

THE ESTABLISHMENT OF ZANZIBAR NATURE CONSERVATION AREAS MANAGEMENT UNIT ACT, 1999

ACT NO. 10 OF 1999

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DR. SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

22hd May , 2000

AN ACT TO ESTABLISH THE ZANZIBAR NATURE CONSERVATION AREAS MANAGEMENT UNIT AS A NATIONAL AUTHORITY FOR THE MANAGEMENT OF NATURE CONSERVATION AREAS IN ZANZIBAR.

ENACTED by the House of Representatives of Zanzibar.

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PART I

PRELIMINARY PROVISIONS

Short title and Commencement

1. This Act may be cited as the Establishment of Zanzibar Nature Conservation Areas Management Unit Act, 1999 and shall come into force upon being assented to by the President.

Interpretation

- 2. In this Act, unless the context otherwise requires:-
- "Act" means the Zanzibar Nature Conservation Areas Management Unit Act, 1999;
- "Board" means the National Protected Areas Board established under Section 9 of this Act;
- "Chief Conservator" means the Senior Conservation Officer of the Zanzibar Nature Conservation Areas Management Unit appointed under Section 7 of this Act:
- "Commissioner" means the Commissioner of Natural Resources;
- "Conservation" means the process of managing area of land or water so as to retain some or all of its natural, physical or biological qualities, and includes restoration, preservation, protection and sustainable use;
- "House" means the House of Representatives of Zanzibar;
- "Minister" means the Minister responsible for natural resources;
- "Natural Resources Authority" means institution responsible for natural resources;
- "Nature Conservation Area" means any area of land or water designated for nature conservation and shall include any national protected area, any controlled fishing area designated under the Fisheries Act 1988 and any marine sanctuary or other nature reserve establish under the laws of Zanzibar;
- "Officer" means Forest Officer, Fisheries Officer, Environmental Officer or any Officer as defined in the Fisheries Act 1988, the Forest Resources Management and Conservation Act, 1996, and the



Environmental Management for Sustainable Development Act, 1996;

- "President" means the President of Zanzibar and Chairman of the Revolutionary Council;
- "Principal Secretary" means Principal Secretary for the Ministry responsible for natural resources;
- "Unit" means the Zanzibar Nature Conservation Areas Management Unit established under Section 4 of this Act;

The purpose of the Unit.

3. The main purpose of the Unit shall be to conserve Zanzibar's terrestrial aquatic or marine ecosystems including their indigenous plants or animals through the establishment and management of nature conservation areas.

PART II

ESTABLISHMENT OF THE UNIT

Establishment of the Unit.

- 4(1). There is hereby established a Unit to be known as the Zanzibar Nature Conservation Areas Management Unit.
- (2) The Unit shall be a semi-autonomous body corporate and shall:-
 - (a) have perpetual succession and common seal;
 - (b) in its corporate name, be capable of suing and being sued;
 - be capable of purchasing and otherwise acquiring and of alienating any movable or immovable property; and
 - (d) have power from time to time to borrow such sums as it may require for its purposes and that any such borrowing shall be made with due regard to public financial regulations.
- (3) The Minister may, for the purposes of furthering the government interest in the Unit, extend to the Unit any assistance, government privilege or right.



Composition of the Unit.

- 5. The Unit shall consist of:-
 - the Chief Conservator who shall be the chief executive of the Unit appointed by the President and who shall have adequate qualifications;
 - (b) any other officers as the Principal Secretary may think fit all of whom shall be appointed by the Minister;
 - (c) any other staff of the Unit who shall be appointed by the Chief Conservator.

Functions of the Unit.

- 6. The functions of the Unit shall be:-
 - (a) to manage nature conservation areas as advised by the Minister;
 - to act as the management authority to manage any national protected area where designated as such by the Board;
 - (c) to manage areas for nature conservation in ways that benefit local communities and facilitate their active participation in management;
 - (d) to support, and where appropriate participate in, other projects to conserve the natural ecosystems of Zanzibar, especially those projects which facilitate conservation by local communities;
 - to build, alone or in co-operation with other institutions, the capacity in Zanzibar for nature conservation and management of nature conservation areas;
 - (f) to generate and collect revenues such as entry fees and service charges from nature conservation areas managed by the Unit and to retain such proportion of such revenues for furthering the objectives of the Unit as the Minister shall by regulations permit after consultation with the Minister of Finance;
 - (g) to solicit and receive financial or other grants or donations by any lawful means for nature conservation in Zanzibar from any person or institution in accordance with approved annual or long term plans of the Unit and to retain such grants or donations for furthering the objectives of the Unit;



- to advise the Minister in matters related to nature conservation;
- (i) to advise, and educate and promote the private sector, local communities, government departments and other institutions on issues concerning nature conservation;
- (j) to educate the public on the importance of nature conservation;
- (k) to promote awareness of the Zanzibar nature conservation areas locally and internationally;
- to do any thing given under this Act or any other Act relating to nature conservation or given by the Minister;
- (m) to do all such other acts as may be incidental or conducive to the attainment of the objectives of the Unit under the provision of this Act.

PART III

MANAGEMENT OF THE UNIT

Chief Conservator. 7. The management of the Unit shall be headed by the Chief Conservator, who shall be answerable to the Board for all the functions of the management and who shall have authority over all employees of the Unit.

Functions of the Chief Conservator.

