

THE UNITED REPUBLIC OF TANZANIA

PROGRAM FOR RESULTS

**Sustainable Rural Water and Sanitation Program
(SRWS)**

**ENVIRONMENT AND SOCIAL SYSTEMS ASSESSMENT
(ESSA)**

Prepared by the World Bank

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ACRONYMS AND ABBREVIATIONS

BWOs	Basin Water Offices
COWSO	Community-owned Water Supply Organisation
DAWASA	Dar es Salaam Water and Sewerage Authority
DAWASCO	Dar es Salaam Water & Sewerage Corporation
DEMC	District Environmental Management Committee
DEMO	District Environmental Management Officer
DIA	Direct Influence Area
DfID	UK's Department for International Development
DLI	Disbursement-Linked Indicator
ESIA	Environmental and Social Impact Assessment
EIS	Environmental Impact Statement
EMA	Environment Management Act
ESMU	Environmental and Social Management Unit
ESMP	Environmental and Social Management Plan
ESPA	Environmental and Social Preliminary Assessment
EWURA	Energy and Water Utilities Regulatory Authority
ESPAP	Environmental and Social Program Action Plan
GoT	Government of the United Republic of Tanzania
GRS	Grievance Redress Service
IAs	Implementing Agencies
IWRMD	Integrated Water Resource Management and Development
LGA	Local Government Authority
MDG	Millennium Development Goals
MKUKUTA	Mkakati wa Kukuza Uchumi na Kuondoa Umaskini
MoEST	The Ministry of Education, Science and Technology
MoFP	Ministry of Finance and Planning
MoHCDGEC	Ministry of Health, Community Development, Gender, Elderly and Children
MoWI	Ministry of Water and Irrigation
NAWAPO	National Water Policy 2002
NEMA	National Environmental Management Act
NEMC	National Environment Management Council
NEP	National Environment Policy
RWSSP	Rural Water Supply and Sanitation Programme
NWSDS	National Water Sector Development Strategy
PAD	Project Appraisal Document
PAP	Project Affected People
PCU	Programme Coordination Unit
PDO	Program Development Objective
PforR	Program-for-Results
PESIA	Preliminary Environmental Impact Assessment
PMO-RALG	Prime Minister's Office – Regional Administration and Local Govt
POM	Program Operational Manual

RA	Result Area
RUWA	Rural Water Agency
RWSTs	Regional Water and Sanitation Teams
SRWS	Sustainable Rural Water Supply and Sanitation Program
SWAp	Sector-Wide Approach to Planning
SWASH	School Water and Sanitation and Hygiene
UWSA	Urban Water and Sewerage Authority
UWSSP	Urban Water Supply and Sewerage Programme
VEMO	Village Environmental Management Officer
VWC	Village Water Committee
WATSAN	Water and Sanitation Committee
WDMI	Water Development Management Institute
WRMP	Water Resources Management Programme
WSDP	Water Sector Development Programme
WSS	Water Supply System
WSSAs	Water Supply and Sanitation Authorities
WSSP-II	Second Water Sector Support Project

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EXECUTIVE SUMMARY

The proposed *Sustainable Rural Water and Sanitation Program (SRWS)* will support the Government in implementing the Water Supply Development Program II (WSDP II) and help achieve the targets under the program by focusing on two of its subsets, consisting of rural water supply and sanitation services in 16 out of Tanzania's 26 regions. These regions have been selected against the criteria of low access to water and sanitation as well as high poverty and high stunting rates. Kigoma region has been added to support the host community affected by the ongoing refugee situation. The WSDP II itself, which is the second phase of the Water Sector Development Program, runs from 2014 to 2019 and constitutes a national program that is specifically intended to strengthen sector institutions for integrated water resources management and improve access to water supply and sanitation services across Tanzania.

WSDP II includes the following components: Water Resources Management to ensure availability of water for socio-economic development and environmental sustainability; Rural Water Supply to provide improved quality and quantity of drinking water for the rural population; Urban Water Supply and Sewerage to improve and sustain quality and quantity of water supply and sanitation services for urban populations; Sanitation and Hygiene to provide access to improved sanitation and hygiene facilities to 75% of the population in Rural and Urban settings by 2019; and Institutional Development and Capacity Building to provide facilitative services that support all other components to deliver planned outputs and expected outcomes. WSDP-II was planned to run from 2014 to 2019, but delays have meant that implementation began only in 2016. The table below provides an overview of the program.

The SRWS seeks to improve the sustainability of rural water supply, while the approach on sanitation and hygiene will focus on demand creation using the community led total sanitation (CLTS) to work towards universal coverage through the achievement of Open Defecation Free (ODF) villages. The program has been formulated around 4 results areas:

Results area 1: Increased access to improved water services in rural areas (Bank financing: US\$ 75 million) which will be implemented by the Ministry of Water and Irrigation (MoWI) and the President's Office – Regional Administration and Local Government (PO-RALG) and will support improvements in sustainable access to water supply services in the participating districts by increasing coverage of water supply services and rehabilitating and repairing non-functional and partly functional water points.

Results area 2: Increased access to safely managed sanitation services in rural areas (US\$ 75 million) will be implemented by the MoHCDGEC and PO-RALG, and will support the second phase of the National Sanitation Campaign (NSC) and the rollout of the Behavior Change Communication (BCC) campaign. The RA will also fund investments in sanitation and hygiene facilities in public schools and health facilities. The RA will specifically address sustainability of sanitation services by incentivizing maintaining ODF status in villages.

Results area 3: Strengthened institutional capacity for water and sanitation service delivery in rural areas (US\$ 130 million) will be implemented by both MoWI and MoHCDGEC. Activities related to rural water supply will be implemented by MoWI and TA activities pertaining to sanitation and hygiene will be implemented by MoHCDGEC. At the system level, program activities will be

strategically designed to enhance the capacity of the government to monitor, ensure quality, and improve and sustain WASH service delivery. This component will support the high-level coordination and cooperation between Ministries and different levels of government that will be required for successful implementation of the Program. This RA will support the GoT to prepare the sector to leverage private sector participation and investments that improve service levels and drive efficiency.

