

**COMBINED PROJECT INFORMATION DOCUMENTS / INTEGRATED  
SAFEGUARDS DATA SHEET (PID/ISDS)  
CONCEPT STAGE**

**Report No.:** PIDISDSC13583

**Date Prepared/Updated:** 11-Dec-2015

**I. BASIC INFORMATION**

**A. Basic Project Data**

<b>Country:</b>	Tanzania	<b>Project ID:</b>	P155759
		<b>Parent Project ID (if any):</b>	
<b>Project Name:</b>	Citizen-Centric Judicial Modernization and Justice Service Delivery (P155759)		
<b>Region:</b>	AFRICA		
<b>Estimated Appraisal Date:</b>	26-Jan-2016	<b>Estimated Board Date:</b>	10-Mar-2016
<b>Practice Area (Lead):</b>	Governance	<b>Lending Instrument:</b>	Investment Project Financing
<b>Sector(s):</b>	Law and justice (30%), General public administration sector (30%), Information technology (20%), Public administration- Industry and trade (20%)		
<b>Theme(s):</b>	Access to law and justice (40%), Other Private Sector Development (20%), Other public sector governance (20%), Participation and civic engagement (20%)		
<b>Borrower(s):</b>	Ministry of Finance		
<b>Implementing Agency:</b>	Judicial Branch		
<b>Financing (in USD Million)</b>			
	<b>Financing Source</b>	<b>Amount</b>	
	BORROWER/RECIPIENT	0.00	
	International Development Association (IDA)	65.00	
	Total Project Cost	65.00	
<b>Environmental Category:</b>	B - Partial Assessment		
<b>Concept Review Decision:</b>	Track II - The review did authorize the preparation to continue		
<b>Is this a Repeater project?</b>	No		
<b>Other Decision</b>			

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## B. Introduction and Context

### Country Context

1. For over two decades, Tanzania has witnessed strong and stable economic growth, which, in recent years, has started to translate into poverty reduction. After a long period of stagnation, poverty rates declined from 34.3 percent in 2007 to 28.2 percent in 2011/12, while extreme poverty declined to 9.8 percent, two percentage points lower than in 2007. The pace of poverty reduction has accelerated in recent years due to rapid urbanization and better access to services and asset ownership, both in urban and rural areas. However, poverty remains widespread as there are still approximately 12 million households living under the national poverty level—which is about the same level as in 2001—and almost half of the population is still below the well-accepted international poverty line of US\$1.25 per day. A large proportion of the population is, therefore, vulnerable and at risk of falling back into poverty. In addition, the inequality gap between urban and rural populations is widening, mostly due to fewer employment opportunities, limited access to services, and unsatisfactory service delivery outcomes in rural areas.

2. Key service delivery indicators and citizen satisfaction with public services have been deteriorating, and trust in public institutions seems to be eroding. This illustrates persistent challenges in the effectiveness of Tanzania’s development policies as well as underlying governance issues. Only 34.9 percent of firms in Tanzania believe the court system is fair, impartial, and uncorrupted, compared to 46.3 percent for Sub-Saharan Africa. Corruption, accountability, and urban crime are affecting the country’s national reputation and its ease and costs of doing business. According to Transparency International, in 2013 Tanzania ranked 111th out of 177 countries scored for their citizens’ perception of corruption, whereby the Tanzanian police and judiciary ranked badly. According to Afrobarometer, about 390,000 households reported that they had faced serious crimes such as robbery, burglary, hijacking, or assault in 2010/11. Also, on the Mo Ibrahim African Governance’s Index, Tanzania’s overall rule of law and safety scores have steadily declined over the last decade (a score of 64 in 2006 compared with 57 in 2014, or a decline of about 10 percent).

3. In response, the Government has adopted a new results delivery model, known in Tanzania as “Big Results Now!” (BRN). This new initiative places a strong focus on results, with accountability and performance management at the core of implementation, and targets eight priority sectors, including enabling the business environment. The objective of BRN is to ensure government plans and programs are implemented on time with a focus on the citizens’ needs, and that the latter can participate in monitoring progress and providing feedback on successes and setbacks. During the first year of BRN implementation (2013/14), the key performance indicator for all key results areas averaged 72 percent. This does not include the key result area on business environment which is a new area launched in mid-2014.

### Sectoral and Institutional Context

4. The high level of economic growth has led to increased economic disparities between well-off and poor citizens, leading to resource conflicts, especially on labor, land, and water rights. The growth in private investments in Tanzania has led to a growing level of conflict between laborers and investors, smallholder and large-scale farmers, the Government and villagers, and small and large-scale miners, on issues such as water user rights. Several of these conflicts have led to deaths, injuries to people, and loss of property. Resolving such conflicts

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should be the primary focus of the judicial system. A well-functioning judiciary will attract the use of this mechanism for adjudicating conflicts and maintaining peace and harmony in the country and further enhance social and economic development.

