

Threats to Village Land in Tanzania: Implications for REDD+ Benefits-Sharing Arrangements

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Land Tenure and Forest Carbon Management

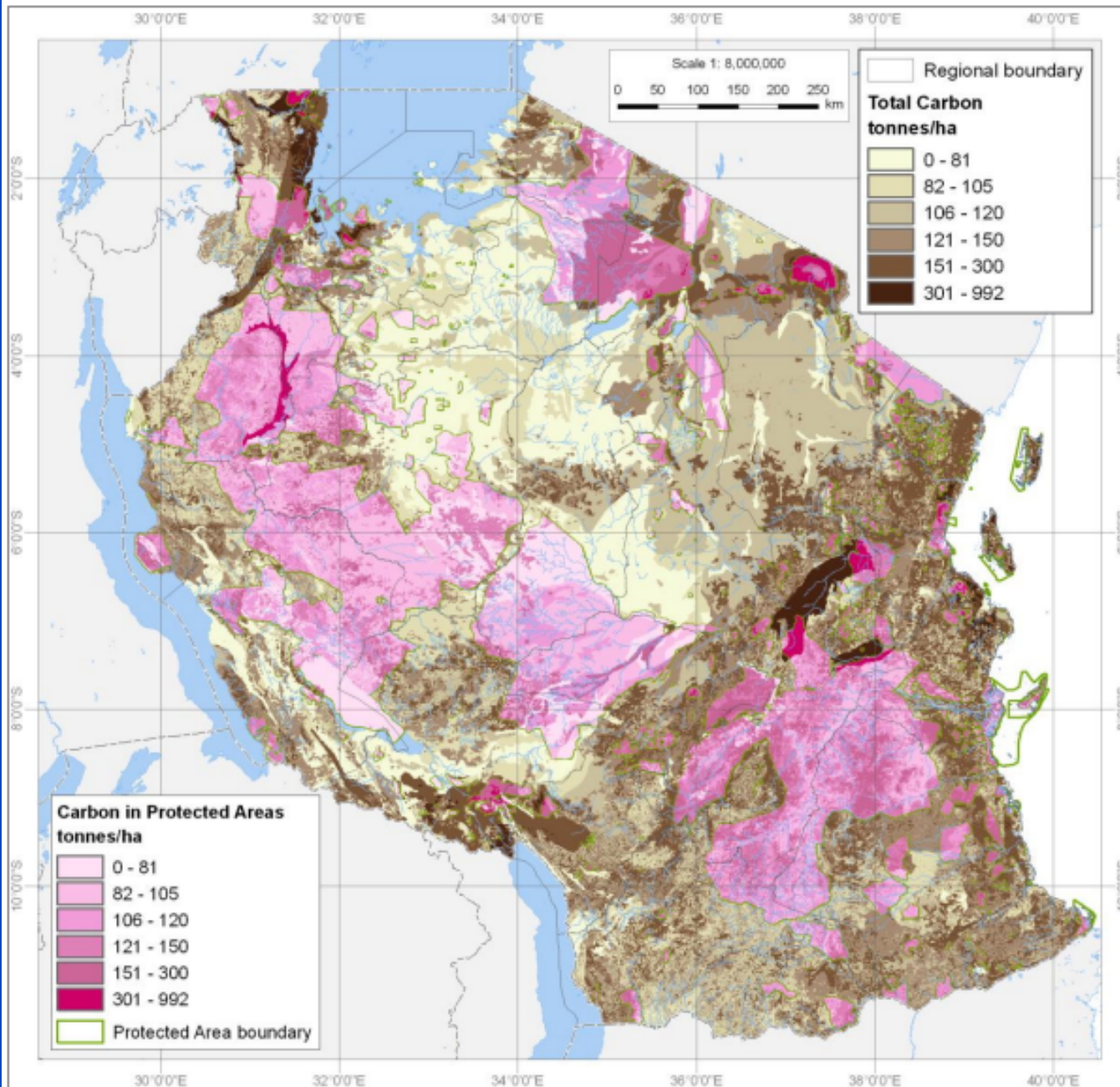
LTC Workshop

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CARBON MAP



Map 9: Protected areas (UNEP/IUCN 2009; Wildlife Division, Tanzania 2009) and carbon density

Growing Interest in Land

- Growing pop (8, 36, 116)
- New ag investments
- Conservation (10.8, 10.9, 39.6)
- REDD+ another landed economic opportunity
- Efforts to interpret, implement and reform laws to favor interests of state and powerful. Not new...