Results area 4: Strategic Technical Assistance for Program Management Support and Improving Operational Efficiency and Monitoring and Evaluation (Investment Project Financing) (US\$ 20 million – part of result area 3) will provide TA to support a coordinated, coherent, and evidence-based approach to the critical activities needed to successfully implement the WSDP II. Specifically, the Operation will fund: (a) the program implementation support, including strengthening the institutional capacities of the Program Coordination Unit (PCU) mainly through the recruitment of a Strategic Program Support Consultant (SPSC); (b) the development of integrated reporting and management information systems; (c) the BCC campaign for the National Sanitation Campaign; (d) the verification of the Program results, (e) support to the Water Development Management Institute, and (f) other smaller technical assistance activities.

In terms of environmental and social management, PforR employs a risk management approach in which process requirements are adapted to the Program context. For each proposed PforR operation, the Bank assesses—at the Program level—the borrower’s authority and organizational capacity to achieve environmental and social objectives against the range of environmental and social impacts that may be associated with the Program. The World Bank has, therefore, conducted an Environmental and Social System Assessment (ESSA) of Tanzania’s existing environmental and social management system reflected in the national legal, regulatory, and institutional framework that will be used to address environmental and social effects of the activities financed by the PforR operation. The ESSA defines measures to strengthen the system, and proposes to integrate those measures into the overall PforR operation. This report presents the findings of the ESSA exercise. The ESSA was undertaken to ensure consistency with six Core Principles outlined in the guidelines to the World Bank’s OP/BP 9.00 Program-for-Results Financing in order to effectively manage Program risks and promote sustainable development.

The ESSA process included extensive stakeholder consultations and disclosure of the draft ESSA report following the guidelines of the World Bank’s Access to Information Policy. The ESSA consultation process and content are embedded in the Program consultation process.

The findings.

The ESSA found that overall the national regulatory framework and technical guidelines for environmental and social due diligence with respect to the Program are sufficient but with areas that require gap filling measures. These include land acquisition involving informal settlers and protection and inclusion of disadvantaged or vulnerable communities. . The National Environmental Policy (1997) and the Environmental Management Act (2004), and their associated instruments and laws support environment and social management and the environmental and social impact assessment processes in Tanzania. Those are supplemented by a number of sectoral policies that consider Environment and Social Impact Assessment as one of the planning tools for facilitating and promoting sustainable development. Such systems are principally well-aligned with the core

principles and key planning elements as defined in the Bank PforR Policy. In addition, the project will benefit from guidelines, which have been produced by MoWI (Guidelines of Good Environmental and Social Practices for the Water and Sewerage Sector).

However, there are certain inadequacies and gaps from the perspective of actual implementation of such system identified through this ESSA. The assessed weaknesses are related to lack of enforcement and compliance with existing laws, regulations and guidelines governing environmental and social management. The umbrella environmental law, Environmental Management Act (EMA), 2004 still lacks important regulations to make it fully operational. Currently only 26 out of recommended 90 regulations are in place. Institutional capacity to enforce the existing regulations related to protection and management of environment remains weak. Although EMA provides for environmental management officers and environmental inspectors at district level, the required technical skills are still low. Effort to hire or designate environmental inspectors have been launched recently by the Vice President's Office – Division of Environment, and so far about 520 staff out of the estimated 3,000 are in place. To improve this, the program under DLI 9 will resource the Ministry in charge of Environment to draft the regulations requiring the full operationalization of EMA, 2004. In addition, inadequate attention to environmental, health and safety concerns, land acquisition management and resettlement with regard to informal settlers and vulnerable persons, lack of environmental and social management data systematic collection and reporting, capacity issues and weak coordination among agencies are other factors affecting the system. Awareness of the ESSA prepared for the ongoing programs among implementing agencies is low; thus, some recommended actions are proposed to address these shortcomings and are included in Disbursement Linked Results and the Program Action Plan for the Program.

The anticipated negative environmental and social effects of the Program are not expected to be significant; while the Program focuses on functionality and rehabilitation of existing facilities and services, it also aims to expand services and does finance limited civil works for rural water supply and sanitation and health activities. Small construction activities include bore holes, water tankers, water kiosks, water pipes, small check dams, surface water collection and cattle troughs and construction and maintenance of school sanitation and hygiene facilities. The physical interventions are expected to have limited footprints in terms of impact on the ecology, loss of land or asset and land acquisition. The expected impacts are predictable and easily manageable with the application of known mitigation measures. Further, new facilities will be constructed within the boundaries of existing land for the health and educational facilities, and in communities as is the norm in Tanzania, land for public services will be either outright purchase or voluntarily donated by local authorities. Therefore, the ESSA shows that the overall risk for the proposed program on the environmental and social perspective and safety management is moderate.

The social implications of the interventions the program is expected to address includes among others: Poverty and inequity (Economic and Health Vulnerability); Beliefs and Traditions ; Gender responsiveness; Community consultation, participation and representation; Community capacity building to sustainably operate, manage and maintain rural water supply facilities; Existence, functionality and effectiveness of mechanisms to promote accountability and transparency including consultations, feedback and grievance redress at village and district levels.

A rural water supply and sanitation sector gender assessment was also undertaken to pick critical institutional and operational actions necessary to furthering gender equality in WASH service

delivery. It found that, despite the fact that NAWAPO and the WSP were in place, there is still little consultation of both men and women in selecting and managing rural water supply schemes nor equal participation of women in water committees and in leadership positions. Women are rarely involved in decisions relating to water policies and strategies, water resource management, or tariff setting and technology choices. They are missing in key areas of water-related decision making.

The ESSA analysis presented here identifies strengths, gaps and opportunities in Tanzania's environmental and social management system with respect to addressing the environmental and social risks associated with the Program. The analysis identified the following main areas for action to ensure that the Program interventions are aligned with the Core Principle 1, 2, 3, 4 and 5 of OP/BP 9.00 applicable to the Program: namely defining system for environmental and social management, technical guidance and institutional capacity, addressing capacity constraints and Improved systems for Information Disclosure and Stakeholder Consultation. The gaps identified through the ESSA and subsequent actions to fill those gaps are expected to directly contribute to the Program's anticipated results for enhancing improved access to water, improved access to safely managed sanitation and strengthened institutional capacities for water and sanitation delivery.

The ESSA identifies the key measures to be taken for improved environmental and social due diligence in the Program. These measures are linked closely with the Program Action Plan and Disbursement-linked Indicators (DLIs) for the PforR operation, DLIs 1, 2, and 7 - Number of people with access to an improved water supply, the proportion of sustainably functioning water points and Rural water and sanitation M&E systems established and operational respectively.

