



Status of community-based forestry and forest tenure in **the United Republic of TANZANIA**



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1. Background and objectives

In 2017, the Government of the United Republic of Tanzania initiated a process to revise its National Forest Policy of 1998 to better address the challenges faced by the forestry sector. In this context, FAO provided the Government of the United Republic of Tanzania with technical and financial assistance to assess the situation for community-based forestry (CBF) and associated forest tenure within the country. CBF is used here as an umbrella term that provides for people's participation in forestry, and ranges from collaborative forestry involving some form of communal tenure and collective action on government lands, to community forestry practiced on village lands, to smallholder forestry practiced on private lands. The United Republic of Tanzania's Participatory Forest Management (PFM) approaches — including Joint Forest Management (JFM) implemented in government forest reserves and Community-Based Forest Management (CBFM) implemented on village lands — fall within the spectrum of CBF arrangements.

The Community-Based Forestry Assessment carried out in 2017 sought to identify forest management systems in the United Republic of Tanzania that promote community participation in governing and managing forest resources (FAO, 2019a). The Assessment looked at how CBF regimes are implemented, their level of institutionalization in government and civil society, and the tenure rights and responsibilities associated with the regimes. The framework assessed the extent and effectiveness of the regimes with respect to improvements in natural capital; social, institutional and human capital; as well as financial capital.

A national Forest Tenure Assessment, conducted in parallel, sought to evaluate the policies, laws, institutions and tenure administration in the United Republic of Tanzania, and identify and prioritize actions for strengthening governance of forest tenure in the country (FAO, 2019b). It also assessed how well the country's forest

Key messages

- ▲ The United Republic of Tanzania supports a strong legal framework for people's participation in forestry through a range of tenure systems including joint forest management in State forests, community-based forest management including village land forest reserves and community forest reserves on village lands, wildlife management areas on village lands adjacent to protected areas, and private forestry or individual customary ownership.
- ▲ The community-based forestry demonstrates good adherence to the Voluntary Guidelines on Responsible Governance of Tenure. There are some indications that all participatory forestry regimes are contributing to sustainable forest management in the United Republic of Tanzania as well as to enhancing social and financial capital at the local level. However, all community-based forestry regimes are underperforming relative to their vast potential for improving forests and in the sustainable production of forest products.
- ▲ Deforestation rates are high across the country. In particular, community-owned forests under informal governance systems (35 percent of the United Republic of Tanzania's forests) are experiencing the highest levels of deforestation due to weak governance. Other customary tenure regimes, such as sacred forests, also reflect weak governance and receive little legal protection.
- ▲ The effectiveness of community-based forestry regimes can be greatly enhanced by increasing technical and financial support. This is critical given that 64 percent of the forest area falls under these regimes. Support is needed to strengthen governance of customary forests, bolster local skills and technologies to improve incomes from the sustainable production of wood and non-wood products, finance local institutions through payment for ecosystem services, and bring transparency in village land dealings.
- ▲ Areas under joint forest management and wildlife management areas can be greatly strengthened by ensuring a greater range of rights and benefits to local communities, and hence ensuring good governance of these forests.

land policies and practices are aligned with principles of good governance of tenure provided in the internationally endorsed Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT). The general principles of VGGT used in the analysis included recognition of rights, protection of tenure rights, enjoyment of rights, provision of access to justice, and prevention and resolution of disputes, conflicts and corruption.

Both assessments employed qualitative methods, including reviews of secondary information, key informant inter-

views and a validation workshop aimed at filling knowledge gaps and validating findings and numerical ratings to help government and non-government stakeholders arrive at a common understanding of concerns and recommendations which need to be addressed. The highlights with regards to the salient opportunities, challenges or gaps then served to inform the forest policy review and drafting process. Lessons learned here have shown that the CBF and the forest tenure assessment frameworks can be considered as appropriate tools for future forest sector reviews in country.

