

FOREST JUSTICE IN TANZANIA

A CAMPAIGN FOR FOREST RESERVES FOR ALL VILLAGES



“ Every Village with forest resources on its land has a right to establish and sustainably manage its own Village Land Forest Reserve ”

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5. REFERENCE 15

Policy Statement number 6 of the National Forest Policy 1998 provides that;

“Village Forest Reserves will be managed by Village Governments or other entities, designed by the Village Governments for this purpose. They will be managed for production and /or protection based on sustainable management objectives defined for each forest reserve. The management will be based on Forest Management Plans”

1. BACKGROUND

1.1 About Forest Resources in Tanzania

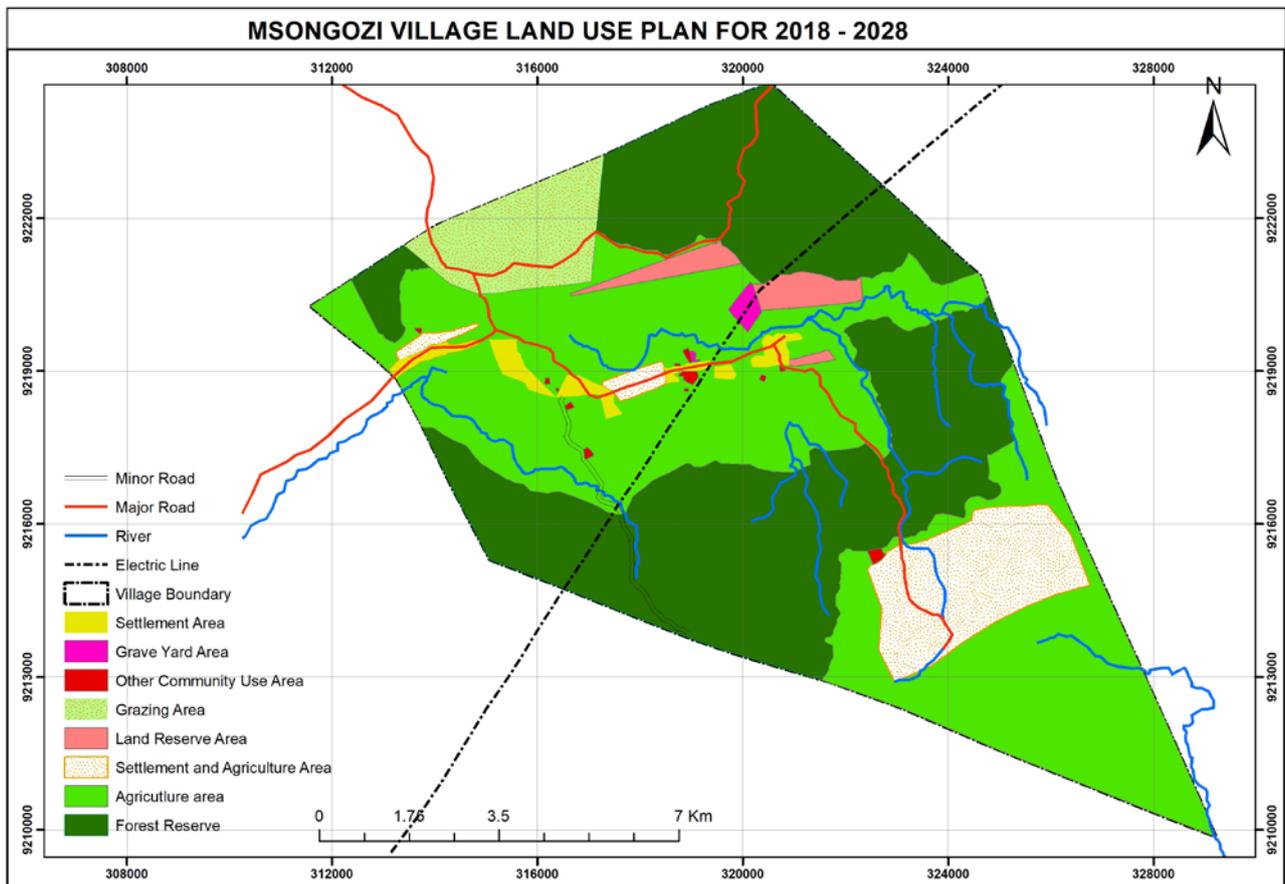
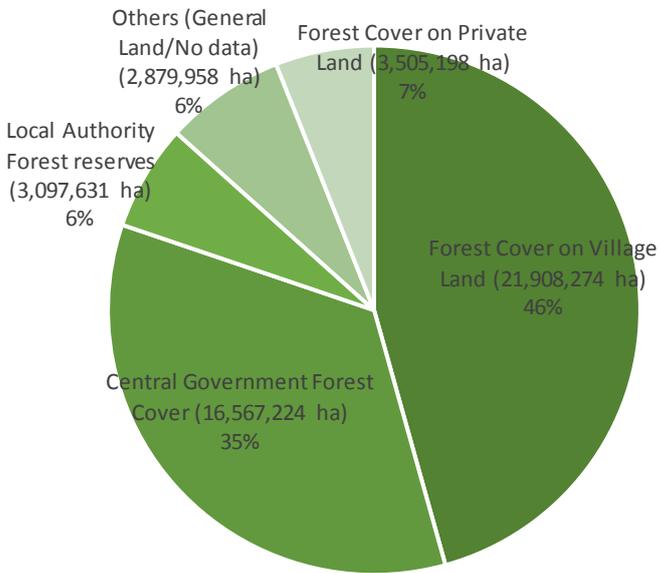
Sustainable Forest Management (SFM) contributes to 10 out of 17 global Sustainable Development Goals (SDGs) including goal number 1,2,5,6,7,8,11,12,13 and 15. Forest cover stores approximately 60% of the total carbon stock contained in terrestrial carbon pools. About 30% of the current anthropogenic CO₂ emissions are removed from the atmosphere by forest ecosystems, and over 10% of the global carbon emissions is caused by deforestation

