environment for WMAs to operate efficiently. Decentralisation improves governance and power relations among actors resulting in improved livelihoods and wildlife resources rather than dispossession. Lessons from WMAs indicate that this is not happening (IRA, 2007; Nelson *et al.*, 2007; Mbunda, 2010; Sulle *et al.*, 2011; Noe, 2013; Shilereyo, 2010; Stephanie, 2014). For example, sharing of benefits among participating villages with differences in abundance of wildlife resources in WMAs has been of concern. Similarly, Sinya village in Enduimet WMA withdrew from the WMA arrangement claiming that the benefit sharing mechanisms are flawed (Nelson, 2007). This is because Sinya was the most wildlife-rich among the other villages forming the WMA. On the other hand, the Mbarang'andu WMA found itself amid battles for land and revenues with a Hunting Company and a Uranium Mining Corporation, both with user rights granted by the same Department of Wildlife (Noe, 2013). Stephanie (2014)

observed lack of local community's inclusion in the management of Randileni WMA. In addition to that, Shilereyo (2010) reported existence of negative power relations, marginalisation of locals in decision making and Central Government control of resources and benefits from WMAs.

Community members in Burunge have had reservations against WMA establishment with many claiming that WMAs are government tools for taking more land from the locals for protected areas expansion (IRA, 2007; Nelson *et al.*, 2007; Nelson, 2012). Moreover, Minjigu village withdrew from the WMA operations because its wildlife resources base is richer than other villages (Nelson *et al.*, 2007; Mbunda, 2010).

Therefore, much as it is widely acknowledged, institutions have a bearing on the performance of CNBRM; the effects are likely to differ from one country to another. Nevertheless, it was not known exactly why WMAs are not properly functioning. A probable hypothesis was that; it is either the legal framework which has intrinsic problem or it is the translation of the legal framework into institutions at the local level which is problematic or both.

Moreover, the adequacy of the policy and legal frameworks at the national, sub-national and local levels for the management of wildlife in WMAs and its contribution to accumulation by dispossession is still unknown. Therefore, a number of unanswered questions provided the basis for this study. These include: Is it the gaps in the institutions that have made it difficult to realise positive effects for the WMAs? Has accumulation by dispossession paved the way into WMAs? Is it the way the whole decentralisation concept is practiced with mismatch power relations? Therefore, the proposed study attempted to contribute to these key knowledge gaps.

1.2.2 Study justification

In natural resources governance, institutions are central in achieving the twin goals of conservation and livelihoods improvement (Ostrom, 1990; Lynch, 1998; Lindsay, 1999; Lindsay, 2004). However, it is argued that, the fact that rules exist does not mean they are just (Mattei and Nader, 2008). In most cases rules are used to legally dispossess and hence impoverish the very people it has meant to serve (Goldman 2003; Igoe and Brockington, 2007; Kelly, 2011; Benjaminsen and Bryceson, 2012). In Tanzania, the wildlife sector has been under reforms since 1980s. These reforms led to an adoption of a new wildlife policy in 1998, revised in 2007. The 1998 policy recognised CBNRM in a form of WMAs as the way forward towards doing away with the fences and fines approach in conservation. The policy states that it would decentralise through devolution the power of wildlife management to the village communities. This would have been achieved through improved governance at all levels (URT, 1998). Therefore, there was a need to investigate effects of rules in the management of WMAs. Thus, this study aimed at facilitating informed decisions with regards to the design of institutions for improved performance of WMAs and other community - based conservation approaches. Moreover, the study envisioned to exemplifying knowledge and evidence to the on-going debate on institutional challenges, accumulation by dispossession and power struggles in the WMAs in Tanzania. Likewise, it was expected that recommendations from this study would provide an important avenue for the review of Wildlife Policy and enhance WMAs sustainability in Tanzania.

1.3 Objectives of the Study

1.3.1 Overall objective

The overall objective of this study was to assess effects of institutions on dispossession and power struggles in WMAs in Tanzania.

1.3.2 Specific objectives

To realise the main objective, the study was guided by four specific objectives:

- i. To examine institutional challenges facing WMAs (Manuscript 1),
- ii. To assess institutional rhetoric versus local reality in Burunge WMA (Manuscript 2);
- iii. To assess evidence of accumulation by dispossession in Burunge WMA (Manuscript 3); and
- iv. To examine power struggles in the management of Burunge WMAs (Manuscript 4).

1.4 Methodology

1.4.1 Description of the study area

This study was carried out in four villages in Burunge WMA (Fig. 1.1). Burunge WMA was established in 2006 under the Wildlife Management Areas Regulation of 2002 (revised 2005 and 2012), and the Wildlife Conservation Act No. 12 of 1974 (repealed by Act No. 5 of 2009). A new organisation was formed at the local level; this is known as the Community- Based Organisation (CBO). The responsibility for managing and conserving wildlife resources in the village land was vested to this organisation by the Director of Wildlife. After WMA gazettement the CBO becomes an Authorised Association (AA). Later the AA is endowed with wildlife user right by the Director of Wildlife. A user right is the permission granted by the Director of wildlife to an AA in order to utilise wildlife resources in the WMA' (URT, 2012:8).

Burunge WMA is 283 km² large. It is located in Babati district in the Northern part of the country between Manyara and Tarangire National Parks. Burunge WMA forms part of the wildlife corridor connecting the two parks (Sulle *et al.*, 2011) and is located a few

kilometres from both Serengeti National Park and Ngorongoro Conservation Area. The Great Rift Valley escarpment is visible from all angles from Burunge WMA, which is formed by 10 villages, namely Mwada, Sangaiwe, Vilima Vitatu, Kakoi, Olasit, Manyara, Magara, Maweni, and Minjingu. Livestock keeping is the main land use supplemented by small scale farming carried out outside the WMA. The main food crops grown include maize, beans, bananas, millet, paddy and potatoes. Sesame is the main cash crop because, unlike other crops, it is not eaten by wild animals such as elephants. The rain season begins in November and ends in May. Annual rainfall ranges between 400 and 500 mm while the temperature ranges between 18°C and 33°C (Burunge, AA, 2011).

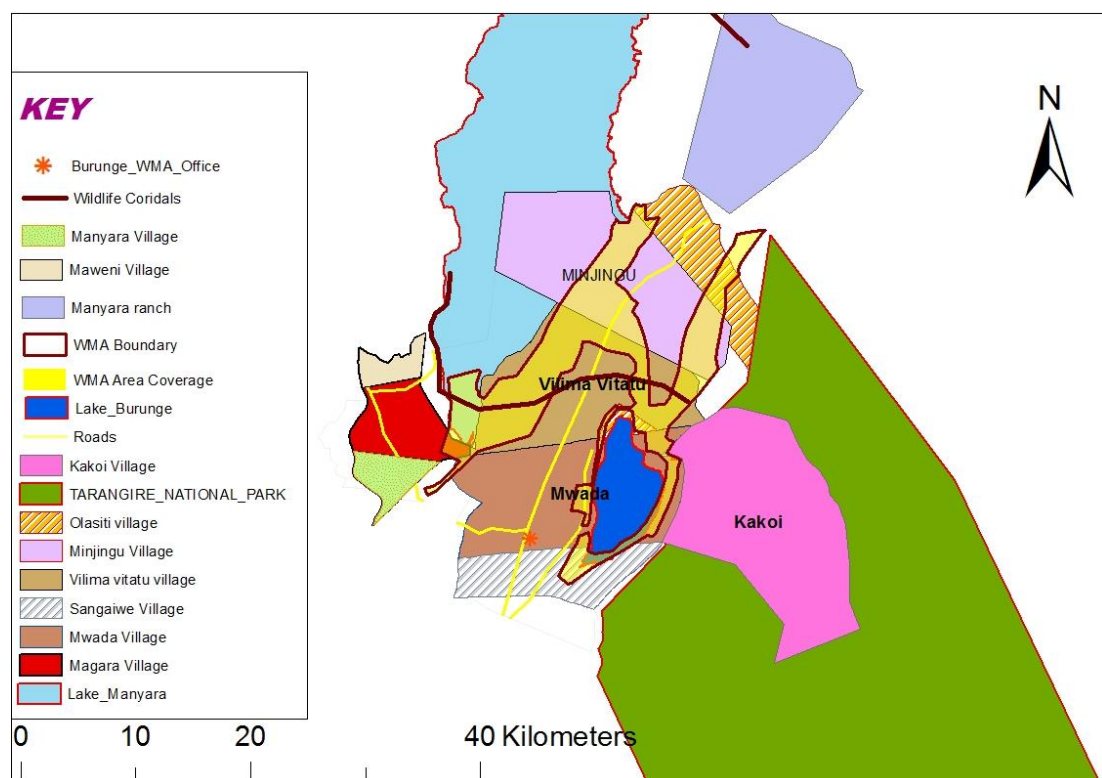


Figure 1.1: Map showing Burunge WMA and the surrounding villages.

1.4.2 Research design and sampling procedure

A cross sectional research design was used in this study. Four villages of Mwada, Vilima Vitatu, Minjingu and Kakoi were purposively selected for this study. Data were collected from 2013 to 2016. The four villages were selected based on their proximity and accessibility from the tarmac road, and due to differences in their participation in Burunge WMA. Based on the findings from the preliminary study, Mwada village was considered fairly satisfied with the WMA while Minjingu and Vilima Vitatu were rather dissatisfied and wanted to withdraw from the WMA. Kakoi, was a relatively new village which split from Minjingu village

1.4.3 Sample size determination

The village register was used as a sampling frame for selecting households randomly for questionnaire. The sampling unit was the household. Questions for the survey concerned local people's participation in the WMA initiation process, their awareness of the rules, change of rules and power relations. Interviews were conducted face to face in Kiswahili. The total sample size for the four purposively selected villages was 140 households, which is in line with the UN (2005) formula for sample size determination i.e.

$$n = (z^2) (r) (1-r) (f) (k) / (p) (\check{n}) (e^2) \dots\dots\dots (1)$$

Where:

n = the parameter to be calculated and is the sample size in terms of number of households to be selected;

z = the statistic that defines the level of confidence desired;

r = an estimate of a key indicator to be measured by the survey;

f = the sample design effect, assumed to be 2.0 (default value);

k = a multiplier to account for the anticipated rate of non-response;

p = the proportion of the total population accounted for by the target population and upon which the parameter, r , is based;

\bar{n} = is the average household size (number of persons per household);

The z -statistics was 1.96 for the 95-percent level of confidence; f default value was 2.0. The non-response multiplier, k is under 10 percent in developing countries; k is 1.1. For the margin of error, e , it was recommended to set the level of precision at 10 per cent of r ; thus $e = 0.10r$ (UN, 2005). The parameter, p was 0.48. This is because the total population of the study area was 31 178 while the population of the villages for questionnaire administration was 15 054 (Appendix 3). Therefore, p was equal to $15\,054 / 31\,178 = 0.48$. The parameter, n from the latest census in mainland Tanzania was 4.8 (URT, 2013). r = as an estimate of a key indicators to be measured by the survey is 5 i.e., rules, participation, disposition, power relations, and wildlife management areas.

Substituting these recommended values gives:

$$n = (z^2) (r) (1-r) (f) (k) / (p) (\bar{n}) (e^2) \dots\dots\dots (2)$$

$$n = (3.84) * 5 (1-4) (1.2) (1.1) / (5) (0.48) (4.8) (.01).$$

$$n = 140.8$$

NOTE: This sample size was increased to include key informants such as village chair persons, and officials from the District, MNRT and NGOs working with the WMA. Twelve focus group discussions were conducted. A total of 39 key informants were interviewed.

1.4.4 Data collection methods

A number of data collection techniques were used for primary data: focus group discussions, key informant interviews, and a questionnaire. In total, twelve focus group discussions were conducted while 39 key informants and more than 30 telephone follow up interviews were conducted to obtain an overview of relevant issues. Key informant's interviews were administered to the village elders, village leaders, WMA and District Council officials and officials in the MNRT. Twelve Focus group discussions were conducted, one with village councils in each of the study villages of Mwada, Vilima Vitatu, and Minjingu; with youths, elderly women and elderly men respectively. Focus group discussion was administered to different groups because in Tanzania different gender have different roles and participate differently in natural resources conservation (Mariki, 2016). Due to data saturation and because Kakoi village was formed out of Minjingu village, focus group discussion was not held there. Similarly, key informant interviews were conducted until data saturation point was reached (Guest *et al.*, 2006). Key informant interviews and focus group discussions inquired about the WMA initiation process, management as well as participation of local communities in various WMA activities, key actors and their interests and power relations among actors in Burunge WMA. Triangulation of information obtained from villagers, village leaders, the WMA, District Council and MNRT officials was applied to increase validity of results by posing and comparing similar questions to different groups and using different methods for data collection including focus group discussions, key informant interviews and questionnaire.

1.5 Guiding Theories and Theoretical Orientation

1.5.1 Common property theory

This study draws from Common Property Theory (CPT) (Pokrant, 2011; Ostrom, 1990). CPT deals with the governance of common pool resources such as forest, fish, pasture

land and wildlife. Common pool resources are resources that can be used by all and it is difficult to exclude other while one use of the resource reduces what is available for others (Pokrant, 2011; Ostrom, 1990).

1.5.2 Institutional theory

Moreover, this study draws from Ostrom's, (1990), Ribot's, (2002), Lindsay's (1999 and 2004), and Agrawal and Gupta, (2005) theories on institutions in the management of common pool resources. These scholars are in a common understanding that institutions have a bearing on the performance of common pool resources.

1.5.3 Dispossession theory

The study further benefits from Perelman, (2000), Kelly (2011), and Hall *et al.* (2011) theories of dispossession through primitive accumulation. Dispossession involves deprivation of resources (*ibid*). Those dispossessed are left disenfranchised while those accumulating become richer and more powerful than those dispossessed. Dispossession theories state that CBNRM are associated with accumulation by dispossession. Therefore, in order to understand dispossession in the WMAs context Rudge *et al.* (1997) fundamental elements to be included in policies and legislation for CBNRM were used to augment the dispossession theory. The elements include clear and equitable land tenure system, property rights, transparency, benefits, decentralisation, avoidance of additional institutional and bureaucratic structures and accountability.

1.5.4 Theoretical orientation on power

Additionally, this study draws from Nuijten, 2005, Raik *et al.*, 2008, Manyika *et al.*, 2013, and Kajembe *et al.*, 2016 analyses of power and power struggles. These scholars reveal that actors, their roles, interests and powers form major variables for power

analysis. Strategic, structural and institutional power types are revealed by these scholars. Moreover, they show that emergence of conflicts is an important indicator of power struggles among actors (Raik *et al.*, 2008; Manyika *et al.*, 2013).

1.6 Conceptual Framework

This study adopted the conceptual framework in Fig. 1.2 that heavily draws from the guiding theories and literature above. In this case, rules (both formal and informal) together with their enforcement form the basis within which CBNRM including WMAs can succeed. The framework explains that rules determine whether or not devolution and dispossession can take place, determine power structures among actors and influence decision in the governance of wildlife resources. Therefore, how rules are enacted and enforced will influence positive or negative outcomes from the WMAs.

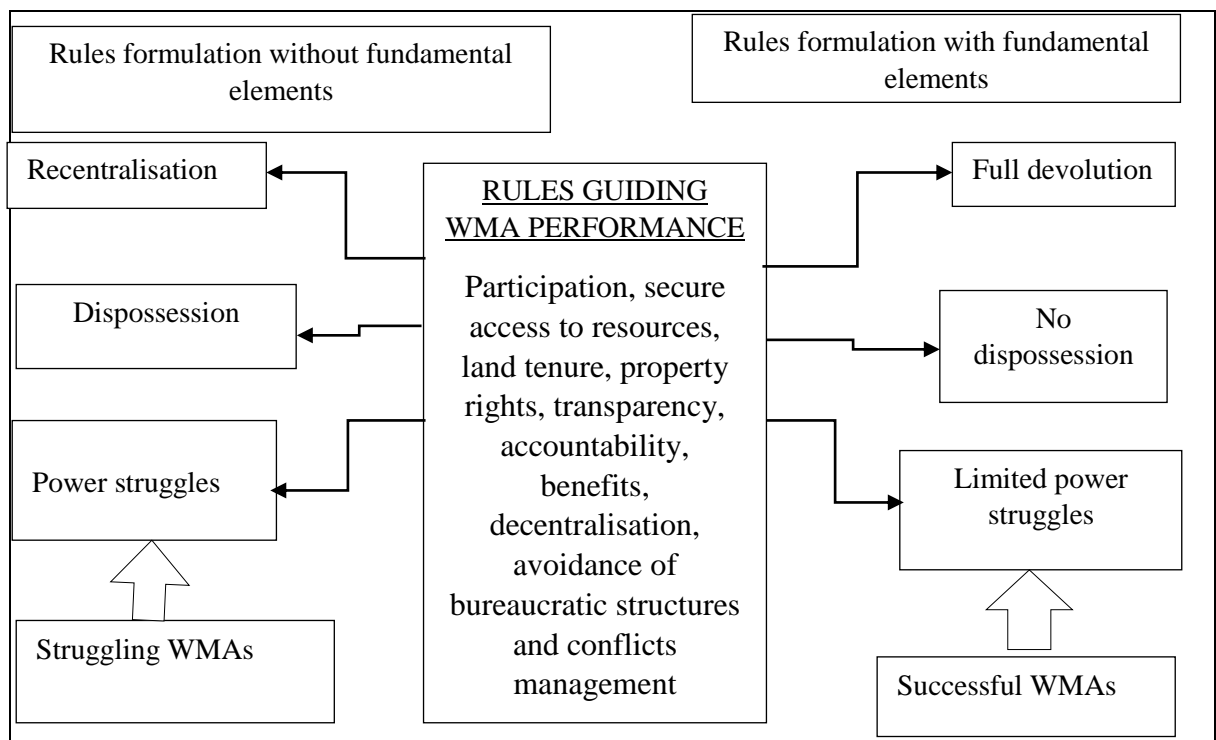


Figure 1.2: A conceptual framework showing rules as a basis for WMAs success or failure

1.7 Study Limitations

I faced three main limitations during this study. These limitations in one way or the other affected the data collection process. These limitations include:

a) Research Fatigue

Community members revealed that a number of scientists had conducted researches in Minjingu and Vilima Vitatu villages. Respondents had two major complaints. First, the researchers did not provide their research results; secondly, researchers were collecting information for the Tanzania Intelligence and Security Service (TISS) to inquire about the villages' intention to withdraw from Burunge WMA. Therefore, some respondents were reluctant to respond to questions. This problem was solved by assuring respondents that I was a PhD student, the information collected was for academic purposes; that I had nothing to do with the TISS and the information collected would be treated confidentially and anonymously. Moreover, to avoid any further doubt, I was very explicit in introducing myself and the study purpose before embarking on questioning. I also promised them that I would go back or send them the summary of my research results.

b) Memory Recall

Some data involved past events related to Burunge WMA establishment. Respondents had to recall events as they took place. To solve this challenge, a number of methods for data collection were used including focus group discussions, questionnaires and key informant interviews for triangulation purposes.

c) Motherhood Challenges

On the one hand, being a woman, a wife, a mother, an academician and a PhD student was quite a challenge. During the period I was pursuing this PhD programme I had three

children and was gestating. With this regard, sometimes it was difficult to parent my children while working on my dissertation especially in the third and fourth trimesters. On the other hand, this sandwich programme was between Sokoine University of Agriculture and Copenhagen University. Attending short courses and short stays in Denmark was a challenge. I wished I could travel to Copenhagen with my children. The scholarship did not cover for them. However, even when I could cover for their costs, there were no way, neither in Tanzania nor in Denmark I could be with my children. This really hurt and affected my progress. I often consulted my supervisors, women female academicians, colleagues and family members for advice and assistance that really helped. Thanks to my supervisors who tolerated me during the difficult times.

1.8 Organisation of the Thesis

Chapter one of this Thesis presents the general setting of the study. This includes information about CBNRM programmes in Tanzania such as the Wildlife Management Areas, the problems statement, justification for the study, objectives and the theories underlying this study. Moreover, the methodology used for data collection and tools used for data analysis are presented in Chapter One. Chapter Two presents four manuscripts produced in this study while Chapter Three presents summary of the key findings, conclusion and recommendations.

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CHAPTER TWO
RESEARCH FINDINGS
MANUSCRIPTS

This Chapter contains four manuscripts. The first manuscript examines institutional challenges facing WMAs in Tanzania while the second manuscript examines institutional rhetoric versus local reality in the management of the Burunge WMA. The third manuscript assesses accumulation by dispossession in Burunge WMA and the fourth manuscript examines power struggles in the management of Burunge WMA.

MANUSCRIPT ONE

A Review of Institutional Challenges Facing Wildlife Management Areas in Tanzania

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Abstract

Institutional challenges remain one of the biggest hindrances to achieving sustainable community-based natural resources management. Based on a literature review of policies, legislation and various other documents, this study examined institutional challenges facing Wildlife Management Areas (WMAs) in Tanzania. Specifically, fundamental elements of policy and legislation for community-based wildlife management were assessed. Results showed that participation of local communities in the management and making of rules for WMAs have not been sufficiently elaborated in the national wildlife policy and legislation. Moreover, access to resources in the WMAs is poorly defined while land tenure and property rights are unclear in WMA rules. In addition, rules do not provide for accountability and transparency in the WMA management, revenues are recentralised, benefits are inadequate and despite the existence of conflicts in some WMAs, there are no locally established conflict management mechanisms. Therefore, it is

recommended that a review of the Wildlife Policy, Wildlife Conservation Act and its associated Regulations needs to be done. The review need to include explicit account of fundamental elements. Finally, further research focusing on what works and what does not work in WMAs need to be done. This will facilitate development of a Wildlife Policy that is evidence-based and incorporates fundamental elements.

Key words: institutional challenges, Wildlife Management Areas, community-based natural resources management

2.1 Introduction

Institutions are defined as rules and include constitutions, policies, legislation, regulations, guidelines, bylaws, and other long established patterns of conduct or customs through which people interact with one another (Ostrom, 1990). Globally, institutional reforms in community-based natural resources management (CBNRM) have posed many challenges (Ribot *et al.*, 2006; Nelson *et al.*, 2007). In the conservation field, institutions determine the relationship between local communities, conservation agencies and wildlife as a common pool resource (Goldstein, 2004).

In Tanzania, historical accounts on community wildlife management reveal that during the colonial period, the legal setup for wildlife management followed exclusionary policies (Mkumbukwa, 2008; Gissibl, 2016). The colonial conservation institutional setup not only curtailed local livelihood options but also impoverished local communities by making them subject to eviction and dispossession of their resources including land (Neumann, 2001; Mkumbukwa, 2008).

In 1961, when Tanzania gained independence, the fences and fines colonial conservation approach was maintained until 1980s when the participatory concept to natural resources

management or community-based natural resources management (CBNRM) was introduced to the country (Songorwa, 1999; Goldstein, 2004). In the wildlife sector, CBNRM has taken many forms such as Community Conservation Services (CCS) under the Tanzania National Parks Authority (TANAPA) and Community Wildlife Management (CWM) around Game Reserves under the Wildlife Division (Neumann, 1997; Shauri, 1999; Songorwa, 1999). According to the Arnstein ladder of participation, CCS implementation would be found at the lower level of the ladder (Arnstein, 1969). This is because the power to decide on the amount of benefits communities should receive is TANAPA's. The most prominent programme is the Wildlife Management Areas (WMAs) that are established on village lands.

WMAs are common property regimes whose management is expected to promote both conservation and development of local communities. Since their initiation in 2003 to-date, there are 18 WMAs with Authorised Association (AA) status and 20 at different stages of development (AAC, 2016). The AA status is attained when a WMA Community-Based Organisation (CBO) has fulfilled all legal requirements for it to be granted wildlife user rights by the Ministry of Natural Resources and Tourism (URT, 2012). The WMAs with AA status are shown in Fig. 2.1. These are Tunduru, Ikona, Enduimet, Makao, Burunge, Makame, Uyumbu, Ipole, Wami-Mbiki, Ukutu, Pawaga-Idodi, Ngarambe-Tapika, Liwale, Mbarang'andu, Kimbande, Kisungule and Chingoli (AAC, 2016).

