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THE LEGAL ENVIRONMENT FOR TOURIST INVESTMENTS ON VILLAGE LAND OUTSIDE WILDLIFE MANAGEMENT AREAS

by

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INTRODUCTION.

This consultancy or legal opinion regarding "the Legal Environment for Tourist Investments on Village Land outside WMA's" was commissioned by "Community Wildlife Management Programme/GTZ", to Mr. Kennedy Gastorn of Faculty of Law, University of Dar es Salaam in his capacity as a freelance expert.

The purpose of this legal opinion or consultancy is to analyse and describe the legislative framework governing the process of allocations and investments on the village land. It identifies some existing weakness and proposes legal solutions on how best investment can be done sustainably on village land. More specifically it seeks to see how to curb the ongoing acquisitions of village land which does not benefit the local communities. The work focuses on the villages or areas around wildlife protected areas such as national parks and game reserves.

The problem in the meantime is that many private investors are acquiring land in villages or areas around wildlife protected areas such as national parks and game reserves through the private selling to individuals with the intention to build tourist lodges or camps there before Wildlife Management Areas (WMAs) are created. This has the advantage that they do not have to pay the communities later or share the income with them. Land is presently cheap and more often than not such purchases and lodges constructions are not done according to the relevant Tanzanian legislation.

It should be noted that the Wildlife Policy of Tanzania 1998 and the Wildlife Management Area Regulations made under Wildlife Conservation Act, 1974 creates opportunities for community investment, joint ventures, leases, wildlife management and other forms of community involvement in WMAs. However, many private investors are buying all lands potential for establishment of WMAs and other community investments. The ongoing acquisitions of lands, if not regulated, will render the communities losers and the surrounding villages will never benefit from the emerging tourism industry.

The consultancy is guided by the given terms of references based on the fact that there is no established WMA over the villages in question. The consultancy while based on proper legal science, the write up is made such as non-lawyers and laymen can understand it.

It is pertinent to note at this juncture that all land in Tanzania are public lands vested in the President as a 'trustee' while citizens are the 'beneficiaries'. What people have is title to use and occupy land, thus "Right of Occupancy". Right of Occupancy is divided into two kinds, that is "Granted or Statutory Right of Occupancy" which is common in towns where the lands are surveyed, and "Deemed or Customary Right of Occupancy" which is common in rural areas. This consultancy deals with Deemed or Customary Right of Occupancy only as the system of holding land in villages.

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1.0 VILLAGE LAND MANAGEMENT.

1.1 Village Council is an autonomous organ in the management of village land. It can issue any directives as far as the land use and control is concerned. In terms of the provisions of the Village Land Act 1999 (" **the Act**"), village land is managed by the village council. Section 8(1) of the Act empowers a village council to manage land in accordance with the principles of a trustee. A trust is, in essence, an equitable obligation, which imposes upon a person described as a trustee, certain duties of dealing with property held and controlled by him for the benefit of the persons described as beneficiaries. A trustee will be liable then for the failure to carry out duties required as a trustee, whether that failure is a result of his acts or omissions.

1.2 In the premises, a village council is supposed to administer village land as 'trustee' while villagers remains as 'beneficiaries". A Village Council, being a trustee, is not supposed to benefit from the land because the property (land) is for the benefit of the villagers (beneficiaries). In so doing, the village council has to consider principles of sustainable development in the management of village land[1], and is subjected to some conditions, such as:

(a) A Village Council cannot allocate or grant any right of occupancy without approval of the Village Assembly.[2]

(b) A Village council must have regard and abide to the advice that may be issued by the Land Commissioner [3] as well as any advice by the District Council[4].

1.3 Therefore, the Land Commissioner using his power under section 8(1) may issue any directives prohibiting certain activities such as construction of hotels and lodges, be undertaken in villages surrounding national parks or protected areas.

1.4 By virtue of Section 8(4) of the Act, village councils are empowered to establish a 'Committee' to advice and make recommendations on the

[1] See S. 8(2) (a) of Village Land Act 1999.
[2] Section 3 of Local Government (District Authorities) Act No. 7 of 1982 defines Village Assembly as village assembly of the village in question.
[3] Section 8(10) of Village Land Act 1999.
[4] Section 9 of Village Land Act 1999.

management of its land. This Committee may help in creating awareness on many matters pertaining village land. The committee may decide to prepare and suggest general land By- laws as well as general village land use plan. By so doing the Committee may recommend prohibition of certain activities that may be considered prejudicial to village interests.

