



REPORT ON HUMAN RIGHTS, SMALL-SCALE FISHERS AND THEIR ACCESS TO AND MANAGEMENT OF MARINE RESOURCES IN TANZANIA

April, 2026





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The report was developed and published with financial support from the Swedish International Development Cooperation Agency (Sida), <https://www.sida.se/en>

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ACKNOWLEDGMENT

CHRAGG and LHRC extend their heartfelt gratitude to all stakeholders who contributed information and data that made the preparation of this report possible. These stakeholders include: the Ministry of Livestock and Fisheries (MLF); Local Government Authorities (LGA) in the regions of Mtwara, Lindi, and Tanga; the Tanzania Fisheries Research Institute (TAFIRI); the National Task Team for the Implementation of the Voluntary Guidelines for Small-Scale Fisheries (NTT - SSF Guidelines); the Marine Parks and Reserves Unit (MPRUs); the Tanzania Women Fishers Association (TAWFA); as well as fishers, processors, and traders of fishery products.

In addition, CHRAGG and LHRC sincerely thank the team of experts who participated in the collection of information and data, including Ms. Bigeyo Kuboja, a fisheries expert from the Tanzania Fisheries Research Institute (TAFIRI), for her professional advice during the review of documents and the preparation of stakeholder consultations for this report.

Furthermore, CHRAGG and LHRC express their appreciation to government institutions (the Ministry of Livestock and Fisheries - MLF, the Ministry of Constitution and Legal Affairs, Local Government Authorities - MoCCLA, and the Marine Parks and Reserves Unit - MPRU), small-scale fishers, BMUs, CFMAs, TAWFA, civil society organizations, non-governmental organizations (WWF; Seasence; MWAMBAAO Network); and development partners (the Food and Agriculture Organization of the United Nations -FAO). These stakeholders participated and provided their professional insights during the national fisheries stakeholders' workshop organized by CHRAGG in July 2025. Their contributions helped refine and validate the findings of this report.

Finally, CHRAGG and LHRC extend special thanks to the Danish Institute for Human Rights - DIHR for funding this work and for providing expert guidance on the integration of human rights considerations for small-scale fishers in the management and access to marine resources.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ADR	Alternative Dispute Resolution
Art.	Article
BMU	Beach Management Unit
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	UN Committee on Economic, Social and Cultural Rights
CHRAAG	Commission for Human Rights and Good Governance
CIFAA	Committee for Inland Fisheries and Aquaculture of Africa
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMFA	Collaborative Fisheries Management Area
CPUE	Catch Per Unit Effort
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
DIHR	Danish Institute for Human Rights
DMA	Disaster Management Agency
DSFA	Deep-Sea Fishing Authority
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EMEDO	Environmental Management and Economic Development Organization
FAO	Food and Agricultural Organization of the United Nations
FETA	Fisheries Education and Training Agency
FGD	Focus Group Discussion
FMP	Fishery Management Plan
FUO	Fishers Union Organisation
FYDP III	Third Five-Year Development Plan
GBV	Gender-Based Violence
GDP	Gross Domestic Product
HRBA	Human Rights-Based Approach
ICCPR	International Covenant on Civil and Political Rights

LIST OF ACRONYMS AND ABBREVIATIONS

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ILO	International Labour Organization
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, Unreported, and Unregulated
IWC	International Whaling Commission
KII	Key Informant Interview
LHRC	Legal and Human Rights Centre
LGA	Local Government Authority
LTA	Lake Tanganyika Authority
LVFO	Lake Victoria Fisheries Organization
Maputo Protocol	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
MCS	Monitoring, Control, and Surveillance
MLF	Ministry of Livestock and Fisheries
MoCCLA	Ministry of Constitution and Legal Affairs
MPAs	Marine Protected Areas
MPRU	Marine Parks and Reserves Unit
MSP	Marine Spatial Planning
Nairobi Convention	Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region
NAPA	National Adaptation Programme of Action
NCCRS	National Climate Change Response Strategy
NEMC	National Environmental Management Council
NGO	Non-Governmental Organization
NPoA-SSF Guidelines	National Plan of Action for Small-Scale Fisheries for the Implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
NSGRP	National Strategy for Growth and Reduction of Poverty
NSSF	National Social Security Fund
NTT	The National Task Team for the Implementation of the SSF Guidelines
OHCHR	Office of the United Nations High Commissioner for Human Rights
Para.	Paragraph
PWDs	Persons with Disabilities

LIST OF ACRONYMS AND ABBREVIATIONS

Ramsar Convention	The Convention on Wetlands of International Importance especially as Waterfowl Habitat,
SADC	Southern African Development Community
Sida	Swedish International Development Cooperation Agency
SSF	Small-Scale Fishers
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
SUA	Sokoine University of Agriculture
SWIOFC	Southwest Indian Ocean Fisheries Commission
TAFIRI	Tanzania Fisheries Research Institute
TAFU	Tanzania Fishers Union
TAWFA	Tanzania Women Fish Workers Association
TMA	Tanzania Meteorological Agency
UDOM	University of Dodoma
UDSM	University of Dar es Salaam
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNDROP	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
URT	United Republic of Tanzania
USAID	United States Agency for International Development
VETA	Vocational Education and Training Authority
VEU	Village Enforcement Unit
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
VICOBA	Village Community Banks
VLC	Village Liaison Committee
VPO	Vice President Office
VPO-DoE	Vice President's Office – Division of Environment
WCS	Wildlife Conservation Society
WWF	World Wildlife Fund



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Executive Summary

The report examines the situation of Small-Scale Fishers (SSF) in Mainland Tanzania from a human rights perspective, focusing on their access to and management of marine resources. It covers selected coastal communities in Mtwara, Lindi, and Tanga, and was based on desk review, focus group discussions, key informant interviews, and consultations with national stakeholders. In total, 247 individuals were consulted, and the analysis was guided by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) and a human rights-based analytical framework linking structural, process, and outcome dimensions of fisheries governance.

The report finds that SSF are central to livelihoods, food security, and local economies along Tanzania's coast, yet they face growing pressure from declining fish stocks, pollution, climate change, conservation measures, industrial fishing, and expanding blue economy activities. Tanzania has a broad legal and policy framework for fisheries governance, including the Constitution, the Fisheries Act, the Marine Parks and Reserves Act, the Environmental Management Act, the National Fisheries Policy, the National Blue Economy Policy, and the National Plan of Action for Small-Scale Fisheries. These frameworks recognize participation, sustainable management, and public benefit from natural resources, but implementation gaps remain significant.

A central finding is that governance of tenure remains weak. Although decentralized co-management structures such as Beach Management Units (BMUs) exist and provide an important "bottom-up" mechanism for SSF to participate in fisheries governance. However, SSF lack clearly defined exclusive or preferential access zones.

The report highlights that conservation measures, marine reserves, tourism, gas, mining, and other blue economy investments sometimes restrict SSFs' access to land and marine resources, such as traditional fishing grounds, and lead to displacement of SSF without adequate consultation, compensation, or livelihood restoration. The report argues that these are not only governance issues, but also human rights concerns linked to tenure rights, food, work, adequate standard of living, cultural, participation and protection against arbitrary displacement.

The report also identifies key challenges in sustainable fisheries management. Overfishing, illegal and destructive fishing practices, weak enforcement, corruption, poor Inter-agency coordination, and inadequate fish-stock data continue to undermine marine ecosystems and SSF livelihoods. Marine pollution from both fisheries-related and land-based activities further threatens the right to a clean, healthy, and sustainable environment. At the same time, the report notes some strengths, including legal controls on destructive fishing, partial success against dynamite fishing, and the contribution of BMUs, Non-Governmental Organization (NGOs), and community-based conservation initiatives.

On participation and equality, the report finds that while BMUs and related structures create formal spaces for local engagement of SSF, participation is often not sufficiently meaningful, especially for women, fish processors, fishing crews, and other marginalized groups. Gender inequality remains embedded in access to marine resources, leadership, and benefit-sharing. Social protection is also limited: many fishing households remain outside formal safety nets despite the sector's vulnerability to illness, low catches, extreme weather and other shocks. Climate change compounds these risks through extreme weather events, coastal erosion, rising sea levels, changing fish patterns, post-harvest losses, and the report found limited access to early warning systems and adaptive technologies.

Blue Economy and Marine Spatial Planning (MSP) process poses opportunities for SSF (for example rights recognition, livelihood and economic development) but also risks (for example violations of tenure rights, the right to participate in decision-making and the right to a clean, healthy and sustainable environment). The phenomenon of “coastal squeeze” where SSF are ‘squeezed out’ by competing interests (tourism, mining, industrial fishing, etc.) is a risk in Tanzania as elsewhere. The report warns that Blue Economy and MSP processes, if not guided by a Human Rights-Based Approach (HRBA), may deepen exclusion and intensify competition over marine space.

Overall, the report concludes that Tanzania has a significant opportunity to strengthen SSFs' rights and marine ecosystems by integrating a HRBA across fisheries management, conservation, climate adaptation, and blue economy governance. Its recommendations focus on ensuring secure land and marine tenure rights for SSF, guaranteeing preferential access to marine resources for SSF, and establishing mandatory provisions for direct financial compensation, livelihood restoration programs, and community development benefits in cases where SSF are displaced and their tenure rights are restricted. The report also recommends expanding social protection to SSF, improving enforcement and data systems, strengthening women's leadership in BMUs, enhancing access to remedy, embedding HRBA in MSP processes and blue economy investments, and improving coordination among state institutions, CHRAGG, and other stakeholders.

1.1 BACKGROUND

SSF play a vital role in supporting livelihoods, food security, and local economies in Tanzania's coastal communities. Along the Indian Ocean coastline, many households depend directly or indirectly on fishing and related activities such as fish trading, processing, seaweed farming, and boat building. Beyond their economic importance, fisheries are closely connected to the cultural identity and social fabric of coastal communities and contribute significantly to the supply of animal protein in the country.

Despite their importance, SSF, both women and men, face growing challenges that threaten both marine ecosystems and their livelihoods. Environmental degradation, declining fish stocks, marine pollution, and climate change are increasingly affecting the sustainability of fisheries. At the same time, the expansion of blue economy initiatives, marine conservation areas, tourism, and industrial fishing has intensified competition for coastal and marine spaces. These developments may restrict access to traditional fishing grounds and increase the risk of displacement or livelihood insecurity for SSF communities.

These challenges highlight the importance of examining SSF from a human rights perspective. Access to marine resources, participation in decision-making processes, and the ability to maintain sustainable livelihoods are closely linked to fundamental human rights, including the rights to work, food, participation in public affairs, and an adequate standard of living. A HRBA helps ensure that policies and governance frameworks affecting marine resources respect principles such as participation, equality, accountability, and access to justice. Applying such an approach can strengthen the protection of SSFs' rights while promoting inclusive and sustainable management of marine resources in Tanzania.

1.2 OBJECTIVES AND SCOPE

1.2.1 Objectives

1. Provide an overview and analysis of the key human rights issues affecting SSF communities in their access to and management of marine resources.
2. Identify the key legal, policy and institutional frameworks governing their access to and management of marine resources and the degree to which these comply with Tanzania's human rights obligations.
3. Identify good practices, upcoming opportunities, and threats to these communities in terms of new policies or approaches to the management of marine and coastal ecosystems.

1.2.2 Definition of small-scale fishers

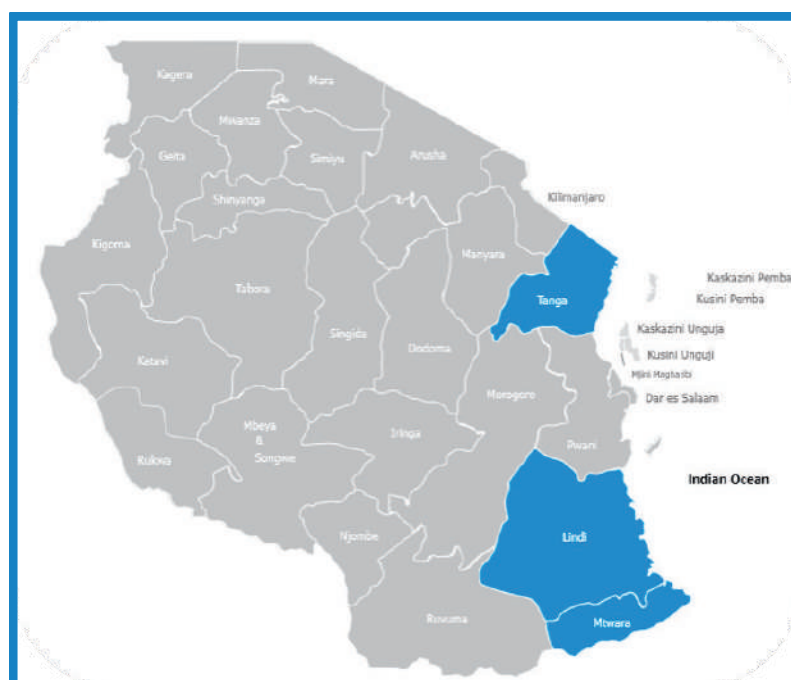
The report uses the term “small-scale fishers” (hereafter SSF) in an inclusive way, describing SSF as encompassing both women and men working in the full range of activities along the small-scale fisheries value chain, including pre- and post-harvest activities, in both marine and inland waters, in line with the SSF Guidelines. This includes fishers, fish processors, and traders, consistent with the definition of “fisherfolk” in Fisheries Regulation No. 308 of 2009.

1.2.3 Scope

Fisheries governance and the management of marine and coastal ecosystems are non-Union matters in the United Republic of Tanzania (URT), meaning that Mainland Tanzania and Zanzibar operate under separate legal, policy, and institutional frameworks. Due to time and resource constraints, the research focused exclusively on Mainland Tanzania. The analysis concentrated on marine resources and coastal ecosystems along the Indian Ocean coastline, where SSF constitute a major source of livelihoods and food security.

Local consultations were conducted in selected coastal communities in Mtwara, Lindi, and Tanga Regions, with visits made in Msimbati and Msangamkuu Wards in Mtwara District (Mtwara Region), Somanga Ward in Kilwa District (Lindi Region), and Moa Ward in Mkinga District and Kigombe Ward in Muheza District (Tanga Region).

These areas were selected because they represent important SSF communities along the Tanzanian coast and reflect diverse experiences related to access to marine resources, local fisheries governance, and emerging pressures from conservation initiatives, coastal development, and blue economy activities.



Human Rights Themes

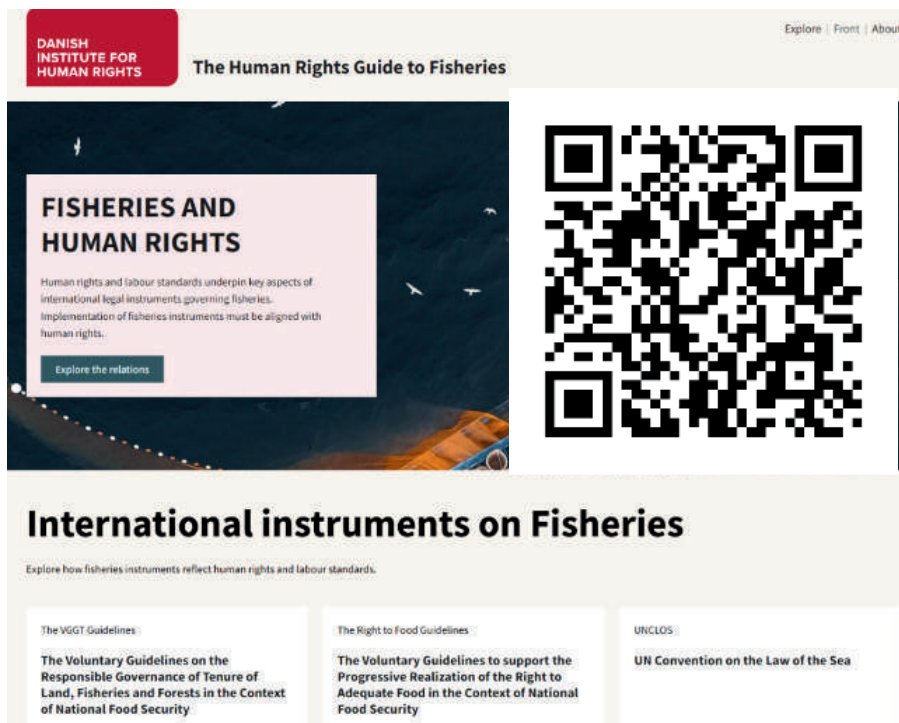
The Report focused on the following human rights themes:

- **SSFs' rights to land and marine resources:** Looking at rights and issues related to secure, safe, and enhanced access to marine resources for SSF communities, including those particularly at risk, as well as protection from displacement and eviction.
- **SSFs' rights to participate in the management of marine resources:** Looking at their meaningful participation in the management of coastal and marine ecosystems at local and national level for increased environmental sustainability and respect for human rights
- **Gender and equality and non-discrimination** in access to marine resources and management in SSF communities, including from lens of intersectionality.
- **SSFs' rights to a clean, healthy, and sustainable environment** in relation to access to marine resources.

2.1 APPROACH AND SOURCE OF DATA

Human Rights–Based Analytical Framework

The analytical framework for the report was structured around relevant provisions of the SSF Guidelines. It drew on the links between provisions in the SSF Guidelines and human rights standards, as provided in the Human Rights Guide to Fisheries.^[i] Key issues in sections of the SSF were identified and matched with corresponding human rights obligations and key questions. The framework provided a structural, process and outcome level approach, with inspiration from the Office of the High Commissioner for Human Rights (OHCHR) methodology for developing human rights indicators. The structural dimension assessed the existence of relevant laws, policies, regulations, and plans; the process dimension evaluated the actual implementation mechanisms, procedures and resource allocation, and the outcome dimension evaluated the actual situation on the ground.



The Human Rights Guide to Fisheries is an online platform which illustrates how human rights and labour standards underpin the provisions in the key international instruments governing the fisheries sector.

Through these linkages, the Guide provides an important basis for aligning the implementation of sustainable fisheries laws, policies and planning with the states' legal obligations to respect, protect and fulfil human rights and labour standards. The Guide can assist those working in the fisheries sector to implement a HRBA to sustainable fisheries and strengthen state accountability to international and labour standards within the sector.

Data Collection



Desk Assessment

This method was employed to review reports, laws, policies, regulations, plans, and articles on SSF, focusing on access to marine resources and their participation in managing them. Except for laws, policies, and regulations, most of the reviewed documents were those produced within the past five years (2021 to 2025) – to obtain the most recent information about SSF.



Community Consultations

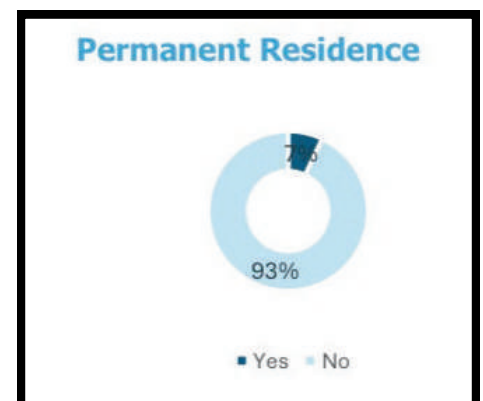
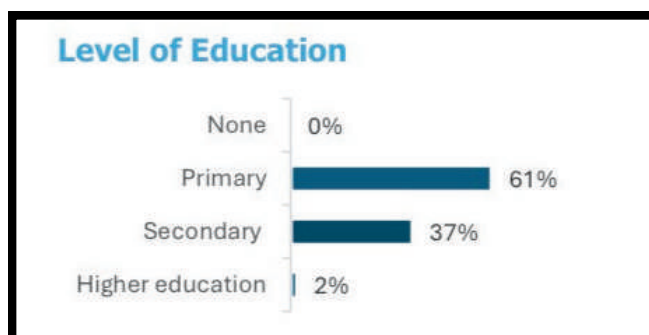
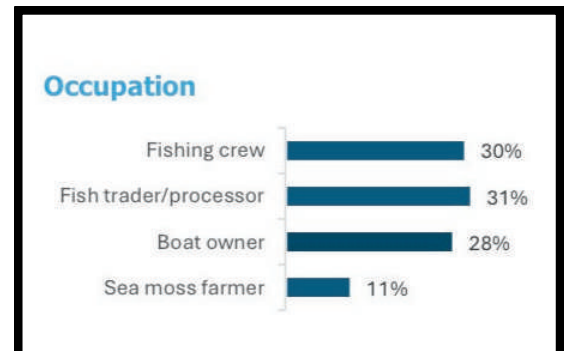
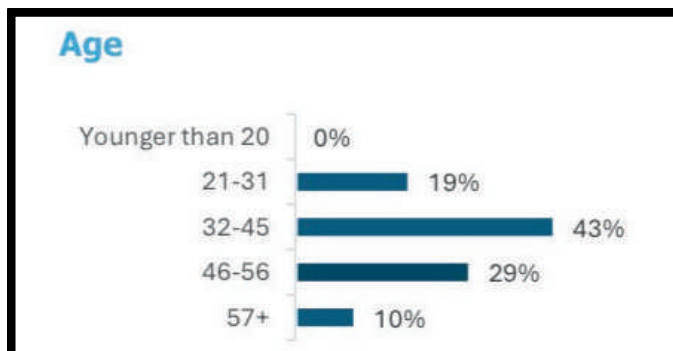
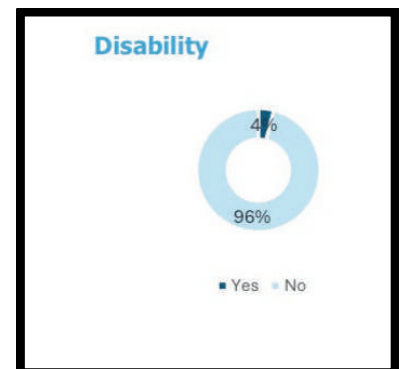
Focus Group Discussion (FGD) was used to obtain views from fishing crew, fish traders and processors, boat owners, and seaweed farmers. Key Informant Interview (KII) was used to obtain information from district authorities (including fisheries officers), local leaders, and local NGOs. In total, 247 individuals were consulted, including 217 participants in focus group discussions and 30 key informants.



National Stakeholder Consultation

This method was used to engage various stakeholders at national level, state and non-state actors, who possess knowledge or expertise in small-scale fishing and marine conservation. The targeted state actors were the MLF, NTT, MPRU, the National Environmental Management Council (NEMC), and TAFIRI. Targeted non-state actors included the TAWFA, the Environmental Management and Economic Development Organization (EMEDO), the Mwambao Coastal Community Network, FAO Tanzania, and the World Wildlife Fund (WWF) Tanzania.

Demographic Characteristics of SSF Consulted Fishing Communities (n+217)



Community respondents by Regions, Category and Sex

Respondents	Region						Total		
	Mtwara		Lindi		Tanga				
	F	M	F	M	F	M	F	M	T
FGD	28	32	28	32	27	70	83	134	217
KII	5	4	2	5	3	11	10	20	30
Total	33	36	30	37	30	81	93	154	247

Data Analysis

Data were analysed, with guidance from the fisheries expert from TAFIRI. Thematic analysis was employed to identify cross-cutting themes and recurring patterns and interpretive insights across the dataset. Relevant quotes were also extracted from the FGD and KII transcripts to illustrate and substantiate key findings.