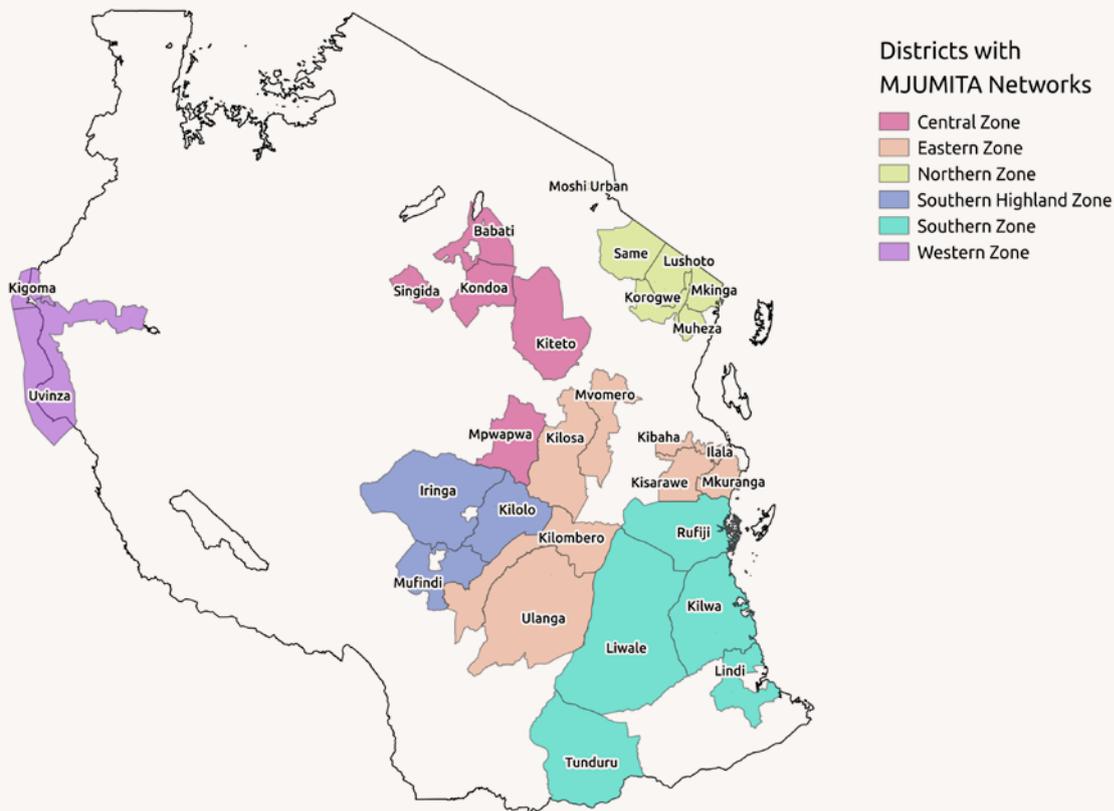
and forest degradations (Goor & Snoep, 2019). In Tanzania, forests contribute to more than 85% of energy and 75% to the construction materials for rural and urban population (NBS, 2017; WB, 2019). About 55% of the Tanzania's total land area is covered by approximately 48.1 million hectares forest (MNRT, 2015; FAO, 2019). It is estimated that 46% of this forest cover is found on the village land (MNRT, 2015) as summarized on the figure below

1.2 About Community Based Forest Management (CBFM) in Tanzania

Village Governments in Tanzania are vested with statutory rights over land resources as provided by Village Land Act number 5 of 1999. Approximately 22 million hectares equivalent to about 46% of the natural forests cover in Tanzania are found on village lands. The unreserved forests within the village lands, can be secured by implementing community-based forest management (CBFM) process which is an approach of applying statutory provisions to formalize ownership and management of these forests by establishing Village Land Forest Reserves (VLFRs), Community Forest Reserves (CFR) or Private Forest Reserves (PFR). This is provided by the Policy Statements number 5 and 6 of National Forestry Policy of 1998 and the sections 32 to 41 and 65 (3), 78 (3) and 97 (1) (b), of the Forest Act No. 14 of 2002. The process starts with preparation of Village Land

Distribution Forest Cover by Ownership in Tanzania





Use Plans, based on provision of sections 12, 13, 22,33 and 35 of the Land Use Plan Act of 2007, through which villagers allocate areas for village forests. The Government of Tanzania in collaboration with Development Partners including Norwegian Government's Development Organization (NORAD), Sweden (SIDA), Denmark (DANIDA), Finland (FINNIDA), Switzerland (SDC), Belgium (BTC), the United States (USAID), United Kingdom (DFID) and World Bank (WB), has been implementing CBFM since 1986, and lead to establishment of about 1.4 million hectares of VLFRs across the country by 2019.