1.5 Since Village Councils are empowered to make by-laws, then it can prohibit any activities and direct the best way on how to handle and manage sustainably village lands. For instance, it can prohibit or put some requirements on private selling of lands to investors, it can impose levy/taxes to every tour operators in the village, and can put building requirements within the village etc.

2.0 PROCEDURE OF ACQUISITION OF VILLAGE LAND

2.1 All applications to occupy village land are made in the prescribed form to the Village Council. The Village Council will determine the application for land and if satisfied, it will issue customary right of occupancy.[5]

2.2 For the purpose of occupying village land, the following are allowed to apply; a person (individual), family unit, group of persons or association, and primary corporative society.[6] It should be noted that only citizens may apply to the village council for a customary right of occupancy. The term or duration or time within which one can occupy land may be, for indefinite term to a person who is citizen, or a period less than 99 years, or on a year to year basis determinable by the village council.[7]

2.3 Once a village council has approved the application, certificates for customary right of occupancy are to be issued. Certificates have to be signed by the District Land Officer and either the Chairman or Secretary of the Village Council.

2.4 The law, by virtue of section 23(2) of the Act, requires that any application for allocation of land by a non-village organization must obtain guidance or recommendations from the Land Commissioner. The Land Commissioner

[5] Section 85 of Village Land Act 1999
[6] Section 22 of Village Land Act 1999
[7] Section 27 of Village Land Act 1999

will have to consider the size of the area applied for vis-à-vis interest of villagers, whereby the interests of villagers must be given the first priority.

2.5 The interests of villagers (or a village as a whole) include the need to reserve land for future village plans. Such future village plans may include the need to have sufficient land for the establishment of a WMA, public open spaces, areas for future village investments and the like.

2.6 As earlier noted, village councils are empowered to charge or vary any land premium and or annual rent to any landholder,[8] the law also gives power to the village council to issue derivative rights to third parties. Derivative rights are secondary rights or those rights derived or taken from other rights, and owe its existence to something foregoing but not in itself.

2.7 The Land Act, 1999 defines derivative rights to mean: -

> "*a right to occupy and use land created out of a right of occupancy and includes a lease, sub-lease, a licence, a usufructuary right and any interest analogous to those interests*".[9]

2.8 It follows therefore that, village councils may enter into a lease agreement or give licence to somebody else for term of certain years. All derivative rights are not assignable without the consent of the Village Council after obtaining approval of the Village Assembly.[10] Derivative rights are classified into three classes, that is A, B and C, as follows:[11]

Class	**Size of Land**	**Time or Duration**	**Determining Authority to issue Derivative Rights.**	**Days to Determine the Application**
A	5 hectares or less	Not more 5 years	Village Council alone	60 days of the receipt
B	6 hectares to 30 hectares	5-10 years	Village Council with approval of Village Assembly	90 days of the receipt

[8] Section 18(1)(f) and 28 of Village Land Act 1999.
[9] Section 2 of Land Act No.4 of 1999
[10] Section 32 (7) of Village Land Act No. 5 of 1999.
[11] Section 32 (5) of Village Land Act, No. 5 of 1999.

C	30 hectares and above	More than 10 years	Village Council with approval by Village Assembly and Land Commissioner	120 days of the receipt, and 30 days of the approval of Village Assembly to the Land Commissioner.

2.9 The validity of any derivative rights, therefore, depends among others, on whether it was obtained through proper procedures as stipulated above. Any derivative rights, such as lease, obtained without going through the above procedures and obtain the necessary consent is unlawful.

3.0 PRIVATE SELLING OF LAND BY THE HOLDER OF CUSTOMARY RIGHTS OF OCCUPANCY.

3.1 The law allows people individually to lease, mortgage or sell their own land. However, before selling their land, they must obtain approval of the village council.[12] As a result any selling transaction of village lands without Village Council's approval is null and void, and therefore unlawful.

3.2 The law exempts grant of a lease, creation of small mortgage, or grant of licence, from year to year or lesser period, to a person ordinarily residing in the village from requiring the approval of the Village Council.

3.3 Moreover, the law provides criterias to be observed by a Village Council in determining any application for approval of the grant or disposition of land. Section 33 of the Act stipulates the following grounds to be considered by the village council:

(a) village land use plan prepared or in the process to be prepared;

(b) likely benefits to the village as a "whole";

(c) sufficient reserve of land for public and community use;

(d) adequate availability of land to the special needs of people; and

(e) special needs of landless people.

