

INSTITUTE FOR SECURITY STUDIES (ISS)



ENVIRONMENTAL CRIME STATUS IN TANZANIA

**REPORT OF THE VALIDATION WORKSHOP,
Dar-es Salaam, Tanzania, 21st October 2008,**

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ACRONYMS

CID	Criminal Investigations Department
DCI	Director of Criminal Investigations
DoE	Department of Environment
INTERPOL	International Police
ISS	Institute for Security Studies
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
ECP	Environmental Crime Project
EEZ	Exclusive Economic Zones
EMA	Environmental Management Act
NCB	National Central Bureau
NEMC	National Environment Management Council
NEP	National Environmental Policy
ToR	Terms of Reference
UDSM	University of Dar es Salaam

Introduction

Environmental crime in Tanzania as it is in many other countries is projected to increase and affect the countries economy if not addressed soonest. This necessitated the need for research in environmental crime in Tanzania. The overall output is to support planners and decision makers in issues related with environmental crime and its effects on human security.

This workshop was mainly put together for validation of the report on the status of environmental crime in Tanzania and was presented by Faustin Maganga of the University of Dar es Salaam who was appointed as the consultant to carry out the study in Tanzania. The consultant undertook a preliminary study on Tanzania's environmental enforcement that is essential in enhancing regional enforcement on environmental crime report on the status.

This study is a base for the Environmental Crime Project (ECP) implemented by the Institute for Security Studies (ISS) in partnership with Eastern Africa Police Chiefs Cooperation Organization (EAPCCO). The project is intended to enhance regional enforcement of environmental law in the Eastern Africa Region and focuses on Burundi, Ethiopia, Kenya, Uganda, Rwanda, Sudan, Seychelles and Tanzania. ISS appointed country consultants in every country to implement the Terms of Reference (ToR). This report is therefore based on the Tanzania environmental crime status study as a single entity.

This study was delegated to Dr. Maganga and other country consultants after ISS's realization that throughout the world environmental crime is on the increase and more has to be done to prosecute the criminals especially in Africa where most countries have little capacity to address environmental crimes. ISS is committed to carrying out thorough research on environmental crimes in the Eastern Africa Region and its trends, collaborating with government and non-governmental organizations/institutions and involvement of the community for a positive impact.

Validation of Tanzania findings on environmental crimes was done in Dar es Salaam, Tanzania on the 21st of October, 2008. The workshop had a good turnout with participants ranging from representatives of Criminal Investigators, the police, lawyers, law and policy makers and members of the civil society (See

appendix B). The Director of Criminal Investigations (DCI) graced the workshop. The opening remarks were read by the Deputy Commissioner of Police in Tanzania, Mr. Peter Kivuyo who is also the Deputy DCI. In his opening remarks, he noted the concerns that the government of Tanzania has with regard to the increasing Environmental Crime in Tanzania. His speech is attached herein as appendix B. More of his views were also captured on the attached podcast.



Plate 1. 1 Workshop participants paying attention to Dr. Kipkore's presentation on ISS and its role in addressing issues related to environmental security.



Plate 1. 2 The Assistant Director NCB and Prof Paul Maro (UDSM)

Outcomes of the Workshop Report (Consultants Report)

Tanzania is endowed with the highest levels of biodiversity in Africa and has more than 11,000 plant species, 310 mammal species, 960 bird species, 127 amphibian species and 244 reptile species. Wildlife management is the second largest land use in Tanzania and covers 43% of the total land area. It has 15 national parks, 1 conservation area, 34 game reserves, 38 game control areas and 143 hunting blocks. 40% of the land is forest cover. The land uses are diverse ranging from developed areas to dense forests and massive water bodies.



Plate 1. 3 Dr. Faustin Maganga, ECP Consultant (in white shirt at the background) preparing for his presentation.

In his report, Dr. Maganga highlighted the concept of governance particularly with regard to openness in information sharing, participation of all stakeholders and accountability. He noted that governance has assumed great importance in combating environmental crimes in that:

1. Cross-border collaborations reduce the autonomy of national governments to act alone.
2. Environmental policy is strengthened by national and international NGOs.
3. Local communities have formed alliances, networks and partnerships in addressing environmental crime.

