Concept Environmental and Social Review Summary

Concept Stage

(ESRS Concept Stage)

Date Prepared/Updated: 09/17/2019 | Report No: ESRSC00818
## BASIC INFORMATION

### A. Basic Project Data

<table>
<thead>
<tr>
<th>Country</th>
<th>Region</th>
<th>Project ID</th>
<th>Parent Project ID (if any)</th>
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<tbody>
<tr>
<td>Tanzania</td>
<td>AFRICA</td>
<td>P164906</td>
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<table>
<thead>
<tr>
<th>Project Name</th>
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<tr>
<td>Land Tenure Improvement Project</td>
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<thead>
<tr>
<th>Practice Area (Lead)</th>
<th>Financing Instrument</th>
<th>Estimated Appraisal Date</th>
<th>Estimated Board Date</th>
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<tr>
<td>Urban, Resilience and Land</td>
<td>Investment Project Financing</td>
<td>12/2/2019</td>
<td>2/27/2020</td>
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<th>Borrower(s)</th>
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<tr>
<td>Ministry of Finance and Planning</td>
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<th>Implementing Agency(ies)</th>
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<td>Ministry of Lands, Housing and Human Settlements Development</td>
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**Proposed Development Objective(s)**

To strengthen the land administration system and increase tenure security for both men and women.

**Financing (in USD Million)**

<table>
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<tr>
<th>Amount</th>
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<td>150.00</td>
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### B. Is the project being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?

No

### C. Summary Description of Proposed Project [including overview of Country, Sectoral & Institutional Contexts and Relationship to CPF]

To respond to Tanzania's growing urbanization, high rural poverty rates and low levels of tenure security, the Project would support issuing Certificates of Customary Rights of Occupancy (CCROs) in rural areas and Certificates of Rights of Occupancy (CROs) in urban areas in a systematic process. The Project would also continue to build a functional land administration system, a prerequisite for Tanzania's industrialization agenda. The systematic registration of land rights and issuance of CCROs/CROs, as well as the establishment of the basic land administration system infrastructure, would address the issue of conflicts between customary land rights holders, pastoralists and potential investors.
The project is aligned with the focus areas and objectives of the Country Partnership Framework (CPF) FY18-FY22 (Report No. 121790-TZ). The CPF’s Focus Area 1 (Enhance productivity and accelerate equitable and sustainable growth) is closely aligned with the FYDP II’s emphasis on industrialization. In this context the support for land administration activities will support the enhanced business environment for job creation (Objective 1.1). Project activities such as acquisition of satellite imagery will provide better information for improved natural resource management (Objective 1.3). The project will also support harnessing urbanization (Objective 1.5) through mass certification in urban areas. The Project will also help address climate change and disaster risk management by supporting both adaptation and mitigation. Finally women’s land rights will be recognized as part of the CCRO/CRO process to ensure gender equitable land rights.

D. Environmental and Social Overview

D.1. Project location(s) and salient characteristics relevant to the ES assessment [geographic, environmental, social]

The project will be implemented in selected regions and districts nationwide that will be identified during Project preparation and potentially the initial stages of implementation. Tanzania is a large country with 21 administrative regions and 100’s of districts with varying environmental and socio-economic profiles. Tanzania has a population of nearly 54 million and is growing rapidly at about 3 percent per year. About a third of the population lives in urban areas and it is estimated that half of the population will be living in urban areas by 2050. 68 percent of the population still lives in rural areas where poverty remains high, with about 10 million defined as poor, and 14 million in the bottom 40 percent (2012). About 73 percent of Tanzanian households depend on agriculture for their livelihoods. The agricultural sector is dominated by small farms which occupy 91 percent of Tanzania’s total farmland. After crop production, livestock production is a major activity for an estimated 40 percent of smallholder households and 47 percent of large-scale farms.

The Constitution of Tanzania provides that every person has the right to property. Tanzania’s 1995 National Land Policy (NLP) states that all land in Tanzania is considered public land vested in the President. In 1999 the Village Land Act and the Land Act were published and established three categories of land: General, Reserved and Village Land. The Five-Year Development Plan II (FYDP II) implementation strategy includes the formalization of land rights, resolution of land disputes, and the improvement of processes for investors to acquire land. The current land registration process is not systematic.

