



POLICY BRIEF

STRENGTHENING ACCESS TO REMEDY FOR SMALL-SCALE FISHERS IN TANZANIA



For a Just and Equitable Society



Introduction

Small-scale fishers (SSF) in Tanzania play a critical role in food security, livelihoods, and the coastal economy. However, many SSF communities continue to face significant barriers in accessing effective remedies when their rights are violated. These challenges arise in contexts such as displacement from traditional fishing grounds, restrictions linked to conservation initiatives, blue economy investments, industrial fishing, pollution, and unequal participation in marine governance.

This policy brief calls for a stronger human rights-based approach (HRBA) to fisheries governance and marine spatial planning. It recommends reforms aimed at improving access to justice, strengthening community-level dispute resolution, ensuring

meaningful participation, enhancing accountability of state and private actors, and establishing effective compensation and livelihood restoration mechanisms where displacement or rights restrictions occur.

The policy recommendations in this brief are proposed by LHRC. They are informed by the findings of the joint LHRC and CHRAGG research titled Report on Human Rights, Small-Scale Fisheries and Their Access to and Management of Marine Resources in Tanzania and are further informed by relevant national laws and policies, international frameworks, and available literature to identify priority actions for advancing climate justice and strengthening the climate resilience of SSF communities.

Summary of Key Issues

Across coastal communities in Mtwara, Lindi, and Tanga, SSF communities increasingly face disputes related to:

- ◆ Restricted access to traditional fishing grounds;
- ◆ Expansion of marine protected areas and conservation zones;
- ◆ Blue economy investments and tourism projects;
- ◆ Industrial fishing activities;
- ◆ Environmental degradation and pollution;
- ◆ Weak consultation and participation processes; and
- ◆ Limited compensation or livelihood restoration where displacement occurs.

The types of conflicts documented in the SSF communities include fishers 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.

While Tanzania has laws and institutions intended to support justice and accountability, many SSF communities struggle to access remedies due to:

- ◆ Limited legal literacy and awareness of rights;
- ◆ Financial constraints and high costs of pursuing claims;
- ◆ Weak enforcement of existing laws and decisions;
- ◆ Distance from formal justice institutions;
- ◆ Limited representation of marginalized groups, including women and fishing crews;
- ◆ Fear of retaliation or exclusion; and
- ◆ Weak coordination among institutions responsible for fisheries, conservation, environment, and human rights.

These barriers undermine not only fisheries governance, but also fundamental human rights, including:

- ◆ The right to work;
- ◆ The right to food;
- ◆ The right to participation in public affairs;
- ◆ The right to an adequate standard of living;
- ◆ The right to equality and non-discrimination; and
- ◆ The right to access justice and effective remedy.

Why Access to Remedy

Access to remedy is central to sustainable and human rights-based fisheries governance. Effective remedies:

- ◆ Promote accountability and transparency;
- ◆ Reduce conflicts over marine resources;
- ◆ Strengthen trust between communities and institutions;
- ◆ Protect livelihoods and food security;
- ◆ Enhance environmental



- ◆ sustainability; and
- ◆ Ensure that development and conservation initiatives do not marginalize vulnerable coastal communities.

Without effective remedies, SSF communities risk further exclusion from marine governance processes and increased vulnerability to poverty, displacement, and environmental harm.

Key Findings

Existing Legal Frameworks Provide a Basis for Remedy

Tanzania has several laws and policies relevant to access to remedy, including:

- The Constitution of the United Republic of Tanzania, 1977;
- Fisheries Act No. 22 of 2003;
- Fisheries Regulations (2009);
- Marine Parks and Reserves Act No. 29 of 1994;
- Environmental Management Act No. 20 of 2004;
- National Fisheries Policy (2015); and
- National Plan of Action for Small-Scale Fisheries (2021).

International and regional human rights instruments ratified by Tanzania also reinforce obligations relating to

justice, participation, equality, and protection of livelihoods.

Community-Level Governance Structures Exist but Face Limitations

Beach Management Units (BMUs), Village Liaison Committees (VLCs), and collaborative management structures provide important local platforms for participation and dispute resolution. However:

- Their effectiveness varies significantly;
- Some lack adequate capacity and resources;
- Women and marginalized groups remain underrepresented; and
- Decisions are not always adequately enforced.

Preference for Alternative Dispute Resolution (ADR)

The report has discovered that most SSF find 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, and an issue related to limited enforcement capacity of BMU decisions.