Quality Assurance

To ensure the accuracy and credibility of the findings, the report underwent a validation process involving relevant stakeholders. The draft findings were reviewed by a technical team from the MLF during a consultation held in Dodoma. This review provided an opportunity for technical experts within the Ministry to assess the accuracy of the information presented, provide clarifications on policy and institutional frameworks, and suggest improvements to strengthen the analysis.

In addition, the findings of the report were presented and discussed during a national stakeholder workshop held in Dar es Salaam on 16–17 July 2025, which brought together representatives from government institutions, SSF, civil society organizations, and development partners. The workshop was facilitated by experts from CHRAGG, LHRC, and DIHR and focused on human rights in SSF, including issues related to access to marine resources, participation in fisheries governance, gender equality, and access to remedies. The workshop provided an important platform for stakeholders to validate the findings, share experiences, and identify practical recommendations to strengthen the protection of SSFs' rights. Feedback and insights from these consultations were incorporated into the finalization of this report.

2.2 LIMITATIONS

This report was based on a qualitative analysis of the situation of SSF in selected coastal communities along the Indian Ocean in Mtwara, Lindi, and Tanga Regions, focusing on issues related to access to marine resources and participation in the management of those resources.

As the report focused on Mainland Tanzania, it did not cover the fisheries governance frameworks and experiences of SSF in Zanzibar, where separate legal and institutional arrangements apply.

The research was also limited by the geographical scope of the local consultations, which was conducted in a small number of coastal communities. While these areas were selected to capture diverse experiences within Tanzania's coastal fisheries, the findings may not have fully reflected the conditions of all SSF communities along the country's coastline. In addition, the report drew partly on secondary data and previously published studies, complemented by insights from key national stakeholders and community consultations.

Although these sources provided valuable information, some data may have been limited in scope or may not have reflected the most recent developments in the sector.

Finally, the timeframe and available resources for the research constrained the extent of local consultation and data collection. As a result, the findings should be interpreted as indicative of broader trends and challenges affecting SSF, rather than as a comprehensive assessment of all coastal SSF communities in Tanzania.

3.1 FISHERIES SECTOR PROFILE

The fisheries sector in Tanzania has been recognized as one of the priority sectors in the National Strategy for Growth and Reduction of Poverty (NSGRP II) and plays an important role in supporting food security, livelihoods, and socio-economic development. The sector comprises capture fisheries and aquaculture value chains, both of which contribute significantly to the national economy. Available estimates indicate that the sector has grown at an average annual rate of approximately 1.5 percent and contributes about 30 percent of the country's daily animal protein intake, and also an important source of fatty acids and minerals. It also contributes about 1.7 percent to the Gross Domestic Product (GDP), provides direct employment to more than 195,000 fishers and 30,000 aquafarmers, and supports over 4.56 million people indirectly through related activities such as fish trading, processing, boat building, food vending, gear repair, fish transportation, and net manufacturing and mending. The annual average fish catch from inland and marine waters has been estimated at approximately 395,006 tonnes.

Marine fisheries in Tanzania have generally consisted of two main segments: artisanal or SSF and industrial or commercial fisheries. Small-scale fishing has primarily taken place within territorial waters extending up to 12 nautical miles from the coast, where most coastal fishing activities are conducted. Industrial fishing has largely operated in deeper offshore waters within the Exclusive Economic Zone (EEZ), often involving larger vessels, including foreign fishing fleets operating under licensing arrangements.

Although these two segments of the fisheries sector have been regulated under different management frameworks, fishing activities have sometimes occurred in overlapping maritime areas, which may create competition for marine resources between SSF and larger fishing vessels. In this context, SSF have remained highly dependent on access to nearshore fishing grounds for their livelihoods. It has also been observed that many SSF engage in additional livelihood activities to supplement income derived from fisheries

SSF have remained the most important component of the marine fisheries sector, supporting the majority of coastal SSF communities.⁴

These fisheries have typically been characterized by daily fishing operations in shallow coastal waters, the use of small boats and relatively simple fishing technologies, and the targeting of a wide variety of fish species. Fishing fleets generally consist of dug-out canoes measuring between 3 and 5 metres in length and wooden planked boats ranging from 6 to 15 metres. Fishers, most of whom have been within the 18–55 age group, have targeted species such as kingfish, tuna, sailfish, marlin, and reef fish using fishing gear including handlines, traps, longlines, gill nets, spear guns, octopus sticks, beach seines, and purse seines.

Fish catches have supported both domestic consumption and a vibrant export market, largely dominated by fish traders and processors² who have access to regional and international markets.

The fisheries sector in Tanzania has operated within a decentralized governance framework involving several institutional actors at national, local, and community levels. These actors have worked together to regulate and manage fisheries resources while balancing conservation objectives with the livelihoods of SSF communities. At the national level, key institutions have included the MLF, the MPRUs, and the Deep-Sea Fishing Authority (DSFA). At the local level, governance has involved community-based structures such as BMUs and Village Liaison Committee (VLCs), which have played important roles in fisheries co-management and local enforcement.

In addition, several supporting institutions and stakeholders, including the TAFIRI, conservation partners such as the WWF, and the Mwambao Coastal Community Network, have contributed to research, capacity building, and community engagement in fisheries governance.

Given the central importance of marine resources to coastal livelihoods, secure and equitable access to fishing grounds remains a critical issue for SSF, highlighting the importance of governance frameworks that support both sustainable resource management and the protection of SSF communities' livelihoods.

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3.2 BLUE ECONOMY AND MSP PROFILE

Tanzania's Blue Economy has increasingly become a key priority for national development due to the country's extensive coastal and marine resources along the Indian Ocean. National development strategies, including the Third Five-Year Development Plan (FYDP III) 2021/22–2025/26, recognize the significant potential of the Blue Economy to contribute to economic growth, environmental sustainability, and social inclusion. The emerging national development agenda, including discussions on Tanzania Development Vision 2050, also highlights the strategic importance of sustainable use of marine and coastal resources in supporting long-term economic transformation.

In recent years, the Government of Tanzania has introduced several policy initiatives aimed at strengthening the governance of marine resources and promoting sustainable ocean-based economic activities. Among these initiatives is the National Blue Economy Policy (2024), which seeks to guide the development of ocean-based sectors such as fisheries, aquaculture, marine tourism, maritime transport, offshore energy, and marine conservation. The policy emphasizes the need to balance economic development with environmental protection and the livelihoods of coastal communities, including SSF.

A key mechanism for implementing the Blue Economy policy framework is MSP. MSP is designed as an integrated planning approach that allocates marine space among different economic and environmental uses while minimizing conflicts between users and ensuring sustainable management of marine ecosystems. In Tanzania, the Guidelines for the Development of Marine Spatial Plans (2023) provide the operational framework for MSP implementation, with the Vice President's Office (VPO) playing a coordinating role in the process.

The MSP guidelines emphasize multi-stakeholder participation, including the involvement of SSF communities in planning and decision-making processes. SSF representatives are expected to participate in various stages of MSP, including pre-planning, stakeholder consultations, and the development of spatial plans. Such participation is intended to ensure that marine resource management decisions reflect the needs and priorities of coastal communities. Other stakeholders involved in MSP processes include government institutions, civil society organizations, community-based organizations, academic institutions, and private sector actors.

At the same time, the expansion of Blue Economy activities, including industrial fisheries, seaweed farming, marine tourism, offshore energy development, and mineral exploration, may increase competition for marine and coastal resources. These developments could potentially affect access to fishing grounds for SSF and increase the risk of conflicts over marine space. Similarly, the expansion of Marine Protected Areas (MPAs) and other conservation initiatives may also affect traditional fishing activities if not carefully managed. In this context, it is important that marine governance frameworks ensure meaningful participation of SSF communities, safeguard their access to marine resources, and provide appropriate mechanisms for consultation, compensation, and access to remedies where rights are affected.

3.3 LEGAL AND POLICY FRAMEWORK RELATED TO SMALL SCALE FISHERIES

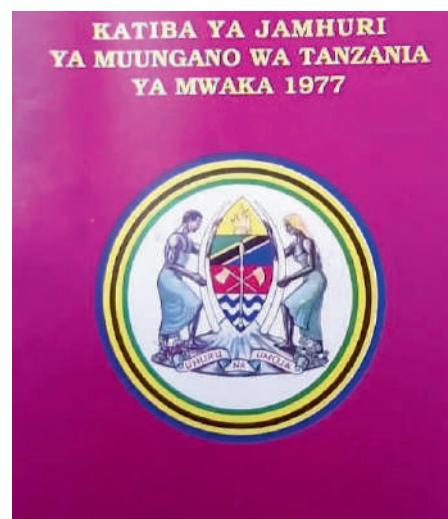
3.3.1 Overview

The governance of marine resources and fisheries in Tanzania is guided by a comprehensive legal and policy framework consisting of national laws, policies, regional agreements, and international instruments. These frameworks define the rights, responsibilities, and institutional arrangements governing access to and management of marine resources. They also provide the legal basis for regulating fisheries activities, promoting sustainable resource use, and safeguarding the livelihoods of communities that depend on marine resources, including SSF.

3.3.2 National Legal and Policy Frameworks

Constitution of the United Republic of Tanzania, 1977

The Constitution of the United Republic of Tanzania, 1977 is the supreme law of the country and provides the overarching legal framework within which natural resources, including fisheries resources, are governed. The Constitution contains a Bill of Rights, which guarantees fundamental rights and freedoms to all citizens. Several of these rights are relevant to SSF communities, including the rights to equality before the law, participation in public affairs, and the right to work and pursue livelihoods. These constitutional principles provide the foundation for policies and legislation governing fisheries management and the sustainable use of marine resources.



Natural Wealth and Resources (Permanent Sovereignty) Act, 2017

The Natural Wealth and Resources (Permanent Sovereignty) Act, 2017 affirms the principle that the people of Tanzania have permanent sovereignty over the country's natural wealth and resources, including marine and fisheries resources. The Act provides that such resources must be managed and utilized in a manner that safeguards national interests and promotes the welfare of Tanzanian citizens. It also emphasizes that the benefits derived from natural resources should contribute to national development and be shared in a way that improves the wellbeing of the population. In the context of fisheries governance, the Act reinforces the principle that Tanzanians, including coastal SSF communities, have the right to access and benefit from marine resources in accordance with national laws and sustainable resource management principles.

Fisheries Act No. 22 of 2003

The Fisheries Act No. 22 of 2003 establishes the primary legal framework for the management, conservation, and development of fisheries resources in Tanzania. The Act regulates access to fisheries resources through licensing systems for fishing vessels, fishers, and related activities. It also defines institutional responsibilities for fisheries governance and provides mechanisms for enforcement and monitoring. The Act prohibits destructive fishing practices such as the use of explosives, undersized nets, and certain types of fishing gear, and regulates the harvesting, processing, trade, and export of fish and fish products.

Fisheries Regulations, 2009

The Fisheries Regulations of 2009, adopted under the Fisheries Act, provide detailed rules governing fisheries management, particularly with regard to SSF. These regulations address issues such as fishing methods, gear restrictions, licensing procedures, and monitoring and enforcement mechanisms. The regulations also promote co-management arrangements by recognizing the roles of government institutions and local community structures in fisheries governance.

Marine Parks and Reserves Act No. 29 of 1994

The Marine Parks and Reserves Act No. 29 of 1994 provides the legal basis for the establishment and management of MPAs in Tanzania. The Act aims to conserve marine biodiversity and protect critical coastal ecosystems. It also provides for the establishment of VLCs within marine park areas to facilitate communication and cooperation between coastal communities and park management authorities.

Environmental Management Act No. 20 of 2004

The Environmental Management Act No. 20 of 2004 provides the overarching legal framework for environmental protection and sustainable resource management in Tanzania. The Act integrates environmental considerations into sectoral policies and activities, including fisheries governance. It establishes environmental management institutions and requires Environmental Impact Assessments (EIAs) for activities that may affect ecosystems, including coastal and marine environments.

Key National Policies

Several national policies also guide fisheries governance and marine resource management. These include the National Fisheries Policy (2015), which aims to promote sustainable and responsible fisheries management while enhancing the contribution of the sector to food security and economic development.

The policy is implemented through instruments such as the Fisheries Sector Master Plan (2021/22–2036/37), which emphasizes the importance of strengthening collaborative governance structures and enhancing the participation of SSF in fisheries management, particularly through community-based institutions such as BMUs.

Other relevant policy frameworks include the National Blue Economy Policy (2024), which promotes sustainable development of ocean-based sectors while ensuring the inclusion of SSF in blue economy initiatives, and the National Environmental Policy (1997), which provides guidance for environmental protection and sustainable natural resource management.

In addition, the National Plan of Action for Small-Scale Fisheries (NPoA-SSF Guidelines) (2021) aims to strengthen the recognition and development of SSF in Tanzania by promoting sustainable fisheries governance, improving livelihoods, and enhancing the participation of SSF in decision-making processes. Apart from the policies, there is the National Integrated Coastal Environment Management Strategy (2003), which defines strategies and implementing mechanisms, particularly with respect to planning and integrated management, conservation, research and monitoring, stakeholder participation and capacity building.

3.3.3 Regional Frameworks

At the regional level, Tanzania participates in several legal and policy frameworks that support the sustainable management of fisheries resources and marine ecosystems. These frameworks promote cooperation among states in addressing shared challenges such as overfishing, marine conservation, and cross-border management of aquatic resources. One important regional instrument is the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention), 1985, which provides a framework for cooperation among countries in the Western Indian Ocean region in the protection and sustainable management of marine and coastal ecosystems.

Tanzania also participates in regional fisheries governance initiatives such as the Convention for the Establishment of the Lake Victoria Fisheries Organization (LVFO), 1994, which promotes coordinated management of fisheries resources among member states of the East African Community. In addition, the African Union Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (2014) provides continental guidance on improving fisheries governance, promoting equitable access to fisheries resources, and enhancing the contribution of fisheries to food security and economic development. Other regional instruments relevant to fisheries governance include the Southern African Development Community (SADC) Protocol on Fisheries, which promotes cooperation among member states in the conservation and sustainable use of aquatic resources.

In addition, Tanzania has concluded several bilateral agreements on maritime boundaries, including agreements with Kenya, Seychelles, and Mozambique, which help define maritime jurisdiction and support cooperation in the management of marine resources

Regional legal human rights instruments are relevant to SSF too. Tanzania has joined the African Charter on Human and Peoples' Rights (ACHPR) of 1981, the African Charter on the Rights and Welfare of the Child (ACRWC) of 1990, and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), adopted in 2003. SSF are also entitled to rights stipulated under these instruments, including right to work, to participate public affairs, right to adequate standard of living, and to equality and non-discrimination.

3.3.4 International Frameworks

International legal and policy instruments also play an important role in guiding fisheries governance. These include the include the United Nations (UN) Convention on the Law of the Sea (UNCLOS), 1982, the Convention on wetlands of international importance especially as waterfowl habitat (Ramsar Convention), 1971, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973, and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), 2012 besides SSF Guidelines, 2015.

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UNCLOS

Governs all aspects of ocean space, including its uses and resources, the protection and preservation of the marine environment, and deep-sea fishing. This is the basis for establishing the DSFA for the management of tuna and tuna-like species in the country.

The Ramsar Convention

Promotes sustainable use of wetlands, including those vital to fisheries.

CITES

Regulates international trade in endangered species, offering protection to various fish species.

VGGT

Aim to ensure food security by improving access to and governance of fisheries, land, and forests. They intend to achieve food security for all and to make sure that people have regular access to enough high-quality food so that they can lead active and healthy lives.

SSF Guidelines

Are an international instrument designed to support SSF communities by guiding governments, communities, and other stakeholders toward sustainable practices, food security, and poverty eradication. They were developed by FAO, with the aim of securing sustainable SSF, to end hunger and poverty and strengthen human rights, emphasizing on HRBA.

In addition to fisheries-specific instruments, Tanzania is also a party to several international human rights treaties that are relevant to SSF. These instruments give SSF specific rights and specific obligations on the Government. These include the International Covenant on Civil and Political Rights (ICCPR) of 1966, the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD) of 2006, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1965. These instruments recognize a range of rights relevant to SSF communities, including the right to work, the right to an adequate standard of living, the right to participation in public affairs, and the right to equality and non-discrimination.

The International Labour Organization (ILO) has also adopted labour-related or labour rights instruments that are applicable to SSF in Tanzania. These include the Abolition of Forced Labour Convention, 1957 (No. 105); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Equal Remuneration Convention, 1951 (No. 100); the Forced Labour Convention 1930 (No. 29); the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); the Migration for Employment Convention (Revised), 1949 (No. 97); the Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182).

3.3.5 Institutional Frameworks

National Institutional Framework in the Fisheries Sector

Key national institutions in the fisheries sector include the MLF, TAFIRI, the MPRU, Fisheries Education and Training Agency (FETA) and NEMC

MLF: Leads policy and governance in fisheries. It is responsible for the development, implementation, monitoring, and review of national fisheries policies and regulatory frameworks.

TAFIRI: Public institution under MLF that conducts research to inform policy.

MPRU: Semi-autonomous body under MLF that manages marine parks and reserves.

FETA: Is a semi-autonomous government Agency under MLF charged with promoting the development of the fisheries sector through the provision of quality education and training.

NEMC: Has a broad mandate to oversee environmental management issues.

BMUs, VLCs, and Collaborative Fisheries Management Areas (CMFAs): Play critical roles in local fisheries co-management and enforcement.

Additionally, several public institutions contribute to the fisheries sector, particularly in research, training, and development. These include the University of Dar es Salaam (UDSM), Sokoine University of Agriculture (SUA), and the University of Dodoma (UDOM). Moreover, various institutions within the private sector, such as fisheries-oriented firms, NGOs, and Civil Society Organizations (CSOs), have proven vital in supporting the implementation of government policies within SSF communities.

Regional and International Frameworks

At regional and international levels, key institutions that are relevant to governance of fisheries in Tanzania include the LVFO, the Indian Ocean Tuna Commission (IOTC), Committee for Inland Fisheries and Aquaculture of Africa (CIFA), International Whaling Commission (IWC), Lake Tanganyika Authority (LTA), and Southwest Indian Ocean Fisheries Commission (SWIOFC).

LVFO: Manages Lake Victoria fisheries through EAC cooperation. It promotes sustainable utilization of marine resources in Lake Victoria.

IOTC: Oversees tuna and related species in the Indian Ocean. It is responsible for the management of tuna and tuna-like species in the Indian Ocean and adjacent seas, north of the Antarctic Convergence.

CIFA: A regional fisheries advisory body established by the FAO Council in 1971 under Article VI, Paragraph 2 of the FAO Constitution. The original mandate of the Committee was to assist national and regional efforts for the development and rational utilization of inland fishery resources in Africa. Over time, aquaculture has been considered and the main objective of the Committee became to promote the development of inland fisheries and aquaculture in Africa.

IWC: Established in 1946 as the global body responsible for management of whaling and conservation of whales. It undertakes extensive research on all aspects of cetacean science, develops and maintains a range of databases, and publishes its own peer reviewed scientific journal, the Journal of Cetacean Research and Management. The Commission also undertakes conservation and welfare work.

LTA: Promotes regional cooperation required for socio-economic development and sustainable management of the natural resources in the Lake Tanganyika basin. It was launched in December 2008 with the mandate to safeguard the lake and its natural resources. The LTA coordinates the implementation of the Convention on the Sustainable Management of Lake Tanganyika. This is driven by the Governments of Burundi, Democratic Republic of Congo, Tanzania, and Zambia with support from a range of partner organizations including the United Nations Development Programme (UNDP).

SWIOFC: a Regional Fishery Advisory Body established in 2004 through the FAO Council Resolution 1/127 under Article VI to promote the sustainable utilization of the living marine resources of the South West Indian Ocean, through: providing evidence-based advice and information to Member States and other regional organisations; coordinating and delivering effective research to support fisheries management; promoting coordinated capacity development of Members institutions regarding fisheries management; and encouraging enhanced stakeholder participation and communication.

3.4 CONCLUSION

Tanzania's small-scale fisheries sector is vital to livelihoods, food security, the economy, and the realization of human rights. SSF communities also play an important role in protecting coastal and marine ecosystems. The ongoing development of the Blue Economy and MSP frameworks offers new opportunities to recognise, promote, and protect these contributions. In particular, national and local efforts that provide SSF secure, safe, and enhanced access to marine resources, and that make ocean governance and decision-making more inclusive of SSF, are essential.

The international, national, and local fisheries governance frameworks are evolving, with an increased emphasis on human rights, including SSF tenure rights, and on decentralized and participatory fisheries management through co-management and inclusive governance structures. While legal and institutional frameworks generally support this approach, challenges persist in coordination, capacity, and inclusiveness.

With continued efforts to enhance legal frameworks, build institutional capacity, and improve coordination, Tanzania can ensure that SSF communities' rights and livelihoods are safeguarded, and that SSF participate in advancing sustainable fisheries management and conservation practices for the long-term resilience of the fisheries sector and SSF communities.

4.

ANALYSIS

4.1 A HRBA TO OCEAN GOVERNANCE: KEY COMPONENTS⁶

Human rights principles are the overarching principles, drawn from international human rights law, that are to be applied in the operationalization of the HRBA to development. There is no standard formulation of these principles. For the purposes of the report, we follow the five principles, known by the acronym APNAT

The five HRBA principles:

1. Alignment with Human Rights Standards and Mechanisms
2. Meaningful and Inclusive Participation, and Access to Decision-making Processes
3. Non-Discrimination and Equality
4. Accountability and Access to Justice
5. Transparency and Access to Information.

When promoting and implementing a HRBA to Ocean Governance, these five principles translate into the following key components:

Respecting and promoting human rights, aligning ocean-related governance and policy frameworks and processes with human rights standards, and addressing structural barriers to the enjoyment of rights for marginalised groups.

Meaningful participation of SSF in the Blue Economy sector development, MSP, conservation and fisheries management. This is not only a right of SSF communities. It is also a means to secure more effective management and shared ownership of sustainability initiatives.

Upholding the principle of equality and non-discrimination in ocean-related governance and policy frameworks and processes. This is essential to addressing the different human rights impacts that SSF groups experience in relation to the access and management of marine resources. Migrant workers, women, youth and children are among the groups facing exploitation and marginalisation in the fisheries sector.

Increasing accountability and access to justice by ensuring that SSF can claim their rights and seek justice, redress, or compensation for violations of their human rights through accountability mechanisms and justice systems, is imperative. SSF are experiencing infringements of their tenure rights and excessive use of force by authorities while facing barriers to accessing justice.

Enhancing transparency and access to information in ocean-related governance and policy frameworks and processes. This is a pre-condition for effective participation of SSF communities. Information on policies, plans and interventions related to ocean governance and fisheries management must be understandable and accessible to all stakeholders.

A HRBA is also about addressing power imbalances and building capacity of duty-bearers (national and local state actors) to fulfil human rights, and to build the capacity of rights-holders (SSFs) to effectively claim their rights.

4.2 GOVERNANCE OF TENURE

SSF have human rights to land and natural resources (including marine resources). Tenure rights to land and marine resources directly impact SSFs livelihood and enjoyment of economic, social, and cultural rights, such as the right to food, to an adequate standard of living and to their cultural identity. Legal recognition of the tenure rights of SSF is important from a human rights perspective. Tenure rights are human rights.

