

CLIMATE CHANGE LEGISLATION IN

TANZANIA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill,
Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer,
Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan and Terry
Townshend

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Tanzania

Legislative Process

Tanzania is a unitary presidential democratic republic, with legislative power vested in both its government and its unicameral National Assembly. The Assembly has up to 357 members, 239 of which are elected by popular vote, 102 are women appointed by the president, 5 are members of the Zanzibar House of Representatives, 1 is filled by the Attorney General and up to 10 additional members may be appointed by the president. All members serve five-year terms. Additionally, Zanzibar's House of Representatives, composed of 50 popularly elected members who serve 5-year terms, has exclusive jurisdiction over Zanzibar. The last election was in October 2010 and the next will be in 2015.

There are two types of Bills: Government Bills and Private Members' Bills. Government Bills are introduced by a Minister or Attorney-General. Private Members' Bills are introduced by an MP who is not a minister or Attorney-general (a private member of the National Assembly). Before a Government Bill is introduced, it passes through a process of consultation and decision-making at the Ministerial level, Permanent Secretaries level, and finally the cabinet.

Bills are published in at least two issues of the official government gazette before being read to the Assembly. For Government Bills, this process can be foregone if a certificate authorised by the President is laid on the table of the Assembly by a Minister or the Attorney-General stating that the relevant bill is so unusually urgent that time does not permit for compliance with the prescribed procedure.

Upon the first reading of each bill, it is referred to the appropriate Standing Committee for consideration. Committees have no power to amend bills, but may request that the Minister responsible for the bill introduces amendments in the Assembly. When the Committee has concluded its considerations, the draft text is subjected to a general debate by members. When approved by the majority of MPs, the bill is submitted to the President for his assent, and upon gaining it, becomes an Act of Parliament. If the President withholds his assent, he must return the bill to the Assembly, stating his reasons. In order for it to be re-submitted to the President, it must be supported by the votes of at least two-thirds of the Members of the Assembly within six months. The President is required to approve the Bill within 21 days, or dissolve Parliament and call for a new general election.

Approach to Climate Change

Tanzania has enacted a number of policies and legislative acts that either directly address climate change issues or indirectly support these objectives through environmental conservation in the related areas of alternative energy, protection of forest lands, and disaster response. The country's approach to climate change runs parallel to its goals of social and economic development. The government envisages future economic development as dependent on how the country responds to climate change challenges, as well as its institutional capacity to implement climate change sectoral and cross-sectoral activities.

Tanzania has been active in several global climate governance measures, most notably through its membership in the regional intergovernmental organisation of the East African Community (EAC), but also through bilateral and larger multilateral processes. Underdeveloped institutional and technical capacity is still cited as one of the major hindrances to addressing climate change challenges. The limited institutional and technical capacity also significantly impacts the ability to mobilise climate funding.

In 1997, Tanzania adopted a National Environmental Policy that seeks: (1) to establish a framework to bring environmental issues to the mainstream of decision-making in Tanzania; (2) to provide policy guidelines, plans and guidance on priority actions, and (3) to create a system for monitoring and review of policies, plans and programmes. The policy calls for regulation on the use of public land; increased use of renewable energy, rational exploitation of forest resources, deforestation control and afforestation activities; waste management; and increased research on climate change issues.

Tackling climate change issues is largely undertaken within the context of the National Environmental Policy and the 2004 Environmental Management Act (EMA). However, pre-existing institutions and institutional memory pose some challenges with the implementation of the EMA.

The 2012 Long Term Perspective Plan (LTTP) is designed to guide the implementation of The Tanzania Development Vision 2025 and strives to build a 'roadmap to a Middle Income Country.' The LTTP reviews environment and climate change issues in the context of their potentially negative impact on development and calls for further institutional arrangements to enhance competences of the National Environmental Council over climate issues.

Adopted in 2012, the Tanzania Five Year Development Plan is a part of a series of plans to implement the Tanzania Development Vision 2020. The Plan notes a considerable number of risks to the development of industry and the cost to GDP that may be due to climate change, and recommends mitigation and adaptation measures as well as the creation of a financial framework. More specifically, the

plan calls for a National Climate Change Strategy – an institutional framework to identify, mobilise and monitor global climate funding – as well as environmental impact monitoring for large industrial and infrastructural projects, stronger enforcement of sustainable environmental management development initiatives, and programmes for training and increased awareness of climate change.

The 2006 National Plan, a document on Mainstreaming Environment and Climate Change Concerns, outlines climate change risks and strategies to promote environmental awareness, collaboration and monitoring across sectors and government agencies, and between national and local governments. The strategy includes plans to combat deforestation and desertification, promote alternative energy and address climate change in other areas. However, this Plan lacks explicit mechanisms for integrating climate change programmes and activities across all sectors.