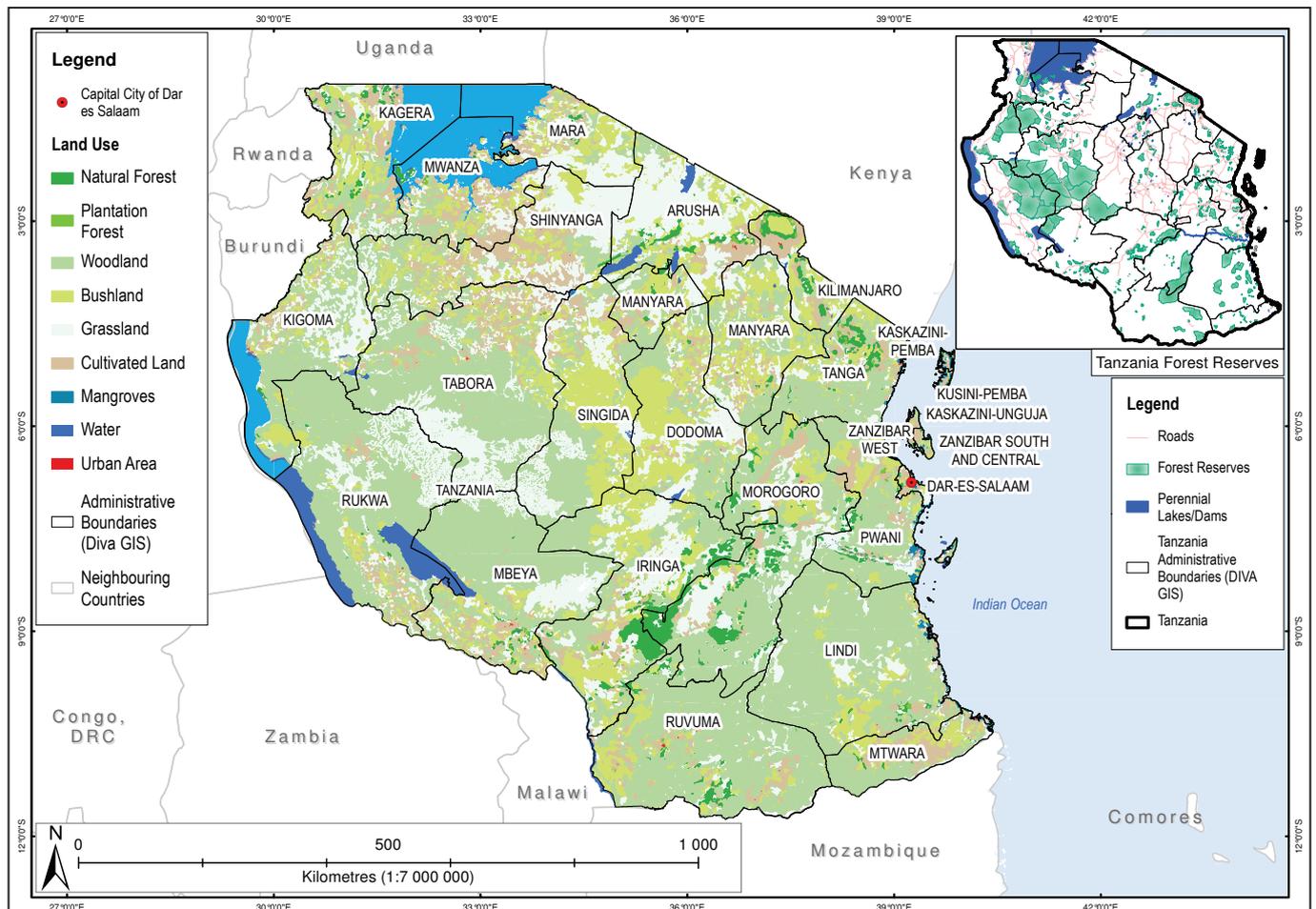


2. Country context

2.1 Types and status of forests

With a total land area of 88.3 million hectares, the United Republic of Tanzania's total forest cover represents 55 percent of the total land cover, i.e. 48.1 million hectares (MNRT, 2015).

The United Republic of Tanzania's forests can be classified into the following in decreasing height of vegetation: forests (natural and plantation), woodlands, bushland and grasslands.



The United Republic of Tanzania's land use and forest resources, 2017. Source: <https://www.esa-landcover-cci.org>

The United Republic of Tanzania has experienced high rates of forest cover change in recent years. Rates of deforestation are estimated at 469 000 hectares per annum (URT, 2017), although there is divergence in estimates explained by differences in forest definition, methodologies and time periods examined. The major causes of deforestation are attributed to an increased area for shifting cultivation and permanent agriculture, development of human settlements, firewood and charcoal production, timber extraction, overgrazing, uncontrolled fires, and most recently the introduction of large-scale agriculture for biofuel production. Underpinning these direct causes of deforestation and forest degradation are market and policy failures, rapid population growth and rural poverty.

2.2 Legal and institutional framework governing forest tenure and community-based forestry

The first National Forest Policy was formulated in 1953 during the colonial era. The United Republic of Tanzania

gained its independence in 1961 and the policy was subsequently revised in 1963. The newly independent government adopted the forestry models established by its German and British colonial predecessors by creating central government-managed forest reserves that sought to exclude communities from occupying and using the forests.

