

**Environmental Management and Biodiversity Conservation of Forests,  
Woodlands, and Wetlands of the Rufiji Delta and Floodplain**

**Training of Villagers in Legal Issues Pertaining to  
Community Control of Natural Resources  
Volume 1 of 2 -English Summary**

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## Rufiji Environment Management Project – REMP

**Project Goal:** To promote the long-term conservation through ‘wise use’ of the lower Rufiji forests, woodlands and wetlands, such that biodiversity is conserved, critical ecological functions are maintained, renewable natural resources are used sustainably and the livelihoods of the area’s inhabitants are secured and enhanced.

### Objectives

- To promote the integration of environmental conservation and sustainable development through environmental planning within the Rufiji Delta and Floodplain.
- To promote the sustainable use of natural resources and enhance the livelihoods of local communities by implementing sustainable pilot development activities based on wise use principles.
- To promote awareness of the values of forests, woodlands and wetlands and the importance of wise use at village, district, regional and central government levels, and to influence national policies on natural resource management.

### Project Area

The project area is within Rufiji District in the ecosystems affected by the flooding of the river (floodplain and delta), downstream of the Selous Game Reserve and also including several upland forests of special importance.

### Project Implementation

The project is run from the district Headquarters in Utete by the Rufiji District Administration through a district Environmental Management Team coordinated by the District Executive Director. The Project Manager is employed by the project and two Technical Advisers are employed by IUCN.

Project partners, particularly NEMC, the Coast Region, RUBADA, The Royal Netherlands Embassy and the Ministry of Natural Resources and Tourism, collaborate formally through their participation in the Project Steering Committee and also informally.

### Project Outputs

At the end of the first five –year phase (1998-2003) of the project the expected outputs are:

An Environmental Management Plan: an integrated plan for the management of the ecosystems (forests, woodlands and wetlands) and natural resources of the project area that has been tested and revised so that it can be assured of success - especially through development hand-in-hand with the District council and the people of Rufiji.

Village (or community) Natural Resource Management Plans: These will be produced in pilot villages to facilitate village planning for natural resource management. The project will support the implementation of these plans by researching the legislation, providing training and some support for zoning, mapping and gazettement of reserves.

Established Wise Use Activities: These will consist of the successful sustainable development activities that are being tried and tested with pilot village and communities and are shown to be sustainable

Key forests will be conserved: Forests in Rufiji District that have shown high levels of plant biodiversity, endemism or other valuable biodiversity characteristics will be conserved by gazettement, forest management for conservation, and /or awareness-raising with their traditional owners.

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## 1 Background

In pursuance of the government's natural resources management policy directive aimed at devolving onto local community members control of natural resources found in their jurisdiction, the Layers Environmental Action Team (LEAT) was contracted by the Rufiji Environmental Management Project (REMP) to design facilitate and document a training course on legal aspects of natural resources management relevant for villages in selected villages in Rufiji District, Coast Region. LEAT and REMP entered into a contract to run from April 30<sup>th</sup> 2001 – 15<sup>th</sup> June 2001.

The aim and objective of the training program was basically to increase villagers knowledge and understanding of natural resources management laws in general but more specifically on those laws that relate (or found) in their jurisdictions. The course was also to be designed in a manner that would ensure that villagers would be better placed to promulgate by-laws in accordance with the laid down procedure to effectively manage their natural resources.

It would suffice, at this juncture, to state our observations and perception on the level of knowledge of the villagers prior to the commencement of the training session.

The villagers' level of knowledge on the state of affairs of the environmental issues generally was satisfactory. In most villages, the villagers knew the types and kinds of environmental and natural resources in their areas and the importance of conserving them. In every village, it was the villagers themselves who drew village maps demarcating the areas where natural resources were located. They also had devised plans and strategies to ensure that the resources were used sustainably.

All villagers had formed Village Natural Environmental Committees whose members had prepared some rules that were submitted to the wards for approval. However, the rules were not in a format that was accepted to be approved for further processing in order to make them by laws.

