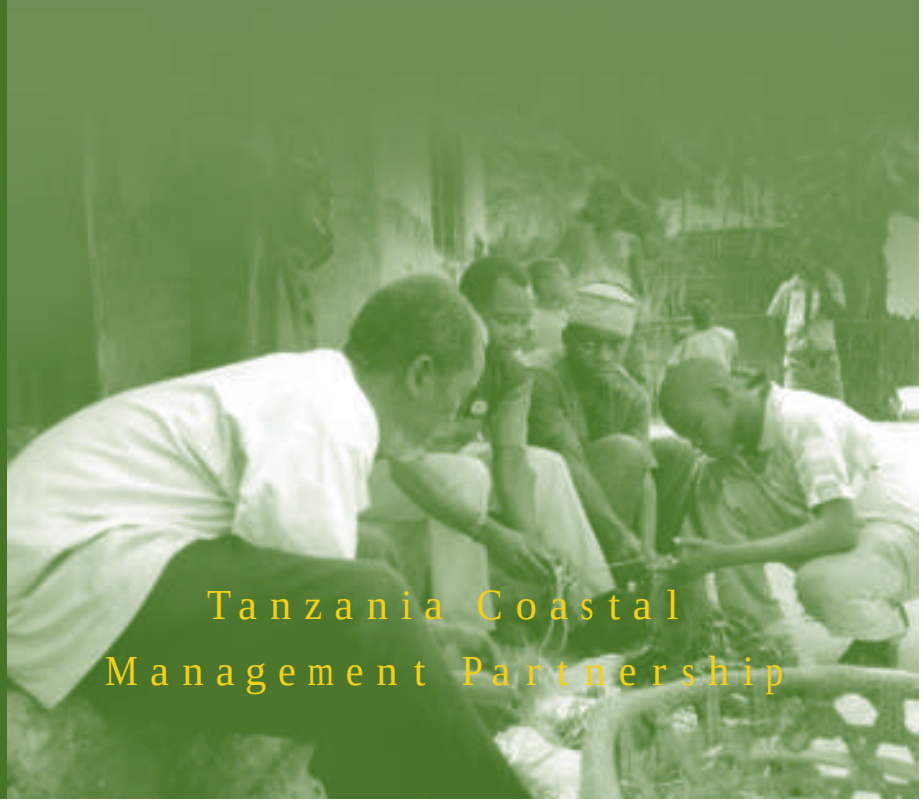
UNITED REPUBLIC OF TANZANIA

SEPTEMBER 2001

Tanzania Mariculture Investor's Guide



Tanzania Coastal Management Partnership

UNITED REPUBLIC OF TANZANIA

SEPTEMBER 2001

Tanzania Mariculture Investor's Guide

Working Document 5049 TCMP

A joint initiative between the National Environment Management Council,
the University of Rhode Island Coastal Resources Center
and the United States Agency for International Development.

Tanzania Coastal Management Partnership

Table of Contents

Preface

Mariculture is the farming of aquatic plants and animals in brackish or seawater. Mariculture and freshwater aquaculture are growing rapidly throughout the world, with aquaculture production now accounting for 20 percent of aquatic food production globally. As the global human population continues to grow, external and internal demand for food will increase. Leaders and planners of Tanzania therefore view mariculture as one of the key opportunities for coastal development. The thriving seaweed culture industry has already demonstrated the potential for mariculture to contribute to community and family well-being. Other nations have benefited tremendously from development of mariculture industries based on production of finfish, shrimp, clams, oysters and aquatic plants. Tanzania offers a clean environment and a hardworking population that make replication of successful mariculture imminently possible.

While recognizing the potential of mariculture to contribute to social and economic development in Tanzania, the nation holds firm to its commitment in coastal management to assure that development is conducted in such a way that both the quality of the environment and life for coastal residents are protected as the fundamental basis of a thriving economy and a vibrant nation. In order to do so, mariculture industry development requires careful planning, a rational permitting system, integration of resources uses and scientific knowledge in support of sustainable development. The private sector also has a key role to play in developing a sustainable industry through self-recognition and collaboration with planning efforts.

This document is the product of three years of careful research and extensive intersectoral consultations through a collaborative effort of public institutions, the private sector, donor-funded programs and non-profit groups. The document is a useful tool for the implementation of the National Fisheries Policy and Strategy Statement of 1997. The Ministry of Natural Resources and Tourism expresses her appreciation to all participants on their effort that has culminated in this unique document. It represents a participatory and science-based approach to permitting and development. We believe that the "Tanzania Mariculture Investors' Guide" serves as a model for guiding other development issues.

The Ministry of Natural Resources and Tourism regards the Investors' Guide as a useful tool. The Fisheries Division, Tanzania Investment Center and the National Environmental Management Council, along with other key institutions, will rely upon the Investors' Guide as we move forward with planning and permitting of mariculture development along the Tanzania coast. We look forward to a time in the near future when Tanzania's mariculture becomes as an example to the world of how environmentally sound and socially friendly coastal development can be realized.

Phillemon L. Luhanjo

Permanent Secretary,
Ministry of Natural Resources and Tourism

Foreword

The science community and planners in the world have viewed investing in the coast as key to national development. Coastal tourism, industrialization, shipping, mariculture and fishing are among the most important coastal economic development activities. The coastline of Tanzania offers a clean and pristine environment for such successful investments.

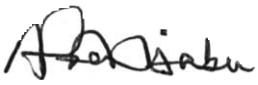
Being a coastal state, Tanzania is a party to a number of international and regional conventions such as the Convention for Biodiversity Conservation; the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region and Related Protocols (Nairobi Convention); the Memorandum of Understanding for the Conservation and Management of Marine Turtles and their Habitats in the Indian Ocean and South East Asia Region; Convention on the Law of the Sea; and the Ramsar Convention. Tanzania has transcribed these global and regional agreements through a number of abridged and guiding documents like the National Environmental Policy, Biodiversity Strategy and Action Plan, National Environment Action Plan, and the National Conservation Strategy for Sustainable Development.

While recognizing the potential for coastal economic development in the world, Tanzania puts forth stringent efforts to assure that development protects the quality of the environment and the life of the coastal communities. Careful planning, a rational permitting system, integration of resources uses, and scientific knowledge are of paramount importance in support of sustainable development. These principles are purposely set to guide

mariculture investments in order to avoid adverse effects on the environment and the socioeconomic aspects of the coastal communities.

Being responsible for coordination of environmental matters, the Office of the Vice President recognizes the principles enunciated in the "Tanzania Mariculture Investor's Guide as a useful tool for guiding coastal management.

A. Rajabu



Permanent Secretary,
Office of the Vice President

Tanzania Mariculture Investor's Guide

PURPOSE OF THIS DOCUMENT

This guide describes the permitting process for new mariculture development in Tanzania. Its purpose is to clarify the planning and permitting process for mariculture projects to promote new business development in this area. This will, it is hoped, lead to wise and sustainable investment in the mariculture sector in Tanzania.

The signatures of all the sectors relevant to mariculture development attached to this document in the Appendix indicate Tanzania's commitment to this industry. By affixing their signatures to this document, they indicate their understanding of, intent to use, and support for the criteria and process. However, this is a non-binding document. Voluntary adoption of the guidelines by both national institutions and the investor is mutually beneficial as it helps ensure smooth and rapid permitting of projects that contribute to the establishment of a sustainable mariculture industry in Tanzania.

Each investor is encouraged to check directly with the appropriate sectors to ensure that the information presented herein is still accurate and pertinent. In particular, the investor is advised that each district may have individual by-laws that affect permitting which may not be addressed in this guide.

Coastal resources–areas that support mariculture development–are key to Tanzania's future development. The five mainland coastal regions contribute about one third of the national Gross Domestic Product (GDP). Currently, 75 percent of the country's industries are in these coastal regions. Newly initiated activities

in the coastal region, including mariculture development, coastal tourism and natural gas exploitation, are seen as becoming increasingly important in the future in promoting national economic development. There is also substantial but untapped potential for agriculture, offshore fisheries, shipping, urban development, small-scale mining and manufacturing.

These economic opportunities need to be developed for the benefit of the nation and coastal people, in a manner that links growth to wise management and protection of the resource base. Unless this happens, coastal people's quality of life, which is inextricably tied to the resource base, will continue to decline. Although these guidelines focus on mariculture industry development, they can serve as a model for development of other coastal industries.

Tanzania has embraced coastal management as a means to guide these economic opportunities and ensure they are developed in balance with community and national needs. Coastal management seeks to:

> *Preserve, protect and develop the resources of Tanzania's coast for use by the people of today and for succeeding generations to ensure food security and to support economic growth*

In support of this overall goal, Tanzania has adopted a number of coastal management policies. These policies provide a range of tools that coastal managers can apply to different situations.

Because development of new sectors, such as mariculture, is critical to Tanzania's growing economy, special attention was given to major economic activities that depend on coastal activities. For these, Tanzania seeks to:

Promote integrated and sustainable approaches to the development of major economic uses of the coast to optimize benefits and minimize negative impacts

The challenge lies in developing the ability to take full advantage of the opportunities offered by mariculture development while avoiding mistakes made in other parts of the world. Coastal habitats are the foundation of biodiversity and support nearly all coastal economic activities such as fisheries, agriculture, tourism and forestry. Inappropriate culture methods can cause environmental impacts that in turn may produce social and economic impacts. Therefore, sustainable mariculture development requires careful application of good farming methods and integration of activities in selected sites to avoid damaging ecologically sensitive areas and disturbing other economic activities. Tanzania also needs a permitting and management process that understands and supports these needs. Management of the coastal environment is guided by fragmented policies. There is no mechanism to ensure sound management before development, or after the impacts that result appear. This is attributed to gaps and overlaps of sectoral policies; it is often unclear who has the mandate to manage resources and economic activities that cut across sectors. As a result, there are conflicting uses of coastal resources. A multi-sectoral dimension and focus is the best way of coordinating sectoral initiatives. To address these problems and achieve its integrated coastal management (ICM) policy (proposed), Tanzania will:

- *Ensure that coastal activities and opportunities are developed according to national and local needs and plans through coastal activity guidelines*

- *Facilitate project review procedures that are consultative, multi-sectoral and inter-disciplinary in order to promote efficiency and transparency in the decision-making process*

The country will achieve this by providing guidelines and a coordinated permit review for major economic uses of the coast. This document presents both.

Part I – This section outlines the permit review process, defining who is involved and what are the expected inputs and outputs for each step in the process.