Existing norms and processes provide many people with perceived tenure security especially in rural areas. The Village Land Act recognizes communal land and the sharing of land and resources within village boundaries for pastoralists, agriculturalists and hunter-gatherers. Pressure on land is likely to increase associated with urbanization, industrialization and conflict over land rights. Documentation of land rights may help property holders to be more secure and more likely to invest in improvements to the property, as well as reducing potential for land conflicts.

Within Tanzania there are a number of pastoralists and hunter-gatherers who are living traditional lifestyles. Land rights of vulnerable groups including hunter-gatherers and pastoralist communities have a complex history in Tanzania and historically there has been conflict between these groups over rights to land and other natural resources. In addition, women’s rights to land are often overlooked as land is usually inherited by males and in some areas the ability of women to access land is limited.
There are also many non-governmental organizations (NGOs) and civil society organizations (CSOs) also supporting land formalization efforts. The NGOs focus on: (i) poverty reduction and enhancing livelihood security; (ii) female empowerment; (iii) environmental or wildlife conservation; and (iv) protecting the livelihoods of pastoralists.

D. 2. Borrower’s Institutional Capacity

The Ministry of Lands, Housing, and Human Settlements Development (MLHHSD) houses the Departments of Land Administration, Survey and Mapping, Physical Planning, and Housing. It is responsible for land administration throughout the country and supervises eight Zonal Land Administration Offices. District Councils, District Land Offices, and village land authorities are accountable to MLHSSD but are vested in the Presidents’ Office for Regional Administration and Local Government (PO-RALG). Land disputes are handled by District Land and Housing Tribunals, Ward Tribunals and Village Land Councils. This will be the first project for the MLHSSD under the new Environmental and Social Framework (ESF) and the first World Bank funded standalone project to be implemented by the MLHSSD. The Ministry has designated a coordinator on environmental and social aspects as well as a community development specialist to assist on the implementation of the ESF. In addition, consultants will be hired to support the Ministry in the development of some of the instruments. The current capacity to manage social and environmental risks in MLHSSD is however inadequate especially in relation to consideration of the rights of Vulnerable Groups in line with ESF7 and deliberate measures will be made in this project to build and enhance the capacities in relation to environmental and social management. The capacity of Village Land Councils will need to be assessed during project preparation but is likely to be limited and variations across the country based on a range of factors including geographical location are also likely. Therefore, support will be needed to increase borrower capacity to develop the environmental and social management instruments at all levels and to undertake effective implementation. These issues will be considered further during project preparation and the proposed approach to strengthen capacity included in the ESCP.

II. SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL (ES) RISKS AND IMPACTS

A. Environmental and Social Risk Classification (ESRC)

Environmental Risk Rating

Environmental impacts could be likely from proposed activities under Component 1 and 3, specifically from proposed construction of zonal offices. Construction works, acquisition, transportation and handling of construction materials could lead to site specific environmental impacts, which would be mitigated during project implementation. Since the designs and locations of the proposed physical works or facilities to be financed under the project are not determined at this stage, the project will prepare an Environmental and Social Management Framework (ESMF). The ESMF will provide guidance on screening of potential environmental and social impacts and recommend appropriate instruments to be prepared in compliance with both the World Bank ESF and the Government guidelines.

Social Risk Rating

The Project will be implemented nationwide and a wide range of impacts may occur which the borrower has limited capacity to manage. The primary social risks include the possibility of resettlement associated with land acquisition for the zonal offices and associated with the physical regularization of plots (whereby land plots must conform to basic planning standards to facilitate access to other plots and provide sufficient road widths). In addition, the systematic process for boundary demarcation and registration of rights includes measures to deal with resulting conflicts, through engagement with all stakeholders and the development and implementation of a robust and
transparent grievance redress mechanism. In addition, conflict resolution processes will be implemented as is usual for systematic land projects involving demarcation.