Environmental and Social Program Action Plan

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
National Environmental and Social Management System Improvement	Program Action Plan DLI 9 – Number of EMA Regulations gazetted and environmental inspectors trained	Ongoing	The Program will not finance sub-projects that pose significant environmental risk, and any physical or economic displacement is expected to be minor. Given the experience of the previous Water Sector Support Project ¹ , there is a good opportunity to improve systemic implementation of environmental and social practices related to the

¹ The previous WSSP was supported through traditional Bank lending rather than a PforR, and was rated as Category A for Environmental Assessment given the inclusion of a large well field, though the vast majority of sub-projects were rated as Category C for low to minimal risk. The remainder were rated as Category B given more modest but still manageable risk. The new Program will only finance sub-projects that pose these more low to moderate risk, and exclusionary criteria will be specified in project documents and the Financing Agreement.

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>functioning and operations of water and sanitation service provision.</p> <p>The Program will adopt the measures and procedures defined in the Environmental Impact Assessment and Audit Regulations (2005), which underscores the obligation to screen projects and thereafter undertake EIA prior to commencement or financing of a moderate risk project or undertaking. The beneficial experience from WSSP-I regarding improved screening of sub-projects and supervision to the field level will be formalized under the Program. Sub-projects representing significant environmental or social risk are excluded from PforR financing.</p> <p>The Program will support VPO to expedite the on-going review of the Environmental Impact Assessment and Audit Regulation (2005) to improve its application, particularly to address observed short-comings in the screening process for lower risk investments, which apply to SRWS.</p> <p>The EIA regulation and procedure has been assessed and found to be compliant with PforR principles at the top level, but needs greater attention on implementation</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>procedures, resources and improved institutional mechanisms at the local government/project site level.</p> <p>The current process for grievance redress and complaint handling, inclusive and participatory consultations, social accountability and gender equality (including vulnerable groups) also needs significant improvement.</p> <p>The Program will require further coordination among various ministries, agencies and donor partners (including as relevant at the Regional and District/LGA levels) on environmental and social aspects to further support on-the-ground implementation. Improvements in this regard will be assessed through more regularized compliance monitoring, enforcement and reporting. These environmental and social measures will be part of overall Program reporting and data management.</p> <p>For improved implementation, enforcement and monitoring, procedures defined in the EMA, EIA Regulation, management tools for the environmental and social management in the Ministry and the Sustainability Strategy and Trainers Manual for COWSOs and DWSTs'</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>Capacity Building will be fully implemented.</p> <p>VPO/DoE, in collaboration with all the sectors involved in SRWS will ensure allocation and/or designation of staff and functional environmental units within line ministries and at LGA level to ensure effective oversight on compliance of environmental and social management.</p> <p>The program will allocate resources to the Ministry in charge of Environment to finance the drafting of necessary implementation instruments required to fully operationalize EMA. The implementation of this will be monitored through DLI 9.</p>
Providing Technical Guidance and Enhancing Implementation Capacity	DLI 7 Rural Water and Sanitation M&E systems established and operational Program Action Plan	Ongoing	<p>The ESSA identifies the need for the Vice President's Office and Division of Environment in collaboration with PO-RALG to improve environmental inspection, monitoring and enforcement at district and community level through designated national environmental and social officers and regional levels.</p> <p>Designate/ hire qualified staff and train environmental inspectors and district environmental officers in order for the district to participate in the Program.</p> <p>Strengthen environmental management functions of</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>NEMC and Division of Environment to coordinate monitoring at LGAs.</p> <p>Develop and implement a central environment tracking System for environmental monitoring.</p> <p>Allocate financial resources to regional and LGA levels for monitoring environmental and social compliance.</p> <p>Enhanced transparency and information sharing, grievance redress, and community participation through awareness raising and consultation on water and sanitary services.</p> <p>Support to COWSOs environmental and social management functionality.</p> <p>Monitor inclusion of disadvantaged and vulnerable communities in services delivery.</p>
Addressing Capacity Constraints	<p>DLI 1 Number of people with access to an improved water supply</p> <p>DLI 2 The proportion of sustainably functioning water points</p> <p>Program Action Plan</p>	Foundation Activities – Year 1	<p>The Capacity Building Plan will be developed early in year 1 of Program implementation, as part of the “Foundational Activities” (DLI 1), and included in the Operations Manual. Central to this will be the mainstreaming of E&S capacity strengthening under the multiple-activity IPF Technical Support Component.</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>Progress made on capacity building will be provided by the verification of DLI 7.</p> <p>To address the challenges of enforcement and monitoring of compliance, the program will strengthen the Ministry in charge of Environment through allocation of resources to fund capacity building of Environmental Officers.</p>
Improved systems for Information Disclosure and Stakeholder Consultation	Program Action Plan	Foundation Activities – Year 1	<p>Accountability and Transparency of institutions are essential to ensure that the benefits of the Program reach all beneficiary groups (service users and providers). The ESSA suggests actions: i) establish coordination mechanisms from national agencies and DPs jointly led by MoWI and PO-RALG; ii) undertake orientation and awareness creation for program implementation to lower level stakeholder groups on environmental and social management through publicly available mechanisms. The measures to improve information disclosure and stakeholder consultations will be included in the Program Operations Manual.</p> <p>During supervision the Bank will monitor information available in the public domain on Community engagement activities and their contribution to improved</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			water and sanitation service provision.
Disadvantaged and vulnerable persons	Program Action Plan	Before effectiveness of the program	<p>The program will develop and adopt measures to ensure inclusive consultations and grievance redress with the vulnerable and unreached / disadvantaged people to safeguard them from exclusion from the programs benefits.</p> <p>The program will adopt measures to ensure that benefits and compensation accorded to disadvantaged persons are culturally appropriate. The program will also adopt the GoT prepared Vulnerable Groups Plan prepared for the Tanzania Social Action Fund under the Tanzania Productive Social Safety Net (P124045).</p> <p>These will be included in the Program Operations Manual before effectiveness of the program.</p>
Land acquisition /allocation for the program	Program Action Plan	Before effectiveness of the program	<p>The program will develop procedures for Voluntary Land Donations (VLD) and formats of agreements (between the program and land donors) before effectiveness of the program.</p> <p>The program will adopt the Water Sector Support Project (P087154) – Resettlement Policy Framework (RPF) to guide land acquisition and resettlement for the program.</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
Gender inclusion	Program Action Plan	Foundation Activities – Year 1	<p>A Gender Action Plan will be developed under the ‘Foundation Activities’ (DLI 1) of the program during year 1.</p> <p>To promote the participation of women in governance and COWSOs the program will adopt of the dedicated gender action plan to be implemented at PO-RALG, LGA and COWSOs and build women’s capacity to lead and manage COWSOs.</p> <p>This initiatives will include: development and adoption of a rural water gender mainstreaming strategy, extension of current quota system to include leadership positions, explore ways of promoting female water technicians and engineers, training of both men and boys on sanitation and hygiene to promote their active participation, continuous sensitization of all sectors on social and cultural discriminatory practices and norms underpinning gender inequalities and discrimination against women with the aim of correcting this.</p> <p>It should also provide guidance on how sexual exploitation and abuse will be safeguarded in the program.</p>