In 1984 the government shifted its approach and embarked on a major effort to devolve centralized functions and authorities to local government structures. Implementation was nevertheless hobbled by conflicts in defining and assigning roles and responsibilities to manage forests, as well as dwindling public funding, ultimately resulting in uncontrolled use of forest resources.

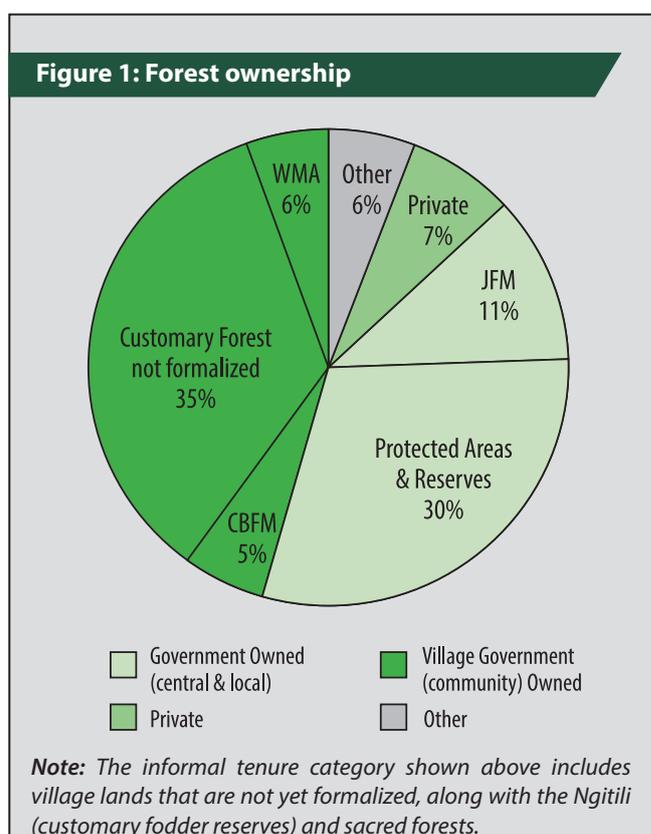
In an effort to curtail forest destruction, curb illegal use of forest reserves and resources, and institute effective forest management, the National Forest Policy of 1998 was adopted. It aimed to enhance national capacity to manage and develop the forest sector in collaboration with other stakeholders. The policy emphasized the active participation of local communities and local government in the manage-

ment of forest resources. This paved the way for the Forest Act of 2002, which introduced the concept of participatory forest management, consisting of managing reserves with local communities and granting concessions to communities living in the vicinity of forest reserves to manage forest-land sustainably in agreement with the local forest administration. Today, most of the United Republic of Tanzania's regulatory frameworks are in line with and support development and implementation of community-based forestry.

The United Republic of Tanzania's legal framework categorizes forest areas as: central government forest reserves, local government authority forest reserves, village government (or community) forests, private forests (PFO), and General land (non-reserved forests). Central Government forest reserves consist of natural forests and industrial plantations, with the former primarily aiming for the protection of steep slopes, water catchment areas and diverse biological ecosystems. Industrial plantations are mainly used for timber production, fuelwood extraction, and production of gum resins and bark. Central government forest reserves are owned and managed by the central government, with some use rights granted to villages living in their vicinity through JFM, or to individuals or companies that possess operating permits. Local authority forest reserves are mainly composed of natural forests used for production and conservation. These forests are owned and managed by local authorities including city councils, municipal councils, town councils and district councils. General land or non-reserved forests are at particularly high risk of unsustainable use, as tenure and management of these forests is not yet identified.

2.3. Forest tenure and management regimes

According to the Forest Tenure Assessment, of the 48.1 million hectares of forest area, government-owned forests comprise 41 percent. Within government forest category, 34.5 percent of the total forest area is held by the central government, 6.5 percent by local governments, and 11.2 percent is managed in collaboration with communities through JFM schemes (see Figure 1). Village governments (communities) own 45.7 percent of forested land. Within this category, only 4.9 percent of total forest area is managed as formalized Community-Based Forest Managements (CBFMs), 6.1 percent as wildlife management areas, while 35 percent remains under customary tenure that is not formalized. Finally, private forests occupy 7.3 percent of forested land. According to the Community-based Forestry Assessment, only about 9.8 percent of the rural population is involved in CBFM, while 8.4 percent is in JFM. There are no proper documentation and data available on the percentage of the rural area in private forestry, especially for those belonging to smallholders.