For example



Threats to Village Land

Recognition of Village Government

Recognition of Village Land

Definition of General Land

Transfer of Village Land

Grant of Commercial Harvest Rights

Also various legal reforms underway/discussion



Recognition of Village Land

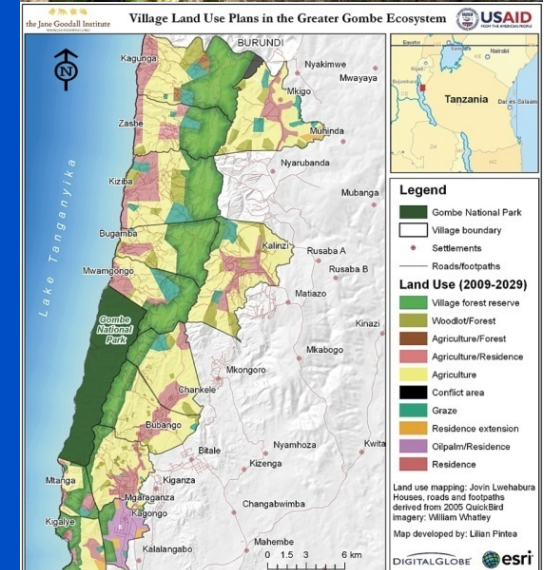
Village, Reserved & General Land

VL- land held under custom; need not be documented, demarcated, formally registered

VL not recognized unless surveyed, land-use plan or Certificate of Village Land

REDD Framework: “most of the villages are not yet registered and their lands may be categorized as General Lands”

That spells trouble..community forests healthier, more sustainably used, and better managed



Definition of General Land

Village Land Act

- VL-occupied, communal, set aside for future use.
- General Land “all public land which is not reserved land or village land” Residual category

Land Act

General Land-”all public land which is not reserved land or village land **and includes any unoccupied or unused village land**” (p25)

Ministry of Lands: 70% VL, 2% General Land

FBD: 54% of forests on General Land

Section	Title
THE VILLAGE LAND ACT, 1999 TABLE OF CONTENTS	
PART I PRELIMINARY PROVISIONS	
1.	Short title and commencement.
2.	Interpretation.
PART II APPLICATION OF FUNDAMENTAL PRINCIPLES OF THE NATIONAL LAND POLICY	
3.	Fundamental Principles of National Land Policy.



Section	Title
Arrangement of Sections	
PART I PRELIMINARY	
1.	Short title and commencement.
2.	Interpretation.
PART II FUNDAMENTAL PRINCIPLES OF LAND POLICY	
3.	Fundamental principles of National land policy
PART III CLASSIFICATION AND TENURE OF LAND	
4.	All land vested in the President as trustee.
5.	
6.	Categories of reserved land.
7.	Declaration of hazardous land.
PART IV ADMINISTRATION	
8.	Ministers responsibilities.
9.	Appointment of Commissioner for Lands.
10.	Functions of Commissioner.
11.	Appointment of officers.
12.	Land Allocation Committees.

Transfer of Village Land

Simple 3-step procedure-WOW!