Consultations and Information Disclosure

The Bank organized several consultations during the preparation of this Program. Initial consultations with MOWI were held during October and November 2017. Bank Specialists undertook a series of meetings, consultations with different stakeholders including national and local government agencies and COWSOs. A multi-stakeholder consultation meeting took place in Dar es Salaam on January 18, 2018 on the draft ESSA report to receive specific feedback on its findings and recommendations. A description of the workshop, consultation participants, and main issues raised is provided in Annex 1 of this ESSA. During the consultation, the Bank team presented the detailed information on the PforR instrument, activities to be supported under the SRWS Program, and key findings and recommendations of the ESSA. The participants concur with findings and recommendation presented in the ESSA, and voiced their strong support in implementing the proposed Program to improve water and sanitation services in rural areas, while improving environmental and social management in the water and sanitation sectors. The draft ESSA was disclosed in January 2018 in the country (MOWI website, <http://www.maji.go.tz>) and the final ESSA will be disclosed in-country and in the World Bank's external website after negotiations of the SRWS Program.

1. INTRODUCTION

1.1 Country Context

1.1.1 Economy and Poverty. Tanzania has experienced strong economic growth, averaging about seven percent per annum over the last decade. Despite sustained economic growth, Tanzania remains one of the poorest countries in Africa with 47 percent of Tanzanians earning less than US\$ 1.90 per day. At present, 75 percent of Tanzania's 50 million population live in rural areas where more than 80 percent of the poor reside. Despite relatively strong and stable economic growth, the poverty rate remains high, and human development progress is sub-optimal. The poverty rate declined from 34 percent in 2007 to 28 percent in 2012 and extreme poverty fell from 12 percent to 10 percent during the same period. About 11.9 million people live in poverty and 4.2 million in extreme poverty.² According to the World Population Prospects 2017, Human Development Index (HDI) value improved from 0.446 in 2005 to 0.531 in 2015, but Tanzania remains in the low human development category (151th out of 188 countries) and when discounted for inequality, the HDI drops to 0.396.³

1.1.2 Health. Chronic undernutrition rates, as measured by stunted growth are unacceptably high, affecting one in three children under five. Tanzania has successfully reduced death rates in younger age groups and surpassed the Millennium Development Goal related to child mortality. However, chronic undernutrition in Tanzania is the third highest in Sub-Saharan Africa, affecting an estimated 2.7 million children in Tanzania with large regional disparities, ranging from 15 percent in Dar es Salaam to 56 percent in Rukwa region in western Tanzania as illustrated in Figure 1. Stunting is a predictor of many developmental constraints, including cognitive deficits and loss of future economic opportunities. Some estimate the overall GDP losses from stunting at between four to 11 percent (Horton and Steckel, 2013). Recent evidence suggests that poor sanitation is the second leading risk factor for child stunting worldwide (Danaei et al, 2016⁴) and up to 43 percent of stunting may be due to gut infections caused in part by poor water, sanitation and hygiene (Guerrant et al, 2013⁵).

1.1.3 Gender Gap. There are significant gaps between women and men in labor force participation, employment, and unemployment rates. Despite a history of promoting gender equality, women are less likely to participate in the labor force than men and those who do participate experience higher unemployment rates than men. The Tanzania Demographic Health Survey (DHS) for 2010 shows that 19.1 percent of women aged 20-24 had no education at all, compared with 10.5 percent for men, and unemployment rate of females is higher (12.3 percent) compared to that of males (8.2 percent). Thus, empowering women equates to empowering the poor. Measures targeted toward promoting gender equality in access to resources, opportunities and social services represent a crucial step to empower the poor and expedite poverty reduction. A specific gender assessment has been conducted during program preparation to inform the design of the Program.

² World Bank. 2015a. Tanzania Mainland Poverty Assessment. Washington DC. WBG.

³ United Nations Development Programme. 2016.

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3617052/>

⁵ <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002164>

1.1.4 Climate variability: Tanzania has a complex landscape with high spatial climate variability, from tropical at the coast to temperate in the highlands, and two predominant precipitation regimes with an average annual rainfall of 600–800mm. The climatic conditions are predicted to continue worsening, with increasing temperature by 1-3°C in the next 50 years. The economy is increasingly affected by prolonged droughts, severe storms and floods, and rising temperature. The economic impact of recent extreme weather events totaled more than 1 percent of GDP and with the dependence of the economy on climate sensitive activities this cost is expected to increase by an additional 1 to 2 percent of GDP per year by 2030.⁶ Disadvantaged socio-economic groups are disproportionately affected by climatic conditions and resort to various adaptation practices and coping strategies, including diversification of their production and livelihoods. Efforts to address vulnerability of the poor and to improve adaptive capacity require a greater role for local institutions in both planning and implementation of development interventions to support resilience as well as in facilitating and governing access to resources.

