



# CLARITY Case Study

**Referral pathway in context of community work  
for marginalized groups to rise their voice,  
access to justice and empowerment.**

CLARITY Project – Tanzania

Feb 2023

# Introduction

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## **Brief intro of the project and case study.**

CLARITY project in Tanzania addresses key challenges that exclude rural primary actors (particularly women, youth and PWDs) from equitably benefiting from the key economic sector (i.e., extractive, following direct investment hosted in their locality by private companies) and cause environment degradation. The project strives to bring together rural primary actor collectives and government to create a stronger regional enabling environment for civil society advocacy and transparency efforts. Through this project, we seek not only ignite accountability and transparency mechanisms at the community, private sector and government level; and strengthened rural primary actors collectives advocacy efforts to better engage with system actors at the regional level, but also to specifically ensure that non-traditional actors and rural primary actors voices start influencing economic focused decisions (i.e. on quality jobs, income, social inclusion, wellbeing, civil society support and protection) made at district/regional/national spaces through enhanced and diversified advocacy efforts that include previously excluded voices and perspectives.

The project is implemented in Tanzania in two regions: Geita and Mara. The national project partners include key Tanzanian institutions reputable for policy influencing and empowerment in key economic development sectors: Tanzania Policy Forum - TPF, Lawyers Environmental Action Team – LEAT, National Economic Empowerment Council – NEEC, the Tanzania Chamber of Commerce, Industry and Agriculture - TCCIA, and the Small Industry Development Organization -SIDO.

Following the above project background is concerned VSO in Tanzania is presenting a case study *“on established and strengthened referral pathways in the context of community work as action for communities particularly marginalized groups to raise their voice, access justice and empowerment”*.

The case study therefore illustrates and brings attention to active engagement of primary actor’s focus Civil Society Organizations – CSOs and building effective agencies within legal system with appropriate tools/system and competences in improved access and delivery of quality services in accessing justice which has increased sense of accountability. Further, The Case study Illustrates how CSOs agencies build communities around extractive area to access rights and justice by working with community volunteers including paralegals, Non - Traditional Actors, Gender champions and other community leaders. CSOs and Paralegal units have been providing legal education and legal assistance with a support of Community leaders, and other government supporting systems like police gender desk, Commissioners – Mining commissions; NEMC (National Environmental Management committee; CHRAGG - Commission for Human Rights and Good Governance etc.

Community members demonstrates utilization of identified and strengthened referral pathways to access their rights and entitlements justice. To date more than 70 Cases have been resolved and evidenced by the community members. Example: evidence of copy of judgements shows that women in Rwangasa – Geita got their land back after being confiscated; conflict resolved by ADR (Amicable Dispute resolutions) etc.

This initiative then focused to included agencies such as:

1. judicial systems: Court; primary court, District Court/ Resident Magistrate Court, High court and court of appeal
2. non-judicial systems: CSOs, paralegals, the gender desk, Non-Traditional Actors, Government support systems etc.

**How does the referral pathway System Works:** Being identified that Community members around the extractive sector face different challenges that hinder rural primary actors to access quality services, these identified challenges are reported direct to CSO or through paralegal Units (Agency that works with Paralegals - Legal assistants who work closely with CSOs). CSOs are working closely with Community volunteers i.e., paralegals, Non-Traditional actors, and Gender desk champions. These CSOs channel the matter to either of the pathway i.e., judicial system: channeled to court (primary courts, District/Resident Magister court, High court, Court of appeal, and Land court – depending on the nature of the case) or non-judicial: can be channeled to gender desk, Non -Traditional Actors, Government supporting system, etc. This process gives access to move from one referral pathway to another until justice is accessed.