Part II – This section presents guidelines for mariculture development in Tanzania. These are the agreed-upon review and decision criteria.

Both the permit process and the guidelines have been developed through an extensive research and consultative process led by the Tanzania Coastal Management Partnership (TCMP) and the Fisheries Division (Fisheries). Working through an intersectoral working group that included experts from public and private sector, Fisheries and the TCMP worked through the complicated maze of project review and approval. Because mariculture is a new economic activity in Tanzania, it was also necessary to formulate and recommend new permitting mechanisms in some areas. From this participatory analysis and policy development, this document was compiled.

Much of the information contained in this document is embedded in existing legislation. The actual legislation is noted in reference boxes adjacent to the information. For parts of this document that are not embedded in law, several actions are underway

to formalize them. The first has been achieved with the completion of this document. By signing the document, the sectors indicate their intent to use and support the criteria and process. Although this is not legally binding, it is implied by consent that sectors will apply this process and criteria to mariculture projects. Second, key parts of this document are being absorbed into law. To start, these include adjustments to the Fisheries Legislation and the National Environmental Impact Assessment process. Both of these important regulatory statements will refer back to this document as a source of instruction for procedure and review criteria.

Using the Guide

This document is a road map, it provides direction. It does not provide all the details necessary to complete a project development and approval process. Important details such as internal administrative procedures are omitted and need definition by the individual institutions. This document will serve to orient an investor as to the overall permitting procedures and the key institutions that must be contacted. Government sectors may also benefit from use of this document as their reference point for mariculture development, particularly in regard to modes of interaction with other institutions. However, the investor is advised not to depend entirely on this document as the sole source of guidance or information on mariculture permitting procedures. Close consultation and extensive interactions with the individual sectors is still necessary and appropriate in order to adhere to current permitting procedures and requirements. Both the investor and the public sector should be aware that many national policies are under review and revision, and this

document may require updating accordingly as new policy is implemented. Although the permitting steps are presented as a linear path, it must be recognized that some reiteration between steps will be necessary during the process.

> *Investors* should use this guide as a starting point. It provides all the pertinent information about who to contact, the review criteria for employed by each sector, the legal basis for the review process and what is expected from the investor in order to comply with the procedures.
>
> *Government sectors* should also use this guide as their road map to guide the review and permitting process. It will be useful in helping individual sectors understand their role in the larger permitting scheme and the roles of other sectors, as well as what the investor is responsible for within the development and approval process.

If investors and government use this document consistently, both will be ensuring an open, transparent, and rational review and approval process. This should, therefore, invite an integrated and sustainable approach to mariculture development that optimizes benefits and minimizes negative impacts.

MARICULTURE IN TANZANIA

Mariculture is defined as:

The rearing of aquatic organisms in brackish or marine water where at least one phase of growth is under human control.

There is already a growing village-based seaweed farming industry, and shrimp culture is emerging. Continued growth and

diversification of the mariculture industry is expected at both the village level, where mariculture is an alternative form of crop production and can provide income and protein; and at a large-scale level where mariculture can provide many types of employment and generate foreign exchange. While mariculture can yield these benefits, it can also have major environmental and socioeconomic impacts if it is not carried out properly.

Mariculture development in Tanzania has been largely limited to seaweed culture, although this has been highly successful as a means of economic development for villagers. Other forms of mariculture also hold potential for both large and small-scale development. Despite its latent potential, development lags behind other forms of economic development due to lack of institutional attention and its low priority in national economic planning. Thus, when the prospect of industrial-scale shrimp culture burst on the national scene in 1996-1997, institutional capacity to guide and manage large-scale mariculture operations was limited. Environmental assessment, permitting procedures, procedures for acquisition of land and water use, environmental standards and monitoring had not been fully adapted to mariculture development. Additionally, responsibility for these areas is fragmented among various institutions and levels of government. Intergovernmental coordination is not sufficient to completely and efficiently guide mariculture projects to full legal compliance.

Building from this experience, Tanzania sets forth the following general principles to guide mariculture development.

Rationale and direction of mariculture development

Mariculture is recognized as an important development opportunity for coastal communities, as long as environmental quality

and the well-being of coastal residents is preserved. Development of the mariculture industry shall have dual priorities:

1) Development of small-holder mariculture (e.g. seaweed culture) with the goal of providing cash income and food security for families and communities.

2) Development of medium and large-scale mariculture that provides employment, food, foreign exchange and investment opportunities.

Regardless of scale, it is recognized that like all coastal development, mariculture projects shall be required to follow guidelines that promote environmental sustainability, increase social well-being and are economically feasible.

Permitting and planning procedures

The public sector shall work in a manner that promotes economic development while ensuring environmental quality, protecting the rights and interests of citizens, harmonizing with other economic activities, and improving the quality of life on the coast. This requires permitting and planning procedures that are rational, intersectoral, transparent, harmonized and science-based.

Site selection

Sites for mariculture development shall be selected to ensure good production of the chosen culture species, minimize conflict with other economic uses, prevent environmental damage, and respect the property rights and well-being of other citizens.

Species selection

Species selected for mariculture development shall be those which are in accordance with the guidance provided by the Fisheries regulations and United Nations Food and Agriculture

Organization (FAO) Code of Conduct for transfer of species (1988). Generally, preferred cultured species are those which have potential for economically efficient production, are biologically viable under the given circumstances, pose no harm to consumers or the environment, and have marketing outlets.

Statement on culture technology

Culture technologies shall be those which the user has the full possibility of mastering and employing, produce minimum impact on the environment, result in economicially efficient production of the chosen culture species, and do not adversely affect laborers or communities.

Priorities shall be given to species and technologies already demonstrated to be viable in Tanzania in order to enhance current economic benefits. New species and technologies proven in other nations shall be promoted and adopted after a carefully considered planning and review process to ensure that technology transfer is efficient, past mistakes are not repeated, and that appropriate conditions exist in Tanzania to ensure that new enterprises have a high probability of success.

Assessment and monitoring protocols

Assessment and monitoring protocols shall be established that enable the detection and prediction of environmental impacts resulting from mariculture operations with subsequent mitigation or prevention. These protocols shall be cost-efficient, science-based, and the manner in they are to be used in decisionmaking shall be clearly detailed in a transparent manner.

Part I
Permit Review Process

Part I – Permit Review Process

Overview of the Process

The major phases of the permit and review process for mariculture development are outlined below. Each phase contains a number of steps. The steps are described in the following pages. The left column refers the reader to the page number in this document where details are described.

Steps in the Permitting Process

1. Decide what type of permit process must be followed.

To do this, there are two questions that, once answered, will direct how the permit process will proceed. These are:

- Is the project small- or large-scale?
  (To see if your project is small or large, go to page 24)
- Does the project have potential for substantial impacts?
  (To see the process and criteria used to determine whether a small project has potential for substantial impacts, go to pages 24-27.)

2. Enter the MAJOR or the MINOR permit process according to the scale of the project.

(The means of deciding which projects enter the major or minor permit process is detailed on pages 24-27.)

2a. For large-scale projects or those with potential for substantial impacts, the developer will follow the MAJOR permit process. This includes a full review by key sectors including the Tanzania Investment Centre (TIC), Fisheries and the National Environmental Management Council

(NEMC). The process for this review is structured around the Environmental Impact Assessment (EIA) system coordinated by NEMC. The Terms of Reference (ToR) for the EIA ensures that all sectors relevant to the project systematically provide review criteria and input to the approval process and that public consultation is used in the decisionmaking process.

(The MAJOR permit process is described on pages 28-44.)

2b. For *small-scale projects* or those without potential for substantial impacts, the developer will follow the MINOR permit process. Small-scale projects are subject to a review at the District level, not a national review. District representatives of the relevant sectors are included in the process. Links to the national level are ensured through Fisheries, NEMC and the Ministry of Natural Resources and Tourism (MNRT).

(The MINOR permit process is described on pages 45-49.)

3. Steps in the MAJOR permit process (large-scale projects or those with potential impacts):

3a. Getting started. Preparing the project's proposal and contacting TIC.

(Elements that need to be included in the project plan are defined on page 30.)

3b. Initial Contact. Conduct initial consultations with local government; take first steps to secure land and water rights.

(Information about what parts of local government to contact and why are described on page 32.)

3c. Submission. The finalized project proposal is submitted to the key institutions.

(The key institutions that must be contacted are listed on page 34.)

3d. Preliminary Screening. The institutions relevant to mariculture meet to determine whether the project proposal is adequate to proceed with the MAJOR permit procedure.

(Criteria used to determine the adequacy of the proposal to continue the permit process are outlined on pages 33-36.)

3e. Scoping. The ToR for the EIA are developed, incorporating each institution's comments from the screening meeting and their review criteria.

(Development of the ToR for EIA is described on pages 36-39.)

3f. Assessment. The EIA is conducted and through consultation, the institutional and public perspectives are incorporated in the EIA.

(Procedure for conducting the EIA is described on page 40.)

3g. Review. The EIA is reviewed for adequacy by an intersectoral team.

(The intersectoral process is described on pages 40-41.)

3h. Environmental Permit. If the review finds that the EIA report is satisfactory and answers the review criteria of all institutions, the Environmental Permit is issued.

(The criteria for issuing the Environmental Permit are described on page 41.)

3i. Final Approval. Once the Environmental Permit is granted, the investor may take the final steps in the approval process. The MNRT (Fisheries) compiles and reviews all final

institutional approvals and completes the final processing of the permit. The Certificate of Business Incentives may be obtained. Land and water use rights may also be obtained at this stage.

(The final approval process is described on pages 42-44.)

4. Steps in the MINOR permit process (small-scale projects without potential impacts):

4a. Getting started. Preparing the project proposal.

(Elements that need to be included in the project plan are defined on pages 45-46.)

4b. Preliminary review by the District Technical Team. Proposal is reviewed by the District Technical Team for adequacy to continue in the MINOR permit process.

(Review process and criteria are defined on pages 46-47.)

4c. Review by local authorities. Village and ward personnel review the proposal for acceptability and feasibility.

(Review process and criteria are defined on pages 47-48.)

4d. Final approval. The Full Council approves, and the investor can then proceed to obtain land and water use rights, then the business license.

(Review process is described on page 48.)