Joint Forest Management (JFM): JFM arrangements on central and local government lands occupy nearly 5.4 million hectares, or 11.2 percent of the total forest land area (MNRT, 2015). Under a five-year, renewable joint forest management agreement (JFMA), communities are granted limited access and use rights to central or local government-owned forest reserves. This is primarily limited to specified non-wood forest products (NWFPs) harvested for subsistence purposes. Forest management responsibilities are shared between government and communities, with communities carrying out forest protection and patrol measures. Typically, communities are responsible for policing access and use by their own members, but not external users. Governments in turn provide communities with technical support, tree seeds and/or seedlings, and transport to conduct patrols. These and other responsibilities are defined in the JFMA formed between the government and the community. Typically, the government retains the right to grant external users access and use rights to the forest. JFMAs also specify benefit-sharing arrangements entitling communities to proceeds from harvesting forest products, fines as well as confiscated materials/produce, and local water sources.

Community-Based Forest Management (CBFM): CBFMs comprise nearly 2.4 million hectares, or 4.9 percent of the total forest area (MNRT, 2008). Under CBFM, members of local communities enjoy full and permanent access rights to forest areas and have full management responsibilities. This arrangement is undertaken on village land that is surveyed and registered according to provisions in the Village Land Act of 1999. CBFM refers to both village land forest

reserves and community forest reserves. *Village land forest reserves* are owned by one or more villages and declared as a reserved forest area by village councils. They may be managed by a forest management committee or another arrangement proposed by the village council acting on the recommendation of the village assembly. By contrast, *community forest reserves* are owned by a group of community members that come together to form an association to manage a forest reserve within the community with the support of the village assembly and the village council. However, the associations are obligated to permit use of the reserve by all persons within close proximity to the reserve, and by those who derive their livelihood from the forest or have strong traditional ties to it.

Community members are entitled to harvest NWFPs for subsistence and (often) commercial use, with no permit required. However, timber harvesting rights may be limited by a forest management plan, which requires government approval. Timber harvesting is typically only permitted in production forest reserves. The CBF assessment differentiates between: i) *partially devolved CBFM* where communities may collect wood and NWFPs for subsistence and sale, with the exception of timber, and with limited rights to exclude others, and ii) *fully devolved CBFM* where communities may collect wood and NWFPs for subsistence and sale including timber. Communities assume all responsibilities for managing the forests, including exclusion of internal and external users. However, they are not permitted to sell or otherwise alienate the forest land. This would require removing the land from its CBFM regime, a process not provided for in the legal framework. Revenues from forest products, including timber, and from collected fines and fees are fully retained by the community.

Wildlife Management Areas (WMAs): WMAs occupy a little over 2.9 million hectares, or 6.1 percent of the total forest area (URT, 2015). WMAs can be established on village land adjacent to protected areas for purposes of wildlife conservation. Under the Wildlife Conservation Act of 2009, WMAs vest use and management rights in associations formed by members of local communities. Use rights afforded to associations must be compatible with conservation objectives and typically include rights to harvest NWFPs, fuelwood and poles. However, rights to extract timber from the reserves are not granted, and access by the larger community is limited. The agreements between the government and associations are for five-year periods that are renewable, and they require general management plans or resource zone management plans. These plans detail the associations' management rights and responsibilities, which include the right to exclude both community and external users. Agreements do not permit associations to alienate reserve land. The government does provide management technical support to associations, and communities may receive benefits based on agreements formed with investors.

Private Forest Owners (PFO): PFOs comprise around 3.5 million hectares, or 7.3 percent of the United Republic of Tanzania's total forest area (MNRT, 2015). PFOs consist of forests on village land held by one or more individuals under customary rule, and forests previously existing on either State or village land for which the rights of occupancy or lease have been granted to individuals, groups, corporate bodies or any other organization. An owner of a privately owned forest has perpetual and full access, use and alienation rights, including for timber, both for domestic and commercial purposes. Likewise, the owner holds full management responsibilities. Technical support can be obtained by the government through extension services.

Forests held under informal tenure: These refer to customary systems that are not recognized in statutory law. In the United Republic of Tanzania, these include Ngitili (customarily managed dry season fodder reserves) and sacred forests. Referred to as "traditional forests", these forests are recognized in the Forest Policy of 1998 as governed under customary law. The policy also refers to these as non-reserved forest lands. In practice, they function as "open access" forests, lacking the clarity of tenure and necessary incentives for sustainable management. The Forest Act of 2002 makes no specific mention of these traditional forests. However, it recognizes village forest as "forests which are not reserved which are on village land and of which the management is vested in the village council," hence placing such forests under village council management. Forests on public lands which are managed by local communities under customary tenure are not recognized, nor are there any provisions for their formalization, protection or governance, although the 1988 forest policy calls for clarification of rights, and allocation of these forests on public lands to villages, private individuals, or the government.