1.2 Sectoral and Institutional Context

1.2.1 Water Sector Development Program. In 2006 Tanzania launched its ambitious Water Sector Development Program (WSDP) for the period 2006-2025, encompassing the entire water sector from water resources management (WRM) to urban and rural water supply and sanitation. In line with the 2002 National Water Policy's (NAWAPO) emphasis on decentralization, the first phase of the WSDP (WSDP-1: 2006-2015) delegated the construction of new water schemes to the 185 Local Government Authorities (LGAs) and scheme management to village-level autonomous Community-Owned Water Supply Organizations (COWSOs). According to the Government of Tanzania (GoT) WSDP-1 provided access to improved water supply to over 10 million people.⁷ WSDP-1 received more than US\$ 1.4 billion in funding - the GoT contributed US\$ 367 million (26 percent) whilst the majority came from Development Partners (DPs) through a Sector-Wide Approach (SWAp). The rural water supply component received US\$ 560 million whilst only US\$ 24.2 million (less than 2 percent) was allocated for rural sanitation. WSDP-2 commenced in July 2016 and may benefit from the National Water Investment Fund (NWIF) which was recently created to support rural water supply through fuel levies. The WSDP is implemented by three main Ministries: Ministry of Water and Irrigation (MoWI) leads the rural water supply activities and the overall coordination of WSDP implementation; Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDEG) is responsible for the implementation of the National Sanitation Campaign (NSC); and the Ministry of Education Science and Technology (MoEST) holds the overall responsibility for delivering water, sanitation and hygiene (WASH) services to public schools. President's Office, Regional Administration and Local Government (PO-RALG) supervises and coordinates the implementation of water supply and sanitation services in rural areas. PO-RALG's 26 Regional Secretariats (RS) are placed between the national ministries and the 185 local government authorities. The RSs are responsible for monitoring, supervision and provide technical backstopping and capacity building to LGAs.

1.2.2 Reaching SDG 6: The Sustainable Development Goals 6 calls for universal access to water and basic sanitation by 2030 – a formidable challenge for Tanzania where rural access to improved

⁶ GCAP (Global Climate Adaptation Partnership). 2011. Economics of Climate Change in Tanzania.

⁷ Note: This figure is not coherent with the findings of recent surveys such as DHS 2016.

water supply was at 48 percent in 2015, below the Sub-Saharan African average of 56 percent⁸ as depicted in Figure 2 and 4. In 2016, a water point mapping exercise found that 40 percent of Tanzania's water points were non-functional and that 20 percent failed in the very first year.⁹ The Implementation Completion Report (ICR)¹⁰ for WSDP-I stated that "achieving sustainable water service delivery continues to be a major challenge". Considering that a large majority of WSDP-1 funds were allocated to the construction of new water schemes, this challenge has, in part, been attributed to lack of investment in maintenance. The SDG ambition is highest for rural sanitation, where access to improved sanitation in rural areas is currently only 10 percent – compared with the former national MDG target of 53 percent. Limited finance for sanitation and hygiene services is one of the main sector challenges. Achieving 100 percent basic sanitation by 2030 will require significant efforts to: eliminate open defecation; tackle low access in poor and disadvantaged populations; increase the use of safely managed sanitation services, and; progress towards universal basic sanitation.

1.2.3 Institutional impediments: Four important lessons emerged from WSDP-1¹¹: i) limited attention and resources were devoted to arrangements for scheme maintenance, repair and replacement; ii) there are acute COWSO capacity gaps in tariff setting and financial and operational management; iii) there are widespread shortcomings on value for money, quality assurance and standardization; iv) poor capacity to collect timely and accurate data on scheme functionality hampered efforts to address the growing backlog of non-functional schemes. As to water quality and quantity, WSDP-1 set up regional laboratories for water testing and established source protection and watershed management activities, but these procedures are still to be fully institutionalized. At the household level 57 percent of drinking water was found to be contaminated with E.coli bacteria, of which 56 percent was due to contaminated water points and 44 percent was due to poor hygiene in households.¹² With technical assistance from the Bank's Water and Sanitation Program (WSP), WSDP-1 made some progress, though limited, in addressing such challenges. In 2015 the MoWI established a Central Data Management Team (CDMT), thanks to which there are now much improved data on rural water supply in Tanzania, although substantial improvements are still needed.

1.2.4 Rural sanitation: From 1973 to 1978 President Nyerere led the highly successful nationwide "Mtu Ni Afya" (Healthy Man) campaign, leading approximately 8 in 10 Tanzanians to construct basic (unimproved) toilet facilities. During the following four decades little attention was given to rural sanitation, but in 2012 the GoT launched the National Sanitation Campaign (NSC) which brought renewed efforts to upgrade toilet facilities, although its scale and impact were limited. The NSC's goals were to encourage households to build improved sanitation facilities and make communities Open Defecation Free (ODF) through a community-led total sanitation¹³ (CLTS) approach and a planned mass media behavior change communication (BCC) campaign. Only 11 percent of rural Tanzanians presently have access to an improved latrine, as per figure 3 below. Of the 89 percent

⁸ World Development Indicators, 2015.

⁹ World Bank, 2017, Tanzania Water Poverty Diagnostic.

¹⁰ World Bank, 2016, Implementation Completion Report for the Water Sector Support Project, ICR3737.

¹¹ Ibid.

¹² Ministry of Water (2015) Water Quality Report in 30 LGA (473 water samples were collected and tested).

¹³ CLTS focuses on igniting a change in sanitation behavior rather than constructing toilets. This is achieved through a process of social awakening that is stimulated by facilitators from within or outside the community which encourages community members to construct their own toilet.

who do not, however, the overwhelming majority use a fixed point improved facility with 14 percent defecating in the open. Nonetheless, the Tanzania WASH Poverty Diagnostic (WPD) found that unimproved fixed-point sanitation is still associated with stunting, an important indicator of chronic undernutrition that remains stubbornly high in the Tanzanian context. The situation was exacerbated by a cholera outbreak in 2015 where a total of 30,121 cholera cases and 466 deaths (case fatality rate 1.5 percent) have been reported. Tanzania also has one of the highest prevalence of stunting in the world, affecting about 35 percent of children under five. These children are shorter than they should be, more susceptible to disease, and more likely to have poorer cognitive and educational outcomes for the rest of their lives. The effects of stunting are permanent; when these children become adults they are likely to earn 20% less than their peers. A 2014 WSP Tanzania study¹⁴ found that the use of unimproved sanitation facilities impacts stunting as much as open defecation, with the results suggesting that a five-year old child would be 2.5 centimeters shorter than a similar child living in a community where all households use improved sanitation.