I. Institutions Involved

Mariculture, because of its intersectoral nature, touches many sectors at several levels of government. Each has a different role to play and each enters and exits the process at different times. However, each sector, regardless of their sectoral mandate, seeks to:

> *Promote integrated and sustainable approaches to the development of major economic uses of the coast to optimize benefits and minimize negative impacts*

The following lists the major sectors that are involved in the mariculture review and approval process. Other sectors may be involved occasionally and where required, NEMC will identify and contact them for involvement in the approval process. For each, we have defined their role and their legislative mandate as it relates to mariculture. How they enter and exit the process is detailed as the process is described in the following pages. This document also provides key contacts for each sector.

Ministry of Natural Resources and Tourism (MNRT)

Primary Responsibility: Acts as the ultimate authority and provides oversight for approving mariculture projects once individual institutions have completed their reviews and issued their approvals. The MNRT also archives the approval process documents to create a public record of the process.

Type of Review: An administrative review of the package of collected documents acquired during the approval process submitted by the Fisheries Division to ensure that all needed documents are present and that overall compliance with the permitting process was achieved.

Legal Mandate: Presidential Instrument of 1995, revised 1997.

Contact: Permanent Secretary of the Ministry

Fisheries Division

Primary Responsibility: Contribute to Environmental Permit for MAJOR permit process through the feasibility study. Provides guidance and technical assistance to the investor. Submits final approval package to the MNRT for final approval

Type of Review: Feasibility study to determine suitability of the project from the viewpoint of technical and economic feasibility. Elements of environmental and social impacts may also be included as they relate to the technical aspects of the proposal.

Legal Mandate: Fisheries Act (1970).

Contact: Director of Fisheries

Forestry and Beekeeping Division

Primary Responsibility: Determines if a proposed project presents potential impacts to forestry resources such as mangroves and other coastal forests.

Type of Review: Determination of project location relevant to forestry reserves and adherence to mangrove zoning scheme; possibility of negative impacts on other forestry areas.

Legal Mandate: Forestry Act (1957).

Contact: Director of Forestry.

Wildlife Division

Primary Responsibility: To protect wildlife habitats by ascertaining lack of impacts on wildlife resources and habitats by the proposed project.

Type of Review: Reviews the project proposal to assess whether wildlife or critical wildlife habitats may be affected.
Legal Mandate: Wildlife Act (1998)

Contact: Director of Wildlife.

Division of Antiquities

Primary Responsibility: To protect areas with cultural and archeological significance or other natural interest.

Type of Review: Reviews the project to assure that cultural and archeological sites are not impacted by the project.

Legal Mandate: Antiquities Act (1964).

Contact: Director of Antiquities Unit.

Marine Parks and Reserves

Primary Responsibility: Establishment and management of marine parks and monitoring of marine habitats and resources.

Type of Review: Reviews projects sited in marine protected areas or which may affect sensitive marine resources.

Legal Mandate: Marine Parks and Reserves Act (1994).

Contact: Marine Parks and Reserves Unit Manager.

National Environmental Management Council (NEMC)

Primary Responsibility: Coordinates the MAJOR permit review process that issues the Environmental Permit. Contributes guidance to the District Technical Team for the MINOR permit review where needed.

Type of Review: Environmental Impact Assessment

Legal Mandate: NEMC Act of 1983.

Contact: Director General of NEMC.

Tanzania Investment Centre (TIC)

Primary Responsibility: To act as a one-stop permitting center for the investor through liaising with other institutions that review and approve a project. Provides the investor with information on establishing and conducting business in Tanzania. Grants Certificate of Business Incentives which provides a package of incentives.

Type of Review: Review for adequacy for business registration and whether criteria for granting of the Certificate of Business Incentives are met.

Legal Mandate: TIC Act, No. 26 (1998)

Contact: Director General.

Tanzania Harbors Authority

Primary Responsibility: Management and protection of harbor and peri-harbor areas.

Type of Review: Reviews project to determine lack of conflict with navigation and other harbor uses.

Legal Mandate: Tanzania Harbors Authority Act (1985)
Contact: Director General

Village, Ward and District Governments

Primary Responsibility: Evaluate feasibility and effects in local context; consult with the public.

Type of Review: Local-level government and committees are responsible for three types of reviews: 1) The district will participate in the review of large-scale projects as part of the MAJOR permit process to evaluate feasibility and acceptability from a local perspective; 2) Committees at the village, ward, and district levels will review the proposal for technical feasibility, envi-

ronmental impacts and social acceptability for small scale projects in the MINOR permit process; and 3) the District Technical Team makes the determination of whether a project falling below the TIC investment threshold has sufficient potential for causing impacts that it should be evaluated using the MAJOR permit process.

Legal Mandate: Local Government Act (1997); District By-laws.

Contact: District Executive Director.

Lands Department

Primary Responsibility: Responsible for granting right of occupancy for land.

Type of Review: The application is reviewed to determine availability of the land and whether it will be allowed according to the type of ownership of the land.

Legal Mandate: Lands Act (1998); Local Government Acts

Contact: Permanent Secretary

Water Department

Primary Responsibility: Responsible for granting water use rights and ensuring water quality.

Type of Review: Determination as to whether the volume of water needed is available and can be extracted without conflict or environmental damage.

Legal Mandate: Water Act, No. 2, 1974

Contact: Principal Water Officer (for national water sources)
Basin Water Officer (for regional water sources)

II. Determining which process is required

Deciding what permit process must be followed.

A project will either follow the MAJOR or MINOR permit process. This is determined first by the level of investment, and second according to whether the project presents the potential for impacts.

Steps:

1) Define the level of investment

It is a large project if it is backed by at least $300,000 (US) for foreign investors or $100,000 (US) for local investors. Large-scale projects will enter the MAJOR approval process. There are no exceptions to this

It is a small project if the project does not meet the investment level established by TIC.

2) Determining the Potential for Impacts.

In order for a project to continue in the MINOR permit process, the developer must demonstrate that significant potential impacts do not exist. Proposals for small-scale projects are submitted to the District Technical Team (DTT) (see IV, page 44). The DTT is a subcommittee of the District Management Team and is composed of technical personnel from the responsible sectors (e.g. Fisheries, Forestry and Beekeeping, Wildlife, Lands Department, Community Development Officer). The DTT reviews the project to

determine if potential for impacts exists, where necessary consulting with NEMC. The following checklist is used to determine whether the potential for impacts exists. If the project meets any of the criteria below, then it is referred to the MAJOR permit process.

Size

The physical scale of the project may suggest the degree of potential impacts presented. As a preliminary measure, pending further investigation, it is suggested that the following be used to assess the probable lack of significant impacts.

Does the project exceed any of the following limits in size? ❑ YES ❑ NO

- Individual earthen ponds measuring less than 400 m^2
- Individual floating cages measuring less than 400 m^2
- Individual long lines less than 400 m^2
- Individual rafts less than 400 m^2
- Individual bottom cultures measuring less than 400 m^2

Use of exotic species

Are exotic or imported species to be used*? If exotic or* imported organisms are to be used, then the project is assumed to present potential impacts and must be reviewed in the MAJOR permit process. ❑ YES ❑ NO

Number of projects in the same area

Even small-scale projects may produce cumulative impacts when more than one is present in the same area. Thus, as a preliminary measure pending further investigation, it is suggested that if multiple projects exist and exceed the following levels, that the project would be reviewed using the MAJOR permit process.

❑ YES
❑ NO

Are there more than 10 individual mariculture projects measuring over the size limits mentioned above in the same area? "Project" is defined as an individual pond, floating cage, long line, raft, or bottom culture.

Objections from the local community or other potential socioeconomic impacts

Once public notice is posted regarding the intention to establish a mariculture project, if any objection from the community is registered in writing with the authorities, then the objection must be reviewed by the DTT with reference to the criteria listed below to determine whether the project should be referred to the MAJOR permit process. Socioeconomic impacts may include, but are not limited to:

- Displacement of human occupation
- Displacement of other economic or traditional activities
- Possible conflict with other economic activities
- Need to bring in more than 20 workers from outside the local community
- Affects on human health or safety
- Not being in accordance with current policy or regulation

❑ YES
❑ NO

Is there a possibility that the project causes any of the above?

Cases where potential impacts related to the following are suspected:

- Soil, beach or coastal erosion may occur
- Changes in hydrology or hydrodynamics may increase the probability of flooding or affect the water use rights of other users
- Possibility of salinization of ground water

- Obstruction, displacement or hazard to wildlife, migratory birds or aquatic life may occur
- Sensitive habitats such as mangrove, wetlands, intertidal zones, or coral reefs are located within the project site, or project activities could affect these
- Use of wild animals or plants such that local populations may be damaged
- Deterioration of water quality

Is there a possibility that the project causes any of the above? ❑ YES ❑ NO

Where associated activities may present potential impacts:

- Creation of other infrastructure such as processing plants, docks, roads, pumping stations or hatcheries is proposed and is believe to pose potential impacts
- Where degradation or damage may be caused to areas of cultural, historical, archeological or religious importance
- Areas where little or no previous experience exists as a basis of analysis, such as:
    - Use of new species or imported species
    - Use of new culture technologies, particularly in the case of intensive systems
    - Where conditions are judged to exist such that project success is questionable

Is there a possibility that the project causes any of the above? ❑ YES ❑ NO

A project has the potential for significant impacts, if the project meets any one of the above criteria or if the DTT cannot make a determination. In this case, the DTT refers the project to NEMC for review. NEMC will conduct a Preliminary Environmental

Assessment (PEA), a determination as to whether full EIA is needed. If the PEA determines that a full EIA is required, then the project follows the MAJOR permit process. If the PEA determines that no significant impacts are presented, then the project may once again return to the MINOR permit process.

A project does not have the potential for significant impacts, if the project is determined not to possess any of the above-listed impacts.

III. MAJOR PERMIT PROCESS

For large-scale projects, or small-scale projects with potential impacts

The MAJOR permit process is for large-scale projects or those determined to have the potential for significant impacts. The MAJOR permit process relies on three institutionalized systems within Tanzania's central government. These three systems are woven together by the MAJOR permit process to ensure the efficient and transparent processing of the permit application.

The three systems used by the MAJOR permit process are:

Technical Feasibility Study – The Fisheries Division is the lead institution for mariculture, offering technical assistance as well as legal guidance. The Technical Feasibility Study is reviewed by the Fisheries Division and is used to ascertain that the project proposal is feasible, viable and socially acceptable. Consideration of the social acceptability, economic effects, and environmental impacts is important since these play a role in determining the long-term success of a mariculture business and because large-scale projects generally need support from the public sector, thus justifying review from the perspective of determining feasibility.