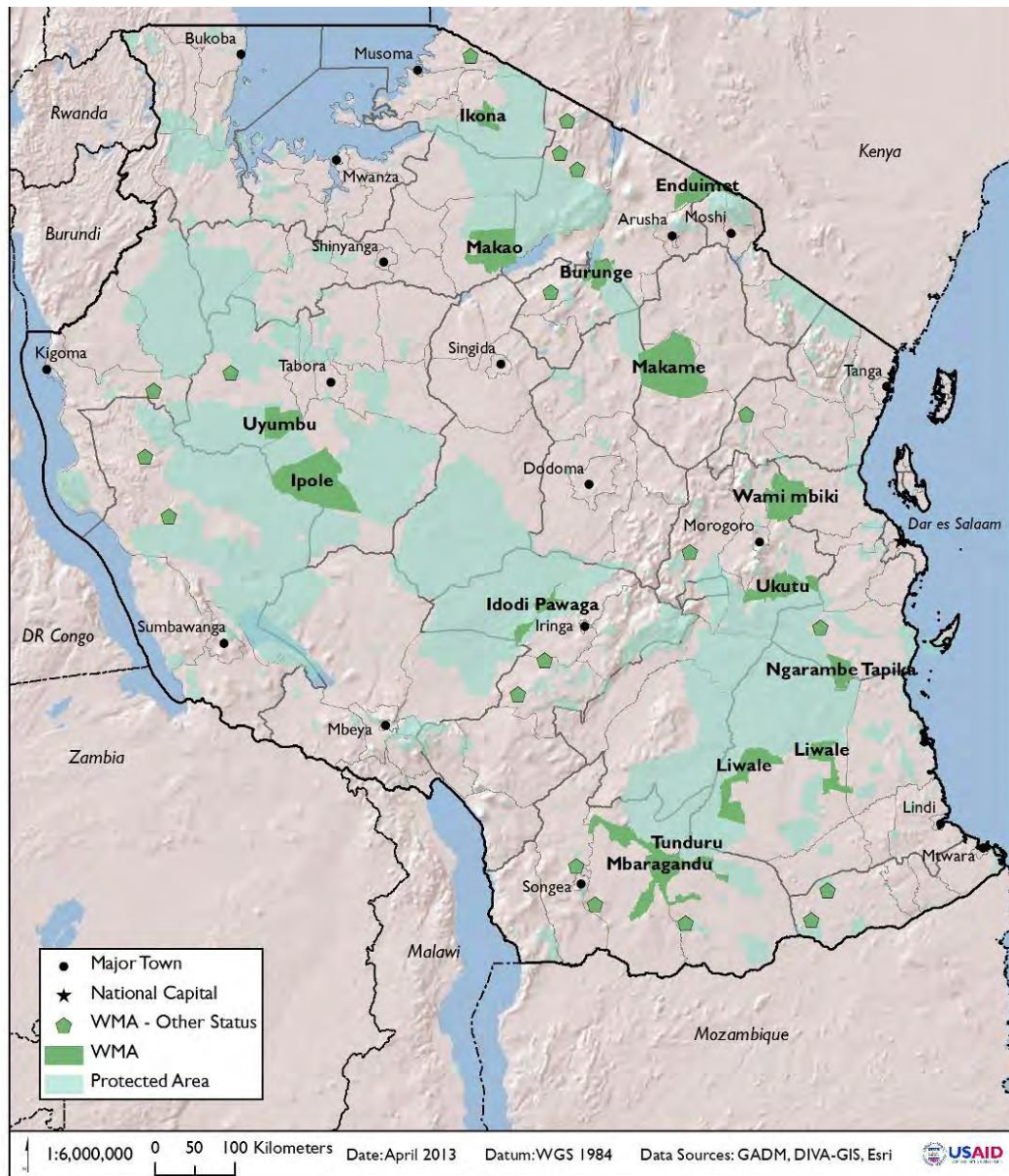


Figure 2.1: A map showing of WMAs with AA status (In the map key, WMAs with AA status are indicated in a green rectangular box)

Source: USAID (2013)

Note: Only 14 WMAs with AA status appear in this map. Four WMAs were later developed after this map was published.

In WMAs, a win-win scenario is expected where both conservation and development are achieved. To bring about the needed outcomes, WMA initiation went hand in hand with institutional change. The change involved the introduction of the Wildlife Policy of Tanzania of 1998 (revised in 2007) and the amendment of the Wildlife Conservation Act No. 12 of 1974 (amended in 2009). The Wildlife Policy of 1998 is the WMA initiation policy that had more elaboration of WMAs than the revised edition of 2007. Therefore, in order to bring about explicit account of events, both the 1998 and 2007 policies are used in this study.

Among the major conditions for a successful common property regime is the availability of a supportive institutional framework (Pokrant, 2011). Rudge *et al.* (1997) suggest that a supportive institutional framework needs to have fundamental elements included in the policies and legislation. These elements are participation, avoidance of additional organisations and bureaucratic structures, access to resources, land tenure and property rights, accountability, transparency, fiscal decentralisation, existence of an enabling wildlife legal framework, adequate benefits, and conflicts management mechanisms. However, in WMAs, empirical research has shown that win-win scenarios where livelihoods are improved have been difficult to achieve (Sulle, 2008; Pailier *et al.*, 2015). It is therefore assumed that the fundamental elements may be missing or poorly defined in the formal rules; a situation that puts WMAs under a myriad of challenges. Therefore, this study critically reviewed the rules to examine whether they contain the fundamental elements suggested by Rudge *et al.* (1997). These fundamental elements form the basis for assessing institutional challenges facing WMAs with AA status in Tanzania. Therefore, the specific objectives of the study were to (i) assess policies and legislation and their provisions on participatory wildlife conservation link; (ii) examine conservation

strategies and the management structure of WMAs, and (iii) assess institutional challenges facing WMAs with AA status. This study contributes knowledge to the design of institutions for efficient management of WMAs in Tanzania and to the continued debate on decentralised wildlife management.

2.2 Methodology

This paper is a result of desk study work. The study involved a review of rules together with published and unpublished documents in soft and hard copies related to establishment and management of WMAs. Table 2.1 shows the rules which were taken as key resources for the study because they form the basis for wildlife management in village lands of Tanzania. Moreover, it is expected that their formulation must have adhered to the fundamental elements to be included in the rules for successful management of WMAs as suggested by Rudge *et al.* (1997). The fundamental elements are participation, avoidance of bureaucratic structures, access to resources, land tenure and property rights, accountability, transparency, existence of an enabling wildlife management legal framework, adequate benefit, and conflict management mechanisms.

Content analysis was used. The policies, legislation, regulations and guidelines related to the WMAs were reviewed in order to determine whether they contain fundamental elements. The outcomes from the rules were supported with empirical studies related to WMAs with AA status. The fundamental elements formed common themes that constitute institutional challenges facing WMAs with AA status. The study was approached by first showcasing how participatory approach to conservation was instituted in Tanzania. This includes showing the legal foundation of WMAs. Finally, Common Property Theory was used to explain the importance of rules in the governance of WMAs.

Table 2.1: Rules reviewed

Sn.	Rule
1	The Constitution of the United Republic of Tanzania of 1977
2	Burunge WMA Constitution of 2003
3	The Wildlife Policy of Tanzania of 1998
4	The Wildlife Policy of Tanzania of 2007
5	The Local Government (District Authorities) Act No 7 of 1982
6	The Law of Contract Act [CAP 345 R.E. 2002]
7	The Wildlife Conservation Act No. 5 of 2012
8	The Land Act No. 4 of 1999
9	The Village Land Act No. 5 of 1999
10	The Natural Wealth and Resources Contract (Review and Re-negotiation Unconscionable terms) Act No 6 of 2017
11	The Wildlife Conservation (Wildlife Management Areas) Regulations of 2012
12	The Wildlife Conservation (Non- Consumptive Wildlife Utilization) Regulations of 2016
13	Guidelines for the Designation and Management of WMAs of 2003
14	Trustees' Incorporation Act No. 10 of 1999
15	Cooperative Societies Act No. 5 of 2013

2.3 Results and Discussion

2.3.1 Policies, legislation and participatory conservation

Participatory approaches to wildlife conservation in Tanzania were officially instituted by the Wildlife Policy of 1998 (revised in 2007) through the introduction of WMAs. The policy states that it will ‘decentralise by devolution wildlife management responsibilities to rural people’ (URT, 1998:18). This was followed by the formulation of Wildlife Management Areas Regulations of 2002 (revised in 2005 and 2012). The Wildlife Conservation Act No. 12 of 1974 has been refereed in the 2002 and 2005 WMA Regulations as the WMAs formation Act. The 1974 Wildlife Conservation Act was repealed by the Wildlife Conservation Act No. 5 of 2009, which forms the legal basis for subsequent WMA Regulations. At the local level, the legislation stipulates the formation of a new organisation, the Community-Based Organisation (CBO). The CBO represents the combined interests of participating villages that contribute land to the WMA. The CBO becomes an AA after being granted wildlife user rights by the Director

of Wildlife. The AA functions are provided in the WMA Regulation 18 (a-z). This includes the general management of the WMA (URT, 2012).

2.4 Conservation Strategies and the Management Structure of WMAs

The Wildlife Policy Strategies for WMAs include wildlife conservation and livelihood improvement (URT, 1998). This is achieved at the local level by using AAs. The management of WMAs through AAs draws from the Common Property Theory (CPT). CPT deals with institutional governance of resources known as common pool resources including the wildlife (Pokrant, 2011). Property is a social relation that defines a property holder with benefits, rights and duties while regimes are human artefacts that are instrumental in nature (Bromley, 1992). Therefore, defining rights and duties go hand in hand with institutional formation. For example, it is argued that ‘decentralization is an institutionally mediated policy change’ (Bartley *et al.*, 2008:170). In the wildlife sector in Tanzania, the Wildlife Policy of 1998 (revised in 2007) substantiates that argument through WMAs establishment. On the other hand, besides the design principles for self-governing common pool resource institutions that have been suggested by Ostrom (1997), fundamental elements to be included in policies and legislation have been suggested (Ostrom, 1997; Rudge *et al.*, 1997). In this case, AAs as decentralised governance regime in the wildlife sector act as an authority system that must ensure that expectations of right holders are met and rules are enforced at the local level. However, when rules miss the elements, their enforcement becomes difficult; hence, leading to a myriad of challenges.

2.4 Challenges Facing WMAs

2.4.1 Inadequate participation of local communities in the management of WMAs

Active participation of communities is considered to be vital to the successful implementation of CBNRM (Dressler *et al.*, 2010). Active participatory process must be

seen as a right and not as a means to achieve ends (Hobley, 1996). However, inadequate participation by the local communities has prevailed since the initial stages of the introduction of CBC (Songorwa, 1999; USAID, 2000; Kulindwa, *et al.*, 2003). Moreover, active participation of rural communities in the WMA establishment process has been considered insufficiently emphasised in the Wildlife Policy of 1998 (Goldman, 2003). The same has been observed in the revised Wildlife Policy of 2007. The policy states that ‘inadequate involvement and participation of rural communities in planning, management and conservation of wildlife have contributed to the unsustainable use of the resources’ (URT, 2007:19). Yet, the policy lacks statement on how participation will be facilitated on the ground. To-date, participation in WMAs establishment and management processes has been inadequate. This has been observed in Mbarang’andu, Randileni, and Burunge WMAs (Kangalawe and Noe, 2012; WWF, 2012; Stephanie, 2014; Bluwstein *et al.*, 2016; Kicheleri *et al.*, 2018).

Therefore, inadequate participation in the management of WMAs suggests that research findings are either ignored or do not reach policy makers. Moreover, these findings also suggest that policy making process is not evidence based. This is so because from the very beginning, scholars have shown how the Wildlife Policy of Tanzania of 1998 and WMA Regulations of 2002 were not in favour of WMAs. Nshala (2002) reported how the Central Government circumvented rules in their favour regarding wildlife investment in the village land. For example, the Tourism Hunting Regulation 16(5) prohibits non-consumptive wildlife utilisation on village land (URT, 2000). Moreover, Goldman (2003) reported how the wildlife management policy perpetuated colonial conservation practices by focusing on wildlife while putting less emphasis on community participation. Similar deficiencies were observed in the revised Wildlife Policy of Tanzania and WMA Regulations (URT, 2007; URT, 2012). Again, Kicheleri *et al.* (2018) revealed, little

participation of communities in the establishment and management of WMAs could be associated with the Central Government trend of decentralising while recentralising management and revenues from wildlife resources in the village land. This support Bluwstein *et al.* (2016) findings that recentralisation of resources has indeed taken place in WMAs. Therefore, against CBNRM objectives that promote conservation and development, participation of communities in the management of WMAs has remained just an idiom.

2.4.2 Existence of bureaucratic organisations

In decentralised community-based programmes, downwardly accountable local organisations are suggested to be used (Ribot, 2004). At the village level in Tanzania, village councils are the lowest governance organs. With WMAs, it was expected that village governments would have played a vital role in WMA management. The National Wildlife Policy of 1998 (as revised in 2007) lacks statement about organisations that will be responsible to manage WMAs. However, the WMA Regulations introduced Community-Based Organisation (CBO). The WMA Regulations of 2002 state that, ‘any village intending to designate a Wildlife Management Area shall form a Community-Based Organisation’ (URT, 2002:9). The same has been prescribed in the revised WMA Regulations of 2005 and 2012. According to the WMA Regulations, CBOs are ‘duly registered village organisations whose primary goal is to undertake development activities in a village’ (URT, 2012:6). A duly registered CBO gains an AA status after fulfilling legal provisions provided in the WMA Regulation 5 (a-g) and apply for the AA status to the Ministry of Natural Resources and Tourism (URT, 2012). Nevertheless, the creation of CBO in WMAs have been criticised of not representing local community members, but the Central Government (Nelson and Ole-Makko, 2005; IRA, 2007; Bluwstein *et al.*, 2016). In addition, the WMA Regulation does not elaborate the structure of the CBO

rather than saying it will be formed according to the Trustees' Incorporation Act No. 10 of 1999. The Act states that 'application shall be in writing with copies of the constitution and rules of the association' (URT, 1999:1). The CBO as an association is also established by the Cooperative Societies Act No. 5 of 2013. Among the principles mentioned in the Act that guide societies in their operations is being 'autonomous' (URT, 2013:13). This rule directly counteracts the power of the village government to manage resources at its disposal. Therefore, there is a lack of synergy between the Cooperative Societies Act No 5 of 2013 and the Local Government District Authorities Act No. 7 of 1982 that gives power the village government to manage resources at the village level; where the formal together with the Trustee Incorporation Act No. 10 of 1999 recognise the AA as a body cooperate (URT, 1999: 2; URT, 2013:30) and the later recognises the village council as an autonomous body cooperate, within the framework of the village government (URT, 1982:20).

Authorised Association means 'a community-based organisation whose primary objective is to conserve wildlife resources for the benefit of local community members residing in that particular area' (URT, 2012:5). The AAs are furthermore overseen by a Board of Trustees (URT, 2012). For example, the Board members of Burunge WMA are nominated from the WMA participating villages. They are the general overseers of the AA, they can be sued on behalf of the AA and enters into contract with investors (Burunge AA, 2003). The WMA Regulations and the Wildlife Conservation Act are silent about the structure of the AA Board of Trustees. The WMA Regulations only mention the AA board of trustee in its First Schedule. The Schedule also provides the format for the AA Constitution. The Schedule in Article VII reads that 'Name of office bearers [*Insert registered trustee, their qualification, functions and tenure*] (UTR, 2012:37). The WMA Regulation does not provide further details about how AA boards will function, except they state that 'All leaders in the AA except Trustees and Secretary shall hold their respective offices through

free and fair democratic elections’ (URT, 2017:38). This has profound effect on the expected outcomes from the WMAs because communities are not involved in making rules that put in place these boards (Ribot, 2004; Kicheleri *et al.*, unpublished). As a result, AAs that should be accountable to the local communities have been observed to be accountable to the Central Government. For example, Bluwstein *et al.*, (2016) reported that Burunge AA was accountable to the Central Government. This is so because in the management of common pool resources, it is difficult to ensure protection of the welfare of the local communities outside the village government organs (Bromley, 1990).

Another organisation that must work with the AA is the District Natural Resources Advisory Board (DNRAB), which is charged with advising the AA on wildlife management in the WMA, provide legal advice in contractual undertakings, act as a forum of arbitration and management of conflicts (URT, 2012; IRA, 2007). All these organisations (the CBOs, AA Boards, DNRABs) have been introduced by the Central Government.

2.4.3 Denial of access and use of resources

Local communities’ rights to the WMAs are weakly defined in the Act and Regulations and are not beneficial to the communities. For example, the Wildlife Conservation Act No. 12 of 1974 had no elaborated community rights to access and use resources in protected areas. The subsequent Wildlife Conservation Act No. 5 of 2009 (URT, 2009) also lacks provisions on communities’ rights to wildlife resources except for traditional communities (Section 45) (URT, 2009). The legislation defined traditional community as ‘an assemblage of people ordinarily resident on areas that are habitually occupied by wildlife and whose social, cultural and ordinary lifestyles are dependent upon the wildlife’ (URT, 2009:38). Section 31 (6) of the Wildlife Conservation Act No. 5 of 2009

and WMA Regulations 55, 56 and 57 of 2012 show that utilisation of forest products, bee and fish resources should be according to their respective Acts, WMA General Management or Resource Zone Management Plans and other relevant laws and regulations (URT, 2009; URT, 2012). As a result, basic rights such as access to wildlife protein and other resources such as non-timber forests products and grazing have been either ambiguous or completely curtailed (Kangalawe and Noe, 2012; Kicheleri *et al.*, 2018).

It is argued that ‘collective property rights, for land and resource use, are central to CBNRM’ (Child and Barnes, 2010). According to the Wildlife Policy of Tanzania of 1998 that established WMAs (as revised in 2007), wildlife is a property of the state including that on the village land (URT, 1998, 2007). Moreover, in WMAs such as Burunge and Wami-Mbiki, access to basic resources such as water, building material and fodder have been curtailed (IRA, 2007; Bluwstein *et al.*, 2016; Kicheleri *et al.*, 2018). This has caused conflicts and more conflicts are likely to happen in the future. Hence, the current set of rights including ecotourism businesses ventures run by the AA only have prevented local communities from exploiting wildlife on their land in the neoliberal market system under which WMAs operate (Nelson, 2010).

2.4.4 Insecure land tenure and property rights in WMAs

According to FAO (2017), tenure refers to the bundle of rights which a person, group or community holds in land, trees and other resources. Property rights include rights to access, withdraw resources, manage, exclude and alienate others from the resource (Schlager and Ostrom, 1992; FAO, 2017). In WMAs, the issue of land tenure and property rights in terms of access, use, and long term improvement is complicated by existing policies and laws. The village councils are the managers of the village land

according to the Village Land Act No. 5 of 1999 and Land Act No. 4 of 1999 and Local Government District Authorities Act No. 7 of 1982. Therefore, the role of the Ministry of Lands, Housing and Human Settlement Development on the village land is advisory. However, besides the land under the WMA being provided by village councils, according to the Wildlife Conservation Act No. 5 of 2009, the land within the WMAs is under the jurisdiction of the Ministry of Natural Resources and Tourism. This is because both Wildlife Policy of Tanzania and the Wildlife Conservation Act No. 5 of 2009 made it clear that all wildlife belongs to the state (URT, 2007; URT, 2009). Moreover, the Land Act defines reserved land as Land among others, under the jurisdiction of the Wildlife Conservation Act (URT, 1999) in the Ministry of Natural Resources and Tourism (MNRT). The Wildlife Conservation Act is the one that establishes WMAs. Thus once the WMA is gazetted, the village land changes legal status to reserved land hence the village councils lose their power over that land (Kicheleri *et al.*, unpublished).

The MNRT using its WMA Regulations of 2002, 2005 and 2012, and guidelines of 2003, determines how resources within the WMAs should be used and what improvement should be done. These regulations are centrally enacted with little participation from the AAs and the local people (Kicheleri *et al.*, 2008). For example, Section 31 (3) of the Wildlife Conservation Act No. 5 of 2009 states that ‘The WMAs shall be established and managed in accordance with regulations made by the Minister and published in the Gazette’ (URT, 2009: 30). The subsequent Section of the Wildlife Conservation Act states that ‘‘The Minister shall in consultation with the Minister responsible for local government authorities prepare model by-laws to be adopted with such necessary changes by the village authorities which shall apply in the respective Wildlife Management Area’ (URT, 2009:30). Therefore, local communities in WMA have no room to design rules that suit their environments.

Moreover, the Wildlife Policy intended to devolve management of wildlife in the village land to local communities (URT, 1998, 2007). This would have included secure land tenure and property rights (Rudge *et al.*, 1997). The policy recognises that insecure land tenure and property rights hinder positive outcomes at the local level. The policy states that ‘The existing land tenure system and the wildlife resource ownership by the State, hinders investment in, and development of wildlife industry by private sector’ (URT, 1998:12). However, the policy does not state how this challenge would have been resolved. Instead, the policy states the ‘government will not relinquish the ownership of wildlife resources’ (URT, 1998:33). In the revised Wildlife Policy of 2007, land tenure and property rights are not mentioned as among the problems facing the wildlife sector (URT, 2007:13, 14). Therefore, the village land in WMAs is quite volatile because the government for the ‘public interest’ can decide anytime to use it anyhow it wishes (URT, 1999:147).

Furthermore, the Wildlife Policy indicates that ‘the government does not intend to develop mining in protected areas’ (URT, 2007: 29, 31). On the contrary, Section 35 (1, 2) of the Wildlife Conservation Act No. 5 of 2009 narrates that subject to Environmental Impact Assessment, mining can be done in protected areas. Also, the Mining Act No. 14 of 2010 state that ‘except with the written consent of the authority having control over the park, reserve or area’ mining activities will not be done (URT, 2010:72). We argue that the contradictions among the Wildlife Policy, the Wildlife Conservation Act and the Mining Act might have enabled large scale uranium mining activities in Mbarang’andu WMA against existing legal wildlife user rights and Village Land and Land Legislations (Noe, 2013).

These findings support Godman (2003) and Paul (2004) observation that policy development and implementation in the wildlife sector in Tanzania has remained a ‘top-down centralised, patrimonial and with colonial structural impediments. As a result, like many other conservation programmes, WMAs also involves loss of access and user rights to important resources such as water, grazing land and building materials (Kicheleri *et al.*, 2018). In that case, WMA rules are not different from rules governing protected areas in general (Shackleton *et al.*, 2010). As a result, WMA land tenure is insecure and volatile because of the existing laws.

2.4.5 Lack of accountability and transparency in the management of WMAs

Accountability is defined in terms of responsibility and performance. This means commitments are upheld and outcomes are effective (Brechin *et al.*, 2002). In the WMAs, AAs are mandated to manage them on behalf of the villages. Institutionally, AAs are accountable to the WMA member villages. The WMA Regulation 18 states ‘An Authorized Association shall be accountable to the village council’. On the contrary, empirical studies have revealed that the AA is not accountable to the villagers (Bluwstein *et al.*, 2016; Kicheleri *et al.*, 2018). We argue that the AA governance structure may be impeding accountability of the AA to the village council. The setup of the AA governance structure involves creation of a CBO that later becomes AA. The AA is further overseen by the AA and DNRA boards. Moreover, the AA’s daily management operations are determined by the WMA Regulations. These regulations are imposed by the Central Government. It is therefore obvious that the local community influence in the management of WMAs would be quite minimal. However, according to Ribot (2004), organisations that are chosen for the management of natural resources are unaccountable to local communities. Ribot (2004) further suggests that to enable effective devolution,

democratic downwardly accountable local government should be empowered to manage natural resources.

Moreover, WMAs operations are surrounded by a lack of transparency. Transparency happens when information can flow freely to all actors. According to Graham *et al.*, (2012), transparency involves ‘processes, institutions and information that are directly accessible to those concerned with them’. Article IV (i) of the WMA Regulations requires the AA to sign that it will be ‘transparent in all its affairs’. However, in WMAs, transparency is explained to be lacking in the way communities are side-lined in all types of decision making processes in the management of WMAs such as the way revenues are collected and redistributed back to communities, how funds are used, allocation of hunting blocks, and in quota setting (Sulle, 2008).

In natural resources governance, accountably and transparency are considered to be quite vital. When these factors are missing, effective devolution will be difficult to achieve (Ribot, 2004). In WMAs observations indicate that is not happening. For example, Kicheleri *et al.*, (2018) report that in Burunge WMA investment activities were not communicated to the village councils.; also, quarterly and annual reports were not presented to the village assembly meetings (Kicheleri *et al.*, 2018). Further, WMA Regulations 50 and 51 explain that the conduct of the AA should be transparent. Additionally, WMA Regulations 4 of 2012 requires the AAs to sign a compliance statement that the AA shall be transparent in all its affairs. Again, this has not been happening in most WMAs with AA status. For example, transparency was observed to be lacking in Burunge and Ngarambe - Tapika WMAs with regard to information sharing (Formo, 2010; Kicheleri *et al.*, 2018). It is paramount that transparency mechanisms be established, monitored and evaluated if development and conservation are to be achieved

at the village level in Tanzania. Moreover, it is important to note that while transparency and accountability are mentioned in the WMA Regulations, they are both missing in the Wildlife Policy.

