Implementing the Ramsar Convention in Tanzania: Salient Features of Legislation and Policies for the Management and Conservation of Wetlands.

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Introduction

Wetlands are basically units of landscapes that occur in different kinds of locations and may have a presence of static or flowing water. They are known by different names throughout the world. They are in essence water-based ecosystems at the interface between aquatic and terrestrial habitats and support a wide variety of plant and animal life. Wetlands, therefore, comprise of places where water, soil and air, among other things, interact to produce wetland vegetation at a depth that usually does not exceed six meters.[1] They may comprise of areas of marsh, streams, lakes, rivers, swamps, flood plains, ponds, mangroves, deltas and estuaries and are important natural resources that support components of the hydrological cycle in breeding, rearing and feeding habitats for diverse species of fauna and flora.

Wetlands can serve as fish spawning areas and herbivore pastures and also as ground water discharge and recharge areas. They may also serve as mechanisms for flood control, shoreline stabilization, erosion control, storm protection, water-transport, recreation and tourism attraction. Many wetlands contain water or can soak up water. When it rains heavily, their sponge-like characteristic may help protect houses and farmland from serious flooding. Also, because wetlands retain water and release it slowly, the lands surrounding them may provide grazing for farm animals in times of drought. They also ensure that boreholes and wells do not dry up.

As most important ecological functions that support biological diversity processes only take place in wetlands, if these were altered without having due regard to the important

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[1] Article 1 of The 1971Convention on Wetlands of International Importance especially as Waterfowl Habitat, 996 U.N.T.S 224.

functions, the consequences would be damage to the ecological and bio-diversity systems that support human, plant and animal life.

It is estimated that wetland ecosystems account for about seven percent of the global land. They are considered as one of the most threatened of all environmental resources. Until recently, however, they were not considered as important areas. On the contrary, they were perceived by many people as places to be cleared and rid off nasty biting insects and insignificant smaller life forms or drained for agriculture.[2]

The negative perception attributed to wetlands is also found in Tanzania.[3] In other jurisdictions, and to some extent in Tanzania, the misconception on wetlands is changing slowly. Wetland units are now progressively being recognized as areas of crucial importance to sustain the various forms of lives they support and for the role they play in the ecosystem. In recognizing the important role of wetlands, the international community promulgated the Convention on Wetlands of International Importance Especially as Waterfowl Habitats in Ramsar, Iran (The Ramsar Convention) in 1971.[4] The Convention's mission is to ensure conservation and wise use of wetlands at both the national and international levels. It calls upon Contracting Party States to designate wetland sites for inclusion in the list of wetlands of international importance and to establish nature reserves in wetlands and promote their wise use.[5] The Convention also calls upon the Party States to integrate wetland restoration into their national nature conservation, land use and water management policies.[6]

There are over 100 Contracting Parties to the Convention and over 1000 wetlands around the world have been designated for inclusion in the Convention's list of wetlands of international importance. Most Contracting Parties to the Wetlands Convention have put in place appropriate laws and policies to ensure that wetland resources are not depleted.

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[2] Kakauona, (Dar-es-Salaam) Vol. 21 April -June, 2001, p.19
[3] See sections 7.6.0, 7.6.1, 7.7.0, 7.7.1, 7.9.0 and 7.9.1 of the National Land Policy, 1995
[4] *Op.cit* see footnote number 1
[5] See Articles 2(i) and 3 (i)

This paper analysis the extent to which Tanzania has adhered to this call by making an analysis of the legislation and policies that seek to safeguard wetlands. It then provides recommendations on how to use law and policies effectively in order to conserve and manage Tanzania's wetland resources.

An Overview of Tanzania's Wetlands

Tanzania's wetland area covers about 10% of the total land area. These consist mainly of inland flood plains and rivers such as the Kilombero, Lower Rufiji, Usangu, Pangani, Wami and Ruvuma floodplains. Coastal and marine areas also form part of Tanzania's wetlands. These include mangroves, estuary swamps, coral reefs, seaweed and grass. The country's artificial wetlands comprise mainly of manmade lakes and ponds. Examples include Mtera, Nyumba ya Mungu, Pangani, Hombolo and Kidatu. The inland wetland systems include the Rift valley lakes comprising of Lakes – Natron, Eyasi, Nyasa, Rukwa, Victoria, Tanganyika and Balangida

Tanzania's marine and coastal wetlands are threatened by destructive human activities, with the common ones being industrial and domestic pollution, over-exploitation of marine resources such as mangroves, shrimps and lobsters. This has led to the destruction of coral reefs that are essential habitats to a variety of species.

Efforts to conserve marine and coastal wetlands have been initiated by the government in the Rufiji Delta where integrated mangrove conservation programs have been developed with the setting up of an area comprising of mangroves as a forest reserve. In Tanga, seven islands have been declared as marine reserves under the Fisheries Act.[7] Some areas in the region have also been developed under the integrated coastal zone management plan to involve local communities in conservation of fisheries resources.

Some of the country's wetlands have been demarcated as areas to be accorded protection under the wildlife conservation and management legislation. For example, the Pangani

[6] Article 5
[7] Act No. 6 of 1976, Laws of Tanzania

floodplain is recognized as a Game Controlled Area while the Lower Rufiji, Usangu, Kilombero and Ruvu floodplains are designated as Game Controlled Areas under the Wildlife Conservation Act.[8] The National Parks Ordinance,[9] on the other hand, recognizes the Tarangire and Lake Manyara as parts of a National Park.

Taking cognizance of the abundance of its unique wetland sites and the dangers that may befall them in the absence of strategies to effectively conserve and protect them, the government of Tanzania ratified the Ramsar Convention in August 2000. Efforts to reflect some of the Convention's principles, however, had commenced earlier.

Informal and uncoordinated efforts by the government directed at protecting wetlands had commenced with the initiation of the National Wetland Conservation Management Programme by the National Environmental Management Council (NEMC) in collaboration with the IUCN and WWF in 1991. An attempt to create a National Wetlands Technical Committee (NAWETCO) was made in 1992. .[10] NAWETCO was to comprise of a number of institutions from the government, international and local non-governmental organizations, institutions of higher learning and natural resources conservation and management research centers.

One of the primary functions of the NAWETCO was to make recommendations to a National Wetlands Steering Committee (NAWESCO). As envisaged, the NAWESCO was to comprise of Permanent Secretaries of key Ministries whose activities have an impact on the conservation and wise use of wetlands

Some efforts aimed at developing a National Wetland Policy by the government had also been made in 1996 with the Division of the Environment within the Vice-President's office being actively involved. The process is still at a rudimentary stage. An Informal Wetlands Working Group (IWWG) that comprises of stakeholders drawn from various

[8] Act No. 12 of 1974, Laws of Tanzania
[9] Chapter 412, Laws of Tanganyika

key sectors in the governmental and non-governmental institutions has also been established. The group meets periodically to deliberate wetland-related issues and chart out strategies aimed at ameliorating the conservation and wise use of wetland resources.

