
SOCIAL - ECONOMIC PROBLEMS EXPERIENCED IN COMPLIANCE AND ENFORCEMENT IN TANZANIA

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SUMMARY

A general view of the socio-economic situation of Tanzania is given. Some statistical data on the economy are provided. The illustrative prohibitive provisions of the Wildlife Conservation Act, 1974 are provided and their practical application discussed in the socio-economic context. The enforcement machinery is analyzed and its capacity discussed in the light of some of the statistical data available. Finally, the conclusion is offered together with recommendations.

1 ECONOMIC SITUATION IN TANZANIA

1.1 Introduction

For the law to succeed in achieving its objectives there must exist the necessary pre-conditions: an economic, political and legal environment which allows the rules to be enforced and obeyed; a clear government policy about the objectives pursued and the means of achieving them; a social structure which is flexible enough to allow the regulations to operate such as common economic and social interest or an equal access to opportunities; and, especially in the case of protected areas, financial resources, an adequate infrastructure, including an education system, means of communication and transportation which facilitates optimum benefit.

It is important, therefore, to have a sufficient understanding of the socio-economic formation of the society in question prior to developing the relevant law. Also the effective compliance and enforcement depend heavily on the development of socio-economic capabilities of the people in the society and implementing institutions which usually determine the success of the relevant piece of legislation. The question of people participation, therefore, assumes immense significance in the development of legislation which directly affect them. My analysis of socio-economic problems experienced in compliance and enforcement in Tanzania (1) proceed from the fore stated premises.

Tanzania is in the process of developing a framework or comprehensive legislation on environmental protection. Currently, there are several sectoral pieces of legislation related to environmental conservation. (2) But this paper analyses the socio-economic problems experienced in compliance and enforcement of the Wildlife Conservation Act (3). It should be stressed however, we did not analyze all the problems experienced in compliance and enforcement of all environmental related legislation. There was not enough time to achieve that. Nonetheless, it is our hope a consideration of the Wildlife Conservation Act specifically, will serve as a concrete example to show more clearly that social-economic factors influence environmental law compliance and enforcement than making observations of a large number of legislation generally.

1.2 The economy

The country's economy is generally speaking very weak. Tanzania has a total area of 942,600 sq km and inland waters account for a significant 7% of the area. The preliminary analysis of 1988 census shows that population has increased from 17.5 million in 1978 to 22.5 million in 1988. In 1990 Tanzania's Gross Domestic Product (GDP) was equivalent to (US Dollars) \$2,112 million, or only

about \$90 (US Dollars) per capita. Agriculture is the most significant sector and presently accounts for almost 50% of GDP and engages nearly 80% of the Country's workforce (4).

1.2.1 External trade

The external trade and balance of payments between Tanzania and the rest of the world in 1991/92 was not encouraging at all. By the end of June 1992 export earnings were about US \$422.2 Million. Whereas for imports, goods worth about US \$1,437.4 Million were imported. Therefore, Government expenditure continues to exceed its revenue. For instance in 1991/92 recurrent revenue was estimated to reach (Shillings) 153,930 million and expenditure (Shillings) 186,785 Millions. (5)

Agriculture is the most important sector in Tanzania's economy. It employs almost 80 per cent of the Work force and accounts for about 50 per cent of the GDP and 75 per cent of foreign exchange earnings. Hence, agricultural development continues to be the key determinant of Tanzania's socio-economic development goals.

Tanzania's agriculture, however, is dominated by smallholders organized in some 8,000 villages, with an average holding of less than two hectares per family. A decline in yield per hectare has been common to both food crops and cash crops. This dismal performance has led to the inability of the country as a whole to achieve sectoral long term objectives of food security, sustainable food self-sufficiency and increased foreign exchange earnings (6).