1.3 About the Campaign for Forest Reserves for all Villages

The “**forest reserves for all villages**” is a follow up campaign to the 2015 forest manifesto developed by CBFM communities, to advocate for improved governance in the forest sector. This document, is a summary of the experience, challenges and recommendations raised by CBFM stakeholders including 110 Community Based Organizations (CBOs) famously known as MJUMITA networks established by the

villages implementing Participatory Forest Management (PFM) in Tanzania. The CBOs are present in 452 PFM villages with population of around 1,029,215 people, participating in management of about 1.8 million hectares of forest land, in 143 wards, 30 districts and 13 regions of Mainland Tanzania.

The **campaign for forest reserves for all villages** is a call to the local and central government authorities and other stakeholders to serve about 17.6 million hectares of unreserved forests which is approximately 80% of around 22 million hectares of forest cover found within the village land in Tanzania. This is important because more than 460,000 hectares of forest cover are cleared every year, mostly in unreserved forest cover within the village land, resulting into emission of over 44 million tonnes CO₂/year into the atmosphere, and hence impact on the global climate. The unreserved forests are also exposed to illegal and unsustainable harvesting, which lead to forest degradation. Consequently, the government revenues from forests continue to decrease due to this alarming forest loss. Stakeholders' experience, shown that, Community Based Forest

Management (CBFM) approach, integrated with forest-based enterprises, provide incentives for communities to manage the forests on the village land sustainably and at the same time enhance rural development. However, CBFM financing has been mostly donor dependent and recent Government Notice (GN) number 417 published in May 2019, has imposed new recentralization models of VLFR enterprises, thus disincentivizes communities to formalize these resources.

Thus, the campaign is, appealing for to support village governments to formalize their user rights and manage about 17.6 million hectares

of unreserved forests within the village land sustainably. The campaign recommends; -

- i) The government to maintain favorable policy environment for CBFM, including removal of the policy barrier imposed through GN 417 of 2019
- ii) The Government to develop and implement national CBFM strategy
- iii) Development partners to support the government of Tanzania and local communities through International climate financing to implement CBFM

2. WHAT ARE THE BENEFITS OF CBFM TO COMMUNITIES AND THE NATION?

2.1 Enhancing Sustainable Forest Management.

By 2019, the Government of Tanzania in Collaboration with development partners, had established 589 VLFRs, covering about 1.4 million hectares. Between 2014 and 2019, the government collaborated with Non-Governmental Organizations (NGOs) including Tanzania Forest Conservation Group (TFCG), Mtandao wa Jamii wa Usimamizi wa Misitu

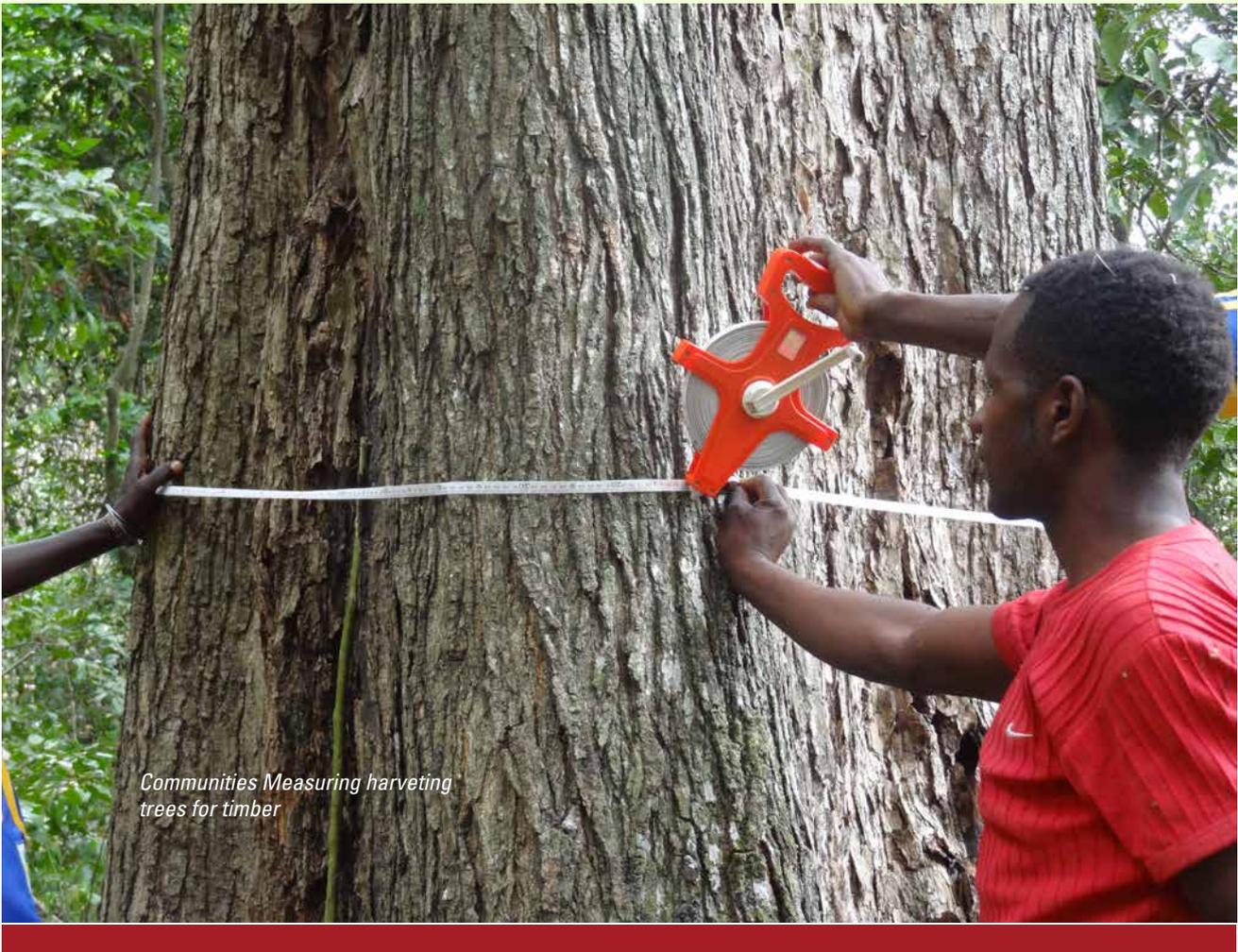
Tanzania (MJUMITA), Mpingo Conservation & Development Initiative (MCDI) to serve 105 village governments managing more than 610,000 hectares of forest cover, in Liwale, Nachingwea, Kilwa, Mtama, Rufiji, Tunduru, Mvomero, Morogoro, Namtumbo, Handeni, Ruangwa, Nachingwea and Kilosa districts. This is an average of 5,800 hectares per Village. These forests would have been cleared and harvested illegally or unsustainably if they were not legally formalized and managed as VLFRs. Recent studies by Burgess *et al.*, (2019), and the Food and Agriculture Organization of United Nations (FAO, 2019), has indicated improved management effectiveness and better-quality forest in VLFRs, compared to unreserved forest within the village land.