Implementing International Obligations

Tanzania has made some efforts to implement the obligations of the Ramsar Convention and the resolutions passed by Contracting Party States to the Convention. The government has designated two wetland sites on the Convention's list of wetlands of international importance. The Malagarasi –Muyovozi swamp in western Tanzania was designated in 2000 as Tanzania's first wetland and placed on the list of wetlands of international importance. Lake Natron, an alkaline lake in the northern part of the country containing the largest number of breeding lesser flamingoes anywhere in the world, followed suit by being designated as the second wetlands site in 2001. The Kilombero valley is in the pipeline of being designated as the third site in Tanzania.

One of the Resolutions adopted by the Conference of Parties to the Ramsar Convention calls for the promulgation of a policy to provide direction on the government's stated objectives, focus and action plans on the general management of wetlands.[11] It necessarily follows that the enactment of legislation to govern wetlands management is also implied in the resolutions because law is the government's main tool of implementing policy directives.

Tanzania does not have comprehensive policy or legislation on the management, conservation and wise use of its wetlands. However, we should hasten to point out here that this assertion should not be construed to imply that there is a vacuum in the laws and policies in respect to issues that have a bearing on wetlands. Indeed, there are numerous provisions in natural resources management legislation and policies that address

[10] According to sources from NEMC, NAWETCO and NAWESCO were formed, but are still at an embryonic stage. This was, however, contradicted by other sources who maintained that the creation of these organs did not materialize.

important matters that are related to the conservation and management of wetlands. However, these are segmented and uncoordinated. As already pointed out above, some wetland sites are recognized by the provisions of the Fisheries Act[12], the Wildlife Conservation Act[13] and the National Parks Ordinance[14].

It would suffice at this juncture to undertake an in-depth analysis of the extent to which Tanzania's law and policy frameworks on natural resources generally, land use, and water management reflect the obligations placed onto contracting party states by the Ramsar Convention.

This analysis would provide a more solid basis for assessing the extent to which Tanzania's legislative and policy making framework addresses the management and use of wetlands and the abundant and diverse resources that these units support. The analysis would simplify the task in the struggle to identify the major strengths and/ or weakness in the rather sketchy and sectoral wetland management and conservation regime of Tanzania with a view to devising strategies to improving the same.

Policies often, and in most cases have to provide a framework for the enactment of legislation. It follows therefore, that where natural resources management policies provide for a thorough framework for the management and conservation of wetlands, then the implementing legislation is bound to follow suit. Whether or not this symbiotic relationship is reflected in the natural resources management legislation and policies (which incorporate management of wetlands) of Tanzania is the issue at stake. In order to address this issue, a review of both the legislation and policies is necessary.

A Review of Wetland-Related Policies

The National Environmental Policy[15]

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[11] See Resolution VII.17, adopted by the Conference of Contracting Parties in San Jose, Costa Rica in 1999. Ramsar COP P.7 DOC 17.3
[12] *Op.cit*
[13] *Op.cit*
[14] *Op.cit*
[15] United Republic of Tanzania, Vice-President's Office, Dar-es-Salaam, December 1997

The National Environmental Policy was promulgated by the Vice-President's Office in December 1997. It provides for the main foundation for directing overall sectoral and cross- sectoral environmental management and conservation activities in government departments.

The Policy observes that Tanzania is a signatory to a number of international environmental legal instruments.[16] This inevitably includes the Ramsar Convention as is reflected in chapter two which provides for the state of environment by noting that some of the areas identified in a national analysis have implications for the conservation and wise use of wetlands. The identified areas are land degradation, lack of accessible quality water, environmental pollution, loss of wildlife habitats and biodiversity, deforestation and deterioration of aquatic resources. The Policy objectives that have a bearing on wetlands management and conservation are the prevention and controlling degradation of land, water, vegetation and air and conserving and enhancing the natural biodiversity of the ecosystem.[17]

The Policy makes specific reference to wetlands in its stated objectives. One of the Policy's strategies is to ensure that the country's environmental resources are managed well by ensuring, among other things, that there is improved management and conservation of wetlands.[18]

The Wildlife Policy[19]

This Policy came into effect in 1999 having been spearheaded by the Wildlife Division in the Ministry of Natural Resources and Tourism. It focuses primarily on the conservation of wildlife and the resources that support wildlife, including those found in wetlands. One of the Policy's stated objectives is to *"enhance the conservation of biodiversity by administering wetlands"*[20]

[16] See Chapter 1 section 7
[17] See section 18 of the Policy.
[18] See sections 31, 48 (b), 49, 50 and 58 of the Policy.
[19] United Republic of Tanzania, Ministry of Tourism and Natural Resources, Dar-es-Salaam, March 1998

The Policy adopts the comprehensive definition of wetlands provided by the Ramsar. The definition states that wetlands are areas of *"marsh, fen, peat land or water whether natural or artificial, permanent or temporary with water that is static or flowing, fresh, brackish or salty, including areas of marine water, the depth of which at low tide does not exceed six meters…"* The definition also includes *"riparian or coastal zones adjacent to wetlands and islands or bodies or marine waters deeper than six meters at low tide lying within the wetlands."*

The objectives that the Policy sets out in conserving and managing biodiversity also have a great bearing on the conservation and management of wetlands. The objectives seek to achieve, among other things, the preservation of aquatic habitats and their environment and the conservation of water catchments and soil resources.[21] The Policy sets out two major strategies that have a bearing to wetlands in order to achieve its objectives. The first is to identify, create and upgrade a series of protected area networks and important wetlands in order to safeguard the country's biological diversity. The second strategy is to incorporate important wetlands into the wildlife protected area network.[22] The general implementation framework provided for in the Policy includes the management and development of important wetlands and the promulgation of a supportive legislative framework.[23]

The National Fisheries Sector Policy and Strategy Statement[24]

The fisheries policy was formulated in December 1997 by the Fisheries Department in the Ministry of Natural Resources and Tourism. This Policy observes that fisheries resources, a major component of wetlands, have been increasingly altered and destroyed.

[20] See section 3.2.1
[21] See section 3.3.3
[22] See section 3.3.1 (ii) and (v)
[23] See section 3.4 (i)
[24] United Republic of Tanzania, Ministry of Natural Resources and Tourism, Dar-es-Salaam, December 1997

The Policy notes that one of the main areas of concern for the fisheries sector is the integration of coastal area management and improved knowledge of the fisheries resource base.[25] This concern has a great significance to any process that seeks to ensure wise use and management of wetlands, especially in view of the broad and all encompassing definition of the term "wetlands" provided for in the wildlife policy.