As this is a nationwide project, risks will need to be considered differentially in relation to different societal groups including any relevant groups under ESS7 Indigenous Peoples/Sub-Saharan African Historically Under Served Traditional Local Communities. Again land issues associated with these groups are very sensitive and there is significant potential for conflict if their rights to land are not adequately considered. In addition, there is the risk of exclusion of pastoralist and hunter-gathers as well as other vulnerable groups (notably women) from Project benefits associated with receiving certificates especially for communal land. Furthermore, registering of rights may also result in such groups losing access to land especially where land is currently being administered under customary tenure in rural areas. These issues will need to be understood further during project preparation.

Project activities under component 1 and 3 also has the potential for limited negative community health and safety impacts, including the risk of Gender Based Violence (GBV) or Sexual Exploitation and Abuse (SEA) associated with any construction workforce and those involved in determining land boundaries. In addition, risks associated with labor and working conditions will also need to be managed including occupational health and safety risks.

The capacity of the borrower to manage these risks has also been identified as limited and the involvement of the private sector is proposed to support in the implementation of the project.

B. Environment and Social Standards (ESSs) that Apply to the Activities Being Considered

B.1. General Assessment

ESS1 Assessment and Management of Environmental and Social Risks and Impacts

Overview of the relevance of the Standard for the Project:
Assessment and management of environmental and social risks and impacts are required for the whole project, but at this stage the activities of Components 1 and 3 are identified as the most likely to potentially generate environmental and social risks and impacts.

The Project will prepare an Environmental and Social Management Framework (ESMF) that will incorporate existing national requirements and the Bank’s ESF requirements. The ESMF will include guidance for the construction activities and for the regularization activities separately as the potential environmental and social impacts, their scale and likelihood are likely to differ. In addition, those responsible for managing such impacts may also vary. The project ESMF will include: i) establishing clear procedures and methodologies for the environmental and social planning, review, approval and implementation of activities to be financed under the project; ii) Providing guidelines for the preparation of all mitigation plans such as Environmental and Social Impact Assessments (ESIA), Environment and Social Management Plans (ESMP), and other Environmental and Social Risk Management tools, to respond to the anticipated project impacts; iii) Set out guidance in selection, preparation and implementation of project activities in order to avoid or minimize environmental and social risks and adverse impacts and enhance social and environmental performance of the project; iv) To specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to projects components; v) To determine the training, capacity building and technical assistance needed to successfully
implement the provisions of the ESMF; vi) To establish the project funding required to implement the ESMF requirements; and vii) To provide practical information resources for implementing the ESMF.

In line with ESS1 it is recognized that tenure issues are complex. As such, the project will need to be designed such that it does not inadvertently compromise existing legitimate rights (including collective rights, subsidiary rights and the rights of women) or have other unintended consequences, particularly given that the project supports land titling and related issues. The project will need to demonstrate it has a) clear and adequate rules for the recognition of relevant land tenure rights, b) establish fair criteria and functioning, transparent and participatory processes for resolving competing tenure claims; and (c) include genuine efforts to inform affected people about their rights and provide access to impartial advice. A Social Assessment (SA) is under preparation to better understand social issues associated with land and land rights in Tanzania. The SA will provide a framework for more detailed social diagnostics of the selected locations at the time of systematic registration works to provide details on specific relevant social issues and appropriate mitigation measures. The SA includes information on stakeholders involved in land issues and formalization of land rights; land use and rights in Tanzania, land regularization process in urban and rural settings, citizen participation in land management, causes of conflict over land and grievance redress mechanisms, vulnerable populations and barriers to participation and attitudes and perceptions regarding the regularization process. In addition, a legal and institutional assessment is being carried out which will inform the assessment of rights of vulnerable groups (as defined by ESS7), dispute resolution mechanisms, land categorization and conversion risks and look at potential issues and challenges in implementing the land regularization. Both the SA and the legal assessment look carefully at potential impacts of project activities for women and specific measures will be included to ensure their full participation and that they benefit. As part of the preparation process the Bank will also meet with stakeholders to develop a full understanding of these issues so they can be addressed in project design and preparation.