Public interest purposes, includes
“investments of national
interest’

VA approves transfers <250 ha;
Minister of Lands approves
transfers >250 ha

Insufficient protections-land-use
plan, compensation terms

Investors prefer General Land



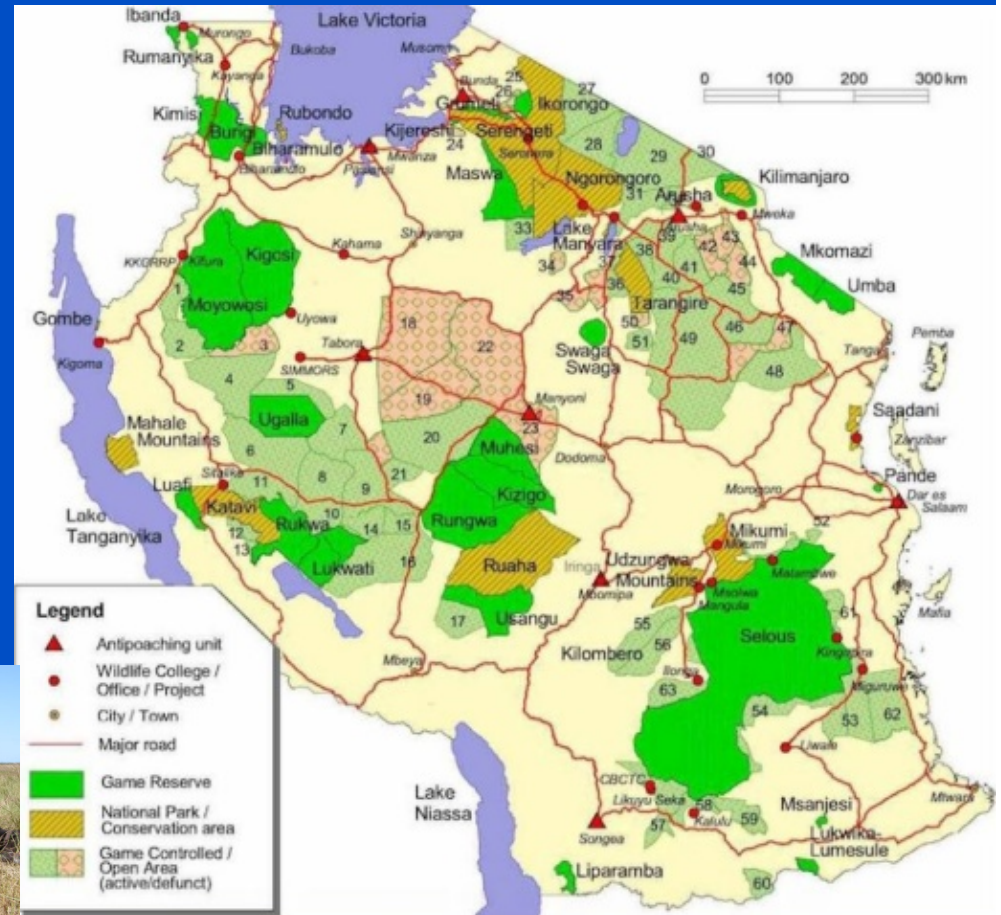
Transfer of Village Land to Reserved Land

Game Control Areas-10%, on VL

Wildlife Conservation Act-“no land falling under the village land is included in the game controlled areas.”

VL transfers to Reserved Land

WMA-option???



Grant of Commercial Harvest Rights

2006: 3.7M ha; 2011: >4M ha

Few community forests “declared” by District Council and granted commercial harvesting rights (<1%)-1st in 2009. No JFM

Complicated, expensive procedure, but many applications await District Council review and ratification

Govt approval/recognition problematic for REDD+ benefit-sharing



Next Steps

REDD+ infrastructure not developed; opportunities to address challenges

- Address legal ambiguities & contradictions; inconsistent application & implementation which create insecurity
- Recognize VL; formalization (Certificates of VL)???
- Village Land Act def. of General land supports decentralization, poverty reduction, forest mngt
- High transfer standards-genuine public interest purposes, VA approval, compensation first
- Community access markets, limit govt interference



An aerial photograph of a rural village. In the foreground, a person stands on a dirt path between several traditional huts with thick, curved walls and thatched roofs. The huts are surrounded by lush green crops, likely corn. The middle ground shows a cluster of similar huts scattered across a green field. In the background, there are rolling hills and mountains under a blue sky with scattered white clouds.

THANK YOU