[12] Section 31(3) of Village Land Act 1999

3.4 As seen above, any land transaction, which took place without village council's approval is unlawful. Also any approval of village council obtained without considering the criteria given is unlawful. It, therefore, means that one can invalidate or challenge any land occupation obtained through sale or lease without approval by Village Council or approval obtained by Village Council without considering given criterias such as the need to preserve land for village future plans. For instance, village councils cannot approve selling of large hectares of land to any person or investor without considering the fact that villagers may in future need that land for communal use e.g. establishing a WMA.

4.0 DIVISIONS OF THE VILLAGE LAND.

4.1 The law divides village land into three main categories.[13] In each category the law restricts the way such land can be made available to people. The categories are as follows:

(a) land for communal and public use;

(b) land for individual or family use; and

(c) land reserved for future communal or individual use.

4.2 Land for communal use include all land that are for public use e.g. cemetery, churches, playground, hospitals, school etc. In this category no one can be allocated or use the land individually. Therefore, it will be illegal for the village council to grant that land to individual ownership. For instance, no one can be allowed to build on cemetery, mosques, historical sites, etc.

4.3 Lands for individual use are those lands given or are under individual or family unit ownership. As earlier noted, villagers individually or as a family can apply for the land to the Village Council. These lands can be disposed of with the approval of the village council as pointed out in 3.0 above.

[13] Section 12 of Village Land Act 1999

4.4 Reserved land includes open spaces or unoccupied land, which can in future be made available either for communal use or individual use depending on the discretion and considerations of the Village Council.

4.5 It should be pointed out that any land habitually used, as a matter of practice or under customary law, for communal use shall continue to be so even if that land was reserved or under individual ownership.[14] This implies that community interests outweigh individual interests.

5.0 IMPLIED CONDITIONS ATTACHED TO THE CUSTOMARY RIGHT OF OCCUPANCY.

5.1 The law requires that every customary title to land made to a person shall have an implied condition that any permission required before building are obtained.[15] Therefore every buildings that are constructed without having the necessary building permits are constructed illegally.

5.2 Ordinarily, every undertaking such as building hotels etc requires the following permits:

(a) building permits issued by the Village Council and or District Council, ensuring that the building is in accordance with the village or area land use plan;

(b) approval of environmental impact assessment (EIA); and

(c) Certificate of Investment issued by "Tanzania Investment Centre" to the investor under Investment Promotion Act 1997.

5.3 Failure to obtain such permits renders any construction unlawful. It should be noted that, the law prohibits allocation of land or any use of land in buffer zone areas except when an environmental impact assessment (EIA) of the proposed activity is conducted pursuant to the policy and practice of legal requirements.[16] Furthermore, pursuant to section 13(3) of Marine Parks and Reserves Act 1994, no any activity within a marine park

[14] Section 13(7) of Village Land Act 1999
[15] Section 29(2)(b) of Village Land Act 1999
[16] Section 16(2) (a) of Marine Parks and Reserves Act,1994

or reserve can be done without EIA. Also no activities can be done within 60 metres of a riverbank or the shoreline of an inland lake.[17]

5.4 Another implied condition which must be observed by any holder of customary right of occupancy is to keep and maintain his or her land in good state; to pay any rent, fees, charges, taxes and other required payments due in respect of his/her occupation.

6.0 REMEDIES AVAILABLE IN CASE OF BREACH OF MANAGEMENT OF VILLAGE LAND.

6.1 The law gives some remedies in the event a Village Council or an individual misuses the powers conferred on them to manage land properly. For instance, if someone decides to construct or build a hotel / lodge without permits, or where one sells the land without the village council's approval or with approval obtained without regard to stipulated considerations, the law gives remedies as will be apparent in the foregoing discussion.

6.2 Right to make a complaint. Section 8(8) of the Act allows the Village Assembly or more than 100 villagers to make a complaint to the District Council, if it is alleged that the village council is not exercising the function of managing the land as a mere trustee or properly in accordance with the principles of the Act.

6.3 Therefore, if village council decides to grant a land to "investors" or "tour operators" without approval of Village Assembly or Land Commissioner in case of land which is of the size of 30 hectares and above, that village council can be sued. A Village council may as well be sued if it grants a land without considering keeping land for future communal use e.g. establishing WMAs.

6.4 By so doing, villagers may be able to obtain necessary temporary injunction orders from the court to stop any ongoing construction or activities pending the determination of the subject matter of inquiry by

[17] Section 6(3)(d) Village Land Act 1999.

the District Council or the Land Commissioner instituted by villagers or village assembly as the case may be.