The lack of recognition of the long-term value and contribution of fisheries resources to the economy is one of the constraints noted in the Fisheries Policy. This gap has had a bearing on wetland management.[26]

It is also worth noting that the Policy's goals also have a bearing to a concern for the wise use, conservation and management of wetlands. Among other things, the Policy seeks to promote the conservation, development and sustainable management of fisheries resources for the benefit of present and future generations. It also focuses on protecting the productivity and biological diversity of coastal and aquatic ecosystems through prevention of habitat destruction, pollution and over-exploitation. The Policy's other focus is on the promotion of sound utilization of the ecological capacity of water based areas as a means of generating income and diet. The pursuit of continuing fisheries integrated program of effective management of coastal zones to meet the ecological and social economic needs of the present and future generations is also emphasized by the Policy.[27]

The strategies that this Policy sets out in order to achieve the goals also reflect a major concern for the management and conservation of wetlands. The strategies include developing Environmental Impact Assessment (EIA) guidelines to ensure EIA's are carried out and taken into consideration in all projects of the fisheries sector. Another strategy relates to the protection of vulnerable species, habitats and areas of special ecological significance through accordance of special legal status to such areas for example, Marine Parks and Reserves and closed breeding areas. Another strategy that has

[25] See sections 3.3.12 and 3.3.2, respectively.
[26] See section 2.2
[27] Section 3

a bearing on wetlands conservation is discouraging mining of live coral to minimize destruction of coral reef ecosystems in order to protect the coastal area environment. The Policy also seeks to discourage the introduction or translocation of exotic species between water systems unless scientific evidence guarantees safety of the genetic integrity of the ecosystem.

The National Land Policy[28]

The Ministry of Lands, Housing and Urban Development came up with the National Land Policy in June 1995. This policy takes note of the importance of wetlands and its objectives on environmental concerns have a bearing to their management.[29]

At a general level, the policy seeks to promote and ensure a secure land tenure system to facilitate social and economic development without upsetting or endangering the ecological balance of the environment. It also aims at ensuring that sensitive areas, such as forests, river basins, areas of biodiversity and national parks are not allocated to individuals to conduct development activities.[30]

At a more specific level, this Policy document observes that wetlands have been often considered as wastelands and thought of as not being useful for social and economic development. The Policy therefore seeks to reverse this negative perception by making sure that wetlands are properly studied.[31]

Another way in which the Land Policy reflects issues of wetlands is shown in its treatment of developments along coastlines. In respect to these, the Policy seeks to regulate them in order to prevent coastal erosion. It also envisages the preparation of coastal zone integrated development and management programs for conservation of land and aquatic environmental resources.[32]

[28] United Republic of Tanzania, Ministry of Lands, Housing and Urban Development, Dar-es-Salaam, June 1995
[29] See sections 7.6.0, 7.6.1, 7.7.0, 7.9.0 and 7.9.1
[30] See section 4.2.9 of the Policy
[31] See sections 7.6.0 and 7.6.1
[32] See section 7.7.0

The Policy also delves onto the conservation and protection of fisheries and hazardous lands. Hazardous lands contemplated here include river valleys, mangrove swamps and marshlands that are being intensively developed without taking into account the environmental damage done on them and on the resources they support.[33]

The Agriculture and Livestock Policy[34]

The Ministry of Agriculture and Cooperatives promulgated the Agriculture and Livestock Policy in January 1997. The Policy's projections on the development of the agriculture and livestock sectors also have traces of a concern for the management and wise use of wetlands.

The Policy takes note of the fact that environmental issues cut across different sectors and calls for a coordinated approach to the conservation of environmental resources as they ultimately have a bearing on the development of the agriculture and livestock sectors. The Policy points out that agriculture depends on natural resources such as land, water, forests and air. It notes further that the irrational use of these resources would negatively affect the agriculture and livestock sectors.[35]

In order to avoid conflicts that may have environmental consequences for these sectors, the Policy advocates for the need to have natural resources policies that reflect the National Environmental Policy that lays a general framework for a cross-sectoral approach in the protection and conservation of environmental resources.[36] This perception is important since the strategy advocated for would ensure a coordinated approach in the management and conservation of wetlands across all relevant sectors/departments

[33] See section 7.9.0
[34] United Republic of Tanzania, Ministry of Agriculture and Cooperatives, Dar-es-Salaam, January 1997
[35] See sections 2.4.2 and 3.3.2 of the Policy
[36] *Ibid.*,

Noting that there has been a continued exploitation of the agriculture potential of wetlands due to large-scale irrigation, the Policy places emphasis on protecting sensitive areas such as water-catchment areas, river basins and banks.[37]

The Sustainable Industrial Development Policy[38]

The Ministry of Industries and Trade sanctioned this Policy in October 1996 to set the basis for the national industrial policy. This Policy replaces the Basic Industrial Strategy that expired in 1995. The new Policy articulates the framework for the country's industrial development process within short, medium and long-term perspectives within a time frame of 25 years.

Like the natural resources management policies, the National Industrial Policy also contains sections that, when broadly construed, have a bearing on wetlands management. For example, the Policy calls for the enforcement of EIAs for all projects and the continuous application of an integrated preventive environmental strategy to industrial processes, products and services. The aim of this strategy is to propagate efficiency in the use of raw materials and energy, as well as in reducing emissions and wastes from industrial plants.[39]

The Mineral Policy of Tanzania[40]

The Mineral Policy stems from the Ministry of Energy and Minerals recognition of the great potential that the mineral sector holds in contributing towards national economy and development. The Policy sets out the government's mission and vision for 25 years (commencing in 1997).