The 2007 National Capacity Self-Assessment Report and Action Plan for the Implementation of Post Rio Conventions (NSCA) was prompted by the Global Environment Facility, in collaboration with the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP).

The 2010 National Strategy for Growth and Reduction of Poverty II addresses challenges posed by climate change to economic growth and poverty reduction. The Strategy recognises the link between poverty and the environment. It seeks to make energy more accessible to the population, and promote alternative energy including wind, solar and biofuels. Agriculture resilience and food security are addressed through increased food crops, livestock and fishery production, and the introduction of crop, livestock and fish varieties that are suited to adverse conditions resulting from climate change. Agricultural crop security is specifically being addressed through improved seed varieties; however, this measure is posing challenges to farmers because the seeds are susceptible to crop pests and they are expensive for many rural farmers. Finally, the Strategy seeks to mitigate the adverse impact of climate change by strengthening early warning systems for disasters, risk management and preparedness, and disaster management and response. The strategy was planned for implementation between 2010/11 and 2014/15.

The Environmental Management Act of 2004 called for the creation of a National Environmental Action Plan (NEAP), to be updated every five years, and incorporated environmental concerns with the implementation of development plans and programmes, requiring Sector Ministries and Local Government Authorities to prepare Environmental Action Plans according to NEAP. NEAP 2012–2017 calls for an assessment of vulnerability regarding climate change in order to strengthen the National Climate Change Action Plan, promote adaptation policies, plans, budgets, and local government programmes, develop public awareness of climate change mitigation and adaptation and strengthen

early warning systems. The Plan also outlines measures to strengthen the enforcement of land and deforestation related legislation.

Energy Supply

According to 2013 figures from the state-owned Tanzania Electric Supply Company (TANESCO), the country's energy mix is made up of 90% biomass, 8% petroleum products, 1.5% electricity, and 0.5% coal and renewables. According to the US Energy Association (USEA), only 18% of the population has access to electricity, with the rest dependent on biomass and waste (wood, charcoal, manure, crop residues) for cooking and heating. TANESCO and the USEA identify the dependence on biomass as a significant contributor to deforestation; particularly as 80% of biomass consumption is from rural areas.

The majority (66.8%) of installed electricity capacity is sourced from hydroelectric generation plants, with the rest coming from fossil fuels. The electricity sector's dependence on hydropower leads to reliability issues during periods of drought, compounded by ageing infrastructure and significant transmission/distribution energy losses.

The 2003 National Energy Policy focuses on the sustainable use of energy resources with minimal adverse impact on the environment, noting their important role in economic development. In 2013, the Natural Gas Policy identified natural gas as the future engine of growth and a significant source of industrial and household energy. Subsequently, renewable energy is receiving less national attention. The 2010 Mining Act requires that mining companies have insurance that covers pollution and environmental damage compensation; however, the Act does not outline firm responsibilities for the private sector.

Energy Demand

As a result of low access to electricity, the residential sector drives energy consumption, accounting for 72% of total consumption (2009). TANESCO plans to expand the electricity grid, setting an ambitious target of 30% connectivity by 2015; however, the utility faces a lack of government funding and limited resources as a barrier to successful expansion.

Although small-scale energy efficiency measures have been conducted, the government does not currently have demand-side management programmes. However, Tanzania is exploring the ways in which energy efficiency and demand response can increase grid reliability and lower the load on the overtaxed electricity system. In 2013, the Energy Utility Partnership Programme, funded by USAID and USEA, conducted a capacity building workshop with TANESCO, the Zanzibar Electricity Corporation, the Energy and Water Utilities Regulatory Authority and the Ministry of Energy and Mineral Resources. TANESCO, in particular, has prioritised demand side management; however, once again, it faces resources and staff shortages as a barrier.

REDD+ and LULUCF

Roughly 40% of Tanzania is covered by forests and woodlands; however, expanding arable land from the lowlands towards the mountains, rapidly rising energy needs and commercial logging are all contributing to deforestation and forest degradation. The 2013 Action Plan for Implementation of the National Strategy for Reduced Emissions from Deforestation and Forest Degradation (REDD+) further details the drivers of deforestation and degradation. Strategies and actions outlined include:

- setting up a reference emission level and monitoring, reporting and verification systems
- creating a financial mechanism to incentivise REDD+ schemes
- working with stakeholders and ensuring active participation in the implementation of REDD+ schemes
- exploring REDD+ financing options
- developing institutional arrangements for governance and a legal framework
- establishing a national training programme, a national research programme and communication network
- addressing the drivers of deforestation and degradation directly.

The 13th UN REDD Programme Policy Board meeting was held in Arusha, Tanzania, in November 2014, affirming and strengthening the value of the Programme and its partnership with Tanzania.