The borrower will assess the construction of zonal offices according to the same risk categories described in ESS1 and manage, supervise and monitor the environmental and social risks and impacts through the project life cycle. The construction of the zonal offices will be subject to an Environmental and Social Impact Assessment (ESIA) if required under national law as well as the development of a site-specific Environmental and Social Management Plan (ESMP) taking into consideration the Environmental, Health and Safety Guidelines (EHSGs) of the Bank. Site specific RAPs may also need to be prepared. Site specific ESMPs will need to be approved and the arrangements for their implementation in place before the activities can start. The main environmental and social impacts would be those common in construction works such as clearance of trees, noise, waste, dust, soil erosion, water effluents, sedimentation, air emissions, occupational health and safety issues, effects on public access roads, community health and safety, labor and working conditions, influx and potential for gender-based violence etc. These impacts could vary depending on the location of the zonal offices and their mitigation measures will be as outlined in the site specific ESMPs.

Regularization of land as part of component 1 may also result in a range of environmental and social risks and impacts. These risks and impacts are likely to vary considerably depending on the location of the activities but could result in restrictions on land use, resettlement, conflict over land and the need for extensive engagement with stakeholders. During the impact assessment, it will be important to ensure that both direct and indirect impacts of construction, regularization and all project activities are considered and that appropriate measures are accordingly recommended to mitigate the likely impacts.
Areas where “Use of Borrower Framework” is being considered:

Reliance on Tanzania’s national Environmental and Social Framework (laws, regulations and procedures) is not being proposed in whole or in part for this project.

ESS10 Stakeholder Engagement and Information Disclosure

The Project focuses on improving land tenure security across Tanzania and as such will require significant engagement with stakeholders regarding all components of the Project. The project will prepare a Stakeholder Engagement Plan (SEP) and will identify the relevant project stakeholders building on information in the Social Assessment and other environmental and social instruments being developed for the Project. This will include project-affected parties and other interested parties relevant to each component and the associated engagement approach.

Potential stakeholders are likely to include national and local authorities, village councils, communities and individual land owners as well as NGOs and Community Based Organizations (CBOs). Vulnerable groups will also need to be considered including hunter-gatherers, pastoralists and those without any recognized claim to the land they are living on/ using. The borrower will also identify project affected parties (individuals or groups) who, because of their circumstances, may be disadvantaged or vulnerable. Engagement will need to take place with representatives of local communities/villages (including elders, women and influential people such as religious leaders) that might be affected because of the Project. Where construction activities are being undertaken engagement will also need to be undertaken with nearby communities and if needed communities close to any quarries, mines or along transportation routes associated with the movement of construction materials and workers.

Following the requirements of ESS10, all stakeholders will need to be engaged with on the various components of the Project. Engagement activities will need to be culturally sensitive and inclusive and consider the presence of groups covered by the provisions of ESS7 to ensure their views are addressed by the Project and that they are not excluded from the engagement process. Similarly, engagement approaches will need to address the needs /challenges of engaging with people living in urban areas.

Due to the complexity of the stakeholder engagement process and potential grievances, the GOT will need to put in place a team with the necessary strength, skills and access to decision making processes to ensure that engagement and disclosure is well conducted and meaningful. The team will also need to make sure that appropriate mechanisms are in place to support vulnerable groups and people to access the stakeholder engagement and grievance mechanisms.

Grievance Mechanism: As part of the Stakeholder Engagement Plan (SEP) a grievance mechanism will also need to be established (or existing mechanisms adapted) to address any complaints that arise as a result of any of the elements of the project.

Meaningful consultations: The government will facilitate consultations through the project preparation with project stakeholders so they can express their views, feedback, concerns, risks and proposed changes and mitigation measures for the project. Consultation activities, scope and timing will be defined in the SEP. The government needs
to document these consultations and disclose them in the format agreed with the Bank. Further consultation will then take place at the Regional level (based on more detailed mapping for each region) and the local community level for those communities directly engaged in systematic registration processes and will be aligned with the requirements in the operations manuals for the issuing of CROs and CCROs.