5. High growth sectors such as mining, telecommunication, oil, and gas pose new challenges in addressing associated claims in these sectors. Tanzania's judiciary needs to modernize to meet the needs of a fast-growing economy with major investments in mining, telecommunications, oil, and gas. While Tanzania is blessed with abundant factor endowments, including minerals and gas reserves, several barriers and bottlenecks prevent business firms from functioning well. The 2014 Index of Economic Freedom ranks Tanzania 15 out of 46 sub-Saharan countries. It states that private property rights are weakly protected and poorly defined, deterring private investment. Contested property rights in Tanzania are largely related to land and natural resources, such as mineral and water rights. These new sectors also create new demands on the judiciary that are essential for enabling Tanzania to become an attractive investment destination. These high growth sectors are expected to lead to increased revenues for the government that could enable increased public investments in infrastructure and social services.

6. Tanzania's law and justice sector comprises of many institutions that span across the different branches of government. These include the judiciary, which adjudicates disputes between citizens, public and private institutions, and economic entities (such as businesses); and delivers services to different population groups. The judiciary also interprets the constitution, protects human rights, and provides the essential governance checks and balances between the different arms of the state and within society. The other major agency is Ministry of Constitutional and Legal Affairs (MOCLA), an Executive Branch agency, which is the principle legal advisor to the government and houses two key institutions: the Office of the Attorney General, which presents bills to Parliament for all sectors of the economy (e.g. mining, fisheries, roads, natural gas); and the Office of the Director of Public Prosecutions (DPP), which prosecutes crimes per the Penal Code, Health Code, Tax Code, and agricultural laws in collaboration with the police and municipal authorities. In addition to the formal system of justice, traditional or customary justice institutions operate in Tanzania and a large population accesses them, especially in rural areas, to resolve their communal and other customary grievances. (See Annex 1 for a detailed description of various institutions and their interplay in the overall law and justice sector and describes how well they deliver services in different geographic areas and for different population groups).

7. The judiciary does not operate in a vacuum and requires the participation of several other (auxiliary) organs in delivering citizen services. On the one hand as noted above, it coordinates with executive branch institutions (such as the public prosecution) for deciding on criminal matters, protecting the lives of citizens from serious offenders, and for enforcing public safety. On the other hand, the judiciary has a host of auxiliary judicial organs which help perform its day-to-day functions. These include experts, custodians, auditors, auctioneers, court brokers, police, and others. The interplay of different actors and their relationship with auxiliary organs of judicial assistance is complex and time-consuming, and adds to costs and delays in the delivery of justice services. Problems of corruption, collusion with court clerks and low quality of these auxiliary actors is affecting service delivery in Tanzania.

8. Tanzania's Vision 2025 "Big Results Now" calls on the judiciary and other justice sector institutions to modernize to international standards so that they can improve the enabling

environment for business and investment and strengthen contract enforcement. Ranked 42 globally in enforcing contracts in Doing Business (DB) 2014, Tanzania is ahead of its regional peers such as South Africa (ranked 80) and Kenya (ranked 151), but lags behind global benchmarks. For example, in Tanzania it takes 515 days to resolve a commercial dispute (Singapore takes only 150 days), going through 38 procedures and costing 14.3 percent of the total claim. These inefficiencies are due to cumbersome rules of procedures, administrative inefficiencies, poor case management, large case backlogs, and minimal use of alternative mechanisms. Contract enforcement delays are partly due to weak oversight and shortage of court brokers (only 27 for a population of 49 million). Limited information sharing within the judiciary and with the public as well as deficiencies in skills and performance measurement are affecting transparency and quality. Uneven geographic distribution of courts, high fees for court users, and institutional challenges are affecting the access to justice of business enterprises.

9. Tanzania has ratified a range of international treaties that particularly aim at rights protection and inclusiveness but is struggling to fulfill these obligations due to capacity, coordination, geographic mismatch of court service provision and resource challenges. It is a signatory to UN human rights conventions, including the International Covenant on Civil and Political Rights, Convention on the Rights of the Child, and Convention of the Elimination of all forms of Discrimination Against Women. In addition, it conforms to international and regional instruments such as the African Charter on Human and People's Rights, the UN's Basic Principles on Judicial Independence, and the Suva Statement on the Principle of Judicial Independence and Access to Justice, but implementation is uneven and slow. About 1,400 children were still held in adult prisons in Tanzania in 2011 as per UNICEF, of which about 75 percent were awaiting trial mainly due to uncoordinated and underfunded institutions in the law and justice sector. The overall police staffing of about 38,847 is low and needs to triple for the tasks at hand (or 1:156 per capita as compared to the UN recommended ratio of 1:450 per capita). In addition, due to poor geographic distribution of courts, a population of 21 million equal to 47 percent of the total population does not have easy access to High Court Services. Resident Magistrate Courts exist in 21 out of 25 regions, District Courts exist in 110 out of 133 districts, and there are only 960 Primary Courts country-wide, with the number of Wards currently standing at 3,338.