The Policy sets out a guide to direct mineral development and exploitation. This guide has a significant bearing to the management of wetlands because there are plenty of minerals and mineral resources found in wetlands. Most of these are embedded in

[37] Section 4.2.10
[38] United Republic of Tanzania, Ministry of Industries and Trade, Dar-es-Salaam, October 1996
[39] See section 3.5.3 of the Policy
[40] United Republic of Tanzania, Ministry of Energy and Minerals, Dar-es-Salaam October 1997

minerals found in different rock formations along the coastal belts, beaches, floodplains and Rift Valley lakes.[41]

The Policy provides that the government's vision and mission is to make a basis for a strong, vibrant, well organized private sector led and conducted in a safe and sound environmental manner. The government's role will accordingly be to focus on establishing environmental health and safety guidelines and ensuring compliance.[42]

A reflection on wetlands management within the framework of the Mineral Policy is also contained in the Policy's objectives and strategies.[43] In reflecting this, the Policy seeks to minimize and eliminate the adverse social and environmental impacts of mining development.[44] The strategies it puts forth in doing this include ensuring environmental protection and land reclamation in the legal and regulatory framework and facilitating the availability of simple, modern and environmentally sensitive technologies in the form of tools, equipment, machinery and materials.[45]

In providing a mechanism for environmental and social sustainability (which have a bearing to wetlands management) in the mining sector, the Policy seeks to ensure that these components become part and parcel of the mineral development programs. The Policy further notes that mineral development requires balancing the protection of flora and fauna and the natural environment with the need for social and economic development.[46]

The Policy observes that in the past environmental management regulations in the mining sector were weak and hindered by insufficient operational funds and inadequate expertise and that this contributed greatly to severe environmental damage. In order to address this

[41] See pages 5 and 6 of the Policy
[42] See pages vii and 1 of the Policy
[43] See section 3.3.3
[44] See section 3.2 (iv)
[45] See sections 3.3.3 (vii) and 3.3.7 (ii)
[46] See section 3.3.12.1

shortfall, the Policy calls for the government to embark on initiatives to reduce or eliminate the adverse environmental effect of mining.[47]

The Policy concedes that mining activities often cause land degradation and water contamination. This would certainly have ramifications in the management of wetlands. To avert this, the Policy emphasizes the need to draw up comprehensive environmental management programs and establish effective regulations, which will entail putting in place processes for monitoring compliance.

The Forestry Policy[48]

Promulgated in March 1998 by the Forestry Division in the Ministry of Natural Resources and Tourism, the Forestry Policy sets out the general guidelines for managing forestry resources and these inevitably include those found in wetlands. In this respect, this Policy has a bearing to the management of wetlands.

Like other policies whose provisions focus on aspects of wetlands management, the Forestry Policy calls for the taking into account directives of the National Environmental Policy in the management of forests and the consideration of environmental tools in their management.

For example, the Policy also lays emphasis on cross-sectoral coordination among government departments whose activities relate to forest resources and the enforcement and application of environmental tools (EIAs) in the conservation and management of forests.[49]

Noting that the legislation relating to forests is outdated and does not reflect recent developments, the Policy makes a case for its reform to reflect its objectives and

[47] See section 3.3.12
[48] United Republic of Tanzania, Ministry of Natural Resources and Tourism, Fisheries Division, Dar-es--Salaam, March 1998
[49] See section 4.2.2

strategies, which include the taking into account issues relating to the management and wise use of wetlands.[50]

An Overview of Wetland–Related Legislation

The Land Act, 1999[51]

This Act provides for the basic law relating to all land in Tanzania other than village land. As observed earlier, wetlands are part of land, and occur on land. An exploration of the provisions of the law governing land is therefore vital in an effort to have a thorough understanding of the treatment accorded to wetlands, their use and management by legislation governing general land use.

The Land Act vest all land in the President as trustee and creates three categories of land. These are general lands, village lands and reserved lands.

The Land Act further vests in the President the power to transfer land from one of the above categories to another. For example, the President may transfer general or reserve land into village land.[52]

Section 6 of the Act elaborates what reserved lands mean and it is in this definition, among other provisions of the Act, where a concern for wetlands may be located. Accordingly, these are those lands that are declared to be reserved under the provisions of the Forestry Act[53], the National Parks Ordinance[54], , the Ngorongoro Conservation Ordinance,[55] the Wildlife Conservation Act[56] and the Marine Parks and Reserves Act.[57]

[50] See section 4.2.2
[51] No. 4 of 1999, Laws of Tanzania
[52] See sections 5 and 6 (2) of the Act
[53] No. 14 of 2002
[54] Chapter 412, Laws of Tanganyika
[55] Chapter 413, Laws of Tanganyika
[56] *Op.cit*
[57] No. 29 of 1994, Laws of Tanzania

Others include the Town and Country Planning Ordinance,[58] the Highways Ordinance,[59] the Public Recreation Grounds Ordinance,[60] and the Land Acquisition Act.[61]

As noted earlier, some wetlands have already been provided with a conservation and management status by the provisions of some of the laws above. The Land Act does not explicitly direct that wetlands be recognized as reserve lands. However, the Act's recognition of these other pieces of legislation (that have a bearing on the conservation and management of wetland sites) indicates that it takes cognizance of the crucial role of wetlands.

Other categories of reserve land contemplated by the provisions of the Land Act include *"land parcel (s) within a natural drainage system from which the water resource of the concerned drainage basin originates"* and land declared by the Minister responsible for lands under the provisions of the Act to be hazardous land.[62] The first of these categories implies a more direct recognition of wetlands with the reference to *"natural drainage systems (lands) with water"* – one of the main features of wetlands.

The second category is that which addresses those lands that are declared to be hazardous by the Minister responsible for lands. This provides a comparatively more direct reference, indeed a specific reference to wetlands. This assertion is supported by the definition accorded to hazardous lands by the Act.

The Act defines hazardous lands as those lands where development therein *'is likely to pose a danger to life or lead to the degradation of, or environmental destruction on that or contiguous land.* It includes, *but is not limited to* *Mangroves swamps and coral reefs; Wetland and offshore islands, land designated or used for dumping of hazardous waste and land within 60 meters of river bank, shoreline of inland lake, beach or coast.* Also included in this category are lands on slopes *'with a gradient exceeding any angle which*

[58] Chapter 378, Laws o Tanganyika
[59] Chapter 167, Laws of Tanganyika
[60] Chapter 30, Laws of Tanganyika
[61] No. 47 of 1967

the Minister shall, after taking account of proper scientific advice specify; and land specified by an appropriate authority as land which should not be developed on account of its fragile nature or of its environmental significance." (Emphasis underlined)

The above provision lucidly illustrates that the Land Act recognizes wetlands as a vital component of the land system. Wetlands could, therefore, be conserved and their management or use monitored under the provisions of the Land Act. This could be done by the Minister responsible for lands declaring wetlands a category of hazardous land or where there are persons who occupy the lands under a right of occupancy, recommend to the President to compulsorily acquire such lands under the provisions of the Land Acquisition Act, 1967.[63] Upon such acquisition, then plans and strategies for the conservation and management of such lands could be devised.

The Village Land Act, 1999[64]

This law provides for the management and control of village land. The most relevant provision of this piece of legislation that has a bearing on wetlands management and use is section 6, which is a replica of section 6 of the Land Act – dealing with hazardous land.