Disclosure: The project will also have a dedicated webpage where it will disclose project information and ES required documents to inform stakeholders of the benefits, risks and impacts of the proposed project. In addition, the information will need to be disclosed in relevant local languages, in a culturally appropriate manner, and in ways that can reach the communities where the project will be implemented.

Engagement During Project Preparation: engagement with stakeholders will need to be undertaken as part of project preparation and the outcomes of this engagement will be used to inform project design as well as the environmental and social framework. Engagement will be undertaken as part of the Social Assessment as well as the Banks own due diligence. A SEP will be prepared prior to Project appraisal presenting the results of engagement during the preparation, a map of stakeholders, a plan for continuous engagement during Project implementation and links to specific measures to ensure engagement with vulnerable groups as set out in the ESMF, RPF and/or VGMF.

B.2. Specific Risks and Impacts

A brief description of the potential environmental and social risks and impacts relevant to the Project.

ESS2 Labor and Working Conditions

Working Conditions and Management of Worker Relationships: Risks associated with labor and working conditions are mainly associated with the construction works (under component 3) and the use of private sector companies to support activities under component 1 (boundary demarcation and regularization) as well as component 3 (institution strengthening). For components one and three the risks are mainly associated with skilled workers such as trainers, planners, surveyors and facilitators.

Construction contractors will likely include semi-skilled and unskilled workers and such contractors present a number of risks for workers including failure to abide by national legislation in relation to working hours, rest periods, pay, and other benefits. Depending on the contracting approach consideration will also need to be given to ensuring appropriate written contracts are in place along with codes of conduct and worker grievance mechanisms. The potential for the use of child labor in construction will also need to be assessed during project preparation and mitigation measures proposed if there is the potential for its use. Any private organizations that offer technical assistance, capacity building or technical services will also need to align with the labor and working conditions outlined in ESS2. The potential for sexual exploitation and abuse and sexual harassment will also need to be assessed in relation to all types of workers. In order to address these risks and potential impacts, Labor Management Procedures setting forth the mitigation and management measures as well as worker grievance redress mechanisms will need to be included in the ESMF and the ESCP.

Occupational Health and Safety (OHS): The project is planning to undertake civil works under Component 3. Supervision of construction works is usually carried out by the district engineers whose numbers are limited. Consequently, support from the project for the application of national legislation, the ESS2 and Good International
Industry Practice (GIIP) with respect to OHS is likely to be required. The government will include in the implementation of the project, OHS measures that address: i) potential hazards for workers (materials, activities, substances); protective and prevention measures, iii) provision of training; iv) first aid and v) hygiene facilities. The arrangements to respond to the requirements of ESS2 will be described in the ESMF and will consider the national requirements, the Environmental Health and Safety Guidelines on Occupational Health and Safety and GIIP.

**ESS3 Resource Efficiency and Pollution Prevention and Management**

Site specific environmental impacts are envisaged from proposed construction of zonal offices. Construction related environmental impacts and risks are likely to include clearance of trees, soil erosion, dust and air emission from construction equipment, etc. The significance of the likely impacts is expected to be low to moderate and will vary depending on the site, hence the environmental and social screening form of the ESMF will be used to determine the mitigation measures to minimize pollution of water, soil and air.

**ESS4 Community Health and Safety**

Civil works may result in impacts to community health and safety which will need to be assessed and mitigated for each zonal office through an Environmental and Social Impact Assessment (ESIA) and/or an Environmental and Social Management Plan (ESMP). Potential impacts to community health and safety include increased risk of Gender Based Violence associated with the presence of the construction workforce, road traffic accidents and the transmission of communicable and/or vector borne diseases.

Community health and safety may also be impacted as a result of the presence and behaviors of personnel involved in systematic activities (demarcation, data collection, regularization). Risks may include the potential for sexual exploitation and abuse, disease transmission, disruption of local social structures etc.