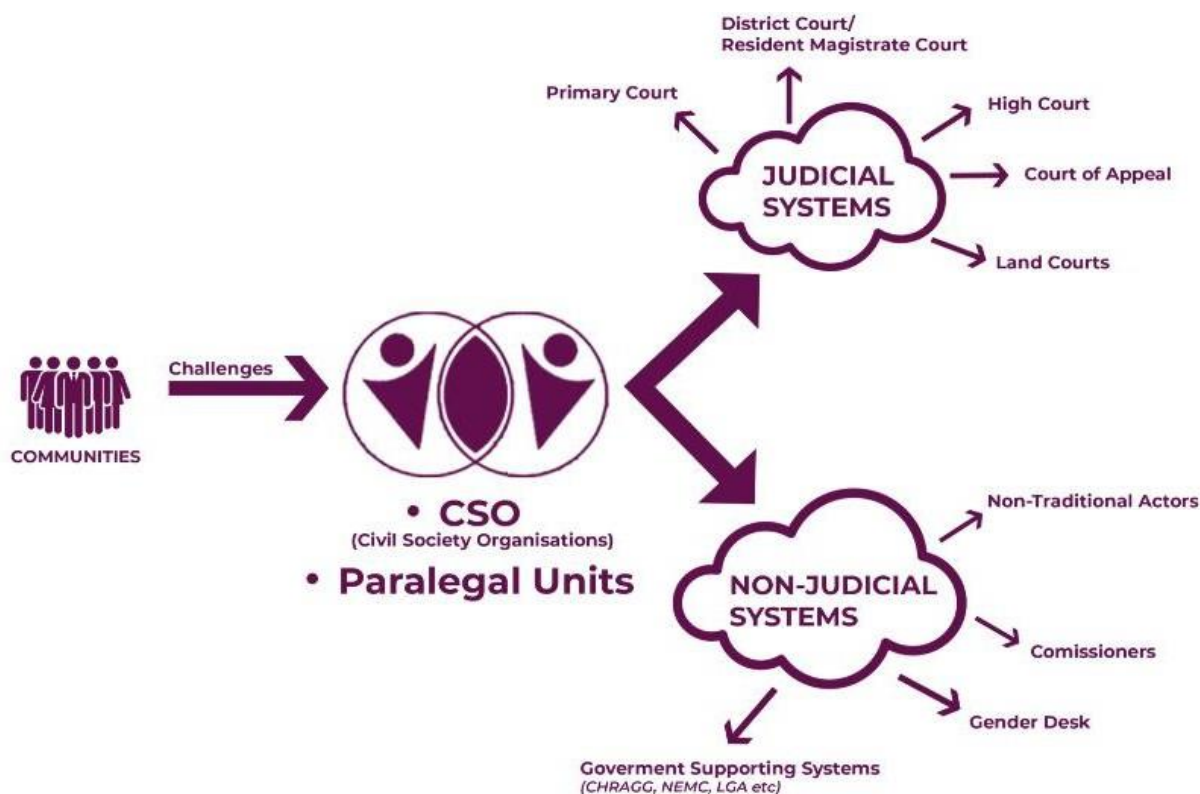


Figure: Referral pathways system.

## The Problem Project Sought to Address

Fundamental citizens' rights are defended by the Tanzania Constitution and embarked by the rule of law that is strongly established through the country's legal codes, however, there is limited enforcement due to a lack of capacity in the traditional court system as well as relevant institutions. In addition to that, lack of oversight, governance, and transparency in the extractive sector and other private investment is often attributed to a lack of access to information, and inadequate independence of accountability systems from the state, leading to duty-bearer impunity (Oxfam, 2016). Companies exclude rural local communities from decision-making processes with respect to mining projects; creating perceptions that the benefits from mining activities are enjoyed by others, while rural communities suffer the loss of livelihoods, and environmental and cultural degradation (Uongozi Institute 2016). Against this backdrop, local communities particularly in the mining areas faced challenges in the human rights space.

It's evidenced that, the sector has caused land conflict and accelerated power imbalances between local communities and LGAs hence hindering access to justice. Legally, resource extraction is prioritized over other land uses, leading to local communities experiencing a lack of land tenure, compounded by multiple surveyed villages with no ownership certification (IHRB, 2016). With this context then fostering legal agencies in community work is paramount in ensuring marginalized rights holders can access fair and sustainable livelihoods to end intergenerational cycles of abuse and mistreatment which generate poverty and vulnerability.

## Project Interventions

The project used combined approaches and methodologies to strengthen primary actor's focus. civil society organizations and legal agencies' capacity that ranging from theory and practical sessions using VSO professional volunteers (14 - 8f, 6m) and community volunteers (285 – 136f, 149m) who work alongside local partners, Lawyers Environmental Action Team - LEAT and Tanzania Women Chamber of Commerce – TWCC. During implementation, the project focused on the following intervention strategies:

9 CSOs in Geita and Mara regions were supported through technical training and coaching to strengthen their capacity to identify harmful practices in the mining areas and develop a strategic plan in addressing those issues. These sessions covered the following themes: (i) understanding ethical mining corporate practice, (ii) national resources policies, (iii) due diligence business mechanism, and (iv) social accountability and gender inclusion to ensure there is political willingness, technical capacity, and organizational culture for its integration. Again, CSOs strengthened their capacity in providing legal advice to community members as well as establishing links with state base judicial and non-judicial authorized institutions for enhancing access to justice. These CSOs were then linked to the Commission of Human Rights and Good Governance (CHRAGG), National Environment Commission (NEMC), Mining Commission, and Village Environment committee as referral institutions for matters related to a harmful incident in the mining sector.