4.2.1 Overview of Relevant Human Rights

Key Human Rights

- Right to an adequate standard of living, including food and housing (ICESCR Article (Art.) 11).
- Rights to land and natural resources (including marine resources) (CEDAW Art. 14.2.g, and United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) Art. 4.2.h, 5.1, 7.3 and 17).

Human rights Standards

UNDROP:

Peasants and other people working in rural areas (including SSF) have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources (Art. 5.1).

Peasants and other people working in rural areas (including SSF) have a right to land which includes “the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures (Art. 17).

UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 27 (2025):

- The right to self-determination entails that peoples are the primary beneficiaries of exploitation of their natural resources. Each State must ensure that such exploitation, whether by national or foreign entities, is adequately regulated, so that the benefits are fairly and equitably shared in ways that advance ICESCR rights (para. 46).
- States must ensure SSF rights to secure tenure of and equitable access to land and marine resources critical for their livelihoods (para. 86)

- States are required to take special measures for the most marginalized groups in rural areas, such as SSF and rural women, as they often face systemic discrimination in accessing land and marine resources (para. 85).
- States must respect and, as far as possible, protect the customary rights of fishing communities to seas, rivers, lakes and aquatic resources, while promoting alternative income-generating opportunities (para. 85).

CESCR General Comment No. 4 (1991):

- Legal security of tenure: Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats (para. 8.a).

4.2.2 Access to Marine Resources and Legal Frameworks

The findings from the SSF communities reveal significant issues surrounding the governance of tenure, particularly regarding their access to land and marine resources, the impact of legal and cultural frameworks, and the roles of various stakeholders, including local fishers, women, and government entities.

Marine Reserves and Preferential Access

The governance of tenure in Tanzania's fisheries sector is significantly shaped by the legal and policy frameworks that regulate access to marine resources. The marine parks in Tanzania have allocated areas, besides the no-take zones, where SSF can fish. However, stakeholders expressed concern over enforcement regime, citing challenges such as high cost of fisheries enforcement and limited capacity for Monitoring, Control, and Surveillance (MCS) capacity⁷. A representative from FAO Tanzania emphasised that while the national laws and local by-laws do protect inshore or coastal waters for SSF, enforcement remains inconsistent and only partially effective, undermining the realization of tenure security and equitable resource access.

In Moa Ward (Mkinga District, Tanga), the establishment of Kirui Island Marine Reserve has introduced restrictions to traditional fishing grounds. As a result, local fishers have experienced reduced access to these areas they have historically depended on without mechanisms for compensation or livelihood alternatives. This reflects a top-down governance approach where conservation priorities (in this case, marine reserves) sometimes fail to incorporate the livelihood needs of communities, leading to displacement and loss of customary tenure rights. This highlights the tension between conservation efforts and the rights of coastal communities, which can result in conflicts over land and resource use.

Insights from an interview with a representative of the NTT highlighted instances where coastal communities have faced displacement, forced to relocation, or been restricted access to traditional fishing grounds. For instance, he noted that fishers of Pande Village in Bagamoyo District (Pwani Region) had to be displaced to pave way for construction of modern harbour at Mbegani area in the district. This transition has significantly altered the way of life, with many experiencing several socio-economic vulnerabilities due to disrupted livelihoods and limited adoption support. He also provided an example of the Thanda Hotel in Mafia Island, noting (Pwani Region) that the construction of the hotel in the Island has denied fishers access to the traditional fishing grounds.

An interview with a representative of the MLF also revealed issues with the enjoyment of tenure rights. The representative acknowledged the existence of cases of conflict between fishers and other users, citing an example of investments in some islands that have limited local fishers' access to traditional fishing grounds⁸ A similar case with a hotel investment in Zanzibar, which had restricted access to traditional fishing groups for SSF has also been reported⁹

Tanzania is obligated under various regional and international human rights instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966, to protect SSF against eviction and safeguard their right to land and natural resources.

Most national stakeholders noted that losing access to traditional fishing undermines the livelihood of rural fishing households where alternatives are scarce¹⁰ One of the stakeholders added that while the restrictions are due to management reasons, it is difficult for SSF to understand the decisions or comply when they have no alternative livelihoods¹¹ This highlights the need for the Government action to protect SSF against eviction and safeguard their right to land and natural resources as well as to ensure SSF communities have alternative livelihood and ensure SSF communities are meaningfully involved in decision-making. Improved access to information about different fishing grounds and seasonal patterns is also essential¹²

4.2.3 Zoning and Access Rights

The contrasting experience in Kigombe, where fishers have access to a more flexible zoning system within the Tanga Coelacanth Marine Park, illustrates how the governance of tenure can vary based on the type of conservation management in place. This more inclusive system, where local communities have designated zones and some level of involvement in decision-making (e.g., VLCs), fosters synergies between conservation and sustainable resource use. The difference in governance approaches between marine reserves and parks highlights how tenure rights can be more flexible and equitable when local communities are involved in the management process.

4.2.4 Displacement of SSF

Displacement

Displacement occurs when fishers lose access to fishing grounds and fish landing sites due to conservation zones, infrastructure projects, or exclusive-use areas. This loss directly impacts their income, food security, and cultural practices (affecting their rights to an adequate standard of living, food, work and cultural rights). Legal frameworks must acknowledge that displacement is not limited to physical relocation but includes the loss of economic access and livelihood opportunities.

Recognition of Displacement

As MPAs, coastal development, and ocean-based investments expand, SSF are increasingly affected by the closure of traditional fishing grounds. While these initiatives may aim to promote sustainability or economic growth, they often result in displacement and infringements of SSFs' tenure rights even when fishers are not physically relocated. Authorities, including MPA and investors, may consider legal recognition of this form of displacement and ensure that affected communities receive fair and adequate compensation, borrowing a leaf from the situation in Mozambique, where compensation agreements have been signed¹³

To promote, protect and fulfil tenure rights of SSF and mitigate harm, it is essential that authorities, including government agencies, investors, and conservation managers follow human rights standards and the SSF Guidelines.

Human rights guidance on evictions and displacement

CESCR and the Special Rapporteur on adequate housing: State obligations to ensure due process in development-based evictions and displacement include refraining from forced evictions, in cases of expropriation, clearly defining the concept of "public purpose" in law, in order to allow for judicial review; exploring alternatives to avoid or minimize the need for eviction in consultation with affected persons; special measures to protect and ensure non-discrimination of women, children, youth, older persons, indigenous peoples, ethnic and other minorities; transparent and participatory planning, identifying and informing anyone likely to be affected (with reasonable notice); genuine consultation prior, during, and after eviction; provision of remedy and legal aid; and prompt, adequate, fair and just compensation for any material or other losses (CESCR General comment No. 4 (1991), para. 8.a and the Special Rapporteur on adequate housing "Basic Principles and Guidelines on Development Based Evictions and Displacement" A/HRC/4/18).

SSF Guidelines:

States should ensure that small-scale fishing communities are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed.

States should recognize that competition from other users is increasing within small-scale fisheries areas and that small-scale fishing communities, in particular vulnerable and marginalized groups, are often the weaker party in conflicts with other sectors and may require special support if their livelihoods are threatened by the development and activities of other sectors (section 5.9).

States and other parties should, prior to the implementation of large-scale development projects that might impact small-scale fishing communities, consider the social, economic and environmental impacts through impact studies, and hold effective and meaningful consultations with these communities, in accordance with national legislation (section 5.10).

Livelihood Programs

Human rights guidance on alternative income-generating opportunities

CESCR General comment No. 27 (2025):

- States Parties must also respect and, as far as possible, protect the customary rights of fishing communities to seas, rivers, lakes and aquatic resources, while promoting alternative income-generating opportunities (para. 85).

SSF Guidelines:

- States and other stakeholders should support already existing, or the development of complementary and alternative income-generating opportunities – in addition to earnings from fisheries-related activities – for small-scale fishing communities, as required and in support of sustainable resource utilization and livelihood diversification (section 6.8).
- The role of small-scale fisheries in local economies and the links of the subsector to the wider economy need to be recognized and benefited from. Small-scale fishing communities should equitably benefit from developments such as community-based tourism and small-scale responsible aquaculture (section 6.8).

To ensure sustainable recovery from displacement caused by restricted access to fishing grounds, livelihood programmes are also essential for supporting long-term economic resilience and diversification among affected fishing communities. The primary objective of livelihood restoration is to rebuild and strengthen the economic foundations of displaced fishers by providing alternative or complementary income-generating opportunities. These programs aim to reduce vulnerability, promote self-reliance, and foster inclusive development.

To support the economic recovery of displaced fishers, it is crucial to ensure access to productive resources and foster entrepreneurial opportunities. Fishers should be assisted in securing entry to new fishing zones, obtaining legal licenses, and participating in cooperative ventures that enable continued engagement in the fisheries sector under sustainable and regulated conditions.

Complementing these efforts, targeted entrepreneurship support, including small grants, microfinance services, and business development assistance, should be provided to facilitate the creation of alternative livelihoods in sectors such as retail, agriculture in seaweed grass, and local services. Collectively, these measures promote economic diversification, reduce vulnerability, and build long-term resilience within affected coastal communities, as it has been demonstrated in Kenya¹⁴

4.2.5 Legal, Policy and Institutional Frameworks

Access and use of Marine Resources

The governance of access and tenure in Tanzania's fisheries sector is primarily defined by the Fisheries Act (2003), the Fisheries Regulations 2009 and its amendments thereof, and the Marine Parks and Reserves Act (1994, as amended). These instruments collectively recognize SSFs' traditional fishing practices and support their access to marine resources.

Section 17 of the Fisheries Act (2003) stipulates that "traditional practices, which are consistent with responsible fisheries, and the needs and interests of indigenous people and local fishing communities which are highly dependent on fisheries resources for their livelihood, are given due regard." Under this provision, SSFs may engage in subsistence fishing for household consumption without requiring a license or permit. However, no specific legal zone is designated for such traditional subsistence fishing in either marine or inland waters. This lack of spatial recognition weakens the enforcement of customary fishing rights and contributes to conflicts between SSF and other users.

The Marine Parks and Reserves Act further promotes the rights of traditional SSF living within or adjacent to MPAs. Sections 8 and 39 of the Act provides preferential rights for local residents to access and use resources, participate in the management of marine parks, and share in the resulting socio-economic benefits. Despite these provisions, local fishers' access has been restricted in some areas. For example, in Mafia Island, SSF report losing over 60% of their traditional fishing grounds to the Mafia Island Marine Park (MIMP), while tourism developments have further constrained access to landing sites¹⁵. Generally, while Tanzania's legal framework recognizes traditional and subsistence fishing as legitimate practices, the absence of legally defined zones or exclusive areas for SSF undermines tenure security and equitable access to fisheries resources.

Preferential Access

Section 18 of the Fisheries Act (2003) and related Fisheries (Amendment) Regulations (2020) provide for preferential access through the establishment of BMUs. These community institutions have exclusive jurisdiction over local fisheries, including the authority to regulate gears, control access, and issue licenses within their areas.

Regulation 133(6) prohibits migrant fishers (wavuvi wa dago) from registering in BMUs outside their home areas to protect local fishing rights and minimize destructive fishing.

Additionally, Regulation 20(3) of the Fisheries Regulations (2009) prohibits prawn trawlers from operating within two nautical miles of the shore, limits fishing to be done on day time starting at 06,00 Am to 18hrs to safeguard artisanal fishing grounds. In practice, enforcement remains weak, and encroachment by industrial trawlers continues to threaten SSF operations in areas such as Rufiji, Mafia, and Kilwa¹⁶

Taken together, these provisions indicate that while Tanzania's fisheries legislation acknowledges preferential access for SSFs, it does not establish a clearly defined exclusive or preferential access zone under the law. This legal and spatial gap perpetuates conflicts with industrial fleets and limits the realization of secure tenure rights envisaged under the FAO SSF Guidelines. Ongoing initiatives such as MSP and the formation of Collaborative Fisheries management Areas (CFMAs) offer promising avenues to formally designate SSF access zones. If implemented effectively, these mechanisms could enhance legal certainty, reduce user conflicts, and promote equitable and inclusive marine resource governance.

Despite recognition and good institutional mechanisms, legal gaps persist, and infringements of tenure rights continue to occur. One such gap is the absence of a clearly defined zone, such as an exclusive or preferential access area for SSF under the law. Although the Fisheries Regulations of 2009 (Regulation 20(3)) prohibits prawn trawlers from operating within a two-nautical-mile zone, this provision does not constitute a general, dedicated SSF zone.

Legal protection against eviction, dispossession, displacement, or relocation without due process

Section 23 of the Fisheries Act empowers the Minister to declare conservation areas for endangered species or critical habitats, potentially restricting SSF access to these areas without providing guarantees for compensation or alternative livelihoods. The Act lacks explicit protections against eviction or dispossession for SSF, especially in the context of competing interests such as industrial fisheries, conservation efforts, or Blue Economy initiatives. It also does not provide a clear process or mechanism for handling situations where SSF may be relocated or dispossessed due to conservation, industrial fisheries, or MSP or other Blue Economy developments.

Additionally, while Section 11(2) prohibits denying local communities access to fishing grounds without valid cause, this only applies to aquaculture and does not extend to capture fisheries, leaving a gap in protection for SSF in these areas. While national land laws (Land Act and Village Land Act) provide frameworks for land compensation, there are no equivalent mechanisms specifically addressing the marine tenure rights of SSF. Compensation frameworks in the land sector do not extend clearly to fisheries-related displacement cases.

Non-discrimination

Though not very clearly stated in the fisheries legislation, the principle of non-discrimination is seen in the process of identification of relevant stakeholders within a fisheries sector to facilitate an inclusive and non-discriminatory approach. Laws such as the Constitution of the United Republic of Tanzania, 1977, the Fisheries Act (2003), and the

Marine Parks and Reserves Act (1994), all contain provisions that prohibit discrimination and promote the right to non-discrimination. Fisheries policies also promote the right to non-discrimination. Fisheries laws and regulations generally lack specific provisions on women and other marginalized groups, such as Persons with Disabilities (PWDs), as recommended in the SSF Guidelines.

4.3 SOCIAL PROTECTION FOR SSF

Access to social security, healthcare and social services for SSF is essential for reducing vulnerability and inequality, and enhancing their resilience when facing environmental degradation, declining fish stocks, marine pollution, and climate change risks and impacts.

4.3.1 Overview of Relevant Human Rights

The **right to social security** is a human right in the Constitution of Tanzania, 1977:

"The state authority shall make appropriate provisions for the realization of a person's rights to work, to self-education and social welfare at times of old age, sickness or disability and in other cases of incapacity, without prejudice to those rights, the state authority shall make provisions to ensure that every person earns his livelihood" (Art. 11(1) of the Constitution of Tanzania, 1977.

The right to social security is also enshrined in several international and African regional human rights instruments, including in ICESCR Art. 9.

The terms **"Social protection"** or **"social security"** are often used interchangeably to cover the same concept. The ACHPR understands social security to be included in the "social protection" concept, which refers to a broad range of measures designed to protect individuals against risks. ICESCR Art. 9 and General Comment 19 refers to the "right to social security".

Human Rights Standards

International and African regional human rights instruments and their supervisory bodies are increasingly providing guidance on how States should interpret and implement their legal obligations to respect, protect and fulfil the right to social security.

CESCR General Comment 19 (2008) is considered an authoritative interpretation of the normative content of the right to social security, as enshrined in ICESCR. Examples of guidance it delivers:

- The right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection from circumstances such as lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; unaffordable access to health care; and insufficient family support, particularly for children and adult dependents (para. 2).
- States have the obligation to begin immediately to take steps to fulfil their obligations under the Covenant. These steps must “be deliberate, concrete and targeted towards the full realisation of the right to social security” (para. 40). This involves the obligation to adopt a national strategy and plan of action to realise the right to social security.
- General Comment 19 clarifies obligations states have to respect, protect and fulfil the right to social security and the elements of the right to social security, which apply in all circumstances, also referred to as the “Triple A” as an abbreviation for Availability, Adequacy and Accessibility.

CESCR General Comment 27 (2025) gives further guidance on the right to social security in this context:

- States Parties must ensure that social protection systems are adequately prepared to address the impacts of extreme weather, climate-related disasters and forced displacement. This includes incorporating climate and environmental risks, alongside life-cycle risks, into social protection systems, and linking these systems to vulnerability assessments (para. 55).
- Effective preparedness and support requires the early identification of individuals and groups needing support, such as older persons, persons with disabilities, or those facing livelihood loss, to enable them to prepare for, cope with and recover from climate-related shocks (para. 55).

4.3.2 Gaps in Social Security for SSF, with some positive development

Lack of Social Protection

The right to social security is recognized as a human right and is also protected under Tanzania’s constitutional and policy frameworks. However, the findings of this report indicate that many SSF communities remain outside formal social protection systems, leaving them economically vulnerable to shocks such as declining fish catches, illness, injury, or extreme weather events.

In communities such as Moa Ward in Mkinga District (Tanga Region), fishers reported that the absence of formal safety nets often forces households to rely heavily on daily fishing income, even when fish stocks decline or environmental conditions become unfavourable.

The lack of effective social protection mechanisms undermines the resilience of SSF communities and increases their dependence on increasingly pressured marine resources. Without adequate safety nets, fishers may be compelled to intensify fishing efforts or adopt unsustainable practices in order to maintain household incomes. In this context, the governance of fisheries resources alone cannot fully safeguard the livelihoods of fishing communities unless it is complemented by broader social protection measures.

Consultations with fisheries officers and national stakeholders, including representatives from the MLF and FAO Tanzania, indicated that efforts are underway to expand social protection coverage to workers in the informal sector, including SSF. Institutions such as the National Social Security Fund (NSSF) and financial institutions have reportedly begun exploring mechanisms to develop social protection schemes tailored to the needs of SSF actors. Fishers consulted during local consultation, particularly in Mtwara and Lindi Regions, expressed willingness to participate in such schemes and recommended further engagement with NSSF to better understand available social security options and identify models suitable for fishing communities.

From a human rights perspective, social protection is closely linked to the realization of economic, social, and cultural rights, including the rights to work, an adequate standard of living, and social security. General Comment No. 27 (2025) of the CESCR emphasizes that environmental governance and natural resource management policies should not undermine the livelihoods of communities dependent on natural resources. States are therefore encouraged to adopt measures that protect vulnerable groups, strengthen livelihood security, and ensure that environmental and conservation policies are accompanied by appropriate social protection mechanisms.

Alternative Livelihoods

The findings of this report indicated that some fishing communities had begun adopting alternative livelihood strategies, such as seaweed farming, in response to declining fish stocks and increasing environmental pressures affecting marine ecosystems. Livelihood diversification was reported to help stabilize household incomes and reduce the economic vulnerability of SSF communities whose livelihoods depend heavily on fluctuating marine resources. However, these alternative activities require supportive policies, access to resources, and institutional support in order to become sustainable and economically viable.

From a human rights perspective, the promotion of alternative livelihoods is closely linked to the protection of economic, social, and cultural rights, including the rights to work and to an adequate standard of living.

General Comment No. 27 (2025) of the CESCR emphasizes that environmental governance and conservation measures should be designed and implemented in ways that safeguard the livelihoods of communities that depend on natural resources. Where environmental policies, conservation initiatives, or resource management measures affect traditional livelihoods, States are expected to adopt measures that support livelihood transitions, promote economic resilience, and ensure that affected communities are meaningfully involved in decision-making processes.

In this context, effective governance of marine resources should recognize and support livelihood diversification strategies while ensuring that such initiatives complement broader conservation and resource management objectives. Supporting activities such as small-scale aquaculture, seaweed farming, community-based tourism, and other marine-based enterprises can strengthen the resilience of coastal communities while reducing pressure on marine resources. When designed in a participatory and inclusive manner, these initiatives can contribute to both sustainable resource management and the protection of the livelihoods of SSF communities.

4.4 SUSTAINABLE FISHERIES MANAGEMENT

The sustainable management of marine resources is essential to ensure healthy marine ecosystems. SSF have rights to have healthy marine ecosystems as part of their right to a clean, healthy and sustainable environment, their right to food, to an adequate standard of living and to their cultural identity. Overfishing, illegal fishing and pollution threaten the realization of these human rights.

4.4.1 Overview of Relevant Human Rights

Key Human Rights

- Right to a clean, healthy and sustainable environment (the Human Rights Council (HRC) resolution 48/13 in 2021 and the UN General Assembly (UNGA) resolution 76/300 in 2022), a similar right is in the ACHPR Art. 24, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) Art. 18.1.
- Rights to the conservation and protection of the environment, and the conservation and sustainable use of biodiversity (UNDROP Art. 18 and 20)
- Right to an adequate standard of living, including food and housing (ICESCR Art. 11).

Human Rights Standards

UNDROP:

- Peasants and other people working in rural areas (including SSF) have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage (including marine resources) (Art. 18.1).
- States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas (including SSF) (Art. 20.1).

CESCR General Comment 27 (2025):

- States have obligations to take all measures necessary to conserve, protect and restore forests, land, wetlands and marine ecosystems, including by halting and reversing deforestation, land and forest degradation and marine pollution (para. 18).
- States have obligations to prevent environmental harms, including by regulating the activities of other actors, exercise due diligence and adopting all appropriate and necessary measures to safeguard the enjoyment human rights from environmental threats caused or exacerbated by human activities, such as sea-level rise, pollution of air, water and soil and storms (para. 11).
- States have obligations take appropriate legislative, administrative, financial, judicial and other measures to ensure the enjoyment human rights including through the preservation, protection and restoration of ecosystems essential to human rights. This includes securing clean air, a safe climate, fertile land, and healthy ecosystems, including forests and wetlands, and the integrity of rivers and oceans (para. 11)
- States must identify those most at risk, address structural inequalities that heighten their exposure to environmental harm, and protect against human rights risks arising both from environmental degradation and from measures taken in response. Ensuring the meaningful participation of affected individuals and groups throughout all stages of the decision-making is essential (para. 77).
- Recognizing the crucial contribution of people in rural areas (including SSF) to the sustainable use and management of natural resources and ecosystems, states must protect and promote their traditional knowledge, innovations and practices, and ensure their rights to secure tenure of and equitable access to land and other natural resources critical for their livelihoods. States must guarantee their meaningful participation in the design, implementation and monitoring of environmental measures (para. 84).

CEDAW, General Recommendation 34 (2016):

- States parties should address specific threats posed to rural women (including SSF) by land and soil degradation, water pollution, extractive industries, and the loss of biodiversity amongst others. They should alleviate and mitigate those threats and ensure that rural women enjoy a safe, clean and healthy environment. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment and ensure the full participation of rural women in designing, planning and implementing such policies (para. 12).

- When it comes to exploitation of natural resources, states have an obligation and must uphold procedural safeguards in all decision-making related to the exploitation of natural resources. The issuance of licences or permits must be preceded by independent and participatory environmental and human rights impact assessments, aimed at identifying potential harm to international human rights law and local ecosystems. These assessments should inform decision-making and be accompanied by effective mechanisms for redress, particularly for affected communities, peasants and Indigenous Peoples (para. 47).

Coastal and marine ecosystems are not only ecological assets but also deeply intertwined with the realization of human rights. International human rights instruments recognize the importance of a clean, healthy, and sustainable environment as essential to the enjoyment of several fundamental rights, including the right to health, food, work, education, and participation in public affairs. These rights are increasingly at risks due to declining fish stocks, pollution, and fragile weak marine governance, which collectively threaten both livelihoods and basic standards of living.