Save for one village (Twasalie), which was comparatively on the low side, on average the villagers' capacity to follow and understand the training sessions was satisfactory. Indeed, if the attitude of villager leaders (and elders) of Twasalie does not change to accommodate the more village members in decision-making, then it would be difficult to covert the excellent environmental and natural resources management plans and rules that they already have in place.

The villagers had some basic idea on the importance of having in place laws to regulate the use of natural resources in their areas. However, they were not in a position to comprehend the finer details necessary for putting in place a legal mechanism to fulfill this objective.

In most cases also, most villagers did not know their rights, duties and responsibilities vis- a vis those of law enforcement agents and outsiders in regard to the management and general use of natural resources in their jurisdictions as stipulated in the relevant legislation.

## 2 Introduction

The training was conducted in four villages (Twasalie, Jaja, Mbunju/Mvuleni and Mtanza/Msona) all located in Rufiji District but with diverse and challenging legal issues relating to natural resources management. The villagers in these villages also had differences in cultural, social experiences that had ramifications for the training course.

The target groups were essentially villagers in village governments, village natural resources management teams/committees, village game (natural resources) scouts and ward executive officials. In most cases, however, other villagers, not necessarily in leadership posts were invited and participated actively in the training sessions.

REMP has been involved in facilitating the overall development along the floodplain and the delta of river Rufiji. It has been working in the four villages selected for the training course. REMP has helped the villages develop village environmental management planning teams charged with directing the development of village environmental management plans.

The villagers then discussed the plans at village assembly meeting (vikao vya hadhara) and adopted. REMP had also organized training sessions for villagers in the four villages to equip them with general (basic) knowledge in other natural resources-related disciplines such as agriculture and livestock, forestry and beekeeping, wildlife management and fishery.

Having been equipped with the necessary basic tools for conserving natural resources on their lands, the villages put in place mechanisms to ensure that the plans are effectively implemented. Among the mechanisms the villages put in place was the enactment of some regulatory mechanism backed by sanctions.

It later transpired, in the course of the training sessions that to most villagers these regulatory mechanisms were intended to act as by-laws. It transpired to most of the villagers that most of these “laws” had faults as enforcement against some violators in certain cases proved difficult.

The villagers, on their own initiative, identified practical legal issues relating to their rights, duties and obligations in managing natural resources in their areas and requested REMP to assist in finding trainers to give them short courses. REMP responded and engaged LEAT to undertake the training.

This report provides a summary of the training from the point of view of the trainers.

## 3 The Training Team

Further to the contract between REMP and LEAT, LEAT formed a training team that comprised of three LEAT members. These were:

Dr. H. I Majamba, (Team Leader)

Mr. Ebenezer Mshana; and

Mr. Theo Macha

## 4 Methodology

Having been briefed that the target group of the training included persons who were semi-literate, the methodology employed was ad-hoc, ensured flexibility and took the form of questions to comprehend the nature of problems each village had.

The methodology of training that was employed was participatory. We took note of the relevant laws to discuss and picked up the legal issues to lay emphasis on from on the spot presentations of issues by the villagers themselves. We did not have a pre-packed package as the issues and circumstances of each village were different. The training took into account that each village had different specific needs.

We used a deliberate slow-pace approach, asking questions and in the process teasing out issues that appeared not clear with a view to elaborating further. This methodology was important because the trainers needed to know the exact issues in order to propose practical options available in the law.

We also used buzz question exercises after each session or and at the end of all sessions depending on our assessment of the villagers understanding. We divided the villagers into groups and asked each group to discuss the buzz questions and then collectively, through a representative, present their answers in a plenary session where all took part in discussing. They answered the buzz question on flip charts. This gave the trainers an opportunity to clarify areas/issues that appeared not well understood. The general approach of teaching employed in all four villages maybe summarized as hereunder:

### Phase I

After introductions and official opening of the training villagers drew maps of their villages showing boundaries and the kind of natural resources found on their lands. This enabled the trainers to familiarize themselves with the overall picture of the nature and kinds of resources in order to focus on the relevant legislation. In the course of asking questions and seeking clarifications, the trainers also managed to identify trouble shooting legal issues.