2.4.6 Inadequate benefits and recentralisation instead of decentralisation

Agrawal and Gibson (1999) argued that ‘rules remain the primary mechanisms available to mediate, soften, attenuate, structure, mould, accentuate, and facilitate particular outcomes and actions’. WMAs legal provisions have been used to recentralise rather than decentralise management decisions, power and revenues in the WMAs (Shilereyo, 2010; Kicheleri *et al.*, unpublished). For example, the Wildlife Policy of Tanzania of 1998 (revised in 2007), contradicts itself in terms of the management of wildlife resources. While the policy sections 3.3.3 (i), 4.4 and 5 provide for devolved wildlife management responsibility to communities, at the same time the government retains the ownership and overall management of wildlife resources in section 3.3.3 (ii). In Section 3.3.3 (i), the policy states that the government will ‘devolve wildlife management responsibility of areas outside Protected Areas to rural people’ (URT, 1998:18). In Section 4.4 the policy states that ‘the local communities living adjacent to PAs or in areas with viable populations of wildlife have a role of managing and benefiting from wildlife on their own lands, by creating WMAs’ (URT, 1998:34). Furthermore, Section 5 of the Wildlife Policy states that ‘the Government will facilitate the establishment of a new category of Protected Area known as WMA, where local people will have full mandate of managing and benefiting from their conservation efforts, through community-based conservation programmes (URT, 1998:35). On the contrary, the Wildlife Policy in Section 3.3.3 (ii) states that the Government will ‘retain the ownership of and overall responsibility for management of wildlife resources by the State’ (URT, 1998:18). The same has been observed in the revised Wildlife Policy of 2007 which contradicts itself by decentralising

while recentralising the management of wildlife resources. As a result, WMA regulations of 2002, 2005 and 2012 lack legitimacy on the ground as they reflect the 1998 and 2007 Wildlife Policy statements of centralising while decentralising.

Moreover, financial benefits have not been devolved in accordance with the policy. For example, the Non – Consumptive Wildlife Utilisation Regulations give power to the Central Government to collect investment revenues from the WMAs. Regulation 16 (3) states that ‘the Director shall collect the fees prescribed under these regulations on behalf of the Authorised Association’ (URT, 2016: 13). Moreover, the Central Government determines the benefits local communities are supposed to get as shown in the WMA Regulation 17 (e) (URT, 2012). The Regulations indicate that village councils will be responsible to ‘approve mechanism for benefit sharing among the villages forming the Wildlife Management Area in accordance with guidelines issued by the Government from time to time’ (URT, 2012:11). In this case, villages have to follow Central Government orders and not otherwise. In Regulation 66 (1 and 2), further elaboration on benefit sharing mechanisms at the AA and village levels are given. Four different mechanisms showing how revenues from different income generation activities in WMAs should be shared among actors are presented. These mechanisms include (1) sharing of revenues from non-consumptive utilisation where 5%, 25% and 70% are directed to the district councils, the Director of Wildlife and the AA respectively; (2) sharing of resident hunting revenues whereby 40% and 60% are directed to the Authorised Association and the district council respectively; (3) sharing of revenues received by the AA from the treasury where 50% remains with the Authorised Association while 50% is equally shared by the WMA participating villages; and (4) sharing of revenues from tourist hunting in Table 2.2 where the revenues are shared among the Tanzanian Wildlife Protection Fund (TWPF), the AAs, the District Councils and the Treasury.

Table 2.1: Sharing of non-consumptive tourism revenues

		TWPF (%)	WMA (%)	DC (%)	TR (%)
1	Block fee	25	75	0	0
2	Game fee	25	45	15	15
3	Conservation fee	25	45	0	30
4	Observers fee	25	45	0	30
5	Permit fee	25	15	0	60

Source: URT (2012).

The above mechanisms do not indicate how those percentages were calculated. As a result, Kicheleri *et al.*, (2018) assert that benefit sharing mechanisms in the WMA regulation act as a source of power struggles in revenue distribution among actors in WMAs.

Moreover, Sulle (2008) observes that, benefits from WMAs have been minimal because of many factors including lack of transparency in many areas of WMAs operations. Furthermore, Pailler *et al.* (2015) observe limited benefits in CBNRM programmes including WMAs in Tanzania. Therefore, benefits from tourism hunting and photographic tourism and other uses in the WMAs are largely and legally earned by the Central Government and investors. For instance, Kicheleri *et al.* (unpublished) highlight that because of revenues generated from Burunge WMAs, actors have been struggling on how to maximise benefits. Correspondingly, village councils have been alienated in the management of the WMA (*ibid.*). Similarly, it is the Government that determines how revenues should be shared and who should collect revenues from the WMAs (URT, 2012; 2016); it is the Government that owns wildlife even those in the village land (URT, 1998, 2007, 2009); it is the President who owns all land in Tanzania including land under WMAs (URT, 1999). However, it is the AA that runs WMAs day-to-day affairs. Consequently, studies have shown little contribution of WMA to communities'

livelihoods and increased land use conflicts (Kaswamila, 2012; Bluwstein *et al.*, 2016; Kicheleri *et al.*, 2018).

2.4.7 Legal challenges underlying withdraw from the WMAs

Intentions of villages such as Minjingu and Vilima Vitatu in Babati district to withdraw from Burunge WMAs are known (Igoe and Croucher, 2007; Kicheleri *et al.*, 2018). However, it has been difficult to pull out from the WMA and legally very difficult. WMA Regulations 34, 35, 36, 37 and 38 provide for situation where wildlife user rights are revoked and bureaucratic procedures are presented. In case a village wishes to withdraw, Regulations 34 (6) states that ‘Where a village withdraws its membership from the Authorised Association, the user right shall remain under the Authorized Association’ (URT, 2012:22). However, the WMA Regulations are not clear whether a village can claim back its land within the WMA. This is against the Village Land Act No. 5 of 1999 and Land Act No. 4 of 1999 that give village councils authority and jurisdiction over the village land. Kicheleri *et al.* (unpublished) observe that, the reason why withdrawing from the WMA is legally unclear or difficult is due to the fact that the land under WMAs is legally ascribed as ‘reserved land’. This means, according to the Land Act, the village council has no jurisdiction over reserved land but village land. The Land Act therefore mentions the Wildlife Conservation Act No. 12 of 1974 as among the Acts that establish reserved land. The 1974 Wildlife Conservation Act is the one that has established WMAs in Tanzania. In this case, Kicheleri *et al.* (unpublished) argue that the moment a WMA is declared, the village council loses its powers and jurisdiction over the village land. It is therefore, difficult for communities to pull out from the WMAs after they have joined. This reality makes WMAs just another type of protectionist approach with stringent rules that differ little from the fences and fines approach to conservation.

Conversely, section 17 and 19 of the Law of Contract Act CAP 345 of 2002 give an alternative for a village to claim back its land from the WMA. The sections reveal that to revoke the WMA contract/agreement, it must be established that fraud or deception was used to enter the villages into the WMA. This may apply to Minjingu village in Burunge WMA where it was established that community's consent was not sought during the WMA establishment (Igoe and Croucher, 2007; Kicheleri *et al.*, 2018). Section 17 defines fraud to include an act of concealment of a fact by one having knowledge or belief of a fact' (URT, 2002:14). In this case, according to Section 19, the WMA contract in Minjingu village was null and void. Moreover, the Natural Wealth and Resources Contract Act of 2017 provides for a chance to review and re-negotiate unconscionable terms in contracts. The Act defines unconscionable terms as 'any term in the arrangement or agreement on natural wealth and resources which is contrary to good conscience and the enforceability of which jeopardises or is likely to jeopardise the interests of the people and the United Republic' (URT, 2017:5). The case of Minjingu village fits in this situation that communities felt they were cheated to join Burunge WMAs (Igoe and Croacher, 2007: Kicheleri *et al.*, 2018). Therefore, it will be possible for villages aggrieved with WMAs to pull out or re-negotiate terms if their claims fit the Natural Wealth and Resources Contract Act's provisions.

2.4.8 Interests to expand protected areas versus livelihood improvement

Livelihood improvement is among the major objective of WMA establishment. However, the definition of WMAs in the wildlife policy of Tanzania 'dispossesses the very community the WMA is established to benefit' (Goldman, 2003). Basically, the policy defines WMA as 'an area declared by the Minister to be so and set aside by village governments for the purpose of natural resource conservation' (URT, 1998:33; 2007:49). Fundamentally, the very definition of the concept of WMA in the policy leads to the

creation of more protected areas than improving the livelihoods of the communities. For example, to-date there exist 18 WMAs with AA status and 20 more WMAs at various stages of development. In total, the 38 WMAs cover about 13% of the Tanzanian land area (Bluwstein and Lund, 2016). However, empirical research has shown that benefits generated from WMAs are minimal and have not materialised to the household level (Kaswamila, 2012; Pailler *et al.*, 2015).

Furthermore, the WMA Regulations provide for an existence of a General Management Plan (GMP). WMA Regulations define GMP as ‘a tool to guide management and development activities in a Wildlife Management Area’ (URT, 2012:6). Nevertheless, the definition does not mention anything on how WMA participating villages can realise livelihood activities. As a result, the translation of the WMA Regulations in the GMPs also focuses a greatly on conservation than livelihoods improvement. For example, among the 15 strategic objectives of Burunge GMP, livelihood improvement was not given priority. Most objectives focused on conservation of wildlife than local people’s livelihood improvement. Among the objectives are ‘to halt declining of natural resources stock; to minimise damage caused by wildlife to people and their properties; to enhance linkages between Burunge AA, Central Government and other stakeholders, and to strengthen Burunge AA leadership (Burunge AA, 2011: vii).

In addition, the plans to establish WMAs were associated with interests by Non-Governmental Organisations (NGOs) to develop wildlife corridors such as Kwakuchinja wildlife corridor in the Tarangire-Manyara ecosystem. NGOs were legally identified by the WMA guidelines as among important organisations in the process for WMA establishment and management (URT, 2003). According to the WMA guidelines, for an NGO to qualify to be a WMA facilitator, it has to be ‘recommended by the Director of

Wildlife and approved by the Minister for Natural Resources and Tourism' (URT, 2003:35).

An analysis on African Wildlife Foundation (AWF) work in supporting WMAs has revealed how local communities were deliberately excluded from participating in the initial processes of WMA establishment (Sachedina, 2010; Bluwstein *et al.*, 2016). For example, Kicheleri *et al.*, (unpublished) revealed how village leaders were cheated by government officials and the non-government organisation in the initial stages of establishing Burunge WMA. As a result, among other reasons, some villages such as Minjingu and Vilima Vitatu intend to withdraw from the WMA. While it is paramount that wildlife is conserved and communities benefit, the means used to establish and implement WMAs show that they were not meant for local people but wildlife corridors development and protected areas expansion. It is therefore, suffices to say that communities were being used strategically to expand the protected areas network (Goldman, 2003) and that WMAs differ little from fortress conservation.

2.4.9 Lack of locally based conflict management mechanisms in the WMAs

In CBNRM, differences in power, values and interests often bring conflicts (Dietz, 2003). Thus conflicts and their solutions are not self-evident (Adams, *et al.*, 2003). Therefore, depending entirely on the Central Government policy directives in resolving local level conflicts may not satisfactorily lead to the desired outcome (Dietz *et al.*, 2003). In Tanzania, WMA establishment and management has faced a number of conflicts. For example, conflicts on land use came from communities in WMAs such as Burunge, Mbarang'andu, Randileni, Makame, Ipole, Wami-Mbiki, Enduimet and Ukutu (Nelson and Makko, 2005; Sulle *et al.*, 2011; Nelson, 2012; WWF: 2012; Noe, 2013; Stephanie, 2014; Moyo *et al.*, 2016). Issues contested for centred on land use, access to basic

resources such as water, fodder, grasses for roofing and the need to withdraw from the WMAs.

Despite the observed struggles, the WMA establishment legal framework neither provides nor places a necessity for an existence of locally established conflicts management mechanism. The WMA Regulation 25 of 2012 gives power to the District Natural Resources Advisory Body to act as a conflict management forum (URT, 2012). Moreover, WMA Regulation 63 of 2012 directs the Arbitration Act to be used when conflict in WMAs cannot be resolved. As a result, even AA rules lack clarity on conflicts management. For example, it was observed that the Burunge WMA constitution does not have an elaborated conflict management mechanism (Burunge AA, 2003). Instead, the constitution gives the AA chairman more power on final decision regarding conflicts (Burunge WMA, 2003:18). A conflict between Burunge WMA and Minjingu village provides a good example. Minjingu village took more than ten years to seek for justice on their claims that they did not willingly join the WMA (Box 1) (Kicheleri *et al.*, forthcoming). As a result, Minjingu village has not cooperated with the AA in any matter regarding the WMA. On the other hand, the formal conflicts management mechanism on land issue involves ‘land tribunals’ from the village to the national levels including the village council, the Ward Tribunal, the District Land and Housing Tribunal, the Land Division of the high Court and the Court of Appeal. However, these are formal, expensive and difficult to access especially for local people (Kironde, 2009). It is argued that for successful commons, an access to low cost conflicts management mechanisms should be in place (Ostrom, 2002). When this does not happen and conflicts are ignored, conflicts can ‘escalate into violence, causing environmental degradation and undermine livelihoods’ (FAO, 2000).

Box 1: The procedures taken by Minjingu Village Council to resolve its conflict with Burunge WMA

1. In 2004, Burunge village wrote a letter to the AA renouncing its participation in the WMA operations
2. Later, they presented their case to the ward executive officer
3. Sent their case to the District Council
4. Presented their case to the Ministry of Natural Resources and Tourism
5. Presented their case to the ruling party headquarters in Dodoma
6. Presented their case to the Vice President Office
7. In 2014, they took their matter to a court of law
8. In 2016, the court ruled in favour of Minjingu village
9. The Burunge AA has appealed
10. The outcome of the appeal is yet to be ruled

2.5 Conclusion and Recommendations

The study shows that fundamental elements to be included in rules especially policy and legislation for wildlife management are either missing, vaguely defined, or inadequately narrated. As a result, little attention has been given on the participation of communities in WMAs. Thus, local communities have remained passive actors in the management of WMAs. On the other hand, following the establishment of WMAs as community-based programmes, it was expected that village councils which are legally established and downwardly accountable organisations would be used for the management of WMA. On the contrary, additional organisations named AAs were introduced. These along with District Natural Resources Boards (DNRABs) further alienate local community members from influencing WMA management.

In addition to that, successful implementation of the community based programmes requires secure land tenure and property rights. However, Local communities' rights to the WMAs are weakly defined in the Act and Regulations while property rights and land tenure are insecure. Furthermore, accountability and transparency are all missing in the policy. The AAs that should have been accountable to the local actors were observed to be accountable to the Central Government. Likewise, benefits have been recentralised and have not materialised to the individual level. As a result, land use conflicts have surfaced in most of the WMA. Nevertheless, rules do not provide for the existence of locally established low cost conflict management mechanism.

It is therefore, recommended that fundamental elements need to be considered in the formation of rules including policies, constitution, legislation, regulations, guidelines and bylaws related to WMAs. Also, further research on what works and doesn't work in WMAs to be done. This will facilitate the development of wildlife policy that is evidence - based and an enabling legal framework.

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CHAPTER THREE
MANUSCRIPT TWO

**Institutional Rhetoric versus Local Reality in Burunge Wildlife Management Area,
Tanzania**

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Abstract

This paper compares institutional rhetoric with local reality in Burunge Wildlife Management Area (WMA) in Babati District, Tanzania. The study aimed at facilitating informed decisions with regard to the design of institutions for improved performance of WMAs. Data were collected through focus group discussions, key informant interviews, questionnaire, and literature review. Results showed that, contrary to the policy objectives

of improved wildlife governance and livelihoods, there was limited participation of local people in the process of WMA establishment and management. Local people's awareness on institutions forming and managing the WMA was limited both during and after its establishment. Furthermore, legal provisions were circumvented in establishing the WMA without local consent. Comparing rules on resource use and access, before and after WMA establishment revealed a change from good to worse. While communal benefits have been realised, local people saw neither value nor benefit of the WMA to their personal livelihoods. As a result, community members wanted to withdraw from the WMA. Therefore, this study calls for a serious Central Government political commitment in reviewing and updating the national wildlife Policy including taking into account local livelihoods dependence on wildlife resources in the WMAs. Specifically, village councils should be made managers of WMAs rather than the CBOs to ensure democratic representativeness and accountability in the management of WMA.

Keywords: Wildlife management areas, institutions, benefits, participation

3.1 Introduction

Since the adoption of Decentralisation Policy in the management of natural resources in a wide range of countries in the global south in the 1990s, scholarly interest in the outcome of Community - Based Natural Resources Management (CBNRM) has increased steadily (Ostrom, 1999; Songorwa, *et al.*, 2000; Ribot, 2002, 2004; Nelson and Agrawal, 2008). In Africa, CBNRM has been labelled successful in Community Conservancies in Namibia; Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe and Administrative Management and Design for Game Management Areas (ADMAGE) in Zambia, among others (Songorwa, 1999; Nelson and Agrawal, 2008).

Challenges in relation to the institutional reforms necessary for successful CBNRM have been identified as a pervasive constraint globally (Nelson *et al.*, 2007). Specifically, Central Government and front line agents are often reluctant to transfer sufficient and appropriate powers to local government actors, in some cases, due to vested interests and rent seeking opportunities provided by controlling access to these resources (Ribot *et al.*, 2006). Government agencies have also used the opportunity to recentralise management decisions by tightening central control over the resources (*ibid*). This has ultimately led to declining welfare and other negative implications for the involved communities particularly the vulnerable groups rather than ensuring development and poverty alleviation as envisioned (Roe and Nelson, 2009). For example, the major weaknesses of ADMADE in Zambia and CAMPFIRE in Zimbabwe, which are widely cited as some of the earliest and most documented African examples of Community Wildlife Management, are attributed to ineffective institutions (RCSA, 1998; Junge, 2002; Ribot, 2004; Nelson and Agrawal, 2008; Mutandwa and Gadzirayi, 2009).

In the ADMADE programme, new organisations were created at the local level as a platform where community members could raise their concerns and participate in the wildlife management. However, as the Central Government earmarked chiefs to chair the organisations which were undemocratically invested with the Central Government roles (Gibson and Marks, 1995); hence making the chiefs accountable to the Central Government rather than the local people (Ribot, 2002). Since the organisational setup was not clear on roles and functions of the chiefs, then they used the opportunity to gain more power. As a result, ADMADE turned out to be a chief -based programme rather than a planned Community - Based Programme (CBO) as envisaged during its initiation (Junge, 2002). Similarly, in the CAMPFIRE project, ownership, use rights, and power to autonomously manage wildlife resources were granted to District Councils instead of

local authorities (Child, 1996). Moreover, land tenure issues were completely ignored. Logan and Moseley (2002) revealed that the main land legislations did not grant local communities propitiatory powers over resources. Instead, the authority over communal land was also granted to the District Councils. CAMPFIRE was then more rightfully considered as a district -based rather than the expected CBO (Junge, 2002).

Wildlife Management Areas (WMAs)³ were introduced in Tanzania as the result of the Wildlife Policy of 1998 (URT, 1998). The Policy defines WMAs as areas on village land, set aside for wildlife conservation. WMAs aim at improving wildlife conservation and rural communities' livelihoods through improved governance by giving communities full mandate to manage and benefit from wildlife. As a result, currently 18 WMAs covering about 2.8 million hectares are gazetted across Tanzania affecting approximately 350,000 people (AWF, 2013).

The shift from a centralised towards the Decentralised Wildlife Management Policy in Tanzania called for new institutional arrangements. Institutions are conceived as both formal and informal rules (Ostrom, 1990) including constitutions, policies, legislations, regulations, guidelines and by-laws. The WMA programme and accompanying the Decentralisation Policy reforms have faced many challenges including the tendency of the government to recentralise decision making powers and benefits (Shilereyo, 2010), and consequently, local resistance to their establishment (Nelson and Makko, 2005). In many WMAs including Burunge in North-western Tanzania, there have been numerous conflicts between the Central Government, District Councils and villages in relation to the

³ These are community-based natural resources programmes initiated in Tanzania with the twin goals of conservation and livelihoods improvement through improved governance in villages lands adjacent to protected areas (MNRT, 1998).

allocation and use of benefits accrued from WMAs; as a result, some participating villages wanted to pull out (Nelson, *et al.*, 2007; Mbunda, 2010).

Burunge was among the first nine pilot WMAs officially launched in 2003 and among the first to be granted official status in 2006 (USAID, 2013; WWF, 2014). Burunge WMA is of high importance to Tanzania's protected area network as a wildlife corridor (USAID, 2013) linking Tarangire National Park, Lake Manyara National Park, Manyara Ranch, and the Ngorongoro Conservation Area (WWF, 2014). It has been flaunted as one of the most well managed and successful WMA (AWF, 2013). According to Vett (2010), it generates the highest revenues among all WMAs in Tanzania. Also, the USAID (2013) WMA evaluation report placed this WMA at a medium of overall success based on the high income and high economic potential due to its accessibility located between major national parks on the northern tourist circuit. Yet, information on its institutional performance is limited and the fact that two villages - Minjingu and Vilima Vitatu - wish to withdraw from the WMA (Igoe and Croucher, 2007; USAID, 2013) makes Burunge an interesting case study for evaluating the institutional performance of WMAs in Tanzania.

With that regard, this study examined the local reality in Burunge WMA in comparison to the expected outcomes based on the institutional rhetoric of decentralised wildlife management in Tanzania. The study addressed participation of local communities in the process of WMA establishment; local awareness of WMA related institutions; institutionally determined change in resource use before and after WMA establishment; and benefits provided to local households from the WMA. The study aimed to facilitate informed decisions with regard to the design of institutions for improved performance of

WMAs and other community - based conservation approaches in Tanzania and elsewhere where conditions are comparable.

3.2 Study Area and Methods

3.2.1 Description of the Study Area

This study was carried out in four villages in Burunge WMA (Fig. 3.1). The WMA was established in 2003 under the Wildlife Management Areas Regulation of 2002 (revised 2005 and 2012), and the Wildlife Conservation Act No. 12 of 1974 (repealed by Act No. 5 of 2009). At the local level CBO, responsible for managing and conserving wildlife resources in the village land for the benefit of local communities, was formed. When the CBO is endowed with wildlife user right by the Director of Wildlife, the CBO becomes an Authorised Association (AA).

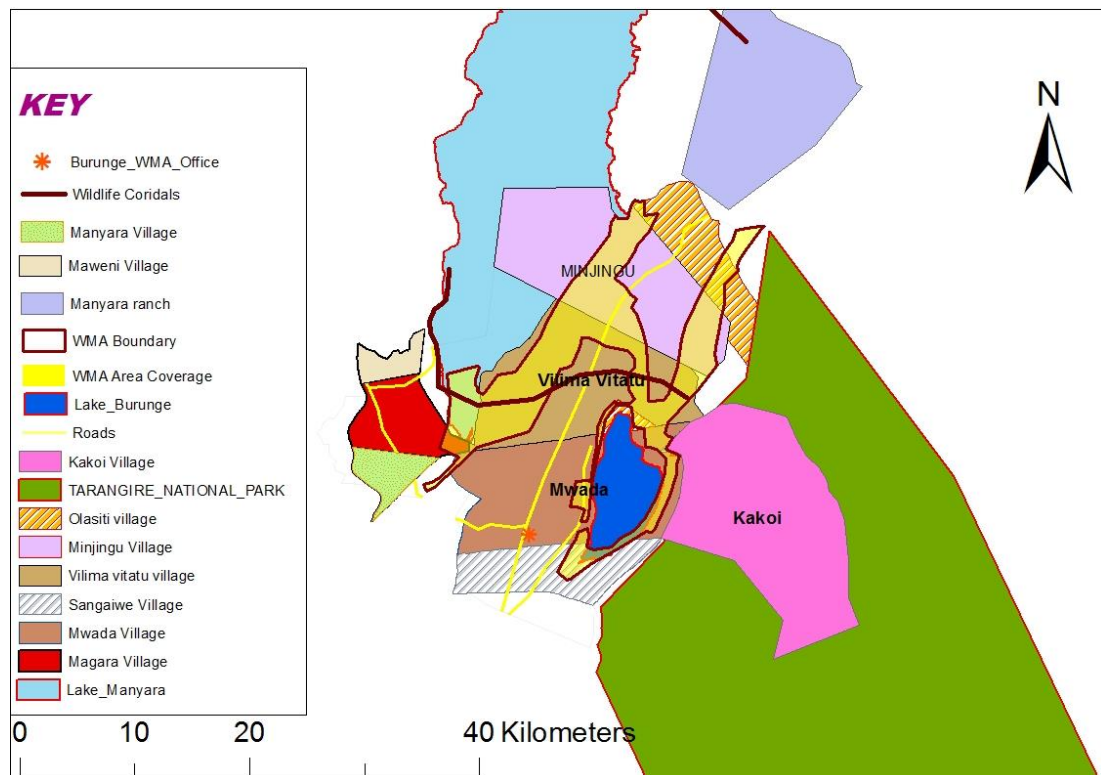


Figure 3.1: Map showing Burunge WMA and the surrounding villages.