He noted the prevalence of illegal trade in flora and fauna by referring to;

1. *Miledge et al 2007: Forestry, Governance and National Development: Lessons learned from a logging boom in Southern Tanzania.*,
2. *Jambiya et al 2007: Night Time Spinach' Conservation and Livelihood Implications of Wild Meat use in refugee Situations* and
3. *Newspaper articles*

These references highlighted the different forms of environmental crimes in Tanzania but it failed to provide ground figures, the nature of these crimes as they occur and their effect on human security in Tanzania and the action taken against them.

Pollution and illegal waste dumping in Tanzania also came out as major environmental crimes in Dr. Maganga's presentation and used the recent case of *Karibu Textile Mills* which by then had been temporarily shut down by National Environment management Council (NEMC) due to its increased release of toxic waste to the environment leading to high pollution of Mzinga River and other multiple environmental effects.

Mercury pollution on the other hand has led to human health problems due to lack of Personal Protective Equipments (PPEs) by miners.

Institutional Environmental Management in Tanzania

The Office of the Vice President, Department of Environment (DoE), is responsible for Environmental Planning and Management. Its obligations include

development of policies and strategies, coordination and overseeing of environmental programmes and projects. This office also aids collaborations with the civil society.

The National Environment Management Council (NEMC) is the other institution that oversees environmental issues in Tanzania. It was established by an Act of Parliament in 1983 as an advisor to the Government on the environmental issues.

NEMC generates information on environmental related issues and disseminates it. It takes part in pollution prevention and control; environmental education and public awareness; and natural resource management.

Other stakeholders involved in environmental management in Tanzania include: Sector ministries, regional secretariats, local government authorities, civil society organizations and the private sector.

Tanzania's Environmental Legal Framework

National Environmental Policy (NEP)

This was drafted in 1996 and completed in 1997. It identifies the major environmental challenges in Tanzania: land degradation, lack of accessible clean water for urban and rural residents, wildlife loss and, deterioration of aquatic ecosystems, deforestation and environmental pollution. The policy recognizes the need to address sectoral and cross-sectoral issues in order to address these challenges comprehensively.

Environmental Management Act (EMA)

This Act was enacted in 2004 to strengthen the functioning of NEMC (EMA, 2004), repealing the National Environmental Management Act No.19 of 1983 to re-establish NEMC.

EMA provides long-term legal and institutional frameworks for environmental management, including prevention and control of pollution, waste management, environmental quality standards, public participation, environmental compliance and enforcement. It also gives NEMC mandate to undertake enforcement, compliance, monitoring and review of environmental impacts assessments, research, facilitates public participation in environmental decision-making, environmental awareness and collecting and disseminating environmental information.

Shortcomings from the workshop

The researcher's report was found to contain the following gaps:

1. The definition of environmental crime and the context of presentation. The presentations also lacked to relate the environmental crimes in Tanzania with security of the people;
2. The role of law enforcement agencies like the CID, police and the judiciary and the challenges that they are facing;
3. The law breakers and why they are breaking the law plus the effectiveness of environmental enforcers in Tanzania;
4. The need for capacity building which is important in curbing environmental crime;
5. The full provisions of the Environmental Management Act (EMA) in addressing environmental crimes in Tanzania and provisions of transboundary conflicts for example the differing laws between Kenya and Tanzania on hunting where Kenya has a zero tolerance to hunting while Tanzania allows for sustainable hunting also other environmental laws and the role of community in curbing environmental crime;
6. Other severe environmental crimes like illegal gold mining, marine landmine fishing, suppression of coastal ecosystems and dynamite fishing. Others that called for debate include, forest fires, overgrazing, livestock conflicts arising from migration due to severe environmental conditions in one place, illegal obstructions of water which causes negative downstream impacts and conflicts, electronic dumping which exposes people to insecure environments and threat to livelihoods by developments.
7. The link between health and agricultural sectors in relation to environmental crimes. For example many children drop out of school to be involved in fishing and mining hence losing out on education. Pollution by hazardous products causes health problems which include nausea and body weakness and other long-term effects like deformed babies born due to presence of mercury in domestic water. The mercury gets into the water mostly when washed downstream after using it to clean the mined gold.
8. The link between governance and environmental crimes and the existing by-laws that govern environmental crimes in Tanzania;

9. An environmental crime profile that captures environmental crimes in Tanzania;
10. Strategies of detecting and analyzing environmental crimes especially through the changing tactics. Example given was the fact that timber has been used to finance terrorism through money laundering and though not yet reported in Africa, it is bound to happen and should be prevented through thorough study of environmental crime trends in the region.