Figure 1: Sanitation Coverage

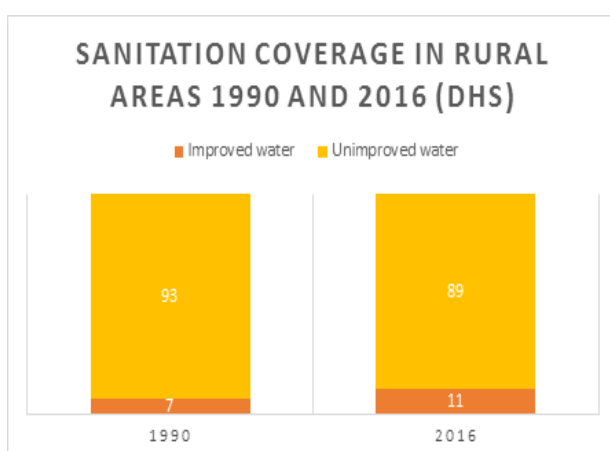
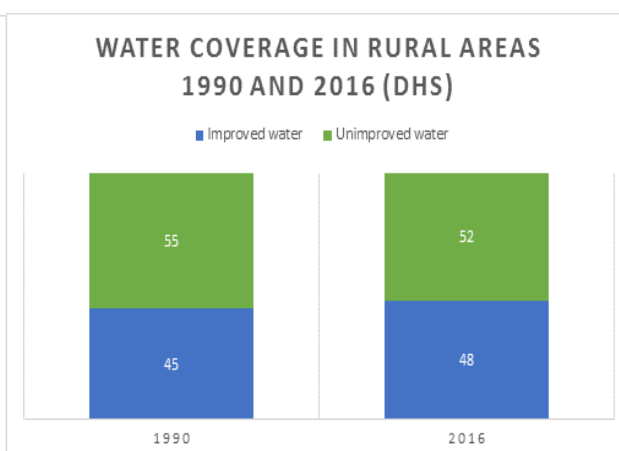


Figure 2: Water Coverage



1.2.5 Reviving the National Sanitation Campaign: GoT has set itself an ambitious goal of ending open defecation, current at 11 percent, and ensuring that every Tanzanian uses Choo Bora (improved latrine) and washes their hands with soap after toilet use by 2025. An evaluation of NSC-I (2012-2015) found several barriers to implementation, including: systematic delays in disbursement; lack of GoT funding commitment; weak supply chains for sanitation hardware, and; few incentives for reliable progress monitoring. In response to these findings, DfID agreed to finance the development of the BCC campaign, to be rolled out in December 2017 in collaboration with the MoHCDGEC. A call to action culminated in a nationwide Nipo Tayari (“I am ready”) campaign which went viral on social media, and popular Swahili radio and TV shows creating excitement around the country. The Ministry of Health views the Nipo Tayari campaign as an opportunity and a springboard to rally commitment and support to the campaign from public, civil society and private sector leadership. In parallel with these efforts, the private sector is getting involved, with a leading toilet manufacturer starting production of low cost plastic sanitation products in Tanzania and planning to establish up to six distributors in every district of the country. The December 2017 relaunch of the NSC will amplify

¹⁴ WSP (2014) Improved sanitation can make children taller and smarter in rural Tanzania, Washington DC: The World Bank, Water and Sanitation Program, Research Brief.

and connect Nipo Tayari with the new campaign, maintain excitement about toilets and encourage behavior change that can make every Tanzanian build Choo Bora and wash their hands with soap. Neither GoT nor DfID have allocated funds for local governments to roll out the NSC. Hence, one of the current sanitation priorities is to make funds available for LGAs to roll out the NSC and create district level incentives to support and accelerate the campaign.

1.3 Relation to CAS/CPF/CPS and Rationale for Choice of Financing Instrument

1.3.1 Alignment with CAS. The GoT's WSDP program and the proposed lending operation are both closely aligned with the Bank's twin goals of ending extreme poverty and boosting shared prosperity, and it is in line with the World Bank 2012–15 Country Assistance Strategy¹⁵ (CAS) for Tanzania, which was further extended to 2016 at the time of the CAS Progress Report (CASPR). The operation supports the CAS strategic objective of “Building Infrastructure and Delivering Services” and will contribute to achieving the CAS outcome of “increased access to and quality of water and sanitation services”. It is also consistent with the increased focus on institutional reforms in the context of investment programs identified in the CASPR. The draft Systematic Country Diagnostic (SCD) and the draft Country Partnership Framework (CPF) for Tanzania stresses the importance of strengthening human capital to raise labor productivity, which can be achieved notably by protecting early childhood development through improved access to water and sanitation, and water resource management. The proposed lending operation contributes to the goal of the GoT's National Five Year Development Plan (2016/17 – 2020/21) to increase access to clean and safe water in rural areas to 85 percent and achieve 75 percent of rural households using improved sanitation facilities by 2020-21.

1.3.2 Climate resilience. The Bank's Climate and Disaster Risk Screening assessment indicates a potential increase in extreme temperatures, severe storms and floods, as well as recurrent droughts in the future. The Program will contribute to global goods such as mitigation through CO₂ emissions reductions achieved by replacing diesel pumping with solar water pumping. Climate change adaptation measures will include improved watershed management and switching rural villages from seasonal to permanent water sources.

1.3.3 Program for Results. There is a pressing need for a transformational operation addressing the sustainability challenges of rural water supply in Tanzania, and there has not been a sufficiently large sanitation and hygiene intervention since the 1970s. The rationale for the Bank's involvement through the proposed Program is to maintain the progress and momentum on sector reforms initiated by the previous Bank-financed projects in Tanzania (P038570, P047762, P87154, P15036)¹⁶ and address persistent challenges regarding rural water supply, sanitation and hygiene and sector capacity. The Program supports the Bank's Investing in Early Years Project (P164758) under preparation as well as the Bank's portfolio in education. Lessons from Vietnam, Egypt and Mexico, and from other PforR programs in Tanzania, indicate that a results-based approach can be effective in creating new incentive frameworks for local institutions. The results-based approach is being used increasingly by the Bank in Tanzania, with active PforR lending operations in the education, health, urban and energy sectors. Nevertheless, it is becoming increasingly evident that the result-based approach is more

¹⁵ Report Number: 60269.

¹⁶ River Basin Management and Smallholder Irrigation Improvement Project (P038570), Rural WSS Project (P047762), Water Sector Support Projects I-II (P87154, P15036).

effective when complemented by substantial technical assistance to support client governments through the change process and by establishing new systems, capabilities and procedures. Reflecting this experience, the Program will support a Strategic Program Support Consultancy (SPSC) similar to the Tanzania Education Program for Results (P147486). However, as per past experiences, there have been challenges in the recruitment of international consultants using government systems in Tanzania while it has been less difficult to recruiting such experts for technical assistance in WB-financed operations using Bank procedures.