The Wildlife Conservation Act, 1974[65]

The preamble to this law provides that it was enacted to make provision for the conservation, development and control of fauna and flora and related products. The definition of "animal" provided for in this law covers wildlife and the habitat necessary for their survival in the broad sense.[66] This may be construed to imply that even those wildlife resources found in wetland habitats are included. This holistic approach of applying the coverage of this Act to include wetland resources is further supported by the fact that some wetlands sites have been accorded a protective status by the Act.

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[62] Section 6(1) (b) and (d)
[63] See sections 7 (4) and (8) of the Land Act.
[64] Act No. 7 of 1999
[65] Act No. 12 of 1974
[66] Section 2

It should be pointed out, however, that the provisions of this law places comparatively less emphasis on the conservation and management of wildlife habitats. Its provisions focus mainly on the protection of wild animals. With this inherent bias, this Act falls short of according wetlands (which have plenty of habitat) the conservation and management status they deserve.

The Fisheries Act, 1970[67]

This legislation makes provision for the protection, conservation, development and control of most types of resources that are found in wetlands- fish and other aquatic flora and faunal resources. The definition of aquatic flora provided for by this law includes *"...plants and other members of the aquatic vegetable kingdom and includes coral, weeds and sponges."*[68]

Under the provisions of this Act, the Minster responsible for fishing activities may impose restrictions to regulate and control fishing and declare any area or waters to be controlled areas in relation to all fish produce and aquatic flora. Where an area is declared to be a controlled area, any person who, without the written permission of the Chief Fisheries Officer, engages in or does any fishing in such area or water would be violating the law and would be liable to fine or imprisonment or both fine and imprisonment. [69]

The Act is focused at protecting some of the main resources found in wetland ecosystems. It regulates fishing activities and the collecting, gathering and or manufacturing of aquatic flora. The Act does not specifically make reference to wetlands. Indeed there is no mention of the word "wetlands" in the Act. However, since the resources that it seeks to conserve, protect, control, manage and regulate are found in wetlands, then for all intents and purposes, this Act has a bearing on the conservation, use and protection of wetlands.

[67] Act No. 6 of 1970
[68] Section 2
[69] See sections 5 and 6 of the Act

Regulations made under the Fisheries Act are comprehensive and relate to wetlands conservation and management. Among other things, they prohibit the pollution of water in areas where fish and other wetland resources are located. They prohibit the pollution of any solid, liquid or gaseous matter in any lake, river, dam, estuary or seawater.[70]

The Marine Parks and Reserves Act, 1994[71]

Although this Act does not categorically refer to wetlands, its definition of "aquatic flora" implies that it takes into account the wetlands component. The term is defined to include plants, seaweeds, waterweeds and other aquatic vegetable kingdom and includes mangroves.[72]

A conscientious analysis of some of the provisions of this Act reveals that some form of wetlands and resources found therein may be protected by being categorized as conservation areas under the provision empowering the Minister responsible for fisheries to establish Marine Parks and Reserves. For example, under this provision, the Minister may declare any area within territorial waters or exclusive economic zone or any island or coastal area to be Marine Reserve where the preservation or management of the area is necessary to protect access or public viewing of the area or if the area is of scientific, historical or other importance.[73]

Some of the purposes for which a Marine Reserve or Park may be designated under the provisions of the Marine Parks and Reserves Act also reflect a consideration of wetland sites. Section 10 of the Act, for example, which provides for some of the purposes for which a Marine Park or Reserve may be designated, categorically mentions the protection, conservation and restoration of species and genetic diversity of living marine resources and ecosystem processes of marine and coastal areas.

[70] See regulation 27 of the Fisheries Regulations, GN 317/1989
[71] Act No. 29 of 1994
[72] See section 2
[73] *Ibid.*, See section 8

Some of the activities that are restricted under the provisions of this Act also have a bearing to the preservation of wetland sites. The Act seeks to regulate, control and, in certain cases, prohibit certain activities related to the collection or removal of aquatic flora and vegetation or sand that are also present in wetland sites that may be located in Marine Parks or Reserves. The Minister is also empowered to prohibit, restrict or control the grading of any lands and the introduction of fish, animals or vegetation into such Parks or Reserves and the carrying on of commercial activities in or around them.[74]

Taking cognizance of the cross-cutting issues and the wide range of the diversity of resources that could be found in natural areas other than Marine Parks or Reserves, the Act makes cross reference to other natural resources conservation and management legislation that have a bearing on wetlands. The Act makes specific mention of the Fisheries Act (and Regulations made there under), the Wildlife Conservation Act, the National Parks Ordiance and the Land Acquisition Act. [75]

The National Environmental Management Act, 1983[76]

This legislation establishes an authority to oversee the general management of Tanzania's environmental resources and provides for its duties and functions. This is the National Environmental Management Council (NEMC). The definition accorded to the term "environment" in this Act also indicates the importance it accords to the conservation and management of wetlands. The definition states that the phrase environment includes the land, water and atmosphere of the earth. All these form a crucial part of wetlands.[77]

One of the functions that the NEMC has been charged with under this Act is the evaluation of existing and proposed policies directed at conserving environmental

[74] See sections 23 and 24
[75] See sections 41(1) and 43
[76] Act No. 19 of 1983
[77] See section 2

resources, formulating proposals for legislation in various areas of environmental issues and recommending strategies for their application.[78]

The NEMC has spearheaded a number of initiatives to protect wetlands. It has coordinated and commissioned a number of studies and research for monitoring wetlands and worked with national institutions for National Wetlands Programs in neighboring Kenya and Uganda.

The Water Utilization (Control and Regulation) Act, 1974[79]

This legislation also contains provisions that have a bearing to the management and conservation of wetlands. Section 8 of this law vests all water in Tanzania in the United Republic. The provisions of this Act take into account that wetlands are exceptionally vulnerable to changes in their water supply that result from, among other things, certain uses of surrounding land or upstream water sources. Accordingly, the Act controls the use of this important resource by providing that all grants of water rights, that is, the right to use water from any source, shall be made by the water officer in accordance with the provisions of this and other relevant laws.[80] The Act makes it an offence for any person to divert, abstract, dam, store or use water from any source except in accordance with the procedure stipulated by its provisions.[81]

Like the comparable provisions of the Marine Parks and Reserves Act, the provisions of this law also make cross-reference to other legislation that relate to wetlands. Section 13, for example, provides that the provisions of the Forests Ordinance shall have to be taken into account in the grant of water rights for forestry purposes.