Reflections that arose from the workshop

It was noted that Environmental crime efforts should start from an individual.

The dynamics and the complexities of environmental crimes should be studied scientifically and documented to make it easy for reference and necessary action on environmental criminals and preventing further environmental damage and consequent conflicts nationally and between and among countries. The meeting noted that Tanzania is a huge country and it is imperative to have all its environmental crime information publicized for sharing, future reference and enforcement.

The local communities should be trained on recognizing, reporting and recording environmental crimes. They should also be educated on the dangers on engaging in activities considered to be environmental crimes and also on environmental management.

Sectoral laws need to be harmonized since they are root cause of conflicts between national ministries and departments. It is also important to reconcile transboundary laws and regulations to allow for harmonization between and among countries. Collaborative enforcement of environmental laws will be better achieved by sharing information among Tanzania stakeholders and regional stakeholders. However more resources need to be allocated to strengthen programmes implementations.

Technically an environmental crime profile in the national and regional level will be significant in achieving better environmental enforcement on environmental laws. Developed countries practice environmental crime courts equipped with lawyers and prosecutors and the developing countries should emulate this so as to portray the seriousness of environmental crime judgment and prosecutions.

Environmental departments within the police is a key stepping stone in arresting environmental criminals and the personnel in these departments should be well trained on environment in general and environmental crimes in particular.

ISS will be striving to provide information to all stakeholders, and has a key responsibility of providing research based publications on environmental crimes in the Eastern Africa Region to r governments, non-governmental organizations and institutions as well as the private sector.

Filling the Gaps of the Workshop Report

Environmental problems in Tanzania include rampant deforestation due to over-reliance on wood and agricultural remains for energy needs. This destroys wildlife habitats in the more than 15 forested national parks hence biodiversity loss. Deforestation also exposes land to severe soil erosion.

Illegal fishing in Tanzania is a major environmental crime and is ripping the country off its largest fortune in licenses and trade in fish. A license costs \$18,000 per year. The European Union estimates that 70 ships are operating illegally, harvesting fish in large numbers with particular interests in tuna, kingfish, lobsters and prawns which singly cost \$5 and more.

Dynamite fishing drives away tourists in marine attractions and is estimated by the Ministry of Natural Resources and Tourism to have killed 110 people every year.

Organised illegal logging has caused and continues to cause loss of millions of dollars of timber revenue each year in Tanzania. This problem often occurs due to poor governance and rampant corruption in the forestry sector and high ranking individuals more often benefit from this crime. Reference here was made to the TRAFFIC report of 2007.

There are many instances of overgrazing in some cases where cattle ranches are poorly managed hence worsen environmental degradation due to excesses in the lands carrying capacity. Soil erosion silts rivers and sea hence smothering sensitive corals and sea marine life.

Pollution of land, water and air are also major environmental crimes in Tanzania. More often than not, solid and liquid wastes are left untreated in the cities. This poses a major health hazard to persons living in largely affected areas. In Dar es Salaam, for example, the sewerage system is connected to few developments that more than often discharge wastes directly into the ocean which is a big danger, affecting marine habitats and the species that live there.

Wildlife Crime has been on the increase especially in the villages where people resort to poaching and more often due to human-wildlife conflict.