Apart from determining whether the project should be granted approval to proceed, the Technical Feasibility Study serves as a vehicle by which the project is analyzed by an array of experts from different fields who may provide technical assistance to the investor in areas where room for improvement exists.

Certificate of Business Incentives – The Tanzania Investment Centre (TIC) acts as a one-stop permitting center and provides facilitation of all investment requirements for the investor. TIC grants the investor the Certificate of Business Incentives. To large-scale investors who meet the requirements, the Certificate of Business Incentives offers advantages related to income, sales and custom taxes, as well as other financial incentives. TIC can facilitate obtaining non-financial incentives such as favorable immigration quotas and visas.

Environmental Impact Assessment (EIA) – The National Environmental Management Council (NEMC) is the lead agency for reviewing EIAs. Successful completion of the EIA is required to legally operate a mariculture business. The EIA is a process that identifies or predicts, and evaluates or analyzes the potential implications of mariculture development. It also recommends measures to eliminate or mitigate potential impacts. Mariculture EIA is a process that can be used to improve decisionmaking and ensure that the development options under consideration are ecologically, socially and economically sustainable. The EIA therefore includes elements of social and economic analysis. The EIA should not be viewed as a tool for regulation only; the investor can benefit from this form of analysis since environmental impacts can cause loss of production and economic losses.

The thread weaving these important systems together is the EIA process. Mariculture touches on a number of environmental,

social and economic fields, and therefore requires intersectoral review. A number of key and relevant institutions or government bodies (e.g., TIC and Fisheries) must review and approve the project proposal before the project can legally be initiated. The EIA provides a streamlined and integrated process for incorporating the comments of those institutions in the project review. Therefore, the steps of the MAJOR permit process mirror the steps of the recognized EIA process. Modifications have been made to accommodate the needs of other key institutions, to ensure that this single process is adequately serving their needs.

Steps in the MAJOR Permitting Process

IIIa. Getting started. Preparing the project's proposal.

An investor wishing to begin a mariculture business must start by designing the project and planning how to implement the project. Options for all specifics of the project that influence the biological, social and financial success of the project should be evaluated, the best option chosen and all details specified in the plan.

This information will be used by all reviewing institutions to evaluate the project.

The project's proposal should contain the following information:

1. Species to be cultured and the biological requirements for successful culture of the species
2. Product to be produced and eventual use of the product (e.g. consumption, sale)
3. Expected production per crop or per annum
4. Level of technology to be used (e.g. extensive, intensive, semi-intensive)

5. Level of investment backing the project
6. Methods of cultivation
7. Proposed location (include map) and site plan
8. Topography and soil type
9. Size of project (number of ponds, farm structures, pounds of product to be produced, etc.)
10. Existing land use pattern
11. Surrounding features (physical and biological)
12. Types and amounts of raw materials required
13. Source of stock for farm
14. If hatchery is needed or if stock is to be imported, describe these arrangements
15. Natural resources needed for project (e.g. source and volume of water; land requirements, including needs for future expansion; reliance upon wild stock)
16. Infrastructure needs (both those developed as part of the project and those provided from the public sector)
17. Number of employees and where personnel will be obtained
18. Specify technical qualifications of project personnel
19. Whether technical assistance from the public sector is required, and if so, what in what manner
20. Estimate costs, cash flow and profit margin (i.e., provide a basic business plan)
21. Source of funding and assurance of funding continuity
22. Expected benefits of the project
23. Expected potential impacts or difficulties (if impacts or difficulties are possible, describe how these will be eliminated, addressed or resolved)
24. Means of soliciting public input on the project and used for decisionmaking.

During preparation of the final project proposal, the investor, aided by TIC, will conduct initial consultations with local government to finalize project details and to begin the process of obtaining land and water use rights.

IIIb. Initial Contact. Conduct initial consultations with local government to finalize the proposal and begin to secure land and water rights.

After the developer has completed a draft of the project proposal, initial contact with the local authorities must be made. After registration, TIC can introduce the investor to the district authorities who will serve to introduce the investor to the village authorities. The purpose of the initial consultations with local authorities is to:

- Obtain local-level approval that the project is acceptable to local communities, officials and technical personnel. Assuring that the project is acceptable at local levels is important to avoid difficulties later in the process. Additionally, most large-scale investors will need input from individuals with social and technical expertise at the local level to assure that the project will be feasible in the specific local context
- Investigate any ambiguities in the project plan and finalize the specifics of the plan (e.g. site, sources of labor)
- Identify the site, source of water or other resources needed early in the approval process. Institutional reviews (e.g. Fisheries Technical Feasibility Study, EIA) cannot proceed without specifying the precise location and amount of water and land needed for the project. Obtaining the final rights for land and water is done after the institutional reviews are conducted, but these steps will be relatively free of difficulties once the initial consultations are made

Steps

1. Contact TIC. TIC can introduce the investor to the local authorities and facilitate identification of the project site.
2. The local authorities will familiarize themselves with the proposal and if the proposed site is acceptable and available, they will issue letters stating their approval of the project and their agreement that land use rights may be pursued.
3. The local authorities will also produce public notice that the studies are being conducted to inform the public.
4. The investor should thoroughly investigate the site and the availability of all resources needed to support the project such as water sources, labor, access to market, etc.
5. Identify the precise project site and source of water. Information needed to determine the suitability of the site and the availability of water should be collected as precisely as possible.

When to move to the next step?

It is time to go to the next step if:

- The village, ward and district have issued letters agreeing to the project, and depending on the size of the land required, issued authorization to pursue land use rights
- The public has been advised that the site is under consideration
- The investor receives advice and local knowledge that may be used to revise the project proposal
- The investor has collected sufficient information that the project proposal can be finalized

IIIc. Submission of proposal. Project proposal is submitted to the key institutions. The investor should submit the project to Fisheries, TIC and NEMC. Application forms for the EIA are available at NEMC offices. These should be completed and submitted to NEMC.

IIId. Screening. Responsible institutions review the project proposal for adequacy to continue with the permit process. The Screening Forum is an intersectoral forum that meets to jointly review the investor's proposal. After the project has been registered, NEMC will call a Screening Forum within 30 days. NEMC is mandated to coordinate cross-sectoral technical teams (Technical Review Committee–TRC) when screening all development projects including mariculture (General EIA Guidelines and Procedures, 1997 (proposed)). The forum held with the TRC shall be comprised of representatives from institutions with a stake in mariculture development.

This includes, but is not limited to NEMC, Fisheries Division, Forestry and Beekeeping Division, TIC, district representatives and local community representatives from the affected area, Lands Department, and Water Department. Others may include Marine Parks and Reserves, Tanzania Harbors Authority, Wildlife Division, and Division of Antiquities, depending on the geographic location of the proposed project. Attendees are representatives of their institutions and may rotate depending on the needs of the institution. Attendees should be endowed with the power to convey the official opinion of their institution and have decisionmaking power within the Screening Forum.

The TRC will sit again to review the EIA and to review individual institution reviews (see Part II). During the screening step, this group should decide if any institutions might be excused

from the following steps on the grounds that the proposed project does not touch on the jurisdiction of the institution. Also, they may decide whether additional technical personnel are required to bring needed expertise to the review process and then arrange for them to participate in the next steps.

During the 30-day period between receipt of the project proposal and the meeting of the Screening Forum, each institution will prepare for the Screening Forum by conducting an internal review of the proposal to determine if it is adequate to continue in the MAJOR permit process. NEMC will also conduct the Preliminary Environmental Assessment (PEA) during this period to begin the EIA process.

Using their review criteria, institutions should make a preliminary determination if the proposal:

1. Is acceptable to proceed with the MAJOR permit process and EIA study.

2. Requires revision or additional information before it can proceed with the MAJOR permit process. In this instance, institutions will render the official opinions in writing. These shall cite the specific areas that need reconsideration and recommendations should be made as to how the investor can address problematic issues. These will be compiled in the minutes of the meeting and officially submitted to TIC by NEMC.

3. Is unacceptable as is, and requires a substantial amount of revision or a complete re-design for re-submission. In this instance, institutions will render the official opinions in writing. These will be compiled in the minutes of the meeting and officially submitted to TIC by NEMC.

One of three choices will be made at the Screening Forum, directing the investor how to proceed.

1. The proposal is acceptable to proceed with the MAJOR permit process.

2. The proposal requires revision or additional information before it can proceed with the MAJOR permit process.

3. The proposal violates national law or is obviously unfeasible.

Concurrent outcomes

The minutes of this meeting, including the written comments by the participants, will satisfy the following needs:

- A timely response to TIC's request for possible objection to registration of the company and the issuance of the Certificate of Business Incentives. This request is made by TIC to relevant sectors after the project has been registered. If no objection is expressed by the other institutions, TIC will proceed to issue the Certificate of Business Incentives if the project meets the internal TIC criteria (Page 64) once the Environmental Permit is obtained.
- Findings for a PEA as described in the EIA guidelines (General National EIA Guidelines, 1997 (proposed)).
- In the case where a small-scale project has been referred to NEMC by the DTT due to the existence of potential impacts, or where a determination cannot be made at the district level, the Screening Forum may determine that the project does not present potential impacts and it may return to the MINOR permit process. If potential impacts are judged to exist, then the project must return to Step IIIc and be treated as a MAJOR project.

IIIe. Scoping. The Terms of Reference and the scope of the EIA are developed.

The scoping step determines the Terms of Reference (ToR) and boundaries of the EIA study. It provides an opportunity for the investor, consultant, government authorities, and interested and affected parties to exchange and express views about the proposed project prior to the environmental assessment study. It also focuses the study on reasonable alternatives and relevant issues to ensure that the resulting EIA report is useful to decisionmakers and addresses the concerns of interested and affected parties.

In order to accommodate the review criteria of all concerned institutions, and at the same time aid the investor in efficiently addressing all issues, the ToR for the EIA will incorporate all institutional review criteria.

