



**THE UNITED REPUBLIC OF TANZANIA**

**MINISTRY OF LANDS, HOUSING AND HUMAN SETTLEMENTS  
DEVELOPMENT**

**ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)**

**FOR**

**LAND TENURE IMPROVEMENT PROJECT  
(LTIP)**

**DRAFT**

**February 2020**

**DODOMA**

## **EXECUTIVE SUMMARY**

The Government of Tanzania (GoT) through her Ministry for Lands, Housing and Human Settlements Development (MLHHSD) has requested the World Bank for her financial support for Land Tenure Improvement Project (LTIP). The project aims at increasing security of land rights and efficiency in land administration in both urban and rural settings. It will promote land-based investments and ensures inclusion for social economic development in both urban and rural areas. The project will be implemented through four components namely (1) Increased Tenure Security (2) improved Land Information Management (3) Institutional Strengthening and Skills Development and (4) Project Management. This ESMF is prepared following World Bank Environmental and Social Framework (ESF) requirements and Country environmental and land administration policies, legislations, regulation and guidelines on land certification and registration and construction works.

The LTIP project is building up on similar projects undertaken in Tanzania in the past decade including the Land Tenure Support Project (LTSP) the Land Tenure Assistance Project (LTAP), Creation of a Comprehensive Urban Land Property Register for Economic Empowerment of residents in Unplanned Settlements in Dar Es Salaam (URT 2005); the twenty thousand plots Project in Dar Es Salaam, and others.

The key LTIP results indicators would be: number of Certificates of Rights of Occupancy (CROs), Certificates of Customary Rights of Occupancy (CCROs) and Residential Licenses issued and registered (gender disaggregated); increased number of land and property transactions; reduced number of land conflicts; increased tenure security, and gender disaggregated (survey data). Principally, the implementation of the Project will cover 581 villages in rural context and 9 regions of urban settings in the Country. In realization of project objectives, principles and output, the cost is estimated to be USD 150 million.

Increasing tenure security component will focus on implementing the following activities: urban and rural mass land certification, issuance of Certificates of Rights of Occupancy (CROs) and Customary Rights of Occupancy (CCROs). It takes into consideration issuance of Residential Licenses activities and other related documents. Specifically, this component addresses informality in urban settlements with an intention of using a cost-effective approach with inclusion perspectives. Among other activities, it will entail awareness raising and strengthening land rights mechanisms following the ESS 5 Footnote 10 and ESS10.

The Land Information Management component implementation comprises the rollout of the Integrated Land Management Information System (ILMIS), improvements to the geodetic network, acquisition of spatial imagery, base mapping, and establishment of a National Spatial Data Infrastructure (NSDI) activities. This will help to build land information data base potential for land sector development in the country. Under the same component the project will support construction of 26 Regional Land Offices including information infrastructure facilities in those regions. Construction activities will lead to generation of waste, utilization of raw materials and influx of labour which might have social and environmental impacts to surrounding communities.

The Institutional Strengthening and Skills Development component will entail capacity building and legal/regulatory reform activities, public awareness campaigns and other related activities to improve service delivery for land administration, including but not limited to purchase of equipment's activities. Other activities to be implemented include capacity building of Program Implementers including landholders in both urban and rural settings, strengthening of inter-sectoral programme activities coordination and support to project coordinating and management support.

Project Management, Monitoring and Evaluation (M&E) component aims at ensuring project implementation effectiveness and efficiency in realizing its deliverables with consideration of value for money. This component involves undertaking the following activities: -baseline and follow up activities in the selected project areas including implementation of the safeguard documents; developing an M&E system; preparation of quarterly and annual progress reports to gauge project implementation performance; and preparing end of project evaluation report.

The proposed project will apply the World Bank Environmental and Social Framework (ESF). According to the World Bank ESF, the LTIP is classified as substantial risk based on the certification and registration processes and construction activities type, location, sensitivity, scale, nature and capacity of the implementing entity. The activities will be assessed to meet the requirements of ESF. Likely, updates will be regularly done to address environmental, social risks and impacts in accordance to Environmental and Social Framework (ESF). An Environmental and Social Commitment Plan (ESCP) will be prepared, which will set out measures and actions that the Project would institute to meet ESSs requirements before approval.

Parallel to ESF the project will apply relevant national laws on protection and conservation of environment, natural resources, cultural heritage while ensuring safety and health of participants at working place. For reference, the main legislations include Environmental Management Act (EMA) (2004), Village Land Act of No 5 (1999), Land Act No.4 of (1999) and Human Settlement Development Policy of 2002. The Occupational Health and Safety Act, No. 5 of 2003, The Employment and Labour Relations Act, No. 6 of 2004, The Urban Planning Act of 2007, Environmental Impact Assessment and Audit Regulations of 2005, National Land Policy (1995), Gender Policy, 2011, Agriculture and Livestock Policy (1997), National Forest Policy of 1998, National Human Settlement Policy (2000) and. Others include National Environmental Policy of 1997, National Policy on HIV/AIDS of 2001, Community Health Fund Act of 2001, Road Traffic Act of 2002 revised in 2018 and Public Health Act of 2012. Similarly, sector policies, legislations and programs were also referred to for addressing Social and environmental issues related to project activities.

