



THE UNITED REPUBLIC OF TANZANIA

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

VULNERABLE GROUP PLANNING FRAMEWORK (VGPF)

**LAND TENURE IMPROVEMENT PROJECT
(LTIP)**

DRAFT

**February 2020
DODOMA**

EXECUTIVE SUMMARY

Introduction

The Government of Tanzania (GoT) through the Ministry for Lands, Housing and Human Settlements Development (MLHHSD) has requested the World Bank for financial support for Land Tenure Improvement Project (LTIP). The Project (LTIP) aims to strengthen the land administration systems and increase tenure security for men and women, and thus promote land based investment in the Country. This Vulnerable Group Planning Framework (VGPF) guides the preparation and implementation of LTIP interventions that may affect Vulnerable Groups (VG) in the proposed project areas. The VGPF is based on the ESS7 of the World Bank Environmental and Social Framework (ESF) and the applicable laws and regulations of the Government of the United Republic of Tanzania. The VGPF has also been informed by the stakeholder engagement undertaken during project preparation.

Project Description

In summary, activities under LTIP will be structured into four main components:

Component 1: Increased Tenure Security. This component will support the issuance of CCROs, CROs, Residential Licences and other related activities. The activities under this Component will be done in an inclusive and participatory way to ensure gender equity, and protection of the rights of all groups including women, youth, hunter-gatherers, pastoralists, farmers, etc. The regions selected include but are not limited to 1: Dar es Salaam, Dodoma, Arusha, Tabora, Geita, Pwani, Mwanza, Shinyanga, Tanga and Morogoro. The Districts to be covered include, but are not limited to, Dodoma (Chamwino), Simiyu (Maswa), Ruvuma (Mbinga), Katavi (Mpanda), Songwe (Songwe) and Momba Rural District. This will cover 6-7 percent of the country. This component includes the following subcomponents: -

Subcomponent 1.1: Rural mass certification and issuance of Certificates of Customary Rights of Occupancy (CCROs). This subcomponent will focus on upscaling successful pilots for the direct implementation of rural mass certification and issuance of CCROs. This requires, previous definition of the village boundaries, the planning of land uses, inclusive and participatory demarcation and adjudication processes, conflict resolution and issuance of certificates.

Subcomponent 1.2: Urban mass registration and issuance of Certificates of Rights of Occupancy (CROs) and Residential Licenses (RL). Urban land certification entails two distinct processes with different outputs: the formalization process to produce 1 million RLs, and the regularization of unplanned settlements to produce 1 million CROs. The formalization of land parcels through the issuance of RLs includes adjudication of land parcels, preparing an urban land register and issuances of RLs. Similarly, the regularization process for unplanned settlements and issuance of CROs, involves the production of regularization schemes to ensure compliance with minimum urban standards (width of streets and pathways, availability of public spaces such as schools and other services).

Component 2: Land Information Management. This component will include the rollout of the Integrated Land Management Information System (ILMIS), improvements to the geodetic network, base mapping, generation of a property valuation database and establishment of a basis for National Spatial Data Infrastructure (NSDI) to strengthen accessibility and efficiency of land administration services. The ILMIS has been piloted and the project will improve, extend, and implement the system in the project areas in an effective way to reach all localities for maintenance of the land information. The enhanced geodetic framework and base maps will support not only the land registration operations but also a wide range of location-based applications underpinning social, economic and environmental benefits. This component entails the following subcomponents: -

Subcomponent 2.1: Upgrading and upscaling of ILMIS. This subcomponent will finance the second phase of ILMIS development by upgrading functionalities for unified management of CCROs, CROs, RLs, including first registration and subsequent transactions. The ILMIS Rollout will be implemented in 26 regions where the same number of office building will be constructed and equipped to support the ILMIS upscaling.

Subcomponent 2.2: Production of base maps. This subcomponent will finance the outsourced production of base maps using either recent high-resolution satellite imagery or aerial photography in the project areas and additional districts that are in between project target districts to support mass land certification, land use planning and management.

Subcomponent 2.3: Enhancement of geodetic framework. This subcomponent will support the establishment of Continuously Operating Reference Stations (CORS), associated infrastructure, and geodetic control points needed for accurate and economically feasible Global Navigation Satellite System (GNSS) surveying and operation maintenance of network.