10. According to the Constitution of 1977, and the Judiciary Act of 2011, the judiciary has the final say in the administration of justice and policies that govern court and case management efficiency. It has a five-tier court structure as follows: the Court of Appeal, the High Court and its four divisions, the Resident Magistrates Court, the District Magistrates Courts, and the Primary Courts. In the court system, there are about 200 judges and 1,000 magistrates, 50 court administrators, and 6,000 court clerks and support staff. The court system receives about 50,000 cases per year in all types and levels of courts, of which about 30,000 are disposed of annually (e. g. a clearance rate of about 60 percent) thereby causing perpetual increase in backlogs and compounding delays. Manual event-based systems and processes result in inefficient case management. For example, more than 50 percent of cases take 30-90 days from filing to preliminary objection, and 2/3 take 90-1000 days to progress from pre-trial hearing to trial, and 2/3 take 150-1000 days from trial to decision . Court administrators have been appointed recently in high courts and other major courts to introduce modern management systems and bring e-justice for effective service provision. Most records and case management systems in High Courts, Resident Magistrate Courts, District Courts and Primary Courts are manual and susceptible to theft and alteration, and require streamlining.

11. Skills and professional management are key weaknesses of the judiciary, undermining its performance, transparency, and credibility among citizens. Staff evaluation is done for non-judicial staff but no mechanism is in place for assessing the performance of judicial staff. Productivity benchmarks for judges to handle about 250 typical cases per year have been set but the lack of an automated performance monitoring and evaluation system (e.g. which can capture data on the number of cases resolved by Alternative Dispute Resolution (ADR) mechanisms and the absence of a robust skills training program for judges, magistrates, court clerks, and staff has undermined policy implementation. The Judiciary Act of 2011 sets high education standards for magistrates (at minimum is a Bachelor of Law Degree) but 60 percent of sitting magistrates do not meet these requirements, which affects citizen confidence. The absence of complaint handling systems for judges, lawyers, and court brokers also affect public perceptions and quality of the judiciary. The Chief Justice has set up a committee to develop performance standards, conduct inspection of courts, and promote an ethical code among stakeholders.

12. Access to justice and service delivery for vulnerable groups such as women and small businesses is severely constrained due to socio-economic, political, and governance factors. There are no small claims procedures to provide effective services to small and medium enterprises in Resident Magistrate's and District Courts. Citizens and businesses do not have adequate access to basic information on filing claims, ADR options to resolve disputes, among other things, and no court user guides. Publication of court decisions is slow and difficult to obtain. There is a severe shortage of lawyers in rural areas. Many paralegals operate without adequate supervision or certification providing suboptimal services and causing other legal and social problems. Alternative dispute resolution mechanisms, whether court-annexed or conducted by private entities are not well developed, nor fully understood by large segments of the stakeholders (e.g. in the commercial court, mediation accounted for only 13 percent of all disposed cases in 2013, and in family courts conciliation and mediation is sparingly used). Court fee rules are outdated, dating back to 1996. Advocates fees are not adequately regulated and monitored. Court brokers execution fees are high (about [22] percent), there is limited monitoring of the execution of court decisions by the court, and an ineffective licensing and supervision system exists. Legal aid is provided by NGOs and the law schools, but coverage and resources are limited. As already indicated, poor distribution of courts and infrastructure causes citizens to travel long distances and incur high costs for accessing justice.

13. Tanzania has been engaged in justice reforms for about a decade with mixed results and with several leading institutions. Most of these justice reform measures were led by executive branch agencies (primarily the Ministry of Constitutional and Legal Affairs that invariably has included the Attorney General's Chambers and the Director of Public Prosecution, and the Police) with donor assistance (such as EU, CIDA, USAID, DFID, UNDP, UNICEF) with mixed results. The World Bank also supported some judicial improvement efforts through components of three projects, namely (i) Financial Institutions and Legal Management Upgrading Project (FILMUP) that closed in December 1998, (ii) Accountability, Transparency and Integrity Program (ATIP), and (iii) Business Environment Strengthening Program (BEST), the latter two of which closed about three years ago. These projects were mainly led by the Ministry of Constitutional and Legal Affairs. Although the judiciary was part of the reform process, it generally remained in the back seat when it came to prioritizing or benefiting from investments or setting reform priorities. In view of this, the judiciary's ownership of these initiatives was not well developed and many reforms did not take root or were not fully successful.