Village Natural Resource Committee, Kilosa District, conducting Participatory Forest Resource Assessment



One of the boundary marks for Msolokelo Village Land Forest Reserve in Kilosa District



Communities Measuring harvesting trees for timber

2.2 Increase Government revenue.

A total of 67 out of 105 CBFM villages served by the government in collaboration with TFCG, MJUMITA and MCDI, prepared business plans and sustainable harvesting plans of forest products covering more than 330,000 hectares of the VLFRs. A total of 18,947 cubic meters of wood has been harvested sustainably for timber and charcoal, generating more than Tanzanian Shillings 3.54 billion mostly between 2014 and 2019 in 54 villages. In Kilosa, Mvomero and Morogoro districts, 30 villages demarcated about 18,409 ha of woodland which is about 13% of 141,610 hectares - their total VLFR sizes, for sustainable charcoal production. Between 2015 and 2019, more than 10,400 tons of sustainably produced charcoal was sold and lead to over 1.7 billion TZS revenues to village governments and local charcoal traders.

2.3 CBFM creates more resources for sustainable forest management activities.

Village Governments re-invests an average of 40 to 50% of the revenue generated from the sustainable VLFR trade for conservation activities. In the financial year 2018/19, a total of 20 villages from Rufiji, Kilwa, Tunduru and Namtumbo districts, invested about 280,900,000/= Tanzanian Shillings, for forest management activities, of which over 400 VLFR patrols were conducted. In 105 villages supported by the government in collaboration with TFCG, MJUMITA and MCDI, there are more than 1,500 Village Natural Resource committees' (VNRCs) members including 500 women who conduct forest patrols at least twice a month. This justify how CBFM creates more human resources at local level for managing forest resources especially within the village land.



A Village Natural Resource Committee (VNRC) and patrol team for the Ihombwe Village Land Forest Reserve (VLFR) - Kilosa District, Morogoro - Tanzania

2.4 Village forests Contributes to Community Development.

Between 2014 and 2019 a total of 36 villages based in Kilosa, Morogoro, Mvomero, Kilwa, Rufiji and Tunduru districts, invested more than 1.67 billion Tanzanian Shillings, raised through sustainable VLFR trade for implementing community development projects. Projects implemented include construction of village offices with land registries, construction of dispensaries, paying public health insurance for

local communities, construction of water wells, rehabilitation of village road infrastructure, procurement of agricultural inputs and machines such as tractors, and construction of school toilets and classrooms. The initiative has reduced the cost for the Central and District Governments to serve the villages.



Nanjirinji 'A' village Office, Kilwa District, Constructed in 2018, by using funds raised through Sustainable timber trade in the Village Land Forest Reserve.



This tractor is owned by Mtanzamsona Village, Rufiji district, purchased in 2019, by using funds raised through sustainable timber trade in the Village Land Forest Reserve.

2.5 Sustainable VLFR trade stimulates development of small-scale industries for processing forest products at village level.

Between 2017 to 2019 three villages in Kilwa District (Likawage, Ngea and Liwiti) processed about 421 cubic meters of wood using modern machinery and woodworking which resulted into a total revenue of Tanzanian Shillings 223,442,200/= for the village governments. This achievement came up as a result of the efforts by the Kilwa District Council in collaboration with other stakeholders such as WWF and MCDI to enable the villages to purchase modern machinery for processing logs. The modern machine has higher recovery rate of about 50-65% as compared to 30% of the current famous local machines used for pit-sawing in Tanzania. There is high recovery rate because the machine has sharp teeth, which produce less volume of dust, hence increases chance of having more timbers per unit volume of logs. The use of modern technology improves **the quantity, quality and value of the timber produced per unit cubic meter of wood, compared to pit-sawing**. For example, in 2019, Likawage village processed 167 M³ of 4 different wood species.