The project further supported CSOs to develop and implement key action plans, joint mitigation, and remedy strategy with the consultation of community and village leaders. Following this, these CSOs managed to develop policy briefs with a range of topics including the right to land, safe environment, public participation, and transparency in mineral revenue management. Moreover, CSOs have managed to set up and recruit paralegal systems as a platform to enhance their provision of legal services to community members at their locality as well as initialization of groundwork to support communities regarding dispute resolution through both judicial and non-judicial mechanisms.

Currently, four (4) CSOs (i.e. HAMA, GELAC, HIMIZA, and SHPI) are actively providing paralegal service to over 1500+ community members. Moreover, CSOs in collaboration with those regulatory authorities, victims of abuses and violations represented state base judicial system. In this context, legal aid services include legal education, legal advice, legal assistance, and facilitation of amicable dispute resolution.

Further, VSO collaboration with CSO organized inclusive dialogues and interactive theatre sessions which provoke discussions and establish a sense of accountability, stakeholders' understanding and set up actionable strategies to address key issues related to rights or corporate violations and natural resource abuses. These dialogues sensitize awareness among community members whereby CSOs and paralegal Units provide legal support to communities. Also, presence of Regional gender desk helps to strength reporting system facilitated by 46 (21m, 25f) gender champions. Referral from gender desks is made to health care centres, police gender desk, social welfare, and CSO's offices. Survivors are provided with a special referral form to introduce them to the referred institutions.

## Challenges

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- The shortage of qualified government officials, especially at the ward level, leads to primary actors not receiving proper and timely technical supports. Nevertheless, the ACTIVE project incessantly strives in building their capacity (in various technical facets) to be able to support the most marginalized youth, young mothers and PWD's in peripheral areas.
- The bureaucratic administration of large mining companies inhibited the ACTIVE project team to access information from them hence it is difficult to uncover their input in regard to their business operation and practices vis-à-vis the Tanzanian government relevant mining industry policies and good governance. The project then, has since organizing several continuous consultation meetings with other government and key industry players.

## Results

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**Civil society organizations (CSOs) are taking measurable actions to hold duty barriers. to account and ensure the rights of marginalized primary actors are protected.** This can be evidenced by the capacitated CSO taking a leadership role in gathering information.

regarding the extractive sector by applying citizen-led monitoring and social accountability tools across both two regions and managing to develop policy briefs that highlighted key issues such as land rights, the right to clean and safe environment, the right of community participation in mineral sector governance and financial model for small-scale miners in Tanzania. The identified issues were then presented to a wider national platform that involved key ministries as such the Ministry for minerals, Ministry for Environment, and Ministry for Legal Affairs who pledged to respond to policy matters. Specifically, the Ministry for Minerals responded that the CSR regulations highlighted in CSOs policy briefs are in the pipeline, as quoted by [The Citizen Online Magazine](#)

**Contribution of Paralegals and gender champions in the community towards communities around extractives to access justice.** Paralegals and gender champions successfully influenced the enhancement and implementation of this strategy by the project resulting to the improvement of the local community's access to remedies as evidence on resolution of 287 disputes championed by them that ranges from Child Maintenance (36), Land (59), Criminal (28), TASAF- Tanzania Social Action Fund (8), Environment (4), Matrimonial Disputes (37), Ordinary Civil Complaints (53), GBV (34), Inheritance (12) and Labour (16). *"We have many cases reported to us regarding GBV and child abuse, we help them (primary actors) with legal procedures and provide legal representation"* Silas, Legal Officer (Himiza social justice)

**Results of Evidence on Community led advocacy for accountable and responsive extractive sector.** As a result of inclusive dialogues and awareness campaigns, the project managed to set and implement the following: (a) Ward Tribunal in the Nyarugusu Ward of the Geita District Council managed to amicably resolve land and matrimonial disputes. To date the tribunal has worked on 5 disputes, 2 resolved 2 unresolved – referred to the Primary Court and one ongoing; (b) LGAs, Geita Regional Government is currently preparing a Regional Environmental Action Plan; and (c) the reached 14 Artisanal and Small Mining Companies have committed and provided protective equipment including information handout to their workers and placed the safety signs on open spaces in their working areas. They have also formed a committee among themselves to monitor compliance to safety at the workplace.