Subcomponent 2.4: Support for Valuation Systems: This subcomponent will involve mapping of land values across the country; establishing a property valuation information data base that can be used in mass appraisal of land values, taxes, compensation etc.

Component 3: Institutional Strengthening: This component will include capacity building and legal/regulatory reform activities, public awareness campaigns and other related activities to improve service delivery for land administration, including purchase of equipment and office construction to decentralize ILMIS, efficient land administration services and support for the Land and Housing Tribunals. This component entails the following subcomponents:

Subcomponent 3.1: Legal and regulatory review and support to policy implementation. This subcomponent will update and harmonize the policy, legal and regulatory framework for efficient land administration and mass systematic registration. This will be done through backgrounds studies and analysis, workshops and consultancies as needed.

Subcomponent 3.2: Capacity building for the land sector. This subcomponent will focus on capacity building for all relevant stakeholders at the central and at the local level. It will involve training of staff on various aspects associated with land sector development and the project (LTIP). The capacity needs assessment will be carried out to inform the training needs and gaps.

Subcomponent 3.3: Support for the Land and Housing Tribunals: This sub-component is meant to support the establishment and function of the land and housing ward tribunal in terms of adding new tribunals and councils, financial and human resource support for existing bodies, clearing backlogs, development of guidelines at the village and ward level as well as training and equipment.

Subcomponent 3.4: Physical development of the land administration system. This subcomponent will support the construction of 26 Regional Land Offices and renovation of 12 District Land Offices which are ILMIS compliant. A national land archive building will also be constructed. It will also procure the necessary equipment for these buildings and ensure connection of Local Area Network to the respective offices. An archive strategy will also be developed.

Subcomponent 3.5: Public awareness: This sub-component is meant to create awareness of the broader land administration system, LTIP activities and processes, land related policy and laws requirements, and land information systems to different stakeholders. Other areas for implementation includes preparation of the communications strategy, message development and testing for confidence building in understanding of, the land administration system. Other activities include training on safeguard documents (i.e. ESMF, VGPF, SEP, RPF) to various stakeholders at different levels during project implementation. Crucial focus will be made on women's land rights and other vulnerable groups.

Component 4: Project Management: In this context, a Project Coordination Unit (PCU) has been established within the MLHHS. The key tasks to be carried out by the PCU will be general project coordination, procurement, financial management, environmental and social supervision, and monitoring and evaluation. Capacity building for the Ministry staff will be necessary as the project will be the first World Bank funded standalone project to be implemented by the MLHHS. Capacities exist within the Ministry will be strengthened to ensure successful project implementation. Likely, equipment, recruitment and training will be supported to upgrade the capacities of the Ministry.

Vulnerable Groups Planning Framework

This Vulnerable Group Planning Framework (VGPF) is based on relevant aspects of Tanzanian law and the World Bank's Environmental and Social Framework (ESF). Nine of the

Environmental and Social Standards (ESSs) within the ESF apply to the Project. Environmental and Social Standard (ESS7) on Sub-Saharan African Historically Underserved Traditional Local Communities requires that projects enhance opportunities for Vulnerable Groups communities to participate in, and benefit from the development process in ways that do not threaten their unique cultural identities and wellbeing. This Vulnerable Groups Planning Framework (VGPF) is a guide for fully engaging Vulnerable Groups in the development and implementation of LTIP at the community level.

According to ESS7 within Tanzania Vulnerable Groups (VG) include pastoralist and hunter-gatherer communities, including the Hadzabe, Akie, Sandawe Maasai and Barabaig. This framework is prepared to guide the implementation of the LTIP. These groups are mainly found in the North of Tanzania.

The main benefit will be the increased protection of vulnerable groups rights to land and the natural resources on the land including water, forests and grazing land as well as any cultural heritage. In addition, where joint village land use planning is undertaken there is the potential to identify and protect stock routes. These benefits will be best achieved through the issuance of communal CCROs and development of associated bylaws. Through the education and sensitization campaigns, VG knowledge of their rights in relation to land will also increase which will allow them to better protect these rights in the future. In addition, engagement with the village on their land needs and the planning process may assist in reducing conflict over access to land.