Drying of timbers harvested from a certified Village Land Forest Reserve (Liwiti village), Kilwa district in 2019

The village earned Tanzanian Shillings 416,000/= per M³ of standing tree, compared to Tanzanian Shillings 260,000/= which they would have earned by using pit-sawing. This justifies that, the technology is helping to conserve the forest, by addressing the problem of wood deficiency in the country (TFS, 2015) – because less trees are cut from the forest, and at the same time contribute to rural development – village can produce and sell the high quality timbers at premium price.



Processing of logs harvested from a certified Village Land Forest Reserve (Likawage Village), Kilwa district in 2019

2.6 Community Based Forest management (CBFM) process enhances tenure securities for local communities.

Through CBFM projects, a total of 76 villages served by TFCG and MJUMITA in collaboration with District Councils, prepared land use plans between 2010 and 2019. More than 54 villages have constructed land registries, and initiated the process of issuing Certificates of Customary Rights of Occupancy (CCROs). A total of 1,447 CCROs were issued in Morogoro, Mvomero, Kilosa and Tunduru Districts between 2018 and 2019. Through the process of developing village land use plans, and preparing CCROs, various land disputes are resolved. For example, during preparations of CCROs in Sautimoja Village in Tunduru District in 2019, a total of 11 land disputes among villagers were identified and resolved. There were 9 complaints by some men depriving their spouses of the right to own

family land, all of which were resolved through negotiation. In addition, there were 4 cases of people invading public areas, which were also resolved. Some villages set aside grazing lands to avoid agro-pastoral-forestry conflicts.

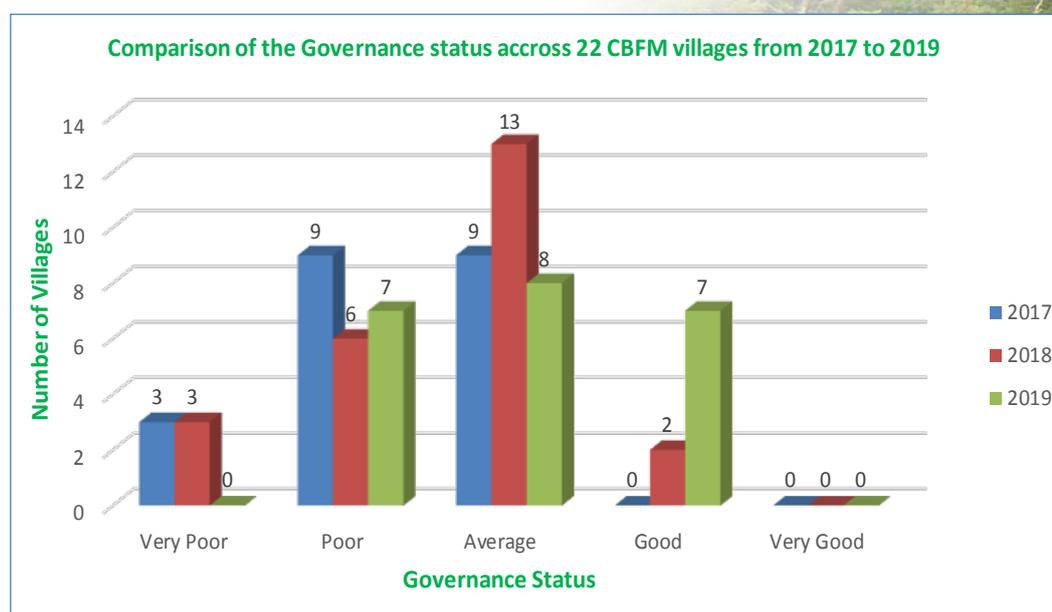
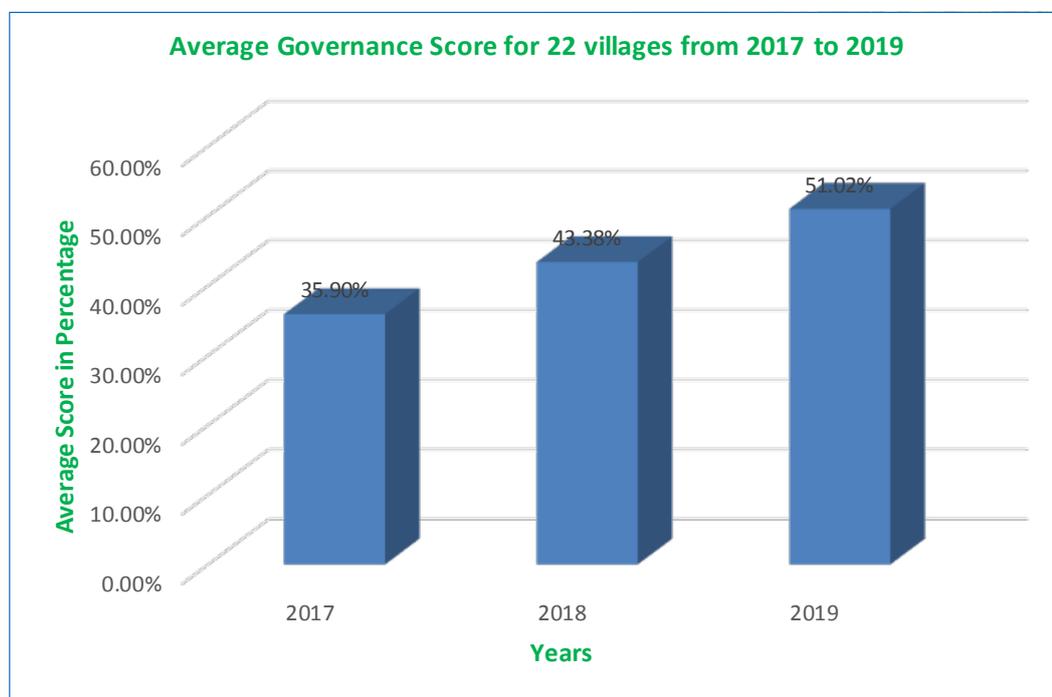