1.3.4 Rationale for use of Investment Project Finance (IPF) for Technical and Program Management Support: The technical assessment identified various capacity gaps, including technical, institutional, in program management, governance and in accountability systems. Addressing these capacity challenges would be supported through an IPF instrument whereby Bank funds are used to pay for ‘specific expenditures’ such as consulting services, non-consulting services and goods, and operating costs for program management, strengthening institutional capacity and governance and accountability systems. The IPF instrument allows GoT the flexibility and predictable financing to address existing capacity gaps and risks that may otherwise undermine the achievement of Program results. For this reason, the proposed operation will have two complementary parts – a US\$ 235 million PforR component (OP/BP 9.0) and a US\$ 15 million IPF component (OP/BP 10.0). The latter will fund a set of selected, discrete technical assistance and capacity building activities which are complementary to those undertaken directly by the Government under the Program, and support the achievement of the Program’s objectives.

2. PROGRAM DESCRIPTION

2.1 The WSDP

2.1.1 WSDP II is the second phase of the Water Sector Development Program¹⁷ (hereafter referred to as WSDP II) which runs from 2014 to 2019. WSDP II is a national program that is specifically intended to strengthen sector institutions for integrated water resources management and improve access to water supply and sanitation services across Tanzania. WSDP II includes the following components:

- **Water Resources Management** to ensure availability of water for socio-economic development and environmental sustainability;
- **Rural Water Supply** to provide improved quality and quantity of drinking water for the rural population, sustained through improved district level capacity, effective local water user entities, private sector participation and integration of sanitation in the design and implementation of rural water projects;
- **Urban Water Supply and Sewerage** to improve and sustain quality and quantity of water supply and sanitation services for urban populations managed by financially autonomous and commercially viable Urban Water and Sewerage Authorities (UWSAs) while providing efficient and cost-effective services;

¹⁷ The World Bank contributed to this first phase of WSDP through its First Water Sector Support Project – WSSP-I (P087154).

- **Sanitation and Hygiene** to provide access to improved sanitation and hygiene facilities to 75% of the population in Rural and Urban settings by 2019; and
- **Institutional Development and Capacity Building** to provide facilitative services that support all other components to deliver planned outputs and expected outcomes. WSDP-II was planned to run from 2014 to 2019, but delays have meant that implementation began only in 2016. The table below provides an overview of the program.

2.1.2 MoHCDGEC established the **National Sanitation Campaign (NSC)** in 2012. Located under, although functionally separate from, the WSDP the NSC (2011-2020) is intended to stimulate demand for and improve the supply of sanitation nationally, in order to deliver health and education improvements. In tandem with the Sanitation and Hygiene component of WSDP II, Phase II of the NSC will target the achievement of the sanitation SDGs with a stronger focus on Behavior Change Communication (BCC).

2.2 Program Development Objectives

2.2.1 The development objective for the operation is to **increase access to rural water supply and sanitation services and strengthen the institutional capacity to manage WSDP in participating rural districts**. As such, the proposed key results indicators are the following:

- Number of people provided with access to an improved water source (male and female) – Corporate Results Indicator
- Number of people provided with access to improved sanitation (male and female) – Corporate Results Indicator
- Number of existing functional water points
- Number of ODF villages
- Rural water and sanitation M&E systems established and operational

2.3 Program Scope

2.3.1 The Program will support the Government in implementing the WSDP II and will support the targets under the program. The proposed PforR operation supports a subset of the WSDP II, consisting of rural water supply and sanitation services in 16 out of Tanzania's 26 regions, which have been selected against the criteria of low access to water and sanitation as well as high poverty and high stunting rates. Kigoma region has been added to support the host community affected by the ongoing refugee situation. Learning from global and Tanzania-specific experiences, the Program will have the following three closely interrelated Results Areas (RAs) corresponding with WSDP II and the activities of other development partners:

Result Area 1: Increased access to improved water services in rural areas (US\$ 75 million)

This RA will be implemented by the MoWI and PO-RALG and will support improvements in sustainable access to water supply services in the participating districts by:

- Increasing coverage of water supply services by financing investments identified in district WASH plans with a focus on low-coverage communities
- Rehabilitating and repairing non-functional and partly functional water points

- Sustaining existing water points to ensure that they remain functional and provide minimum service levels in terms of quality and quantity of water provided.

Climate co-benefits: The proposed improvement in schemes will result in more climate change resilient water supply infrastructure and the increased adoption of solar photovoltaic (PV) pumping technology will have climate mitigation co-benefits.

Delivery models for rural water supply: The PforR will adopt a different institutional approach to the current rural water supply delivery model in Tanzania. Under the Program, the Government's new Rural Water Agency (RUWA) will be responsible for delivering rural water services in line with its mission: *'to provide sustainable potable water in rural areas through resource mobilization, project implementation, capacity building and operation and maintenance of project with the active participation of major stakeholders'* (see Box 3 below for further details). The RUWA will work with LGAs and COWSOs to facilitate establishment of a mechanism to support management, operation and maintenance of rural water supply schemes. The mechanisms may include private sector participation in the provision of water and sanitation services and hygiene promotion in rural areas including incorporating international good practices by establishing local third-party service providers to fill the existing capacity gap between the LGAs and COWSOs. RUWA will play a leading role on sustainability and best practice models and work as a facilitator and regulator for these approaches. The operation of rural water supply may be clustered across several villages and contracted out to private sector service providers as successfully demonstrated in Benin. Such an approach is being piloted by the GPOBA-funded solar water pumping project. Clusters of rural COWSOs may also form a water trust that subsequently can provide technical and managerial support to each COWSO; this model has proven successful in Brazil and in the Kilimanjaro Region of Tanzania. Both models seek to foster economies of scale in the service provision of rural water supply by clustering COWSOs and linking the operations with capable service providers. The two models can operate interchangeably and, through these approaches, the COWSO structure will remain while the associated capacity gaps are being addressed.

The National Water Sector Development Strategy (2006) directed the responsibilities for operations and maintenance of rural water schemes to be transferred to COWSOs, which are supposed to be established for each rural water scheme. These COWSOs replace Village Water Committees (VWCs) as the main authority responsible for community management of water. VWCs were considered less effective as they were not independent from village governments and lacked clear mandates that could leave them open to political interference and a greater probability of corruption. In some cases they were found to misuse funds and were disbanded. Thus, the transition to COWSOs is important. However, as of September 2016, only around 10 percent of villages, 1,089 out of approximately 10,000, have COWSOs. A first step to enhance the delivery models for rural water supply is to formalize the transition of the existing VWCs to COWSOs in the targeted areas of the Program.