Livestock contributes about 10 per cent of GDP though it has the potential of contributing more. This is made up of beef (4 percent); milk (3 percent); poultry and small livestock (3 percent). The 1984 livestock census revealed that there were 13 Million cattle, 10 Million sheep and goats. The major part of this herd is from the traditional sector while commercial sector accounted for about 7 percent of the milk, 1 percent red meat, 5 percent poultry meat and 80 percent of egg production. In spite of the size of this national resource, ranking third in Africa, productivity is low. Consequently, per capita consumption of animal protein in Tanzania is also low. Furthermore, levels of consumption of red meat are declining as a result of increasing human population, increase in price of meat of domesticated animals, a static livestock population, and declining animal productivity. Available statistics indicate that the cattle population increased by 2.7 per cent per year from 1965 to 1978, but only 0.7 per cent from 1978 to 1984. Overall there is believed to be little growth in numbers at present but un-even regional distribution causes severe pressure on grazing resources in some areas and, as a result, uncontrolled migrations from the over - grazed parts of the northern regions to the south west continue (7).

Minerals and Industries do not contribute significantly to the national economy although pollution problems arising from these sectors are on the increase (8).

1.2.2 Health

Tanzania has made fair progress in providing health facilities and services as well as training various health personnel. The specific programmes and projects launched to enhance improved health among the population are: The Maternal and Child Health and Family Planning; The Extended Immunization, National Tuberculosis and Leprosy Control; The Diarrhoea Control; The Village Health Water; The National AID Control; and the Malaria Control Programmes. Implementation of these programmes is continuing. About 80 per cent of all children under five have been immunized against six diseases (polio, measles, tetanus, diphtheria, tuberculosis and whooping cough) under two programmes (9).

There are four major endemic nutritional deficiencies in Tanzania: Protein Energy Undernutrition; Nutritional Anaemia; Iodine Deficiency Disorders; and Vitamin A Deficiency. One nation-wide survey showed that 25 per cent of the population suffered from protein energy under nutrition, whilst the incidence of this deficiency was estimated at 52 per cent amongst children under five. Around 90 per cent of pregnant and lactating women are estimated to suffer from nutritional anemia (10).

The combination of poverty and increasing population concentrations contribute significantly to the depletion of natural resources.

1.2.3 Biodiversity

The most threatened is biodiversity. Tanzania is one of the richest countries in Africa in biodiversity. In terms of the number of mammal species, Tanzania ranks 4th out of the 48 countries in the Afrotropical Realm; for birds it ranks 3rd; for Swallowtail butterflies 4th; and for plants it is 2nd (11). The country is also very important for endemic species, that is species which are known not to exist any where else. Forest resources comprise forests, Woodlands, grassland or savannah and account for about 50% of total land area in Tanzania. The total forested area in Tanzania mainland is distributed by type as follows:

Type of forest	(ha million)	Proportion %
Grassland or savannah	1.4	3.2
Mangrove forests	0.1	0.3
Woodlands	42.9	96.5
Total	44.4	100.0

Source: Ministry of Tourism, Natural Resources and Environment.

According to the economic survey of 1989 the pattern of energy consumption reflects a high dependence on woodfuel which accounts for 90% of calories of primary energy use.

1.2.4 Wildlife resource and tourism sector

The gazetted protected area network covers 25 per cent of Tanzania's total area and is comprised of National Parks, Game Reserves, game controlled areas and the Ngorongoro conservation area. Wildlife resources have been used for consumptive and non-consumptive purposes. The latter includes tourism, education and research. These resources generate income from game ranching, tourist hunting and the export of wildlife products. However, most communities living in close proximity to these protected areas, who actually ought to have directly benefitted from this resource, have not benefitted much from the wildlife industry. Wildlife Conservation area in Tanzania fall into five major categories, these are:

Management Categories	No. of Units	Area Million ha	% Total Land Use
National Parks	12	3.8	4.1
Ngorongoro conservation area	1	0.8	0.9
Game reserves	18	9.7	10.4
Game controlled areas (where wildlife co-habits with the people)	55	9.0	9.6
Total	86	23.3	25.0

Source: Ministry of Tourism, Natural Resources and Environment.

In addition, the following areas have been earmarked to become game reserves after the government's sanction: Grummeti/Korongo in Mara, Swagaswaga and Mkungunero in Dodoma, Muhesi in Singida, Handeni in Tanga, Rudi in Dodoma and Kijereshi in Mwanza.