Efforts in preventing environmental crime in Tanzania

The Tanzanian government has dedicated itself to collaborating with various stakeholders in promoting, strengthening and sensitising environmental conservation and management among communities, the private sector and individuals through environmental education and awareness campaigns. Sector policies like in forest; mining, wildlife; fisheries; agriculture and livestock and land policies prioritise Environmental Management and Conservation (EM&C) and thus promote Environmental Security. The government is geared towards overcoming poverty-related problems, diseases, food insecurity and insufficiency, shelter, unsafe water, inadequate energy supply and unemployment through EM&C.

Most of the environmental obligations have been delegated to national environment management council (NEMC) and the Department of Environment (DOE). NEMC implements most of the environmental regulations like the water and waste regulations and the DOE strengthens environmental campaigns and awareness, though incapacitated by lack of financial and human resources. DOE coordinates environmental activities and NEMC liaises with district councils on how to reduce environmental degradation and have a more effective environmental management chain in Tanzania. Other sectors also have different awareness programmes that need conglomeration to achieving the best results in combating environmental crimes in Tanzania. ISS has a mandate to support such programmes especially on community awareness in close collaboration with NEMC and DoE.

Tanzania has an environmental desk within the INTERPOL office and keeps a database of cases prosecuted, penalties given and the number of those in jail

due to environmental crimes. This is considered to be a step forward in combating environmental crimes in the country.

The government of Tanzania is a signatory and has acceded to a number of International/ Regional environmental treaties/ conventions as follows:

1. Convention on Biological Diversity, ratified on 8 March, 1996;
2. Convention on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region and Related Protocols, ratified on 1 March, 1996;
3. United Nations Convention to Combat Desertification ,ratified in April, 1997;
4. United Nations Framework Convention on Climate Change, ratified in April, 1996;
5. The Vienna Convention on the Protection of Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer ,acceded on 7 April, 1993 and on 16 April, 1993 respectively;
6. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, acceded on 7 April, 1993, and,
7. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa, ratified on 7 April 1993.

Sources of Tanzania's Environmental Deterioration

Several factors have been identified as having exerted r continued pressure on natural resources and eventual escalation of environmental crimes in Tanzania which have resulted to environmental degradation and they include:

1. Lack of enough financial resources to implement environmental programmes and projects;
2. Inadequate involvement of major stakeholders e.g. (local authorities and the civil society)
3. Poor land and water management policies;
4. Insufficient terms of international trade;
5. Vulnerable nature of some of the countries environments
6. Growing urban and rural population;
7. Inadequate environmental monitoring; and
8. Lack of environmental information systems and tools.

Proposed recommendations to curb environmental crimes in Tanzania

1. The Ministry for Livestock and Fisheries and the Tanzania People's Defense Forces (TPDF) should use military vessels to reduce illegal fishing by foreign firms. They will carry out patrols in the Exclusive Economic Zones (EEZ) and on the Indian Ocean to prevent stealing of marine resources;
2. Small-scale fishermen in Tanzania should be restricted to fish so long as they use tools and equipment provided for in the country's law;
3. Environmental agencies should carry out aggressive environmental awareness of the dangers of dynamite fishing and other environmental omissions coupled with political will;
4. New approaches should be put in place which will take a vertical and horizontal co-ordination of the various sectors in order to fight the environmental crimes.
5. Environmental policies should be reviewed to accommodate socio-economic needs and ensure environmental protection is not biased to resource use by the communities.
6. Local institutions and processes are needed to regulate trade of environmental goods and services and ensure the income benefits the poorest groups.

Conclusion

Tanzania's commitment in combating environmental crime is evident by the combined efforts between the police and the environmental institutions, however more has to be done in prosecuting environmental crimes. Crimes such impoundment of 157 containers of illegal logs in 2004 from the coastal towns of Tanzania and the discovery of 4,000 pieces of timber harvested illegally put Tanzania's environmental authorities alert and on the look. It is very important to reconcile the sectoral laws in order to effectively curb environmental crime in Tanzania and an effort taken is involving all the major stakeholders in enhancing regional enforcement of environmental law in Eastern Africa.

APPENDICES

Appendix A: List of Workshop Participants

Appendix B: Speech by the Director of Criminal Investigations (DCI), Tanzania.

Appendix A. List of Workshop Participants

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Appendix B. Speech from Director Criminal Investigations (DCI), Tanzania.