Source: Kicheleri *et al.* (2018).

The 283 km² large Burunge WMA is located in Babati district in the Northern part of the country between Manyara and Tarangire National Parks. The WMA forms part of the wildlife corridor connecting the two national parks (Sulle *et al.*, 2011) and is located a few kilometres from Serengeti National Park and Ngorongoro Conservation Area. In addition, the Great Rift Valley escarpment is visible from all angles of Burunge WMA, which is formed by 10 villages, namely Mwada, Sangaiwe, Ngoley, Vilima Vitatu, Kakoi, Olasit, Manyara, Magara, Maweni, and Minjingu. Livestock keeping is the main land use supplemented by small scale farming outside the WMA. The main food crops grown in the villages include maize, beans, bananas, millet, paddy and potatoes. Sesame is the main cash crop mainly because it is not fed by wild animals such as elephants. The rainy season begins in November and ends in May. Annual rainfall ranges between 400 and 500 mm and temperature ranges between 18⁰C and 33⁰C (Burunge, AA, 2011).

3.3 Theoretical Orientation

This paper draws on Ostrom's (1990), Ribot's (2002), Agrawal and Gupta's (2005) and Lindsay's (1999 and 2004) analyses of institutions, decentralisation in the management of common pool resources. They show how 'errors' or weaknesses in institutional choices and designs are used against the interests and expectations of the local people who seemingly have trusted that they would benefit from decentralised wildlife management. Further, the study elaborates why the theoretically promising combination of protection of wildlife, local development and poverty alleviation have in practice gone awry to the dismay of the local people who often have ended up feeling cheated rather than involved (Igoe and Croucher, 2007).

3.4 Data Collection Methods

A cross sectional research design was used in 2014 for four purposively selected villages of Mwada, Vilima Vitatu, Minjingu and Kakoi. The four villages were selected due to differences in their participation in Burunge WMA. Mwada village was considered fairly satisfied with the WMA while Minjingu and Vilima Vitatu wanted to withdraw from the WMA. Kakoi, a relatively new village split out from Minjingu village. Focus group discussions (FGDs), key informant interviews, and questionnaire were used as primary data collection methods to supplement secondary data which were obtained through literature review.

Focus group discussions and key informant interviews were conducted to obtain an overview of relevant issues under study. Interviews were conducted face to face in Kiswahili, recorded, transcribed and translated into English for analysis. Six focus group discussions were conducted, one with village councils in each of the study villages, namely Mwada, Vilima Vitatu, and Minjingu, and one with youths, elderly women and men respectively. Due to data saturation and because Kakoi village was formed out of Minjingu village, the FGD was not held there. Similarly, key informant interviews were conducted until data saturation point was reached (Guest *et al.*, 2006). Key informant interviews and focus group discussions inquired about the WMA initiation process, management as well as participation of local communities in various WMA activities. Additionally, triangulation of information obtained from villagers, village leaders, WMA officials and the District Council officials was applied to increase validity of the results by posing similar questions to different groups.

Random sampling of 140 households from the village register was used to select respondents for the questionnaire. Questions concerned local people's participation in the

WMA initiation process, their awareness of rules, perception on the change of rules, and benefits accrued at the household level from the WMA.

3.5 Data Analysis

To allow for quantitative analyses, a characterisation of levels of participation was adopted and modified from IIED (1994) in order to reveal the level at which the communities were involved among the six levels: listened only, listened and gave information, consulted, policy analysis, agenda setting, reaching consensus on the main policy element and involved on policy strategy. Moreover, statistical analysis including calculation of percentages and cross tabulation was done to compare responses among villages, leaders and regular community members, and among households differing in main livelihood strategy; that is farmers and pastoralists. Scoring was used to obtain percentages on questions related to participation and benefits from the WMA while Likert scale questions related awareness of operational rules to change of rules before and after WMA establishment. Data collected involving the Likert scale were first coded, cleaned and then loaded into the Statistical Package for Social Sciences (SPSS,) Version 20.

Furthermore, qualitative data generated through focus group discussions, interviews, and desk study of official documents including the Acts, regulations and policies were subjected to content analysis. In this case, qualitative data were categorised into groups of words with similar meanings (Stemler, 2001). Underlying themes in the categories of words were identified, explained, clarified and interpreted (Kohlbacher, 2005).

3.6 Results

3.6.1 Participation in the WMA Establishment Process

Figure 3.2 shows that among the six levels of the involvement of the community in the WMA initiation process was 82% for the first level only – listening.

As indicated in Fig. 5, a few respondents were consulted or in reaching a consensus on the 1998 Wildlife Policy of Tanzania that actually introduced WMAs. Thus, the overall level of participation decreased disproportionately from the village to the national level. The very few who felt that they had participated were either village leaders or the more educated and those who were in positions such as village council members. For instance, a man of about 68 years avowed to have participated fully in the policy process. However, he was a former government employee who had settled in the village after his retirement. Key informant interviews and focus group discussion results also revealed that communities' acceptance of the WMA during its initiation was low.

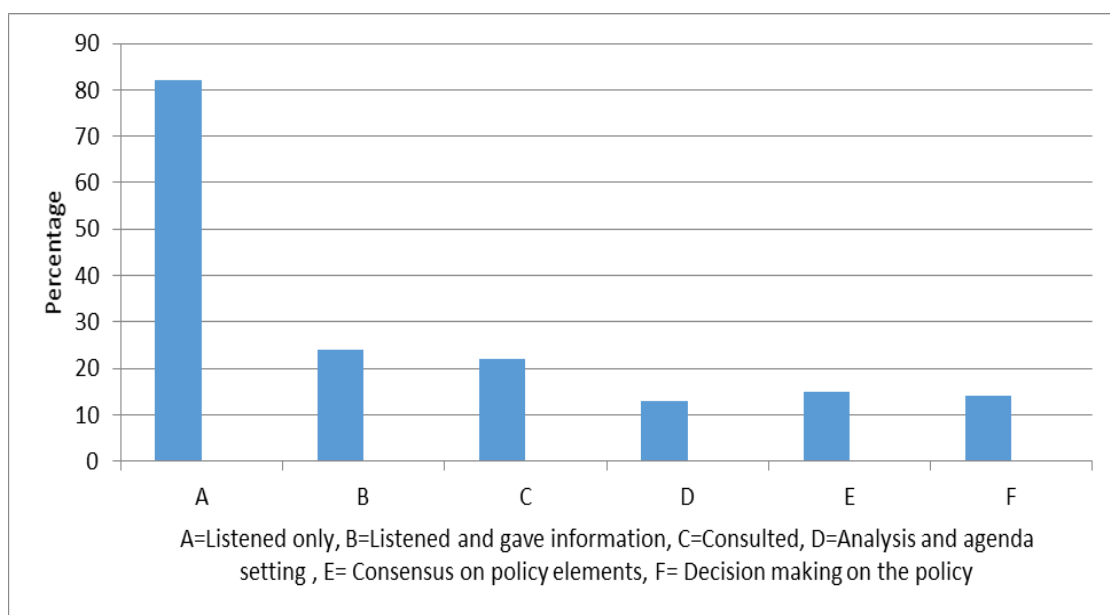


Figure 3.2: Levels of participation in the WMA establishment process (N=140)

Not only did communities not participate sufficiently in the policy development process but they also did not participate in the subsequent making of WMA rules. The Wildlife Conservation Act (URT, 2009) directs the Minister responsible for WMAs and local government authorities to prepare model by-laws to be adopted and used by the village authorities (Section 31 (4)). The fact that rules were predefined on size fits all; this may explain why these rules seem to lack institutional legitimacy in Burunge and may have led to low acceptance by the community. For instance, people continue fishing in Lake Burunge – something which is against the WMA rules - and they do so at night to avoid being arrested. The first author was frequently asked secretly in private homes to buy fish from Lake Burunge. People would furthermore illegally lead their cattle into the WMA especially during the dry season. This has often resulted in conflicts between local communities and WMA Village Game Scouts (VGS) as well as the guides of ecotourism investors.

3.7 Awareness of Institutions and Legal Traps during the WMA Establishment

Process

Fig. 3.3 shows that the majority (83%) of the respondents in all the four villages were not aware of the National Wildlife Policy (URT, 1998) during the initiation of the WMA establishment process.

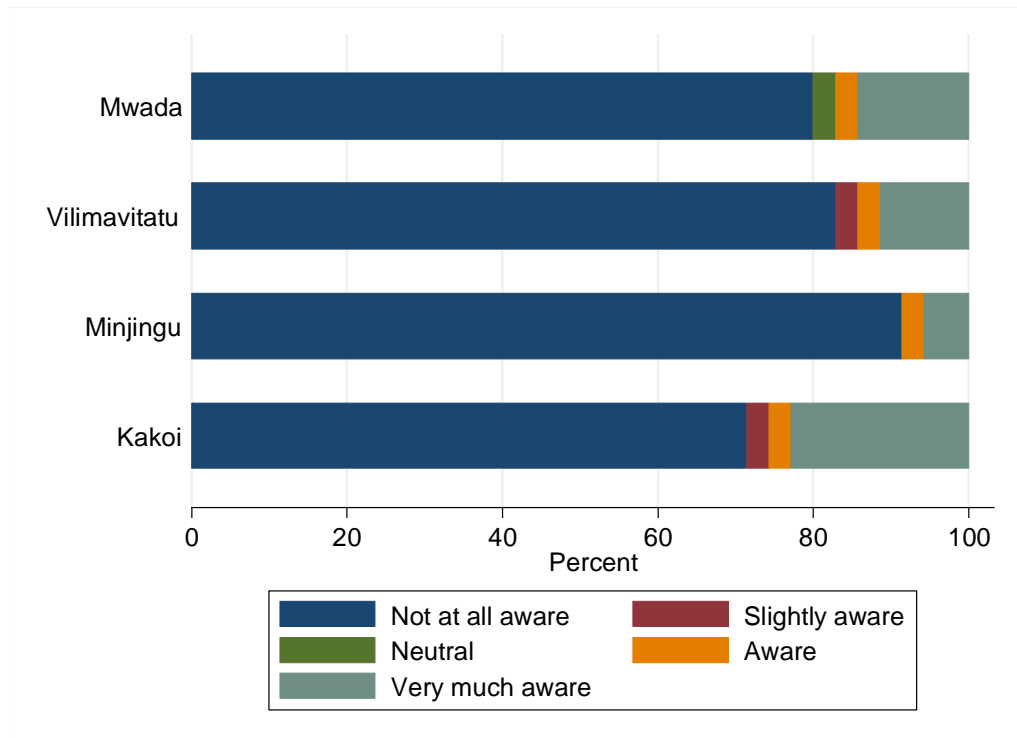


Figure 3.3: Awareness of the WMA Policy document

Having subsequently experienced the policy in action, about 59% of the respondents completely disagreed that the Wildlife Policy intended to solve key community problems. As one respondent lamented *‘how can that policy improve peoples’ lives if we are living in the mud houses where we are deprived of roofing grasses, building poles, firewood and we have no electricity. We wonder how can the government care more for the wild animals and forget us’*. Nevertheless, about 31% of the respondents strongly agreed that the policy targeted to solve key community problems – although it seemed to have diverted its focus to conservation - a contradiction to promises made and people’s expectations.

The majority (70%) of respondents did not understand what a WMA constitutes during the WMA initiation process whereas 61% completely disagreed that rules were made

following a participatory approach where they could influence community development. Issues of investment were in particular hidden for normal community members, and the respondents complained that they could not even access the contracts made with investors.

The procedural rules for making contracts with investors are elaborated in the WMA regulations (URT, 2012). Authorisation to make investment in WMAs is sought from the AA (the CBO) (Regulation 59(1)) and advice about entering into contracts with potential investors is sought from the District Council and from the Director of Wildlife in the Ministry of Natural Resources and Tourism (Regulation 59(6 and 7)). In addition, Regulation 18(k) in the WMA regulations directs the CBO leaders to communicate investment initiatives to the village assembly prior to signing of a contract (URT, 2012). However, in practice, it is the District Natural Resource Advisory Board (DNRAB), and not the village council representing the Village General Assembly who participates in the process of negotiation and signing of the agreements between the WMA and potential investors. Also, the village council is not mentioned in the WMA Regulation 50(2) as among the parties to be included in the Tender Evaluation Committee (URT, 2012).

On the one hand, the WMA regulations appear to contradict section 5(g) of the Wildlife Conservation Act of 2009 which stresses ‘active participation of local communities’ in WMAs matters. On the other hand, the same Act does not mention village councils among actors to be informed about or involved in negotiation and signing of ecotourism investment agreements in Section 31(7). Village councils are mentioned as not having access to the contracts with investors. While the WMA Regulation 59 (9) does not mention the village council among those to be given copies of the contract, the District Council and the Director of Wildlife are mentioned.

When the researchers asked for copies of the contracts from the WMA office they were informed that these contracts were confidential between the WMA and inventors. Such denial of access to information appears to contradict the Constitution of Tanzania Section 18 (b and d) which gives all Tanzanians right to seek, receive and disseminate information and, right to be informed about issues of importance to the society (URT, 2005). However, the Law of Contract (URT, 2002) Section 2 recognises only two parties to any contract. The common law principles, such as the principle of 'Privacy of Contract', form part of the law of contract in Tanzania and emphasise the advantage of secrecy of contracts between parties. In the case of Burunge WMA, the parties to the contract include only the CBO and the investor - not the village council whose land the WMA is established on. Hence, the role of the village council as the ultimate overseer, manager and administrator of village affairs (URT, 1982) has vanished with the institutional choice of creating the AA, which is fundamental to the establishment of WMAs.

According to WMA regulation 18(b), the village councils are required to monitor the activities of the WMA and report to their constituencies and the District Council. However, this was not known by the village council members who were participating in the focus group discussions when they were asked questions about their knowledge on rules concerning the village council's role in the WMA. According to the WMA regulations, the CBO leaders are required to enter into agreements with the village councils on the management of the WMA. This was unknown to village council members either. Consequently, lack of awareness among village council members about the rules guiding their right to influence the governance of the WMA left them alienated and vulnerable to proposed changes with negative implications. The lack of information has

seriously undermined trust between villagers on one side, and CBO and District Council on the other.

Furthermore, there is no provision in the WMA regulations stipulating that contracts with investors must be translated into Kiswahili before being signed. As a result, communities complained that some Village Councillors during the WMA establishment process were pushed to sign documents in English, a language that they did not understand. Likewise, the District Game Officer was accused by communities of deliberately speaking English during the WMA initiation process with the alleged objective of luring local communities to accept the WMA on verbal promises that were subsequently never fulfilled. The communities also complained that following the WMA establishment, the same District Game Officer favoured investors' interests over those of the communities using WMA resources including funds for his own benefit. However, none of these claims have been officially logged as complaints in any legal case with the exception of Minjingu village that has taken the WMA CBO and the investor to the court of law.

The rules are not clear about the fate of village land after a possible withdrawal. While most of the respondents did not support the WMA and would prefer to withdraw from it, communities believed that withdrawal from the WMA means one's land will be converted into a Game Controlled Area or they will be evicted. This message is allegedly said to have been delivered to the villagers by the District Game Officer on several occasions. This implies that the villagers are forced to remain part of the WMA, whether they like it or not, contrary to the WMA regulation 35(6) which states that where a village withdraws its membership from the WMA, the user right shall remain under the WMA.

3.8 Awareness of WMA Operational Rules

Approximately 54% of respondents were not aware of the WMA operational rules. On the other hand, about 67% had either low participation or did not participate at all in WMA matters. About 17% had an average level of participation while the rest 16% had good participation. Mwada village had the highest average level of participation followed by Kakoi, Vilima Vitatu and Minjingu villages in that order.

In the community setting in Tanzania, locally convened meetings are the most obvious ways to inform community members about local village matters (URT, 1982). Section 18(q) of the WMA Regulations (URT 2012) requires the AA to quarterly and annually report to village assembly meetings. However, such meetings had not been convened at all in any of the study villages. Key informant interviews further informed that, although the last election of WMA leaders and village representatives was held more than three years ago, the villagers had not received any response from the CBO on a number of questions. The questions included, but were not limited to, how the 50% of total WMA revenues that remain with the CBO are used, information about investors and how much they contribute as well as about the general management of the WMA. In addition, the CBO leaders were accused of not making available information about a number of important decisions to the respective villages. For instance, when the Central Government decided to take on the task of collecting revenues from WMA investments, villages were not informed about this by the AA. Villagers claimed to understand that they were supposed to make major decisions regarding the WMA but they wondered how they were supposed to do this without being informed. Due to this trend, one respondent said ‘*we have become like stubbles waiting to be burned*’.

The above results are in line with communities' awareness about rules on WMA meetings. The majority (94%) of the respondents did not know how often meetings should be conducted while only 6% got it right - i.e. once in every three months. There was a follow-up question about how often WMA meetings are conducted in their respective villages - the answer to which the majority (93%) of the respondents did not know.

Respondents offered various comments following the question about their support for WMA establishment and WMA meeting attendance. For instance, one respondent claimed that *'the WMA benefits only leaders who neither want to step down nor want to call for meetings because the village councils, WMA leaders, District Game Officer and the Director of Wildlife are the ones misusing the WMA money'* highlighting lack of transparency. Complaints were also raised about the new Burunge constitution. For example, one village council leader complained that *'WMA meetings are postponed frequently. The ones in power need to step down and election for new leaders should be conducted. But the new constitution [i.e. the constitution of Burunge WMA] has provisions that we do not like. The District Game Officer ordered us to sign but all village council leaders have denied since the constitution will not favour our people. For example, the term of office has been changed from three to five years and the District Game Officer will lead elections for new members of the AA. This is not acceptable since the District Game Officer wants to elect and favour certain people that he wants to hold the office for his own benefit'*. It was found through key informant interviews and FGDs that, candidates sometimes were willing to bribe their fellow villagers in order to become village representatives in the WMA and form part of the leadership of the WMA.

3.9 Change of Rules Regarding Resource Use Following the WMA Establishment

Before the establishment of the WMA, fishing, hunting and logging on village land required a licence obtained from the District Council (URT, 1974). Wildlife on village land is under the jurisdiction of the state (URT, 1998, 2007) and villagers were not allowed to hunt wildlife but could only do so through the village council by getting a permit from the District Council to hunt wildlife for village consumption. When permission is granted, the District Game officer with Village Council leaders would make all arrangements in relation to hunting and distribution of bush meat in the village where villagers buy the meat at a subsidised price. Before WMA establishment, village land was under the village council's control and the village assembly could devise rules on how to manage and use resources on its land through village by-laws (on for example, agriculture, grazing, settlement, firewood, watershed management, building materials and non-timber forest products (URT, 1982; 1999a). As a result, national laws on fishing, logging and hunting were not strictly enforced before WMA was established and communities could access these resources with minimal risk. In this case, village councils were not allowed to devise by-laws for hunting because according to the 1974 and the revised 2009 Wildlife Conservation Act, wildlife is the property of the state. However, with the establishment of WMAs, villages can now manage wildlife in their land. After the establishment of WMA, regulations have replaced village by-laws about the management of village land within the WMA and *de facto* enforcement has become strict with complete ban of community/ subsistence hunting.

In addition, Burunge WMA has drastically changed the rules on access to and withdrawal of natural resources. The majority of the respondents (82) strongly agreed that before the WMA, rules on access to agricultural land, wildlife hunting, grazing, fishing, collection of firewood, building poles, roofing grasses and Doum palm (*Hyphaene compressa*) were

better (Fig. 3.4). Women in the communities earn cash by making mats, baskets and various decorations from Doum palms as a substitute and supplementary livelihood strategy for many people. Therefore, the WMA rules have particularly denied local women's access to an important livelihoods option.

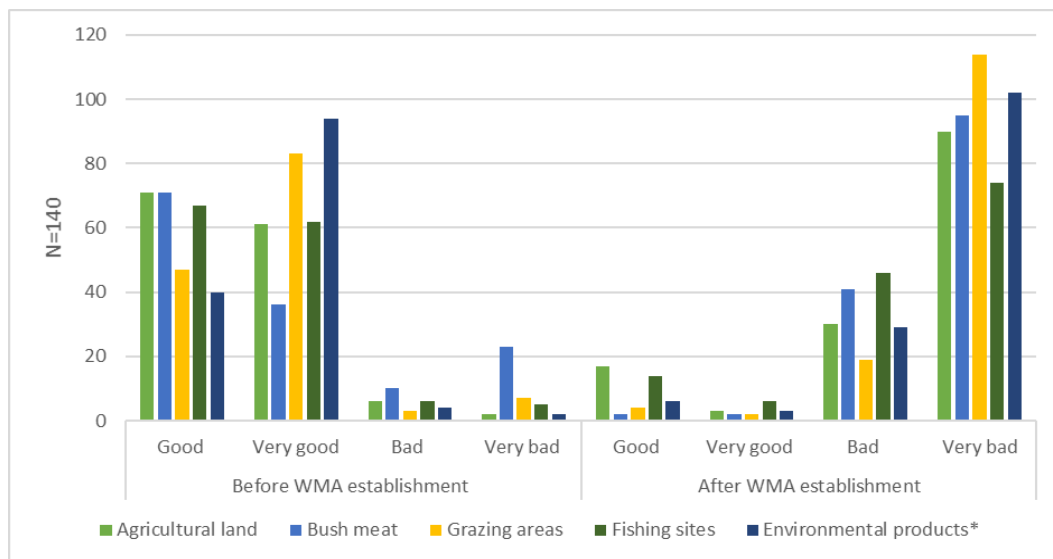


Figure 3.4: Responses on the direction of change of rules before and after WMA establishment N=140.

*Environmental products include non-cultivated products such as Doum palm (*Hyphaene compressa*), thatch grass, firewood, and poles.

Respondents complained about lack of information and were particularly dissatisfied with restrictions on access to agricultural land, grazing areas, and non-timber forest products (Fig. 3.3). As one respondent asserted '*We would like to know changes on access to resources and use in the Wildlife Act, Policy and Regulations and be able to advise accordingly*'. The WMA Regulation No. 41(2) states that hunting for meat in the villages should utilise the off take quota issued to the AA. It was noted during the focus group discussions and key informant interviews that several people would like to hunt wildlife for their own consumption but are no longer allowed.

Since the establishment of the WMA, the AA has never allowed any villager to hunt. This is because the local hunters do not have proper weapons but also it is to avoid potentially disturbing tourists as local hunters often hunt up to the investors' area. However, even if licences were offered at a price that would be seen as affordable, few community members would be able to afford.

Finally, the option of hunting for meat was removed from the General Management Plan (GMP) of Burunge WMA in 2010 (Burunge, AA, 2011). A 70-years-old man in Mwada village complained about the lack of bush meat saying *'astonishingly there are no wild animals in Arusha town but game meat is easily available. But we who are living with the animals cannot have access to the game meat'*. Expressing his grievances, he provided a list of things he would like to be changed with regard to the WMA requesting the research team to present the list to those concerned (Box 1). The list actually forms a comprehensive alternative to the current state of affairs and is in close accordance with theory on common pool resource management (Ribot, 2002, 2004, Ribot *et al.*, 2010).

Box 1: Grievances from an old man

'What is annoying me is being disturbed by the wildlife, where we are able to drive them away from our farms and home gardens but, we are not allowed. When animals invade our farms, there should be compensation. Apparently we are not allowed to chase the animals away without being seen as a culprit. When someone is wounded by an animal there should be compensation because it is the animal that follows the man and not vice versa as claimed by the Central and District government officials. Investors should be given investment areas as per the government directives and not otherwise. There should be a contract specifying the timeframe for the villagers to decide whether an investor is suitable or not. Investors should provide support to the community such as school benches, building classrooms and establishing water pumps. If an investor is accepted in a village, youths from that village should be given priority for employment. Compensation for someone wounded or killed by an animal, should be determined based on the profit those animals generate through tourism. Hence, if the profit is TZS 300 million, then compensation should be 100 million. Currently our government values the animals higher than humans. It should not be this way'.

Before the WMA establishment, the Village Land Act No. 5 of 1999 (URT, 1999a) gave powers to the village council to decide about the use of their land as they deemed fit. However, after WMA establishment the Wildlife Conservation Act regulates all resource use such as non-timber forest products and fishing in WMAs to conform to their respective Acts (URT, 2009; Section 31 (6)). This means that the village council no longer has the mandate to decide on the use of resources in the WMAs using the Village Land Act of 1999. As a result, licenses and permits should be sought to access and extract resources in the WMA.