In the event of land acquisition or expropriation, the Land Acquisitions Act of 1967 lends some protection to informal users. Prior to any expropriation, the law calls for informing and compensating all claimants on land including those without formal rights.



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3. Major findings of the assessments

3.1 Critical strengths and weaknesses of the community-based forestry regimes

The CBF assessment concludes that CBF regimes in the United Republic of Tanzania are well recognized and integrated into the national legal framework.

The assessment reports that there is substantial evidence that CBF has contributed to sustainable forest management through measures such as preventing and reporting illegal forest use, fire-fighting and rehabilitating degraded areas. Compared with informal forests managed by communities, formal community forestry regimes have yielded increased forest products and services over time. The report also points to the socioeconomic benefits reaped, and states that CBF has an enormous potential for maintaining forest condition and at the same time improving people's livelihoods and governance. CBF is contributing to livelihood improvement especially where communities are engaged in forest trade, forest-based enterprises and eco-tourism activities.

Yet the scale of formal community-based forestry tenure regimes continues to be limited to less than 30 percent of the forest land due to minimal government funding allocated to their implementation. Considerable upfront costs, whether in time or financial resources, are borne by governments and communities in establishing CBF regimes. This is especially true considering that most forests are substantially degraded when CBF is initiated. Moreover, government investments in CBF are heavily dependent on donor funding. Some communities have realized important livelihood improvements through these arrangements. But land use pressures are on the rise, and limited technology afforded to communities curtails their ability to add value to forest products and establish prosperous enterprises.

Measured against the VGGT, most formal CBF regimes perform reasonably well with the exception of WMAs, which are shown to have a very weak alignment with VGGT principles. The Forest Tenure Assessment reports particular strengths and weaknesses associated with each CBF regime; key findings are provided in the remainder of this subsection.

JFM: Rights of communities are broadly recognized in the National Forest Policy and Forest Act, with JFMAs prescribing the types and extent of resource uses for different communities. Issues related to rule of law, adequate protection of rights, responsible elimination of rights and protection of rights in customary systems are addressed partially. In particular, the law is not clear on protections provided to JFM communities in the event of expropriation or conversion to a natural reserve. Moreover, there is no mention of compensation in the event that the rights of communities are reduced or eliminated. While the government extends technical support to JFM communities, it is minimal and does not extend to facilitating markets for NWFPs or payment for environmental services (PES). Communities typically have more responsibilities than benefits, and lack awareness of what their rights are or how to defend them. Although the National Forest Policy of 1998 requires JFMs to establish consultative groups to guide policy, in practice these groups tend to be more technical in nature and not designed to represent community interests. The understaffed and under-resourced Tanzania Forest Fund fails to provide JFM communities the required support and rights enforcement at local levels.





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CBFM: The Land Act of 1999 provides communities engaged in CBFM with recognition of an extensive range of community rights to forest resources, whether for subsistence or commercial uses, although government can restrict sale of some NWFPs, and in most CBFM regimes timber sales are restricted. Communities are not granted alienation rights to land. General legal provisions govern expropriation, including rights to just compensation. Most CBFM schemes are initiated by projects which support communities in preparing required forest management plans and by-laws. Limited investment keeps the number of CBFM regimes modest. Community participation in village assembly meetings tends to be high, though women sometimes refrain from engagement. Village assembly meetings where forest management plans and by-laws are approved can likewise be prone to elite capture, yet measures to tackle exclusion have yet to be developed. Disputes are mainly managed through local institutions at the village level. However, more complex disputes, including those arising when village lands under CBFM are converted to reserve status, are referred to the courts where communities lack experience navigating the judicial systems. Also, frequently, corruption arises in the harvesting and trading of community forest products.

WMA: Rights and broad responsibilities concerning WMAs are mainly framed under the Wildlife Conservation Act of 2009, which places strict limitations on communities' commercial and subsistence rights to the forests. Instead, authorized associations assume responsibility for conservation of these reserves and wildlife protection. The associations can earn benefits through ecotourism and other compatible enterprises, a share of which is allocated to neighbouring communities. However, broader communities are excluded

from formulation of the agreements and management plans governing the reserves. Benefits reaching households are very small, and there is no mention in the law of social and gender equity when it comes to resource rights and benefits, and no mechanisms are in place to usher in equitable distribution of benefits to community members. Legal protections are provided in the event association rights are extinguished, but it is unclear how a reduction of rights resulting from conversion of the reserve to a more stringent protection status would be treated and what associations and communities would be entitled to. Conflicts arising from WMAs are to be managed by the associations, but their capacity and legitimacy are frequently weak. In practice, associations often bypass village councils and village assemblies when it comes to approving decisions and monitoring activities implemented under WMAs. They are also known to engage in corruption when it comes to allocating rights and benefits to community members and collecting revenues.