14. Recent judiciary-led reform measures have resulted in initial improvements in case management, better resource allocation in the last few years, and have had some positive impacts on court performance, which needs to be strengthened. In the last two years the judiciary has established a new cadre of Court Administrators to relieve judicial officers from administrative and financial responsibility. This has given judicial officers more time to concentrate on judiciary work and improve performance. The clearance rate of district magistrate courts has increased from about 52 percent to about 73 percent, and the primary courts are now recording a clearance rate of about 80 percent, which also reduces backlogs. Congestion of cases at the appeal court level has been reduced (clearance rate from 21 percent in 2008 to 58 percent in 2012, and cases heard increased from 552 to 1043 during the same period). The performance of the high courts has also shown improvement. There is reduced case backlog in the High Court by 50 percent from 6,887 cases in 2012 to 3,632 in 2014. Also, 52 out of 59 government major projects cases (e.g. regional roads, pipelines) which were at the High Court Land Division have been finalized. However, delays in resident magistrate courts have grown and reached a backlog of about 25,000 cases.

15. The Judiciary, under the leadership of the new Honorable Chief Justice, has taken a lead role in judicial modernization to improve the delivery of justice to citizens and businesses. The Judiciary is exercising its operational authority and constitutional mandate to set an agenda for change and judicial development, as it pertains to the judicial branch of government, and its facilitating role among stakeholders. It is taking a more proactive role in setting the justice sector wide agenda and clearly delineating its role vis-à-vis executive branch entities and other actors. It has also received budget allocation from the executive and parliament to initiate maintenance of court facilities. These financial resources are however limited to meet all the capital investment needs of the judiciary to address medium term service delivery requirements.

16. The Honorable Chief Justice, recognizing the importance of the judiciary in economic development, has set up a Big Results Now Judiciary Team and initiated measures that will contribute to the national investment climate and private sector development efforts. In light of the opportunities offered by the Judiciary Act of 2011 (e.g. simplified processes, clarity of roles, and the Chief Justice streamlining the rules of the court), the lessons of past reforms (e.g. the need to focus on results and drive judicial leadership), and the international experiences (e.g. global judicial performance standards and availability of e-justice technologies), Tanzania's judiciary plans to scale up targeted judicial development measures that complement the efforts of the executive branch of government. The Judiciary has systematically identified gaps and constraints to its performance in delivering efficient, effective, and accessible justice to citizens. Issues are significant and wide ranging and include: citizen's complaints with respect to delays in the system; deficiencies of court organization and infrastructure; enforcement of ethical standards and fighting corruption; weak management, technological, and citizen information systems; weak human resources development including training systems; and deficiencies in legal aid and access to justice problems.

17. The Honorable Chief Justice and the Ministry of Finance have invited the World Bank Group to support Tanzania's judicial transformation process by sharing global knowledge, offering advice, and providing financial resources for priority service delivery and citizen engagement investments. Being a "Solutions Bank", we are uniquely placed to marshal the vast reserves of evidence and experiential knowledge on judicial development from across the world

and help apply them to solve local problems in the Tanzanian judiciary. It is perceived that ongoing judiciary-led efforts will gain added stimulus and direction through the direct participation of the World Bank and other partners (e.g. CIDA, DANIDA, DFID, UNICEF, UNDP). The Bank's direct support to the judicial branch will help enhance its institutional capacity to lead and quickly demonstrate results to citizens. With the Bank's systematic approach to conducting M&E, the prospects of the timely realization of outcomes and impacts of reforms are high. Since large capital investment resources are needed to upgrade judicial performance, and funds are not readily available from other development partners, the Bank's participation is crucial for success.

18. The judiciary enjoys the full support of His Excellency Honorable Jakaya Mrisho Kikwete, Former President of Tanzania and plans to adopt a participatory and inclusive approach for institutional modernization to meet global standards in service provision and citizen engagement. At the Law Day on February 4, 2015, the Former President lauded the judiciary's efforts and assured them of his full support for transformation. The new administration under His Excellency, President Magafuli, fully supports the project and emphasizes expeditious and collaborative achievement of justice sector results. The Chief Justice is promoting close consultation with all stakeholders to ensure buy-in (e.g. from judges, staff, civil society and members of the bar), and harnessing international good practices. Modernization measures are being deployed gradually. Progress reviews are being completed in a systematic manner and results disseminated during public events such as the above noted Law Day. The development partners such as DANIDA, DFID, CIDA, UNDP, EU, UNICEF and others that have supported law and justice initiatives are encouraged to provide direct support around the new priorities. For example, in collaboration with the World Bank, CIDA and USAID are being encouraged to build partnerships between the Tanzanian Judiciary Training Center, the Canadian National Judicial Institute, and the US Federal Judicial Center to address the judge skills training needs. The Honorable Chief Justice's overall purpose is to build a modern Judicial Branch which delivers efficient and transparent justice by 2025.