The conditions implied in the use of certain water rights also have a direct bearing to the conservation and wise use of wetlands. Section 17 of the Act provides for conditions for the use of water for forestry and industrial purposes or for generating power. It provides

[78] See section 4 (a) -(l)
[79] Act No. 42 of 1974
[80] See section 15.
[81] See section 14 of the Act.

that water used for these purposes *'Shall be returned to the body of water from which it was taken;… be substantially undiminished in quantity; and .. not be polluted …to such extent as to cause injury either directly or indirectly to public health, livestock or fish…"*

The Act sets out conditions for the abstraction of water from any source (including wetlands) for mining activities. Section 12 of the Act provides that any person who has lawful access to abstract water from any source for prospecting purposes is duty bound to ensure that the same is returned from the source from which it was extracted.

The offences provisions of this Act also show a concern for the conservation and management of wetlands. Part VIII, for example, provides that *"Any person who pollutes water in any water course or in any body of surface water (wetlands) shall be guilty of an offence."*

The Local Government (District Authorities) Act, 1982[82]

This legislation basically provides for the duties, functions and special guidelines to Local District Authorities to enable them effectively perform their administrative tasks. In executing their duties, these Authorities have been vested with the powers to make, among other things, by-laws.[83] Some of the bylaws that may be promulgated under this legislation by Local District Authorities have a general bearing to the management of environmental resources, which, by implication, includes wetlands.

For example, section 118 of this Act, which stipulates the general functions and duties vested in the Authorities, provides for some of the powers that may be exercised in managing wetlands. This can be inferred from the powers to take all necessary measures for the prevention of soil erosion and the protection of crops; regulate the use of agricultural land, establish, preserve and maintain and improve the use of forests and

[82] Act No. 7 of 1982 (as amended by Acts No. 8 of 1992 and No. 9 of 2000)
[83] See sections 111 and 118

forest produce. Further powers may be inferred from the powers to prohibit, regulate and control the hunting of any animal.

The first schedule to the Act expounds upon the powers provided for in section 118 and makes specific reference to wetlands. Accordingly, the Local Authorities may declare any area of land to be reserved for purposes of natural regeneration, prevent pollution of water and any river, stream or water way or other water supply and regulate or control the use of swamps or marshland[84] (emphasis underlined)

The second schedule to the Act also has some significance to the control, regulation and wise use of wetlands and resources found in them. This schedule provides for functions of Township Authorities. It provides that these authorities may require any person or body to take measures to conserve natural resources and establish and maintain ponds.[85]

The Local Government (Urban Authorities) Act, 1982[86]

This legislation establishes Urban Authorities and provides for their functions and duties. Like the Local Government (District Authorities) Act, this Act also empowers these Authorities to make by laws to control and regulate, among other things, natural resources conservation and management activities.[87] As pointed out earlier wetlands are part and parcel of natural resources. In this respect, therefore, the power of Urban Authorities to make by laws also incorporates the power to manage and control the use of wetlands.

Accordingly, in exercising the power vested to them, the Act specifically provides that Urban Authorities may declare any area to be reserved land and control the use of swamps and marshland.[88]

[84] See sections 5, 91 and 95 of the 1st Schedule
[85] See generally section 139 of the Act and sections 6 and 9 of the 2nd Schedule
[86] Act No. 8 of 1982 (as amended)
[87] See section 55 (2) and the schedule to the Act
[88] See section 55 and the Schedule to the Act providing for functions which urban authorities may perform.

Urban Authorities may also regulate and control the use of wetlands by invoking the provisions empowering them to acquire any land.[89]

The Rufiji Basin Development Authority Act, 1975[90]

This law was promulgated with the sole purpose of managing, regulating and controlling an important land piece harboring a wetland and a variety of resources it contains. The legislation seeks to control and regulate the use the area of land through or along which the Rufiji River flows. It establishes an Authority (The Rufiji Basin Development Authority) and provides for its functions and duties.[91]

Among the functions that the Authority is charged with is the controlling and regulating of industrial, forestry, fishing and hunting activities, as well as the use of water, land and related resources found in the Rufiji floodplains.[92] The Act vests unlimited power onto the Authority to drain (divert water) from the area for purposes of generating electricity.[93]This unlimited power, however well intended, does not augur well for wetlands management, as there is no mechanism to check potentiality for abuse of the power by the Authority, which may have adverse long-term negative impact on the floodplains.

The Authority is also vested with powers to make bylaws, with the consent of the Minister responsible for water, to, *inter alia*, regulate the use of water from rivers, dams, and other water bodies within the area.[94] The Authority is therefore vested with sufficient power to control the use of wetlands under this Act, albeit the provisions do not specifically mention wetlands.

[89] Section 60 of the Act empowers them to recommend to the President to enforce the provisions of the Land Acquisition Act of 1967
[90] Act No. 5 of 1975
[91] See section 6
[92] *Ibid.*
[93] See section 8
[94] See section 23

The Ngorongoro Conservation Area Ordinance[95]

This piece of legislation is one of the laws that depict elements of colonial legacy in the general management of wildlife resources and contains traces of wetland conservation and management. It makes provision for the conservation and management of natural resources in the Ngorongoro Crater Highland areas.[96] Since there exists wetlands in the Ngorongoro, then the call for the conservation of natural resources in this area, also includes the wise use and management of wetlands – a component of the Crater's unique resources.

The Game Parks (Miscellaneous) Amendments Act, 1975[97]

This legislation, as the name suggests, came into force to amend the main legislation governing wildlife. Accordingly, it focuses on the Ngorongoro Conservation Area Ordinance, the National Parks Ordinance and the Wildlife Conservation Act. The Act amends the provisions of the Ngorongoro Conservation Ordinance that relate to the basic functions of the Ngorongoro Area Conservation Authority.

Without specifically making reference to wetlands, section 5A expands the Authority's functions in a manner that would facilitate the wise use and management of wetlands in the area. The section now specifically states that among the Authority's function, is the duty to ensure the conservation of natural resources of the conservation area and the promotion, regulation and development of forests in the area.

Further, the amendment gives power to the Authority to regulate, restrict or control the use of lands in the area for any purposes. This of course includes the conservation and wise use of wetlands. The Authority may also prohibit or control activities related to hunting and the use of vegetation, flora and fauna - activities that could be undertaken to the detrimental of important wetlands.[98]

[95] Cap. 413 Laws of Tanganyika (as amended by the Game Parks (Miscellaneous) Amendment Act, No. 5/1975.)
[96] See the preamble to the Ordinance
[97] Act No. 14 of 1975

The National Land Use Planning Commission Act, 1984[99]

This Act establishes the National Land Use Planning Commission and provides for its powers and functions. The powers and functions have a bearing to the conservation and wise use of wetlands. The Commission is charged with, among other things, the task of overseeing effective protection and enhancement of land quality and encouraging better land use plans. [100]

The Commission is also required to recommend measures to ensure that government policies for development and conservation of land take adequate account of its effect on land use.[101] In performing these functions the Commission would, in certain circumstances be putting in place policies that have some significance on the wise use and management of wetlands.