PFO: Through the National Forest Policy of 1998 and the Forest Act of 2002, owners of private forests enjoy full rights, including alienation rights to forest land and accompanying resources. Yet the process for acquiring these rights is difficult and long, and often beyond the means of woodlot smallholders. Expropriation protections are afforded to owners of privately held forests, although mechanisms for securing compensation are unclear. Policies governing the privately held forests are to be formulated with the participation of private owners through consultative forums. These forums tend to be dominated by large plantation owners, with scant representation by smallholders. Moreover, no bodies exist that bring private forest owners together to share knowledge and advocate on common

interests. Policy statements commit local governments to provide extension services to private forest owners, but the capacity of these institutions is typically weak, resulting in poor forest management. Local governments likewise fall short of their duties to monitor private forest management according to approved management plans.

Forests held under informal tenure: Traditional forests, consisting mainly of Ngitili and sacred forests, are potentially less secure and more vulnerable than their formal counterparts discussed above. The Forest Act of 2002 permits communities to declare forests managed under customary rights systems as either village forest reserves or community land reserves, which are then registered and governed by an approved forest management plan. This essentially converts these forests to a formal CBFM regime. If communities fail to take these measures, their rights are unclear as the forestry law does not speak to their situation. Whereas the Land Acquisitions Act of 1967 entitles notification prior to expropriation, to all persons with an interest in the land, the law is less clear on who is entitled to compensation. The Village Land Act of 1999 also provides for compensation in case of taking of village lands for public purposes. Disputes arising in cases of large-scale land acquisitions may be more the result of faulty practice and where communities' access to justice is hindered by a lack of awareness of their rights, corruption, and absence of provisions for legal assistance to vulnerable groups.

3.2 Rating of assessment criteria

The Forest Tenure Assessment evaluated the alignment of formal CBF regimes – JFM, CBFM, WMA and PFO – against the criteria established by the VGGT, namely:

Recognition of rights: whether the State recognizes and respects the rights of all legitimate right holders;

Protection of rights: whether safeguards are in place to protect legitimate tenure rights against threats and infringements;

Enjoyment of rights: whether there are measures to promote and facilitate the full realization of tenure rights;

Provision of access to justice: whether mechanisms to address infringements on tenure rights are provided and are accessible to all;

Prevention of conflicts: whether measures exist to prevent tenure disputes from escalating into violent conflicts.

Figure 2 below depicts how the Forest Tenure Assessment evaluated these measures on a scale of 0 to 5, with 5 representing full compliance with the VGGT principle, for each of the CBF regimes examined.