The Village Natural Resources Committees (sometimes referred to as Teams in other villages) then explained their Natural Resources/Land Use plans and the progress they had made. In the process, they also identified shortfalls and other problems that led to failure to achieve problems. At this stage, the trainers were taking note of the legal issues and other issues that although not solely legal had legal implications inherent in them.

### Phase II

Villagers who could read and write came along with the pens and papers. In some villages village governments provided the papers. Trainers used flip charts and in some cases blackboards and moved at a pace that ensured that villagers could take notes.

The trainers commenced the sessions by giving a synopsis of law in general. Laying particular emphasis on the following:

- The Constitution: Constitutional duty of every citizen to safeguard the country's natural resources; the law-making function being devolved to Parliament.
- Principle Legislation: Laws enacted by Parliament. Have to conform to the procedure laid down by Parliament or else ultra-vires. Parliaments power to delegate its law-making functions to other organs, institutions and officials.

- **Subsidiary Legislation:** Laws enacted by authorities/persons vested with the power by Principle legislation; includes regulations, orders and by laws. Village by laws for natural resources management fall under this category. Need to conform to the directives laid down by principle legislation or else by-laws ultra-vires.
- **Case Law:** Emphasis was placed and examples used to show how cases decided by authoritative courts form part of law. Given the technicality of comprehending these issues, the trainers elaborated the topic by providing various examples using metaphors that could be better understood by the target group.
- **Customary Laws:** Discussed various types of rules derived from customs that have a bearing on natural resources conservation and have been directly or indirectly incorporated into the corpus of laws. Examples varied from village to village depended on the nature of resources and customs. In most cases the trainers tried to involve the elders to give examples of rules (customs, taboos) that were observed and then the trainer discussed how such were incorporated into the law.
- **Natural Law-** the law of nature and how its principles could be employed in conserving natural resources.

**NB:** All along, the trainers reminded the villagers the essence of these sessions- to build a foundation for their better understanding of the natural resources management laws and to assist them in formulating their village natural resources management by laws.

After the first two phases, the villagers (where circumstances permitted) were divided into groups and given buzz questions to test their understanding of the sessions. During this exercise, which lasted for about 30 minutes, trainers moved around the discussion groups to ensure that the villagers did not go out of the theme. Officials from the District council who accompanied the trainers assisted in overseeing these exercises.

Villagers then presented the answers in some kind of plenary where everyone else participated by asking questions and seeking clarifications. The trainers only intervened when there appeared to be some serious misdirection.

### **Phase III**

After laying a foundation for the understanding of law in general in the first two phases, the sessions that followed involved overviews (highlights) of the main natural resources legislation that were relevant to the villages. Again this was done at a pace and in a manner that ensured villagers followed.

Villagers were given an overview of the position of the law in order to provide guidance in ensuring that the by laws that they will promulgate are in conformity with what the relevant laws.

In most instances trainers applied the question and answer technique in order to get the villagers attentive. For example, villagers were asked whether they had any regulation/s in place relating to the management of a natural resource and what these provided for. In the process of providing answers, trainers emphasized the position of the law to show the extent to which there was conformity (or otherwise) with the law.

The sessions were followed by discussions in the form of exercises, as was the case in Phases II and I.



#### **Phase IV**

This was employed last and involved training on the formulation of by laws in conformity with the procedure stipulated under the relevant provisions of the Local Government (District Authorities) Act of 1982 (as amended).

The trainers went through the process step by step, in the processes teasing out the procedure that the villages had used in formulating the regulation that was in place in most villages.

The trainers took the initiative of going through the regulation in place prior to the sessions and used them as examples in the training.

The format that is used was also illustrated and left with each village.

After the trainers had completed this session, villagers were divided into groups and held discussions as was case in the other Phases.