To complete the scoping set, the investor should:

a) Develop a ToR for the completing the EIA (IIIf). This defines "what" will get done. Outcomes of the Screening Forum should be incorporated into the ToR. This should include, but not be limited to:

- A description of the proposed project and an analysis or the reason for that project
- The objective of the project
- A review of and response to criteria from sectors that are involved in the mariculture review and approval process (Pages 51-65) as well to any comments provided during the Screening Forum. A plan should be developed for consultation with all concerned institutions and their comments and reviews incorporated in the final EIA report

- Other options for carrying out the project based on institutions' comments from the Screening Forum and their review criteria
- Comparative evaluation of options that considers:
  - A description of the present environment that would be affected directly or indirectly
  - Description of the future environment predicting its condition if the undertaking did not take place
  - The impact that may be caused to the environment by the undertaking
  - Proposed measures to mitigate all the predicted adverse impacts and costs
  - An evaluation of opportunities and constraints to the environment of the undertaking
- Identification of the environmentally preferred options and the legal and policy basis for these
- A proposal for environmental management and monitoring programs that address the environmental impacts of the preferred option
- A plan to consult with all concerned institutions and incorporate their comments and reviews in the final EIA report

b) Develop a plan for executing the EIA (IIIf). This defines "how" it will get done. This should include, but not be limited to:

- Objective of the EIA study
- Boundaries of the study
- Methodologies to be used
- Operational details of the study including personnel, costs and schedule

c) Develop a plan for ensuring adequate public consultation. Public consultation should seek to solicit information and opinions from stakeholders and members of the public that may be directly or indirectly affected by the project. This information will be used to determine if the project is acceptable to the public and whether social, environmental or economic impacts exist. Adequate public consultation will include, but not be limited to the following activities:

- The public should first be advised through notices, radio or newspapers that a project has been proposed and the nature of the project
- Public meeting(s) can be held
- Care is given to seek out those who might not participate in public meetings by using surveys or questionnaires
- The consultants carry out public consultation based on methods described in the ToR
- Public officials are included in the public forum
- Results of the public consultation should be archived in written form and be available for public review
- Letters from the village and district obtained during the initial consultations should be included

d) Submit the ToR, the plan for executing the EIA, and the plan for ensuring adequate public consultation to NEMC for review and approval. NEMC will review this material with the TRC and respond to the investor in writing within 45 days. NEMC, individually or on behalf of the TRC may request support for a visit to the project site for physical verification of the scoping report. If NEMC does not approve the material, it will provide written comments.

e) If the material is not approved, incorporate the comments provided by NEMC into the material. Once revised, re-submit the material to NEMC for review and approval. NEMC will review this material with the TRC and respond to the investor in writing within 45 days. NEMC, individually or on behalf of the TRC, may request support for a visit the project site for physical verification of the scoping report. If NEMC does not approve the material, it will provide written comments, and the applicant will return to Step (a) above.

When to move to the next step?

It is time to go to the next phase if you have received written approval of the ToR, the Plan for Executing the EIA and the Plan for Ensuring Adequate Public Consultation.

IIIf. Assessment. The EIA is conducted.

The investor completes an assessment that follows the approval of the ToR, the plan for executing the EIA and the Plan for Ensuring Adequate Public Consultation. Once the assessment is complete, the investor will prepare and submit to NEMC an EIA report. NEMC will provide a written confirmation that the report was received. Before accepting the report, NEMC will ensure that it contains, but is not limited to the following sections:

- The original ToR
- Executive or non-technical summary
- Text addressing the technical areas prescribed in the assessment's ToR
- Any deviations or difficulties in achieving compliance with the ToR and means of addressing them
- Definition of technical terms
- Appropriate annexes and related materials

- An attachment listing the sectors participating in the study and the signature of a representative of each institution

IIIg. Review. Responsible institutions review the EIA and other institutional reviews.

NEMC will conduct a review of the EIA report within 45 days of issuing a written confirmation that the report was received. The review will be done with the TRC. The purpose of the review is to assess the quality of the EIA report measured against pre-determined criteria, and its compliance with the approved ToR. NEMC will prepare a review report evaluating the strengths and weaknesses of the EIA report. The review also identifies issues that are not covered, inaccuracies of information, problems with logic, or conflicts apparent in the assessment process. If there are gaps in the information provided in the report, the investor may be required to complete or revise the report. NEMC may pursue independent investigation or confirmation of the information contained therein.

IIIh. Issuing the Environmental Permit

NEMC is responsible for decisionmaking and provision of the Environmental Permit. The Environmental Permit encompasses the interests of the key and relevant sectors to mariculture as defined by the review criteria and Part II of this document. If the environmental permit is granted, it assumes that the project has met these criteria.

The decisionmaking report is comprised of:

- A statement explaining the decision
- An explanation of environmental preference
- The social, economic, and environmental factors considered in making the decision
- An explanation of the mitigation measures adopted
- A summary of the monitoring and enforcement program that

has been adopted to ensure that mitigation measures are implemented
- Supporting documents from other institutions obtained during this process

When to move to the next step?

You are ready to move to the next phase, final approval, when you have:

- Received the Environmental Permit

IIIi. Final Approval Steps

1. Issuance of the Certificate of Business Incentives from TIC.

a) The investor will compile and submit the following documents to Fisheries:
   - The Environmental Permit signed by the Director General of NEMC
   - A letter from village authority showing consideration of the project
   - A letter from the district authority showing consideration of the project

b) Fisheries advises TIC that all reviews have been completed and recommends that the Certificate of Business Incentives be issued by submitting a letter of notification with the documents listed.

c) TIC shall proceed with the issuance of the Certificate of Business Incentives if the project meets TIC criteria. This allows the investor to proceed with obtaining final approval from the MNRT

2. Final approval by the Minister of MNRT. This step reviews all approvals and issues the final project approval so that project

development can proceed once final documents are obtained from the Departments of Land and Water.

a) TIC compiles the following for submission to Fisheries:
   - Environmental Permit
   - Certificate of Business Incentives
   - Proof of land rights such as the Letter of Intent from the district or approving level of government (Letter of Offer and Title Deed to be acquired in the next steps)
   - A letter from the village authority showing consideration of the project
   - A letter from the district authority showing consideration of the project

b) The Director of Fisheries will submit the verified documents with a letter of recommendation to the Permanent Secretary of the MNRT.

c) The assembled documents will be reviewed at the ministry level to ensure that all required documents are present and that administrative procedures have been properly executed (e.g. fees paid) and should any deficiencies by detected, these will be investigated and corrected. The Ministry will archive these documents as part of the public record.

d) The MNRT shall issue the final letter of approval.

e) An archive of the assembled documents is maintained on file at the MNRT.

3. Obtaining land use rights. The investor will have previously consulted with the appropriate authorities, and on the basis of their approval, will have obtained a letter acknowledging the recognition of the authorities that studies on a given parcel of land may be conducted and that the local authorities do not

object to the project subject to other institutions agreeing to the same for the parcel of land chosen as the site for the project.

In all cases, final land use rights (Letter of Offer or Title Deed) will not be issued until the environmental permit is issued by NEMC. It is understood that land use rights are granted for specified uses and any change in this requires a deed of variance. Land use rights can be revoked if the initial conditions are not adhered to. The investor should be ready to present the project proposal, screening report, Environmental Permit and other documents supporting the investor's proposal in addition to the documents and applications mentioned in Part II. Because the Title Deed may take a long period of time to process, the investor may go ahead and begin project activities once the Letter of Offer is obtained.

4. Obtaining water use rights. The investor will have previously consulted with the appropriate authorities, and on the basis of their approval, will have obtained a letter stating that there is no objection on the part of local authorities to the use of water and that application for water use rights may proceed for a particular quantity of water taken from a specified source. The investor should be ready to present the project proposal, screening report, Environmental Permit and other documents supporting the investor's proposal in addition to the documents and applications mentioned below. Provisional water use rights will be issued according to the criteria employed by the Water Department. Construction can now proceed. Following completion of the project, an inspection is conducted. If all is satisfactory, Final Water Use Rights will be issued and use of water can begin.

5. Business license. A business license is required in order to sell the product. (See page 75.)

IV. MINOR Permit Process

Small-scale projects are those which fall below the TIC investment threshold (Part II). However, even small-scale projects as defined by these criteria may still require review at the national level via the MAJOR permit process. The project proposal is submitted to the DTT who will review it to assess whether potential impacts may exist. In this case, the DTT may refer it to NEMC for further evaluation. NEMC conducts the Preliminary Environmental Assessment (PEA) which assesses whether a full EIA is required based on the presence and potential severity of impacts. If the PEA finds that potential for impacts is insignificant, then the small-scale project can be approved at the local level through the small-scale approval process.

IVa. Getting started. Preparing the project proposal. The investor plans the project and develops the project proposal. The project proposal describes all characteristics of the proposed project and will be submitted for review and evaluation leading to legal approval or rejection. It is important that the project proposal be as complete as possible, since this will be the basis for discussion with local government officials during the process of obtaining local permission, and for obtaining provisional land and water use rights.

The small-scale investor is referred to the list of information requirements (IIIa) used for planning large-scale projects. Where needed, the investor should include similar information. However, many small-scale projects will not require such an extensive project proposal; in this case, the project proposal need only contain the following as a minimum requirement:

1. Proposed location (include map) and site plan
2. Topography and soil type
3. Basic description of the physical layout of the project (size, number of ponds, design, etc.)
4. Surrounding features (physical and biological)
5. Species to be cultured and source of stock for farm
6. Cultivation methods
7. Natural resources needed for project (e.g. source and volume of water, land requirements, including needs for future expansion, reliance upon wild stock)
8. Infrastructure needs (both those developed as part of the project and those provided from the public sector)
9. Number of employees and where personnel will be obtained
10. Whether technical assistance from the public sector is required, and if so, what in what manner
11. Source of funding
12. Expected benefits of the project
13. Expected potential impacts or difficulties (if impacts or difficulties are possible, please describe how these will be eliminated, addressed or resolved)

IVb. Preliminary review of project proposal by the District Technical Team (DTT).

The DTT is a subcommittee of the District Management Team, comprised of technical specialists and local representatives. Representatives from all sectors with an interest in mariculture should be present to review the proposal for technical soundness and acceptability, and advise the investor where necessary.

a) The investor submits the proposal to the relevant DTT.

b) The DTT reviews the project in order to determine if it

presents potential impacts (using the criteria listed in Part II, page 38), in which case it is referred to NEMC for PEA to determine whether the MAJOR permit process should be followed.

c) If the DTT finds the proposal is acceptable, and the lack of significant impacts does not require referral to NEMC, then it will be forwarded to the Village Development Committee.

d) In cases where the proposal is inadequate or unacceptable, the DTT will assist the investor to revise it so that it can be accepted for further review.

e) The DTT should provide written comment on the proposal to be compiled with the comments of the village and ward authorities for later forwarding to the District Management Team.

When to move to the next step?

If the project is acceptable, then it is forwarded to the Village Development Committee for further review.