Some Community members from Sautimoja village, Tunduru district, after receiving their Certificates of Customary Rights of Occupancy (CCROs) during Uhuru Touch ceremony, in 2019

2.7 Establishment of Village Forest Reserve Contributes to Good Governance in the villages:

Through working with Civil Society Organizations (CSOs) such as TFCG, MJUMITA and MCDI, to implement CBFM activities, District Councils have strengthened governance and administrative capacity of more than 4,200 (including approximately 1,400 women) members of Village Council and VNRCs in 105 villages between 2014 to 2019. Between 2017 to 2019, a total of 22 Village Governments in Rufiji, Kilwa, Tunduru and Namtumbo, managing approximately 240,810 hectares of VLFR were

audited by respective District Internal Auditors where a total of 3,186 governance issues were identified and resolved. Auditors used 20 governance criteria, to rank the village governance status, and the average score for 22 villages increased from 35.9% in 2017, to 51.02% in 2019 as summarized on the figures below. In 2019 the Controller Auditor General (CAG) had begun auditing financial resources in forest-owned villages, where Tawi and Nyamwage villages in Rufiji District were audited. This initiative contributes to more accountability and integrity in the Village Governments compared to non CBFM villages.



3. CURRENT ISSUES ON CBFM IMPLEMENTATION IN TANZANIA

Issue 3.1: CBFM is not yet prioritized in the Government plans, and establishment of VLFRs is mostly dependent on donor funds. CBFM and management of unreserved forests within the village land is not getting substantial attention in the local and national public arenas, including District Council and Parliamentary meetings, periodic audits, media and political parties' meetings.

Issue 3.2: Approximately 17.6 million hectares equivalent to about 80% of about 22 million hectares of forests cover found within the village is not legally reserved/managed (URT, 2015; 2017; 2019 and FAO, 2019). Also, the legal process for gazetting the VLFRs as provided by section 35 of the Forestry Act No. 14 of 2002 has not been fully implemented.

Issue 3.3: Every year more than 469,000 hectares of forest are cleared in Tanzania with most deforestation occurring on unreserved forests within the village land (URT 2015; 2017; FAO 2019). This is resulting in the emission of over 44 million tonnes CO₂/year into the atmosphere, and hence impact on the global climate. Small-scale, slash-and-burn agriculture is the main driver of deforestation in the country (Doggart *et al.*, 2020). Often communities are accused of deforestation and forest degradation within the village land, without considering the reality that, forests would not have been cleared if the village governments were supported to establish VLFRs covering unreserved forests in their village lands.

Issue 3.4: Unsustainable Harvesting of Forests and Misconception of the term 'General Land' in the Forest Act No. 14 of 2002. The National Forest Monitoring and Assessment report of 2015, estimated over 22 million hectares of forest cover within the village land, managed by the village governments. The

findings are supported by the provisions of Village Land Act No. 5 of 1999, which does not consider any part of the village land as '*general land*'. However, more than 80% of this forest area is not yet legally declared/gazetted as VLFR. Forest Officials from Tanzania Forest Services (TFS) interpret these forest cover as '*general land*', and issue harvesting licenses contrary to the provisions of section 49 (4) (a) of the Forestry Act No. 14 of 2002, which limit forest harvesting activities to be undertaken in areas with Forest Management Plans and Sustainable Harvesting Plans only. Where as the Controller Auditor General (CAG, 2012) reported that 96% of forests in the country were managed with no Management Plans, about 57% of Forest Officials interviewed by the Prevention and



Combating Corruption Bureau (PCCB, 2013) admitted to issue harvesting permits in areas with no Forest Management and Harvesting Plans, and often there is no transparency in preparing forest harvesting plans.



Issue 3.5: Land use conflicts: Most villages with no CBFM have no Land Use plans, hence, village land resources tenure is not formalized. Many VLFRs are associated with forestry – pastoralism conflicts as well as illegal harvesting (FAO, 2019). Thus, protection and enjoyment of communities’ tenure rights is undermined by conflicts.

Issue 3.6: The Ongoing Recentralization Paradigm in the Forest Sector does not embrace the potential benefits of VLFR enterprises:

There has been a tension within the forestry sector between those wishing to centralise control over natural forests, and those promoting participatory forest management and community rights to manage forests on village land. The National Forest Policy 1998 has been under review since 2008. Differences over the way forward for participatory forest management are one of the reasons that has taken more than a decade to finalize the review, which is still ongoing. There are indications that the role of participatory forest management in the national policy is being watered down. For example, GN 417, developed with minimal stakeholder participation brought into force in 2019, taking away key decision-making powers from communities around **harvesting in village land forest reserves**.