Displacement and Restrictions Often Occur

Conservation initiatives, tourism, gas projects, mining, and other blue economy investments may restrict access to traditional fishing areas and coastal resources. The report found that displacement or restrictions sometimes occur without:

- Meaningful consultation;
- Adequate compensation;
- Livelihood restoration measures; or
- Accessible grievance mechanisms.

Women and Marginalized Groups Face Greater Barriers

Women, migrant fishers, fishing crews, fish processors and traders, youth, and children are among the groups facing exploitation and marginalisation in the fisheries sector. They also often face additional barriers in accessing justice and participating in dispute resolution processes due to:

- Gender norms and discrimination;
- Limited representation in leadership structures;
- Economic dependency; and
- Social exclusion.

CHRAGG Has an Important but Underutilized Role

The Commission for Human Rights and Good Governance (CHRAGG) has a mandate to:

- Receive and investigate complaints;

- Promote human rights awareness;
- Conduct investigations;
- Mediate disputes; and
- Recommend reforms.

However, awareness of CHRAGG mechanisms among SSF communities remains limited, and stronger outreach and collaboration are needed.



Policy Considerations

There is urgent need for Tanzania to adopt a comprehensive and human rights-based approach to fisheries governance that focuses on:

- legal and policy reforms;
- accessible justice and grievance mechanisms;
- community-based dispute resolution systems;
- human rights safeguards in blue economy and marine spatial planning processes;
- legal awareness and empowerment of small-scale fishers; and
- livelihood restoration and compensation mechanisms for affected communities.

Policy Recommendations

To strengthen access to remedy for small-scale fishers (SSF) in Tanzania, the Government and relevant stakeholders should:

1. Enhance awareness of available remedy mechanisms

- The Government, through the Ministry of Livestock and Fisheries (MLF) and SSF stakeholders, should conduct regular capacity-building and awareness programmes on available judicial and non-judicial remedy mechanisms, including the mandate and services of the Commission for Human Rights and Good Governance (CHRAGG).



2. Strengthen reporting and accountability mechanisms

- The MLF should strengthen the capacity of Beach Management Units (BMUs) to document and report human rights violations affecting SSF communities to CHRAGG Headquarters and its offices in Zanzibar, Mtwara, Pemba,

Mwanza, and Dar es Salaam.

- Reporting should be undertaken quarterly using a harmonized reporting template that captures the nature of incidents, affected groups, and actions taken.

3. Improve labour rights protection within the fisheries sector

- The Government, through the MLF and the Prime Minister's Office (Labour, Youth, Employment and Persons with Disability), should strengthen the enforcement of labour laws and standards, including employment contracts, to enable SSF to effectively seek legal and administrative remedies when their rights are violated.

4. Guarantee due process, compensation, and reparation

- The Government, through the MLF, the Vice President's Office (VPO), and other Ministries, Departments and Agencies (MDAs), should ensure that all actions affecting SSF communities—including conservation initiatives, marine spatial planning, and blue economy investments—are undertaken in accordance with due process and accompanied by adequate reparation measures, including compensation, livelihood

restoration, and other appropriate remedies where tenure rights are restricted or displacement occurs.

5. Promote accessible and community-based dispute resolution

- The Government should strengthen Alternative Dispute Resolution (ADR) mechanisms and support local governance structures, including BMUs and Collaborative Fisheries Management Areas (CFMAs), to provide accessible, affordable, and timely resolution of disputes affecting SSF communities.

Conclusion

Tanzania has an important opportunity to strengthen justice, accountability, and inclusive marine governance by improving access to remedy for small-scale fishers. As blue economy and conservation initiatives expand, ensuring effective remedies for affected communities is essential to protecting livelihoods, reducing conflict, and advancing sustainable development.

A human rights-based approach (HRBA) to fisheries governance and Marine Spatial Planning (MSP) can help ensure that coastal communities are not excluded from the very marine resources upon which their survival and wellbeing depend. Ensuring effective access to remedy for small-scale fishers is both a human rights obligation

and a prerequisite for inclusive, equitable, and sustainable blue economy development in Tanzania.

Key References

1. *Report on Human Rights, Small-Scale Fishers and their Access to and Management of Marine Resources in Tanzania* (CHRAGG and LHRC, 2026).
2. National Plan of Action for Small-Scale Fisheries (NPoA-SSF Guidelines), 2021.
3. FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines), 2015.

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