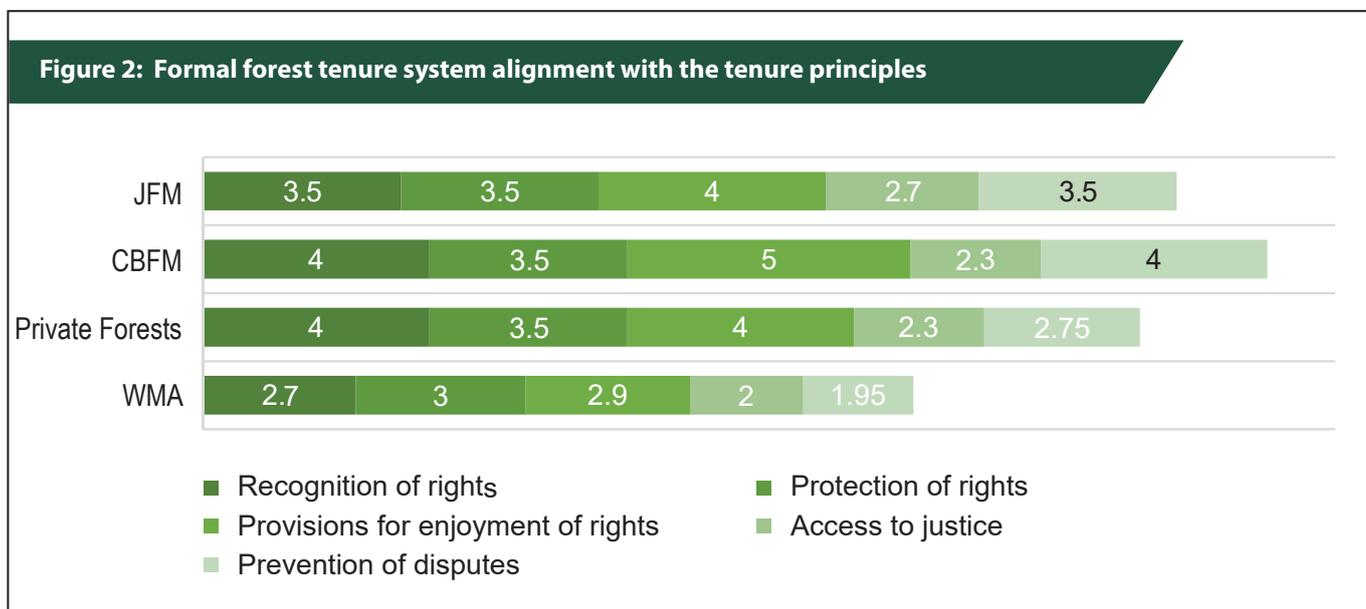
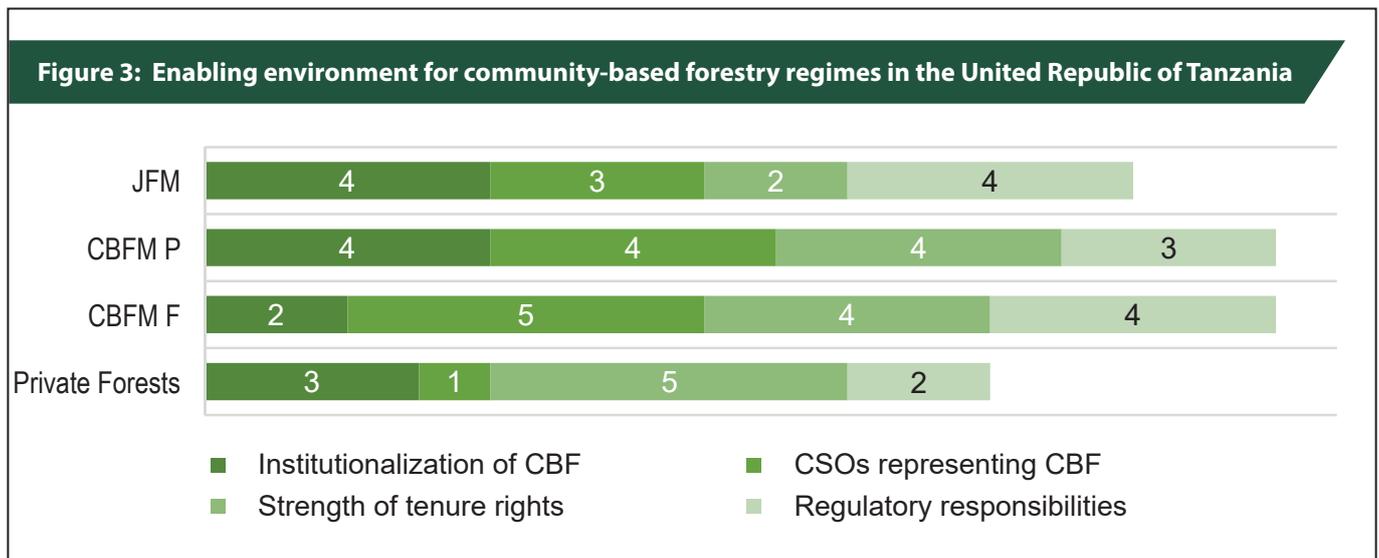


Figure 3 shows the enabling environment as determined from the CBF assessment with regards to institutionalization of CBF in the legal framework, strength of tenure rights as provided by statutory law, strength of civil society representing CBFs, and the constraining and enabling effect

of regulatory responsibilities. The CBF assessments did not evaluate WMAs, and instead evaluated the two types of CBFMs - those partially and those fully devolved to communities.