1.2.5 Tourism

It is estimated that gross revenue earnings from wildlife in Tanzania is in the order of US \$ 120 Million per year. This includes revenues earned from illegal offtake which is estimated to be US \$ 50 Million per year. Total legal trade earnings are estimated to be US \$ 70 Million per year and accrue from formal industries such as consumptive tourism, live animal trade and the sale of ivory and other trophies (12).

2 PROTECTED AREAS LEGAL REGIME

2.1 A brief historical perspective of protected areas

For Tanzania, then Tanganyika, the first legislation on protected areas, the *Game Preservation Ordinance Cap. 86* was promulgated on 16th December 1921. It declared certain areas to be partial Game Reserves (Section 4 of Cap. 86). The difference being on the kind of restrictions imposed in the management of the area concerned.

The Colonial Governor by order could declare any Area in Tanganyika territory to be a closed Reserve in which except as otherwise might be prescribed, all persons were prohibited from hunting any animal and into which no person might enter except for such purposes and on such conditions as might be prescribed in the order of declaration or in the regulations made under the Ordinance (Sub-section 4 of Section 4 of Cap 86). Many orders and regulations were proclaimed by the Governor to ensure the conservation of protected areas. Just to give a few examples, on 25th September 1929, the Governor through his powers under Section 4 of cap 86 declared by order a large area marking western Serengeti as a complete Reserve area (Government Notice No. 177 of 1929). Hunting and photographing was prohibited except under the Provincial Commissioner's written permit in addition to any other license or permit required by the Ordinance. In early 1936, Ngorongoro Crater was made a complete Reserve, extending further the limits of the Reserve so as to include the area bounded by a line drawn round the rim of the Crater and distant one mile therefrom (G.N. No. 10 of 1936). In August 1940, another colonial legislation namely the Game Ordinance (Cap. 159) Game into operation. The Ordinance authorized the Governor with the consent of the legislative Council to declare any area to be a National Park and in the like manner define or alter its limits. Under this Ordinance it was unlawful to enter or reside in a Park except for public officers on duty, persons travelling through the park along a public highway; and the dependant and servant of such a person (Section 6 of Cap. 159). No person was allowed to hunt in a national park and it was unlawful to cause any bush or grass fire in a national park (Section 9, 10 and 11).

2.2 The Wildlife Conservation Act

The Wildlife Conservation Act, 1974 repealed and replaced the Fauna Conservation Ordinance Cap. 302 also a colonial legislation and made provisions for the protection, conservation, development regulation and control the utilization of Fauna and Fauna products.

The Act defines the Conservation area (Section 2i) as including a game reserve established under the same Act, a national park established under the National Parks Ordinance; the Ngorongoro Conservation Area established by the Ngorongoro Conservation Area Ordinance and a forest reserve established under Forest Ordinance. Under the Wildlife Conservation Act, 1974 the President, as was the Colonial Governor, is empowered to declare any area of Tanzania to be a game reserve (Section 5). No legal duty is imposed on the President to consult any body including the Parliament.

The Act provides that no person other than a person whose place of ordinary residence is within the reserve; or a person travelling through the reserve along a highway shall enter a game reserve except by and in accordance with the written authority of the Director previously sought and obtained. Any person who contravenes the said provision or contravenes any condition attached to any authority granted thereunder is liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment (Section 7).

The Act further provides that no person shall be in possession of a firearm or bow or arrow in a game reserve without the written permission of the Director previously sought and obtained. Any person who contravenes this provision is guilty of an offence and is liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment (Section 8). It is also an offence to hunt or wilfully or negligently cause any bush or grass fire, or fell cut, burn, injure or remove any standing trees, shrub, bush, sapling, seedling or any part thereof in a game reserve except by and in accordance with the written permission previously sought and obtained of the Director as well as if any part of the game reserve is included in a forest reserve, the due approval of Director for of Forestry or his duly authorized representative. (Section 9 and 10.) The Act further, inter alia, provides that no person shall, save with the written permission of the Director previously sought and obtained hunt or graze any livestock in any game reserve.