6.5 The law provides that once a 'complaint' has been made to the District Council, the District Council may do either of the following:

(a) advice and amicably resolve the matter;

(b) advice future conduct of the management of village land;

(c) require the Land Commissioner to issue mandatory directives; and, or

(d) require the Land Commissioner to appoint an inquiry to investigate and make recommendations on the dispute.[18]

6.6 In the event that an 'inquiry' has been appointed, it may recommend to the Minister for Lands that management of a particular village land be recovered and be vested into the District Council or Commission of Inquiry for a certain period of time. Accordingly, the Minister may make arrangements for the management of village lands jointly between two or more villages or between the Village Council and District Council.

6.7 The Land Commissioner is also empowered, once a complaint has been made, to take any necessary action to re-establish the lawful management of village land and proper allocation of interests in the village.[19] For instance, he may stop any ongoing construction of lodges over the village land or order demolition of the buildings constructed illegally.

6.8 It should also be noted that, a village council may take many actions against any person or individual who violates the condition subject to which his or her customary right of occupancy was granted or upon any failure to observe any terms thereto.

6.9 In particular, the Village Council may temporary assign his or her title to someone else, impose fine, deprive his land subject to Land

[18] Section 18 of Land Act No. 4/1999.
[19] Section 8(8) Village Land Act 1999.

Commissioner's consent, sue the occupier or exercise any other remedy under the law.[20]

6.10 The law also stipulates the outcome of any right or title obtained illegally or by corrupt methods or without following required procedures. Section 24(5) renders such holder or occupier a mere trespasser over that land. Besides, any other action may be taken against him or her such as to be compelled to pay fine or be sued. Furthermore, section 30 (6) of the Act, as earlier noted, provides that any land assignment, like any disposition made without village council's approval shall be void.[21]

7.0 NOTABLE QUESTIONS

7.1 To this juncture for the purposes of this opinion, the following specific questions need to be examined:

7.1.1 Is it lawfully for the village to give away land to the tour operators?

7.1.2 Is it legal for an investor to buy land and put up a lodge?

7.1.3 What can the village do in future if the area becomes a WMA?

7.1.4 Is it safe for an investor to trade or enter an agreement with the District Council?

7.1.5 Is it possible for the Government to declare a caveat in areas around national parks or potential WMA's?

7.2 These questions are answered in turn as follows:

7.2.1 Is it lawfully for the village to give away land to the tour operators?

In principle, the Village Council, with approval of the Village assembly, may give away some lands to the tour operators. Tour operators are governed by Tourist Agents (Licensing) Act, No. 2 of 1969. Under this Act any person must have a TALA licence in order to be a "Tour Operator".[22]

[20] Section 38(1) Village Land Act 1999.
[21] Section 31 (2) Village Land Act 1999.
[22] See Schedule A to the Act No. 2 of 1969.

Village Councils may grant derivative rights, such as mortgage, licence or lease to the tour operators. Before granting derivative rights, the Village Council must also consider the following:

(a) Whether the land in question is for communal use, such as cemetery. If is for communal use then such land cannot be given to tour operators.

(b) The size of the area must not exceed the maximum area of which an individual can occupy in accordance with general village land use plan.

(c) Such grant must be beneficial to the sustainable development of the whole village, and must ensure that sufficient reserve of land for future village use is available e.g. the needed area to establish WMAs.

(d) The grant must not bring adverse or prejudicial impacts to the environment.

(e) The interests of landless people in the village must be given priority.

(f) The grant must be made in accordance with trustee principles.

(g) Tour operators must be able to pay the necessary premium, taxes or any prescribed fees to the village authority.

To this end, therefore if tour operators occupy village land without observing the above requirements, then such occupation becomes unlawful. All the above requirements ensure that village land is used in a sustainable manner to the benefit of all villagers.

7.2.2 Is it legal for an investor to buy land and put up a lodge?

All investors, local and foreign, need to observe the entire requirements stipulated in 2.0 and 3.0 above in order to occupy village land. If an investor wants to buy a piece of land from the individual landholders then he or she must obtain Village Council approval otherwise the whole transaction will be void.

As noted in 5.0 above, before building a lodge, an investor must obtain the necessary building permits as an implied condition attached to the

customary right of occupancy. If this is not done then, such construction becomes unlawful.