These risks will be further considered in project preparation taking into account the types of workers that will be engaged, the numbers of people involved and that many of the personnel will be from the local community. All impacts and risks to community health and safety will need to be addressed in the ESMF, including requirements for assessing the contextual situation in each district, including in relation to GBV and access to survivor services and implementation Codes of Conduct for all project personnel, among other things.

**ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

In order to construct the zonal offices land may need to be acquired. As the locations of these offices are not currently known, it is not possible to determine the exact nature or extent of any physical and/or economic displacement that may occur. Such displacement may affect those with formal or customary land rights as well as any households that have informally used the land historically. Alternatively, displacement may be avoided or minimized by placing the offices on existing government land. Key to minimizing impacts associated with resettlement will be appropriate siting of facilities in line with the mitigation hierarchy to avoid impacts to land owners and users.
For both CCROs (in rural areas) and CROs (in urban areas) land use planning is usually undertaken as part of the regularization process. Planning standards require that there is a network of roads and/or tracks within a settlement to allow access to individual land plots. The standards indicated that that approach roads should be 10-20mtr, collector roads 5-7.5mtr and tracks 1-2mtr in villages and that in urban areas these requirements should be determined by the LGA. In order to create this network, physical regularization may be required whereby land owners may lose rights and use of strips of land along the perimeters of their plots. Such impacts are more common in urban and peri-urban areas where plots are located in close proximity. This will result in loss of land although it is expected that this will be limited for any given household. The extent of this physical regularization will be considered further during project preparation to inform the approach to acquisition and compensation.

Nevertheless, this represents a form of displacement that should be addressed through the development of an RPF (including approach to compensation) and subsequent Resettlement Action Plans (RAPs) for areas where regularization resulting in displacement occurs. It should be noted that the requirements of ESS5 will not apply to displacement that may result from disputes between private parties during the regularization process (e.g. land lost as a result of a boundary dispute) only land which is acquired for the formation of the road network, creation of protected areas or other Government use, or subject to expropriation or new restrictions. Impacts resulting from all land conflicts will be addressed as part of appropriate Project conflict resolution mechanisms or referred to appropriate channels. Risks of landlessness or livelihood insecurity to vulnerable land occupants with no rights claims resulting from the regularization process will be addressed as a social impact in the SA and ESMF.

The possibility of the use of voluntary land donation will be considered during project preparation given the relatively small amounts of land needed as part of the regularization process in communities. However, such land donation presents a number of risks including peer pressure, economic impacts to the donor, fear of loss of benefits (CROs and CCROs) if they refuse to donate land and potential for conflict within households and between neighbors. Any voluntary land donation process will need to be in line with ESS5 which states that (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land. Transparent records of all consultations and agreements reached must be maintained.

During project preparation consideration will also be given to the following issues in relation to ESS5 and included in the RPF:

- Use by communities of protected areas governed by national law and officially designated, in particular where these areas overlap with existing community land uses and in buffer areas.
- Risk of eviction of communities who are resident in reserved land including hazardous land and how this will be managed.
- Communal areas within villages, used for markets, burial grounds and grazing which could potentially be issued with a CCRO depending on the village land use plan and decisions on land use within the village.
- Identification and tenure of sensitive areas in the planning process.
- Risk of reclassification of village land as general land, noting that while this is permissible under the law, in practice there is little evidence that such reclassification occurs.
- Impact of regularization on groups such as women, small holder farmers, the youth and landless so that they are able to benefit from the project equally.

A Resettlement Policy Framework (RPF) will be prepared outlining the overall approach to resettlement and provisions of entitlements including the process to develop, approve and implement site specific Resettlement Action Plans (RAPs). Procedures for voluntary land donation, including the situations when it may occur consultation and documentation, should be included in the RPF for Bank approval. In addition, many of these issues need to be fully integrated into the operations manuals for the project/land tenure processes. The RPF or the ESMF as applicable will address any risks of displacement or landlessness for current occupants/users of land in areas subject to regularization.

ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources

Proposed construction of zonal offices may involve purchase of building material from natural resource areas to ensure that such resources do not originate from areas where there is a risk of significant conversion or degradation of natural or critical habitats and to have a mechanism in place to ensure that the Primary Suppliers are not significantly impacting ecosystem or degrading natural habitats. The sourcing of building materials such as timber and sand will also follow country’s regulations and guidelines on the management of such resources which among other things provide guidance on the harvesting of such resources from authorized areas in a sustainable manner as described in the guidelines.

Any possible project risks linked to forest landscapes and community forest based tenure need to be underlined during the environmental and social screening and assessment stages and mitigation proposed through best practices (relevant to Component 1 and 3) and mitigation measures in the ESMF, RPF and VGMF where applicable. It is also envisaged that the project will be implemented in the authorized land parcels in accordance with the Land Act No. 4 and 5 of 1999 which identify protected land (where human activities are limited) as compared to general and village land where various activities are permitted including establishment of settlements, farming, livestock keeping and other development uses. In that regard most critical and sensitive biological areas will not be affected as they fall under the protected land. The Land Act of 1999 and Environmental Management Act (EMA) of 2004 also prohibits any development activities including establishment of settlement in hazardous areas such as those found within 60 meters from the bank of the river, lake or any water bodies which aims to protect critical river, lake and sea habitats. Under the circumstances where project activities are implemented in settlement areas established within the 60 meters from the bank of the river, lake or sea the Ministry of Lands will seek professional advice from the National Environmental Management Council (NEMC) which reserves the right to enforcing and guiding on matters related to the implementation of Environmental Management Act (EMA) of 2004. The approach for working in these areas will be further described in the final ESRS and impacts addressed in the ESMF or RPF as appropriate.

ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
The Project will be implemented throughout Tanzania, including in areas where groups who live traditional lifestyles consistent with the definitions in ESS7 are present. Depending on the areas where the Project will be implemented, consideration will need to be given to such groups, where they continue to practice their traditional way of life. Depending on the areas where the Project will be implemented, consideration will need to be given to some or all of these groups, where they continue to practice their traditional way of life. The aim will be to ensure that through development and implementation of the project they receive equitable access to benefits.

Under Tanzanian laws the issuance of group CCROs on Village Land is possible and has been undertaken previously for communities including the Hadzabe in northern Tanzania. Furthermore, it is possible for joint Village Land Use Plans across village boundaries to be developed and such plans are reported to exist in some rangeland areas. Issuance of such CCROs are not without challenges related to competing interests in the land, representation of vulnerable groups in village councils, need to involve multiple villages (cross boundary planning) etc., and this has not been done at scale. More commonly grazing land is designated as communal land within a Village Land Use Plan. However, this increases the risk of such land being reclassified as idle and designated for investment especially if those who utilize the land do so only seasonally or are not well represented on the Village Council. These issues will be analyzed fully during project preparation so that they can be addressed in the design of the Project and any pertinent safeguard instruments (ESMF, VGPF, RPF).

Consideration will need to be given to respecting rights to traditional and ancestral land so they are protected. The project will need to develop procedures for assigning land rights or land use rights on mass to pastoralist and hunter gatherer communities to support them to continue to practice their traditional ways of life. Approaches for ensuring grazing routes (pathways) are maintained will also need to be considered.

This will need to be undertaken in a manner which avoids creating or exacerbating conflict and recognizes overlapping claims to land. To this end a Vulnerable Groups Planning Framework will need to be prepared to guide consideration of these groups and the preparation of procedures for assigning land rights where these groups are located as well as managing conflict and grievances. The Framework will need to be consulted on with vulnerable groups to include their views in project design, identification of impacts and development of mitigation measures. Any disproportionate impacts on sub-groups (such as women and youth) within these groups will also need to be identified during project preparation.

Detailed Vulnerable Groups Plans will be developed during project implementation guided by the Social Assessment and the VGPF and an understanding of the location of seasonal lands, corridors or grazing routes and the location of important natural resources such as water points. This will need to include consideration of changes over time and potential for change in the future.