Issue 3.7: Loss of Government revenues:

The unsustainable harvesting of forest produce within the unreserved village land, is obviously difficult to control and hence lead to loss of Government revenues (PCCB, 2013). This is because harvesting is not supported by forest management plans which would provide for Minimum Allowable Cuts (MAC) and specific guidance of the harvesting procedures of the particular forest (CAG, 2012; PCCB, 2013). The unregulated harvesting is likely to contribute further to deforestation and degradation of forests. About 73.4% of the forest stakeholder interviewed by the Prevention and Combating Corruption Bureau (PCCB, 2013), explained that pre-mature trees below Legal Minimum Harvesting Diameter (LMHD) are often cut for timber and charcoal. Whereas (MNRT, 2015) has already reported annual wood deficit of

19.5 million m³ in the country, the Government revenues will inevitably continue decreasing as 460,000 ha of forest cover are being depleted annually. Milledge *et al.*, (2007) together with Lukumbuzya & Sianga (2016) estimated annual revenue loss by Central and District Governments, due to the under-collection of royalties, sum up to 96% of the total amount of potential revenue due.

Issue 3.8: Illegal Harvesting and Poor Governance in the Forest Sector: About 82% of stakeholders interviewed by the Prevention and Combating Corruption Bureau (PCCB, 2013), were concerned with poor governance and illegal harvesting of forests in Tanzania, including, harvesting without permits (71.9%); harvesting in Protected ecosystems (70.3%); incompliance to the harvesting quota (67.2); corruption in the process of administering harvesting permits (63.4); use of illegal route in transportation of forest products (73.7%); transportation of logs, plunks and timber with no hammer marks (70.1%); transportation of forest products without Transit Pass (TP) (69.4%); use of the same TP several times (64.4%); transportation of forest products over night (65.6%); and exceeding the amount stipulated in the TP (62.2%). This indicates poor governance in the forest sector, of which the unreserved forests within the village land are inevitably mostly affected.

Issue 3.9: Subdivision and upgrading of CBFM villages to township, often creates new land boundary conflicts and delay the prospects of CBFM. It also creates additional costs for CBFM process, of which Land Use Planning, forest surveys, preparation of Forest management Plans and development of related bylaws need to be repeated.

Issue 3.10: Insufficient collaboration among key sectors to manage the forest resources within the village lands (PCCB, 2013). Many sectors such as agriculture depends on forest resources within the village land. For example,



over 80% of deforestation is caused by agriculture (changing forests for agriculture), which mostly affect unreserved forests outside the VLFRs (Doggart *et al.*, 2020). Also, studies show that more than 85 to 90% of the energy used in Tanzania comes from tree-based biomass (BEST 2014, NBS, 2017). An estimate of 1.5 tons of charcoal are used in Tanzania annually and it is projected that, this amount will double by 2030 (BEST 2014). Except for 30 villages implementing a sustainable charcoal project (between 2013 and 2019), charcoal production in the country is mainly conducted in unmanaged forest within the village land. This explains the extent of dependant among forestry, agriculture and energy sectors, thus the need for effective coordination to secure the forest resources within the village land.



4. RECOMMENDATIONS: WHAT SHOULD BE DONE TO ENHANCE MANAGEMENT OF MORE FORESTS WITHIN THE VILLAGE LAND?

Recommendation 4.1: The Government need to establish and maintain a favourable Policy Environment for CBFM:

Strategies for developing new or revision of forest instruments such as the forest policy, legislation and related regulations should consider the rights and responsibilities of villagers to manage forests found within the village lands. The Government should maintain policy statements number 5 and 6 of the Forest Policy 1998, and provisions of sections 32 to 41 and sections 65 (3), 78 (3) and 97 (1) (b) of the Forest Act number 14 of 2002, in the new/ revised Forest Policy and related legislation, and remove all policy barriers to CBFM provided by GN417. Villages should continue to have legal rights to prepare and implement sustainable harvesting plans, including rights to decide the prices and buyers of forest products from their VLFRs.

Recommendation 4.2: The Government should develop a national CBFM strategy to enable every village with forest resources on its land to establish a Village Land Forest Reserve (VLFR).

This strategy should support the development of land use planning and facilitate the provision of land tenure rights to all citizens, and it should be incorporated into national development plans and budgets for implementation.

Recommendation 4.3: The Government should put in place specific funding mechanisms for implementing Community Based Forest Management.

This may include continuous support of National Forest Fund (TaFF), encouraging villages with active sustainable forest trade to invest on scaling up CBFM to neighboring villages,

encouraging financial institutions to invest on VLFRs and working closely with the international climate fund, to mobilize financial resources for CBFM.

Recommendation 4.4: The Government should strategize the use of advanced technologies in processing of forest products.

The government should invest on more efficiency machines that provide for higher recovery rates for sowing timber. Best practices in sowing timber from Kilwa and Tunduru VLFRs should be scaled up. This means a smaller number of trees will be cut for the same number of timbers needed. Moreover, innovative models like the sustainable charcoal piloted in 30 villages in Kilosa, Morogoro and Mvomero should be strategized and supported through District Councils.

Recommendation 4.5: Forestry and Bee-keeping Division (FBD) in collaboration with the Tanzania Bureau of Standards (TBS) should set standards for forest products.

This will help to control the illegal and unsustainable harvest especially in unreserved forest on village land. The Government need also to establish independent system for monitoring forest trade.

Recommendation 4.6: The Government should ban harvesting of forest products in unreserved areas as provided by section 49 (4) (a) of the Forest Act No. 14 of 2002.

The Government should focus on enabling the villages to develop sustainable management and harvesting plans in those areas. To encourage sustainable harvesting in village forests, the Government should set a specific arrangement for public construction projects which require wood, to obtain them from sustainable sources such as Village land Forest Reserves.