It should be noted that any foreigner can only occupy land for investment purposes as provided for under the Land Act No.4 of 1999 and Tanzania Investment Act, 1997. This restriction to foreigners covers not only individuals but also bodies corporate of whose majority shareholders or owners are non-citizens. Therefore, any foreign investor can not occupy land for any other purposes other than investment. The term "investment" is defined by section 3 of the Tanzania Investment Act, 1997 as: -

> " *the creation or acquisition of new business and includes the expansion or rehabilitation or restricting of an existing business enterprise".*

In order for foreigners to qualify to be issued with Certificate of Investment from the Tanzania Investment Centre, which will entitle him or her to enjoy the incentives given under the Investment Act, which among others include right to be allocated land, the intended investment must have a capital of not less than US$ 300,000.00.

At the expiry, termination or extinction of the right of occupancy, or derivative right granted to non-citizen or foreign company, the Minister for Lands may prescribe that reversion of interests of rights in and over the land be vested in the Tanzania Investment Centre or any other authority such as Village Council or District Council.

Another best option for foreigners, who do not qualify under the above provisions of Land Act No.4 of 1999 or Tanzania Investment Act 1997 to be granted a Certificate by Investment Centre, would be to occupy land through derivative rights such as a lease from a holder of land or Village Council. However he or she must follow all the procedures under 2.6 and 5.0 above.

The maximum duration of the lease is ten days less than the period for which the right of occupancy has been granted for a definite period.[23] This would mean that non-citizen may obtain a lease from, say, a holder of a 99 years Right of occupancy for a term just 10 days less from 99 years.

[23] Section 78(2) of Land Act No.4 of 1999.

7.2.3 What can the village do in future if the area becomes a WMA?

In future if the village becomes WMA, while large tracts of land has been sold to investors, then the village will have limited options in order to get back that land for the purpose of WMA.

One option is to appeal through the Minister for Lands to the President to acquire that land in the public interest by paying the necessary compensation to the investor. The presumption here is that, the investor got that land legally and therefore has a bonafide claim of title.

Apart from powers vested to the President to revoke any right of occupancy granted to non-village organization or persons, as per section 44(1) of the Act, and the power to revoke right of occupancy for good cause in accordance with section 45 of Land Act No. 4 of 1999, the President is vested with general powers to acquire or revoke any right of occupancy in public interest.[24]

The President may also use the Land Acquisition Act 1967, which empowers him to acquire any land for public purposes. Section 4 of the Land Acquisition Act 1967 defines public purpose to include land required for use of community or corporation within the community. In this case, since WMA is for community benefits, the President may acquire any land so as to establish WMAs.

On top of that, Regulation 20 of Wildlife Conservation (Wildlife Management Areas) Regulations, 2002 allows the President to use any law to acquire land for the purpose of designating, setting aside, or to grant right of occupancy for the purpose of WMAs.[25]

The village, therefore, can always get land for the purpose of establishing a WMA. The Village will have to advice the Minister, who will in turn advice the President, to acquire the land for the purpose of establishing a WMA. Besides, the Constitution of United Republic of Tanzania upholds

[24] Section 45(4) of Land Act No.4 of 1999.
[25] GN 543 of 2002

community interests than individual interests and empowers all people to protect our natural resources.[26]

The problem, however, is the availability of sufficient funds for compensation. It would be ideal for the village to control unnecessary grant of the land to the investors so as to reduce or escape the burden of paying enormous compensation. Otherwise the President may not be able to acquire any land for lack of sufficient fund to compensate bonafide landholders.

7.2.4 Is it Safe for an Investor to Trade or Enter an Agreement with the District Council?

It is safe to trade with the District Council. District Councils by virtue of section 12 of Local Government (District Authorities) Act No.7of 1982 are bodies corporate with perpetual succession and official seal. A District Council is capable of being sued or suing in its own name, and can own movable and immovable properties.

It should be noted that District Councils are established by the National Assembly and are issued with certificate to that effect.[27] Therefore, even if the ruling party changes or individual person resigns from the administrative post in the District Council, still that Council remains unaffected as an independent legal person.

7.2.5 Is it possible for the Government to declare a caveat in areas around national parks or potential WMAs?

It is possible for the government to declare a caveat in land, let alone in areas around national parks or potential WMAs. A caveat here is taken to mean a prohibition of certain activities within a certain area. The government can do so using the following means:

First, by declaring all the areas around national parks or potential WMAs as game reserves. Once declared as a game reserve many activities will

[26] Articles 27, 29

[27] Section 8(1) of Local Government (District Authorities) Act, No. 7 of 1982.

automatically be prohibited. This might, however, not be a realistic approach.