To enhance the rights-based perspective in the governance of Tanzania's marine resources, it is important to map the environmental and policy challenges outlined in this chapter to their corresponding human rights obligations. The table below links key fisheries management issues discussed in the chapter to applicable international human rights standards. This connection provides a framework for assessing Tanzania's compliance with its human rights commitments under international law.

Table 4-11: Key Human Rights Standards applicable to Fisheries Management

S/n	Issue	Applicable International and Regional Human Rights Standards
1	Marine pollution and clean environment	Article 12 of ICESCR (Right to health); Article 24 of ACPHR (Right to a satisfactory environment); Maputo Protocol Art. 18.1 (Women's right to live in a healthy and sustainable environment)
2	Illegal, Unreported, and Unregulated (IUU) fishing	Article 11 (Right to adequate standard of living, including food) & Article 6 (Right to work) of ICESCR; Article 14 of CEDAW (Women's right to economic life in rural areas)

S/n	Issue	Applicable International and Regional Human Rights Standards
3	Declining fish stocks affecting livelihoods	Article 6 (Right to work) & Article 11 (Right to food) of ICESCR
4	Limited participation of local communities in governance (e.g., BMUs)	Article of 25 ICCPR (Right to participation in public affairs); Article 14(2)(a) and (g) of CEDAW (Women's right to participation and resources); Article 13 of ICESCR (Right to education)
5	Lack of marine research and adaptation strategies	Article 15(1)(b) of ICESCR (Right to benefit from scientific progress)

4.4.2 The Risk of Over-exploitation of Marine Resources

Overfishing is a growing threat to Tanzania's marine ecosystems. While fishing is not inherently harmful, overexploitation leads to declining stocks and threatens the sustainability of coastal livelihoods. The Food and Agriculture Organization (FAO) defines overfishing as the exploitation of fish stocks beyond their ability to recover, and current data and observations from various stakeholders suggest this is a mounting concern in Tanzania.¹⁷

The study identified varied understandings of overfishing among stakeholders. NGOs like the Wildlife Conservation Society (WCS), TUJIWAKI, and Mwambao emphasized the increasing pressure on marine resources, linking it to declining fish stocks, rising prices, and factory closures. WCS referenced government submissions to FAO and noted that Catch Per Unit Effort (CPUE) continues to fall, affecting household incomes and increasing poverty in coastal communities.

In contrast, many government officials, including district fisheries officers, hesitated to acknowledge overfishing due to the absence of comprehensive stock assessments. Some State actors dismissed it as a deep-sea issue, irrelevant to SSF who operate in shallow waters. However, NGOs and local actors contested this, citing evidence that depletion is affecting nearshore fisheries, where SSF dominates. The study further noted that with limited access to motorised boats, SSF cannot venture further offshore, leaving them economically vulnerable as shallow-water stocks decline. TUJIWAKI in Lindi and fish processors in Msimbati Ward reported that overfishing intensifies financial hardship, thus undermining education, food security, and community resilience. Boat owners also expressed losses resulting from reduced incomes, caused by diminishing harvest.

4.4.3 Overfishing and Resource Depletion

Overfishing as a Tenure Issue

The depletion of marine resources due to overfishing directly impacts the availability of fishery resources, as it limits fishers' access to viable fishing grounds. In overfished areas like parts of Mtwara, weak tenure governance fails to effectively regulate fishing practices, exacerbating depletion of marine resources.

The lack of data and scientific stock assessments means that management decisions are often reactive rather than proactive, which hinders the ability of communities and governments to sustain fish stocks¹⁸

Conflict overfishing Methods and Access

The use of illegal fishing methods, such as beach seine nets (kokoro), also highlights the governance challenges in enforcing tenure rights. These practices are often driven by limited access to modern fishing gear, which leads to conflicts over resource use. Strengthening the governance system requires a balanced approach that upholds conservation goals while addressing the livelihood needs of communities, ensuring that fishers are provided with the resources and support they need to transition to sustainable practices¹⁹

4.4.4 Overfishing Vs. Illegal Fishing: A Misconception

A significant finding was the conflation between overfishing and illegal fishing. Many fishers and traders associated overfishing solely with unlawful methods, rather than excessive harvesting. However, others, particularly fish processors, understood the link between resource scarcity and rising reliance on illegal practices. As stocks decline, some fishers resort to harmful gear and methods, driven by economic necessity.

This confusion reflects broader challenges in awareness and education. Misconceptions undermine effective policy implementation and highlight the need for participatory training, public campaigns, and inclusion of SSF in governance.

The study further noted several initiatives implemented to address overcapacity and unsustainable practices. These include co-management frameworks such as BMUs and CFMAs, supported by NGOs like WWF Mwambao, AFO, Sea sense and Blue Venture. Additionally, the study observed that the MPRU enforces spatial planning, protected zones, and gear restrictions as a state response to overfishing

Despite these efforts, enforcement gaps persist. Challenges include understaffed fisheries departments, inadequate patrol resources, corruption, unregulated cross-border trade, creating economic disparities, which indirectly lead to overexploitation²⁰, lack of trade monitoring²¹, and lack of effective feedback mechanisms where SSF can report on the implementation of policy measures,

report illegal practices or raise concerns about enforcement²² and limited knowledge on the available state based non judicial grievance mechanisms like CHRAGG.

For such reasons, the study points out that to address overfishing, Tanzania requires a multidimensional approach, that focuses on strengthening scientific assessments, improving enforcement, expanding community awareness, and ensuring inclusive governance to protect both marine ecosystems and the rights of coastal communities.

4.4.5 Illegal Fishing

The findings of the report indicated that illegal fishing continues to pose a significant threat to Tanzania's marine ecosystems, involving activities that violate fisheries laws and regulations. These activities include fishing without licenses for commercial purposes, the use of prohibited gear, and destructive fishing techniques that damage marine habitats. Illegal fishing undermines sustainable fisheries management, threatens biodiversity, and affects the livelihoods of coastal communities that depend on marine resources.

Forms and Impact of Illegal Fishing

Illegal fishing practices documented during the research included the use of small-mesh nets, beach seines (locally known as Kokoro), fish poisoning (utupa), the method known as Juya la Kojani, IUU fishing, and blast or dynamite fishing. These practices can cause severe ecological damage by destroying fish habitats, coral reefs, and other marine ecosystems. Fish poisoning was reported to be particularly destructive because it eliminates a wide range of marine organisms in affected areas and causes long-term ecological harm.

Despite the prohibition of several of these practices under the Fisheries Act and its associated regulations, they continue to occur in some coastal areas. Government officials in Mtwara Region reported that illegal fishing had declined significantly—from approximately 80 percent to 30 percent in recent years. However, fishers, processors, and boat owners interviewed during local consultations questioned these estimates, noting that practices such as the use of beach seines (Kokoro) and other destructive fishing methods remained prevalent in some areas. This divergence in perspectives highlights broader concerns regarding enforcement capacity, corruption, and levels of trust between fishing communities and regulatory authorities.

Illegal fishing activities have also been reported outside the SSF sector. For example, prawn trawlers have occasionally been observed operating within the prohibited two-nautical-mile zone, which is reserved for SSF. Such encroachment has the potential to intensify conflicts over marine resources and undermine the livelihoods and human rights of coastal fishing communities.

Regulation of Ring Net Fishing

It is important to note that ring net fishing is not inherently illegal in Tanzania. The legality of this fishing method depends on where and how it is used, as well as compliance with existing fisheries regulations governing fishing gear, fishing zones, and licensing requirements²³. Certain fishing gears may be restricted in specific areas, particularly within designated zones reserved for small-scale fisheries or in MPAs. Concerns raised by fishing communities regarding ring net fishing often relate to its use in areas where it may conflict with other fishing activities or contribute to overexploitation of marine resources. Addressing these concerns requires clearer enforcement of existing regulations and improved dialogue between fisheries authorities and fishing communities.

Legal and Institutional Frameworks

Tanzania has legal mechanisms in place to address illegal fishing, including the Fisheries Act, and its enabling regulations, which establishes fines, imprisonment, and vessel seizures for violations. MCS systems are also codified in law, and enforcement institutions such as the MPRU and District Fisheries Offices are mandated to implement these controls.

At the community level, BMUs and CFMAs serve as key co-management structures. However, their capacity is often undermined by limited funding, poor coordination, and a lack of enforcement resources, such as boats or fuel for patrols. Most BMUs are also not equipped to address organized or migrant fishers (*wavuvi wa dago*) who are reported to engage in destructive practices and are rarely held accountable.

The report noted that although dynamite fishing has declined in areas like Tanga due to joint efforts by the government and NGOs, other illegal fishing practices such as *Juya la Kojani* persist. The report highlighted a sense of frustration among respondents who argued that the selective enforcement of laws, targeting some practices while tolerating others, weakens compliance incentives. Fisheries Regulations of 2009 (Regulation 20(3)) prohibits prawn trawlers from operating within a two-nautical-mile zone.

Corruption and Informant Protection

A recurring theme in interviews was the role of corruption in law enforcement. Several fishers and processors reported that illegal activities were known to authorities but ignored, often due to bribes or tip-offs that compromised patrol effectiveness. This erodes community trust and discourages whistleblowing. Without mechanisms to protect whistleblowers and ensure enforcement and accountability, illegal fishing is likely to persist.

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Revenue-driven Enforcement and Unsustainable Incentives

The research noted that in some coastal districts, local authorities, particularly ward councilors (*Madiwani*), shape budget expectations around SSF with a focus on fines rather than compliance.

Additionally, government officials confirmed that unmet revenue targets often lead to the toleration of unsustainable practices such as the sale of juvenile fish, as long as they seem marketable and fishers pay fees. This undermines both enforcement credibility and resource sustainability.

Non-State Actor Contributions

NGOs have emerged as critical actors in filling the governance gap. Organizations such as Mwambao, WCS, Sea Sense, and WWF have supported BMUs and CFMAs by providing boats, equipment, and training. Notably, Mwambao's contribution of a patrol boat in Mkinga, for example, has significantly improved community surveillance. Sea Sense and WWF have also promoted alternative livelihoods to reduce pressure on marine resources.

These non-state actors not only enhance enforcement efforts but also raise awareness about the ecological and legal consequences of illegal fishing. They advocate for co-management, livelihood diversification, and anti-corruption measures, bridging gaps that government structures alone cannot fill.

Data Gaps and Regulatory Weaknesses

The research found a significant lack of reliable stock assessment data, which limits the government's ability to manage fishery resources effectively. Local ecological knowledge held by SSF communities remains underutilized, and BMUs often lack mechanisms to report trends or monitor compliance. A national stakeholder emphasized that uniform regulations fail to account for the diversity of Tanzania's coastal fisheries. He recommended developing zoned, area-specific management plans that reflect ecological and cultural realities, thereby increasing legitimacy and compliance.

Conclusion

While gains have been made in reducing dynamite fishing, illegal practices such as beach seining, and Juya la Kojani persist, enabled by corruption, selective enforcement, economic desperation, and weak institutional coordination.

The degradation of marine ecosystems caused by unreported, unregulated, and illegal fishing continues to jeopardize the rights and livelihoods of SSF, thereby undermining the realization of Art. 24 of the ACHPR on a satisfactory environment favourable to development and Article 11 of the ICESCR (right to an adequate standard of living including adequate food), among other rights.

The research notes that sustainable solutions will require strengthening BMUs and CFMAs through targeted financial and technical support, reforming enforcement structures to reduce corruption, promoting area-specific regulations that reflect ecological and cultural variations, expanding alternative livelihoods to alleviate economic pressure, improving coordination between authorities and NGOs, establishing whistleblower protection mechanisms, investing in both scientific and local monitoring systems, and diversifying local government revenue streams to reduce dependency on fisheries fines.

4.4.6 Marine Pollution: Legal, Ecological and Human Rights Dimensions

Overview

Marine pollution and the degradation of fisheries management systems in Tanzania pose a growing threat to both the environment and the livelihoods of coastal communities. Though government agencies tend to downplay the severity of pollution, CSOs and SSF highlight worsening conditions due to industrial effluents, poor waste management, and illegal fishing.

These issues reflect gaps in the implementation of international and regional legal obligations such as those related to Article 24 of the ACHPR, which recognizes the right to a general satisfactory environment, and Articles 11, 12, and 13 of the ICESCR, which protect rights to decent livelihoods, health, and environmental education.

Sources and Regional Variations of Marine Pollution

The research noted that pollution is both land- and sea-based. Land-based sources include plastic and agricultural runoff, while destructive fishing techniques (e.g., dynamite, Juya la Kojani) degrade marine habitats. In Tanga, pollution in Muheza is aggravated by industrial effluent (e.g., Sisal Factory waste into River Bago), which threatens marine life and sea turtle habitats. CSOs like WCS and Sea Sense report plastic accumulation in coral reefs and mangroves.

In Lindi, pollution levels are perceived to be low due to the absence of large industries. Still, plastic disrupts fish breeding, and groups like TUJIWAKI note that, these destructive practices force fishers to go farther offshore, risking safety and jeopardizing their right to decent work, contrary to Article 6 of the ICESCR.

Positive practices such as beach cleanups and mangrove restoration are notable in Somanga, often supported by active local environmental groups. To add on, in Mtwara, the research noted that pollution is mainly linked to destructive fishing. As stated by the CFMA Chairman in Kisangamkuu, illegal methods damage marine habitats, pushing fishers deeper into poverty and threatening dependents, especially women and children.

Legal and Policy Frameworks Addressing Marine Pollution

Tanzania has multiple legal instruments addressing marine pollution, including the Environmental Management Act (No. 20) of 2004, the Marine Parks and Reserves Act (No. 29) of 1994, and the Fisheries Act (No. 22) of 2003.

However, enforcement is weak, and coordination between national and local institutions remains limited. The NEMC is responsible for oversight but lacks sufficient visibility in coastal areas. There is an urgent need to integrate human rights considerations into EIAs, particularly with the growth of extractives (particularly natural gas), and infrastructure sectors.

Challenges in Fisheries Management Systems

The research noted that Tanzania's main fisheries governance frameworks, namely BMUs, CFMAs, and the MPRU are underfunded, have weak enforcement capacity, and do not effectively engage the community. For instance, BMUs are largely inactive due to lack of institutional capacity and financing. Consequently, this undermines Article 25 of the ICCPR, which guarantees public participation. Additionally, the research reveals that CFMAs show mixed results, with many collapsing after the withdrawal of donor funding (e.g., United States Agency for International Development (USAID) and Mwambao support in Tanga). Similarly, the MPRU struggles with donor dependency and cannot sustain border demarcation or alternative livelihoods for fishers.

The research noted that these systemic weaknesses result in unchecked illegal fishing (e.g., Juya la Kojani, beach seining), resource depletion, and increased hardship for SSF. Fishers are increasingly forced to sail to distant, hazardous areas, further eroding livelihoods and undermining Tanzania's commitments under Article 11 of the ICESCR and Sustainable Development Goal 14 (Life Below Water).

Non-State Actor Contributions

The research further noted that NGOs such as Mwambao, TUJIWAKI, and WCS play vital roles in bridging governance gaps in marine pollution. For instance, they promote waste recycling, extended corporate accountability, environmental education, and legal advocacy. Additionally, community-led groups in Lindi and Somanga have demonstrated strong resilience through beach cleanups and ecosystem restoration, despite limited government support.

However, public awareness of pollution's ecological consequences remains low in many areas, this in turn, compromises the realization of Article 13(1) of the ICESCR, which guarantees the right to education relevant to civic and environmental participation.

Conclusion

The above insights reveal that Tanzania faces a dual crisis: increasing marine pollution and the institutional decline of fisheries governance systems. These issues are rooted not in the absence of frameworks, but in the inadequacy of political will, sustainable funding, and meaningful community participation.

Without urgent intervention, SSF communities will continue to bear the brunt of environmental degradation, violating their economic, health, and cultural rights. It is worth noting that a coordinated, and rights-based approach would ensure the sustainability of Tanzania's marine ecosystems and the dignity of the communities that depend on them.

4.5 PARTICIPATION OF SSF IN MANAGEMENT OF RESOURCES

Meaningful participation of SSF in fisheries management, the Blue Economy sector development, MSP and marine conservation is not only a right of SSF communities. It is also a means to secure more effective management and shared ownership of sustainability initiatives.

4.5.1 Overview of Relevant Human Rights

Key Human Rights

- Right to take part in the conduct of public affairs (ICCPR Art. 25, Tanzania Constitution Art. 21).
- Right to freedom of expression and information (ICCPR Art. 19, ACHPR Art. 9, Tanzania Constitution Art. 18).
- Women's rights to participation in the political and decision-making process (Maputo Protocol Art 9) and women's rights to participate in the management and use of natural resources (Maputo Protocol Art. 18.2).
- Right to participate in the management of fisheries resources (UNDROP Art. 5.1 and 17, and other relevant rights in relation to the right to participation and access to information are also included in UNDROP Art. 2.3, 5.2, 10, 11, 15.4, and 15.5).

Human Rights Standards

Maputo Protocol:

- Women shall have the right to live in a healthy and sustainable environment. States Parties shall take all appropriate measures to: a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels (Art. 18.2.a).

UNDROP:

- Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas (including SSF), States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes (Art. 2.3).

CESCR General Comment No. 27 (2025):

- States must ensure the meaningful participation of affected individuals and groups throughout all stages of the decision-making, this includes SSF communities dependent on marine resources. They must be effectively consulted and able to influence environmental and development decisions affecting their livelihoods (para. 77).
- States must also guarantee meaningful participation of people in rural areas (including fishers) in the design, implementation and monitoring of environmental measures (para. 84).

Guidelines on the effective implementation on the right to participate in public affairs from OHCHR

The guidelines specify that meaningful participation and consultation must be:

- Be conducted in good faith, be an on-going process (before, during, after decisions)
- Be conducted with legitimate representatives of the concerned rights-holders.
- There must be sufficient and transparent information in relevant languages and formats.
- There must be a genuine opportunity to influence decisions, and consultation must be free of pressure (no fear of retaliation).

4.5.2 Legal, Policy and Institutional Frameworks

There is generally a supportive legal and policy environment and good structures in place to facilitate SSF participation in policy and decision-making at different levels, and in marine resource management specifically, in line with international human rights standards. Yet challenges to effective participation in practice persist especially for women at all levels, but also for SSF as a stakeholder group in national level policymaking.

The Constitution of the United Republic of Tanzania guarantees the freedom to participate in public affairs, including “in the process leading to the decision on matters affecting the individual” (Art. 21). National laws, policies, and regulations, such as the Fisheries Act of 2003, the Fisheries Regulations of 2009, and the Marine Parks and Reserves Act of 1994, operationalize this right in the fisheries and ocean governance context.²⁴

The NPOA-SSF Guidelines fully integrates HRBA principles into fisheries governance, ensuring that SSF, including women and marginalized groups, are included in decision-making and resource management. At the national level, the NPOA-SSF Guidelines presents a valuable opportunity to enhance SSF participation in policy formulation and decision-making processes.

The Fisheries Act (section 9 and 18) requires involvement of stakeholders in the planning, development and management of fishery resources and use of participatory approaches. The Marine Parks and Reserves Act, 1994 (section 8(5) and 14 (3)) recognizes the right of SSF to be represented in the management of Marine Park Areas through Village Liaison Committees (VLCs), and Village Enforcement Units (VEUs). National Fisheries Policy of 2015 and the Fisheries Sector Master Plan (2021/22–2036/37) also recognize and promote SSF role in the co-management of marine resources.

4.5.3 SSF Participation in Policymaking at National Level

Despite the supportive policies and structures in place, several actors and SSF interviewed point to weak SSF participation at national policy level. The absence of a strong fisher union or similar structure is cited as a key barrier to meaningful participation of SSF in policy development and decision-making, leading to inadequate representation and disorganization among SSF²⁵

The NPoA-SSF Guidelines of 2021 also identifies the challenge of inadequate involvement of SSF and fishing communities, particularly women, in policy and decision-making processes, limiting their participate during implementation and monitoring²⁶ It also states that there is weak or poor interaction among the co-management stakeholders, leaving SSF to be mainly engaged during the implementation stage.

Local consultations findings also suggest that SSF in Mtwara, Lindi, and Tanga have limited participation in national-level policy development, despite existence of mechanisms such as village meetings, engagement with MPs, and consultations with local and national government officials. Many SSF and village leaders, especially in Msangamkuu (Mtwara) and Kilwa (Lindi), expressed dissatisfaction with their involvement, citing minimal inclusion particularly for women and marginalized groups²⁷ Similar remarks were made by a local women's rights NGO leader in Kilwa, Lindi, who claimed inadequate SSF participation in policymaking²⁸

Fisheries officers in Tanga, Mtwara, and Lindi, cited weak fisher unions as a barrier to effective representation despite NGOs helping to bridge the gap²⁹ SSF and their leaders across all three regions also identified lack of strong networks or associations to facilitate meaningful participation of SSF in policy making and decision-making³⁰ In Tanga, wardens of marine reserves and fisheries officers also noted absence of strong unions to represent SSF in policy and decision-making processes,³¹ citing an example of Dar es Salaam fishers successfully negotiating the retention of ring nets, while in other regions, these nets were burned³² In Tanga's Muheza District, it was reported that there was one cooperative union, comprising approximately 35 small fisher groups but covering less than 10% of fishers³³

In Tanga, the existence of the Tanzania Fishers Union (TAFU) was acknowledged but the union was criticized for not effectively facilitating the participation of SSF in policymaking³⁴ A warden in Mkinga District also noted that there was TAFU branch in the district, hindering the ability of local SSF to effectively participate in national policy decisions.

National stakeholders also confirmed low SSF participation, citing poor organization and representation, although the creation of TAWFA by the MLF has enhanced women's involvement³⁵ The National Secretary of TAWFA, however, acknowledged that the association is still growing and requires further strengthening to effectively support SSF women's participation in governance and decision-making.

One of the stakeholders noted that while in some areas there is better participation because of NGO support, such as Songosongo in Kilwa District (Lindi), overall participation is weak due to problems such as inadequate representation and disorganization among SSF³⁶

Overall, the study reveals that SSF do not adequately participate in marine resource policymaking, undermining their rights under Article 25 of the ICCPR and Article 13(1) of the ACHPR, which guarantee participation in public affairs. Weak networks and limited representation further constrain SSF engagement, associations significantly limiting their ability to influence decisions that impact their livelihoods.

SSF are often encouraged to participate in policy making at community level, but most of them do not attend the meetings. I don't know if it's lack of education or they are just not motivated.

Mtwara D.C Fisheries Officer

4.5.4 Participation and Management at Local Level

SSF participation in decision-making

The study found that decentralization of fishery management through involvement of Local Government Authorities (LGA) and the establishment of BMUs³⁷ and CFMAs has enabled SSF to participate in marine resource management and local policymaking, particularly at the local level. However, the effectiveness of these co-management structures is uneven, often reliant on Government and NGO support, and constrained by limited resources, and weak leadership.