### **Relationship to CAS/CPS/CPF**

19. The proposed project directly responds to The United Republic of Tanzania's CAS dated May 9, 2011 priorities. The CAS (Page I, Paragraph v) stressed the need to "improve the business environment to fight corruption [add] transparency and accountability across all sectors" to address Tanzania's development challenges. Support to the judiciary and an effective judicial operation in Tanzania would enable efficient dispute resolution and less perceived business risk. Robust application of the rule of law and enforcement of judicial decisions will help promote transparency and governance accountability in society at large. The citizens' right to justice would be improved with expanded avenues for access and human rights protections. These CAS priorities are also consistent with the planned Systematic Country Diagnostic outlook.

20. Weak trust between the state and citizens remains a key impediment to social sustainability in Tanzania. Bank support for effective service delivery and robust citizen engagement will help improve people's lives, and achieve our twin goals: ending extreme poverty by 2030 and boosting shared prosperity of the bottom 40 percent of the population in developing countries. Given that resistance to change always challenges institutional reform, the Bank's involvement will also help strengthen the judiciary's dialogue with stakeholders who believe in the status quo. Institutional collaboration with the Tanzanian authorities should also strengthen the Bank's dialogue on transparency, test the Tanzanian government's commitment to institutional changes, and pave the way for further governance reforms that are crucial to

promoting growth and investment while also meeting a key priority of the CAS.

### C. Proposed Development Objective(s)

#### Proposed Development Objective(s) (From PCN)

The objective is to enhance the capacity of the Judicial Branch to deliver efficient, transparent, and accessible citizen-centric justice services in select courts. This will be achieved through modernization of the Judicial Branch (organizational and case data capabilities and infrastructure at select High Courts and other select courts); improvement in professional development of judges, justice sector officials, and staff; and in access to justice programs that bring services closer to citizens—both women and men—and businesses. A robust program of change management, inter-institutional partnerships, and stakeholder engagement and dissemination of citizen-centric results would facilitate implementation and help manage risks.

#### Key Results (From PCN)

24. Efficiency. 75 day reduction in commercial case resolution time in High Courts (baseline: 515 days in 2014). Number of procedures reduced to 30 (Baseline: 38 in 2014). Zero case backlog in High Court (i.e., cases aged above two years in High Courts and 1 year in commercial benches) (Baseline: 3,244 cases pending in Dar es Salaam in 2013). 80 percent clearance rate in High Courts (Baseline: 51 percent in Dar es Salaam in 2013).

25. Transparency and Quality. Publication of High Court decisions in Judiciary's official website. Publication of court statistics. E-complaints platform for all courts. 75 percent magistrates with professional law degree (Baseline: 40 percent in 2014). 100 percent court administrators trained in modern management and e-justice systems (Baseline: Zero/Ad hoc 2014). 80 percent judges receive one training course annually (Baseline: Ad hoc 2014).

26. Access to Justice. Free mediation and small claims services-on-wheels pilot program (Mobile Courts) for citizens—both women and men—and businesses in cities and rural areas. E-publication of court decisions and court calendars. Publication of court user guides and dissemination in local languages via radio, mobile technology, and other channel. E-testimony video-link centers for High Courts. Percentage of all amended laws, rules and regulations available online. Operationalization of new courthouses built to address uneven distribution of courts (Baseline: Out of 25 regions, 14 are without High Court registry; 4 are without Resident Magistrates; Out of 133 districts, 23 are without District Courts; and for 3,338 Wards, there are 960 Primary Courts. Overall about 47 percent of the population is without formal court services which are nearby). Number of judges, staff and partner institutions' staff participating in change management teams, joint-improvement programs, and monitoring and disseminating results (baseline: Zero). Preparation of Judiciary Scorecard and dissemination in public forum on an annual basis (Baseline: Zero).

### D. Concept Description

27. The project will have three inter-related components (about US\$65 million in financing) implemented over a period of five years. The project design would take into account the [draft] Judiciary Strategic Plan 2015-2020, lessons of past programs and on-going assistance provided by development partners.

28. Component 1: Court Organization and Systems Development (US\$20 Million). The judicial system is slowed by cumbersome rules of procedure, excessive administrative steps, and

preexisting case backlogs. Poor records management, excessive adjournments, and limited access to case-related information also affects performance. Capacity to handle high profile cases and communication to the public are also key institutional constraints. Current component will address these issues through the following activities:

(a) Simplify Rules and Procedures for Commercial Cases. (i) establish a dedicated section within the Office of the Chief Justice to support regular reviews of court rules and procedures by the Ad hoc Judicial Branch Rules Committee; (ii) take stock of procedural rules and submit amendments and recommendations to the Chief Justice for approval to address procedural gaps, and identify recommendations not requiring legislative approval; and (iii) disseminate the new rules and train judges, staff, and other stakeholders.

(b) Clear Backlogs. (i) prepare a backlog clearance program by identifying relevant case files for inclusion, estimating human and financial requirements, and compiling and publishing cause list; (ii) conduct bench-bar strategic meetings, engage acting/short term judges and magistrates, and carry out relevant training; (iii) implement backlog clearance program by distributing summonses, conducting consecutive hearings, delivering judgment immediately after trials, and evaluating progress and disseminating results.