Second, in terms of section 8 of the Act, the Land Commissioner may issue the mandatory directives to be complied with by the Village Council, regarding village land management. Such directives may prohibit certain activities to be done in villages around the National Parks and or potential WMAs e.g. to stop the ongoing construction of lodges over village land.

8.0 MAJOR LEGAL WEAKNESSES IN COMMUNITY INVOLVEMENT IN WILDLIFE MANAGEMENT AND ACTIVITIES ON VILLAGE LAND AROUND NATIONAL PARKS.

8.1 Poor institutional arrangement for institution linkages:

The Wildlife Policy 1998 identified major stakeholders to include Ministry of Lands and Human Settlement. However, there is no well-designed linkage between the Ministry of Lands and Human Settlement and Ministry responsible for Wildlife.

Suggestion:

There is need to design a linkage so as grants of title on land around or within protected areas or wildlife areas are done jointly between the Ministry of Lands and Ministry responsible for Wildlife. This will control unfair economic activities taking place in the areas outside or around protected areas hence outside the power and jurisdiction of the Ministry responsible for Wildlife.

8.2 Participation of Local Communities in Wildlife Conservation outside Protected Areas.

As noted earlier the law does not provide any provision to ensure participation of local communities in the management of wildlife activities. It is only the Wildlife Policy 1998 which provides so without any legal backing.

Suggestion:

While awaiting amendments to wildlife laws, one can use Section 86A of the Local Government Laws (Miscellaneous Amendment) Act, 1999, which empowers every District Council and Village Council to establish a "Service Board" for provisions of services within its area of jurisdiction. Using this power, a Village Council could be encouraged to establish "Village Natural Resource Committees" as a basis of involving the rural communities in wildlife conservation in their areas and to manage land in a more sustainable manner. This can also be the basis of integrating wildlife into their usual development plans because of a symmetrical relation between land and wildlife.

8.3 Attention to villages or areas surrounding protected areas.

Wildlife and land laws do not have any provision specifically focusing on the areas surrounding protected areas. All the lands outside protected areas are left as either general land or village land without regarding its potentiality.

Suggestion.

We need to have a provision that will govern areas surrounding protected areas and thereby control activities that can be carried out.

8.4 User Rights.

Contrary to what is provided in the Wildlife Policy, the existing law does not provide adequate user-rights of wildlife resources to the rural communities, especially those living around protected areas such as Sadaan National Park.

Suggestion.

Wildlife Policy should be translated into an enabling legislation that will give such rural communities user-rights and thereby make people feel themselves as true owners and shareholders in the Wildlife Sector.

9.0 GENERAL OPTIONS/ RECOMMENDATIONS.

Apart from the recommendations or proposals contained in 8 above, the following recommendation can assist to curb the existing problems.

9.1 There is a need for a specific programme of civic education to the villagers and Village Councils in areas surrounding protected areas on issues relating to wildlife conservation and management as well as powers conferred to them on how to manage village land. Currently there is general lack of awareness of what are their powers over their land, as a result, many investors are taking advantage of their ignorance.

9.2 Villagers could be mobilised to form customary associations and be registered as a 'trustee' so as to have control of natural resources over their land in accordance with section 17(5) of the Act, without waiting to be registered as WMA. The Minister for Tourism could use powers vested on him/her by Section 26 of Wildlife Conservation Act 1974, to declare all villages around protected areas as "authorized associations", so as they can be issued with licence to use animals on private land.[28]

9.3 Village Councils could be mobilized to make and adopt by-laws that will enable them to control all tourist activities over their land in order to benefit from any investments over their land.[29]

9.4 The Land Commissioner could use powers vested on him by section 8(8) of the Act and issue mandatory directives on how to use or on the kind of investments that can be done over village lands around protected areas. By so doing, all the destructive activities to the habitat or activities that do not benefit Villagers may be prohibited.

9.5 Supportive projects and or programmes by NGO's could assist villages to evaluate tourist investments done so far over their land whether they are in line with existing legal procedures and framework.

9.6 Since it will take time to establish WMAs and the government has so far decided to start with only 16 pilot projects, Minister responsible for

[28] Section 40 of Wildlife Conservation Act 1974
[29] Sections 34 and 65 of Village Land Act 1999 allow the Village Council to make bye-laws.

Tourism could use his/ her powers to put a caveat in all areas potential for the establishment of WMAs.