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Resilient nations

The Global Support Initiative to Indigenous Peoples and Community-Conserved Territories and Areas (ICCA-GSI)

Title of Workshop: Legal Analysis Report Validation Workshop on Indigenous Peoples and Community-Conserved Areas (IICAs)

Level: National Place: Arusha, TANZANIA Date: 19 March 2019



BACKGROUND:

After the initial desk-review of Tanzania's legal, policy and regulatory frameworks, SGP and the Association of Law and Advocacy for Pastoralists (ALAPA) organized a validation workshop on March 2019. ALAPA is the NGO selected by SGP, through a competitive process, to implement the ICCA-GSI legal analysis project in Tanzania.

WORKSHOP DISCUSSIONS AND PARTICIPATION:

The workshop brought together over 27 participants including representatives of Non-Governmental Organizations (NGOs), central and local government, academia as well as representatives of Indigenous Peoples and Local Communities (IPLCs), who are knowledgeable of Tanzania's relevant laws and policies with regard to conservation and indigenous peoples rights.

The workshop started with an overview of Tanzania's ICCAs and the importance of conservation areas. Further discussions focused on how to balance conservation and the human rights of indigenous and local communities. Following this, a summary of the research findings were presented on topics such as legal recognition, human rights, land, fresh water and marine resources, environment and culture, and large scale infrastructure and sacred sites. Others touched on how communities resist or engage with policy makers as well as land mark court decisions.

Thereafter, four breakout groups were assigned with questions from specific sections of the report and provide inputs and recommendations. Namely, these sections were:

Group 1: Legal and Policy Reform:

What institutional, legal and/or policy reforms do you feel are required to better enable Indigenous peoples and local communities to govern their lands, territories and natural resources?

Group 2: Resistance and Engagement:



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In general, to what extent are Indigenous peoples and local communities aware of and actively responding to laws and policies that affect them? Comment on influencing factors and dynamics (for example, differential access to information and mechanisms for participation)?

Group 3: Identify and comment on key factors that contribute to or undermine effective implementation of supportive provisions

Group 4: Judgments:

Describe any case law/judgments or other processes (judicial review, etc.) that either support or hinder indigenous peoples and local communities' rights. Issues of relevance include (i) indigenous peoples and/or local communities' self-determination, (ii) land, territory and natural resource ownership, (iii) self-governance, (iv) connection with and governance of territories, areas or natural resources, and (v) freedom of culture and religion/belief, amongst others. This may include a wide range of procedural as well as substantive rights.

WORKSHOP OUTCOMES:

The workshop enriched the participants' understanding of ICCAs, the national laws and policies that affect them, as well as its applicability for the benefit of the indigenous communities in Tanzania. Additionally, every working group had time to present their findings and thus, were able to contribute to the research process of the project and the development of legal analysis report.

The <u>ICCA-GSI</u> is a multi-partnership initiative that is delivered by the UNDP-implemented Small Grants Programme (<u>SGP</u>) and funded by the Government of Germany, through its Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (<u>BMU</u>). Key partners include the United Nations Environment Programme's World Conservation Monitoring Centre (<u>UNEP WCMC</u>), the International Union for the Conservation of Nature's Global Programme on Protected Areas (<u>IUCN GPAP</u>), the <u>ICCA Consortium</u> and the Secretariat of the Convention of Biological Diversity (CBD).