Therefore, the responsibility of the village council has, in both *de jure* and *de facto*, been shifted to the AA which permits for none timber forests products such as firewood and Doum palm. In response to these changes of rules, complaints have been raised about both the bureaucracy involved to get a license and the unaffordability of some licenses.

3.10 Benefits of the WMA to the Local Communities

The AA is expected to bring development to the communities, providing at least community benefits if not household benefits (MNRT, 1998). However, contrary to policy objectives, scoring results showed that the majority (79%) of respondents disagreed with the statement that the WMA has brought benefits to their households. Examples of benefits include construction of a Village Government office in Mwada and Kakoi villages, construction of eight classrooms in Mwada village, building of a health centre in Vilima Vitatu, payment of school fees for children from poor families, training of 21 Village Game Scouts, and training of the CBO officials.

However, these benefits have not, in general, reached the household level, which explains why social benefits associated with the WMA have not been experienced by most

respondents; that is why only those who were holding positions in the AA agreed to have benefited from the WMA. WMA financial shares reaching village councils were not always used appropriately. Villima Vitatu had, for instance, used about TZS 17 million to construct a health centre, which was later shown to have violated construction standards and had to be demolished for safety reasons.

The Central Government determines how WMA revenues are distributed between villages, the District Government and the Central Government (URT, 2012). This has resulted in discontent among community members. To illustrate this, one respondent stressed: *“you take care of a cow and someone else comes to milk it while you do not know how much he gets after selling your milk”*.

The fact that equitable benefit sharing was promoted since an objective in the Wildlife Conservation Act and WMA Regulations (URT, 2009; 2012) was unknown to community members, village councils and WMA officials. Respondents were not aware on how much was collected from the WMA by the Wildlife Division, and as a result, communities were concerned about how the revenues were being allocated to their village.

According to WMA regulations, 50% of the revenue transferred back to the WMA after having passed through the treasury, the Ministry and the District Council should be distributed between the villages forming the WMA and 50% remain with the AA (URT, 2012).

Respondents questioned repeatedly whether it was only half of the revenue that was retained by the AA office which also receives aid from donors and NGOs such as the

HONEYGUIDE Foundation, African Wildlife Foundation, World Wildlife Fund, FISONG, and USAID. Respondents generally had concerns about how the money is used by AA and the District Council. As one respondent put it “*they say their salary is only TZS 200,000 per month but, WMA leaders are now richer than the village government leaders*”. Conclusively, there were complaints that all villages were getting equal shares of the revenues returned from the Central Government while the area of land ceded to form the WMA differed considerably among villages.

3.11 Discussion

At the local level, little or no participation in the process of Wildlife Policy development was observed, and this is not surprising. Professionals who genuinely supported the conservation through utilisation idea of WMAs might, however, have foreseen many of the WMA legislation’s problematic and outright adverse consequences at the local level. In the case villages, little participation was observed; also high levels of frustration with the way in which Wildlife Policies pan out in practice.

There are many possible explanations for these observations. Firstly, the policy process was either top-down or rationalist or incremental. The former has low input legitimacy and the latter low output legitimacy. Input legitimacy involves political choices that involve community’s participation, or participation of actors who genuinely represent local communities’ interests while output legitimacy reflects how the choices have addressed collective community problems during the process of policy development (Wodschow *et al.*, 2006).

In the case of Burunge WMA, it was found that both input and output legitimacy was low. Secondly, local communities’ representation was indeed low, and communities

received little or no feedback from their respective representatives e.g. when rules on utilising natural resources changed as a result of the WMA. Further, it seems that a hidden objective of the WMA legislation was to re-centralise wildlife management (Ribot *et al.*, 2006). This paper's review of the wildlife conservation legislation, including how it has evolved since the 1998 Wildlife Policy, strongly suggests that a central tenet has been limiting village governments' rights to their land, natural resources, and associated revenue flows, once that land formed part of a WMA. When village governments have signed WMA agreements, they are open to dispossession and disenfranchisement through 'rule by law' as opposed to being enfranchised as citizens in a democratic 'rule of law' society (Kelly 2011). Other researchers such as Nelson (2010) and Ribot *et al.* (2006) also observe unwillingness of Central Governments in other sub-Saharan African countries to devolve decision-making powers to local communities thereby deliberately limiting their participation in matters relevant to their livelihoods and well-being.

Besides, Benjaminsen *et al.* (2013) convincingly explain WMAs as products of, amongst others, pressure from big international non-governmental organisations that, under a neoliberal conservation discourse, work in complex interactions with the neo-patrimonial state of Tanzania. This would explain why central actors, during the establishment of Burunge WMA, did not fully inform and involve village governments like Minjingu, which would stand to lose from the WMA because they were already generating significant revenues through bilateral arrangements with eco-tourism investors (Igoe and Croucher, 2007).

Likewise, low levels of participation in the process of WMA establishment also resulted in a low awareness of the WMAs operational rules among 'ordinary' village members.

This seems closely linked to the WMA legislations deliberate institutional choice of shifting rule-making authority away from village governments to AAs, which are not directly accountable to village citizens who experience uncompensated restrictions on their livelihoods due to the WMA rules.

Interestingly, Bluwstein *et al.* (2016) made similar WMA rule-making observations for Burunge. Section 31(5) of the 2009 Wildlife Conservation Act states that “The Minister shall, in the making of regulations under this section, ensure that the local community is properly consulted and informed on how such a community shall benefit from the Wildlife Management Areas”. However, the 2012 WMA Regulations does not grant decision-making powers to Village General Assemblies such as to vote either for or against a proposed WMA management plan and associated rules. In this respect, the 2012 Regulations undermine than specify and bolster the intentions of the 2009 Wildlife Conservation Act. As Lindsay (1999) reports on the legal basis for common pool resource governance, such insecure and inflexible official rights, and, we might add, the establishment of downwardly unaccountable institutions put communities in a state of legal uncertainty. The institutional design of AAs also runs counter to Ostrom’s (1990, 2008) design principles for robust common pool resource governance institutions. In particular, principle 3 states that ‘Most individuals affected by harvesting and protection rules are included in the group that can modify these rules’ whereas Principle 4 reads ‘Monitors, who actively audit biophysical conditions and user behaviour, are at least partially accountable to the users and/or are the users themselves’.

The generation and distribution of benefits among participating WMA villages mainly originate from tourist lodge investors and safari tour operators. However, the right to choose, directly negotiate, and collect shares of tourism revenues from these investors

first shifted away from the village governments towards the AA and, with the 2016 Wildlife Conservation (non-consumptive wildlife utilisation) Regulations, towards the Director of Wildlife.

Additionally, the 2009 Wildlife Conservation Act eliminates Village councils authority over resources such as environmental products including wildlife for game meat. In Burunge, the result has been that, subject to decisions made by the AA; local people have lost previous rights to hunt and collect environmental products necessary for their livelihoods within the WMA. The AA can get away with making such decisions because the members are not directly accountable to the local community. Ironically, the quite effective enforcement of these unpopular rules is economically possible because the AA can spend WMA revenue, over which village councils have lost control, on rule enforcement. From the viewpoint of local citizens, this is a truly lose situation. Accordingly, through a 'rule by law' technique of governance, village governments have lost authority over their land, resources, and associated revenue flows within WMAs. This strikes at the heart of the Local Government (District Authorities) Act (URT, 1982) and the Village Land Act (URT, 1999a), which vests all executive power in respect of village affairs and responsibilities for managing all village land in the village council. Nelson and Blomley, (2010) also observed that the creation of AAs established a new governance institution at the village level rather than building on village councils. This implies, therefore that, the institutional choice of establishing AA to govern WMAs undermines established democratic institutions at the village level. Such side-lining of village councils in WMAs appears to have been a deliberate agenda from the outset such that rights to resources, land, and revenues could be re-centralised while decentralised (Ribot *et al.*, 2006). From a political, moral point of view, the WMA Regulations,

therefore, appear unconstitutional and in conflict with the Local Government (District Authorities) Act No. 7 of 1982.

Moreover, issues of contracts and language used in official documents are of a significant hindrance for communities to exercise their rights. Igoe and Croucher (2007) also report that the use of English language, which local people do not understand, leads to complaints from communities who feel cheated into signing contracts they do not understand. In fact, to protect their current set of rights to land, resources and revenues within their jurisdiction, village governments' most important right is the right to abstain from becoming part of a WMA. In the case of Burunge, it does not seem that village governments were fully aware of or informed about the implications and risks associated with agreeing to form the WMA. Obviously, this is easier to conclude after than before the act, but the re-centralising and disenfranchising elements of the 2002 and 2005 Wildlife Management Areas Regulations are indisputable, and proponents of local democracy and local people's rights to control local resources might have warned village governments about these dangers to their authority.

In line with expectations of local development financed by revenue from the WMA, community level benefits such as building of classrooms, village offices and other social services have been realised as also observed by a livelihood study in Burunge (Kaswamila, 2012). However, the current setup, which lacks clear mechanisms for making AAs downwardly accountable, prevents communities from evaluating cost and benefits originating from the WMAs on their lands – and this resonates the findings of Nelson *et al.* (2007). Such lack of transparency may have demoralised communities explaining the low attendance in meetings related to the WMA.

Furthermore, WMA benefits have not accrued at the individual level yet except in the form of school fees and jobs to a few people compared to the participating villages' population. Songorwa (1999) reports the rule of thumb is that, 'one participates if and when the programme benefits him/her'. Our results demonstrate that most local citizens would rather not be part of the WMA simply because they do not benefit. Unfortunately, the institutional set-up prevents them from rejecting the rules they are unhappy with, and worse still the set-up seems forcing them to always be in the WMA.

Based on the case of Burunge WMA, this paper evaluates and assesses the participation of affected local communities and institutions during the establishment and management of WMA. Furthermore, with the point of departure in our field data and observations, we analysed the official WMA Policy and, during the period 2013-16, frequently updated legislation to explore nexuses between official/original WMA Policy and law, and between official law and resource governance at the local level. It was observed that local people, contrary to the rhetoric and laudable livelihood enhancing objectives of the 1998 Wildlife Policy, felt disenfranchised and dispossessed because of the WMA. The level of local participation during the establishment phase was low, and the quality of information offered to local people about the implications of establishing a WMA suffered from what appeared to range from intimidation and manipulation to 'economising with the truth'. Most importantly, however, the WMA legislation, from the very outset, undermined the authority of democratically elected village governments over village lands including wildlife, other renewable natural resources as well as associated revenue flows. The simple technique was, by-law, to invent a new institution, AA, and transfer most of the authority previously held by village governments to them. Nonetheless, AAs are not particularly downwardly accountable as they are not legally obliged to publish or share financial details about their activities. Over time, AAs have become increasingly

upwardly accountable to the central administration, particularly the Director of Wildlife. From 2016, the Director of Wildlife took over the collection of WMA fees, mainly from eco-tourism investors, while keeping 25% of the proceeds - in reality, a new tax on WMA revenues tautologically justified by the costs of collecting fees. Notably, this process of stripping village governments of their authority within WMAs has happened in full accordance with the law.

With this regard, the legislative techniques characterising a particular case of ‘re-centralising while decentralising’ is documented where legislation that should put the policy objective of participatory wildlife management into practice appears intentionally designed to undermine local authority over wildlife as a common pool resource. This process might be termed ‘dispossession by law’ or ‘rule by law’ (as opposed to the rule of law). It runs entirely counter to Ostrom’s (1990, 2008) principles of decentralised resource governance based on voluntary collaboration on devising, revising and enforcing resource management rules. Rather, the process resembles Kelly’s (2011) analysis of conservation practice as primitive accumulation. More specifically, the findings are characterised as practices of a neo-patrimonial state that, under a neoliberal conservation discourse and in association with international NGOs, pretends to promote rural livelihoods. In fact, it is rather promoting wildlife habitat enlargement and corridor establishment while appropriating control over WMA land and wildlife resources including a large share of associated tourism revenues. Other scholars reach almost similar conclusions on community-based natural resource conservation efforts in Tanzania. These include Igoe and Croucher (2007), Benjaminsen and Bryceson (2012), Benjaminsen *et al.* (2013), Moyo *et al.* (2016), and Bluwstein (2016).

Currently, village governments must abstain from joining WMAs if they want to maintain authority over their resources including land. According to anecdotal information, several have in fact done so. However, common pool governance of wildlife resources that result in net benefits for rural people is still possible if villages are allowed to voluntarily collaborate with each other, with conservation NGOs, eco-tourism investors, and the Central Government. No theory suggests that dispossession of local communities' rights to local resources is a prerequisite for economically equitable and biologically sustainable management of renewable natural resources - on the contrary. Village governments, whose combined lands offer eco-tourism as well as conservation potentials that NGOs and investors are willing to invest sufficient funds in, should be able to negotiate an agreement that encompasses all parties' legitimate interests, which in particular includes local people whose livelihood activities will be affected. Of course, it is hard to estimate just how much money is and how eco-tourism revenues should be shared to fulfil the objective of Pareto optimality where nobody gets worse off while somebody becomes better off. However, if neoliberal nature conservation is ever going to deliver morally justifiable outcomes, then the financial risks must primarily be shouldered by investors and NGOs. It is simply not fair if local communities stand to lose authority over their land and renewable natural resources for the sake of securing profits for investors and income to Central Government institutions. Precisely for this reason, democratically elected downwardly accountable village governments must be central and they, as representatives of their constituencies, should be able to renegotiate terms with investors both on local people's use of land otherwise set aside for wildlife conservation and the sharing of eco-tourism profits. A basic principle in getting the incentive structure right must be that, if an arrangement does not result in sufficient net benefits for villagers, then it should be possible for their governments to opt out. Currently, Village councils are best advised not to opt in when presented with the opportunity to join a WMA.

3.12 Conclusion and Recommendations

Since the study has found inadequacies in WMA implementation especially in terms of participation, awareness of rules and benefits, this study recommends the following:

- i. A review of Wildlife Policy, the Wildlife Conservation Act, the Law of Contract, and Wildlife Management Area Regulations are urgently needed to ensure the sustainability of the WMA regime in Tanzania.
- ii. Provisions must be made for the genuine involvement of all types of stakeholders and particularly local communities in developing WMA related institutions. As without genuine involvement, there is little hope of passing laws that reflect reality and are capable of being used and implemented’.
- iii. The government of Tanzania should make serious political commitment taking into account local aspirations for the management of wildlife resources and return the power to manage resources and revenues accrued from the WMA to Village councils instead of the AA.
- iv. Kiswahili should be recognised legally as both the official and business language at the village level. As such, contracts should be written in Kiswahili so that communities can understand the contracts before signing them.

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CHAPTER FOUR

MANUSCRIPT THREE

Accumulation by Dispossession in Community - Based Natural Resources

Management: A Case of Burunge Wildlife Management Area, Tanzania

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Abstract

For decades, dispossession of rural resources has been a central debate in many countries around the world. This study examines evidence of accumulation by dispossession through decentralisation in Burunge Wildlife Management Area (WMA), Tanzania. Data were collected through focus group discussions, interviews and desk study. Results show that the process of establishing Burunge WMA lacked legitimacy and transparency. As a result, village land contributed in forming WMA change status to reserved land after WMA gazettelement: revenues that should have been decentralised have gradually been recentralised and contract was signed in English language which was not understood by local communities. Moreover, local community struggles to gain justice further infringed their rights to development. It is recommended that a review of the national wildlife policy and its subsequent enforcement tools to accommodate village rights to resources including land and revenues need to be done. Likewise, at the village level, legal

documents that require village council endorsement should be in Kiswahili or translated into Kiswahili before being signed.

Key words: accumulation by dispossession, decentralisation, rules, wildlife management areas

1.1 Introduction

Scholars in natural resources conservation have increasingly highlighted how the win-win aspiration of Community-Based Natural Resources Management (CBNRM) in Africa and Asia is resulting in processes of ⁴primitive accumulation or accumulation by dispossession (Neumann 2004; Kelly 2011; Igoe and Brockington, 2007; Benjaminsen and Bryceson 2012). This means that CBNRM policies and projects that in theory aim to benefit rural communities through decentralisation, in practice lead to accumulation, enclosure and exclusion; leaving communities dispossessed of their resources including land, and revenues. Hence, instead of abating the vicious environmental depletion and poverty trap cycle, these policies may work in detriment of rural communities by allowing accumulation by dispossession to happen (Kelly 2011). As a result, Harvey (2003) reasons that the processes of accumulation by dispossession are provoking pervasive resistance.

Decentralisation involves ceding power from central to lower level government institutions such as district and village councils (Ribot 2002; Babili, *et al.*, 2015). Several distinctly different forms of decentralisation have been pursued in African countries including delegation, de-concentration, privatisation, fiscal transfer, and devolution

⁴In natural resources governance, primitive accumulation includes processes such as commodification of land, forceful expulsion of peasant population, suppression of rights of the commons, colonial and neo-colonial appropriation of natural resources (Harvey, 2003).

(Junge 2002; Ribot 2002; Ribot *et al.*, 2010). However, to-date the depletion of forest and wildlife resources remain a challenge and the benefits of decentralisation have not been achieved sufficiently (Ribot 2002). Nevertheless, recent findings highlight that national governments may have gone a step further, just complicating the implementation of actual political decentralisation/devolution in their reluctance to relinquish power (Ribot *et al.*, 2006). This has been done by putting obstacles when communities are trying to manage their own resources (Larson and Ribot 2007). Hence, it is argued that this situation may have actively aimed at accumulation by dispossession (Kelly 2011). Accumulation by dispossession involves processes of divorcing producers from the means of production (Harvey 2003). It also involves enclosing the commons (Kelly 2011) that leave communities dispossessed. Enclosure are established when commons are converted into private property (*ibid*).

Accumulation by dispossession has been associated with ecotourism projects in CBNRM (Kelly 2011; Hall *et al.*, 2011). Hall *et al.* (2011) revealed that in CBNRM, community members help to design and implement exclusion using locally acceptable criteria that are supported by state schemes for establishment and management of state protected areas. Exclusion involves prevention of people from accessing and benefiting from their land (Hall *et al.*, 2011). Therefore, Kelly (2011) contends that ‘conservation by dispossession may actually threaten the environment more than it preserves it’. This is because accumulation of capital is related to capitalistic mode of production. This mode benefits a few and leaves the majority, especially the poor and marginalised communities in rural areas worsened. As Hall *et al.*, (2011) narrates that capitalism concurrently produces wealth for the few and poverty for the majority through dispossession by accumulation. This is possible in the conservation context where land is enclosed for the ‘community or public interest’ but in reality it benefits the few literate, Central Government officials and

private ecotourism investors through various means including rent seeking (Kelly 2011). This leaves communities and the public impoverished because after commons enclosure, subsistence use of resources is usually curtailed or banned completely. Communities, in this case, ultimately lose their resources and means of subsistence from their land enclosed for neo-liberal conservation and benefit promises.

In Tanzania, Igoe and Brockington (2007) showed examples of how neo-liberalisation with its commodification of nature has led in accumulation by dispossession with exclusionary effect to local communities in CBNRM. According to Igoe and Brockington, national governments, multinational non-governmental organizations, donors, enterprises, foreign nations, and private individuals are spearheading dispossession mechanisms for capital accumulation under the umbrella of CBNRM (Newmann 2004; Igoe and Brockington 2007; Kelly 2011; Benjaminsen and Bryceson 2012). For example, contemporary evidences show that establishment of enclosures that relocate or evict people from their land have had significant negative welfare implications for the involved communities. The eviction of five thousand residents from Mkomazi Game Reserve has led to a loss of 3, 235 km² of land (Neumann 2001, 313). Furthermore, Brockington (1999) argues that eviction from Mkomazi Game Reserve seriously impacted the livelihoods of those evicted especially the poor. For instance, the number of household herd size decreased after eviction. This led to decreased milk yield, few numbers of cattle to sell and shift to farming.

Further, lack of ⁵legitimacy and transparency have been associated with accumulation by dispossession. For example, Benjaminsen and Bryceson (2012) reported a 'serious lack of

⁵Legitimacy means 'a decision is accepted by those concerned'. It includes among other issues, participation and transparency (Vatn *et al.*, 2017).

legitimacy’ and transparency in the management of the Mafia Island Marine Park. Vatn, *et al.* (2017) reasoned that legitimacy is quite vital that it is of paramount importance processes and intended outcomes in CBNRM follow ‘acceptable standards’. Similarly, non-transparent and illegitimate conducts have been observed in Wildlife Management Areas (WMAs) operations (Stephanie 2014; Bluwstein *et al.*, 2016; Moyo *et al.*, 2016). Accordingly, lack of transparency and legitimacy may be associated with acts of dispossession by accumulation.

Therefore, the initial attempts at introducing community-based or ‘win-win’ conservation worked as a key mechanism for dispossession (Benjaminsen and Bryceson, 2012); hence, the establishment of WMAs with their subsequent commodification essentially repeating the past of fortress conservation, primitive accumulation and dispossession. On the other hand, there is limited information about evidence of accumulation by dispossession in CBNRM in Tanzania. Thus, the objective of this study was to examine evidences of accumulation by dispossession in WMAs. Specifically, the study examined legitimacy and transparency in instituting Burunge WMA in Minjingu village and assessed presence of struggles as a result of WMA establishment in the study village. The study used Minjingu village in Burunge WMA as a case of accumulation by dispossession. Hence, this paper builds on, and adds to the empirical evidence on accumulation by dispossession in CBNRM.

4.2 Methodology

4.2.1 Description of the study area

Minjingu is among the ten villages forming Burunge WMA (Fig. 4.1). This WMA is located in Babati District in the Northern Tanzania between Manyara and Tarangire National Parks. Burunge WMA forms part of the wildlife corridor connecting the two

parks (Sulle *et al.*, 2011), and is found a few kilometres from Serengeti National Park and Ngorongoro Conservation Area. The Great Rift Valley escarpment is visible from all angles of the Burunge WMA. Livestock keeping is the main land use in Minjingu village and crop production is dominated by small - scale farming. The main food crops grown include maize, beans, bananas, millet, paddy and potatoes. The rainy season begins in November and ends in May. Annual rainfall ranges between 400 and 500 mm and temperature ranges between 18⁰C and 33⁰C (Burunge GMP 2011). Minjingu is found at Latitude 3 and 5 South of the Equator and Longitude 35 and 37 East of Greenwich. Minjingu village was selected for this study because high abundance of wildlife is found in the village land; it is among the first villages to initiate Burunge WMA; it is located between conservation rich areas of the Tarangire and Manyara National Parks, as hinted earlier, hence its potential for tourists and tourism revenues; Minjingu had conflict with Burunge WMA claiming that it did not willingly join the WMA; and Minjingu had ecotourism business already operating.

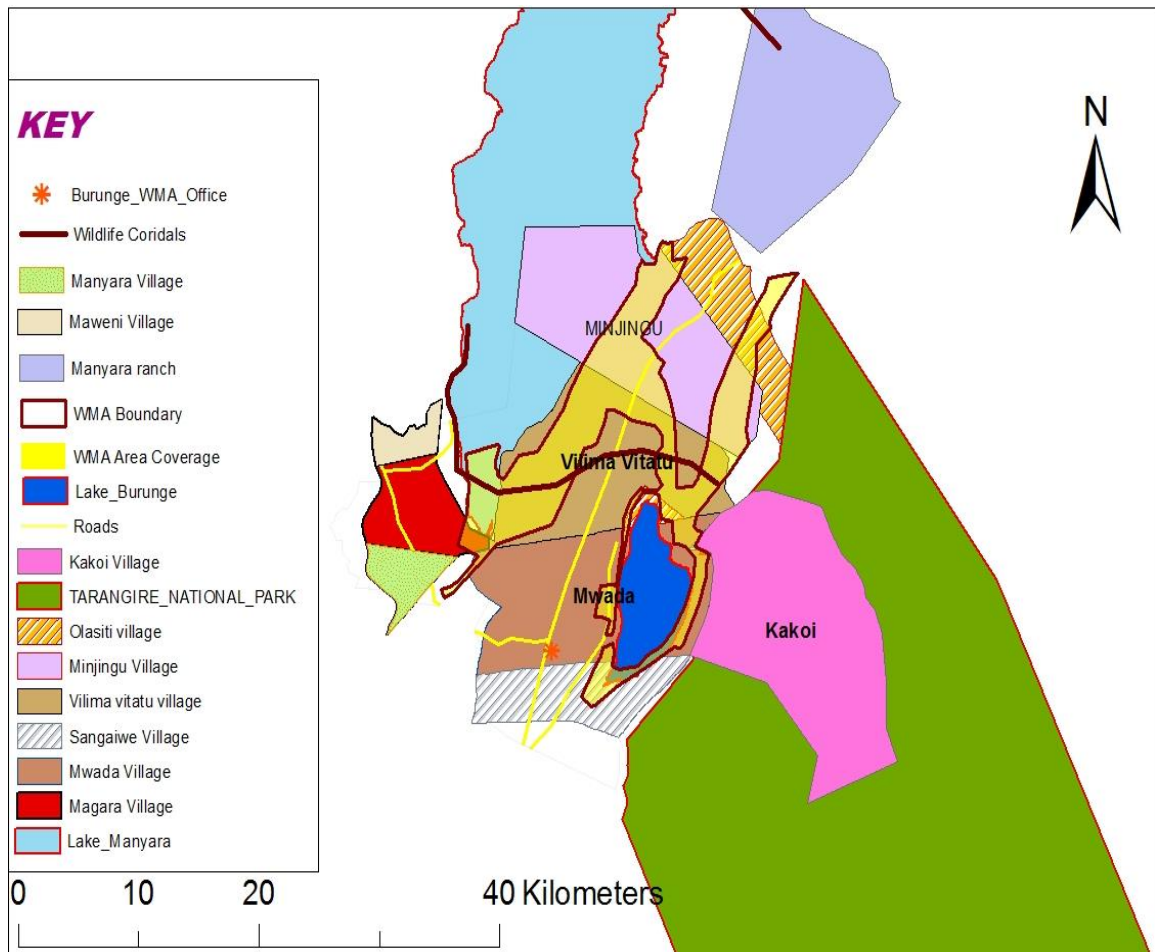


Figure 4.1: A map of Burunge WMA showing Minjingu and other associated villages

Source: Kicheleri *et al.* (2018)

4.3 Data Collection Methods

Four focus group discussions (FGDs) were conducted with the village council members, youths, women, and elders. Key informant interviews were carried out with selected representatives from Burunge Authorised Association (AA), two investors: The Marambo Tented Camp and Burunge Lodge, District Lawyer, District Planning Officer and District Game Officer. Interviews with community members who were initially involved with the village council leadership during WMA establishment in 2003-2005 were conducted.