Discussions with SSF groups in Mtwara, Lindi, and Tanga and interviews with some NGO officials revealed varying opinions on participation of SSF in management of marine resources. For instance, in Mtwara many SSF expressed dissatisfaction with their involvement in making local policies, by-laws, and decision-making³⁸ Others claimed that they were only involved in making decisions in some of the issues that affect their wellbeing, while being left out in others. Many SSF also admitted that they rarely attend meetings convened by BMU and village leaders,³⁹ and the challenge was confirmed by local leaders and LGA officials, particularly fisheries officers. When asked why they were not motivated to attend meetings that make decisions affecting their livelihoods, some fishers explained that even when they attend, their views are rarely considered⁴⁰

In contrast, SSF in Lindi were more positive about their involvement in marine resource management. Fishing crew in Lindi's Somanga Ward rated their involvement by BMUs and village authorities in decision-making as 8/10. They cited an example of where their collective rejection of a proposed investment by a Chinese investor was respected by the village authorities. The SSF noted that they participate in decision-making through public meetings, BMUs, and consultations with fisheries officers⁴¹

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A guest will come, and fishers are called to talk to him. The next day, decisions are made, and you are told that you participated in the process.

Fisher – Moa Village

”

In **Tanga**, the study revealed mixed SSF experiences on co-management at local level. While some SSF, like those near the Kirui Island Marine Reserve, were reportedly consulted in decision-making, others such as SSF in Moa Village, felt they were often excluded or inadequately involved in decision-making and believed that fisheries-specific decisions should be SSF themselves rather than the community at large or the village authorities. Fishing crews and boat owners in Kigombe Village also stated that they participate in decision-making at an average level, citing concerns that the opinions they voice are rarely considered by village or district council leadership.

They also accused the VLC of aligning more with the MPRU once appointed, rather than advocating for the interests of the fishing community. Fishers in Tanga also noted that there was lack of strong unions or cooperative societies, limiting their ability to engage in fisheries management effectively⁴² The study noted that there is only one cooperative society in the region, operating in Tanga district.

Across all three regions, district and ward authorities maintained that SSF are engaged in local policy making and decision making through public meetings and consultations with specific SSF groups. For instance, in Tanga's Mkinga District, the Fisheries Officer stated that SSF are engaged through public meetings whenever decisions affecting them are made, whereby village assemblies provide a platform for their participation in enacting fishery-specific by-laws, which are then approved by the district authority. Similar remarks were made by fisheries officers in Mtwara and Lindi⁴³

They all noted that BMUs were instrumental in enhancing the participation of SSF in decision-making⁴⁴ In Kigombe Village, located in Tanga's Muheza District, SSF were said to be participate in decision-making through the VLC, as there is no BMU⁴⁵ The VLC consists of 20 members appointed by the village assembly.

Role and effectiveness of BMUs

Role

BMUs, established under the Fishery Regulations of 2009,⁴⁶ are tasked with conducting community-based fishery patrols, leading conservation efforts, protecting marine environment, collaborating with the village councils to develop by-laws to control illegal fishing and fish-trading practices, assisting in revenue collection, monitoring of fishing activities, enforcement of by-laws, and develop and adopt Fishery Management Plan (FMPs), among others⁴⁷

BMUs also collaborate with the CFMAs work jointly and report to District Authorities and MLF. These community-based units also collaborate with and receive technical and financial support from CSOs and the private sector⁴⁸ CFMAs were established to promote inclusive planning and -management of marine resources, particularly in areas with overlapping jurisdictions and shared fishing grounds. In communities without BMUs such as those visited in Mtwara, Lindi, and Tanga Village Liaison Committees VLCs serve a similar coordination role.

Effective of BMUs

SSF in Mtwara, Lindi, and Tanga had varying opinions on BMU effectiveness. Some BMUs, including in Kilwa District, have been commended for effective implementation of their mandates⁴⁹ In the visited fishing communities in Mtwara, Lindi, and Tanga, BMUs were generally perceived by SSF and district authorities, including fisheries officers, to be somewhat effective. In Mtwara, the Fisheries Officer in Mtwara D.C pointed out that BMUs, such as Sinde BMU and Namela BMU, had been very effective, playing a vital role in mangrove planting and restoration and facilitation of seaweed farming. When asked about BMUs effectiveness, the Ward Fisheries Officer in Somanga, Kilwa District, Lindi, rated their effectiveness at 9 out of 10, reflecting her assessment of BMUs performance in fishery management and conservation. She highlighted the important role BMUs play in activities such as mangrove planting, restoration, and the facilitation of sea moss and seaweed farming.

In contrast, authorities and fishers in Tanga found BMUs to be less effective. For instance, the Warden of Kirui Island Marine Reserve in Mkinga District described BMUs as partially effective. The Fisheries Officer of Mkinga District in Tanga described BMUs as largely ineffective, stating that they often fail to report illegal fishing within their own areas while disclosing violations in other locations.

The analysis found various challenges that hinder effective delivery of BMU mandate. One of the challenges is the inadequate involvement of SSF in decision making. Literature review findings suggest complaints by SSF in some fishing communities along the Indian Ocean, particularly in Rufiji, Mafia, and Kilwa, about inadequate involvement of SSF in decision-making by BMUs.⁵⁰ Other challenges include lack of reliable sources of income for BMUs;⁵¹ inadequate efforts to protect SSF interests, especially when it comes to entering the Government agreements with foreign investors; ineffectiveness in fulfilling their mandates, including combatting illegal fishing; district authorities lacking legal authority to audit BMUs; and some BMU leaders lacking integrity and being implicated in corruption, including nepotism and leaking patrol schedules to illegal fishers.⁵² Limited financial and other resources were also cited as a challenge in all three regions visited, hindering BMU ability to effectively conduct patrols and other duties.⁵³ Due to inadequate resources, BMUs and CFMAs have to rely on NGO support, exemplified by donation of a boat to a CFMA in Tanga by the Mwambao Coastal Community Network.

Another challenge, particularly raised in Mtwara, is threats and hostility directed to BMU leaders, who sometimes receive threats from fishing community members who do not want to obey laws and regulations, labelling them 'government puppets' and sometimes isolating them in the community.⁵⁴ One of the CFMA leaders in Mtwara added that BMU leaders work on a volunteering basis and in a hostile environment and recommended provision of allowances for the leaders to motivate them.⁵⁵

Shortage of fisheries officers and inadequate collaboration were also identified as barriers to effective management at local level. In Mtwara, the Msangamkuu Ward CFMA Chairperson stated that there was shortage of fisheries officers in Mtwara D.C, recommending at least one fisheries officer per ward. Some SSF in Mtwara also accused some BMU leaders of being corrupt.⁵⁶ Regarding collaboration, the community consultations revealed that BMUs and VLCs collaborate with various government actors, such as LGAs and MLFs, in implementing their duties, including implementation of by-laws.⁵⁷ However, BMU and CMFA leaders pointed out that collaboration is often inadequate.

Role of Women in decision-making

The role of women in decision-making remains limited due to social and cultural norms despite provisions to ensure a minimum percentage of women in leadership roles within BMUs.⁵⁸ Despite provisions in the BMU guidelines requiring that at least 30% of executive committee members be women, their participation in decision-making remains limited due to social and cultural norms.

The Tanzania Fisheries Sector Master Plan acknowledges existing gaps in stakeholder inclusion, particularly concerning youth, women, and marginalized communities. The plan prioritizes developing strategies that enhance their participation in fisheries management and sector development, ensuring that SSF benefits are equitably distributed.⁵⁹

However, progress towards achieving gender equality and a meaningful inclusion of women in decision-making remains slow, as discussed below.

4.6 GENDER EQUALITY

Human rights guarantee equal rights for men and women to the enjoyment of all economic, social, and cultural rights.

4.6.1 Overview of Relevant Human Rights

Key Human Rights

- Right to equality before the law (ICCPR Art. 26).
- Right to non-discrimination (ICCPR Art. 2, ICESCR Art. 2) and elimination of all forms of discrimination against rural women and to promote their empowerment (UNDROP Art. 4).
- CEDAW, including rights on temporary special measures for Women, (CEDAW Art. 4), elimination of discrimination against women in the political and public life of the country (Art. 7), specific dimensions on rights of rural women (Art. 14).
- Women's rights to participation in the political and decision-making process (Maputo Protocol Art 9) and women's rights to participate in the management and use of natural resources (Maputo Protocol Art. 18.2).

Human Rights Standards

UNDROP:

- States shall ensure that peasant women and other women working in rural areas (including SSF) enjoy without discrimination all the human rights and fundamental freedoms set out in the present Declaration and in other international human rights instruments, including the rights: a) To participate equally and effectively in the formulation and implementation of development planning at all levels, and h) To equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes (Art. 2.a and 2.h).

- States shall take all appropriate measures to eliminate all forms of discrimination against peasant women and other women working in rural areas and to promote their empowerment in order to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms and that they are able to freely pursue, participate in and benefit from rural economic, social, political and cultural development (Art. 4.1).

CESCR General Comment No. 27 (2025):

- Special measures are required for the most marginalized groups in rural areas, such as SSF and rural women, as they often face systemic discrimination in accessing land and marine resources (para. 85).

CEDAW General Recommendation 34 (2016):

- States should ensure that legislation guarantees rural women's rights to land, water and other natural resources on an equal basis with men, irrespective of their civil and marital status or of a male guardian or guarantor, and that they have full legal capacity (para. 59).
- States should enhance rural women's role in fisheries and aquaculture, as well as their knowledge of the sustainable use of fishery resources (para. 59).
- To ensure the active, free, effective, meaningful and informed participation of rural women in political and public life, and at all levels of decision making, states should establish quotas and targets for rural women's representation in decision making positions, specifically in parliaments and governance bodies at all levels, including in land, forestry, fishery and water governance bodies, as well as natural resource management. In this regard, clear objectives and time frames should be in place to reach substantive equality of women and men (para. 54).
- States should prevent and eliminate all forms of violence against rural women and girls, and, implement measures to prevent and address threats and attacks against rural women human rights defenders, with particular attention to those engaged on issues relating to land and natural resources, women's health, including sexual and reproductive rights, the elimination of discriminatory customs and practices, and gender based violence (para. 25).

SSF Guidelines:

- States, in accordance with their legislation, should ensure that small-scale fishers, fish workers and their communities have secure, equitable, and socially and culturally appropriate tenure rights to fishery resources (marine and inland) and small-scale fishing areas and adjacent land, with a special attention paid to women with respect to tenure rights (section 5.3)

4.6.2 Legal and Policy Framework

Although not explicitly stated in the fisheries legislation, BMU provisions offer an avenue for gender equality and equity in fisheries management. The National BMU Guideline, developed in line with the FAO Code of Conduct for Responsible Fisheries and the Harmonized BMU Guidelines on Lake Victoria (URT, 2005), provides procedures for BMUs. This guideline aligns with government development objectives, such as poverty eradication, gender equity, and social inclusion, through community participation in fisheries planning, management, and development.

Despite recognition of gender mainstreaming in fisheries governance, the sector lacks a clear implementation framework for its implementation. Women's roles in fisheries, particularly in post-harvest processing and trade, are recognized, they are not adequately integrated into decision-making structures. Additionally, while gender equity is a priority in the NPoA-SSF Guidelines, there is still limited gender-sensitive policy implementation in the fisheries sector.

The study notes the inadequate involvement of women in policymaking processes, especially at the national level, suggesting a gap in fully addressing their needs. The establishment of TAWFA in 2019 MLF in collaboration with FAO and NGOs and the Fisheries Gender Desk in 2021 at the MLF holds potential to boost SSF women's participation in policymaking at the national level⁶⁰ The Fisheries Gender Desk serves as an institutional link between TAWFA and the government, and addresses constraints facing both men and women in the fisheries sector,⁶¹ among others.

4.6.3 Cultural Norms and Gendered Access to Marine Resources

Gender Roles in Fishing

Cultural norms play a significant role in shaping the governance of tenure, particularly in terms of gendered access to marine resources. In many SSF communities, such as Moa Ward in Tanga's Mkinga District, fishing remains predominantly a male dominated, while women are more actively engaged in nearshore activities including seaweed farming and octopus harvesting. This gendered division of labour affects women's access to marine resources and their ability to participate in governance processes related to resource management.

These cultural practices impact the governance of tenure by reinforcing male-dominated decision-making structures in fisheries, excluding women from more resource-intensive fishing activities and from leadership roles in local governance structures, such as BMUs. This is contrary to several human rights standards applicable to SSF women, including the SSF Guidelines.

Exclusion from Management

Women's exclusion from certain fishing activities not only limits their economic participation but also reduces their involvement in governance structures that manage access to marine resources. The absence of women in BMU patrols, for instance, reflects how gender roles are embedded in the governance of fisheries, impacting the inclusivity and effectiveness of management decisions.

Ensuring women's participation in the governance of tenure is essential for more equitable and sustainable management of marine resources, as they contribute unique perspectives and practices, particularly in nearshore resource management.

4.6.4 Participation of Women and Marginalized Groups

Most of the reviewed literature indicates that women SSF face limited participation in policy making and decision-making processes at different levels, whereby their voices are often disregarded and the rates of their participation in decision-making bodies are low.⁶² Key factors hindering their participation include cultural barriers, gender stereotyping, and lack of institutional support⁶³ issues are acknowledged by the National Fisheries Policy of 2015 and the Fisheries Sector Master Plan (2021/22–2036/37), which call for gender integration⁶⁴ Other factors include Gender-Based Violence (GBV), weak coordination of gender issues from grassroot to ministry level, and limited access to data and information as participation barriers for women⁶⁵ The NPoA-SSF Guidelines of 2021 also notes that there is inadequate involvement of SSF, particularly women, in policy and decision-making processes⁶⁶

A study commissioned by the MLF and the UN Food and Agriculture Organization (FAO) in 2021, looking into decent work and social development in small-scale fisheries in Tanzania (Kilwa, Kigoma, and Muleba Districts), also found that there was inadequate involvement and participation of SSF in by-law making processes⁶⁷ This is because in most rural communities, including coastal fishing communities, decision-making is still considered to be men's role, while women are expected to follow their lead and engage more in domestic responsibilities.

4.6.5 Local-Level Participation in Mtwara, Lindi and Tanga

Field visit findings in Mtwara, Lindi, and Tanga revealed efforts to increase women's participation in BMUs, particularly through affirmative action, as BMUs in Tanzania are required to reserve a minimum of 30% of elected positions for women⁶⁸ in order to enhance the involvement of women SSF in decision-making. In visited SSF communities, women were found to be part of the BMU leadership and there was an affirmative action in place to ensure women are appointed or elected in leadership positions⁶⁹ For instance, in Sinde Village, located in Mtwara D.C's Msangamkuu Ward, 11 out of 30 BMU leaders were said to be women (37%). In Somanga Ward, BMU officials indicated that their leadership consisted of 9 women (41%). In Moa Village, women were said to account for 65% of the BMU leadership.

Table 4-2: Composition of some of the BMU Leadership in Mtwara, Lindi and Tanga by Sex

Region	BMU	Leaders		
		M	F	T
Mtwara	Sinde Village BMU	19	11	30
Lindi	Somanga BMU	13	9	22
Tanga	Moa Village BMU	13	7	20

Source: Community consultation data

Despite efforts to enhance women's participation in decision-making, especially at local level, overall women's participation is hindered by various barriers. One of the barriers is lack of meaningful participation. For instance, in Tanga, it was reported that women often outnumber men in BMUs and hold administrative positions, with some contesting and winning key leadership roles. However, fishers argued that since overall participation in decision-making is minimal, the significant presence of women in BMUs has not led to meaningful influence over management decisions.

Other barriers include limited access to information; cultural barriers such as discriminatory gender roles and social norms; a lack of sufficient budget for gender mainstreaming at national and local levels; and gaps in gender laws and regulations⁷⁰. Additionally, a national stakeholder pointed out that the 30% slots are specifically for women in the central committee, which means their number can increase when other women contest other non-gender specified positions. However, he noted that the only problem with BMU in this regard is its failure to profile fishers to have a base for proportional representation⁷¹.

Participation of marginalized groups, such as PWDs, was found to be very limited in all visited fishing communities. In Mtwara and Lindi, fishers noted that active fishing requires significant physical effort, which naturally limits opportunities for some PWDs, such as those with amputations.

In areas like MoA Village in Tanga, PWDs are minimally involved in fishing and rarely represented in governance structures. The study noted that these barriers are not due to legal restrictions, but because of social norms and the physically demanding nature of small-scale fisheries.

This situation highlights the need for measures that could promote PWDs meaningful involvement, for example through roles as boat owners, processors, or in other governance and value-chain activities, in line with the spirit of Article 29 of CRPD.

“

VLC guidelines mandate that at least 30% of members be women. However, since fishing crews are predominantly male, women are largely absent from such groups.

”

Warden – Kigombe, Tanga

GBV, sexual exploitation and harassment in SSF communities: Cases of ‘Fish for Sex’

GBV is a serious human rights concern in Tanzania⁷² and women SSF face various forms of GBV, sexual exploitation and harassment in SSF communities and in small-scale fisheries sector value chains. It takes place in many ways, including the ‘fish for sex’ or ‘sex for fish’ practice, whereby women are forced to provide sex to engage in fishing and fish trading, and to access boats for transportation. The Fishers Union Organisation (FUO), an NGO operating in Mainland Tanzania, notes that women in fishing communities are often treated as sex objects and ‘fish for sex’ is highly practiced in these communities, adding that rape and forced sex are becoming normalized in some communities⁷³

Cases of ‘fish for sex’ have also been reported by the media. For instance, in August 2024, women fish traders and processors around Lake Tanganyika in Uvinza, Kigoma, lamented prevalence of sexual corruption perpetrated by some fishermen, who demand sex a condition for accessing fish.⁷⁴ They called for increased access to loans for women to avoid such sextortion, which violates their rights to dignity and security and also puts them at higher risk of being infected with sexually transmitted diseases. Women fishing along Lake Victoria in the Lake Zone have also been reported to face the challenge of sextortion⁷⁵

FGDs with women and men in Mtwara, Lindi, and Tanga revealed cases of ‘fish for sex.’ They reported that some fishermen refuse to sell to fish to women unless they include sex in the trade. This was also confirmed by fisheries officers, particularly in Mtwara and Lindi and stakeholders who attended the national workshop convened by CHRAGG, which was used to validate report findings. One of the workshop participants, a small-scale fisher representative from Somanga in Kilwa District, Lindi Region, noted that some fishers tend to exploit women by deliberately raising fish prices for them, effectively using access to fish as a means of coercion for sex. She proposed setting up fixed prices, as a possible solution to help the women. The ‘fish for sex’ practice also increases the risk of spread of HIV in SSF communities.

4.6.6 Legal, Policy and Institutional Frameworks

The Fisheries Act (2003) and the Fisheries Regulations (2009) – which do not explicitly mention gender⁷⁶ and contain no special provisions for women and marginalized groups. This undermines the efforts to promote inclusive governance. Additionally, insufficient budgetary support and weak coordination of gender initiatives further restrict progress in gender mainstreaming. While the importance of gender mainstreaming in fisheries governance is acknowledged, there is no clear framework for its implementation. Although women's roles in fisheries, particularly in post-harvest processing and trade, are recognized, they are not adequately integrated into decision-making structures.

Tanzania has strong legal protections against sexual exploitation and harassment, including the Penal Code (Cap. 16), the Prevention and Combating of Corruption Act (2007), and the Employment and Labour Relations Act (2004). These laws provide general safeguards that also extend to women in SSF communities.

4.7 ACCESS TO REMEDY

SSF have rights to seek justice, redress, or compensation for human rights violations through accountability mechanisms and via judicial and non-judicial justice systems.

4.7.1 Overview of Relevant Human Rights

Key Human Rights

- Right to remedy (ICCPR Art. 2.3) and UNDROP Art. 12 and 17.5).
- Right to equality before the law (ICCPR Art. 26).
- Right to non-discrimination (ICCPR Art. 2, ICESCR Art. 2).
- The Constitution of the United Republic of Tanzania, 1977 guarantees the right of Tanzanians, including SSF, to equality before the law, which includes the right to access to justice and right to effective remedy.

Human Rights Standards

ICCPR:

- States have obligations to provide an effective and enforceable remedy for violations of the rights and freedoms in the Covenant by competent judicial, administrative, or legislative authorities or any other competent authority provided for by the legal system of the State (Art. 2.3)

UNDROP:

- States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation (Art. 12.2).

CESCR General Comment No. 27 (2025):

- Where human rights are violated due to environmental degradation, States must ensure access to timely, affordable and effective judicial and non-judicial remedies, providing victims with access to reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (para. 87).
- States must cooperate in good faith to address adverse impacts of environmental degradation, including economic and non-economic loss and damage, as part of their obligation to ensure reparation for harm caused. This includes ensuring that affected individuals and communities have equitable access to effective remedies and redress (para. 89).
- States are obliged to prevent and redress infringements of economic, social and cultural rights resulting from environmental harm caused by business entities and other non-State actors subject to their jurisdiction or control, including those operating abroad (para. 88).

CEDAW, General Recommendation 34 (2016) (note that this should be in line with CEDAW General Recommendation No. 19 and No. 33):

- States should prevent and eliminate all forms of violence against rural women and girls, and ensure that victims living in rural areas have effective access to justice, including legal aid, as well as compensation and other forms of redress or reparation, and that authorities at all levels in rural areas, including the judiciary, judicial administrators and civil servants, have the resources needed and the political will to respond to violence against rural women and girls and protect them against retaliation when reporting abuses (para. 25).

UN Guiding Principles on Business and Human rights (UNGPs):

- Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes (Principle 22 in Pillar II).

Basic Principles and Guidelines on Development-Based Evictions and Displacement:

- The Principles and Guidelines require States to refrain from and protect against forced evictions and displacement, referencing relevant support provisions from key human rights instruments such as ICCPR (Article 11.1), the CRC (Article 27.3), and CEDAW (Article 14.2).
- The Principles and Guidelines also impose general obligations on States and other parties such as project managers, corporations, and landowners to apply international human rights standards where displacement occurs.

SSF Guidelines:

- States should provide small-scale fishing communities and individuals, including vulnerable and marginalized people, access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights in accordance with national legislation, including alternative means of resolving such disputes, and should provide effective remedies, which may include an entitlement to appeal, as appropriate. Such remedies should be promptly enforced in accordance with national legislation and may include restitution, indemnity, just compensation and reparation (section 5.11).
- States should ensure access to justice for victims of inter alia violence and abuse, including within the household or community (section 6.9).

4.7.2 Legal, Policy and Institutional Frameworks

Tanzania has a strong legal, policy, and institutional framework guaranteeing the right to remedy. Tanzania has ratified or signed various regional and international human rights instruments which guarantee the right to remedy when rights have been violated.

In the context of the SSF sector, the Constitution of the United Republic of Tanzania, 1977 guarantees the right of Tanzanians, including SSF, to equality before the law (Art. 13.1), which includes the right to access to justice and the right to an effective remedy (Art. 13.6). The Constitution (Art. 108.1 and 116.1) and the Magistrates' Courts Act (Sections 3,4, & 5) also establish courts of law, which are tasked with dispensation of justice in Mainland Tanzania. The Fisheries Act (2003) and the Fisheries Regulations (2009) set out dispute resolution mechanisms. For instance, the Fisheries Regulations (Section 134.1.i) give BMUs the mandate to settle fisheries disputes among their members, between BMUs, and between BMUs and other institutions. Other laws and policies, such as those relating to land and environment, which affect SSF tenure rights, also provide remedies, including restitution, fair compensation and reparation. They include the Land Acquisition Act (CAP. 118 R.E. 2019) and the National Land Policy (1995).