The Mining Act, 1998[102]

This law makes provision for prospecting and dealing in minerals and general mining activities that extend to and in respect to those found in the seabed, substances that could be extracted out of the continental shelf and on those found on land beneath the territorial seabed of the United Republic. The definition of "land" in this Act includes water whereas that of "mineral" includes *"any substance whether solid or liquid occurring naturally in or on the earth or in or under the seabed…"*. A "mineral area" is defined as *"any area of land subject to special mining license"*.[103]

The definitions of land, mineral and mining areas provided for by this Act. The fact that the natural occurring biological and geological processes on a combination of variety of substrate and vegetation found in wetlands may produce minerals, indicate that wetlands should not be lost sight of when construing the provisions of the Mining Act.[104] It is in

[98] See section 13 (a) and (b)
[99] Act No. 3 0f 1984
[100] See section 4(a), (c) and (h)
[101] See section 4
[102] Act No. 5 of 1998
[103] See section 2
[104] See section 4

this respect that some of the provisions of this legislation provide for wetland-related conservation measures.

The requirements for applications for special mining licenses is one of the areas of this law that reflects a concern for the conservation of environmental and natural resources occurring in, among other places, wetland sites where mining could be undertaken. [105]

Also, in order to be granted a license under the provisions of section 38 of the Act, a prospective miner is required to provide, among other things, an environmental management plan that has to include proposals for prevention of pollution, the treatment of water and the protection and reclamation of land and water sources. The prospective miner must also have conducted an EIA in accordance with EIA regulations and established international standards and practices on EIAs. [106]

Section 49 of the Act requires mining license holders to take all appropriate measures for the protection of the environment, including wetlands in the event that mining operations impact on these.

The Urban Water Supply Act, 1981 [107]

This Act governs matters relating to the use of water in urban areas. It establishes the National Urban Water Authority (NUWA) and provides for its functions and duties. Among these, the NUWA is charged with the task of promoting the conservation and proper use of water resources in urban areas. The Authority is also vested with the duty of educating people residing in towns, aspects of public health of water supply and water conservation. [108]

Since wetlands are found in urban areas, it follows therefore that they were contemplated by this legislative provision although they have not specifically been mentioned. This Act

[105] See sections 38(4) (d), 38 (5), 39 (1) (d) and 41(1) (b)
[106] See also sections 51, 53, 57 and 64 of the Act.
[107] Act No. 7 of 1981 (as amended by Act No. 8 of 1997)
[108] See section 5

is therefore important and ought to be taken into consideration in any reform process geared at alleviating strategies to conserve and manage wetlands.

The Tanzania Investment Act, 1997[109]

This legislation governs investment activities that may inevitably be carried out in or in areas adjacent to wetlands. However, it contains no provision that takes this factor into account. Manufacturing and industrial activities, for example, may therefore, technically be approved by the Investment Promotion Center without taking due regard to the need to conserve wetlands and resources found therein.

Although the Mineral Policy of 1997 had called for the inclusion of, among other things, a focus on natural resources management factors when revising the investment law, this issue was sadly not directly dealt with.[110] The investment law, therefore, does not reflect a serious commitment to the management and conservation of natural resources, in particular wetlands.

The Forestry Act[111]

Like other pieces of legislation, this Act also makes implied references to wetlands. For example, it defines "sensitive areas" to include areas of known high bio-diversity and mangrove areas.[112] Other provisions that make some inference to the conservation and management of wetlands in this Act are those relating to activities that are prohibited in forest reserves.[113] Although the Act does not specifically mention wetlands, it provides for the general framework on the law relating to the conservation and management of forests, which may also be in wetlands. It is in this respect that this law ought to be included in the list of important legislation that have a bearing to the management and conservation of wetlands. This is essentially because, as pointed out earlier, a number of

[109] Act No. 26 of 1997
[110] See sections 3.3.3 (vii) and 3.3.7 (ii) of the Policy
[111] Act No. 14 of 2002
[112] Section 2

forests occur in wetland areas. The provisions of this legislation have also been applied in managing the country's forests wetlands, for example, mangrove forests in the Rufiji Delta.

By virtue of the power vested by the provisions of this law, the Minster responsible for forests may declare forest reserves, restrict or prohibit the carrying out of certain activities in or around forests with a view to conserving or managing them.[114] The Minister is also vested with the power to make rules for purposes of regulating the use or occupation of land and any other natural resources found in forest reserves.[115] These rules have been promulgated and their application has been used to ensure effective management of wetland forests.

The National Parks Ordinance[116]

The National Parks Ordinance provides for the establishment, management and control of national parks. As is the case with the Forest Ordiance, all wetlands located in National Parks are conserved and managed under the National Parks Ordinance by the Tanzania National Parks Authority (TANAPA).

In fact, in national parks, there is total conservation of natural resources found therein because there is no consumptive utilization of the resources, including those found in wetlands.

The National Parks Regulations of 1970, which were promulgated under section 18 of the National Parks Ordinance, facilitate more effective management of National Parks and the wetlands found in them.[117]

[113] See sections 26 and 49 of the Act.
[114] See section 22
[115] See section 58 (1) and (2)
[116] Cap. 412 of 1959 (as amended by Act No. 14 of 1975)

Summary

The above analysis of the main natural resources management legislation and policies shows that to a great extent wetlands have been given some coverage. Most provisions of the legislation are, however, not comprehensive on their coverage and scope. In fact, most legislation that directly or indirectly impact on natural resources conservation and management do not even mention wetlands.

It must be also emphasized here that even the legislation that remotely provide for the conservation of wetlands do not provide for a comprehensive coverage for their management and conservation. Most of the provisions of such laws have just drawn an inference essentially based on the assumption that because the broad range of natural resources covered by its legislation also appear in wetland sites, then it necessarily follows that the resources in wetlands are also covered. This inference, or approach has serious repercussions for wetlands management because, as noted, some very important ecological functions only occur in wetlands and these need to be specifically addressed.

An explanation for the weakness in the kind of coverage accorded to wetlands by the provisions of the natural resources legislation may be traced to the relevant policies. This is mainly because legislation usually reflects policy objectives and strategies. However, for the case of Tanzania, most natural resources sectors were not guided by any formal policy until towards the end of the 1990"s. Most of the natural resources management legislation, which also delves onto the management of wetlands, were enacted before the 1990s. Consequently, they do not reflect the objectives and strategies set by respective policies. The government has started a process of reviewing most of these pieces of legislation in an attempt to update them in order to cater for new developments in the management of natural resources. The provisions of the laws to be drafted must holistically address the conservation and management of wetland resources.