OPENING REMARKS MADE BY THE DIRECTOR OF CRIMINAL INVESTIGATIONS IN TANZANIA, MR ROBERT .S. MANUMBA (COMMISSIONER OF POLICE) AT THE WORKSHOP ON THE STATUS OF ENVIRONMENTAL CRIMES IN THE UNITED REPUBLIC OF TANZANIA, HELD AT THE KILIMANAJARO KEMPINSKI HOTEL IN DAR ES SALAAM, TANZANIA ON 21ST OCTOBER, 2008

1. Chief, National Central Bureau-INTERPOL, Dar es Salaam,
2. Head of Environmental Security Programme of ISS,
3. Senior Police Officers,
4. Distinguished Workshops Facilitators from ISS,
5. Workshop Participants,
6. Ladies and Gentlemen
- 7.

First and foremost, I would like to take this opportunity to express my profound gratitude to the Institute for Security Studies (ISS) as organizers of this workshop for inviting me this morning to grace the opening of this workshop as a Guest Of Honour. This is indeed a great honour bestowed upon me and I say **THANK YOU VERY MUCH.**

On behalf of the Government of Tanzania and in particular the Tanzania Police force, I warmly welcome you to Dar es Salaam, Tanzania. Your presence here is a manifestation of the importance you attach to the efforts in fighting environmental crimes in Tanzania and more collectively in the Eastern Africa Region. I urge you to maintain and develop this spirit even further for the betterment of the people whom we have vowed to serve in the country and region as a whole. We are very pleased to be hosting this important event, a workshop whose objective is to consider the findings of a study on the status of Environmental Crimes in the United Republic of Tanzania conducted by the ISS consultant in the period of August and September 2008.

Dear Participants,

In Tanzania and the Eastern Africa Region in general, information and statistics on Environmental Crimes are scarce that make this workshop important in sharing the limited information and data on Environmental Crimes in Tanzania. However, the little data that exists suggests that Environmental Crime is an ongoing problem within the country. This is evidenced with the ongoing illegal logging, illegal fishing, illegal dumping, illegal trade in wildlife species and pollution of the cities just to mention the few which are the threat to human security in the country.

Dear Participants

Among the underlying causes of environmental crimes in the country include poverty that forces the community to extract resources unsustainably, public unawareness on environmental conservation and protection issues, corruption which may lead to unwise decision making, inadequate law enforcement agencies and officials, and lack of adequate cooperation mechanisms between different stakeholders. It is clear however that environmental crimes are among the cross-border crimes that make the INTERPOL important to addressing the issue.

Dear Participants

It is therefore very important to commit ourselves in fighting and combating environmental crimes in the country and in the Eastern Africa Region in general. It is within this line, the ISS in partnership with the Eastern Africa Police Chief's

Cooperation (EAPCCO) have implemented a project intended to develop mechanisms to enhance regional environmental law enforcement and policy making against environmental crimes. This main objective of the project will be achieved through among others research, workshops like this one, seminars and community outreach. All these are intended to document and publish information on environmental crimes, monitor them, address institutional and legislative capacity of environmental law enforcement agencies and facilitate national, regional and international collaborations.

Dear Participants

The research report to be tabled before you this morning is among the initiatives taken to understand and establish the typology, perpetrators and victims of environmental crimes in the country. This therefore will add to the database of information and statistics of environmental crimes in Tanzania. I therefore urge all of you to spare your time to listen carefully and discuss it deeply.

I once again take this opportunity to express my profound gratitude to the organizers of this workshop for inviting me to preside at the opening ceremony. I equally convey our appreciations to ISS, EAPCCO and all facilitators for sponsoring and facilitating the conducting of this workshop in Dar es Salaam, Tanzania. We greatly acknowledge the continued support between ISS, EAPCCO and Public and Private Institutions whose work relate to addressing environmental issues and human security in Tanzania and Africa in general.

I wish you all the best and fruitful discussions during this half day workshop.

I now have the honour to declare the ISS/EAPCCO workshop on the status of environmental crimes in United Republic of Tanzania officially opened.

THANK YOU FOR LISTENING