IVc. Review by local authorities. The Village Assembly and Ward Development Committee will review the proposal for local acceptability.

a) The DTT forwards the proposal and written comments to the Village Development Committee.

b) The Village Development Committee reviews the proposal. If the Village Development Committee is in agreement with the proposal, it is approved by the Village Assembly and submitted to the ward.

c) Ward Development Committee reviews the recommendation for preliminary approval given by Village Assembly. If acceptable, the Ward Development Committee makes recommendation for final approval by the district.

d) The comments of these committees are compiled with those of the DTT for forwarding to the District Management Team.

When to move to the next step?

If acceptable, the proposal is forwarded to the District Management Team along with the compiled comments of all the reviewers to this point to begin the final approval process.

IVd. Final Approval by Full Council. The District Management Team reviews the proposal as a final step before approval by the Full Council.

a) Reviews the proposal and the compiled comments and submits to the Full Council.

b) If the District Management Team requires revision of the proposal, it is returned to the investor for revision and eventual re-submission. Rejection may also occur at this stage if the proposal is discovered to be in conflict with regulations or policies.

c) After the Full Council reviews the proposal, the Director writes a letter of approval to the investor and submits a copy of the letter with findings to the national Fisheries Division and NEMC to communicate the results and to provide for a means of establishing a public record.

d) The investor can now proceed to obtain land and water use rights.

2. Obtaining land and water use rights. Obtaining provisional land and water use rights allows the investor to proceed with the approval process and shortens the final procedures. The process of obtaining provisional land and water use rights is the same as described for the large-scale project approval process (Part II, pages 65-75).

3. Business License. A business license is required in order to sell the product. (See page 75.)

Part II
Decisionmaking Criteria and Special Permits

Part II – Decisionmaking Criteria and Special Permits

The following is a list of criteria that will be used to review and approve mariculture development in Tanzania. The criteria are sorted by sector, except for water and land use rights, which require the investor to follow permit procedures that are separate from the permit procedures described above

Institutional Description and Criteria, and Summary of Responsibilities for Use in Mariculture Permitting and Development

Fisheries Division

Feasibility study

The purpose of the feasibility study is to determine whether the project is properly planned so that there is a high probability of success from the economic, biological, environmental and social perspectives. In addition to the considerations listed below for species selection, site selection and culture technology, the feasibility study will consider issues of financial soundness and availability of infrastructure, human resources, public services and other basic necessities. The Fisheries Division will work closely with the District Fisheries Officer and other technical personnel to evaluate the feasibility of the proposed project. The investor will provide the information listed in Step IIa as part of the project proposal. This information will be used to evaluate the project according to the criteria listed below.

1. Economic aspects

Failed projects impose a cost to the public, government and environment, therefore assuring that a proposed project has a reasonable chance of success is an important part of the feasibility

study. The probability of success of a project will be evaluated according to the following criteria.

Criteria

- The financial backing to support proposed project activities is sufficient
- The business plan of the company is reasonable and adequate
- The infrastructure and services required for project activities are either available or will be created as part of the project
- Human resources such as labor and qualified technical personnel are either present or obtainable
- There is an accessible market for the product and means to deliver the product

2. Species selection.

There is potential to culture a wide range of finfish, aquatic plants, mollusks and crustaceans (e.g. prawns, crabs) in Tanzania. However, certain limitations will be imposed due to legal requirements governing the importation of exotic species, and factors that determine the economic and practical feasibility of certain species. The information presented here is designed to guide the investor so that an informed choice of species can be made and to assist in the legal aspects related to species selection.

To assist the investor in making an informed choice of a species, taking into account biological, economic, technological and social factors: The investor is advised to make initial, informal consultations with Fisheries and research institutions such as TAFIRI or the University of Dar es Salaam to obtaion information on which species are most likely to be viable culture species. With the exceptions noted elsewhere, law does not regulate (i.e. imported or potentially damaging species) species selection and

this information is provided solely for the benefit of the investor, and to assist in establishing a sustainable mariculture industry in Tanzania.

Criteria

- The species selected for culture should be one which is biologically suited to the selected site, can be sold profitably or consumed, and whose culture technology is feasible and appropriate in Tanzania
- The species selected is one that does no damage to other flora, fauna or habitats
- Issues of human health and safety should also be taken into account

3. Importing and exporting live aquatic organisms

Some restrictions are imposed on the importation of aquatic species in order to safeguard indigenous fauna and flora, protect habitats, and prevent the introduction of animal, plant and human diseases.

If the investor proposes to use a culture species that is determined to be exotic and not already found in the country, the following procedure should be followed.

a) The investor will submit a request to import the species to the Fisheries Division.

b) Currently, the Fisheries Division is responsible for issuing import permits while the country of origin issues the health certificate. The investor is responsible for obtaining the health certificate from the country of origin.

c) The Quality Control Unit of the Fisheries Division issues health certificates for export of live fish and fisheries products, which may include aquaculture products.

d) The Fisheries Division will determine whether the species can be imported if none of the criteria listed below is violated, and if a health certificate is obtained.

Criteria

- The FAO Code of Practice and Manual of Procedures for Consideration of Introductions and Transfers of Marine and Freshwater Organisms (FAO, 1988) contains useful guidelines that should be taken into account when permitting exotic species
- Species listed in the Fisheries Regulations as banned from import (e.g. carp) will not be allowed without careful consideration
- As a general statement, native species or species already cultured in the nation are preferred
- The species presents no threat of competition with native flora and fauna, and does not hold the potential for damaging habitat
- The species does not present the threat of affecting the gene pool of local species through hybridization or genetic swamping
- Parasites, pathogens, or diseases do not affect public health.
- Care must be taken to ensure that any imported animals and plants are free from pathogens and parasites. Facilities providing juveniles or brood stock should have health records available for the past three years to support the application to import animals from outside the country
- Importation of dangerous organisms such as predatory fish or invasive vegetation may also be prohibited

- If the request for importation is approved, the Fisheries Division will issue a letter permitting the importation
- Where needed, all precautions will be taken to minimize any potential ill effects of importing species

4. Site selection

Selection of an appropriate site is crucial to establishing a viable mariculture business that has minimal environmental and social impacts. An appropriate site is one that provides optimal bio-physical conditions for growth of the species, minimizes damage to the environment, avoids conflicts with other resource-use activities, and provides accessibility to a market.

Criteria

- The site must be available (i.e., not otherwise in use) and the project acceptable to local people. Issues of displacement of local people, conflicts with ongoing economic uses, threats to wildlife or livestock, potential health or safety hazards, or affects on sensitive sites must be considered
- The site must accommodate the requirements of the species to be cultured
- Site characteristics such as availability, baseline biophysical and chemical conditions, and supply and quantity of water will need to be confirmed through a site visit and research
- The value of the land and adjacent areas must not be diminished through soil erosion, salinization of ground waters, detrimental changes in hydrology, etc.
- In the case of land held under Customary Right, if projects are to be started, status of the land must be changed to Statuary Right of Occupancy

- If potential for environmental impacts ("Determining the Potential for Impact" pages 24-27) is detected, then granting land use rights is contingent upon satisfactory completion of the EIA and issuance of an Environmental Permit

5. Culture technology

The intensity of an aquaculture operation will have a bearing on the financial viability and the potential for impacts. The Fisheries policy emphasizes that semi-intensive culture should be encouraged. Intensive and extensive culture are not prohibited. The actual parameters will vary considerably depending on the species cultured. Maximizing outputs (either production or financial) while minimizing practices that may cause environmental impacts such as excessive use of chemotherapeutants or heavy effluent loads is the intent of the Fisheries policy.

Criteria

- Species-specific criteria for culture technology do not exist in Tanzania and will vary widely according to the species. Generally the appropriate level of technology will depend on the level of production expected, the experience of the operator, the amount of capital available, potential impacts presented, and the size and characteristics of the site. These will be reviewed on a case-by-case basis

6. Cumulative impacts from multiple projects

In cases where multiple projects exist or are proposed, the cumulative impact of project expansion must be considered. Limits to expansion may need to be set on a case-by-case basis relative to the ability of the local area to support mariculture operations while retaining ecological integrity. As a first step, it is suggested that when there are more than 10 mariculture pro-

jects of any kind that each have minimum sizes of 400 m^2 (ponds, rafts, etc.) or 400 meters in length (long lines), a PEA should be conducted to determine if a full EIA is needed ("Determining Potential for Impacts", pages 24-27).

NATIONAL ENVIRONMENTAL MANAGEMENT COUNCIL (NEMC)

Environmental Impact Assessment (EIA)
According National General EIA Guidelines, 1997 (proposed), NEMC will review the EIA report according to compliance with the EIA ToR, in reference to environmental impacts, input from other institutions and public response.

NEMC and the Technical Review Committee (TRC) assist the investor to prepare the ToR for the EIA. NEMC also reviews the EIA with the TRC and holds public consultation to determine public reaction to the project. Criteria used in review of the EIA are:

- Is the EIA report in compliance with the ToR? Deviations must be fully explained and accepted by NEMC and the TRC
- The adequacy of baseline information for the description of the environment of the study area which could be the basis for impact prediction and monitoring
- Consideration of the correct and full application of methodologies used in the analysis of impacts
- The logic used to identify potential impacts for all phases of the project is sound
- Project options were properly proposed and evaluated
- All significant impacts have been considered for mitigation

- There is commitment to mitigation measures
- Whether there was adequate and genuine consultation with all stakeholders and their concerns are incorporated in the EIA report
- Groups affected by the project are clearly identified
- Public comments were properly considered in evaluating project options
- Presentation of the information is appropriate and logical
- The report is balanced, no undue emphasis or prominence of bias
- There are no gaps and conflicting statements
- The non-technical summary of the analysis and main findings are clear and justified

FORESTRY AND BEEKEEPING DIVISION

The Forestry and Beekeeping Division will review the project proposal to assure that it is in compliance with the Forestry Act (draft Forestry Act 2000) and the Mangrove Management Plan (1991). A fee is charged for every tree that will be cut down for mariculture project. The Forestry Act emphasizes the need to conduct EIA for projects in forest areas.

Criteria

Mangrove areas

- According to the Mangrove Management Plan of 1991, mariculture activities are only allowed in Zone IV
- In any case, extensive clearing of mangrove is not allowed
- Allowing mariculture activities in Zone IV is based on the extent of the proposed area to be cut, and anticipated impacts including changes in hydrology, water quality

or any other impact causing significant deformity or death of mangroves

Gazetted coastal forests

- Non-mangrove coastal forests (gazetted) can only be cut after obtaining a permit from the Forestry and Beekeeping Division
- Granting a permit is based on the proposed area to be cut and anticipated impacts

Non-gazetted coastal forests

- Non-mangrove coastal forests (non-gazetted) can only be cut after obtaining a permit from local authorities.
- Granting a permit is based on the proposed area to be cut and anticipated impacts

Wildlife Division

The Wildlife Division reviews the proposal to assure that a project does not negatively affect wildlife or critical habitat such as wetlands.