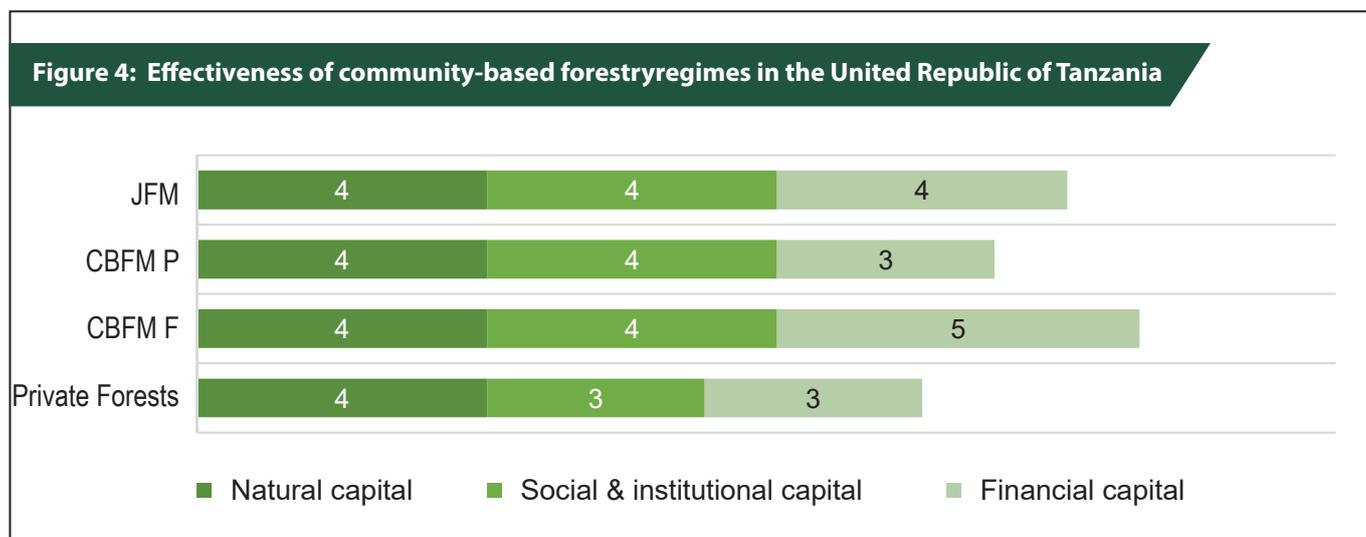
Note: The strength of tenure rights for the partially and fully devolved CBFMs showed a slight difference across the six subcriteria evaluated (mainly commercial use of timber for fully devolved CBFMs), although the figure shows a similar overall rating for the two.



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Figure 4 provides the ratings received on the effectiveness of CBF regime on the natural, social/institutional/human capital and the status of natural capital, social/institutional/human capital and financial capital for each of

four CBF regimes: JFM, CBFM P (partially devolved), CBFM F (fully devolved), and privately owned forests. It uses the 0 to 5 scale, with 5 indicating the highest level of capital.



4. Key conclusions and recommendations

The CBF and forest tenure assessments show that participatory forestry has contributed to sustainable forest management in the United Republic of Tanzania and to enhancing natural, social and financial capital. However, the reach and performance of CBF and forest tenure have been limited compared with the vast potential they hold for good governance of forests and for sustainable production of forest products. The CBFM regimes on village lands in the United Republic of Tanzania demonstrate good adherence to the VGGT, but the JFMs and WMAs can be greatly strengthened. The recommendations listed below are measures that could further reinforce the success of community-based forestry in the United Republic of Tanzania:

- ▲ The government should consider significantly increasing investment in funding and human resources in CBF to position it as a major priority for the United Republic of Tanzania, rather than an extraneous pursuit reliant on donor projects and funding. This is important given that 64 percent of the country's forests fall under such regimes.
- ▲ Broaden incentive mechanisms to attract more communities to CBFMs, JFMs and WMAs, and incentivize good governance of forests through PES, benefit-sharing and compensation for management costs.
- ▲ Strengthen community institutions for the governance of customary forests. Help ensure transparency in land dealings to prevent elite capture through land grants to investors. This can be done by requiring public disclosure of intended transfers, public consultations supported by minutes signed by participants, a two-thirds majority vote on land transactions, etc. District councils should develop the capacity of their foresters to help villages develop forest management plans and by-laws without the need of hiring consultants.
- ▲ Equip CBFM communities with the necessary skills and technologies for sustainable production of wood and NWFPs including charcoal, improved value chains and linkages to markets.
- ▲ Support private foresters in the documentation of their rights. Establish guidelines and incentives to improve management and support them in the development of sound management plans. Strengthen them by supporting the formation of private forest owners' cooperatives and associations, and their linkage with markets.
- ▲ With regards to traditional forests, explicitly recognize community rights to these and provide simple, low-cost mechanisms for their formal registration to communities. Ensure inclusion of such areas in village land-use plans.
- ▲ With regards to JFMs and WMAs, provide a broad range of rights to allow tangible benefits to communities from good governance of these forests, including devolution of management of these areas to communities through village councils and assemblies. Ensure protection of these rights to incentivize long-term investments in trees, and compensate communities when rights are reduced or eliminated. The Wildlife Act and Policy should provide for full participation of local communities in the establishment of WMAs. Put in place mechanisms to ensure transparency in revenue collection and distribution, as well as in hunting block allocations and quota setting.
- ▲ The policies and laws should provide for locally accessible and effective dispute resolution systems to address any problems arising during implementation.
- ▲ The government should ensure meaningful public participation in policy and legal reform to address local concerns, and hence ensure effective implementation.

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