The VGPF presents the impacts and risks to vulnerable groups along with the types of mitigation measures that will need to be implemented. These are presented in the table below. The measures are designed to address their marginalization and risk of exclusion by ensuring there is sufficient awareness of the project and proper project implementation involving all stakeholders. In addition, during the development of the Vulnerable Groups Plan (VGP) these measures will be discussed and agreed with the affected VG and if additional measures needed will be included to address specific impacts associated with any components of the Project.

LTIP Impacts and Mitigation

Impact	Proposed Mitigation
Exclusion of VG in the Project Processes	<ul style="list-style-type: none"> • Undertake screening (with input from the WB) on the presence of VG in a Project Area. • Develop a VGP for Project Areas where VG are present. • Undertake sensitisation and awareness raising in line with the requirements of this VGPF • Ensure all meetings are announced in a timely manner and are scheduled to allow for the participation of VG. • Ensure that VG are able to input into the VLUP through focussed engagement as required.
Inequalities Facing Women and Other Marginalized Groups	<ul style="list-style-type: none"> • Undertake sensitisation and awareness raising with traditional leaders on the need to include women and marginalised groups in the process. • Undertake focus groups with marginalised groups to inform them on the project with support from Community Organisations. • Educate men on the importance of including their wives on CCROs • Ensure that if needed to support economic activities women are also able to access individual CCROs • Gender mainstreaming in relation to land rights.
Loss of Access to Seasonal Communal Land	<ul style="list-style-type: none"> • As part of the Vulnerable Groups Plan undertake a baseline study to understand rangelands and seasonal usage. • Include seasonal land use in the Village Land Use Plan and associated bylaws. • Undertake sensitisation with VG and the wider community on the seasonal usage of land and to understand competing land rights and potential solutions. • Issuance of communal CCROs
Communal Land Rights Across Village Boundaries	<ul style="list-style-type: none"> • As part of the Vulnerable Groups Plan undertake a baseline study to understand rangelands, stock routes and seasonal usage across village boundaries. • Undertake Joint Village Land Use Planning • Ensure that VG are involved in the joint Village Land Use Planning process, development of bylaws and decision making. • Issuance of communal CCROs
Loss of Access to Customary or Ancestral Land	<ul style="list-style-type: none"> • As part of the Vulnerable Groups Plan undertake a baseline study to understand rangelands and seasonal usage. • Develop a Vulnerable Groups Plan for Project Areas where VG are present. • Undertake sensitisation and awareness raising with VG on the project.

Land Take	<ul style="list-style-type: none">• Implement the measures outlined in the RPF developed for the Project• As needed implement an FPIC process.
-----------	---

Stakeholder Engagement

The preparation of the LTIP project documents was informed by several engagements and consultations the Ministry made with different stakeholders. Stakeholders that informed the preparation of this VGPF include CSOs, VG, and experts. Stakeholders were consulted via different methods including physical visits, emails, holding meetings and through phone calls. This consultation was used to inform the development of the VGPF as well as the approach to engagement during implementation.

Informed Consultation During Implementation

VG will be informed and consulted in preparing the VGPs. Their participation in planning will enable them to benefit from the project and protect them from potential adverse impacts. The VGP will be prepared in consultation and in a socially acceptable manner with affected VG, before project implementation. In this process the following will be considered:

- a) Special attention will be given to the concerns of local tradition communities, women, youth, and children and their access to development opportunities and benefits; and
- b) Establishing an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the affected VG, if any, and other local civil society organizations (CSOs) identified by the affected VG' communities;
- c) Providing the affected VG with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected VG' communities) in a socially appropriate manner at each stage of project preparation and implementation.

Involvement of VG in problem identification and design of solutions has to be ensured through the entire project cycle interventions.

Approaches to Engaging VG during Project Implementation

In order to gain trust for smooth implementation of the LTIP project involvement of the VG where they are present, the Ministry will use different engagement approaches. The engagement approaches will include *Meeting with Existing Formal Government Systems including Village and traditional Leaders* to discuss the project and to understand the local context and structures. *Sensitization of the Communities, Use of Stakeholders Working with VG and Monitoring of Inclusion of VG* where Community organisations hired will provide regular updates to the Project team and the PCU on their activities, the level of engagement with the VG, the outcomes of the engagement and any issues arising.