(c) Promote ADR - Mediation. (i) spread awareness of court annexed ADR among businesses, NGOs, and other users and stakeholders; (ii) conduct training of trainers; and (iii) design and conduct ADR training for judges and court staff to increase the mediation rate to 25-30 percent in commercial and land dispute cases (baseline 13 percent).

(d) Improve Records and Case Management Systems and Communication. (i) refine time standards (for pre-trial actions and adjournments and establish sanctions to ensure compliance with court orders); (ii) implement integrated e-justice system for case management and tracking (e-filing, e-fees, e-notification, e-records, e-recording of evidence, e-decision publication, e-feedback, e-performance etc.); (iii) set standards and outline mechanisms for handling high profile cases (such as IPTL case) and large economic investment disputes to manage institutional risks and communicate to the public ; (iv) establish records management system and set archival schedules of non-case related records; and (v) drive change management program for judges, staff, advocates, and other stakeholders to improve timeliness.

29. Component 2. Skills and Performance Management (US\$10 Million). Integrity of the system is seriously constrained by the absence of an objective system for assessing performance. Staff evaluation is only done for non-judicial staff but lack of reliable data undermines the system. There are no opportunities for comprehensive skills development or judicial training. Courts are not subject to thorough inspections by the senior judges. Complaints against judges, staff, advocates and court brokers are not systematically handled by the judiciary resulting in loss of confidence. Component 2 aims to address these gaps through the following activities:

(a) Develop Performance Management and Deliver Training. (i) review international and local best practices and customize and roll out performance evaluation system for judges, managers and courts (except Court of Appeals) including e-feedback portal; (ii) conduct systematic training for judicial and non-judicial staff by doing a needs assessment, reviewing curriculum of existing programs offered by the Judicial Academy, updating physical infrastructure (including e-learning) for the delivery of courses in Dar es Salaam and other locations, and selecting partners among local universities and international judicial training institutions (e.g. National Judicial Institute Canada); and (iii) organize a fast-track educational program for magistrates (about 300) so that they can meet the minimum requirement (a Bachelors of Laws) to hold office outlined in the

Judiciary Act of 2011;

(b) Review Inspection and Supervision System of Advocates and Court Brokers. (i) establish a unit in the Judicial Branch dealing with the day-to-day work of advocates and court brokers, recruit resources, offer training and prepare an e-complaints system ; and (ii) offer support to Advocates Association, Court Brokers Association in strengthening professional conduct and supervision in line with the provisions of the Judiciary Act and other norms.

30. Component 3: Access to Justice and Partnerships for Citizen-Centric Results (US\$35 Million). High costs associated with corruption, court fees, legal services, and long waits in getting through the courts, obtaining copies of documents and decisions are key bottlenecks. In addition, about 47 percent of the population does not have physical formal court presence resulting in long travel times for those who seek access, and face other challenges. Information on laws and court-related issues is not readily available and compounded by poor statistical capabilities of the judiciary. There is also a lack of clarity on who does what in the justice sector. Typically, the Prosecution Department and the Police are the most visible actors due to their law enforcement functions. There is a critical need to inform the public (especially the poor and vulnerable) on the role and function of the judiciary; how to access the courts and services such as legal aid, paralegals, and ADR; where to address their family law and probate matters; and what roles Land Tribunals are performing in resolving disputes, so that citizens can exercise their constitutional rights. There is also a critical need to promote inter-institutional collaboration so that services get done in the justice sector and people can see tangible results. The interface with the traditional justice system also needs to be reviewed and analyzed for a holistic solution to the access to justice challenge.

31. This component aims to expand the current avenues of accessing justice and facilitate change management and build partnerships for citizen-centric results with the following sets of activities:

(a) Offer Free Mediation and Small Claims Services-on-Wheels Pilot Program (Mobile Courts) and One-Stop-Centers for Family, Business, Land, and Labor Matters. (i) design/set threshold of eligibility for free mediation and small claims, based on examples from other countries (e.g. Guatemala, Honduras, Philippines, Pakistan, and Brazil ) and current volume of cases locally, and (ii) recruit/train judges and staff to raise awareness about the pilot program (via radio and other media, and in collaboration with trade and women associations and, highlighting that the presence of a lawyer is not required, there are no fees, and that services will also be offered in local languages) and put into motion the Mobile Courts to serve citizens-both women and men—and small businesses in urban and rural areas. The pilot will also assess citizen demand for the location of physical court structures for a phased infrastructure expansion described ahead.