Recommendation 4.7: Local and national oversight instruments, the Ward Councilors, Parliament, and the Controller and Auditor General (CAG), should hold the forest management institutions accountable for deforestation and unsustainable use of forest products especially in unreserved areas within the village land. Also, to promote good governance and ensure best practices in management of village forest resources, local and national auditing activities should be extended to the villages which are getting substantial revenues from sustainable forest trade in their VLFRs.

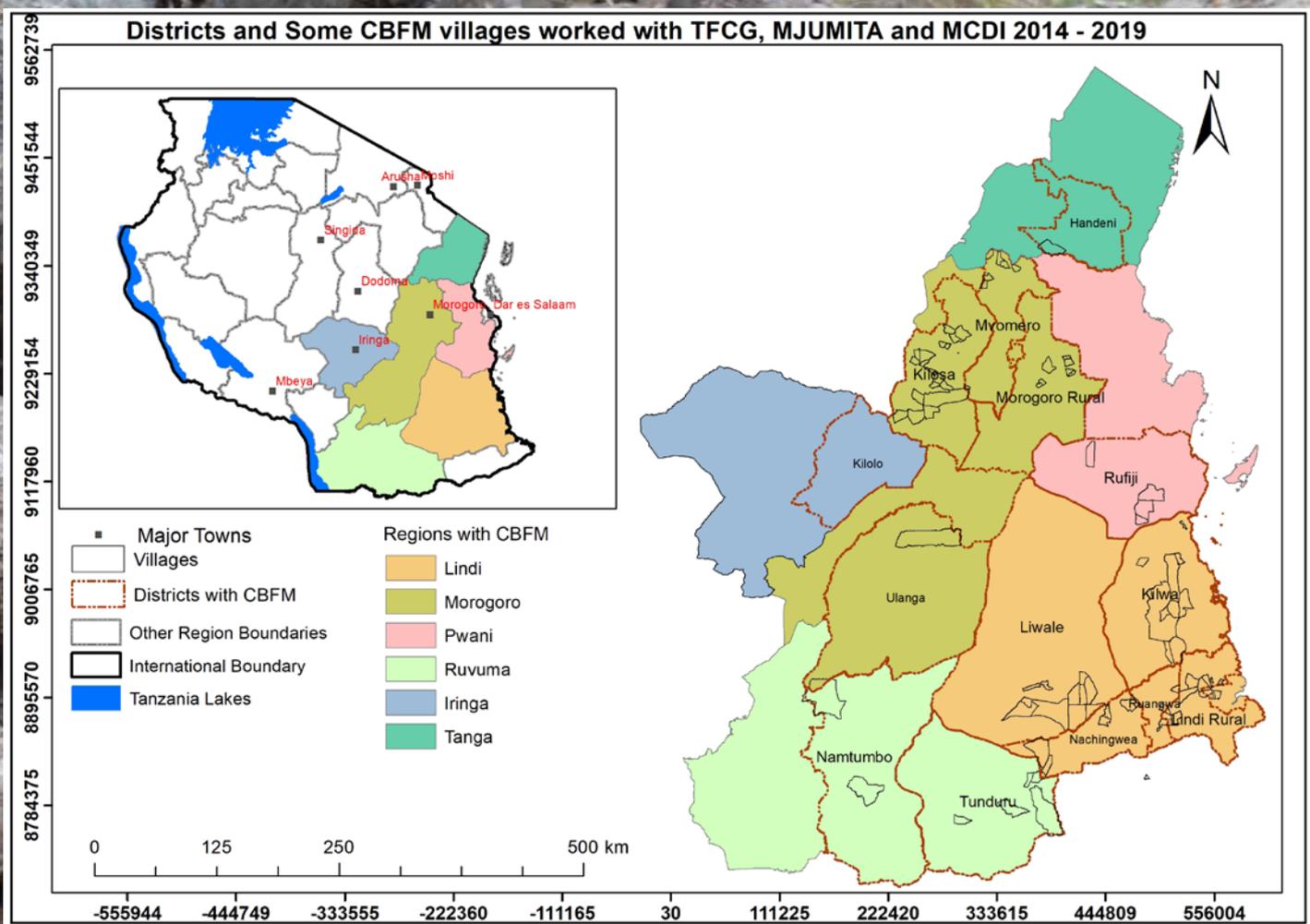
Recommendation 4.8: The Government should put in place an effective strategy to ensure that agricultural, energy and water policies, plans and strategies recognize the importance of forests in village lands for the wellbeing of these sectors.

Recommendation 4.9: The Government should set a policy to regulate and monitor the subdivision of villages, or the changing of the status of Villages to townships.

Where CBFM villages are subdivided or incorporated into municipalities its necessary to ensure that the boundary making of the new villages is clearly done and the *status quo* of the existing Land Use Plans and Forest Management Plans is maintained.

Recommendation 4.10: Political parties should include the above commendations 4.1 to 4.9 in their 2020 general election manifesto

Political meetings/campaigns should be accompanied by encouraging citizens and stakeholders to conserve forests on village land. During 2020 - 2025 the ruling party should insist on the Government authorities to implement these recommendations by incorporating them into Government development plans and strategies.



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The forest campaign for all villages is Forest Justice in Tanzania project initiative which is implemented in partnership between Tanzania Forest Conservation Group (TFCG) and Mtandao wa Jamii wa Usimamizi wa Misitu Tanzania (MJUMITA) in 2020&2021. The project is funded by UK's Department for International Development (DFID), through KPMG advisory body. For more details about Forest Justice in Tanzania please visit

<http://www.tfcg.org/what-we-do/advocate/forest-justice-in-tanzania/>



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