Moreover, follow up telephone interviews were conducted. Interviews involved questions related to Minjingu village involvement in the Burunge WMA establishment and on-going operations, claims of Minjingu village that it did not agree to join the CBO and what transpired by the time of this study regarding Minjingu village's claims. During focus group discussions, themes related to the process of Burunge WMA establishment, how the community members were involved, and the process of the Minjingu village seeking justice on their claims that they were deceived to join the CBO were inquired.

4.4 Data Analysis

All data were qualitatively analysed. Those generated through focus group discussions and in-depth interviews were subjected to content analysis. After transcription, qualitative data were categorised into groups of words with similar meaning as recommended by Stemler, (2001). Underlying themes in the categories of words were identified, explained, clarified and interpreted (Kohlbacher, 2005).

4.5 Results and Discussion

4.5.1 Lack of Legitimacy in Instituting Burunge WMA

In August 2003, a village meeting was convened in Minjingu village with two agenda. First, was for Central Government officials to introduce the concept of WMA and second was to raise awareness about HIV/AIDS. Focus group discussions and key informant interviews revealed that the meeting was an emergency one. As a result, few people attended and the quorum was not met (Table 3).

During the meeting, the District Game Officer explained that since the village had a village forest reserve with abundant wildlife, they had an opportunity to benefit from these wildlife resources. He informed the community members that the government had

initiated a project whereby communities could request ownership and management rights over wildlife enabling them to benefit from those resources. He elaborated further that the project was initiated because the costs to the communities from wildlife management in the nearby Tarangire and Lake Manyara national parks were high. With regard to what the community members had asked, the District Game Officer had these as a response: - *‘There are wild animals in Tarangire and Lake Manyara National Parks that already cost us, why should we have another wildlife conservation area in the village?’* The District Game Officer reply was that *‘now you don’t benefit from the wild animals from the two national parks. However, if you set aside land in your village for wildlife conservation, you will be troubled by wildlife but you will directly benefit from them. You will be given permit to crop wildlife, hunt for domestic use, conduct photographic and hunting tourism and use resources therein even for livestock grazing’.*

According to the community members, the government official did not show them the rules and regulations that would be associated with that new opportunity. However, during the meeting, the community members agreed that the project was worthwhile but they required further information before making a binding decision. This included the necessity of due diligence meetings with other villages (Mwada, Vilima Vitatu, Sangaiwe and Magara) with which the District Game Officer indicated that they would have to collaborate in order to undertake the project. The community members were later informed that the facilitating Non-Government Organisation (NGO) - The African Wildlife Foundation (AWF) - was not able to finance that collective villages meeting to discuss potential opportunities. Hence, community members’ representatives (The Minjingu Village Council) did not get a chance to investigate other villages’ resources and opportunities.

According to Section 103 (2, 3) of the Local Government (District Authorities) Act No. 7 of 1982 (URT 1982), there are two types of village assembly meetings - ordinary and emergency. Ordinary village assembly meetings are scheduled at regular intervals while emergency meetings are convened whenever something extraordinary has happened and needs village assembly deliberations. For a decision to be made in an emergency village assembly meeting, sufficient representation of the community members must be present and minutes written. The quorum must be not less than half of all adult village members (i.e. aged from eighteen years and above). These observations are important to Minjingu village's claims that they were deceived to join the WMA. Villagers reported that although no voting was done, the minutes of the meeting together with the register showing signatures of just few people was used by the Central Government officials to validate the village's acceptance to establish Burunge CBO. According to the WMA Regulations, the CBO formation is a precondition for WMAs establishment (UTR 2012). After being given a user right, a CBO attains an Authorised Association status which is responsible to manage the WMA on behalf of the villagers. However, the Burunge WMA Constitution shows that the population of Minjingu village during the WMA establishment in 2003 was as shown in Table 4.2.

Table 4.1: Population characteristics of the Minjingu villagers

Residents	Households	People aged between 16 and 30 years	People aged above 30 years
9522	1852	2802	1912

It was found through the FGDs that the number of people that attended the meeting was not more than 300 while the total number of people aged 18 years and above as shown in Table 3 was more than 3 000. Comparing with the table above, it is obvious the required 50% of people aged above 18 years was not reached. Therefore, the village community

blamed the village leaders that they were bribed by the government official to use the village register against community members. The findings support Igoe and Croucher (2007) who reported that evidence from the village assembly meeting minutes indicated that Minjingu villagers did not accept to establish the WMA in the 19th August 2003 emergency village assembly meeting.

Furthermore, in the same meeting of 19th August 2003, the government official advised the community members to form a Forest Committee to oversee and protect their forest. It was decided in that meeting to select one member from each of the five sub-villages Almasi/Minjingu, Kakoi, Olasiti, Olevolosi and Otukai for the Committee. The District Game Officer brought the Committee members to a joint meeting with other villages' Forest Protection Committees. The government official informed the committee members that he was taking them for training on protection and conservation of their community forest reserve. However, instead of training, the Committee members were asked to prepare and sign a joint Constitution for the Burunge CBO.

It is a requirement by the 2002 WMA Regulations that a CBO should be established in order for a WMA to become an Authorised Association (MNTR, 2002). However, the task of signing such a legal document should have been done by the village council and the council should be given the mandate by the village assembly. Therefore, the constitution establishing Burunge CBO which was signed by the forest protection committee was signed in violation of Section 141 of the Local Government (District Authorities) Act No. 7 of 1982 (URT, 1982) which states that 'the village assembly is the *supreme authority* in the village'. After signing the constitution, the Authorised Association and hence the representatives of Minjingu committee were no longer obliged

to provide feedback to the Minjingu Village Council nor to the village assembly about their involvement in the WMA.

The findings show clearly that the process of establishing Burunge WMA was not accepted by the community members. According to Vatn *et al.* (2007), legitimacy is important in decision making. Contrary to this, the intended outcome may be threatened. Likewise, Kajembe *et al.* (2016) assert that legitimacy is an important source of compliance to rules. It is no wonder that communities in Burunge WMA found difficulty in adhering to the rules as they complained that they were not involved in the process (Kicheleri *et al.*, 2018). Therefore, it is evident that considering the very short time from the introduction of the WMA idea in August 19th 2003 to 30 November 2003 the date when Minjingu had officially joined Burunge CBO, suggests that this process was speeded up.

4.6 Lack of Transparency in Instituting Burunge WMA

Many activities were conducted to prepare villagers for the WMA establishment. But, communities in Minjingu village claimed that they did not realise that those activities were done for that purpose. Those events include the following: In 1999 village representatives – i.e. the Minjingu Councillor, the village chairperson, and some ordinary village members - were taken to Songea district to learn how other villages conserved their community forest reserves instead of WMA management. Moreover, in 2000, three people from Minjingu village were taken to Pasiansi Wildlife Training Institute under the auspices of the AWF. This institute trains wildlife management personnel at a certificate level. However, the FGDs revealed that community members who went to Pasiansi Wildlife Training Institute were informed that they were going to be trained on conservation of community forest reserves. It should be noted that in Minjingu village, all

activities geared towards WMA establishment were done in the name of community forest reserve management, and not wildlife management area establishment.

Moreover, a constitution forming Burunge CBO was approved on the 31st of November 2003 by the then Minjingu Village Chairman and two members from the Forest Protection Committee. This was done without informing the Village Council and without convening a village assembly meeting to discuss the matter, and hence a clear violation of the Local Government District Authority Act (URT 1982) as well as village by-laws. To ascertain these claims that the Village Council and village assembly were not involved, inspection of the Burunge CBO Constitution was done. This revealed that the Constitution was signed on 31st November 2003 with the Minjingu village assembly meeting blessings. However, according to the FGDs, there was no village assembly convened to discuss the Constitution. Though the Village Council is the supreme authority and representative of the local community members, no approval was given by the Village Council members to endorse the Burunge CBO in Minjingu village.

Focus group discussions and key informant interviews further revealed that in 2004, another village chairperson signed Land Use Plan backdated to 2000 thus unlawfully replacing the real Village Land Use Plan endorsed by the Village Assembly in 1998. A follow up interview with the alleged village Chairman also revealed the same as he agreed that he did sign the backdated documents. The backdated documents he signed transferred part of land that was known as Burunge Game Controlled Area to Minjingu Village Land. The backdated documents further showed that Minjingu endorsed to be part of Burunge CBO and ceded its community forest reserve to form part of the WMA. However, the Chairman who signed the backdated documents claimed that the District Game Officer informed him that the documents he signed were about transferring the

Burunge Game Control Area land into Minjingu village land and that this land would be incorporated into Minjingu village community forest reserve. Hence, the chairman who signed the backdated documents claimed to have signed the documents believing first of all that it was a good thing that the village would have gained much more land. Second, he was not aware that the dates were backdated. And third, because he had heard that the Village Committee members and the village chairperson in the period 2000 – 2004 had already signed the WMA constitution on behalf of the Village council and village assembly. Therefore, there was no need for him to deny what he called an opportunity.

During follow up interview with the Chairman who signed the backdated documents regarding his involvement in the Minjingu saga he stated that *‘if this plans for WMA establishment was legitimate, people would never have agreed to it because people like livestock keeping and farming’*. This means that WMA initiation process in Minjingu village was not acceptable. He further said that Minjingu already had investors on its land and was receiving more than TZS 100 million per year, an incentive he feared that would not convince the community members to join with other villages into forming the WMA.

The same backdated documents were also signed by the then village executive officer. An interview with him revealed that the documents were in English which he did not understand. He furthermore stated that he signed them in good faith thinking that the District Game Officer as a government official would not lie to him on such an important matter.

Furthermore, in the Burunge General Management Plan (2011-2020) (Burunge 2011, 52), the chairman who signed the backdated documents and the Village Executive Officer of Minjingu (2005-2009) are listed as participants from Minjingu village involved in the

planning process of the Burunge WMA General Management Plan that took place in 2009. However, since the gazettelement of Burunge WMA in 2003 and its subsequent operational commencement in 2006-2007, Minjingu community has not accepted any revenue shares from the Burunge CBO nor has it allowed anyone to officially represent Minjingu or attend any WMA related undertakings. Following up on Burunge shares from the AA, it was revealed that the Burunge shares are still there in the AA bank account and they (the AA) will disburse the funds to Minjingu village when it agrees to work together with the AA. According to the AA leaders, Minjingu village legally joined Burunge CBO.

It was further observed that the events in Minjingu started when the Land Management Programme (LAMP) was initiated in 1992 by Tanzanian government agencies including forestry, wildlife, agriculture and others sectors. The programme was funded by the Swedish International Development Agency (SIDA) in collaboration with the Norwegian Agency for International Development (NORAD) and implemented by the AWF. Among its objectives, LAMP helped villages to develop land use plans that would enable them acquire title deeds, a requirement provided for in the Land Act No. 4 of 1999 (URT, 1999). LAMP together with AWF assisted Minjingu village to develop its land use plan in 1998. AWF also supported Tarangire National Park in developing a map for its corridors. It has been noticed that the community forest reserve in Minjingu's land use plan 'corresponds exactly to the wildlife migration maps at the Tarangire Visitors' Centre' (Igoe and Croucher 2007, 544). The Map development activity was funded and designed by the AWF. Considering the focus of AWF in supporting protected areas establishment, it seems that supporting a community forest reserve and facilitating village land use plan for the benefit of the Minjingu community was not the actual objective of the NGO but a long term plan to secure wildlife corridor. Securing protection of wildlife corridors in Tanzania was further motivated by the work of Jones *et al.* (2009) who

reported unplanned land uses as among the factors that may lead the isolation of Tanzanian protected areas - a situation that will have serious implications for the tourist industry. This suggests that wildlife corridors development went hand in hand with CBNRM projects in Tanzania. For instance, a ban for activities and corridors development between Tarangire and Lake Manyara National Park were proposed long before WMAs were initiated in the Northern part of the country (Borner 1985; Prins 1987).

While having wildlife corridors is critical, coning communities into the process is unethical in the world where transparency and accountability is paramount. Further indication that the WMA was pushed upon the community is based on the fact that community members were taken for training and awareness raising campaigns on wildlife management at Pasiansi Wildlife Training Institute already in 2000, way back before the meeting was held on August 19, 2003. Accordingly, an indication of foul play is the document that was signed in 2004 was backdated to December 31, 2000. This chain of events and the available evidence strongly suggests that the WMA was established without transparency and legitimacy of the community and that village leaders were coerced or paid off to sign the documents.

For that reason, AWF involvement with Tarangire corridor mapping, land use planning with LAMP and finally WMAs establishment in villages including Minjingu forming Burunge WMA, clearly explain Sachedina's findings (Sachedina, 2010) that AWF work through government officials failed to understand the realities of conservation on the ground and distant itself from village level dynamics. However, we further argue that the fact that AWF was involved in influencing protected area formation and even encouraging eviction (Sachedina 2010: 618), suggest practices of accumulation by

dispossession. Moreover, the general donor pressure to decentralize and the government's response of enacted promising policies but in actual sense continued business as usual (Nelson *et al.*, 2007) of decentralising while recentralising (Ribot *et al.*, 2006) due to vested interest in the wildlife sector has in many ways lead to neoliberal conservation. Igoe and Brockington (2007) assert that neoliberal conservation often re-regulate nature while ultimately excluding people through enclosures, hence dispossession.

4.7 The struggle for Resource Justice in Minjingu Village

Following unwillingness of Minjingu village to join Burunge CBO and unfair process of the CBO establishment, the Minjingu Village Council nullified the selection of the five committee members representing the village in any matter pertaining to the Burunge CBO. Thereafter, the Village Council wrote a letter to the CBO renouncing the community's participation in any collaboration with the other villages in the WMA. Minjingu village considered the union that formed the CBO invalid because the village assembly had not accepted the proposal. From there on the case was presented before the ward executive officer. Legally, the matter should have been handled by the District Council. However, the vice ward executive officer at that time (2000-2004) was at the same time the village chairperson in Minjingu. He was later designated to become the ward executive officer. Hence, as a village chairperson and the vice ward executive officer, he co-signed the Burunge CBO constitution against the Minjingu village will. Later, in a ward executive officer position, he successfully avoided having the matter handled by the district authorities. It was revealed that after the CBO attained an AA status in 2004 and despite agreement of the General Assembly banning anyone from representing Minjingu village in the Burunge AA, two community members including the one who signed the backdated documents participated in the Burunge WMA General

Management Planning (GMP) in 2008-2009. The names and their signatures do appear in the Burunge General Management Plan (Burunge GMP, 2011).

Focus group discussions revealed that the Ward Executive Officer was acclaimed to be bribed not to send Minjingu village case to the District Council. When the community members received no responses from the District Council, four Minjingu village members were sent to the Ministry of Natural Resources and Tourism in 2005 to inquire about the authenticity of Minjingu village involvement in Burunge WMA. At the Ministry, the members were shown the minutes of the first meeting of August 19th 2003 overseen by the District Game Officer showing that the village had reached a common resolution and agreed to join the WMA. Furthermore, the team was shown documents signed by their village chairperson agreeing to contribute their community forest land to form the WMA. The chairman (who signed the backdated document) was among the team members. Hence it was the first time the other team members realised that their village chairman was involved in signing the land transfer documents against the Village Council and village assembly approval. The official at the ministry who responded to their claims also handed over to the team the 2002 WMA regulations which was the first time for the team to be informed about these regulations.

Subsequently, officials from the Ministry were sent to Minjingu village where they tried to persuade the village assembly that they needed more education about WMAs as they had already legally joined the WMA. The community members on their side agreed that education is good but stated that it should have been given before the process and pointed out that Minjingu village community members had never accepted to join the WMA. At the end of the meeting, the officials advised the community members to write a letter of withdrawal. However, the community members thought this as a trick because they had

not agreed to join the WMA in the first place. Due to the tension that existed between the Ministry officials and the village assembly, the conflict resolution failed. Henceforth, the district officials were trying to convince Minjingu village to accept the WMA.

In 2014, Minjingu Village Council complained to the ruling party headquarters in Dodoma and the Vice President's Office about the Burunge AA oppression on their land. The response received by the community members from President Jakaya Mrisho Kikwete was - '*the door you have used to enter the WMA is the door you will have to use to get out*'. After getting no assistance on appeals from various institutions in the bureaucracy, the community members decided to take their matter to the Court of Law in 2014. In July 11th 2016, Minjingu village won the case against the AA and the investor. The court ruling (URT 2016) showed that based on evidence provided in the court, the village land within the WMA was not designated to be a WMA under the supervision of the AA. As a result, the Court terminated Burunge AA activities on Minjingu village land with immediate effect. Furthermore, the AA and the investor were ordered to repay Minjingu village all the funds that were not paid to the village after WMA establishment amounting to TZS 1.66 Billion which is equivalent to USD 754,796 (URT 2016, 36). The AA then decided to appeal against the court ruling in July 2016 and the outcome is not yet out.

From the court ruling, the intention of the Minjingu community was to withdraw from the WMA that they had never agreed to enter into a contract. However, rules are not clear about the fate of village land after a possible withdrawal. Community members believed the statement '*if you withdraw from the WMA, your land will be converted into a Game Controlled Area or you will be evicted*'. This statement had been given verbally to the community by the District Game Officer several times together with the statement

‘whether you agree or not, you are in the WMA’. However, WMA regulation 35(6) states that where a village withdraws its membership from the WMA, the user right shall remain with the WMA. The regulation does not provide for the village to take back its land.

Three land categories are recognised in Tanzania. These are general, reserved and village lands. Wildlife Management Areas fall under reserved land defined as a ‘land reserved, designated or set aside under the provisions of Wildlife Conservation Act No. 12 of 1974’ (as revised by 2009 Act) according to Section 6.1.a.iv of the Land Act (URT, 1999). The WMA regulations 2002, URT (2002) are key to the establishment of the initial WMAs in Tanzania including Burunge as they specifically refer to the 1974 Wildlife Conservation Act. This means that the legal standing and management of the two categories of land i.e., reserved and village land are quite different being under different Tanzanian jurisdictions. Hence, according to the rules, once village land has been combined with other villages land gazetted as a WMA, it automatically changes legal status from village land to reserved land. Hence, for a village to take back its land from a WMA area, it requires land transfer from one category of land - reserved to village land – in accordance with Section 5 of the Land Act (URT, 1999). This was unknown to the communities who often complained *‘what is the difference between Burunge WMA and the nearby Tarangire National Park and Lake Manyara National Park?’*. Meaning, the rules that are enforced at Burunge WMA- that is supposed to be managed by the community members, are not different from the rules that are enforced at Tarangire National Park.

In this case, only the President has the power to transfer one category of land to another (URT, 1999) as all land in Tanzania is ‘vested to the President as trustee’ according to the Land Act No. 5 of 1999 number (URT, 1999). According to the Land and wildlife

Conservation Acts, once the Burunge WMA was gazetted, the Village Council lost its power over its land in the WMA. In fact, community members in these arrangements loose not only their land, but also control over the resources as well as any revenues accruing from these. Unfortunately, this was not known by the people of Minjingu village. Apparently, the Wildlife Conservation (Non-Consumptive Utilization) Regulations URT, (2008) and as it was amended in 2016 introduced new rules requiring investors to pay all fees directly to the Ministry of Natural Resources and Tourism. The Regulation states that ‘the Director shall collect the fees prescribed under these regulations on behalf of the Authorised Association’ (URT, 2016: 13). Following WMA Regulations, the funds generated from tourist hunting and non-consumptive utilisation are thereafter redistributed to (i) the Ministry, (ii) the District Councils, (iii) the AA and the (iv) Treasury. The AA uses the WMA Regulation 66 (2) that directs it to ensure that ‘50% of its annual gross revenue is directed to villages forming the WMA’. The 50% is divided equally among individual villages forming the WMA. Apart from that, the WMA Regulation 48 (8) directs that 60% of the revenues generated from resident hunting should remain with the district council while the remaining 40% should be handed over to the AA. These rules are contradictory to villages such as Minjingu that had private business arrangements with ecotourism investors. For instance, before WMA, investors were paying directly to the village councils. After WMA establishment, all investors were required to pay to the AA and later to the Ministry. Therefore, after WMA establishment, the revenues received by Minjingu village, have to be shared among many actors.

The wildlife Conservation Act No. 12 of 1974, is now repealed, saved and with transitory provisions according to Section 122 of the Act No. 5 of 2009 (URT 2009). This Act maintains quite confounding Section 122 (3) stating that ‘*Any rule, order, regulation, direction, notice, notification or other administrative act made, given, issued or*

undertaken before the commencement of this Act or under any law repealed or amended in a material particular to this Act shall, if it could have been made, given, issued or undertaken under corresponding provision of this Act, continue in force and have the like effect as if it had been so made, given or issued, as the case may be, undertaken under this Act’. Hence, we contend that this provision of the Wildlife Conservation Act No. 5 of 2009 meant to save and maintain Section 6.1.a.iv of the Village Land Act No. 5 of 1999 that defines reserved land as the land ‘set aside’ under the provisions of the Wildlife Conservation Act No. 12 of 1974. Thus maintaining that the WMAs are indeed reserved lands and not village land established by the Local Government (District Authorities) Act No. 7 of 1982 (URT 1982) authorised under the Village Land Act of 1999 (URT, 1999).

With regards to village land rights, indeed the Village Land Act No 4 of 1999 and Land Act No. 4 of 1999 as Nshala (2002) revealed ‘provide the foundation for land rights held by community members’. Nshala suggested that ‘village governments to challenge’ violation of village land rights posed by the Wildlife Division. Wildlife Division is the Central Government unit in the Ministry of Natural Resources and Tourism responsible for rule making and general management of wildlife in Tanzania. Nshala further argued that no one can challenge Section 142(3) of the local government (district authorities) Act on the powers it gives the village council especially with regards to investments in the village land. Section 143(3) states that *‘a village council shall have the power to do all such acts and things as appear to it to be necessary, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge’.*

The Wildlife Division has managed to violate that right by usurping and taxing revenues from villages that already had contracts with tourism investors on their land before WMA

establishment. Also, using the Land Act and the Wildlife Conservation Act No. 12 of 1974 and Wildlife Conservation Act No. 5 of 2009, the Wildlife Division has managed to make that violation legal as the land within the WMA is no longer village land but rather reserved land. Hence, the Village Land Act has no power over the village land within the WMA area but rather the Wildlife Conservation Act.