Criteria

- Where habitats critical to wildlife, including wetlands, may be affected, limits and mitigation measures will be assessed on a case-by-case basis. Additionally, a general principal is that no net loss of wetlands in excess of 5 percent in a given area will be permitted
- Impacts to wildlife to be taken into consideration are:
  - Obstruction of migratory routes or disturbance of migrating animals including birds and aquatic life

- Damage to nesting, resting, migrating, feeding grounds, or other habitat for wildlife. Where migratory wild animals and their habitats may be affected, resolutions of the convention on Migratory Wild Animal Species, the African-Eurasian Water Bird Agreement, the Memorandum of Understanding on the Convention and Management of Marine Turtles of the Indian Ocean and South-East Asia, and any other relevant agreements pertaining to migratory wild animals species that Tanzania may become a party, will apply
- Associated activities such as increased human occupation or infrastructure creation does not affect wildlife
- Presence of endangered, threatened or rare wildlife species or plants will require study and assessment
- Introduction of the proposed culture species does not pose a threat to existing species through competition, introduction of disease or genetic effects
- Where current economic uses of wetlands or wildlife areas such as hunting, tourism, fishing, or food gathering may be affected by the proposed activity, public consultation and study by technical specialists will be conducted to determine if the proposed activity can be integrated into current use patterns

• Where development is on a designated area, or an area that is in a process of being designated a Ramsar site, requirements of the Wetlands Convention shall be observed

Division of Antiquities

This review assures that the proposed project does not cause harm to sites of historic or archeological importance.

Criteria

If the proposed project site possesses historical, cultural, religious or archeological value, then study and assessment will be conducted to determine if mitigation or other options exist to allow integration of the mariculture project as part of the EIA.

For example, the following may allow mariculture activities to take place:

- Rescue of the cultural resource
- Agreement with the investor to protect the resource in accordance to rules and regulations

Marine Parks and Reserves Unit

Marine Parks and Reserves is in charge of establishing management plans for marine protected areas and for conservation of marine resources. In cases where projects are proposed for sites in Marine Parks or where activities adjacent to Marine Parks may impact the marine park or protected area, Marine Parks and Reserves will review the proposal.

Criteria

- If the project is sited in a Marine Park, the project should be in accordance with the guidelines of the Marine Parks General Management Plan
- If the project is outside the boundaries of a Marine Park or protected area, the following criteria will be used:
    - The project poses no threat to sensitive habitats such as coral reefs located in Marine Parks through physical presence, construction, effluents, sedimentation and/or through associated activities. The presence or possibility of such impacts should be included in the EIA

- If a monitoring plan is proposed for a project located outside of a Marine Park that may impact areas inside the Marine Park, then the monitoring plan should also extend to cover the affected area within the Marine Park

- The project does not present conflicts with other uses of Marine Park areas. If potential conflicts exist, mitigation measures must be proposed along with an implementation plan for the mitigation that will ameliorate any conflicts
- If the project relies upon capture or harvest of marine organisms, then fisheries management guidelines established for these species should be adhered to. If such guidelines do not exist, then the Marine Parks and Fisheries shall work with the investor to establish such guidelines to protect marine species

TANZANIA HARBORS AUTHORITY

The Tanzania Harbors Authority has jurisdiction over all declared harbors, peri-harbor areas, and other such areas as the law declares. The investor should consult with this institution to determine if the project falls within or near these areas. The investor should also be able to foresee the possibility of the project expanding and or developing into such areas. The Tanzania Harbors Authority should be able to demand a prior review of projects within or near the aforesaid areas.

Criteria

- If the project interferes, obstructs, hinders or threatens navigation in navigational routes/channels, the project must be relocated
- Projects should not be within the declared harbors and or peri-harbor areas

- Projects should not pollute the water of the declared harbors and peri-harbor areas
- Projects should not pose danger or hazards to the port operations and vessels entering or leaving the declared harbors or peri-harbors areas.
- Other possible use conflicts related to use of the harbor must be considered

LANDS DEPARTMENT

The Lands Department is responsible for land use planning and for allocation of the land use rights. Granting of land use rights is done in accordance with local planning schemes and through determination that the proposed site is both available and appropriate to the proposed use. These determinations are made according to the following criteria.

Criteria

- The surrounding community does not object to the proposed use. This is determined through consultations between the investors and the local authorities and through public consultation
- The proposed site is available for use; i.e. land use rights have not been previously granted to another user
- The type of land tenure under which the land is classified is compatible with the proposed use
- The proposed use does not conflict with other use of nearby lands
- The proposed use does not irreparably degrade or damage the land or imperil future uses

In the case of an owner who already holds land use rights for a non-mariculture use, a Deed of Variance is required in order to change the use of the land for mariculture.

Water Department

The Water Department oversees the allocation and use of waters to ensure equitable access to water, maintain water quality and to guarantee the future availability of water. To determine whether a project may use water, the following criteria are employed and are applied to use or abstraction of water, and occupancy of water bodies:

Criteria

- The proposed use of the water can be accommodated within the availability of water sources of the United Republic of Tanzania, including the tidal waters
- The proposed volume of water to be displaced, abstracted or occupied within the water body should not imperil the use of other users within the catchment area
- The owner or occupier of any land, or within a Mining or Forestry lease under the Mining or Forestry Ordinance, may sink or enlarge any well or borehole to abstract and use an amount not exceeding 22,700 liters per day without paying the water user fee within the area specified in such license, but will be subject to all other rights mentioned above
- No person shall divert, dam, store, abstract, displace or use water for any purpose including construction, or maintain any works except in accordance with an existing right or within a water right granted under the water Utilization Control and Regulation Act of 1974 Section 10 – 15 as amended with Act No. 10 of 1981 and Act No. 8 of 1997

- Wells or boreholes will in no case be allowed if they adversely affect the use of other users, or cause a diminution of water quality through contamination or salinization of subsequent surrounding land
- Effluents must meet water quality standards, specified in the first and second schedule of the Water Utilization Control and Regulation Act of 1974, section 39 as amended with Act. No. 10 of 1981 for effluent and receiving waters. In cases where none are established, effluent loading of any type must not exceed that of the receiving waters
- No discharge is allowed from any commercial, industrial, or any other trade waste systems into receiving waters without a consent duly granted by a water officer. The underground effluent discharge is limited to a distance not less that 230 meters from existing water wells and 90 meters from any body of underground water or surface water
- The hydrology or hydrodynamics of surrounding areas may not be so affected that plant or animal habitat is degraded
- Watering rights of domestic herders or watering areas of wildlife must not be adversely affected
- Desalinization of tidal water and other saline waters for industrial or domestic use requires the impact assessment and a certificate granted by the water officer

Tanzania Investment Centre (TIC)

The investor is advised to contact TIC. Large-scale investors may avail themselves of a package of investment incentives. TIC also acts as a facilitator for large-scale and small-scale investors during the permitting process.

For full details on the procedures for establishing a business in Tanzania, the investor is referred to the *Investors' Guide to Investment in Tanzania* (1998), which provides a substantial description of the TIC criteria.

To large-scale investors who meet certain requirements, the Certificate of Business Incentives offers advantages related to income, sales, and custom taxes as well as other financial incentives. Non-financial incentives such as favorable immigration quotas and visas are also offered.

Criteria:

- The TIC Act calls upon TIC to take the results of the EIA into account in granting the Certificate of Business Incentives.

Special Permits

I. Water User Rights

Important Facts about Water Use Rights and Criteria for Use

A water use right is granted by law to take possession of water occurring in a natural source of supply and to divert the water and put it to a beneficial use on or in connection with land. It is a right of use of water and not a right to the body of water itself.

For any non-domestic use of water, a water use right is required to be obtained before abstracting or occupying water. However, an occupier of land is allowed to sink a well or borehole on the property and abstract up to 22,700 liters per day without possessing a water use right, provided that the well or borehole is not within 230 meters of any other well or borehole, or within 90 meters of any body of surface water. However, the extraction of such amount or the sunk well must be registered with the water department.

The main legislation to control the extraction of water for different uses is the Water Utilization and Regulation Act No. 42 of 1974, which repealed Cap. 410 of 1959. The Act has been amended by Acts No.10 of 1981, No.17 of 1989, and No. 8 of 1997. Both the principal legislation, Act (No. 42), and its amendments are intended to balance different uses for the protection of both the water resource and the user.

The regulations contain the following phrase: "Subject to the above provisions, no person is allowed to divert, dam, store, abstract or use water, or for any such purpose construct or maintain any works, except in accordance with an existing right or

with a water right granted under the Act." This limits the use of water for mariculture purposes. Therefore, the water regulation and policy require restructuring to allow appropriate types of water use for mariculture while carefully guarding the quality of the nation's water resources.

The water policy currently under revision will provide guidelines for use of brackish and seawater in addition to freshwater. In anticipation of this, an investor must apply for water use rights for all types of water.

Classification of Water Sources and Responsibility for Granting of Water Use Rights

The Water Utilization and Regulation Act No. 42 of 1974 applies to everyone in Tanzania Mainland including government departments, local authorities, the private sector, individuals and villages. Under this act all water sources are divided into two categories: National Water Sources and Regional / Basin Water Sources.

The Ministry responsible for water is empowered to declare any water source to be a national water supply where, in their opinion, it is in the public interest that the use of water from such a source is regulated on a national basis. All other sources not so declared are regarded as regional / basin water supplies.

The Ministry responsible for water appoints a public officer to be Principal Water Officer with powers in relation to all national water supplies. The Regional Commissioner in each region appoints Regional / Basin Water Officers with powers in relation to regional / basin water supplies.

The Principal Water Officer is advised by a Central Water Advisory Board while the Regional / Basin Water Officers are advised by Regional / Basin Water Advisory Boards. Both central and regional / basin boards advise the respective officers on all matters concerning the apportionment of water supplies, and the determination, diminution or modification of water rights. The boards also advise on measures to be taken in case of drought. They also adjust water use priorities from time to time in accordance with prevailing circumstances that may affect the different purposes for which water is required in any area of Tanzania. The Water Advisory Boards may have a member from Fisheries who advises on matters related to fisheries and aquaculture.