The spirit of the Act fails in a great measure to recognize the traditional essential uses of resources in protected areas. Hence the Act which was passed by post independence parliament in 1974 maintained the colonial attitude of considering the traditional hunting rights as illegal. Baldus, a researcher in the field underscored the point saying:

“Colonial legislation labelled hunting rights as illegal. But for a tribesman it was difficult to understand why his hunting for meat was poaching, whereas town people were hunting for a full bag of trophy and meat in his communal area. This, could be called conservation against the people” (Baldus, 1987) (13).

A Senior Game Officer Kamara, B identifies more than ten important traditional uses of wildlife parts and derivative, namely, food, medicinal, ornamental, dances and arts, religious ceremonies, fishing and hunting charms (Kamara 1987) (14). The demand for such uses exhibits itself in many tribes neighboring protected areas, to the extent that enforcing the law against entry into protected areas without permission from the Director becomes absurd to them.

The strict liability imposed in the Act is explained clearly by the High Court decision in the case of Selerin Mfiringe V. Republic where the accused was charged for being found in the game reserve without permission. The High Court Judge on appeal held that

“The appellant is clearly not a person who has wilfully violated the game law (if indeed any violation has been proved) but any act which he performed, I am satisfied, was done in complete innocence. That however is not a question in this appeal, for I view the matter as one of complete prohibition and no question of *mens rea* affects the issue”.

Therefore under the game law one commits an offence even if his presence in the game reserve is an innocent one, such as, not understanding the boundaries of the same.

Hence, the anti-poaching campaign covers ‘poachers’ (traditional hunters) and “poachers” (illegal commercial hunters.) Yet the anti-poaching offensives have included a shoot to kill policy for game wardens, police and special army units when they came into contact with poachers. Many wardens have been killed or wounded in pitched battles with groups of poachers, who often have automatic weapons or submachine - guns compared to the bolt - action rifles of the Game Wardens. (15).

The anti-poaching campaigns had both social and economic problems as the then Director of Wildlife was reported to have appealed to the International Community to assist Tanzania to fight

poachers because efforts by the Government could not work effectively. He said that between June 1989 and July 1990 Tanzania used Tshs. 789,250,000/= in fighting poachers during "Operation uhai", 'uhai' is a swahili word which means life (16).

Nonetheless, neither "poaching" nor "a poacher" is defined under the Wildlife Conservation Act. But "trophy" which is the target of poachers is defined to mean "ivory, rhinoceros horn, hippopotamus, animal tusks, animal horns and skin of any game animal and; "manufactured trophy" means any article made from any of the foregoing trophies or from any tooth, tusk, horn, bone, claw, hoof, hair, feather, egg or other durable portion whatsoever of any animal" (Section 58). But killing a wild animal in defence of human life or property is allowed. However, this permission does not cover cases where the behaviour of the animal necessitating such killing is the result of molestation or defended provocation by or with the knowledge of the person killing such animal; or the person killing such animal or the person whose life or property is being defended was, when such defense became necessary, committing an act which constitutes an offence under this Act (Section 50).

This can be interpreted to mean that a person who defends himself in the game reserved is likely not to be covered by the permission to kill in self defense or defense of another.

According to reports 49 people died in Mtwara (29 people) and Morogoro (20 people) regions after being attacked by wild animals between June, 1989 and June 1990. According to reports submitted, most of the victims were killed by lions, elephants, crocodiles and snakes (17). The reports, however, do not disclose the number of people killed in game reserves and those killed outside game reserves.

During the period between 1st July 1992 - 30th June 1993, 60 people were killed by wild animals and 64 people were seriously injured. Regions reporting many deaths are Arusha, Mtwara, Kilimanjaro and Kagera Regions. The report further states that 71 cows, 140 goods, 45 sheep and 17 pigs were killed by wild animals as well as 451 acres of plantations were destroyed by wild animals. On the other hand wild animal killed in defence of human life or property according to the same report, were 70 elephants, 36 lions, 75 crocodiles, 100 hippopotamus and 13 leopards. It states that 15 elephants were wounded (18).