## 5 Field Report

### 5.1 Twasalie Village (Delta)

**Trainers:** Majamba/Mshana

**Duration of the training:** 3 days (3<sup>rd</sup> May 2001- 5<sup>th</sup> May 2001)

**Timing/Sessions:** Two Sessions. One in the morning; (9.00 am – 12.00 pm) and another in the afternoon; (2.00 pm – 4.00 pm).

**Number of villagers:** Varied day by day but on average 38 people. (Out of these 7 were women)

**District Officials Present:** Nandi, (Lands section) Ndasi (Education and Cultural Section) and Zuhura (Agriculture Office)

**Others:** Rose Hogan (REMP) and Heather Hog (a Ph.D. candidate from the US conducting research on the environmental history of river Rufiji)

#### Day 1.

Activity: Drawing of map and presentation of village management plan. Identified main natural resources as comprising of fish, minerals (salt), forest products (logging/felling mangroves to supply commercial trade, construction of canoes, beekeeping) and wildlife. (Crocodiles, monkeys, lions, leopards, wild pigs, birds and hippopotamus).

**NB:** Villagers had resolved to close one of the main rivers (Bumbo) for a period of three months to permit breeding and control fishing activities. They had in place some kind of laws (kanuni) ideally intended to be by laws.

#### Day II

Continuation of discussions and questions directed to villagers by trainers to tease out trouble shooting legal issues encountered in the implementation of the village environmental management plans

Identified livestock and farming as comprising other major problems that have implications for natural resources management.

Noted that this village did not have in place any form of by laws or regulation to protect natural resources. The river that the village had purported to close did not have any enforcement measures.

People in this village applied traditional methods and customs to deal with those who violated natural resources management norms that they considered were known to most community members. It transpired, however, that most villagers did not know of the closure of the river.

Training sessions commenced using the methodology already described. Natural resources management legislation that the training in this village focused on were the following:

- Fisheries Act, and Regulations made there under
- The Forestry Ordinance (with beekeeping Policy)
- Village Land Act
- Legislation relating to wetlands
- The Wildlife Conservation Act; and
- The Local Government (District Authorities) Act

#### Day III

Recap of previous days sessions with questions/discussions and commenced session on by law making.

Divided the villagers into three groups and gave a discussion exercise on the steps to be taken in order to promulgate effective by laws.

### **General Assessment and Observations**

The inherent conflict between village government and villagers played some implications on the methodology employed. Trainers had to be a little cautious in giving exercises/ group discussions.

Gender sensitivity (the rather negative perception of the role and position of women in the village community) also had to be taken into account during the sessions. Participation from the women folk (who are important stakeholders in village natural resources management) in the sessions was limited by the gender imbalance within the community. At one point during the training, an elderly man “silenced” a woman who had raised her hand to ask a question. When asked to respect the chair, the old man walked out, pulling other followers. Seeing this, the woman opted not to ask any question, and intimated that she would resign as a member of the village natural resources committee/team. The trainers had to adopt a methodology that took into account this experience.

Overall, this village showed a comparatively less interest in the training. This may be attributed to their apparent lack of interest in education. However, there are some people (roughly about 5 %) seemed to have grasped something.

## **5.2 Jaja Village (Delta)**

**Trainers:** Same as in Twasalie

**Officials from District:** - do-

**Number of villagers:** 42 villagers (11 women)

**Timing/Session:** Two training sessions. One in the morning (9.00 am – 12.00 pm) and an afternoon one (2.00 pm – 4.00 pm)

**Number of days:** Three days. (7<sup>th</sup> May 2001 – 9<sup>th</sup> May 2001)

### **Day I**

Drawing of village map and presentation of village environmental management plan. Trainers also identified village boundaries and the major natural resources in the village.

The main natural resources identified in this village were Fish, Birds, Prawns, Rice fields, Forests products (beekeeping and mangroves) and minerals (Salt).

The main concern of villagers in respect to activities that they considered harmful to the natural resource included the logging of trees to construct canoes and dhows to ferry mangroves to Zanzibar and Mafia and illegal fishing of prawns by large vessels in the ocean. Others were problems created by destructive wild animals and the difficulty faced by village scouts in apprehending and dealing with people who violate rules passed by the village.