According to the Wildlife Policy of Tanzania URT (1998) (as revised in 2007), the local community should have been the sole governor, proprietor as well as beneficiary of WMAs (URT, 1998). However, the Director of Wildlife is in control of WMAs. As a result, the WMAs regulations of 2002, 2005 and 2012 as subsequent products of the wildlife policy of 1998 and 2007 have been opposed by the majority of the community members in the study area. As Susskind and McMahon (1985) argued; opposition usually occurs when policies are made when necessary facts about the local reality is not available during the policy formulation process. This was summarised by one respondent who lamented that *‘with these regulations that keep changing everyday while we are not involved, the government is actually trying to kill a fly on our heads using a hammer’*. For example, it was found that the highest fine according to the WMA constitution (Burunge, 2006) is TZS 50,000 but WMA Regulation 40 (5) fines starts at TZS 1,000,000 (URT 2012) which is too high for any community member to afford. This may reflect that community representatives did not participate in forming these rules. Respondents reported that when people are unable to pay the fine, they are usually taken to police station where they have to give bribes to be set free. In this case, unfair rule enforcement has been put in place to ensure accumulation by dispossession.

4.8 Conclusion

This study used Minjingu village as a case study to reveal evidences of accumulation by dispossession. It was found that the process of instituting Burunge WMA lacked legitimacy because Minjingu village did not willingly agree to establish the WMA. The decisions to join Minjingu village to the WMA were reached against village by-laws and national legislations. Moreover, the quorum was not met at the village level. Evidence revealed that the Central Government officials together with AWF manipulated the village leaders into signing documents in English language that they did not understand. Besides, lack of transparency in the process of WMA establishment was observed. For example, prior preparations for communities to manage WMA were done in light of forest management instead of wildlife management. Further, documents were backdated pointing to a process that was not transparent and hence illegitimate in the eyes of the local communities.

On the other hand, Minjingu village struggles for justice to regain its land and business rights have taken more than ten years. While Minjingu won the court case against the WMA and the investor, after the AA appeal, the future is uncertain. This case clearly supports primitive accumulation by dispossession. Here we find that over time, a village legally loses its land, revenues and access to basic resources such as water, grasses for roofing, and poles as building materials. Therefore, rules in this case, legally facilitated dispossession at the time where neoliberal capitalistic policies further dispossess peasants. It is therefore argued that, the legal developments that have left community members dispossessed, disenfranchised, impoverished and as potential future conservation refugees are rather deliberate and not just the unfortunate and unintended results of less competent legal work.

4.9 Recommendations

This study recommends that policies, legislations and regulations in the wildlife sector need be reviewed to accommodate changes that reinforce devolution rather than recentralisation and accumulation by dispossession. This will provide incentive for local communities to conserve wildlife on their land. Hence in a long run will facilitate combating not only declining numbers of wildlife but also poaching. While Kiswahili and English are legally acceptable as media of communication in Tanzania, this study recommends that at the village level, documents that require village council endorsement should be in Kiswahili. Moreover, community members need to be informed of the existing rules regarding WMAs and how these rules can both negatively affect or benefit the communities. This will enable communities to reach informed decisions regarding their own development and will avoid wasting government efforts to get people out of poverty.

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CHAPTER FIVE

MANUSCRIPT FOUR

Power Struggles in the Management of Wildlife Resources: A Case of Burunge Wildlife Management Area, Tanzania

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Abstract

This study was conducted to examine power struggles in the Burunge Wildlife Management Area (WMA) in Tanzania. A cross sectional research design was used. Four purposively selected villages out of ten were involved in the case study. To ensure validity, data were collected through focus group discussions, key informant interviews, administration of questionnaire to the household heads, and literature review. It was found that compared to other actors namely Central Government, investors and non-governmental organisations that had institutional and strategic powers, the village councils have only structural power, making them at a disadvantaged position in making management decisions with regards to Burunge WMA. Divergence in interests and powers are considered to be major sources of power struggles. Power struggles among actors on revenues, land management and resources access were observed. The power

struggles led to emergence of resource use conflicts. However, no locally formed conflict management mechanism was available. The study therefore recommends that institutional power need to be devolved to the local communities as too much power has been vested to the Central Government. Additionally, low cost locally established conflicts management mechanisms need to be established at the village level.

Keywords: Power struggles, actors, resource use conflicts, Wildlife Management

Areas

5.1 Introduction

Defining “power” in the context of natural resources management has been a challenge to many scholars. As a result, they define it differently. For instance, power is regarded as a relationship among the people (Dalh, 1957). Power may also be related to coercion, constraint, consent, social relationship and interaction (Raik *et al.*, 2008). Power may occur in various forms including structural, strategic or institutional (Nuitgen, 2005; Mbeyale, 2009; Kajembe *et al.*, 2016). Structural or domination power is asymmetrical, stable, hierarchical, fixed and difficult to reverse (Nuijten, 2005). The subordinate actors in structural power have little room for manoeuvre because their margin of liberty is extremely limited (Kajembe *et al.*, 2016). Strategic power involves structuring possible fields of action of others and it is perceived as daily interactions between individuals and groups (Nuitjen, 2005). In that connection, strategic power has many forms including economic ability, rational argumentation or ideological manipulation (Mbeyale, 2009). Institutional power is systematised, regulated and involves mandates that are dictated by law (Nuitjen, 2005; Kajembe, *et al.*, 2016).

Furthermore, power may be an outcome of multiple, intertwined institutions⁶ whereby the institutions enable the exercise of power by identifying what is socially possible or acceptable in a society (Kajembe *et al.*, 2016). Power analysis must involve observation of actors in decision making (Nuijten, 2005; Raik *et al.*, 2008; Amanzi, 2011; and Kajembe *et al.*, 2016). Therefore, ‘stakeholders’ power can be understood as the extent to which stakeholders are able to persuade or coerce others into making decisions, and following certain courses of action’ (IIED, 2005:10). This may also involve actors showing counter interests in the management of resources. Counter power such as foot dragging exists in situations where the less powerful try to show their concerns. For example, Scott (1985) revealed that in developing countries, communities would rarely make open confrontations against, for instance, erroneous new laws. However, when that happens Scott asserts that it is a ‘sign of great desperation’ (Scott, 1985:16).

In Tanzania, power struggles over decision making on wildlife management among actors has been in existence for decades (Kajembe and Monela, 2000). For example, due to its lucrative nature, the wildlife sector has created strong incentives and vested interests of Central Government actors to maintain control (Nelson and Agrawal, 2008). As a result, wildlife resource institutional reforms have been described to ultimately reassert the state’s ultimate power in their management (Minwary, 2009). These reforms have produced asymmetrical power relations in the way decisions are made about this resource and how benefits are shared among the actors (*ibid.*).

The reforms in the wildlife sector, have led the government of the United Republic of Tanzania (URT) to decentralise by devolution, through the Wildlife Policy of 1998

⁶For the purpose of this study, institutions are defined as rules including policies, legislations, regulations, guidelines, bylaws, constitution and other long established patterns of conduct or customs through which people interact with one another.

(revised in 2007) the management of wildlife to the local communities by introducing Wildlife Management Areas (WMAs). According to the Wildlife Policy of 1998, WMAs are new category of protected areas for community based conservation of wildlife (URT, 1998). Apart from the WMAs, other types of protected areas in Tanzania include National Parks and Game Reserves where no human settlement is allowed; Game Controlled Areas and Ngorongoro Conservation Area where settlement is allowed (URT, 2007). National Parks are management by the Tanzania National Park Authority (TANAPA), Game Reserves and Game Controlled Areas are managed by the Tanzania Wildlife Authority (TAWA) and WMA are managed by communities through Authorised Associations (AAs). Therefore, WMAs are forms of common property regimes (CPR) whereby through devolution, communities are expected to manage and benefit from wildlife through AAs (Ribot, 2002a; Ostrom, 1990). However, devolution usually threatens many actors' powers and interests. As a result, power transfer from the Central Government to the local actors is rarely observed (Ribot *et al.*, 2006). This leads to power struggles among actors consequently emergence of conflicts.

Currently, there are 38 WMAs including Burunge WMA which are at different stages of development (AAC, 2016). Burunge WMA was among the first nine pilot WMAs officially launched in 2003 and among the first to be granted official status in 2006 (USAID, 2013; WWF, 2014). The WMA also has high importance to Tanzania's protected area network as a wildlife corridor linking Tarangire National Park, Lake Manyara National Park and the Ngorongoro Conservation Area Authority (USAID, 2013; WWF, 2014). Therefore, a number of actors are involved in the management of the WMA. These actors may have divergent roles, interests and powers that may result in power struggles. Yet information on the key actors with their interests, powers they possess, power struggles among actors and management of conflicts resulting from power

struggles is limited. For example, Shilereyo (2010) reported that local people realised had no power to influence management decision in the WMA. Moreover, Bluwstein *et al.*, (2016) revealed that there were power struggles over rules making and rules changing in WMAs. Hence, this study examined power struggles among key actors. Specifically, the study answered questions on who are the actors and what are their roles and interests in the management of Burunge WMA? What powers (structural, strategic and institutional) are possessed by the key actors? What are the power struggles among actors existing in the study area? And, how are the emanating conflicts managed?

5.2 Theoretical Framework

This study draws from Nuijten, 2005, Raik *et al.*, 2008, Manyika *et al.*, 2013, and Kajembe *et al.*, 2017 analyses of power and power struggles. These scholars reveal that actors, their roles, interests and powers form major variables for power analysis. Moreover, emergence of conflicts is an important indicator of power struggles among actors (Raik *et al.*, 2008; Manyika *et al.*, 2013). Therefore, for the purpose of this study power means the relationship among actors while power struggle is a negative situation manifesting in a course of decision making as actors' push forward their interests in the management of WMAs. Furthermore, this study benefits from Common Property Theory. This theory deals with the management of common pool resources such as wildlife where one use of the resource minimises what is available for others (the principle of subtractability/rivalry). Likewise, it is difficulty to exclude others from using common pool resources (the principle of excludability) (Ostrom, 1990; Pokrant, 2011). This is why villages contribute pieces of land and agree to establish WMA as commons whose governance falls under common property regime.

5.3 Methodology

5.3.1 Description of the study area

The study was carried out at Burunge WMA (Fig. 5.1). The WMA covers 283km² and was established in 2003 in Babati District at Latitude 3° and 5° South of the Equator and Longitude 35° and 37° East of Greenwich. The WMA is formed by 10 villages namely Mwada, Sangaiwe, Ngoley, Vilima Vitatu, Kakoi, Olasit, Manyara, Magara, Maweni and Minjingu. The main economic activities in the study area are livestock keeping and small scale farming activities outside the WMA. Sesame is the main cash crop as it is not eaten by wild animals such as elephants. Maize, beans, bananas, millet, paddy and potatoes are food crops grown in the area. Burunge experiences a bimodal rainfall: short rains start in May and end in June while long rains occur between November and January. The annual rainfall ranges between 400 mm and 500 mm whereas the temperature ranges between 18°C and 33°C (Burunge AA, 2011).

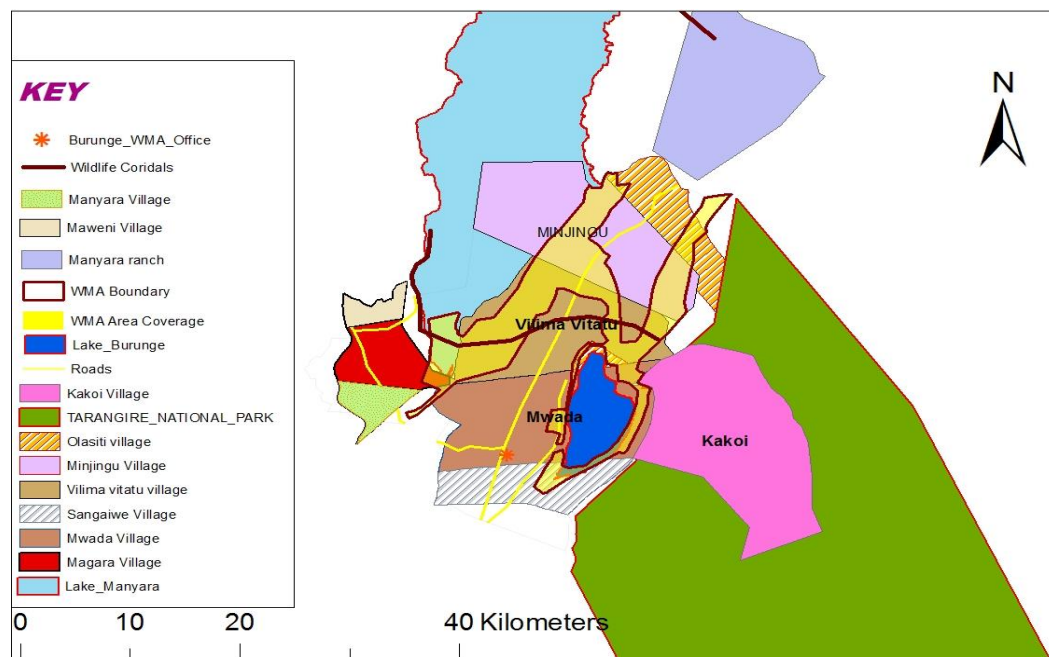


Figure 5.1: Map of the study area

Source: Kicheleri *et al.* (2018)

5.4 Research Design and Data Collection Methods

The research was carried out between 2014 and 2016 and used cross sectional design. Four purposively selected villages namely Mwada, Vilima Vitatu, Minjingu and Kakoi out of ten were involved in the case study. The four villages were selected due to their heterogeneity in their participation in Burunge WMA. For example, from preliminary survey results, Mwada was considered fairly satisfied with the presence of the WMA. Two villages, Minjingu and Vilima Vitatu were considered not satisfied with the presence of WMA because they wanted to withdraw. Kakoi, was a relatively newly formed village out of Minjingu and was unsatisfied with the WMA arrangements for resources access. Moreover, the villages were among the first villages during the initiation of Burunge WMA. Hence the study villages have had enough experience with the WMA compared to villages that joined the WMA later. Moreover, compared to other villages such as Maweni, Magara and Manyara, the study villages are located near the tarmac road making them accessible throughout the year.

Data were collected using focus group discussions (FGDs), key informant interviews, questionnaire and literature review. Interviews were held in Kiswahili. For triangulation of information, a number of methods of data collection were used. Focus group discussions with respondents ranging from 9 to 17 were conducted with Village Council members, with youths, women and elderly men from each village. The FGDs were done based on gender orientation because in Tanzania different gender groups have different roles, thus their participation levels in natural resources activities differ (Sayuni, 2016). Key informant interviews were conducted to the point that no new information was obtained i.e. the data saturation point (Guest *et al.*, 2006). Informants involved were respondents who had knowledge of Burunge WMA including the Village Chairmen,

elderly men and women, the Burunge Authorised Association, Babati District and the Wildlife Division officials.

The FGDs and key informant interviews were carried out to inquire about powers of key actors and the emerging power struggles. In order to understand which actors held which power in Burunge WMA, a stakeholder analysis was conducted. Through this analysis, key stakeholders were identified. These are the ones who have vested interests in the current situation and who potentially could be affected or have something to gain or lose if conditions change or remain the same. Questionnaire involved respondents who were drawn randomly from the village registers (n=140 households in total) (UN, 2005). Close-ended and open-ended questions were asked. Moreover, key informant interviews and the questionnaire were used to generate data for assessing existing resource use conflicts. Literature review on existing documents related to actors, powers of actors, power struggles and conflicts was done.

5.5 Data Analysis

Content analysis was used to analyse questions related to institutional, strategic and structural powers of different actors. All qualitative data from focus group discussions, key informant interviews and literature review were categorised into related themes (Stemler, 2001). Underlying themes in the categories of words were identified, explained, clarified and interpreted (Kohlbacher, 2005). Moreover, Statistical Package for Social Sciences (SPSS) Version 20 was used in descriptive statistical analysis to calculate frequencies, means and standard deviations.

5.6 Results and Discussion

5.6.1 Key Actors in the Management of the WMA

Burunge WMA involves various actors with different roles and interests. It was noted through the FGDs that; eight key actors were involved in the Burunge WMA management as shown in Table 4.

As Table 4 shows, key actors had both common and divergent interests in the Burunge WMA management. This divergence in interests and powers (as revealed in the succeeding section) are considered to be major cause of power struggles. For example, all actors appeared to value conservation. However, while communities' interests were to improve livelihoods from their conservation efforts, the Central Government through the Wildlife Division interests were to conserve more tracks of land while collecting revenues for the Central Government. The Wildlife Division is the Central Government agency whose major role is to formulate policies and laws for wildlife conservation and ensure their enforcement. In the WMAs, the Wildlife Division has given itself another role of collecting revenues. This was against local community's expectations and verbal promises given by the government officials during WMAs sensitisation period. Focus group discussions revealed that villagers were promised to fully manage WMAs. This could have been possible through Authorised Associations. The WMA Regulations define Authorised Association as a 'community based organisation, whose primary objective is to conserve wildlife resources for the benefit of local community members ordinarily residing in that particular area' (URT, 2012:5).

Table 5.1: Actors, their roles and interests in the Burunge WMA

SN.	Actor	Roles	Interests
1	Village Assembly	Collective decision making e.g., approving the amount of land to be allocated for WMA establishment	Conservation of wildlife; Accruing benefits from the WMA and improvement of livelihoods
2	Village Council	Representing villagers in all matters pertaining to the villagers' wellbeing.	Making sure villagers' rights are protected
3	Authorised Association ⁷	Managing the WMA on behalf of the villagers. Acts as a power broker between the villagers and the Central Government agencies and the local government	Ensuring conservation of wildlife and benefits are realised
4	District Council	Oversees the management of the WMA	Making sure wildlife is conserved; Accruing benefits from the WMA
5	Wildlife Division	Making rules for WMA management	Wildlife conservation and ensuring increase of protected landscapes including wildlife corridors where most WMAs are located; Collecting revenues from tourism investments in the WMA
6	Non-Governmental Organisations (World Wildlife Fund, African Wildlife Foundation)	Facilitating WMA establishment	Conserving wildlife and ensuring increase of protected landscapes including wildlife corridors where most WMAs are located
7	Investors (Maramboi and Burunge tented camps)	Entering into contracts with the Community-Based Organisation (CBO) to undertake business ventures in the gazetted WMA	Accruing profit from wildlife conservation
8	TANAPA	Conserving Wildlife	Ensuring that Burunge WMA acts as a buffer zone

⁷ Authorised Association means 'a community based organisation, whose primary objective is to conserve wildlife resources for the benefit of local community members ordinarily residing in that particular area' (URT, 2012:5).

Moreover, the Authorised Association is acting as a power broker between the local communities and the central/local government agencies. However, often the Authorised Association was found to represent the interests of the Central Government. Kicheleri *et al.*, (unpublished) found that the Burunge AA was accountable to the Central Government against WMA Regulations that require the AA to be accountable to the local communities. This situation superimposed the interests of the Central Government to those of the local communities. On the other hand, Tanzania National Park Authority (TANAPA's) interests were to have Burunge WMA serves as a buffer zone to its national parks.

Kajembe *et al.* (2016) are of the view that in the management of natural resources, a triangle of actors including state agencies, NGOs (i.e. non-state agencies) and local communities are created where power struggles do happen. The same was observed in the current study where flaws clouded Burunge WMA establishment process as the actors pushed forward their interests. For instance, the difference in interests and power among communities, donors, the Central Government and African Wildlife Foundation (AWF) have negatively affected the work of AWF with communities in Burunge WMA (Sachedina, 2010; Kicheleri *et al.*, forthcoming). Instead of acting as a power broker between the Central Government and local communities, the NGO found itself in conflicts with the local communities. Therefore, identification of actors, their roles and interests from the very beginning of conservation project establishment is quite vital. This is because, knowledge of actors together with their interests helps to know the kind of powers to be devolved to specific actors (Ribot, 2004).

5.7 Powers of Key Actors in Burunge WMA

In Burunge WMA, it was observed that key actors exercised different types of powers. Table 5 show results from focus group discussions and key informant interviews with the village leaders, AA, District and Wildlife Division officials, and the investor. The results indicate that three types of powers possessed by key actors. The Village Council had structural power; investors had strategic power while the AA, District Council, TANAPA, NGOs and the Wildlife Division had both institutional and strategic powers. Indicators of structural power relate to cultural or social positions such as being an elder in the society while indicators of strategic power relate to relatively higher education levels and wealth, and institutional power relates to positions in the government, organisations or associations (Nuijten, 2005; Raik *et al.*, 2008; Mbeyale 2009; Amanzi, 2011).

Table 2.2: Actors' powers to influence Burunge WMA management decisions

	Actor	Type of power
1	Village councils	Structural and institutional
2	Investors	Strategic
3	AA	Institutional/governmental, strategic
	District Council	
	TANAPA	
	NGOs	
	Wildlife Division	

The communities that collectively make decisions in the Village Assemblies are represented by the Village councils. Therefore, the structural power possessed by the village councils is in line with the findings by Kajembe *et al.* (2016) who assert that the structural power is widespread in traditional societies. In this context, villages' liberty to influence the WMA management decision was limited. This is because structural power is associated with social position such as being a household, clan or tribe head. It is further associated with cultural position such as being a traditional healer in a village setting (Amanzi, 2011). This type of power cannot override strategic or institutional powers.

Therefore, for the structural power to work at multiple levels of governance, it needs the backing of institutional or strategic powers. With decentralisation, it was expected that institutional power over decision making in WMAs to be devolved to the village councils. However, contrary to this fact, the AA, District Council and Wildlife Division have the institutional power to make most decisions regarding the WMA management at the village level. These findings suggest that the rights of local communities to exercise institutional power and manage the WMA were undermined. Thus villages' liberty to influence the WMA management decision was limited in the management of the WMA. This may be associated with lack of enforcement of rules on the ground together with Central Government interests to recentralise WMA management. For instance, WMA Regulation 17 elaborates responsibilities of the village councils in the management of Wildlife Management Areas (URT, 2012). WMA Regulation 17 (g) states that the village council shall 'monitor the activities of the AA and report to the Village Assembly and District Council'. Moreover, WMA Regulation 17 (i) state that the village council shall 'ensure that AA implement sectoral policies while entering into agreements on the management of a Wildlife Management Area'. Contrary to these statements, WMA Regulation 24 excludes village councils as members in the District Natural Resources Advisory Board (DNRAB) (URT, 2012). It is argued that, excluding village councils from the Board places the Village councils at a disadvantaged position in influencing WMA management decisions.

Moreover, investors had strategic power. The strategic power possessed by investors could be associated with the wealth they accrue from ecotourism investments in the WMA. Mbeyale (2009) also highlights that wealth is among the sources of strategic power whereas Kelly (2011) sees that the market value of ecotourism business is high. Therefore, ecotourism investors would never want to find themselves out of the market.

In that regard, strategic power is good for investors because they need to remain in the market especially when they find themselves hijacked in a struggle between the government and local people's interests.

On the other hand, NGOs namely AWF and WWF had both institutional and strategic powers in the management of the WMA. Strategic power gives the actor ability to 'structure possible fields of action of others' (Kajembe *et al.*, 2016:13). In WMAs establishment, NGOs are claimed to have used their position to manipulate local communities to accept WMAs (Kicheleri *et al.*, unpublished). The same was found by Manyika *et al.*, (2013) who reported that strategic power gave NGOs higher bargaining power on the REDD+ process. Similarly, Sachedina (2010) revealed that instead of facilitating the process of WMA, AWF alienated local communities and thus favoured interests of the Central Government and donors. This situation further alienated local communities in the process of WMA establishment and in the management of Burunge WMA.

5.8 Power Struggles in Burunge WMA

5.8.1 Struggles over Revenues from the WMA Investments

In WMAs, benefits are generated from non-consumptive utilisation such as tourist lodges and photographic tourism and tourist hunting. Focus group discussions revealed that when Burunge WMA started operations in 2006, the Authorised Association was collecting non – consumptive utilisation revenues from the investors. These revenues were sent to the Wildlife Division and later redistributed back to the Authorised Association and to the villages as indicated in Table 4. That practice changed in 2012, when the Wildlife Division stopped the Authorised Association from collecting revenues instead the Wildlife Division started to collect itself. This was according to the Non –

Consumptive Wildlife Utilization Regulations of 2008 (revised 2016) that give powers to the Central Government to collect revenues from the WMAs. Regulation 16 (3) states that ‘the Director shall collect the fees prescribed under these regulations on behalf of the Authorised Association’ (URT, 2016: 13). An interview with the Wildlife Division revealed that, Authorised Associations lack capacity to collect revenues. The Wildlife Division claims that because of that deficiency, total revenue collection from investors has been minimal in WMAs. However, it is argued that for effective community based programme, fiscal devolution should be undertaken (Ribot, 2004).

Because of the legal changes on who should be collecting revenues from the WMAs, at the time of data collection for this study in Burunge WMA, there were complaints from the village councils that revenue shares have decreased since the Wildlife Division has taken charge of collecting revenues. Table 6 and Fig. 9 validate their claims, where in 2012 there was a sharp decrease of revenues share to village councils.

Table 5.3: Revenue share to different villages after WMA establishment in TZS.