The legal and policy framework also provides for alternative dispute resolution, which allows people, including SSF, to settle their disputes out of courts of law through methods such as conciliation, mediation and arbitration. Village, ward, and district authorities are also given powers by different laws and regulations to resolve disputes in their areas of jurisdiction, including those involving SSF⁷⁷

4.7.3 SSF Disputes in Mtwara, Lindi and Tanga

Across all fishing communities that were visited in Mtwara, Lindi, and Tanga, fishers, local leaders, and district authorities generally indicated that there were not many disputes regarding tenure rights of SSF. Fisheries officers in Mtwara and Lindi also confirmed that disputes do not occur often.

The types of conflicts documented in the communities include fisher versus seaweed farmers, SSF versus hotel and other coastal developers (restricting access to their traditional fishing grounds); threats to ecosystems and resource access due to gas and oil exploration; and SSF versus industrial shrimp trawlers.⁷⁸ The emerging measures like MPAs may exacerbate conflicts if consultations and compensation are inadequate.

In **Mtwara** and **Lindi**, fishers and local leaders stated that there were few disputes, including a long-term dispute between fishing crew and seaweed farmers.⁷⁹ Seaweed farmers, usually women, often accuse fisherpersons of invading their farms and destroying their plants. Boat owners in Msimbati Village, Mtwara D.C also claimed to have a dispute with the marine reserve officers over what they termed as 'unfair treatment and punishment,' including confiscating their fishing nets – a claim that was also substantiated by their village leaders. They also reported a boundary dispute between Madimba and Msimbati Villages, which they claimed has potential to turn deadly

In **Tanga**, authorities reported that some disputes primarily stem from breaches of spatial planning and zoning laws. In Mkinga District, the Fisheries Officer reported that disputes are rare but sometimes arise between fishers and seaweed farm owners or between village authorities and BMUs, often resolved through negotiation and mediation. The community consultations also found that disputes between seaweed farmers (mostly women) and fishers (mostly men) were common in both villages of Moa and Kigombe. These disputes arise when fishers cross over seaweed farming areas, often damaging the ropes that disrupt boat engines, leading to accusations of intentional destruction. In Kigombe, located in Muheza Village, it was reported that the VLC handles similar disputes. Additional conflicts were noted between BMUs and village governments,⁸⁰ often due to misunderstandings about their respective mandates, particularly regarding income sources.

In all areas visited across the three regions, no disputes between SSF and large-scale fishers were reported. This was attributed to the fact that large-scale fishers operate in deeper waters away from the small-scale fishing zones, the shallow waters. However, a national stakeholder pointed out that with the advent of growing seaweed farming and other blue economic activities including growing coastal and marine tourism, the issue of tenure rights is becoming a big problem but expressed hope that MSP is being conducted and shall be followed by area specific management planning and implementation process⁸¹

4.7.4 Dispute Resolution and Barriers to Access to Justice

Overall, the community consultations revealed that SSF-related disputes are rarely settled in courts of law, possibly due to these barriers to accessing justice in judicial dispute resolution mechanisms. Local-level conflict resolution mechanisms play a critical role in managing resource disputes. Disputes can be taken to BMUs and CFMAs and local authorities such as village, ward, and district authorities also have powers to resolve disputes without the need to go to court. The Marine Parks and Reserves Act allows for appeals to the Minister responsible for marine parks and reserves in the event of rights violations.

In **Mtwara** and **Lindi**, the study found that SSF disputes are often resolved by special BMU committees and fisheries officers.⁸² In **Tanga**, BMUs and VLCs were said to play a role in resolving disputes, often relying on informal mediation. However, when these mechanisms fail, matters are escalated to higher authorities, such as district councils and courts.⁸³ A representative from the MLF also noted that disputes in SSF communities are often resolved through village committee and BMUs⁸⁴

“The most used methods of dispute resolution among SSF are conciliation and mediation.”

Mtwara D.C Fisheries

The study has discovered that most SSF find Alternative Dispute Resolution (ADR) more effective than judicial mechanisms involving courts of law. However, concerns have been raised about the informality of dispute resolution measures, characterized by lack of written procedures and legal authority to award damages. Also, there is an issue related to limited enforcement capacity of BMU decisions. In Lindi, some fishers felt that BMUs were sometimes less effective in dispute resolution due to nepotism, especially when one of the parties to a dispute is related to a BMU leader. In Mtwara, some fishers indicated that sometimes one of the parties to a dispute feels they have little bargaining power and decide to settle their disputes ‘for the sake of peace’ even when they are not happy with the outcome.⁸⁵

Several barriers hinder the access to justice through the formal legal system, including corruption, shortage of justice actors, costs of legal representation, lengthy proceedings, limited access to legal aid, low awareness about laws, regulations and available remedy mechanisms, as well as delays in the dispensation of justice, as highlighted in LHRC’s Tanzania Human Rights Report.⁸⁶ These barriers create limited access to convenient, affordable, and effective ways of resolving tenure rights and other disputes for SSF.

Lack of Employment Contracts and Access to Remedy

Most SSF work without formal employment contracts. This informality results in a lack of legal recognition, meaning that fishers are not acknowledged as workers under national labour laws. Consequently, they are excluded from social protection schemes such as health insurance, pensions, and workplace safety regulations. The absence of documentation also makes it nearly impossible for fishers to prove exploitation or abuse, severely limiting their ability to claim remedies through legal or administrative channels.

Without contracts, fishers are invisible to formal justice systems. They cannot access labour tribunals, file complaints, or demand fair treatment. This legal invisibility perpetuates cycles of poverty and vulnerability, especially among migrant fishers, Indigenous communities, and women who are disproportionately affected by informal labour arrangements.

The lack of formal employment and legal recognition creates significant barriers to justice. Fishers have no legal standing to file complaints or seek compensation. Fear of retaliation from boat owners or community gatekeepers discourages them from speaking out.

4.7.5 Remedies for Displacement

As discussed above, displacement occurs when fishers lose access to fishing grounds and fish landing sites due to conservation zones, infrastructure projects, or exclusive-use areas. This loss directly impacts their income, food security, and cultural practices. Legal frameworks must acknowledge that displacement is not limited to physical relocation but includes the loss of economic access and livelihood opportunities, which requires compensation.

Remedies for displacement of SSF must align with human rights standards, for example by following the Basic Principles and Guidelines on Development-Based Evictions and Displacement,⁸⁷ adopted by the UN General Assembly in 2007.

Key Forms of Remedies

According to the Basic Principles and Guidelines on Development-Based Evictions and Displacement, all persons affected by eviction or displacement have the right of access to timely remedy (para. 59). These include compensation, restitution and return, and resettlement and rehabilitation (para. 60 to 68).

Compensation

According to the Principles and Guidelines, compensation must be fair, just and timely, covering all losses linked to the eviction, including housing, land and property (whether formally titled or informal/slum dwellings), lost income and livelihood opportunities, moving and rebuilding costs, and expenses for legal, medical and psychosocial support. Land-based compensation is preferred, meaning land and common property resources of equal or better quality, value and size should be provided, and women and men must be co-beneficiaries, with single women and widows entitled in their own right.

Restitution and Return

Restitution and return are prioritized wherever possible. Authorities are expected to support safe, voluntary and dignified return to original homes and lands, facilitate recovery of property and possessions, and ensure women's equal participation in these processes; where return is impossible, appropriate compensation or other just forms of reparation must be provided.

Resettlement and Rehabilitation

Where people cannot return for reasons such as safety, health or other human rights concerns, they must be offered resettlement that meets adequate housing standards (security of tenure, services, livelihoods, education, health, cultural adequacy) and rehabilitation that restores or improves their enjoyment of rights to housing, food, water, health, work, education, security of the person and freedom of movement, with particular attention to women and other marginalized groups.

4.7.6 Role of CHRAGG as the NHRI

CHRAGG is established as an autonomous government entity functioning as a National Human Rights Institution and an Ombudsman Office in Tanzania, responsible for promoting, within the country, the protection and preservation of human rights. As part of its mandate, CHRAGG has a role to receive and investigate complaints on human rights violations and contravention of principles of good governance and conduct mediation and reconciliation. This allows rights-holders to lodge complaints to CHRAGG via phone, web-based reporting, writing letters/e-mails and in-person delivery of complaints to CHRAGG offices in the country (Dodoma, Zanzibar, Mtwara, Pemba, Mwanza and Dar es Salaam).

In visited communities in Mtwara, Lindi, and Tanga, most SSF indicated that they were not aware of CHRAGG as the NHRI and its mandate, while local leaders claimed they knew the institution exists. Most of the fishers and local leaders also pointed out that they had not engaged or been engaged by the Commission. In Tanga, marine reserve wardens in Mkinga and Muheza Districts expressed that they were unaware of any cases where SSF communities had reported grievances to the Commission or other state institutions.

4.8 BLUE ECONOMY AND MSP

Aligning policy frameworks for the development of the Blue Economy and MSP processes with human rights, and drawing on human rights guidance, is essential to ensure that coastal communities and future generations benefit from the Blue Economy. This can be achieved by applying a HRBA in the development and implementation of Blue Economy plans, initiatives, and MSP processes.

4.8.1 Overview of Relevant Human Rights

Key Human Rights

- Right to an adequate standard of living, including food and housing (ICESCR Art. 11).
- Rights to land and natural resources (including marine resources) (CEDAW Art. 14.2.g, and UNDROP Art. 4.2.h, 5.1, 7.3 and 17).
- Right to a clean, healthy and sustainable environment (HRC resolution 48/13 in 2021 and UNGA resolution 76/300 in 2022, a similar right is in the ACHPR Art. 24, Maputo Protocol Art. 18.1).
- Rights to the conservation and protection of the environment, and the conservation and sustainable use of biodiversity (UNDROP Art. 18 and 20)
- Right to take part in the conduct of public affairs (ICCPR Art. 25, Tanzania Constitution Art. 21).
- Right to freedom of expression and information (ICCPR Art. 19, ACHPR Art. 9, Tanzania Constitution Art. 18).
- Women's rights to participation in the political and decision-making process (Maputo Protocol Art 9) and women's rights to participate in the management and use of natural resources (Maputo Protocol Art. 18.2).

Human Rights Standards

Efforts to develop and implement Blue Economy plans and MSP processes is seen as sustainable development efforts. It is therefore relevant to draw on human rights guidance on sustainable development.

CESCR General Comment No. 27 (2025):

- Sustainable development seeks to realize the rights of all human beings to an adequate standard of living on the basis of their active, free and meaningful participation in development and the fair distribution of the benefits resulting therefrom, without compromising the ability of future generations to meet their own needs (para. 5).
- Sustainable development requires a balanced and integrated approach across its economic, social and environmental dimensions (para. 5).
- The full realization of economic, social and cultural rights for all, especially for those in disadvantaged and marginalized situations is critical to achieving sustainable development, and protecting the environment is indispensable for realizing these rights (para. 5).

- Unequal access to natural resources, land, and public goods and services, as well as State policy and decision-making processes are barriers to sustainable development. To ensure the realization of economic, social and cultural rights for all, these inequalities must be overcome in a manner that fully respects the principles of non-discrimination and substantive equality (para. 8).

Blue Economy plans and MSP processes will include exploitation of natural resources. It is therefore also relevant to draw on human rights guidance in this regard.

CESCR General Comment No. 27 (2025):

- States have obligations to uphold procedural safeguards in all decision-making related to the exploitation of natural resources, including ensuring meaningful public participation, access to timely and comprehensible information, and adherence to human rights principles throughout the licensing and concession processes (para. 47).
- The issuance of licences or permits must be preceded by independent and participatory environmental and human rights impact assessments, aimed at identifying potential harm to international human rights law and local ecosystems. These assessments should inform decision-making and be accompanied by effective mechanisms for redress, particularly for affected communities (para. 47).
- State must ensure that exploitation of natural resources, whether by national or foreign entities, is adequately regulated, so that the benefits are fairly and equitably shared in ways that advance human rights (para. 46).
- Taxation, subsidies and licensing regimes related to resource extraction should be designed to mobilize resources effectively for the realization of human rights, while minimizing environmental harm (para. 46).
- Contracts with business entities for the extraction of natural resources should avoid the privatization of natural wealth and ensure the fair and equitable sharing of benefits, in accordance with human article 1 of ICESCR (para. 46)

4.8.2 Policy and Institutional Frameworks

Tanzania adopted the National Blue Economy Policy of 2024, which highlights MSP as a key tool for balancing competing priorities like conservation, livelihood activities, and economic development. Though Tanzania has yet to establish a formal MSP process, it has conducted a scoping study and adopted the Guidelines for the Development of Marine Spatial Plans (2023). The guidelines emphasize the importance of community participation, particularly that of SSF, throughout the MSP process, which is led by the Vice President Office (VPO).

4.8.3 Opportunities and Risks

As discussed in the sections above, MSP process poses opportunities for SSF (for example rights recognition, livelihood and economic development) but also risks (for example violations of tenure rights, the right to participate in decision-making and the right to a clean, healthy and sustainable environment). The phenomenon of “coastal squeeze” where SSF are ‘squeezed out’ by competing interests (tourism, mining, industrial fishing, etc.) is a risk in Tanzania as elsewhere.

Tanzania has strong policy frameworks and bottom-up mechanisms for participatory management through BMUs. It is essential to build on these in the MSP process and BMU to be part of the processes and increase their awareness and capacity to advocate for SSFs’ tenure rights and human rights to access information and participate in decision-making in MSP process. This includes designating marine zones in consultation with SSF, creating multi-use zones for small-scale fishing alongside industrial activities.

The scaling up of industrial fisheries, seaweed farming (mariculture), mining, and energy production could heighten competition for resources and increase the risk of conflicts implicating SSF. SSF also risk displacement due to the expansion of MPAs, tourism, industrial and other development projects. In this context, it is essential that SSF are effectively involved and consulted and that compensation mechanisms are well managed. It is also essential to ensure SSFs’ access to remedy if their rights are infringed.

Without a legally secured and recorded SSF tenure rights, and preferential access via recognized exclusive SSF zones, and low awareness on HRBA practices, and the absence of a national platform or federation representing all SSF, there is an increased risk that SSF tenure rights and the voice of SSF will not be effectively represented when it comes to key decisions regarding resource allocation and access in the MSP process.

Risks Management

To mitigate risks to SSF rights and livelihoods in the MSP process, it is essential to strengthen participation, awareness, and capacity building. This includes enhancing the role of BMUs in advocating for SSF tenure rights, to ensure that SSF are consulted in marine zoning and multi-use planning and providing access to legal and technical support.

Furthermore, in mitigating these risks, stakeholders need to consider establishing clear grievance mechanisms, promoting secure and documented SSF tenure rights, and supporting national platforms to represent SSF to further safeguard their interests. These measures build the basis for effective MSP implementation and inform broader recommendations on Blue Economy governance and participatory resource management.

4.8.4 Connection with Climate Change Policies and Plans

The Blue Economy and MSP frameworks are closely tied to Tanzania's broader climate change policies. The country's National Climate Change Strategy (2012) and its subsequent National Adaptation Programme of Action (NAPA) emphasize the importance of sustainable management of marine resources as a critical strategy for climate change adaptation.

As the Blue Economy expands, it offers potential synergies with climate change policies by:

- Supporting resilience building for SSF communities through diversified income sources like eco-tourism and sustainable aquaculture.
- Promoting carbon sequestration through the conservation of coastal ecosystems, such as mangroves, which are crucial in mitigating climate impacts like sea-level rise and extreme weather events.
- Enhancing climate adaptation financing that can be directed toward sustainable fisheries practices, making SSF communities more resilient to environmental changes.

However, the connection between Blue Economy, MSP, and climate change policies needs to be more explicitly integrated to ensure that SSF are supported in adapting to climate change impacts while pursuing sustainable livelihoods. Additionally, to ensure a HRBA to climate policy, any blue or green carbon credit projects must include human rights safeguards, ensure meaningful participation, equitable benefit-sharing, and other key principles to ensure rights realization for SSF and avoid harm to rights from climate projects.

Tanzania can promote the long-term resilience and sustainability of SSF communities while supporting the country's climate adaptation efforts by ensuring that the benefits of the Blue Economy and MSP frameworks are equitably shared by addressing these recommendations.

4.9 CLIMATE CHANGE AND DISASTER RISKS

SSF have rights to a clean, healthy and sustainable environment, as well as rights to food, livelihood, and an adequate standard of living, all of which may be affected by climate-related impacts on marine ecosystems.

Key Human Rights

- Right to life (ICCPR Art. 6)
- Right to an adequate standard of living, including food and housing (ICESCR Art. 11)
- Right to health (ICESCR Art. 12)
- Right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies (UNDROP 18.3)

Human Rights Standards

UNDROP:

- States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge (Art. 18.3).

CESCR General Comment No. 27 (2025):

- States must protect people in rural areas from adverse impacts from climate change, pollution and biodiversity loss (including sea-level rise, extreme weather events, environmental degradation and depleted marine resources). Together, these impacts threaten their right to food, to an adequate standard of living and to their cultural identity (para. 83).
- States must prevent climate-induced displacement, by strengthening mitigation, adaptation and disaster risk reduction measures (para. 86).
- States Parties recognize and support diverse knowledge systems, including the traditional knowledge, innovations and practices of Indigenous Peoples, peasants and other rural communities, which are essential to biodiversity conservation and climate change mitigation and adaptation (para. 36).
- States should integrate a gender-responsive and whole-of-government approach into all sustainable development policies, especially relating to disaster risk reduction, climate change, pollution, biodiversity protection and natural resource management (para. 45).
- State must address structural and systemic discrimination and inequality and safeguard such individuals and communities from human rights risks arising both from environmental harm and from measures taken in response. States must identify and prioritize the needs of individuals and groups in vulnerable or marginalized situations, taking into account intersectionality (para. 39).

CEDAW, General Recommendation 34 (2016) and General Recommendation 37 (2018):

- States should ensure that all policies, legislation, plans, programmes, budgets and other activities relating to disaster risk reduction and climate change are gender responsive and grounded in human rights-based principles with priority being accorded to the most marginalized groups of women and girls (General Recommendation 37 (2018), para. 26).
- States should address specific threats posed to rural women by climate change, natural disasters. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment, climate change, disaster risk reduction, preparedness and management and ensure the full participation of rural women in designing, planning and implementing such policies (General Recommendation 34 (2016), para. 12).
- States should increase resilience to the impacts of disasters and climate change among women by identifying and supporting livelihoods that are sustainable and empowering, and develop gender-responsive services (General Recommendation 37 (2018), para. 72.b).

4.9.1 Enhancing Disaster Risk Management and Climate Adaptation

Tanzania's SSF sector is highly vulnerable to climate-related hazards such as storms, strong winds, flooding, and rising sea temperatures. Despite this, national disaster risk frameworks and climate adaptation strategies have limited reach at the community level, leaving many SSF actors unprotected.

This report draws from local consultations in Tanga, Lindi, Mtwara, and Muheza by highlighting implementation gaps, local adaptation efforts, and policy disconnects, and proposes actionable recommendations.

4.9.2 Legal and Institutional Frameworks

Tanzania's Disaster Management Act of 2015 provides the foundation for national disaster preparedness and response. It established the Disaster Management Agency (DMA) to coordinate early warning systems across sectors, including fisheries. However, field data reveals that most SSF communities are unaware of the DMA or its services. This demonstrates a disconnect between national coordination mechanisms and local realities.

Further, the Act lacks sector-specific provisions for fisheries, which in turn, weakens its relevance to SSF needs. Moreover, limited integration between the DMA, the Tanzania Meteorological Agency (TMA), and local fisheries institutions impairs the development of effective early warning and response systems tailored to SSF.

4.9.3 Climate Change Impacts on SSF Livelihoods

Consultations with SSF communities confirm that climate change is disrupting SSF livelihoods. For instance, in Tanga, fishers reported that irregular rainfall and rising sea temperatures have altered fish migration patterns. These fish folks asserted that formerly predictable fish movements driven by January rains have shifted, thus forcing fish further offshore beyond the reach of non-motorized canoes.

Similarly, in Lindi and Mtwara, fishing crew reported rising sea temperatures, widespread coral bleaching, and declining fish stocks. To add on, coral loss, observed by fisheries officers and wardens, threatens breeding grounds critical for sustaining fish populations. Additionally, the study noted that Seaweed Farmers (mostly women) face reduced yields due to fluctuating water temperatures. These losses undermine household incomes, affecting children's education and basic welfare.

4.9.4 National Climate Change Response Strategy and Local Adaptation

Tanzania's National Climate Change Response Strategy (NCCRS) 2021–2026 under Commitment 11.2 sets ambitious targets:

- 70% adoption of climate-friendly fishing technologies
- 50% reduction in post-harvest losses
- 50% engagement of SSF households in diversified livelihoods by 2026

The Strategy's objectives (section 1.4) specifically commit to:

- *"Promote the production and integration of traditional weather and climate services for improved warning systems and reducing climatic disaster risks."*
- *"Devise and implement strategic adaptation and mitigation measures in line with ... the Sendai Framework for Disaster Risk Reduction (SFDRR)"*

This establishes a national focus on early warning, preparedness, and resilience-building as part of its adaptation framework. From a human-rights standpoint, these measures directly contribute to protecting the right to life and security, by reducing risks from extreme events; the right to an adequate standard of living, by safeguarding livelihoods through resilience and preparedness; and the right to participation and information, through the Strategy's emphasis on *community awareness, gender responsiveness, and inclusive governance*.

Climate-Friendly Technologies

The research observed that in Muheza, small groups of fishers accessed government-backed loans to buy motorized boats, thus, enabling them to reach deeper waters. However, these interventions remain limited in reach. Some beneficiaries noted that loan repayment prices were nearly four times higher than the boats' cash value. This pricing framework discourages wider uptake of climate-smart technologies among SSF communities.

Post-Harvest Losses

The research further observed that significant post-harvest losses persist, particularly among women processors. For example, in Mkinga, women who sun-dry sardines on open sands suffer major losses during the rainy season. This undermines Commitment 11.2, as the NCCRS nears completion with minimal progress on this target.

Livelihood Diversification

While the Fisheries Sector Master Plan (2021/22–2036/37) notes that 58% of SSF actors have diversified income sources (p.13), the NCCRS set a diversified livelihood sources for SSF communities target at 50% by 2026. The conflicting numbers suggests that the NCCRS was not informed by existing national data.

Local consultations further noted that crew members, in particular, remain solely dependent on fishing, this amplifies their climate vulnerability. Also, the mismatch on baselines and targets between the fisheries sector master plan and the NCCRS reflects inadequate coordination between the Vice President's Office – Division of Environment (VPO-DoE) and the MLF.

4.9.5 Climate Information and Early Warning Dissemination

Furthermore, under Commitment 11.5, the NCCRS aims to downscale 70% of conventional weather forecasts by 2026 and ensure 80% of SSF access timely and reliable climate information. Local consultations highlight that some progress has been made in this area. For instance, in Mkinga, the District Council collaborates with TMA to disseminate weather alerts via WhatsApp groups. This is a promising step in last-mile delivery of early warning systems.

However, such practices remain unstructured and are not widely replicated in other areas. Their effectiveness depends on the presence of strong SSF associations, which remain fragile and underdeveloped. The research did not identify any functional SSF unions at the district or regional level. Moreover, to be truly effective and equitable, climate information services must not only be timely but also presented in formats and local languages that SSF communities can easily understand and apply in their day-to-day decision-making

4.9.6 Alternative Livelihoods and Sustainability Concerns

The Fisheries Sector Master Plan (2021/22–2036/37) notes that 58% of SSF have diversified income sources. The research observed that NGO-supported initiatives often have strong immediate impact on livelihood diversification, but their sustainability is constrained by funding challenges; for example, when USAID programs were discontinued under the Trump administration, support for ongoing projects was abruptly halted.