The 2008-2020 Zanzibar National Forest Resources Management Plan supports the implementation of forest policy and provides legal room for communities to participate and engage in forest management programmes in the Zanzibar Islands. The Plan supports the formulation of Community Forest Management Agreements.

The National Forest Programme 2001-2010 (NFP) was created to implement the National Forest Policy (1998). The NFP is based on four development programmes: a) Forest Resources Conservation and Management programme; b) Institutions and Human Resources Development programme; c) Legal and Regulatory Framework programme; d) Forestry Based Industries' and Sustainable Livelihoods programme.

The overall goal of the 1998 National Forest Policy is to enhance the contribution of the forest sector, while ensuring its sustainable development and the conservation and management of its natural resources in the long term. The policy recognises the high value of forests, due to the high potential for royalty collection (stumpage), export and tourism earnings. The policy also seeks to

effectively manage and preserve forest areas in the long term and ensure the conservation of forest biodiversity, water catchments and soil fertility.

The 2006 Strategy for Urgent Action on Land Degradation and Water Catchments seeks to map water sources in the country. Amongst other things, it identifies the use of trees for urban construction, firewood and charcoal as a cause of deforestation. It also prescribes the promotion of wood plantations and nurseries, empowering local leaders to prevent and control wildfires, as well as a national tree-planting campaign to counter deforestation.

Adaptation

Tanzania released a National Climate Change Strategy in 2012, to address both adaptation and mitigation in line with the country’s vision for sustainable development. In 2014, the Ministry of Agriculture, Food Security, and Co-operatives (MAFC) developed and released an Agriculture Climate Resilience Plan to outline the risks climate change poses to agriculture in Tanzania, as well as a strategy for sustainable agricultural development and adaptation.

The agriculture sector is paramount to the success of the economy, accounting for 25% of GDP and 24% of exports. Moreover, 75-80% of Tanzanians earn their livelihood through smallholder agriculture, making it important to mainstream climate change adaptation measures within agricultural development strategies.

Tanzania: Legislative Portfolio

Name of law	The Environmental Management Act (EMA)
Date	July 2005
Summary	<p>The EMA provides for a legal and institutional framework for sustainable management of the environment. It also outlines principles for management, impact and risk assessments, prevention and control of pollution, waste management, environmental quality standards, public participation, compliance and enforcement. It goes on to establish a basis for the implementation of international instruments on environment, as well as providing for the implementation of the National Environment Policy, repealing the National Environment Management Act of 1983 and advocating the continued existence of the National Environment Management Council. The EMA provided for the establishment of environmental units in all sectors and ministries as conduits of linkage and collaboration in spearheading rational utilization of environmental and natural resources. Finally, it provides for establishment of The National Environmental Advisory Committee to oversee other related matters.</p> <p>EMA establishes the following government bodies with respective powers and responsibilities:</p> <ul style="list-style-type: none">• The Ministry for Environment is established within the Office of the Vice- President, and is responsible for overall co-ordination and policy articulation of environmental management in the country and provision of the central support functions;

- The National Environmental Advisory Committee (NEAC) advises the Minister responsible for environment and other bodies of government;
- The National Environment Management Council (NEMC) is responsible for enforcement of EMA;
- Sector Environment Sections deliver oversight and management of environmental sectors regarding EMA;
- Regional Secretariats are empowered to designate Regional Environmental Management Experts (REMEs);
- The Regional Environmental Management Expert (REME) is responsible for advising and overseeing implementation and enforcement of EMA at the regional level;
- Local Government Authorities (City, Municipal, District, Township) are empowered to designate or appoint Environmental Management Officers;
- Environmental Management Officers are responsible for oversight of implementation of EMA at the local levels;
- Environmental Committees are established at different LGAs levels with responsibility for oversight and implementation of the EMA within their jurisdiction.

The Act gives the Local Government Authorities mandate to ensure environmental compliance in their areas of jurisdiction. Additionally, local authorities are charged with drafting Environmental Action Plans relevant to their geographical areas, in compliance with the National Environmental Action Plan.

The EMA also specifically addresses areas directly or indirectly relevant to climate change. The Act instructs the Minister for Environment (and relevant sector ministries) to take measures to address climate change, with a particular focus on the impacts of climate change and adaptation measures. The Act also manages forests in accordance with the Management of Forest Resources Act of 2002. Furthermore, the Act authorises the Minister and relevant sector Ministries to establish land management guidelines and land planning directives, and allocates responsibility for protection, improvement and nourishment of land to its users and occupiers. Finally, all developers of projects are required to carry out an environmental impact assessment to be reviewed by the National Environment Management Council. Bills, regulations, policies, strategies, programmes and plans that may impact the environment or natural resources are required to conduct and submit a Strategic Environmental Assessment Statement that outlines the likely effects.