- 8. The Chief Conservator shall perform the following functions as directed by the Commissioner and shall:-
 - (a) administer and operate the affairs of the Unit with full responsibility for Unit's funds and activities;
 - (b) in accordance with the civil service regulations and through consultation with Natural Resources Authority, appoint such employees, both temporary and permanent, as may from time to time be required for the work of the Unit, set the terms of their employment and other matters related to that employment;
 - (c) recommend to the Board termination of the employment of any Unit personnel, whose performance the Chief Conservator considers to be unsatisfactory or whose



services are no longer required, so long as appropriate measures have been taken in accordance with applicable law:

- (d) supervise in accordance with the financial regulations,
 - all moneys paid into the Unit through any lawful means; and
 - (ii) all property, movable and immovable owned or acquired by way of grants, loans or otherwise;
- be the authorised or representative of the Unit in relation to third parties and courts of law for all transactions whatsoever;
- (f) recommend to the Board and implement when approved, mechanisms whereby communities living adjacent to any nature conservation area, which is managed by the Unit, can participate in management decisions for that area;
- (g) negotiate and implement contracts for management by the Unit of nature conservation areas;
- (h) prepare long term management plans for nature conservation areas being managed by the Unit and their implementation and prepare annual plans, annual budgets and progress report and audited financial statements for submission to the Commissioner;
- advise the Minister, government institutions, private sector and other individuals on matters related to nature conservation;
- (j) do any thing or act imposed on him by the Minister or this Act or any other Act.

The Board.

9.(1) The National Protected Areas Board established under Section 80 of the Environmental Management for Sustainable Development Act, 1996, shall be responsible for the carrying out the implementation of this Act.



Functions of the Board.

- 10. In addition to the functions specified under Section 81 of the Environmental Management for Sustainable Development Act, 1996, the Board, under this Act, shall perform the following functions.
 - to receive from the Chief Conservator proposed long term plan, annual budget, progress reports and audited financial statements from the previous year for approval;
 - (b) to approve contracts for the management by the Unit of areas for nature conservation;
 - (c) to give such advise, guidance or instructions to the Chief Conservator as may be necessary for the better achievement of the Unit's objectives; and
 - (d) to adopt such rules of procedure for its meetings and activities as it shall deem necessary.

PART IV

FUNDS OF THE UNIT

Funds of the Unit.

- 11.(1) The funds and resources of the Unit shall consist of:-
 - (a) such sums as may be provided by the House for the purpose of the Unit;
 - (b) such sums or property which may be vested in the Unit under this Act or any other written law or which may be vested in the Unit in any other manner in the performance of its functions;
 - any sums which the Unit may receive as fees, rates or charges for services rendered by it; and
 - (d) such donations, grants, requests and loans as the Unit may, from time to time, receive from any person or body of persons.
- (2) The funds of the Unit shall be expended in accordance with the government budget and financial regulations and in the event of any excess revenue being collected or remitted to the Unit the same shall be deposited in the account of the Nature Conservation Development Fund before the end of financial year and no such money from the account of the Fund shall be withdrawn without express written permission of the paymaster general.



- 12(1) With the prior approval of the Minister, the Unit may, from time to time, obtain loans and other credit facilities from any person, in the jurisdiction or otherwise, for the purpose of the Unit, upon such terms and conditions relating to the repayment of the principal and the payment of interest as, subject to any directions given by the Minister, it may deem fit
- (2) The Unit may, if it is of the opinion that the public interest so requires, and subject to the approval of the Minister, guarantee the repayment of the principal and payment of interest on a loan made to any person or body of persons engaged in the development or conservation of nature in any specified area or any other areas.

Nature Conservation Development Fund.

- 13(1) It is hereby established Nature Conservation Development Fund whose trustee and administrator shall be the Unit.
- (2) There shall be deposited into the account of the Fund of any of excess revenues being collected or remitted to the Management Unit and such donations, grants and other payments as the Minister may direct, and the revenue fund shall be separate from that of the Unit fund.
- (3) It shall be paid out of the revenue of the fund all such money for purpose directed by the Minister in the regulations.

PART V

MISCELLANEOUS PROVISIONS

Power to Implement the Policy. 14. The Unit shall be the principal instrument for the implementation of the policy of the government in relation to the nature conservation and for that purpose, the Management Unit shall, subject to this Act, have and exercise such functions, powers and duties as are conferred upon it by this Act and by any other written law, without prejudice to the functions of the National Protected Areas Board as described under Section 81 of Environment Act, 1996.

Exemption from Tax etc.

15. The Minister in consultation with the Minister for Finance, may by order published in the Gazette exempt, mitigate, defer or remit any tax, duty or other levy on the Unit on the grounds of public or other interests.



Exemption from personal liability. 16. Any employee of the Unit including the ranger shall not, in his personal capacity, be liable in civil or criminal proceedings in respect of any act or omission done in good faith in the performance of his functions under this Act.

Offences.

- 17. Any person who for the purpose of this Act:-
 - (a) without lawful excuse or justification, fails to comply with an order or rules made under this Act; or
 - (b) obstructs any officer in the performance of his functions under this Act; or
 - (c) otherwise contravenes any provision of this Act or any regulations made under this Act;

is guilty of an offence, and liable on conviction to a fine not less than three hundred thousand Tanzania shillings or to imprisonment for a term of six months or both such fine and imprisonment.

Rules.

- 18.(1) Subject to the approval of the Minster, the Unit may draw up and amend such rules and orders as may be necessary for the implementation of this Act.
- (2) All rules and orders made under this section shall be published in the Gazette.

Regulations.

- 19.(1) The Minister may make regulations for better carrying out of the provisions of this Act.
- (2) The Regulations made under this section shall be published in the Gazette.

Passed in the House of Representatives on the 31st day of December, 1999.

KHAMIS JUMA CHANDE CLERK OF THE HOUSE OF REPRESENTATIVES