(b) Develop Citizen Feedback and Disseminate Court User Guides, Court Reports, and Statistics. (i) launch an e-complaint system for user feedback on law and justice sector operation (e.g. via mobile phones); (ii) publish the Court of Appeal and High Court and other courts case lists, calendars, and decisions, and Court User Guides through media and other outlets (e.g. mobile phones, radio, online, universities, and schools); (iii) modernize statistical reporting and publish Judicial Branch Scorecard every two years; and (iv) engage with legal aid programs already in operation and funded by NGOs, universities, the Bar Association, and development partners (e.g. DANIDA, UNICEF, DFID), and promote their scale-up.

(c) Extend Court Infrastructure to Priority Socio-economic and Unserved Geographical Areas for Citizen Services. (i) develop a new judicial map of court buildings and facilities for improved

accessibility of citizens to formal court services, including a manpower plan to recruit judges and staff and review incentive systems for them to work and/or relocate to these remote/new areas; and (ii) in a phased manner, remodel, construct, furnish, and operationalize new court houses in the identified regions by priority (about 15-20 modern court houses in select locations in the next five years), and rehabilitate existing buildings to implement IT initiatives outlined under the project . The prequalification of firms, use of a pre-approved standard courthouse design, e-procurement, and use of advance procurement methods will be deployed as used in the LAC Region to avoid the potential delays typically associated with infrastructure components of public sector projects. During preparation, other creative contracting methods like Design-Build-Operate-Transfer will be explored. Efforts will also be made to see how results-oriented financing approaches can be deployed to achieve infrastructure improvements on a timely basis, so that these investments can contribute positively towards the project's outcomes and help it meet its pre-requisites for success.

(d) Promote Change Management within the Judiciary and Build Partnerships with Justice Sector Entities for Innovative Pilots for Achieving Citizen-Centric Results. This component for the project as a whole will (i) support the planning, research, dissemination and coordination capabilities of the judiciary—especially the offices of the Chief Court Administrator and the Chief Registrar—in programming the proposed project, and provide assistance to the top judiciary management for the design and deployment of change management strategies that address the “how to” and the problems related to the status-quo, M&E, or resistance to change in implementation. It will also help the setup of modernization teams and support existing groups (such as case management and bench-bar committees) at various court levels within the judiciary on thematic topics, to empower staff and promote leadership from within. The component will also (ii) build partnerships on a pilot basis with justice sector actors (e.g. the police, prosecution service, Bar Association, law faculty, business associations, and civil society) through Memorandums of Understanding (MOUs) on specific service delivery pilot projects to address the legal needs of citizens, businesses, and other court users. At least one innovative pilot will be developed each year and tested before scale-up. During project preparation, and in coordination with the judiciary, consultations will be carried out with the police, prosecution service, probation officers, and the Chief Chemists Office to identify innovative pilots, such as the setup of a 24 Hour Criminal Court , launch of a Forensic Mobile Lab or other measures for addressing the problem of traffic police harassment at the Dar es Salaam port, the weak quality of investigations and forensic evidence retrieval, the delays in the transportation of the accused for appearance before judges and magistrates (which causes adjournments and thereby increases the duration and number of people awaiting trials), and the basic lack of information available to citizens on the role and function of law enforcement and justice entities, among others.

## **II. SAFEGUARDS**

### **A. Project location and salient physical characteristics relevant to the safeguard analysis (if known)**

The proposed Citizen-Centric Judicial Modernization and Justice Service Delivery Project among other activities will involve construction of modern court houses, rehabilitation court buildings and extension of buildings in order to increase working places or offices. Therefore, the project will involve demolition of old court buildings and construction activities. The construction activities will take place in the existing court premises in areas which are owned by the judiciary. Most of the sub-projects will take place in cities, municipalities, towns and semi urban areas. Some of the proposed activities under the project, particularly construction and rehabilitation of court buildings are likely to have potential adverse impacts on the environment. These civil works will possibly generate negative

impacts such as: soil erosion and siltation from the sources of construction materials, dust emission during transportation of materials and construction, and generation of solid waste. Similarly, the likely construction related social impacts include influx of people in the location looking for employment and its impact on the local area, etc. In addition, attention to inclusive service delivery is key and embedded in the project as it seeks to enhance the capacity of the judiciary to deliver efficient, transparent, accountable, and accessible citizen-centric justice services in select urban and rural areas to all citizens (men and women), vulnerable groups like women and informal traders, and businesses, etc., inclusion is provided for in project activities. The project has been assigned Environmental risk Assessment Category B and triggers one of the 10 safeguard policies, namely, Environmental Assessment (OP/BP 4.01).