Hunting permitted under the law do not recognize traditional weapons such as spears, arrows and bows, yet local people cannot afford to acquire guns. Furthermore walking in National Parks is not allowed, only motor vehicles are permitted. But many local people cannot afford to buy cars to visit National Parks. Therefore compliance with the law becomes very difficult because local people are mainly hunters who use dogs and traditional weapons for hunting which is prohibited under the law.

The Act further requires that any person who by any means obtains possession of a Government trophy or who sees any Government trophy in the possession of any other person shall forthwith report such possession to the nearest Game Officer and shall, if required, deliver the trophy to the Game officer or give particulars of the person in possession thereof (Section 68 (i)).

To comply with or enforce the aforesaid provision creates social problems. In some areas wildlife remains (Government trophies) are used as medicine. In Mara Region for example people believe that if you eat wild meat you live longer. Hence, any restriction to hunting cannot be supported by the people there. Another example, is the Ikoma Tribe in Serengeti, Northern Tanzania's who possess two Ivory Tusks of unknown age used for cultural praise locally known as (ZAO). The Ikoma people are not prepared to surrender the said Ivory Tusks under any circumstances.

Likewise complying with or enforcement of restrictions as to entering a game reserve creates big problems. Game reserves are rich in vegetation which is used by the people for medicine. It is practically difficult if not impossible to ensure that any body wishing to enter the protected area for herbs should seek and obtain a written permission from the Director. Traditional healers work with complicated beliefs which include secrecy. Therefore, seeking for permission to go for medicine, in the belief of others affects the potency of the medicine. Local people continue to depend on folk medicine and other alternative healing practices, that is to say, the traditional healers and traditional birth attendants who use herbs largely obtained from protected areas. All categories of traditional healers, namely herbalists, ritualists or spiritualists use protected areas for purposes of their business. Almost all healers require a fee or receive a donation from their patients. There are many reasons

why people continue to seek the help of traditional rather than more “Western” or “Modern” health services. One of them is cultural or traditional healers on the belief that they have the ability to handle a variety of physical, psycho-social and spiritual problems. Another is the inadequacy of essential drugs. Of course, it is also significant that healers are members of their patients’ communities and, therefore, have intimate knowledge of their lives and their cultural milieu. Hence, enforcement of Section 9 of the Act is very difficult.

Again some of the areas in the protected areas are grave yards of ancestors of people leaving nearby and special places for worshiping. To control or regulate the entering into these areas for purposes of worship cannot be accepted by the people.

In Tanzania, in Ngorongoro conservation Area, the Barabaig, to date

“still visit the bung’ed (a grave yard) of Gitangda in the Ngorongoro Crater, that remains from the time they occupied the area before they were dislodged by the Maasai over 100 years ago (Lane 1990) (19).

The law also creates problems for the people, for instance villagers of two villages separated by a kilometre or so of a national park or game reserve, are forced to get around the boundary of a national park or game reserve for several kilometres to reach each other. In Arusha National Park for instance, the villages of Leguruki in the North - East of the Park and Kilinga in the South are separated by less than five kilometres of the national park strip. However, since gazettelement of the Park in 1960, the inhabitants of the two villages have to cover about 85 kilometres around the park in order to reach each other (NKO, 1992) (20).

Another instance, crossing the Selous Game Reserve from Mkuliro to Ilonga village in Luombebe which is 80 kilometres long is permitted once a month. So people at times are forced to travelling long distance by getting to Ilonga Village via Dar-es-Salaam which is more than 460 kilometres away from Mkuliro. According to the Game officer in Selous Game Reserve, crossing the Game Reserve is in many cases done for ritual purposes.

As correctly pointed out by Martin,

“A far better way to justify such protected areas to local communities is the argument that they are baseline control areas, set aside for future generations which provide a permanent record of original flora and fauna in the face of surrounding land use changes. Tourism is totally a secondary function in the area. Peasant communities will accept this argument for better than that which promises tourism revenue to a central Government of which little ever percolates back to them in their remoteness” (Martin, 1984) (21).