The study noted that few government-led initiatives, including vocational training through Vocational Education and Training Authority (VETA) and savings and credit schemes such as Village Community Banks (VICOBA) under the MLF, provide for stable and enduring avenues for SSF to enhance income, improve resilience, and support long-term sustainability. However, these measures remain limited in coverage and are not widely implemented across SSF communities.

From a human rights perspective, the promotion of alternative livelihoods must be grounded in principles of participation, consultation, and inclusiveness. General Comment No. 27 (2025) of the CESCR emphasizes that environmental governance and sustainable development initiatives should respect the rights of communities that depend on natural resources for their livelihoods. In this regard, States are encouraged to ensure that communities affected by environmental policies, conservation measures, or development initiatives are meaningfully consulted and actively involved in designing and implementing livelihood transition strategies. Participation helps ensure that alternative livelihood initiatives are culturally appropriate, economically viable, and aligned with the needs and priorities of affected communities.

4.9.7 Legal and Policy Gaps

The research has noted several legal and policy gaps, including the following:

Table 4-3: Legal and Policy Gaps in Disaster Risk Management and Climate Adaptation for SSF

N	Challenge/Gap	Implications for SSF	Right Potentially Infringed
1	No SSF-specific disaster plans in the Disaster Management Act of 2015	SSF remain unprotected from sector-specific risks and disasters.	Right to life, safety, and protection from disasters
2	Low awareness of DMA and its services amongst SSF communities	Excludes SSF from early warnings and preparedness information.	Right to life, right to information

N	Challenge/Gap	Implications for SSF	Right Potentially Infringed
3	Poor coordination between VPO-DoE and MLF	Disjointed efforts delay support to SSF.	Right/Duty to effective public service and accountability
4	Contradictory baselines in national plans	Misinformed targets hinder proper support and adaptation tracking.	Right to participation in public affairs, and transparency
5	Weak or absent SSF institutions at district and regional levels	Limits fishers' voice, representation, and access to support.	Freedom of association, and the right to participation
6	High cost of climate-friendly fishing technologies	Inaccessible to most SSF; increases economic vulnerability.	Right to work, economic opportunity, and equality
7	Persistent post-harvest losses (esp. among women)	Women lose income and food security is compromised.	Right to livelihood, gender equality, right to food
8	Overdependence on donor-funded programs	Sustainability threatened; communities face setbacks after donor exits.	Right to sustainable development
9	Unstructured early warning systems (e.g., WhatsApp alerts)	Unequal access across districts; inconsistent protection.	Right to non-discrimination and access to information

4.10 POLICY INTEGRATION AND COORDINATION FOR SSF

Effective Ocean governance and the sustainable use of marine resources require institutional coordination across government ministries and agencies, as well as collaboration with civil society, SSF communities, and independent oversight institutions.

Sectoral policies, such as fisheries management, environmental protection, climate adaptation, and Blue Economy initiatives can contribute to the realisation of human rights in SSF communities.

Human Rights Standards

CESCR General Comment No. 27 (2025):

- Emphasizes that States must adopt coherent and coordinated policies to ensure that environmental governance and development initiatives respect and protect economic, social, and cultural rights, particularly for communities dependent on natural resources.
- States should integrate a gender-responsive and whole-of-government approach into all sustainable development policies, especially relating to disaster risk reduction, climate change, pollution, biodiversity protection and natural resource management (para. 45).

4.10.1 Integration of Human Rights into SSF Policy Frameworks

Tanzania's approach to SSF reflects a growing commitment to inclusive and rights-based development. The NPoA-SSF Guidelines explicitly adopts a HRBA to fisheries governance. This ensures equitable participation of both women and men in decision-making, resource management, and benefit-sharing; advancing gender equality, social justice, and community empowerment.

The Fisheries Sector Master Plan reinforces this direction by acknowledging gaps in stakeholder inclusion, especially among women, youth, and marginalized groups. It prioritizes strategies to enhance their meaningful engagement in sector development, aiming for fair distribution of small-scale fisheries benefits. Essentially, by embedding HRBA principles in policy and governance, Tanzania aligns small-scale fisheries development with broader national goals of social inclusion and sustainable economic growth.

4.10.2 Implementation Challenges and Opportunities

Despite progressive legal and policy frameworks, practical implementation has historically lagged. A national stakeholder emphasized that sustained progress remained limited until the introduction of the FAO SSF Guidelines, which now serve as a critical tool for translating policy into action. However, he asserted that widespread understanding and internalization of the NPoA-SSF Guidelines remain limited across stakeholder groups.⁸⁸

4.10.3 Extending Human Rights Protections for SSF Beyond Fisheries Governance

Tanzania's 1977 Constitution provides a foundational legal framework for protecting the rights of SSF. It guarantees equality, non-discrimination, public participation, and the right to work, including livelihood activities such as fishing. It also recognizes public ownership of natural resources, including land and marine ecosystems critical to SSF communities.

CHRAGG, established under the Constitution,⁸⁹ is tasked promoting and protecting human rights in Tanzania, including human rights of SSF. Its mandate includes receiving and investigating human rights violations, mediating disputes, and initiating legal action.

However, this study found SSF communities' limited engagement with CHRAGG's mechanisms, revealing a significant gap between legal protections and practical enforcement. CHRAGG plays an advisory helping ensure broader development plans uphold human rights. Under the enabling legislation,⁹⁰ CHRAGG can review laws, advise the government and private sector, and promote rights integration in national planning, including for SSF and the fisheries sector.

SSF involvement in major frameworks, such as the 25-Year Development Vision (Vision 2050) remains minimal. This in turn, limits visibility of SSF concerns in national strategies.

Additionally, the Ministry of Constitution and Legal Affairs (MOCCLA) coordinates cross-sectoral human rights interventions, including those targeting social protection, legal access, and financial inclusion for SSF under the NPoA-SSF Guidelines. However, inadequate inter-ministerial coordination, persistent funding shortfalls, and delayed implementation continue to hinder progress, undermining the realization of rights based and inclusive fisheries governance.

5.1 GOVERNANCE OF TENURE

SSF have rights to land and marine resources. Tenure rights directly impact SSFs livelihood and enjoyment of economic, social, and cultural rights, such as the right to food, to an adequate standard of living and to their cultural identity.

5.1.1 Key Human Rights Standards

- Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats (CESCR General Comment No. 4 (1991)).
- States must ensure SSF rights to secure tenure of and equitable access to land and marine resources natural resources critical for their livelihoods (CESCR General Comment No. 27 (2025), para. 84).
- States are required to take special measures for the most marginalized groups in rural areas, such as SSF and rural women, as they often face systemic discrimination in accessing land and marine resources (CESCR General Comment No. 27 (2025), para. 85).
- States must respect and, as far as possible, protect the customary rights of SSF communities to seas, rivers, lakes and aquatic resources, while promoting alternative income-generating opportunities (CESCR General Comment No. 27 (2025), para. 85).

5.1.2 Strengths in Laws, Policies and Practice

Security of tenure:

- The decentralised system of fisheries management where SSF co-manage the fishery resources through BMUs is a good practice of an inclusive “bottom-up” mechanism for ensuring access to and use of marine resources.
- The Fisheries Act gives recognition of the traditional fishing practices, needs and interests of SSF communities who depend on the resource.

- The Fisheries Act prohibits denying local communities access to fishing grounds without valid cause, but this only applies to aquaculture developments.

Compensation to SSF for dispossession of tenure rights:

- The Marine Parks and Reserves Act allow the government to acquire land for marine park purposes and for compensation in according to the land law, but there is a legal gap since the law is silent on compensation for loss of access to marine resources.

5.1.3 Gaps in Laws, Policies and Practice

Security of tenure:

- SSF do not have a clearly defined zone, such as an exclusive or preferential access area for SSF. This creates tenure rights risks in a context characterised by increased focus on conservation and competition over land and marine resources in the Blue Economy.

Compensation to SSF for dispossession of tenure rights:

- The Fisheries law does not specify a due process or mechanism for relocation or dispossession of SSF due to conservation or for the loss of access or low catch to the SSF communities resulting from encroachment of industrial fishers.
- Top-down conservation approaches sometimes fail to respect human rights, leading to displacement, loss of customary tenure rights and conflict over access and use of resources.
- SSF sometimes experiences hurdles and eviction without compensation or resettlement when their traditional lands and fishing grounds are involved in potential investment in the Blue Economy related to tourism and construction of hotels, gas and mining activities along the coastal areas where they usually depend on fisheries for their livelihood.
- The closure of coastal areas and fishing grounds due to MPAs or investments constitutes dispossession of tenure rights and displacement for SSF even if they are not physically relocated and must be legally acknowledged as such

5.1.4 Recommendations

1. The Government, through the MLF should strengthen the legal security of land and marine tenure rights, including issues of preferential access, demarcation of exclusive areas for SSF in ways that are consistent with human rights and the implementation of the SSF Guidelines. The prohibition of denying local communities access to fishing grounds without good cause should also apply to all other sectors of the Blue Economy, not only in relation to aquaculture. 'Good cause' must also be defined in law.
2. The Government through the MLF and VPO collaborate to revise and adopt national legal frameworks in Tanzania Mainland to formally incorporate direct financial compensation, livelihood restoration programs, and community development benefits for SSF as mandatory provisions when establishing marine parks and reserves, investment in tourism, extractives in sea and conservation or undertaking other activities that may restrict tenure rights and negatively impact human rights enjoyment.
3. MLF collaboration with CHRAGG and NGOs to promote a HRBA to fisheries management and conservation inside and outside MPAs, and the implementation of the SSF Guidelines, including raising public awareness on responsible governance of tenure and tenure rights of SSF.
4. The MPRU should adopt a more inclusive MPA design process, consult widely with local communities in a way that adheres to human rights standards for meaningful participation before establishing marine parks, consider the rights of SSF by documenting historical use, engaging these SSF groups in participatory zoning discussions, and potentially allowing seasonal or regulated access based on negotiated agreements.

5.2 SOCIAL PROTECTION FOR SSR

Access to social security, healthcare and social services for SSF is essential for reducing vulnerability and inequality, and enhancing their resilience when facing environmental degradation, declining fish stocks, marine pollution, and climate change risks and impacts.

5.2.1 Key Human Rights Standards

- States shall recognize the rights of peasants and other people working in rural areas (including SSF) to social security, including social insurance, and, in accordance with national circumstances, should establish or maintain their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level (UNDROP Art. 22.3).

- States should take deliberate and targeted steps to progressively realize the right to social security, paying particular attention to those who remain unprotected, including women, workers in precarious employment relationships, and those in the informal economy, such as SSF (CESCR General Comment No. 27 (2025), para. 56).
- States must ensure that social security systems are adequately funded, resilient to future shocks, and designed to meet long-term needs, using the maximum available resources. Where national resources and capacity are insufficient to ensure sustainable social protection systems, states must seek international assistance and cooperation (CESCR General Comment No. 27 (2025), para. 57).

5.2.2 Strengths in Laws, Policies and Practice

- The NSSF and banks are in the process of establishing special schemes for SSF. SSF in Mtwara and Lindi expressed willingness to join the schemes and recommended a meeting with NSSF to learn more about social security and schemes suitable to them.

5.2.3 Gaps in Laws, Policies and Practice

- There is a lack of formal social security systems for SSF. Many communities, particularly in Moa, face economic vulnerability due to low catches, illness, or injury, and there are no safety nets in place to support them during these times.
- The lack of social protection undermines the resilience of SSF communities and exacerbates their reliance on often-depleting marine resources.

5.2.4 Recommendations

1. The Government, through the Prime Minister Office, Labour, Youth, Employment and Persons with Disability should ensure that SSF, including fish workers and those in informal and seasonal employment, are covered by appropriate social security mechanisms.
2. The MLF through the NSSF to conduct community-level consultations to co-design accessible social security packages that reflect SSF-specific working conditions and risks (e.g. weather-related shocks, gear loss, or health crises) and have specific focus on women and marginalized SSF groups.

5.3 SUSTAINABLE FISHERIES MANAGEMENT

The sustainable management of marine resources is essential to ensure healthy marine ecosystems. SSF have rights to have healthy marine ecosystems as part of their right to a clean, healthy and sustainable environment, their right to food, to an adequate standard of living and to their cultural identity. Overfishing, illegal fishing and pollution threaten the realization of these human rights.

5.3.1 Key Human Rights Standards

- Peasants and other people working in rural areas (including SSF) have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage (including marine resources) (UNDROP Art. 18.1).
- States shall take appropriate measures, in accordance with their relevant international obligations, to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas (including SSF) (UNDROP Art. 20.1).
- States must ensure the meaningful participation of SSF communities in the design, implementation, and monitoring of environmental measures, including policies affecting marine resource governance (CESCR General Comment No. 27 (2025), para. 84).
- Recognizing the crucial contribution of SSF to the sustainable use and management of natural resources and ecosystems, states must protect and promote their traditional knowledge, innovations and practices (CESCR General Comment No. 27 (2025), para. 84).

5.3.2 Strengths in Laws, Policies and Practice

- Several legal and policy initiatives that have been implemented to address overcapacity and overexploitation. These include the establishment of governance frameworks like BMUs and CFMAs aimed at promoting community-based fisheries management. Establishment of marine reserves and restricted areas, efforts on MSC and enforcement mechanisms like regular patrols and cooperation with NGOs for community-based environmental actions.
- Tanzania has legal mechanisms in place to address illegal fishing, including the Fisheries Act, and its enabling regulations, which establishes fines, imprisonment, and vessel seizures for violations. MCS systems are also codified in law, and enforcement institutions such as the MPRU and District Fisheries Offices are mandated to implement these controls.

- The government has partial success in addressing dynamite fishing. BMUs have been instrumental in reducing illegal fishing. Non-state actors, such as NGOs like Mwambao Coastal Community Network, WCS, Sea Sense, and WWF have played a crucial role in addressing illegal fishing by supporting co-management approaches and bolstering law enforcement.

5.3.3 Gaps in Laws, Policies and Practice

Overexploitation:

- Tanzania is seeing an increase in fishing capacity and overexploitation of the fisheries resource, resulting in declining fish stocks, reduced catches, lost income, rising fish prices and fish processing factory closures.
- Challenges in curbing of overfishing are complex. They include limited enforcement of laws and policies, corruption, unregulated fisheries, cross-border fish trade, lack of trade monitoring, lack of effective feedback mechanisms where SSF can report on implementation of policy measures, report illegal practices or raise concerns about enforcement, and limited knowledge on the available state-based non judicial grievance mechanisms like CHRAGG.

Illegal fishing:

- There are Illegal fishing practices in Tanzania's coastal regions, such as small-mesh nets, beach seines, fish poisoning, "Juya la Kojani," and dynamite fishing.
- Different authorities are addressing illegal fisheries with some success but there are issues of poor coordination between different government departments and authorities. There are shortcomings in curbing other forms of illegal fishing due to gaps enforcement and corruption. Regional differences exist in enforcement of fishing regulations and the persistence of illegal fishing practices.

Lack of data to monitor fish stocks:

- Absence of accurate fish stock assessment data leads to ineffective fisheries management, which hinders the ability to make informed decisions on fisheries management and adequately prevent depletion of stocks.
- SSF communities have local knowledge of the fish stock, vital for data collection and analysis in monitoring of fish stocks. However, many BMUs lack the means to adapt to declining stocks leaving communities vulnerable to continued resource depletion and further compounding the economic and social hardship in SSF communities.

Pollution of the marine environment:

- Marine pollution remains a pressing concern in Tanzania's coastal regions. Perceptions of its severity vary among stakeholders. Civil society organizations highlight significant threats posed by plastic waste and industrial waste. Sources of pollution and degradation of the marine environment is coming from activities within and outside the fisheries sector. In fisheries, specific fishing gear like dynamite fishing and shrimp trawlers is causing marine pollution and degradation. Land-based sectors like farming pesticides, plastic and waste management contribute to pollution and degradation of the marine environment.
- There is an urgent need to reassess the legal and policy frameworks and enforcement of existing regulations to ensure comprehensive protection of the marine environment, and uphold the right to a clean, healthy and sustainable environment.

5.3.4 Recommendations

- 1.The Government, through the MLF and LGAs, should follow a HRBA when enforcing fisheries laws, policies and regulations to address illegal fishing practices to avoid destroying marine eco-system and tenure rights infringement for seaweed farmers, for example Juya la Kojani.
- 2.The Government, through MLF and LGAs to strengthen the capacity of BMUs to assist in collecting data and monitoring fish stocks and ecosystems, and include local knowledge, for example, to verify data analysis.
- 3.The VPO and NEMC in collaboration with CHRAGG to conduct impact assessment of new and emerging pollution threats from land and ocean sources and changes to the marine ecosystem for example from gas exploitation, extractive industries and construction of dams, and integrate human rights aspects into the Environmental Impact Assessment and develop guidelines, including impact for SSF communities' access to marine resources.

5.4 PARTICIPATION OF SSF COMMUNITIES, INCLUDING WOMEN AND MARGINALIZED GROUPS

Meaningful participation of SSF in fisheries management, the Blue Economy sector development, MSP and marine conservation is not only a right of SSF communities. It is also a means to secure more effective management and shared ownership of sustainability initiatives.

5.4.1 Key Human Rights Standards

- Women shall have the right to live in a healthy and sustainable environment (Maputo Protocol Art. 18.1). States Parties shall take all appropriate measures to: a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels (Maputo Protocol Art. 18.2.a).
- States must ensure the meaningful participation of affected individuals and groups throughout all stages of the decision-making, this includes SSF communities dependent on marine resources. They must be effectively consulted and able to influence environmental and development decisions affecting their livelihoods (CESCR General Comment No. 27 (2025), para. 77).
- Meaningful participation and consultation (including for SSF communities) must: be conducted in good faith, be an on-going process (before, during, after decisions) and conducted with legitimate representatives of the concerned rights-holders. There must be sufficient and transparent information in relevant languages and formats. There must be a genuine opportunity to influence decisions, and consultation must be free of pressure (no fear of retaliation) (OHCHR Guidelines on the effective implementation on the right to participate in public affairs (2018)).

5.4.2 Strengths in Laws, Policies and Practice

- BMUs should provide a decentralized governance mechanism allowing SSF communities to participate in fisheries management at the local level.
- The National Fisheries Policy (2015) and the Fisheries Sector Master Plan (2021/22–2036/37) emphasize community participation and co-management in fisheries governance.
- Civil society organizations and community networks have supported capacity building and community engagement in fisheries governance processes.

5.4.3 Gaps in Laws, Policies and Practice

- Participation of SSF communities in fisheries governance is sometimes limited to consultation rather than meaningful participation in decision-making at both local and national level.
- Women, fish processors, fishing crews, and youth are often underrepresented or have limited influence in fisheries governance structures, including in BMUs.

- Limited access to information, power imbalances between stakeholders, and insufficient capacity-building opportunities can hinder effective participation of SSF communities.
- The absence of strong fisher unions or similar national platforms is a barrier that contributes to inadequate representation and disorganization among SSF at the national level.

5.4.4 Recommendations

1. The Government, through MLF, should collaborate with SSF stakeholders, including CSOs, to strengthen women's leadership and representation in decision-making processes both within BMUs and national level.
2. The Government, through the Ministry of Development, Gender and Special Group, should facilitate the establishment of a national platform or federation of SSF to serve as an advisory body on fisheries policies and MSP processes. Such a platform or federation to be inclusive of women and marginalized groups such as fish processors and fishing crews.
3. The Government, through the VPO and the MLF, should develop guidelines for effective consultation of SSF communities prior to any development initiative that could impact their human rights, including their tenure rights. The Guidelines to be aligned with the right to access information and the right to participate in decision-making processes, and SSF Guidelines.

5.5 GENDER EQUALITY

Human rights guarantee equal rights for men and women to the enjoyment of all economic, social, and cultural rights.

5.5.1 Key Human Rights Standards

- Achieving equality between men and women in the enjoyment of economic, social, and cultural rights across all policy areas is a precondition for sustainable development (CESCR General Comment No. 27 (2025), para. 42).
- States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (a) To participate in the elaboration and implementation of development planning at all levels; (c) To benefit directly from social security programmes; (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment; (f) To participate in all community activities; (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes; (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications (CEDAW Art. 14).

- Special measures are required for the most marginalized groups in rural areas, such as SSF and rural women, as they often face systemic discrimination in accessing land and marine resources (CESCR General Comment No. 27 (2025), para. 85.).

5.5.2 Strengths in Laws, Policies and Practice

- The definition of “fisherfolk” in the Fisheries Regulation No. 308 of 2009 includes fishers, fish processors and traders, many of which are women. This is an inclusive approach to defining SSF, which is aligned with the SSF Guidelines.
- National legal and policy frameworks promote gender equality and women’s empowerment, including in natural resource governance.
- Organizations such as TAWFA contribute to strengthening women’s representation and advocacy within the fisheries sector.
- Some fisheries governance initiatives promote women’s participation in BMUs and community-level decision-making structures.
- There are strong legal protections against sexual exploitation and harassment. These laws provide general safeguards that also extend to women in SSF communities.

5.5.3 Gaps in Laws, Policies and Practice

- Women often face structural barriers in accessing marine resources, fishing assets, and financial services.
- Cultural norms and traditional gender roles may limit women’s participation in fisheries governance and leadership positions.
- Women are frequently concentrated in post-harvest activities such as fish processing and trading, with limited influence over fisheries management decisions.
- The role of women in decision-making remains limited in BMUs despite the 30% minimum percentage of women in leadership roles within BMUs.
- Fisheries laws and regulations do not explicitly address gender equality and contain no special measures for women and marginalized groups to address face structural barriers they face.

5.5.4 Recommendations

1. MLF and SSF stakeholders should continue strengthening SSF organizations representing women, including TAWFA, to perform their roles at all levels, including human rights awareness raising and leadership training.
2. MLF to revise the BMU Guidelines to increase the 30 % of elected positions designated for women in BMUs to 50 %, and develop training and mentoring for women in BMUs, for example, via national leadership mentorship programs for women in fisheries.
3. MLF and BMU to strengthen women's tenure rights and access to marine resources, and design actions to prevent sexual exploitation and harassment and child abuse in SSF communities.
4. MLF, through its Gender Desk and BMUs, to collaboratively work with CHRAGG to address gender-related human rights issues affecting women in SSF communities. This collaboration should include establishing a mechanism for reporting gender-based human rights incidents or violations, conducting joint capacity building initiatives and implementing annual, monitoring, research, case studies to inform targeted assessments and policy responses.

5.6 ACCESS TO REMEDY

SSF have rights to seek justice, redress, or compensation for human rights violations through accountability mechanisms and via judicial and non-judicial justice systems.

5.6.1 Key Human Rights Standards

- States have obligations to provide an effective and enforceable remedy for violations of the rights and freedoms in the Covenant by competent judicial, administrative, or legislative authorities or any other competent authority provided for by the legal system of the State (ICCPR Art. 2.3).
- States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation (UNDROP Art. 12.2).
- Where economic, social or cultural rights are violated due to environmental degradation, States must ensure access to timely, affordable and effective judicial and non-judicial remedies, providing victims with access to reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (CESCR General Comment No. 27 (2025), para. 87).