### **Day II**

General discussions, question and answer sessions by trainers trying to tease out more burning legal issues to set a basis for the kind of legislation that they would train the villagers on.

Identified other pressing problems as ownership of land that harbors the natural resources and by law enforcement by village scouts.

The relevant and applicable legislation that was taught in this village whose highlights were discussed on this day included the Fisheries Act, the Village Land Act, Livestock and Agricultural Laws, the Forest Ordinance and the Local Government (District Authorities) Act.

### **Day III**

Recap of previous day's sessions and responding to questions.

Commenced steps for natural resources management by law making.

The trainers divided villagers into groups and deliberated issues taught in all sessions in a forum similar to a moot court. Only villagers took part and trainers sat back and assessed their understanding of the sessions.

### **General Assessment and Observation**

On average, the participation of villagers and level of understanding relatively good. At least 70% of the villagers seemed to have grasped the sessions and increased their knowledge.

### **5.3 Mtanza Msona Village (Floodplain)**

**Trainers:** Majamba/Macha

**Officials from the District:**

Kilonzo (Forestry)

Ohii (Game Officer)

Mwambeso (Agriculture)

Hussein Harry (Agriculture)

**Others:** Rose Hogan

**Timing/Sessions:** Two – Morning and afternoon (10.00 am – 12.30 p.m.) and 2.00 pm – 3.00 pm)

**Number of Villagers in Attendance:** Average of 42 (13 women)

**Duration of Training:** 3 days. (12<sup>th</sup> May 2001 – 15<sup>th</sup> May 2001)

### **Day I**

Drawing of village map by villagers and identification of major natural resources in the area. Presentation and discussion of village environmental management plan. The trainers identified the main practical natural resources management related legal problems and constraints facing the village.

The key natural resources identified were:

Forests products (logging and illegal felling of trees and beekeeping)

Fish (derived from dams and rivers)

Wetlands; and

Wild animals (Monkeys, Lions etc. Village borders the Selous Game Reserve)

### **Day II**

Trainers discussed with the villagers of problems faced in managing natural resources. Villagers informed the trainers that there was a brewing conflict between the village and the administration of Selous Game Reserve over a dispute on village boundaries with the Reserve. The villagers alleged that the Reserve boundaries have been “modified” and in the process encroached part of their land.

Village government had put in place some form of laws to monitor and control the use of natural resources found in the village. The trainers had an opportunity to go through these.

Training commenced on day two with the general introduction of law, followed by an overview of the legislation relating to wildlife management and fisheries

### **Day II**

Trainers recapped previous days sessions with questions and answers series.

Training continued with a review of the provisions of the Village Land Act (In view of the perceived conflict between the village and Selous game Reserve, emphasis was placed on the demarcation of village boundaries and registration of village land. Legislation on forestry and beekeeping legislation and policies were also reviewed.

### **Day III**

Training on the relevant provisions of the Local Government (District Authorities) Act and later the procedure for making village by laws for natural resources management.

Villagers divided into group and given exercises to deliberate on and then held discussions with the guidance of trainers in a plenary.

#### **General Observation and Assessment:**

The villagers appeared basically ready and willing to implement development strategies to control the use of natural in their jurisdictions.

The villagers felt aggrieved that the district council did not appreciate their efforts in conserving natural resources. For example, they claimed to have arrested people who were felling trees illegal and handed them over to the relevant authorities but their efforts have not been rewarded. This kills the spirit of conservation and may operate to defeat the objects and purpose of the training.

Women were very actively involved in this village in comparison to all the villages where training was conducted. There was a woman vice-chairperson of the village natural resources committee and a couple who were trained as village scouts.

On average at least 60% of the villagers who attended the training course grasped the main points.