Another quote full of wisdom is from Dr. Vandana Shiva which states as follows:

“Biodiversity Conservation cannot be ensured by world views, legal systems and technologies which are on trampling the rights of other species/cultures. It will not be achieved by an unrestrained urge to own, control, manipulate and exploit life forms. Action to protect life’s diversity can only come from the spirit of sharing and compassion from a larger vision and values”. (Vandana Shiva 1993. (22).

For instance, the Conservation regime has resulted in the pastoralist of Northern Tanzania to experience a steady shrinkage of their grazing land. Several prime grazing grounds in the conservation area were chosen for grazing and settlement, including the Ngorongoro, Empakaai and Olmoti Craters, the Northern Highland Forest Reserve, the Cemakarot and Olosirwa mountain slopes, Oldivai Gorge and the Laitola archaeological site. Enforcement of the ban on grass burning has resulted in the expansion of unpalatable grasses like Eleusine Jaegeri in the highlands. Therefore, unpalatable grass have expanded over the entire highland plateau suppressing the palatable grasses radically reducing the dry season pastures. The spread of the fall, coarse grasses in the highlands, according to experts, also led to an increase in the incidence of tick-borne diseases as ticks thrive in the fall, moist highland grasses. This consequently affects cattle yields and the income of the pastoral people.

As agriculture is prohibited in the conservation Area, the Ngorongoro Maasai are entirely dependent on the purchase of grain the pastoralist are force to sell their livestock, thus further reducing the productive capacities of their stock.

2.3 Budgetary constraints on enforcement

2.3.1 Personnel problem

The "Law enforcement and Anti-poaching Unit" in Wildlife Division does not have adequate manpower due to budgetary constraints. The total manpower available at the moment is 1438 personnel who have the task of manning 186,000 square kilometres of protected areas excluding Biharamulo and Rumanyika game reserves in Kagera Region. According to experts from the Wildlife Division it requires one Game scout per 5 square kilometres in order to effectively protect the same. Therefore, at least 36,000 Game Scouts are needed but due to economic problems facing the country no more employment is allowed and transfers are strictly controlled. For the whole country, there are 122 professional game officers.

2.3.2 Equipment

The unit does not have adequate equipment due to lack of funds. No motor vehicles in the Districts and there is one motor vehicle per region. This is not enough considering the fact that the areas to be protected are enormous and roads are very poor.

The budgetary allocations for the Unit from 1991 to 1994 for example, is as follows (in Tanzanian shillings):

July 1991 - June 1992	37,000,000
July 1993 - June 1994	37,000,000
July 1993 - June 1994	20,620,000

Money assigned for the job have continued to decrease both in figures and value in the light of the national currency devaluation which have taken place.

However, in spite of all these problems the unit worked and continue to work very hard as per their report on the patrols for the period between 1st July, 1992 to 30th June 1993.

Arrested poachers	662
Number of cases opened	270
Cases decided	120
Pending cases in court	71
Jailed poachers	95
Fined poachers	205
Acquitted poachers	44
Poachers who escaped	32
Total fine collected from cases (in Tanzanian shillings)	1,007,060
Total value of governmental trophies saved by the patrols (in Tanzanian shillings)	97,988,556

Confiscated Equipment/Weapons	
Motor vehicles	4
Bicycles	17
Guns	9
Bullets	7
Locally made guns (gabore)	32
Wires used to catch animals	5236
Bows	127
Arrows	538
Machete (panga)	96
Spears	24
Timber logs	3021
Boats	63
Knives	44
Axe	1

The kind of weapons confiscated from poachers tells much about the type of poachers which were arrested. These are local people who use traditional tools for hunting. The commercial poachers who use sophisticated weapons and who cause much harm to the wildlife always escape the Game scouts and therefore the arm of law.

At a recent workshop on "Community Conservation" which was held in Dar-es-Salaam with participants which included a few members of Parliament, experts with the Wildlife Department, the Ngorongoro Conservation Area and the Tanzania National Park Authority (TANAPA) it was recommended, inter alia, that Wildlife Conservation Programmes should lead to improve living standards of people near reserved areas. It was observed during the workshop that people living near or within protected areas would approach positively the concept of wildlife conservation a factor that was likely to reduce the costs of protecting the game by enhancing communal responsibility (23).