The implementation of the Project is designed to be environmentally and socially responsible to avoid any undesirable adverse consequences of the given interventions and hence ensure the achievement of improved standards of living of the poor in both urban and rural settings. The negative environmental and social impacts predicted under land registration, certification activities include but not limited to:

Loss of land which can result in economic displacement as the land was previously used for economic activities, increased risk of GBV occurrence due to the presence of the district field

teams, increased transmission of diseases including HIV/AIDS due to interaction between field teams and communities, conflict over land associated with competing land rights between pastoralists and individual land holders, overlapping claims to the same land, loss of secondary user rights. There is also a risk of exclusion of vulnerable groups and marginalized groups e.g. women, people living disabilities and the elderly who might not be well informed about the project due to their conditions, and inequalities in provision of land rights due to dominance of men in making decision on land issues. Environmental impacts will generally be avoided by project screening to avoid certification in protected and reserved areas as well as wildlife corridors. It is anticipated that regularization and formalization activities will have low impact or none because they will not involve any physical activities apart from installation of beacons *where necessary*. During construction of an office building environmental impacts include clearance of vegetation during site preparation, soil erosion and dust as a result of excavation, land, air and water pollution caused by construction waste. Social impacts associated with construction may include displacement of informal land users, increased transmission of disease and GBV cases as a result of the external workforce and increased risk of traffic accidents. Buildings will also need to be structurally sound to minimise any risks to community health and safety. In addition, across all project components the labour and working conditions of workers including occupational health and safety will need to be managed.

The proposed mitigation measures for the impacts described above are: encourage the companies to use workers and labourers from within the project area where possible to reduce influx of workers, consultant and contractors to develop code of conducts of workers as part of the employment contract, awareness creation to all workers and stakeholders on HIV/AIDS including proper use of condoms, cause and prevention measures, and care of patient, conduct voluntary counselling and testing programs, awareness creation to all workers and stakeholders on sexual harassment, gender inequality, gender inequality plan, women to be encouraged to participate in construction and certification works, some of the works can be assigned to women only to encourage their participation and improve their income and livelihood, private companies and consultants to establish verification and vetting methods to establish age and status of workers during employment, provision of PPEs, contractors to conduct toolbox meeting every morning to remind its workers on health and safety issues, all working sites to be registered by OSHA as per the Occupational Health and Safety Act of 2003, land donated should not exceed 5 percent threshold, if the donated land exceeds 5 percent compensation procedures should be followed as per the national law and WB ESF, alternative land for the project should also be considered in case compensation is not possible, put in place a functional grievance redress mechanism for workers to air their complaints and other concerns, periodic inspection of employment contracts, labour and working conditions to contractors and private firms, provision of joint CCROs to accommodate all common resources, establishment of land use planning and community awareness on land rights, contractors to ensure proper waste collection, storage and management, contractors to avoid oil spillage from construction trucks by using containers during maintenance and contractors to ensure that trucks are frequently services to reduce emission of GHGs

The ESMP will be prepared to address any likely impact that may arise. The regulation and formalization processes will result into provision of CRO and CCROs and those documents are not permitted by law to be issued for protected areas, or areas of biodiversity, wildlife corridors,

watersheds and other environmentally sensitive areas. The project is expected to issue 1 million CROs and 1 million Residential Licenses under regularization and formalization respectively which will be conducted in urban areas mainly the cities of Tanzania. The 500,000 CCROs to be issued in rural areas and the specific site selection will include screening criteria and a screening process (see Annex 6) that will ensure that certificates are not issued in protected areas or environmentally sensitive areas.. All pastoral corridors will be monitored so as to ensure that if/when the community is part of one, there will be measures to ensure that pastoralists are included in all planning and decision making and that equitable solutions are found. In addition, the project will not start issuance of CCRO in Arusha but in places where there are no or limited pastoralist-farmer conflicts so the ministry and team can build experience. By the time the project works in Arusha there will be enough experience and the project will ensure involvement of local NGOs that have a lot of experience dealing with pastoralists issues so that any derived solutions are inclusive and do not cause further encroachment and conflicts. Screening of areas where systematic issuance of CROs and CCROs will be conducted will ensure that any likely impact is identified early and proper tool as well as mitigation procedures are put in place prior to project commencement in that area.

In the screening processes, PCU in consultation with other government entities responsible for wildlife, national parks, water resources and protected areas will assess potential social and environmental impacts to be caused by land regularization, formalization and construction work in the project implementation processes using the tool established in this document. This will determine whether the following potential environmental and social impacts will happen during project implementation and what mitigation measures should be prepared in regard to potential environmental and social impacts identified. Similarly, the team will also assess potential social and environmental features of the construction sites. The type of safeguards tool to be prepared will be determined based on the potential environmental and social features in accordance with EMA, 2004 and EIA and Audit regulations and its amendments of 2018 as well as the WB Environmental and Social Framework requirements including ESS1, ESS2, ESS5 and ESS10.

The implementation of land regularization, formalization and building construction will involve temporary employment of labour in the project sites. In this case, Labour Management Procedures (LMP) has been discussed in this document to meet the objectives of ESS 2 and ESS4 of the World Bank requirements to provide for a safe and healthy working environment. The LMP provide for safety requirements, application of Personal Protective Equipment (PPE) and emergency/accident preparedness for working participant. The project will apply the relevant requirements of the Environmental Health and Safety Guidelines (EHSG)

Stakeholder Engagement Plan (SEP) has been developed as standalone document in accordance with the World Bank ESF requirements as per ESS10. This will ensure that all Project stakeholders are adequately engaged in all stages of Project activities as found in SEP and RPF documents. Similarly, the project has established the Grievance Redress Mechanism (GRM) to ensure that all Project grievances are heard and addressed. Project mobilisation and Capacity building plan and budget is presented in the ESMF which will be the first priority before actual project activities to be implemented in the project selected areas aforementioned.

**THIS PRESENTS A SUMMARY DOCUMENT OF ENVIRONMENTAL AND  
SOCIAL MANAGEMENT FRAMEWORK**

FULL DOCUMENTS ARE FOUND THROUGH:-

**Website: [www.lands.go.tz](http://www.lands.go.tz)**

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