5.6.2 Strengths in Laws, Policies and Practice

- Tanzania provides judicial mechanisms through national courts for addressing violations of rights.
- Non-judicial mechanisms, such as CHRAGG, offer additional avenues for addressing human rights complaints.
- The Fisheries Act (2003) and the Fisheries Regulations (2009) set out dispute resolution mechanisms, and it gives BMUs the mandate to settle fisheries disputes.

5.6.3 Gaps in Laws, Policies and Practice

- Awareness of available grievance mechanisms remains limited among many SSF communities.
- Barriers such as legal costs, limited access to legal assistance, and geographic distance from formal institutions can discourage SSF from seeking remedies.
- There is limited integration of human rights considerations into fisheries governance and grievance handling mechanisms.
- SSF have experienced infringements of tenure rights and displacement without mechanisms for compensation or livelihood alternatives.

5.6.4 Recommendations

1. The Government, through MLF and SSF stakeholders to conduct capacity building on available remedy mechanisms, both judicial, and CHRAGG as a state-based non-judicial mechanisms.
2. The MLF to build the capacity and encourage BMUs to report human rights incidents to CHRAGG headquarters, Zanzibar office, and branch offices in Mtwara, Pemba, Mwanza and Dar es Salaam. Reporting should be conducted quarterly, using a harmonized template, and include details on the nature of incidents, affected groups, and follow-up actions taken.
3. Government, through MLF and the Prime Minister's Office (Labour, youth, Employment and Persons with Disability) to enforce labour laws and standards relating to employment contract to enhance the ability of SSF to claim remedies through legal or administrative channels.
4. The Government, through the MLF, the VPO, and other Ministries, Departments, and Agencies to collaborate to ensure due process and adequate reparation (including compensation) when undertaking activities that may restrict tenure rights, involve displacement, or other ways negatively impact the enjoyment of human rights of SSF communities.

5.7 BLUE ECONOMY AND MSP

The report warns that Blue Economy and MSP processes may deepen exclusion of SSF and intensify competition over marine space. Aligning policy frameworks for the development of the Blue Economy and MSP processes with human rights, and drawing on human rights guidance, is essential to ensure that coastal communities and future generations benefit from the Blue Economy. This can be achieved by applying a HRBA in the development and implementation of Blue Economy plans, initiatives, and MSP processes.

5.7.1 Key Human Rights Standards

- CESCR General Comment No. 27 (2025) generally emphasizes that environmental governance and development initiatives must respect, protect, and fulfil economic, social, and cultural rights, particularly for communities that depend on natural resources for their livelihoods, such as SSF communities.
- States must ensure that exploitation of natural resources, whether by national or foreign entities, is adequately regulated, so that the benefits are fairly and equitably shared in ways that advance human rights (CESCR General Comment No. 27 (2025), para. 46).
- States have obligations to uphold procedural safeguards in all decision-making related to the exploitation of natural resources, including ensuring meaningful public participation, access to timely and comprehensible information, and adherence to human rights principles throughout the licensing and concession processes (CESCR General Comment No. 27 (2025), para. 47).
- The issuance of licences or permits must be preceded by independent and participatory environmental and human rights impact assessments, aimed at identifying potential harm to international human rights law and local ecosystems. These assessments should inform decision-making and be accompanied by effective mechanisms for redress, particularly for affected communities (CESCR General Comment No. 27 (2025), para. 47).

5.7.2 Strengths in Laws, Policies and Practice

- Tanzania has adopted the National Blue Economy Policy (2024) and MSP Guidelines (2023), which recognize the importance of sustainable ocean governance and multi-sector coordination.

- The MSP framework promotes stakeholder engagement, including the participation of government institutions, civil society organizations, academic institutions, and coastal communities.
- Policies such as the National Fisheries Policy (2015) and NPoA-SSF Guidelines emphasize the need to protect the livelihoods of SSF and promote their participation in resource governance.

5.7.3 Gaps in Laws, Policies and Practice

- Blue Economy initiatives and MSP processes may increase competition over marine and coastal resources, potentially affecting SSF access to traditional fishing grounds.
- In some cases, development projects such as tourism infrastructure, extractive activities, and conservation initiatives may proceed without adequate consultation with SSF communities.
- There is limited integration of human rights considerations into Blue Economy policies and MSP processes, particularly regarding tenure security, livelihood protection, and compensation for dispossession of marine tenure rights and displacement.
- Institutional coordination between agencies responsible for fisheries, environment, and Blue Economy initiatives remains a challenge, potentially affecting the protection of SSF rights.

5.7.4 Recommendations

1. The Government, through VPO and MLF, should apply a HRBA to MSP processes to safeguard SSF tenure rights, participation and other rights, and ensure formal role for women and marginalized SSF groups in MSP processes.
2. The VPO and MLF to develop alternative livelihoods programmes in marine conservation, the MPS process and fisheries initiatives to be informed by climate change risks and their human rights, and be ecologically sustainable, culturally appropriate, and not undermine SSF tenure rights. These initiatives should be paired with training, access to markets, and alignment with MSP efforts.
3. The VPO, MLF, and non-state actors to conduct human rights Sector Wide-Impact Assessment in the Blue Economy to identify human rights impact on SSF and mitigation measures, also informing human rights due diligence.
4. The VPO and MLF to respond to the strategic actions in the National Action Plan on Business and Human Rights on 'Land Rights and Natural Resources', like MSP, and human rights due diligence.

5.8 CLIMATE CHANGE AND DISASTER RISKS

IMPLICATIONS FOR SSF

Tanzania's SSF are highly vulnerable to climate-related hazards such as storms, strong winds, flooding, and rising sea temperatures. Consultations with SSF communities confirm that climate change is disrupting SSF livelihoods. These disruptions also have human rights implications.

5.8.1 Key Human Rights Standards

- SSF communities have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge (UNDROP 18.3).
- CESCR General Comment No. 27 (2025) emphasizes that States must protect communities whose livelihoods depend on natural resources from the adverse impacts of climate change, environmental degradation, and biodiversity loss.
- State must address structural and systemic discrimination and inequality and safeguard such individuals and communities from human rights risks arising both from environmental harm and from measures taken in response. States must identify and prioritize the needs of individuals and groups in vulnerable or marginalized situations, taking into account intersectionality CESCR General Comment No. 27 (2025), para. 39).

5.8.2 Strengths in Laws, Policies and Practice

- Tanzania has adopted several climate change and disaster risk management frameworks, including the NCCRS and related national adaptation initiatives.
- Government institutions such as the VPO-DoE, the DMA, and TMA play roles in coordinating climate adaptation and disaster preparedness efforts.
- Early warning systems and disaster preparedness programs have been developed to improve national capacity to respond to extreme weather events and environmental hazards. Some disaster risk reduction strategies for SSF, such as early warning systems in Mkinga have been implemented.

5.8.3 Gaps in Laws, Policies and Practice

- Climate change impacts such as rising sea levels, coastal erosion, extreme weather events, and changing fish migration patterns increasingly affect SSF communities.
- Climate adaptation policies often lack targeted measures specifically addressing the needs and vulnerabilities of SSF.

- Limited access to climate information, early warning systems, and financial resources reduces the ability of SSF communities to adapt to climate-related risks.
- Climate and environmental policies sometimes do not sufficiently integrate human rights considerations or the livelihoods of SSF communities.

5.8.4 Recommendations

1. MLF to respond to gaps for SSF in the VPO plans and strategies on climate adaptation and disaster risks and ensure the development of targeted actions for SSF communities in line with human rights and NPoA-SSF Guidelines.

DMA and TMA to strengthen their direct collaboration with BMUs for local
2. implementation of early warning systems.

MLF to ensure any blue or green carbon credit projects must include human
3. rights safeguards, meaningful participation, equitable benefit-sharing, and other key principles to ensure rights realization for SSF and avoid harm to rights from climate projects.

5.9 POLICY INTEGRATION AND COORDINATION FOR SSF

Effective governance of natural resources requires institutional coordination across government ministries and agencies, as well as collaboration with civil society, local communities, and independent oversight institutions.

Sectoral policies, such as fisheries management, environmental protection, climate adaptation, and Blue Economy initiatives can contribute to the realisation of human rights in SSF communities. SSF communities have rights to be protected against rights risks arising both from environmental harm and from measures taken in response.

5.9.1 Key Human Rights Standards

- CESCR General Comment No. 27 (2025) emphasizes that States must adopt coherent and coordinated policies to ensure that environmental governance and development initiatives respect and protect economic, social, and cultural rights, particularly for communities dependent on natural resources.
- States should integrate a gender-responsive and whole-of-government approach into all sustainable development policies, especially relating to disaster risk reduction, climate change, pollution, biodiversity protection and natural resource management (CESCR General Comment No. 27 (2025), para. 45).

5.9.2 Strengths in Laws, Policies and Practice

- Tanzania has adopted several policy frameworks addressing fisheries governance, environmental protection, and coastal resource management, including the National Fisheries Policy (2015), the National Blue Economy Policy (2024), and NPoA-SSF Guidelines.
- The NPoA-SSF Guidelines, like the SSF Guidelines, explicitly adopts a HRBA to fisheries governance, and it has actions related to gender and SSF livelihood and links with policies and regulatory frameworks from other sectors and mentions policy coherence, institutional coordination and collaboration.
- Institutional structures involving the MLF, the VPO, and other government bodies provide a basis for coordination on marine resource governance and sustainable fisheries management.
- CHRAGG provides an important oversight mechanism for promoting and protecting human rights in Tanzania, including rights related to land and natural resource, including marine resources.

5.9.3 Gaps in Laws, Policies and Practice

- Despite the existence of multiple policy frameworks, coordination among institutions responsible for fisheries governance, environmental protection, and Blue Economy initiatives remains limited in practice.
- Human rights considerations are not consistently integrated into sectoral policies and implementation processes, including fisheries management and MSP.
- Limited awareness and capacity among sectoral institutions may hinder the effective implementation of a HRBA to fisheries governance.
- Weak coordination between government institutions and stakeholders may reduce the effectiveness of policies aimed at protecting the livelihoods and rights of SSF communities.

5.9.4 Recommendations

1. Government, through relevant ministries mentioned in the NPoA-SSF Guidelines to respond on actions for the realization of human rights of SSF communities and enhance coordination and collaboration with CHRAGG in this regard.
2. The Government to enhance the capacity of state fisheries and conservation actors, including MLF, MPRU, TARIFI, VPO and LGAs by conducting targeted training on human rights, and HRBA to fisheries and conservation. This should include annual workshops, integration of HRBA modules into institutional training curricula, and development of monitoring tools to assess uptake and application in policy and practice.

¹ DIHR, the Human Rights Guide to Fisheries at <https://fisheries.humanrights.dk>

² See URT (2022) Fisheries Sector Master Plan, at <https://www.mifugouvuvu.go.tz/uploads/publications/sw1675842370-TZA-%20FISHERIES%20SECTOR%20MASTER%20PLAN.pdf>.

³ Fisheries Sector Master Plan (supra).

⁴ Onyango, P. O., and Yahya, B. M. (2022). A Situational Analysis of Small-Scale Fisheries in Tanzania: From Vulnerability to Viability. V2V Working Paper 2022-6. V2V Global Partnership, University of Waterloo, Canada.

⁵ See FAO, United Republic of Tanzania, at <https://ssfex.fao.org/>.

⁶ For an introduction to the five HRBA principles, see for example, DIHR 2024. The HRBA Check - a human rights-based approach accountability mechanism.

<https://www.humanrights.dk/publications/hrba-check-human-rights-based-approach-accountability-mechanism>, and DIHR's e-course about Human Rights Based Approach (HRBA). <https://training.humanrights.dk/course/view.php?id=102>

⁷ Interview with the National Task Team on implementation of FAO SSF Guidelines in Tanzania.

⁸ Interview with MLF representative.

⁹ A remark made during the SSF rights training workshop conducted by DIHR to CHRAGG staff in April 2025.

¹⁰ Interviews with the National Task Team on implementation of FAO SSF Guidelines in Tanzania and FAO Tanzania representatives.

¹¹ Interview with a representative from FAO Tanzania.

¹² Interview with a representative from FAO Tanzania.

¹³ <https://www.mozambiqueing.co.mz/first-fisher-compensation-agreements-signed/>.

¹⁴ <https://www.seacology.org/project/62-kenya/>.

¹⁵ Mwaipopo, 2018; Shayo *et al.*, 2022.

¹⁶ Mwakosya and Mwaka, 2021.

¹⁷ Kapapa *et al.*, 2022. The vulnerability of fisheries-based livelihoods to climate variability and change in coastal small pelagic fishing communities in Tanzania. Marine Policy 169, 106344.

¹⁸ Summary REPORT Fishing in Mtwara and Tanga SSF Field Notes

¹⁹ KII – CSOs and Tanga SSF Field Notes

²⁰ Ibengwe *et al.*, 2022. Regional trade integration and its relation to income and inequalities among Tanzanian marine dagaa fishers, processors and traders. Marine Policy 137, 104975.

²¹ Ibengwe and Onyango, 2023. Revealing the hidden marine dagaa cross-border trade in mainland Tanzania. Rev Fish Biol Fisheries 33, 717–738. <https://doi.org/10.1007/s11160-023-09769-4>

²² Shayo *et al.*, 2022. Local area management strategy for small pelagic (dagaa) fishery in RUMAKI seascape fishing communities through the framework of COLLABORATIVE FISHERIES MANAGEMENT AREAS (CFMAs. WWF Tanzania Country Office, Dar Es Salaam, Tanzania.

²³ Regulation 2 of the Fisheries Regulation of 2009 provides that Ring net fishing is legal when used in waters deeper than 50 m without touching the seabed, but becomes unlawful if used in shallow coastal areas or outside designated zones.

²⁴ Document Review; KII with national stakeholders from MLF and TAFIRI.

²⁵ Interview with the representative from the SSF Guidelines National Task Team.

²⁶ See National Plan of Action for Implementation of the Voluntary Guidelines for Security Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (NPoA-SSF Guidelines), November 2021, at

https://www.fao.org/fileadmin/user_upload/ssf/documents/Tanzania_National_Plan_of_Action_Book.pdf.

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- ²⁷ FGDs with fish traders and processors in Mtwara and Lindi.
- ²⁸ Interview with a leader from a local women's rights organization called Tumaini Jipya la Wanawake Kilwa (TUJIWAKI).
- ²⁹ Interviews with fisheries officers in Lindi and Mtwara.
- ³⁰ FGD with fishing crew and fish traders and processors in Msimbati Ward; Interview with the CFMA Chairperson in Msangamkuu Ward; Interview with Msimbati Village Chairperson.
- ³¹ Interviews with the Warden of Kirui Marine Reserve and Fisheries Officer of Mkinga District.
- ³² Interview with the Fisheries Officer of Mkinga District.
- ³³ Interview with Fisheries Officer of Muheza District.
- ³⁴ Interview with wardens and local leaders.
- ³⁵ Interview with the representative from MLF.
- ³⁶ Interview with the representative from the SSF Guidelines National Task Team.
- ³⁷ Regulation 25(1) of the Fishery Regulations, 2009 [Every fishing community shall, in collaboration with relevant village government, form Beach Management Units to provide for Collaborative Fisheries Management for the purposes of managing, protecting and conserving fishery resources, biodiversity and the environment.]
- ³⁸ FGD with fish traders and processors in Msimbati Village.
- ³⁹ FGD with fishing Crew and Boat Owners & fish traders and processors.
- ⁴⁰ FGD with boat owners in Msimbati Village.
- ⁴¹ FGDs with fishing crew, boat owners, and fish traders and processors in Somanga Ward, Lindi.
- ⁴² FGDs with fishing crew and boat owners in Tanga.
- ⁴³ Interviews with Mtwara D.C Fisheries Officer and Somanga Ward (Kilwa D.C) Fisheries Officer.
- ⁴⁴ Out of 21 coastal villages in Mkinga, only three lack BMUs.
- ⁴⁵ Interview with Kigombe Warden in Tanga.
- ⁴⁶ Regulation 25(1) of the Fishery Regulations, 2009 [Every fishing community shall, in collaboration with relevant village government, form Beach Management Units to provide for Collaborative Fisheries Management for the purposes of managing, protecting and conserving fishery resources, biodiversity and the environment.]
- ⁴⁷ See B.N Kuboja et al (2024) 'Legal and Regulatory Framework for Small-Scale Fisheries in Mainland Tanzania: Practical Realities and Opportunities' in J. Nakamura et al (eds.), *Implementation of Small-Scale Fisheries Guidelines*, MARE Publication Series 28, https://doi.org/10.1007/978-3-031-56716-2_18.
- ⁴⁸ Mwakosya, Catherine & Mwaka, Innocent, *The Local Area Prawn Fishery Management Strategy for Rufiji Delta (2021-2026)*, WWF Tanzania, November 2021.
- ⁴⁹ B.N Kuboja et al (2024) 'Legal and Regulatory Framework for Small-Scale Fisheries in Mainland Tanzania: Practical Realities and Opportunities' (*supra*).
- ⁵⁰ Legal and Regulatory Framework for Small-Scale Fisheries in Mainland Tanzania: Practical Realities and Opportunities (*supra*).
- ⁵¹ The NPoA-SSF Guidelines of 2021.
- ⁵² Interviews with Somanga Ward (Kilwa D.C) Fisheries Officer in Lindi & Mtwara D.C Fisheries Officer in Mtwara.
- ⁵³ Interviews with Warden of Kigombe, in Muheza District and Warden of Kirui Island Marine Reserve Tanga; FGDs with SSF in Tanga, Mtwara & Lindi.
- ⁵⁴ Interview with the Mtwara D.C Community Development Officer.
- ⁵⁵ Interview with the Msangamkuu Ward CFMA Chairperson.
- ⁵⁶ FGD with fishing crew and boat owners in Msimbati Village, Mtwara D.C.
- ⁵⁷ Interview with ward and village leaders in Somanga Ward, Lindi; Interview with Mtwara D.C Community Development Officer
- ⁵⁸ BMU Guidelines of 2009.
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⁵⁹ See The United Republic of Tanzania, Ministry of Livestock and Fisheries, *The Fisheries Sector Master Plan (2021/22–2036/37)*. Available at <https://faolex.fao.org/docs/pdf/tan209310.pdf>.

⁶⁰ Interview with the representative from MLF.

⁶¹ FAO. 2023. *The contribution of women in small-scale fisheries to healthy food systems and sustainable livelihoods in the United Republic of Tanzania*. Rome, FAO. <https://doi.org/10.4060/cc5368en>.

⁶² See FAO. 2023. *The contribution of women in small-scale fisheries to healthy food systems and sustainable livelihoods in the United Republic of Tanzania*. Rome, FAO.

<https://doi.org/10.4060/cc5368en>; Gibe, A.M., J.N. Jeckoniah and F.A. Massawe. (2023). Gender Dynamics and Climate Variability in Small-Scale Fish Business: a Case of Mwanza Region, Tanzania. *Tanzania Journal of Agricultural Sciences*, Vol. 22 No. 02; Special Issue: 284-293. <https://www.ajol.info/index.php/tjags/article/view/263137/248389>; Sendall, A., Duong, G., Ward, A., Mushabe, M., Muumin, H., Luomba, J., Mwakiluma, Y., Khamis, K. & Mwaka, I. 2022. *The Lake Tanganyika sprat, sardine and perch value chain in the United Republic of Tanzania: Summary report*. Rome, FAO.

⁶³ Ibid; Bradford, Kirsten & Katikiro, Robert. (2019). Fighting the tides: A review of gender and fisheries in Tanzania. *Fisheries Research*. [10.1016/j.fishres.2019.04.003](https://doi.org/10.1016/j.fishres.2019.04.003)

⁶⁴ National Fisheries Policy; Fisheries Sector Master Plan

⁶⁵ NPoA-SSF Guidelines of 2021.

⁶⁶ NPoA-SSF Guidelines of 2021.

⁶⁷ Kipobota, Clarence (2021). *Decent Work and Social Development in Small-Scale Fisheries of Tanzania: Case Studies of Fishing Practices in Marine and Inland Waters of Kilwa Masoko, Kigoma, and Muleba Districts*. MLF & FAO.

⁶⁸ National Beach Management Unit (BMU) Guidelines, 2009.

⁶⁹ Interview with ward and village leaders in Somanga, Lindi; Interview with Mtwara D.C Fisheries Officer; FGD with fish traders and processors in Mtwara; FGD with fishers in Moa and Kigombe Villages in Tanga.

⁷⁰ FGDs and interviews with SSF and their leaders in Mtwara, Lindi, and Tanga; Interviews with NGO officials.

⁷¹ Interview with the NTT.

⁷² LHRC, 2023, Tanzania Human Rights Report 2023. Available at https://humanrights.or.tz/en/news-events/Lhrc_report_2023

⁷³ See FVO Concept Note for Reduction of Gender-Based Violence & HIV/AIDS Infections Among the Fisher Folks Community in Islands of Sengerema District. Available at <https://www.policyforum-tz.org/sites/default/files/ConceptGBVINFISHINGCOMMUNITIES.pdf>.

⁷⁴ Kadislaus Ezekiel 'Rushwa ya ngono inavyowatesa wanawake ziwa Tanganyika' Radio Tadio, 30 August 2024. Available at <https://radiotadio.co.tz/joyfm/2024/08/30/3240/>.

⁷⁵ Saada Amir 'Mwanamke jasiri anayetegemea uvuvi kuendesha maisha yake' Mwananchi Newspaper (online), 11 April 2023. Available at <https://www.mwananchi.co.tz/mw/habari/kitaifa/mwanamke-jasiri-anayetegemea-uvuvi-kuendesha-maisha-yake-4194836>.

⁷⁶ FAO. 2023. *The contribution of women in small-scale fisheries to healthy food systems and sustainable livelihoods in the United Republic of Tanzania*. Rome, FAO. <https://doi.org/10.4060/cc5368en>.

⁷⁷ Interviews with village and district authorities in Mtwara, Lindi, and Tanga.

⁷⁸ Interview with a representative from the SSF Guidelines National Task Team; Mwakosya and Mwaka, 2021; Shayo et al., 2022.

⁷⁹ FGDs with fish traders and processors and seaweed farmers in Mtwara and Lindi; Interviews with ward and village leaders in Mtwara and Lindi.

⁸⁰ Interview with the Mkinga D.C Fisheries Officer.

⁸¹ Interview with a representative from the SSF Guidelines National Task Team.

⁸² FGD with fishing crew in Msimbati Ward, Mtwara D.C; Interviews with fisheries officers in Mtwara D.C and Somanga Ward.

⁸³ Interviews with marine reserve wardens and local leaders in Mkinga and Muheza Districts.

⁸⁴ Interview with a representative from MLF.

⁸⁵ FGD with boat owners in Msimbati Ward.

⁸⁶ See for example LHRC (2024), Tanzania Human Rights Report 2023, LHRC: Dar es Salaam, at https://humanrights.or.tz/en/post/resources-center/thrr_2023.

⁸⁷ See Basic Principles and Guidelines on Development-Based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18, at

https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines_en.pdf.

⁸⁸ Interview with a representative from NTT.

⁸⁹ Article 129 of the Constitution of the United Republic of Tanzania of 1977.

⁹⁰ The Commission for Human Rights and Good Governance Act of 2001.

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April,
2026