**ESS8 Cultural Heritage**

The construction of zonal offices may have an impact on cultural heritage including disruption to/loss of locally important sites (including those belonging to vulnerable groups) or as a result of previously unknown archaeological or historical sites, or community sacred/cultural sites.
Impacts to cultural heritage sites will also need to be considered during any boundary demarcation or regularization process. Benefits may also result from the project through the designation of such sites and/or issuance of certificates. This will be addressed in the ESMF and in the regularization methodology include proper identification, demarcation and signage along with issue of control access rights to land of cultural interest.

Impacts to cultural heritage will need to be addressed through the ESMF, stakeholder engagement and site specific ESIAs and ESMPs as relevant including provisions for a chance finds procedure.

ESS9 Financial Intermediaries

The Project will not involve the use of financial intermediaries.

C. Legal Operational Policies that Apply

OP 7.50 Projects on International Waterways

No

OP 7.60 Projects in Disputed Areas

No

III. WORLD BANK ENVIRONMENTAL AND SOCIAL DUE DILIGENCE

A. Is a common approach being considered?

No

Financing Partners

No financing partners are being considered.

B. Proposed Measures, Actions and Timing (Borrower’s commitments)

Actions to be completed prior to Bank Board Approval:

Prior to Bank board approval the following documents, covering the issues identified in this ESRS and any others identified during project preparation, will need to be developed, consulted and disclosed including presenting the plans in a number of stakeholder engagement meetings, holding separate meetings with vulnerable groups and disclosing the plans on the borrower and WB websites for comment including in the national language.

(i) A Social Assessment will need to be prepared
(ii) A borrower capacity assessment to prepare an institutional strengthening plan to be included in the ESMF
(iii) Environmental and Social Management Framework (ESMF) including methodological requirements and a Social and Environmental Risk Mitigation Framework for the regularization component which will need to cover all risks and impacts associated with ESS1,2,3, 4, 6, 8 as well as GBV/SEA risks.
(iii) Resettlement Policy Framework (RPF)
(iv) Vulnerable Groups Planning Framework including the need to develop procedures for providing land certificates to such groups
(v) Stakeholder Engagement Plan
(vi) Environmental and Social Commitment Plan

Possible issues to be addressed in the Borrower Environmental and Social Commitment Plan (ESCP):

The following issues will need to be addressed in the ESCP:

(i) The need for site specific ESIs and ESMPs for the zonal offices as well as any associated permits and environmental licenses as described in detail in the ESMF.


(iii) The need to develop and implement as part of the regularization methodology, the ESMF, and other specific plans or measures as required, a Social and Environmental Risk Mitigation Framework (and specific plans where warranted) to address risks to community rights, exclusion of vulnerable groups, land loss or induced landlessness as a result of Government land take or imposition of land use/rights restrictions, or displacement of informal occupation to sensitive areas, among others.

(iv) Monitoring and reporting requirements on environmental and social risk management, grievances and accidents and incidences.

(v) Assignment of a budget to cover cost of environmental and social specialists in the project team at the national and regional level and provide training to build capacity for implementation/management of environmental and social risk at the local level including Village Councils (financing to be included as part of Component 4).

(vi) Community Health and Safety Framework/plan, including development and implementation during the construction and operational phases of project personnel and contractors’ codes of conduct and of a GBV/SEA Action Plan.

(vii) Development and implementation of conflict resolution mechanisms including legal support to communities and vulnerable groups and individuals, and project GRM.

(viii) LMP for all project personnel

(ix) Studies to understand the challenges of assigning land rights in an urban setting where land regularization is required and integration of the corresponding mitigation measures in the regularization methodology and/or environmental and social management instruments.

C. Timing
Tentative target date for preparing the Appraisal Stage ESRS 19-Nov-2019

IV. CONTACT POINTS

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Implementing Agency(ies)
Implementing Agency: Ministry of Lands, Housing and Human Settlements Development

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VI. APPROVAL

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Practice Manager (ENR/Social) Robin Mearns Recommended on 17-Sep-2019 at 12:32:0 EDT

Safeguards Advisor ESSA Nathalie S. Munzberg (SAESSA) Cleared on 17-Sep-2019 at 19:48:15 EDT