The project teams and CSOs will jointly monitor the participation of vulnerable groups in the stakeholder engagement process to ensure that they remain engaged. Early identification of any exclusion or lack of participation in the process will be essential to ensure that the village land use planning and certification process does not advance without their inputs.

With regard to institutional, policy and legal frameworks, the Constitution of the Government of the United Republic of Tanzania of 1977 recognizes the socio-economic and cultural rights of all citizens as stipulated in Article 8(2), 9 and 29. It identifies VG as being minority communities who have been marginalized through historical processes and therefore, their concerns should be heard and protected. It prohibits alienation of marginalized groups by virtue of their relatively small population or any other reason, has been unable to fully participate in the socio-economic life in the Country. Thus, the need to recognize communities that have preserved their unique culture is essential as per World Bank ESS7.

Vulnerable Group Plans (VGPs)

Vulnerable Group Plans (VGPs) will be prepared prior to implementing any components in the districts in which they are based through a highly participatory, flexible and pragmatic process using a participatory planning approach. The implementation of the VGPF in the Project will help Vulnerable Groups to create opportunities for improving their quality of life and wellbeing. All the VGPs that will be prepared under the Project will include the following contents, as needed:

- a) A summary of the legal and institutional framework applicable to VG.
- b) Baseline information on the demographic, social, cultural, and political characteristics of the affected VG communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- c) A summary of the social assessment which will provide an analysis of the socioeconomic, environmental and cultural context for VG.
- d) A summary of results of the stakeholder consultation with the affected VG that was carried out during project preparation.
- e) A framework for ensuring free, prior, and informed consultation with the affected VG before during preparation and implementation and any proof of the same once achieved.
- f) An action plan of measures to ensure that the VG receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies.
- g) When potential adverse effects on VG are identified, appropriate action plans of measures to avoid, minimize, mitigate, or compensate for these adverse effects drawing on the information presented in the ESMF and VGPF.
- h) The cost estimates and financing plan for the VGP; each project will bear full cost of assisting the VG.
- i) Accessible procedures appropriate to the project to address grievances by the affected VG arising from project implementation. When designing the grievance procedures, the government takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the VG.
- j) Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the VGP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected VG.

Once prepared the VGPs will be disclosed by the MLHHS D to the local stakeholders including VG in an appropriate and accessible form, manner, and language. This will include meetings with the VG to discuss the content of the plan as well as with the Village Leaders and relevant staff at the District and Regional level. The documents will also be disclosed on the on both the WB website and MLHHS D website.

Monitoring and Evaluation

It is important that the M&E plan is developed with the active involvement of the VG at the project design stage in order to come up with mitigation measures that are culturally appropriate to their context. The implementation of the VGF and the VGPs should be closely monitored and documented. Annex 1 contains additional information that will be incorporated into the M&E plan in relation to VG.

The MLHHS D technical group and PCU will determine compliance by the project with relevant frameworks including the SA and VGPF, in a participatory process involving VG. The M&E reports for each LTIP intervention will be prepared on an annual basis, including information on VG, and will inform measures to be taken to fine-tune the VGPs. Specific information highlighted through the M&E process and corrective measures to be taken should be discussed with the VG to keep them informed and to ensure the appropriateness of the corrective measures. The M&E report will be submitted to the MLHHS D and finally to the World Bank, as required.

THIS PRESENTS A SUMMARY DOCUMENT OF VULNERABLE GROUP PLANNING FRAMEWORK

FULL DOCUMENTS ARE FOUND THROUGH:-

Website: www.lands.go.tz

FOR ANY COMMENTS AND ADVICE SEND TO:-

**Email: wakuru.maseka@lands.go.tz, lucy.kabyemera@lands.go.tz,
Mariam.silim@lands.go.tz**

Telephone: +255767322277, +255713278040, 0683214181

Physical Contact Address:

Permanent Secretary

Ministry of Lands, Housing and Human Settlements Development.

P.O.Box 2908.

Dodoma.