Year	Revenues	Expenses	Revenue share to all villages	Revenue share to each village	Number of villages
2006	37 496 988.00	8 296 411.00	18 748 494.00	2 083 166	9
2007	75 256 890.00	24 243 022.00	37 628 445.00	4 703 556	8
2008	64 595 376.00	34 211 010.00	32 297 688.00	3 588 632	9
2009	227 618 815.00	101 338 183.00	113 809 407.00	11 380 941	10
2010	391 459 764.00	150 325 192.00	195 729 882.00	19 572,988	10
2011	473 738 859.93	175 940 789.00	236 869 429.00	26 318 825	9
2012	275 428 011.96	274 856 073.23	112 933 694.23	11 293 369	10
2013	412 593 088.50		206 296 544.25	20 629 654	10
2014	820 954 000.00		410 472 500.00	41 047 250	10
2015	795 272 230.00		397 636 115.00	39 763 611	10

Source: Burunge WMA, 2015

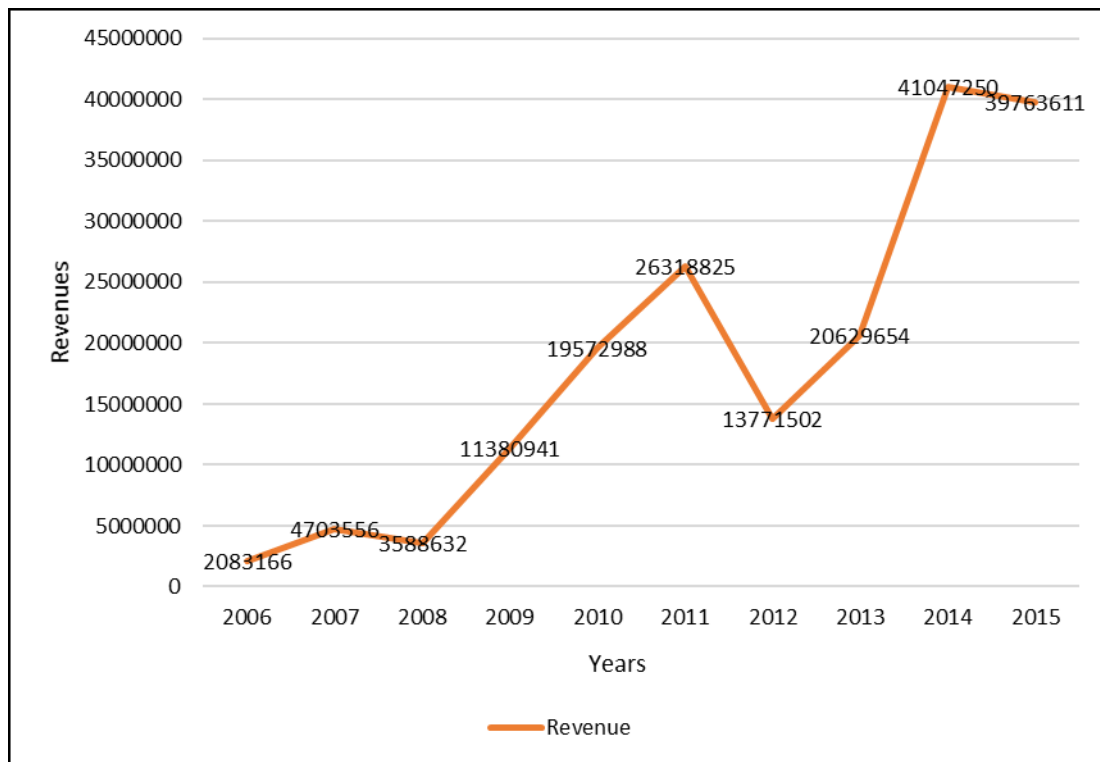


Figure 5.2: Revenue share to each village since Burunge WMA started operations

Nevertheless, after 2013 revenues have been picking up as shown in the Fig. 9. This increase in revenues after Wildlife Division took over, justifies Central Government acts of recentralising revenues. These findings are in line with Ribot *et al.* (2006) who revealed how governments use a variety of means to recentralise revenues from community-based programmes. Besides this justification, local level capacity to manage WMAs need to be built.

To support the above findings, four different sharing mechanisms have been put forward in the WMA Regulations to elaborate how revenues from WMA should be shared. For example, Non-Consumptive Wildlife Utilisation Regulation 19 (b) provides for sharing mechanism of revenues accrued from the non-consumptive operations in the WMAs stating that ‘5% shall be directed to the District Council, 25% to the Director of Wildlife and 70% to Authorised Associations’ (URT, 2016:14).

Non-consumptive utilisation includes game viewing and other ecotourism investments in WMA including tourists lodge and hotels. Likewise, WMA Regulation 48 (8) states that ‘The income generated from resident hunting in a WMAs shall be shared as follows: (a) Authorised Association 40%; (b) responsible District Council 60% (URT, 2012:26). Moreover, the Twelfth Schedule of the WMA Regulation provides a table showing how benefits from tourist hunting in the WMAs should be shared. The benefits are shared among the Tanzanian Wildlife Protection Fund (TWPF) unit in the Wildlife Division, the Wildlife Management Area (WMA), the District Council (DC) and the Treasury (TR) as shown in Table 7.

Table 5.4: Distribution of income generated from tourist hunting activities in a WMA

		TWPF (%)	WMA (%)	DC (%)	TR (%)
1	Block fee	25	75	0	0
2	Game fee	25	45	15	15
3	Conservation fee	25	45	0	30
4	Observers fee	25	45	0	30
5	Permit fee	25	15	0	60

Source: URT (2012)

Furthermore, at the local level, the Central Government also determines the benefits local communities are supposed to get as provided in the WMA Regulation 17 (e) (URT, 2012). The Regulation indicates that village councils will be responsible to ‘approve mechanism for benefit sharing among the villages forming the Wildlife Management Area in accordance with guidelines issued by the Government from time to time’ (URT, 2012:11). In this case, villages have to follow Central Government orders and not otherwise. In Regulation 66 (1 and 2), further elaboration on benefit sharing mechanisms at the Authorised Association and village level are given: ‘(1) Benefit

sharing in Wildlife Management Areas shall comply with circulars issued by the Government from time to time. (2) Authorised Association shall ensure that:

- (a) At least 15% of its annual gross revenue is re-invested for resource development;
- (b) At least 50% of its annual gross revenue is directed to villages forming part of the Wildlife Management Area; and
- (c) At least 25% of its annual gross revenue is used to strengthen the Authorised Association'

Interviews and focus group discussions revealed that villagers were not aware that the shares they receive comes from what has been collected from their land. As observed in this study, there are four procedures based on percentages all directed at how revenues from WMAs should be shared among actors. While the procedures are followed by actors as indicated by the regulations, communities were not involved in the making of those regulations (Kicheleri *et al.*, 2018). Therefore, the regulations including those of revenue sharing were top-down and imposed to the communities.

Power struggles over the sharing of revenues was also observed between the village councils and the Burunge AA. For example, village councils complained about the 50% share of revenues between them and the AA. Communities argued that regardless of the amount received by the AA they did not see the necessity and legitimacy of dividing those revenues by half between them. WMA Regulation 66 (1 a-c) provides that 50% of the revenues received by the AA should be directed to the villages forming the WMA, 25% should be used to strengthen the AA and 15% of the revenues should be re-invested for resources development (URT, 2012). This distribution leaves out 10% of the revenues. Key informant interviews with the AA officials revealed that 50% of the gross revenues stays with the Authorised Association while 50% goes to WMA forming villages.

Similarly, an interview with the Wildlife Division officials revealed that the missing 10% from the WMA Regulation was just an oversight. But, revenues should be divided by half between the WMA forming villages and the Authorised Association. Hence communities wanted to get more than the Authorised Association. Likewise, there were struggles over revenues among the WMA forming villages. For example, community members including those in Minjingu and Vilima Vitatu villages claimed that they had more resources and investments in their land within the WMA. Hence, other villages do not deserve to receive equal share of revenues accrued from the WMA investments. For example, the amount of land contributed for WMA establishment were 3 746.66, 12 829.89, 3 039.33, 2 445 and 2 257.69 hectares from Minjingu, Vilima Vitatu, Mwada, Sangaiwe and Magara village respectively (Burunge AA, 2003). Therefore, Minjingu and Vilima Vitatu villages wanted to get more share compared to other villages. This is considered among the reasons Minjingu village wanted to withdraw from the WMA. For instance, before Burunge WMA was established, Minjingu village had an ecotourism investor known as Maramboi Tented Camp. The investor started operations in September 2006 and paid directly to the Minjingu Village Council. Table 8 shows revenues received by Minjingu village from Maramboi Tented Camp before the investor was required to stop paying Minjingu village but the Authorised Association.

Table 5.5: Revenues received by Minjingu Village from the investor before being channelled to the AA

Sn	Year	Revenues (in TZS)	Mean
1	2006	11 198 479	25 854 790
2	2007	40 511 101	

Source: Maramboi Tented Lodge Ltd (2017).

Similarly, Burunge AA started operations in 2006. Minjingu investor did not pay the AA until 2008. The AA revenues share to individual villages excluding Minjingu in 2006 and 2007 is shown in Table 9.

Table 5.6: Revenue share to each village after WMA establishment in TZS.

Year	Revenue share to each village	Mean
2006	2 083 166	3 393 361
2007	4 703 556	

Source: Burunge AA, (2015).

Therefore, the mean revenue received by Minjingu village was five times more compared to the mean revenues received by other villages for the two years. Because of the fear of losing revenues, among other reasons, Minjingu village was not ready to join the WMA.

It is argued that benefit sharing programs that do not address problems at the household level are bound to be unpopular no matter how much money is injected into them' (USAID, 2000). Further to that, empirical research has shown that in Burunge WMA, benefits have not materialised to the household level (Kaswamila, 2012). Nevertheless, the WMA Regulation 17 (e) specifies that the Central Government is mandated to determine the share of benefits generated that local communities are to receive from village land investments (URT, 2012). This is clearly contradictory to Section 26 of the Local Government District Authorities Act No. 7 of 1982 that mandates the village councils as corporate bodies that are free to earn benefits from investments in their land and determine how to use the revenues for their own development (URT, 1982). In this context, village councils structural power could not override the strategic and institutional powers possessed by the Authorised Association, village councils, District Council and the Wildlife Division. This power imbalances, is bound to lead into conflicts.

3.3.2 Power struggles over the management of Burunge WMA

Focus group discussions and key informant interviews with the village elders and village leaders revealed that, when communities handed over to the Burunge AA part of their village lands, their expectation were they would be able to have control over the lands. On the contrary, Burunge Authorised Association together with the District Council and the Wildlife Division largely managed the WMA. This has been associated with the institutional and strategic powers they possess. WMA Regulation 17 (a) states that, village councils shall 'provide land for the designation and establishment of a Wildlife Management Area' (URT, 2012: 13). Accordingly, an FGD with the Vilima Vitatu Village council revealed that the village had given 65% of its village land to the WMA during WMA initiation process. The village total land area before WMA establishment was 19,800 ha. The land contributed to the formation of WMA is 12,830 ha and the remained land area is 6,970 ha. Apparently, the village population has increased from 1,323 people in 2003 to 3,281 people in 2014. Therefore, the village wanted to reclaim part of its land from the WMA. Nevertheless, they have realised that it will not be easy. The WMA Regulation 37 (a) states that, a WMA will cease to exist when there is 'a change of use in Village Land Use Plan' (URT, 2012:22). However, WMAs are formed by many villages. The WMA regulations are silent if this could happen in a situation where one village changes its land use plan and still continue to be party to WMA. The situation in Vilima Vitatu village, corresponds with Kicheleri *et al.* (unpublished) findings that when a WMA is gazetted, the land within the WMA legally changes status to reserved land. Hence the village councils lose their power over that land.

Furthermore, an interview with the Wildlife Division officials on the management of the WMA revealed that, the Central Government was progressively building the capacity of the AAs through which village councils are represented. Nevertheless, a focus group

discussion with village council members of the four study villages revealed that local communities were not aware about Burunge AA mandates. These findings correspond with Kicheleri *et al.*, (forthcoming) who found that the Burunge AA was not conducting meetings with villages as required by the WMA Regulations. According to FAO (2017), information gaps and lack of clear communication channels among actors in CBNRM can lead to conflicts.

3.3.1 Power struggles over resources access and use

Through focus group discussion, it was revealed that access and use of resources including water, roofing grasses, building poles, dry season grazing sites, firewood, grasses for roofing, and Doum Palm (*Hyphaene compressa*) were prohibited. Some resources such as firewood were allowed only in renowned occasions such as burial ceremonies. These results are consistent with the findings by Bluwstein, *et al.* (2016) regarding communities' contestation against dry season grazing sites and resource use access in Burunge WMA. Kakoi village provides a good example for this case. According to key informants' interview when Kakoi village joined the WMA, it was verbally promised to access dry season fodder in the tourist's hunting block within the WMA. However, this was no longer possible because the investor complained that cattle interfered with his hunting tourists. Because of investor's strategic power, he managed to convince the AA to stop villages including Kakoi from grazing cattle in the WMA. As a result, village leaders complained that many cattle die during the dry season. This has had a serious implication to their wellbeing. In a situation like this, conflicts are bound to happen. Otherwise, a transparent communication channels need to be developed where actors can communicate freely and find solutions to their challenges (FAO 2017).

5.9 Conflict Management in Burunge WMA

Due to power struggles, a number of conflicts have been observed in Burunge WMA. Table 10 shows that land use was identified as a major source of conflict among pastoralists, the investor (Maramboi and Burunge Tented Camps) and the Authorised Association. Conflicts related to access agricultural land, fodder, water, building poles, firewood and roofing grasses.

Table 5.7 Existence of land use conflicts in Burunge WMA (N = 140)

		Village				Total	Mean	Percentage	Standard Deviation
		Mwada	Vilima Vitatu	Minjingu	Kakoi				
Conflicts among the Pastoralists, the Investor and the AA	Yes	15	25	30	34	104	26	74	8
	No	20	10	5	1	36	9	26	8
Total (N = 140)		35	35	35	35	140		100	

In addition, as indicated in Table 10 the mean results of the existence of conflicts shows that the majority (74%) of the respondents agreed that land use conflicts existed among the pastoralists, the investor and the AA. The AA was involved because all investors are answerable to it and not to the village government after the WMA establishment.

Likewise, Kakoi which was rather a new village established in 2009, has had land use conflicts on fodder with the AA since its initiation. In many occasions villagers would refer a separation of Kakoi village from Minjingu equivalent to a *German divide and rule tactic during the colonial era*, meaning that with an assistance of the district officials, it was possible to establish Kakoi village and convince them to join the WMA. Although this tactic was successful, it has not succeeded in ending land use conflicts. These findings support Newmann, (2001), Richards, (2001) and Fairhead (2001) who assert that

land use conflicts are ubiquitous in CBNRM in Africa. Therefore, this makes Burunge case unexceptional. However, this was not expected in the WMA context as CBNRM programme principles aim at giving local communities more rights to resources compared to fences and fine approach to conservation (Child and Barnes, 2010).

Moreover, there existed a conflict between the Authorised Association and farmers with respect to crop raiding. It was found through focus group discussions that wildlife crop raiding had increased since the WMA establishment. What was alarming was the manner in which wild animals behaviour had changed. According to the villagers, apparently animals such as elephants usually appear to organise themselves before crop raid. For instance, one man in Kakoi village had this to say: ‘... *they would come in a herd at night before raiding a pumpkin farm. For example, a few would come close to the farm and walk around it. When they realise there is no danger, they will give a trumpeting that will call the rest of the herd into the farm*’. Unfortunately, villagers complained that they had never received any compensation for crop raids. In another case, fishermen claimed that the Authorised Association had taken over the responsibility of Beach Management Unit (BMU) (Sobo, 2012) denying them their livelihoods, where in reality BMU should have been run by the communities. They further accused the Authorised Association of being in charge of the Burunge Lake.

Furthermore, investors were claimed to fuel more conflicts in the Burunge WMA. This is because, since the WMA initiation there has been conflicts on land use between investors and the villagers. Even so, no resolution had been made so far by the District Council, Wildlife Division, village governments, or the Authorised Association. Due to the strategic power possessed by investors in the WMA, villagers claimed that the investor was bribing officials of the Authorised Association and the District Council in order to disregard villagers’ claims over their land. For instance, it was noted during a focus group

discussion that when villagers report an incident to the said officials, they tend to team up and visit the investors before a resolution meeting with the villagers. Communities accused both the District and AA officials of being bribed by the investors. An interview with the District Council and AA officials denied these allegations from the community members though the District officials avowed that, in order to resolve community – investor conflicts, both sides need to be heard separately first.

Nevertheless, besides the conflicts, it was learnt through key informants' interview and focus group discussions that there were no specific participatory and transparent mechanisms to manage and resolve conflicts related to the WMA. Instead, actors use different means to resolve the conflicts. For example, communities report the conflicts to the village councils or Village Executive Secretary. The village councils do report conflicts to the AA or the Babati District Council. The AA report the conflicts to the Babati District police and Wildlife Division while the investors report the conflicts to the AA, District Council and the Police.

A case of Minjingu village provides us with a good example of how an investor strategically managed to remain in business for more than ten years amid Village Council and Central Government conflicts over village ecotourism revenues. As already been discussed above, Minjingu had an ecotourism investor who paid directly to the Minjingu Village council. After the WMA establishment, the investor was required by WMA Regulations to stop paying Minjingu village. The Regulations state that 'An Authorised Association shall be responsible for the financial management of the revenues accrued from the different forms of resource utilisation' in the WMA (URT, 2002:32). Instead, the investor paid to the AA in 2008 and later the Wildlife Division. Due to this and other reasons including Minjingu village' claims that it did not willingly accepted to join the

WMA, Minjingu village denied any revenue shares from the AA. Later in 2014, Minjingu sued the Investor and the AA. During the conflict, Minjingu Village continued to demand its revenues from the investor who was paying to the AA and later the Wildlife Division. At the same time Minjingu refused to accept its shares of revenues from the Authorised Association. Therefore, to avoid angry and frustrated villagers, the investor had to renegotiate his position in the village by contributing to village development activities in order to avoid confrontations. At the same time, the investor paid his dues to the AA and the Central Government. This enabled the investor to continue doing business against all odds.

FAO (2000) contends that the mechanisms for conflict management that are participatory should be in place for a successful natural resources management. Therefore, actors in WMAs need to consider having a participatory and transparent mechanism for conflict management for WMAs to deliver the intended outcomes.

5.10 Conclusion and Recommendations

In the management of Burunge WMA, actors' had different types of powers and some of their interests were divergent. These were considered to be among the major causes of power struggles among the actors. The key actors included village assemblies, village councils, Babati District Council, NGOs, TANAPA and the Wildlife Division. With an exception of village councils, other actors had strategic and institutional powers that enabled them to influence the WMA management decisions. This situation further marginalised the village councils. Investors had strategic powers that enabled them to survive amid struggles and conflicts. NGOs had strategic and institutional powers that enabled them to push forward their conservation interests. Specifically, power struggles were on benefits maximisation, management of the WMA and access to resources in the

WMA among the actors. Due to power struggles, conflicts emerged over wildlife resource access and use. However, conflict management mechanisms pertinent to the WMA were not available.

Therefore, this study recommends that institutional power need to be devolved to the local communities. This includes enabling Authorised Associations to collect revenues from ecotourism investments in the WMAs. Moreover, there is a need to form low-cost mechanisms for conflict management in WMAs and a further research on benefits and costs sharing be done.

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CHAPTER SIX

Summary of the Major Findings, Conclusions and Recommendations

This Chapter presents the summary of the major findings, conclusion drawn and the recommendations made as an outcome of this study. The study investigated the effects of institutions on dispossession and power struggles in WMAs in Tanzania. The study mainly focused on institutional challenges facing WMAs, institutional rhetoric versus local reality, evidence of accumulation by dispossession and power struggles in the management of Burunge WMA.

6.1 Summary of the Major Findings

This study found that fundamental elements that need be included in the policy and legislation for wildlife management are either missing, vaguely defined, or inadequately narrated. These elements are participation, avoidance of additional organisations, secure land tenure and property rights, transparency, and accountability, enabling legal framework, adequate benefits and management of conflicts. The policy and its subsequent instruments gave inadequate consideration to livelihoods improvement, and participation of communities. Moreover, additional organisations, named AA and DNRABs, were introduced. These organisations tend to alienate local community members from influencing WMA management. In addition, local communities' rights to the WMAs are weakly defined while accountability and transparency are missing in the policy. Similarly, benefits have been recentralised and have not materialised to the individual level in WMAs. As a result, land use conflicts have emerged. Nevertheless, rules do not provide for the existence of locally established low cost conflict management mechanisms.

Contrary to the policy objectives of decentralisation and community - based resource management, there was limited participation of local community members in the process of Burunge WMA establishment. Additionally, local people's awareness of institutions forming and managing the WMA was limited both during and after the WMA establishment. On the other hand, comparing resource use access before and after WMA establishment revealed a change from good to worse.

Moreover, the study found that the process of establishing Burunge WMA lacked legitimacy and transparency. Likewise, the legal provisions were circumvented to establish Burunge WMA without local people's consent. Legal analysis suggests that WMAs land area is no longer village land but rather a reserved land. Hence wildlife conservation rules have continued to match colonial characteristics that critically pose challenges in the management of these resources at the local level. In this case, formal rules are used as a form of power needed to protect wildlife against the communities who feel wild animals are a threat rather than an opportunity to their livelihoods. This has added evidences of accumulation by dispossession in WMAs in Tanzania.

Furthermore, the power to manage the WMA and its associated revenues has gradually been recentralised. The Village Council had the structural power that hindered them to make any meaningful decision regarding the WMA as this power could only be practised at the village level compared to the institutional and strategic powers possessed by other actors. Consequently, conflicts have and are expected to emerge as communities in WMAs programmes are further alienated from their resources against promises made to them.

6.2 Conclusions

This study provides valuable information where the analysis revealed that there is an institutional failure in the WMAs that needs to be solved by elaborated policies. Specifically, an analysis of rules showed that important elements to be included in the policy and legislation for WMAs were either missing, vague or poorly defined. These elements include livelihoods improvement, participation, avoidance of bureaucratic structures by letting village councils to manage WMAs, secure land tenure and property rights, transparency and accountability, enabling legal framework, adequate benefits and management of conflicts. Besides, local people's participation in the establishment as well as in the subsequent rule making process and management of the WMA was found to be minimal. As a result, most of the WMA rules were unknown to local people and the majority of respondents felt that rules regarding resource use have changed from positive to negative after WMA establishment.

On the other hand, the WMA establishment process lacked legitimacy and transparency. Rules have enabled land and revenues in the villages to be recentralised to the Central Government once a WMA is gazetted, the village land changes its status to reserved land. Therefore, the power and authority over the management of the village land shift from the village councils to the Ministry of Natural Resources and Tourism. Moreover, access to resources such as water, grasses for roofing material that were once free before WMA establishment were no longer accessible. As a result, little benefits from wildlife conservation have flowed from the WMA to communities.

Furthermore, institutions have been used to recentralise the power to manage the WMA and its revenues to the Central Government. As a result, conflicts have and are expected

to emerge as communities in the current wildlife CBNRM programmes are further alienated.

6.3 Recommendations

For the sustainability of wildlife conservation in the village land in Tanzania, this study recommends the following:

First of all, an elaborated policy, legislation and regulations are needed including a review of the Wildlife Policy, Wildlife Conserver Act and its associated Regulations need to be done. The review needs to include explicit account of fundamental elements. These elements include sufficient community participation, avoidance of bureaucratic structures by letting village councils to be fully managers of the WMAs, access to basic resources, secure land tenure and property rights, accountability and transparency, existence of enabling wildlife legal framework, adequate benefits and locally based conflicts management mechanisms. In terms of community participation, the ladder of citizen participation suggested by Arnstein (1969) needs to be considered. Moreover, further research on what works and doesn't work in WMAs needs to be done. It is suggested that the research needs to employ systematic review. This will facilitate the development of the Wildlife Policy that is evidence based and an enabling legal framework.

Moreover, the review of the Wildlife Policy, Wildlife Conservation Act, the Law of Contract and WMA Regulations need to accommodate changes that reinforce devolution rather than recentralisation and accumulation by dispossession. At the village level, documents that require Village Council endorsement should be in Kiswahili. At the same time, community members need to be informed of the existing rules regarding WMAs and how these rules can both negatively affect or benefit the communities. This will

enable communities to reach informed decisions regarding their own development and will avoid wasting government efforts to get people out of poverty.

Lastly, institutional power needs to be devolved to the local communities. This includes enabling Authorised Associations to collect revenues from ecotourism investments in the WMAs. Moreover, there is a need to form low-cost mechanisms for conflict management in WMAs and a further research on benefits and costs sharing be done.