Tanzania: Executive Portfolio

Name of Policy	Tanzania Agriculture Climate Resilience Plan
Date	2014
Summary	<p>Subsequent to the National Climate Change Strategy (2012), the Ministry of Agriculture, Food Security, and Co-operatives (MAFC) sought to outline a sector specific response to climate change impacts. This plan aims to provide the crop-agriculture sub-sector of Tanzania with a risk-based analysis and, subsequently, a plan for meeting the most urgent challenges posed by climate change.</p> <p>Following from a risk assessment detailed in the Plan, three priority risks are identified: (i) amplified water stress; (ii) decreased crop yield, and (iii) increased vulnerability of smallholder farmers. Following from the risk analysis, the plan outlines four “priority resilience actions:” (i) improving agricultural land and water management, (ii) accelerating uptake of climate smart agriculture (CSA), (iii) improving risk management to reduce climate-related shocks, (iv) strengthening knowledge and systems to target climate action. Specific policy highlights aimed at addressing the former include: the establishment of pest, disease, and early warning systems; the development of policy briefs and financial incentives to assist with mainstreaming CSA into agricultural programmes; the updating of irrigation master plans to consider availability and climate; incentivising the development of water management technologies.</p> <p>The plan estimates the cost of implementation is USD25m/year over 5 years, 80% of which will need to come from outside the government of Tanzania. The plan further commits the MAFC to establishing a climate change monitoring framework with reporting procedures, targets and milestones, reporting plans, and defined indicators.</p>

Name of Policy	National Strategy for Reduced Emissions from Deforestation and Forest degradation (REDD+)
Date	March 2013
Summary	<p>The Strategy aims to facilitate and co-ordinate the implementation of REDD+ policies in Tanzania. This general objective is translated into nine specific goals, namely:</p> <ul style="list-style-type: none"> • establish robust baseline scenarios and an effective monitoring, reporting, and verification system for determining forest carbon changes • establish and operationalise a fair and transparent REDD+ financial mechanism and incentive schemes • engage and enhance active participation of stakeholders in REDD+ processes • strengthen a national system for governance and co-ordination of REDD+ processes • build capacity in terms of training, infrastructure, systems and equipment to support the REDD+ policy • generate knowledge and promote scientific understanding on REDD+ issues through research • strengthen public awareness, communication and information sharing systems on REDD+ issues • strengthen mechanisms to address drivers of deforestation and forest degradation in various agro-ecological zones

- ensure that gender is mainstreamed in the implementation of REDD+ process and action plan

The strategy also adopts a series of strategic actions to curb deforestation, including the diversification of energy sources other than traditional biomass; support to implement land reforms and issuance of Customary Certificate Rights of Occupancy (CCROS); review of the livestock policy and strategies to reduce overgrazing and nomadic pastoral practices; Introduction and promotion of innovations that contribute to reducing carbon emissions from productive activities; Advocacy for government policy on large scale farming investment in the context of REDD+.

Name of Policy	National Climate Change Strategy
Date	2012
Summary	<p>The 2012 National Climate Change Strategy aims to enable Tanzania to effectively adapt to climate change and participate in global efforts to mitigate climate change, whilst also achieving sustainable development.</p> <p>Adaptation strategies are outlined for water resources, coastal and marine environment, forestry, wildlife, agriculture and food security, human health, tourism, energy (hydropower dams), industry, livestock, and fisheries, infrastructure, human settlements and land use. Mitigation is addressed through low-emission energy technologies, policies to conserve energy usage by industries, improved livestock management and food stuffs, greater efficiency in the transportation, mining, agriculture and waste management industries, and afforestation and reforestation policies (including REDD+). Additionally, cross-cutting programmes seek to implement public awareness programmes, establish research capacity and training institutions for climate change. The Strategy's estimated financial requirements are USD750m per year through to 2030, with the funding to come from international and some domestic support.</p>

Name of Policy	National Energy Policy
Date	February 2003
Summary	<p>The Policy updates Tanzania's 1992 Energy Policy to account for structural changes and market liberalisation. Consistent with the 1992 policy, the central objective is: "to provide an input in the development process by establishing an efficient energy production, procurement, transportation, distribution, and end-user system in an environmentally sound manner".</p> <p>Specifically, the policy addresses Tanzania's need to:</p> <ul style="list-style-type: none"> • have nationwide access to a reliable & affordable energy supply • reform the energy market, implementing effective pricing and an adequate institutional framework • enhance the development and incorporation into the grid of indigenous renewables • adequately consider environmental impacts of energy activities • increase energy efficiency and conservation across all sectors of government. <p>The Policy stresses the use of renewable and alternative energy sources such as wind, solar, hydro, liquefied petroleum gas (LPG) and natural gas. The use of alternative energy sources, such as biogas and briquettes, both for domestic and industrial uses is also encouraged to offset the use of charcoal and firewood associated with deforestation.</p>

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