**Improved capacity and collective action of community members to protect, include, recognize and uphold marginalized groups' economic rights and entitlements.** As a result of capacity building of community leaders, they managed to effectively demonstrate and apply strategies posed by the project to prioritize and uphold corporate rights of the marginalized groups as can be evidenced from the following:

- All community leaders including Non – traditional actors managed to organize and conduct awareness sessions at their locality in regarding to effect of gender base violence and children abuse in relation to extractive sector and how safely these community can report for justice. Further, these community leaders have been very supportive to primary actors to access justice through identified pathway systems in their localities. To date with the support from local community leaders, 15 cases related to gender violence were reported in Geita and Mara region and the victims were helped to access justice/rights through the arbitration councils and others appealed to the Courts.

- In addition, local community leaders in Mgusu Ward of Geita District have helped a group of women miners to secure a special area for mining which had been appropriated since 2018.
- Also, these community leaders are actively participating in development planning meetings together with community member then to follow up on priorities and the implementation of CSR of the mining companies within their villages. 2023 CSR projects focused on economic empowering communities around mining activities.
- Regarding environmental protection, community leaders in Geita and Mara region were actively involved in the revival of the environmental committees at their villages and initiated programs for environmental restoration. This has helped community members to address their environmental challenges to Ward environmental committees to access environmental justice.

## Lessons Learned

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- Bringing together justice authorities like the police, courts, etc. with vulnerable community is a very good way because enables Action to get accurate information and survivals also get a chance to speak openly about issues that affect their lives and collectively proposes ways of resolving the issues.
- The project team learned that evidence-based advocacy attracts immediate response of the government. The policy briefs are a good example to that since policy issues were critically researched, evidence collected thus attracted immediate response from the ministries.
- The engagement of the CSOs helps in understanding the local concerns and how they could be effectively addressed via its own local initiative and actions, including identification of local practices and remedies that can be valuable in resolving harmful environmental and human rights practices and beneficial for the various government agencies, such as the Commission on Human Rights and Good Governance (CHRAGG), the National Environment Commission (NEMC), the Mining Commission, and the Village Environment Committee.
- Engagement with and willingness of Local Government Authority (LGA) from village to Regional level has provided a room for smooth implementation of action's activities and probably will ensure sustainability of the interventions.
- Engagement and extensive networking with other key stakeholder and institutions particularly Legal Human Right Centre - LHRC, CHRAGG, National Economic Empowerment Council - NEEC, Small Industry Development Organization - SIDO, Tanzania Social Action Fund - TASAF who are targeting the same beneficiaries in the sector has provided the project with an opportunity to maximize its potential, share experience and knowledge in addressing key highlight challenges related to extractive sector.

## Beyond Results:

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Continuity of quality services by the community members to access justice through strengthened referral pathways i.e., judicial, and non-judicial pathways. The referral Pathway system will increase accountability to duty barriers and communities will have access to quality service delivery.

- **Government System:** due to increased community awareness raised by the CSOs, paralegal units, gender desk, and youth networks, government systems i.e., LGAs, courts, police, and public organizations (commissions-Mining commission, Tanzania Forestry Services, NEMC, SIDO, TCCIA, etc.) will continue to be accountable for the community serve and trigger delivery of quality services. Further, regional forum meeting sessions that engage multi-stakeholders (i.e., from CSOs, Private Sector and Government included themes of collectively develop strategies for mitigation and remedies of adverse business impacts Women, Youth and People with Disability – PWDs), the project was then successfully managed to influence the formation of environmental management committees.
- **CSO / Paralegal Units:** Will continue to advocate for service delivery and stretched rural primary actors advocacy collectives; the reduced challenge of exclusion by giving access to community members to be part of Village and Ward development planning meetings; Community Volunteers: will continue working collaboratively with community leaders and LGAs to address critical community challenges facing the vulnerable rural communities around the extractive sector such as referring GBV cases, advocating for equal pay, and ensuring that miners demonstrate environmental management and protection practices.
- **Youth Platforms, networks, NTAs and community volunteers:** Will remain a strategic hub that connects RPACs (Rural primary actors collectives) from different aspects of life, it, therefore, continues to be a link between them and duty bearers. community challenges, and/or opportunities will continue to be easily communicated to different referral pathways.



## Images

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*Figure 1: Women in Mining operations, Mgusu, Tanzania*



*Figure 2: Interactive theatre Volunteers performance during community dialogues session.*



Figure 3: Primary actors and stakeholders during launching of 16 Days of Activism.



Figure 4: Capacity building session to women group.

## Pull out statistics.

ACTIVE programme - Tanzania reached.

**20,000+** primary actors.