## **5.4 Mbunju-Mvuleni, Mpima and Mupi Villages**

**Trainers:** Majamba/Macha

**District officials:** Mwambeso (Agriculture), Bainga (Agriculture), Sagara (Fisheries) and John (District Game Officer)

**Others:** Rose Hogan, Edmund of IUCN and Dr. Olivier attended some of the sessions.

**Sessions:** Two sessions were held, one in the morning and another in the afternoon. (10.0 am – 1.00 pm) and 2.00 pm – 3.00 pm)

**Attendance:** 50 persons (15 women)

**Duration of Training:** Three Days. (17<sup>th</sup> May 2001 – 19<sup>th</sup> May 2001)

#### **Preliminary Observations:**

There was a notable conflict amongst villagers. Some villagers were considered as being “outcasts” or rather “squatters” on village land, having been registered in other villages but using the resources of another village.

Villagers from Mupi and those from Mpima felt that they were considered as the “squatters.”

This conflict initially made the trainer’s work difficult but Rose Hogan managed to diffuse tensions at the initial stages. Although the tension kept resurfacing, the trainer found a way out whenever they arose. To a great extent this affected the training sessions as the trainers were frequently called upon to address issues that were directed at the conflict in the course of the question and answer sessions.

## **Day I**

The villagers from Mupi and Mpima had to be ferried by one vehicle to and from the training venue (Mbunju) due to the distance. Consequently the sessions were much shorter in comparison to other villages. This scenario, coupled with the conflict, complicated the training sessions but the trainers managed to adapt to the situation.

The village map was drawn and the village environmental management plan presented and discussed amid the conflict and signs of discontent from villagers from Mupi and Mpima. The trainers managed to identify key natural resources and efforts taken to manage them.

The main resources within the village borders identified were wild animals (elephants, lions, monkeys, crocodiles, hippopotamus and different species of birds), forest products (beekeeping and logging) and fish products. The only other identifiable activity that had an implication for natural resources management was farming (irrigation).

## **Day II**

This was a Friday and the program had to be revised to allow Moslems to go for the Friday prayers. The trainers had to take this into account and the methodology was accordingly structured. The sessions were to be short and brief, allowing very few questions.

Training session started with a synopsis of the law in general and review of legislation on wildlife laws, fisheries and forestry.

## **Day III**

The day started with the a quick review of the previous day's session and then proceeded with a session on the Village Land Act, the relevant provisions of the Local Government (District) Authorities Act and the procedure and steps to follow in promulgating natural resources management by laws.

Having eased the tension amongst the villagers to some extent, the trainers gave an exercise after dividing the villagers into groups. The villagers had group discussions and presented their findings at a plenary.

### **Assessment and Observations:**

On average 50% of the villagers grasped the content of the course.

Due to the nature of the conflicts discussed above, the training sessions somehow lacked participation from villagers as most of the questions were directed at trying to find out from the trainers who had what right.

## **6 Summary of the Training in General**

REMP has done a commendable job in empowering villagers with the necessary tools for managing their natural resources. The villagers had been through training sessions before through initiatives of REMP. The exposure of villagers to training courses made the trainers work a little easier.

The objectives of the training were to a great extent achieved. Villager's knowledge on basic aspects of the law on natural resources was certainly enhanced. Overall about 200 people (including the District Officials) who accompanied the trainers benefited.

There may be a need for periodic assessment (follow-up) of the extent to which the target groups are managing in employing the law to conserve and manage the natural resources. District officials on their day-to-day tours in the villages could do this.

In order for the District Official to effectively make the follow-ups, they would have to acquaint themselves with the laws of sectors/fields that they are not specialized in. This is essentially because of the diversity and interdisciplinary character of natural resources management and the holistic nature of the environment.

The District Officials should also realize that the change in paradigm that focuses on participatory approaches necessary implies a change in their attitude of retaining control over natural resources management. It is important also that the officials manning the District's natural resources management work as a team in making follow-ups. The forestry officers of the district were conspicuously absent from the team that accompanied the trainers.

A little more effort has to be done to sensitize villagers to overcome cultural and social barriers in order to involve all stakeholders in the management of village natural resources.