### **B. Borrower's Institutional Capacity for Safeguard Policies**

Appropriate mitigation measures will be undertaken to address potential environmental impacts. An Environmental and Social Management Framework (ESMF) has been prepared to provide criteria and procedure for screening project investments and guide preparation of site specific safeguards instruments. The main objective of the ESMF is to establish Environmental and social screening procedures for identifying, assessing and mitigating potential environmental and social impacts of the sub-projects. The screening process will determine whether environmental and social impact assessment for specific project investments is required or not. The ESMF therefore will guide the level of assessments of environmental and social impacts of the investments whether simple environmental and social assessment should be applied by using environmental checklist, preparation of Environmental and Social Management Plans (ESMPs) or detailed Environmental and Social Impact Assessments (ESIAs) in this case according to both Bank Safeguards Policy (OP/BP 4.01) and to Tanzania's "Environmental Impact Assessment & Audit Regulations of 2005". Further on inclusion, a number of initiatives such as the promotion of innovative access to justice initiatives that bring justice services closer to the people such as Justice-on-Wheels Initiative (Mobile Courts), e-Justice Program, e-complaint citizen feedback system, modern courthouses for effective service delivery, and public education reflect efforts to achieve the inclusive service delivery social development outcome. Regular monitoring and reporting on this outcome will contribute to the achievement of the project objective and where necessary and applicable, a project wide assessment for this outcome may be made.

The Judicial Modernization and Justice Service Delivery Project will be administered by the Chief Court Administrator assisted by the other court administrators in their respective regions. The Judiciary requires training for implementation of safeguard policies and preliminary capacity in order to implement environmental and social safeguard instruments. In order to implement the ESMF appropriately the Judiciary should designate staff for environmental and social management or hire a recognized Environmental Expert/Consultant. The Environmental Expert/Consultant will provide assistance from time to time while gradually developing their capacity and experience. Therefore the Judiciary in collaboration with the Environmental Expert/Consultant will enhance their capacity for screening process, review, approval, monitoring and control of feedback reporting during project implementation and operation of the sub-projects within the Citizen-Centric Judicial Modernization and Justice Service Delivery Project.

### **C. Environmental and Social Safeguards Specialists on the Team**

Jane A. N. Kibbassa (GENDR)

Mary C.K. Bitekerezo (GSURR)

## D. POLICIES THAT MIGHT APPLY

Safeguard Policies	Triggered?	Explanation (Optional)
Environmental Assessment OP/BP 4.01	Yes	The project is envisioned to support investments related to new construction and rehabilitation of old court buildings, which are likely to generate negative impacts such as: soil erosion, dust, noise and solid waste. An Environmental and Social Management Framework Assessment (ESMF) has been prepared to address potential impacts. The ESMF includes screening procedures for identifying, assessing and mitigating potential environmental and social impacts of project investments in a timely manner and in line with the requirements of OP/BP 4.01.
Natural Habitats OP/BP 4.04	No	
Forests OP/BP 4.36	No	
Pest Management OP 4.09	No	
Physical Cultural Resources OP/BP 4.11	No	
Indigenous Peoples OP/BP 4.10	No	Discussions are on-going between GoT and the World Bank on the approach to this policy
Involuntary Resettlement OP/ BP 4.12	No	Construction activities will take place in existing court premises in areas which are owned by the judiciary and will not involve acquisition of new land area. Most of the sub-projects will take places in cities, municipalities, towns and semi urban areas.
Safety of Dams OP/BP 4.37	No	Not applicable
Projects on International Waterways OP/BP 7.50	No	Not applicable
Projects in Disputed Areas OP/ BP 7.60	No	There is no known disputable area in the project area of Tanzania.

## E. Safeguard Preparation Plan

### 1. Tentative target date for preparing the PAD Stage ISDS

07-Dec-2015

### 2. Time frame for launching and completing the safeguard-related studies that may be needed. The specific studies and their timing should be specified in the PAD-stage ISDS.

December 7, 2015

## III. Contact point

**World Bank**

Contact: Waleed Haider Malik  
 Title: Sr Public Sector Spec.

**Borrower/Client/Recipient**

Name: Ministry of Finance  
 Contact: H Kattanga  
 Title: Chief Court Administrator - Judiicial Branch  
 Email: hakattanga@gmail.com

**Implementing Agencies**

Name: Judicial Branch  
 Contact: H Kattanga  
 Title: Chief Court Administrator  
 Email: hakattanga@gmail.com

**IV. For more information contact:**

The InfoShop  
 The World Bank  
 1818 H Street, NW  
 Washington, D.C. 20433  
 Telephone: (202) 458-4500  
 Fax: (202) 522-1500  
 Web: <http://www.worldbank.org/infoshop>

**V. Approval**

Task Team Leader(s):	Name: Waleed Haider Malik	
<b><i>Approved By</i></b>		
Safeguards Advisor:	Name: Johanna van Tilburg (SA)	Date: 10-Dec-2015
Practice Manager/ Manager:	Name: George Addo Larbi (PMGR)	Date: 10-Dec-2015
Country Director:	Name: Preeti Arora (CD)	Date: 11-Dec-2015

1 Reminder: The Bank's Disclosure Policy requires that safeguard-related documents be disclosed before appraisal (i) at the InfoShop and (ii) in country, at publicly accessible locations and in a form and language that are accessible to potentially affected persons.