3 CONCLUSION/RECOMMENDATION

The current legal regime on conservation areas or protected areas is focusing on the protection of wildlife (game) and spectacular scenery for commercial recreational purposes. The development of the law neglected the socio-economic dynamics underlying the phenomena of compliance and enforcement. People living near or within protected areas were never involved in the development of the law to enlist their cooperation in the conservation of the same. Of course, today, wildlife conservation in Tanzania puts more emphasis on sustainable utilization and management of wildlife resources, for example, the Selous Village - Based Conservation Programme which is a pilot programme with the objective of enhancing conservation by broadening the participation of local people in the exploitation of their wildlife resources. Also in the North - West buffer Zone of the Serengeti National Park, In Ikorongo Grumeti Game Controlled area, plans are under way to allow local people in those areas to hunt by using traditional hunting methods. A quota has been assigned on trial basis (SRCS 1991) (24). This is likely to reduce the cost of protecting the Conservation Areas and increase direct benefit to local people by reducing the problem of protein deficiency and increasing their monetary income. But these endeavors need legal backing by reviewing the current

regime in order to effectively protect people's right and implement the sound participatory policy in conservation. The amendments to the law should effect the departure from the traditional legal inclination of relying heavily on sanctions including penal. Administrative and penal sanctions should be resorted to as the ultimate weapon. The necessary mechanisms to enable the people benefit from the national heritage in protected areas need to be legally established. People should have a say in the affairs and activities of conservation authorities. Therefore, a machinery through which the decisions of the conservators can be reviewed, challenged or appealed against by dissatisfied individuals is necessary.

The experience has shown that inadequate capacity on the part of the governments, particularly in developing countries, in terms of financial resources, manpower and equipment contribute to unsuccessful enforcement of environment protection related legislation.

The International Community, therefore, should contribute adequately in terms of financial resources and technology to enable governments in developing countries to enact and effectively implement legislation which impose a high degree of responsibility on implementing authorities rather than merely listing their responsibilities. The law should for instance, if financial resources and equipment are available, provide that the implementing authority or institution should ensure that they are equipped with highly competent environmental management capacities. The law should also stipulate legal norms providing rights, duties and penalties to enforce efficient environmental management. The implementing authorities should, for instance, bear responsibility for non-compliance with the environmental legislation. This will compel constant follow up, evaluation and monitoring of compliance bringing into reality the enforcement of sustainable development.

ENDNOTES AND REFERENCES

1. The United Republic of Tanzania is a union between mainland Tanzania, formerly Tanganyika, and Zanzibar. The partners in the Union share a common foreign policy, defence policy and common currency, the Tanzanian shilling, as well as a common governing party, Chama cha Mapinduzi (CCM). However, 'internal' affairs, including strategies for economic development, management of natural resources and the environment as well as legal affairs, are dealt with independently by two parallel sets of government institutions. For purposes of this papers, therefore, the name Tanzania is used to refer to Tanzania mainland only.
2. A few major legislation related to Environmental Protection
 - a. The Forests Ordinance Cap. 389.
 - b. The Wildlife Conservation Act, 1974.
 - c. The Water Utilization (Control and Regulation) Act, 1974.
 - d. The Fisheries Act, 1970.
 - e. The Mining Act, 1979.
 - f. The Petroleum (Exploration and Production) Act, 1980.
 - g. The Factory Ordinance Cap. 297.
 - h. The Public Health (Sewerage and Drainage) Ordinance Cap. 336.
 - i. The Town and Country Planning Ordinance Cap 378.
 - j. The Territorial Sea and Exclusive Economic Zone Act, 1989.
 - k. The Natural Resources Ordinance Cap. 259.
 - l. The Merchant Shipping Act, 1967.
 - m. The Food Control of Quality Act. 1978.
 - n. The Penal Code (Cap. 16) of the Revised Laws.

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23. Daily News Paper of 14th February, 1994.
24. Serengeti Region Conservation Strategy (SRCS) 1991. A plan for Conservation and Development in the Serengeti Region: Phase II Final Report; Phase III Action Plan. Dar-es-Salaam: Ministry of Tourism, Natural Resources and Environment.