[117] GN 255 of 1970

Conclusion and Recommendations

This paper has provided a detailed exploration of the segmented and sectoral references to the management of wetlands found in some legislative provisions and policies. What is apparent may be summarized in two sets of propositions. On the one hand, the designation of wetland sites and the protection of others by natural resources legislation indicates some level of effort on the part of the government of Tanzania to implement the Ramsar. Institutions of the government whose duties and functions converge in respect to wetlands conservation and management have been informally liaising and charting out modalities of ensuring wise use and conservation of wetlands in accordance with the Ramsar.

As noted above, some of the provisions of natural resources management legislation are supportive of the government's initiative of implementing the requirements of Ramsar. Also, most of the natural resources policies that have been promulgated recently have made tremendous progress in covering wetland issues in a holistic manner that reflects aspects of the objectives of the Ramsar. This is mainly because these, unlike the legislation were promulgated at a time when some concern for wetlands at the national level for began to emerge. The Wildlife Policy illustrates a lucid example of this development with its comparatively holistic coverage of wetlands issues.

On the other hand, there still exists a number of weaknesses and gaps in the legislation and polices that do not augur well with the governments effort to implement the Ramsar. The most notable gap is the lack of concrete legislation or policy that adequately and effectively takes into account the importance of wetlands and resources they support. In some of the important nature conservation legislation whose provisions deal extensively with wetland-related issues, there is no mention of the word "wetlands."

It has also been observed that the legislative coverage of some wetland resources within the same ecosystem receives relatively more comprehensive treatment than others. For example, the hunting of wild animals species in the Wildlife Conservation Act is given

more treatment than that accorded to protection of vegetation/habitat and other generic resources.

To some extent some of the natural resources policies and legislation provide for a framework that could supplement initiatives and strategies aimed at conserving and managing wetlands. However, since the said provisions and sections are segmented, uncoordinated and fragmented, they may be only useful in providing, in a very general form, a skeletal guide on the general management and use of Tanzania's wetlands and resources found in them. To ensure consistency with applicable national policies and related laws, it would be useful to harmonize nationally the legislation in any review process in order to reconcile possible conflicts of interest that may arise in specific cases.

The legislation should unequivocally recognize wetlands as separate entities and important ecosystems worthy of special attention and require cross-sectoral coordination in planning wetland issues.

In the absence of a sound legislative and policy-making framework, grounded on a holistic coverage of wetlands conservation and management in their entirety, Tanzania's wetlands and the diverse and unique resources found in them are bound to continue degenerating.

This paper reiterates the inadequacy of the reflection and treatment of wetlands by the existing uncoordinated sections contained in various policies and the fragmented legislative provisions. It has been pointed out that this scenario does not echo the seriousness on concerted efforts that have been undertaken at various levels by the government in reflecting the obligations of contracting parties to the Ramsar Convention. Explicit recognition of the importance of sustainably managing wetlands is necessarily. Of fundamental importance is the adopting of a legal instrument to incorporate the Ramsar into domestic law. The policy initiative undertaken by the wildlife policy in addressing wetlands is commendable, but policy has to be translated into law to be effective.

Way Forward

The Ramsar urges each Party to develop national wetland policies to support their wise use and address all problems and activities related to wetlands in a national context. The Convention does not prescribe any standard form policies. It recommends for either the adoption of distinct policies whose provisions focus squarely on laying out objectives and strategies for the proper management of wetlands or those that, though not specifically focused on wetlands management, form a clearly identifiable component of wetlands in other planning processes. Having noted that a number of constraints may hinder the formulation of "standard" policies, Contracting Parties to the Ramsar recommended that the policies be formulated in whatever manner that is appropriate to their national situations.[118]

In this respect therefore, one of the options available to the Tanzania government in its efforts to reflect seriousness in its commitment in managing and conserving wetlands is to revise the main natural resources policy – the National Environmental Policy and incorporate a detailed section on wetlands management and conservation that would cut across all natural resources management sectors that have a bearing to wetlands. Relevant laws would then have to be revised to reflect this policy. An application of this approach would do away with the cumbersome process of having to promulgate a comprehensive policy for wetlands, which would entail, among other things, resources in terms of time, funding and overcoming red-tape in the policy making process. Where the hurdles can be overcome, then a comprehensive policy for wetlands would certainly be a better option, as it would set a framework and guide for legislative provisions.

Another option of implementing the objectives and directions of the Ramsar would be to incorporate a comprehensive and detailed part dealing with wetland in the principal wildlife law (the Wildlife Conservation Act) to reflect the Wildlife Policy. The Policy has already set the basis by recognizing the concern for wetlands as required by the Ramsar

[118] Ramsar Convention Bureau, Ramsar Handbooks for the Wise Use of Wetlands, (Ramsar Convention Bureau, 2000), Gland Switzerland, p.13.

and since the Ramsar is basically a conservation Convention, it would be fitting for the Wildlife Conservation Act to be the legislation that adopts the Ramsar at the domestic level. Moreover, a significant number of wetlands and resources found in them are found in areas that are within the jurisdiction of the Act. The creation of an independent wetland unit or department within the wildlife department that is charged with the coordination of initiatives to ensure the conservation and wise use of wetlands in accordance with the objectives of the Ramsar Convention is a step in right direction. A Board that constitutes stakeholders from all major natural resources sectors should now be created and be vested with an overall decision-making mandate to ensure coordination amongst all key stakeholders to avoid overlapping or conflicting mandates.

Alternatively, the government could enact a framework legislation on wetlands that would provide a benchmark for the amendment of various sectoral laws to harmonize them with the legislation.

A vibrant and effective policy and legislative framework for the management of wetlands in Tanzania would be achieved where other personnel in institutions or organs working on wetland management such as the NEMC, IWWG (and organs like the envisaged NAWETCO and NAWESCO) are co-opted into the Board. Other stakeholders who have a vested interest in wetlands such as NGOs, civil society organizations, local community representatives and the private sector could also be involved at the initial stages and throughout the process of promulgating the framework to govern wetlands. Their representatives could also be co-opted in the Unit/Department to be charged with coordinating wetlands management under the Wildlife Conservation Act.

Experiences and lessons drawn from other jurisdictions that have come up with policies and legislation to manage wetlands should not be lost sight of in any process of determining the way forward. A word of caution here – reflections on experiences and lessons from other jurisdictions should be considered in view of the different and diverse social, economic, political and cultural set ups. The success stories and difficulties in

other models should not be the benchmark for decision making for Tanzania without due regard to these factors.