Procedures for Obtaining Water Rights

Once the source of water to be used has been identified, an application for use rights can be made using the water application form made available by the Department of Water. An application fee must be paid to the Permanent Secretary of the Ministry responsible for water. The application form is submitted to the Principal Water Officer for National Water Sources at Ministry headquarters, and to the Regional / Basin Water Officer at the appropriate regional office.

Once the application form has been completed and is submitted (normally in quadruplicate) the water officer prepares a notice setting out the particulars of the application, and has it published in an official gazette. The gazette is served upon all persons named in the application who are affected by the grant of the right for which the application is made. It is also served upon any other persons deemed appropriate. It is also displayed at the office in the district that the right for which the application is made will, if granted, be exercised.

The Ministry overseeing water use is responsible for granting a water right. The water right is signed by a Principal Water Officer or Regional / Basin Water Officer after being advised by either the Central or Regional / Basin Water Advisory Board. This law is applicable to freshwater sources, and therefore does not include marine waters.

Jurisdiction over the occupancy and use of marine waters for mariculture is currently (July 2001) being reviewed as part of the overall review of the Tanzania Water Policy. Until a new policy addresses this issue, the investor is advised that several institutions other than the Ministry responsible for water may need to be consulted before establishing a mariculture business in marine areas. These will include the Fisheries Division, Tanzania Harbors Authority, and Marine Parks and Reserves Unit.

A water officer has the discretion to refuse to consider any objection to an application for a water right if the objection is received 40 days after dated.

After receiving reaction and comments from affected persons, the water officer submits these comments to the chairperson of the advisory boards who convenes a meeting to consider the application.

After receiving the advice of the Water Advisory Board, a water officer grants such right or dismisses the application, as appropriate.

A Provisional Water Use Right is granted prior to construction. After construction is completed, an inspection will be conducted. If all is found satisfactory, then the Final Water Use Right will be granted.

The granting of water use rights does not imply that the volume of water requested is available or will be available in the future.

Conditions Implied in Water Use Rights

Obtaining and retaining a water use right is dependent upon certain conditions:

- A water use right is granted either in the name of the applicant, and cannot be transferred to any other person without the consent of the water officer; or, as an appurtenant to the land, and is transferred with the land whenever the ownership of the land or part of the land changes hands
- The water shall be returned to the stream or body of water from which it was taken, or to such other stream or body of water as may be authorized by the water officer
- The water shall be substantially undiminished in quantity
- The water shall not be polluted with any matter derived from any use to such extent as to be likely to cause injury—either directly or indirectly—to public health; livestock or fish; and/or crops, orchards or gardens which are irrigated by the water; nor to any product in the processing of which such water is used. Recommended water quality standards for discharge into receiving systems are available in the Ministry responsible for water
- The water user shall take precaution to the satisfaction of the water officer to prevent accumulation in any receiving river, stream or water body of silt, sand, gravel, stones, sawdust, refuse, sewerage, sisal waste, or any other substance likely to injuriously affect the use of the water

II. Land Use Rights

Important Facts about Land Use Rights and Criteria for Use

All land in Tanzania is public and is vested in the President as trustee on behalf of all citizens. This has important implications for mariculture investors. Since there can be no free transfer of land between individuals, all land transactions must be approved by the government. This entails an often-lengthy process involving several levels of government and acceptance by the local community.

Since there is no freehold land system in the country, the right to use land may only be obtained under certain conditions. Violating these conditions means that the use of the land may be revoked. Changing the use of land requires approaching the government for permission. For example, converting a pond from use for salt production to fish farming will require a Certificate of Variance.

Authorizing Levels of Government

The amount of land that can be obtained (the "land ceiling") is fixed by the government on the basis of use, location, a feasibility study, and proven ability of the applicant to develop the said parcel of land (Section 21 of Land Act of 1998). No single right of occupancy or derivative right thereof shall be granted, made available, or in any other way disposed of to any person or corporate body in respect of land exceeding 5,000 acres. Only the President of Tanzania can grant a right of occupancy to an area of land in excess of 5,000 acres, and that if the land is granted by the president, all procedures have to be reported and made available to the public.

The following are the land use approval ceilings for different levels of government:

- 1-50 acres: The Village Council is consulted and approves
- 51-100 acres: The Village Council is consulted, and the District Authority approves
- 101-500 acres: The Village Council and District Authority are consulted, and the regional authority approves
- 501-5,000 acres: Only the Ministry of Lands can approve, but village, district and regional authorities must be consulted
- 5,001 acres and above: Only the president can approve, but all lower levels of government must be consulted

There are two ways in which land can be held in Tanzania: Customary Right of Occupancy or lease. The latter is referred to as a Granted Right of Occupancy. There are two procedures for obtaining land, depending upon whether the land is held under Customary Right or Granted Right of Occupancy. These are defined below.

Customary Right of Occupancy

Village councils allocate land after receiving an application from the investor. Only projects wholly or partially owned by a Tanzanian citizen are eligible for this type of leasehold. Foreigners intending to operate a 100 percent foreign-owned company do not have access to village land under customary right of occupancy.

The ceiling for the size of land for which village level authority alone is needed is 50 acres. For parcels of land greater than 50 acres, higher-level authorities will need to be consulted. (See above list of approval ceilings.)

Granted Right of Occupancy

An application is submitted to the village by the interested investor. If the application is accepted, the Village Council informs the Ward Authority, which will take the request to the district if the amount of land requested for use is less than 50 acres. Otherwise, the request must ultimately be approved by higher levels of government (Lands Department and the president) after sequential approval by the lower levels. (See above list of approval ceilings.) The following steps are then taken:

- The land is surveyed and the applicant is given a letter of offer. (Development can commence at any time after receiving a letter of offer.)
- The survey plan must be approved by the Ministry before paying the required fees (Deed plan, registration and survey fee, land rent, and stamp duty)
- The procedure to obtain the certificate of occupancy and title deed begins

Title Deed

When the certificate of occupancy is signed and sealed, it is then registered in the relevant region or zone to make it a title deed. The procedure and precautions of double allocation necessitates delays in obtaining Title Deeds, but development can begin once the letter of offer is received.

Other Land Tenure Procedures

Cases Where Compensation may be Required for Acquisition of Land

There are two cases where compensation comes into play in the case of land acquisition:

1. The Land Acquisition Act of 1967 (Act No. 47) empowers the president to acquire land for public purposes. Therefore, land granted as stated above may be acquired by the president if the need arises. However, when acquired, compensation must be paid fully, promptly and fairly in accordance with section 3 (1) (f) of the Land Act of 1998.

2. Where mariculture projects affect the local economy, direct or indirect compensation may be in order. For example, a project may indirectly deprive individuals other than the landowner of their ability to continue certain economic activities such as fishing or rice farming. In these cases, legal means are needed to address these issues. It is recognized that no mariculture project can succeed if local opinion is against it, whether the operator is within legal bounds or not. Generally, it is thought that local opinion will be positive because of the employment opportunities that such projects offer. However, large-scale projects may consider contributing to the public good by offering non-payment sorts of compensation that benefit the community as a whole. This might include supporting educational or health initiatives within the community.

Change of Use

If the occupier of a parcel of land wants to change the use of the land (e.g. from salt ponds to fish farming), application is made to the Commissioner for Lands, who gives permission by granting a

Deed of Variance. An application letter is submitted to the District Land Officer. This is then sent to the Commissioner for Lands, who will seek advice from the Director of Housing and Human Settlements. Then the permit may be granted. This process may not take long if there is a close follow-up; otherwise, routine office procedure may cause it to be slower. The criteria for approving change of use are mainly consideration of the reasons given by the applicant. No consultation is made in approving the application for change of use.

Transfer

The holder of certificate of title can transfer the right of occupancy at any time the decision to do so is made. The main condition is that the land being transferred is developed according to the terms and development conditions originally stipulated in the title. Consent to transfer is given by the Commissioner for Lands. For efficiency, the Commissioner for Lands gives power to the District Land Officers to give consent on behalf of the commissioner. However, in Dar es Salaam region, only the commissioner's office may give consent. Breach of any of the original conditions may hinder the consent to be granted. The following are the documents that need to be submitted by the applicant:

- Application letter—the applicant gives reasons for the transfer that property
- Two copies of transfer deed—transfer deeds are documents that show the considerations under which the land use was originally granted, and names and signatures of both the seller and the buyer
- Certificate of Title—the seller attaches the certificate of title
- Consent fee—the fee is paid and receipt is attached

- Land rent—an original, current receipt of land rent is attached
- Stamp duty and land registration fee are paid and receipts attached

Revocation of Right of Occupancy

This is a termination of a right of occupancy by the government for good cause or in the public interest. The power to revoke a right of occupancy is vested in the president according to Section 10 of the Land Ordinance (chapter 113), where it states that "the President may revoke a right of occupancy for good cause or in public interest."

Good cause occurs on the breach of one or more of the terms and conditions expressed or implied in a grant of right of occupancy, such as non-payment of land rent, failure by the occupier to develop the land accordingly, or abandonment or non-use of land for a period of five years. In other circumstances, a right of occupancy can be revoked for the public interest when land is required for exclusive public purposes, for mining, or other purposes connected with mining.

Business License

Although the project may be built and operated, no product can be sold without an Industrial Development Trade Registration and business license issued by the Ministry of Industries and Trade.

LETTERS OF GOVERNMENT SUPPORT

Letters of support for The Tanzania Coastal Management Partnership's (TCMP) Mariculture Guidelines were sent to TCMP Support Unit Leader Jeremiah Daffa. These letters from the agencies who will be actively engaged in shaping the future of the mariculture industry in Tanzania represent an endorsement of the process used to create the Guidelines, as well as a commitment to employ them in the review of mariculture proposals. The TCMP Support Unit is grateful to these individuals and their agencies for their involvement, contributions and commitment.

Signatories

Magnus Ngoile
National Environment Management Council

D.M. Nsakuzi
Lands Department

Emmanuel D. Olé Naiko
Tanzania Investment Centre

P.K. Mtandu
Tanzania Harbours Authority

S. Iddi
Ministry of Natural Resources and Tourism

D. Tillya
Division of Antiquities

T.W. Maembe
Fisheries Division

Fred Mpendazoe
Water Department

C.K. Rumisha
Marine Parks and Reserves

Miriam Zacharia
Wildlife Division

Tanzania Coastal
Management Partnership

Haile Selassie Road, Plot No. 87 P.O.Box 71686 Dar es Salaam, Tanzania