Result Area 2: Increased access to safely managed sanitation services in rural areas (US\$ 60 million). This RA will be implemented by the MoHCDGEC and PO-RALG, and will support the second phase of the National Sanitation Campaign (NSC) and the rollout of the Behavior Change Communication (BCC) campaign. As under WSDP I, the LGAs will implement the NSC and the Program's TA will encourage, support and strengthen the implementation of the planned CLTS and supply-side strengthening activities through capacity development for key activities including sanitation demand creation, progress monitoring and regular follow-ups. The RA activities will also

implement supply-side interventions at sub-district and community levels, notably the support and encouragement of local private sector suppliers and service providers in the marketing and installation of local products including plastic pans, user-friendly hand-washing stations and other appropriate products and services for low-cost upgrading and improvement of sanitation and hygiene facilities. Collaboration will be encouraged with local financial institutions to increase the affordability of sanitation and hygiene products and services to rural communities. The RA will also fund investments in sanitation and hygiene facilities in public schools and health facilities. The RA will specifically address sustainability of sanitation services by incentivizing maintaining ODF status in villages.

Result Area 3: Strengthened institutional capacity for water and sanitation service delivery in rural areas (US\$ 115 million). This TA component will be implemented by both MoWI and MoHCDGEC. Activities related to rural water supply will be implemented by MoWI and TA activities pertaining to sanitation and hygiene will be implemented by MoHCDGEC. At the system level, program activities will be strategically designed to enhance the capacity of the government to monitor, ensure quality, and improve and sustain WASH service delivery. This component will support the high-level coordination and cooperation between Ministries and different levels of government that will be required for successful implementation of the Program. This RA will support the GoT to prepare the sector to leverage private sector participation and investments that improve service levels and drive efficiency. RA activities will include support to improve leadership and motivation of government staff at all levels, as well as improving coordination, planning, financial management and supporting the establishment of the Rural Water Agency. RA 3 will also provide to training to staff in the sector and improve the quality of service delivery. Specific incentives for improving the sustainability of rural water supply include:

- Improving operational and maintenance (O&M) capacity for water supply services;
- Ensuring local delivery mechanisms are strengthened and professionalized;
- Establishing long-term sustainability support mechanisms to ensure that maintenance schedules and technical assessments for rehabilitation and repair needs are implemented;
- Institutionalizing appropriate and affordable tariffs;
- Developing district-level WASH networks to regularly connect all COWSOs and LGA-level stakeholders for coordination, learning and knowledge-sharing purposes.

Climate co-benefits: Prudent O&M activities would reduce losses, increase efficiency and reduce energy costs and would have climate change mitigation co-benefits.

A rigorous impact evaluation will be carried out in order to improve project performance and adaptive management

Financing and Program costs

The Government's national budget is expected to allocate US\$ 500 million to support WSDP II over the next five years. In the 16 regions supported by the Program, the total scale of the financing required to implement the Program for rural water and sanitation is estimated to be US\$350 million, as tabulated in Table 1 below. Within this context, the GoT seeks an IDA Credit at a funding level of US\$250 million. This financing will form a part of the overall national program budget. This is an aggregate figure; each LGA does not have a set allocation under the Program. The Program will disburse to the IDA Credit on the basis of verified results.

Table 1. Program Financing (\$ Million)

Source	Amount	% of Total
Government	50	15
IBRD/IDA	250	70
Other Development Partners	50	15
Total Program Financing	350	100

DfID Payment by Results: In 2013 DfID allocated US\$ 102 million to WSDP II through a Payment by Results (PbR) approach with the aim of improving the number of functioning water points. After a significant delay caused by lack of data and poor reporting by LGAs, the DfID PbR started in December 2016 in 57 LGAs and later scaled the project to cover all rural LGAs. The design of DfID's PbR was informed by the Bank's first PforR in Vietnam, and includes only two output DLIs. Participation of LGAs in the PbR is subject to strict eligibility criteria set by DfID which include completeness, accuracy and correct reporting of data on water points as well as development of a water and sanitation investment activity plan by the LGA. DfID's PbR rewards LGAs for water points kept in operation and for additional newly constructed water points; it does not include any DLIs on sanitation or hygiene. A payment of £1,500 is made for each new additional functioning water point (which may be a rehabilitated water point) and £50 per year for maintaining the functionality of an existing water point. To date, disbursement under the PbR has been limited with approximately £1 million disbursed for 2017. The current spending period is up to 2023. In 2019, DfID will carry out a spending review to inform funds allocation for 2020 onwards.

Complementarity: To ensure full complementarity with the PbR and avoid confusion, an arrangement has been made where DfID keeps its two countrywide indicators on rural water supply. In the 16 regions where the PbR and the PforR overlap, all LGAs under the region will benefit from both programs. It is worth noting that DfID's PbR does not support rural sanitation and the £1,500 payment per additional water point does not cover the cost of new infrastructure. DfID's DLIs incentivizes LGAs to rehabilitate dilapidated water schemes and provide a moderate incentive (US\$ 30,000 per LGA per year) to sustain existing systems. The two programs are consequently complementary, and the IDA funded approach can be phased and replicated to other geographical areas of Tanzania.

Behavior Change Communication campaign: DfID is also supporting the GoT to deliver a nation-wide BCC campaign to ensure adoption and sustainability of improved sanitation and hygiene practices in Tanzania using a behavior centered design approach. Project Clear, the DfID supported consortium which includes the London School of Hygiene and Tropical Medicine (LSHTM), is leading the design and supporting the delivery of the BCC.

2.3.2 Strategic Technical Assistance for Program Management Support and Improving Operational Efficiency and Monitoring and Evaluation (Investment Project Financing)

The Program will provide TA to support a coordinated, coherent, and evidence-based approach to the critical activities needed to successfully implement the WSDP II. Specifically, the Operation will fund: (a) the program implementation support, including strengthening the institutional capacities of the Program Coordination Unit (PCU) mainly through the recruitment of a Strategic Program Support Consultant (SPSC); (b) the development of integrated reporting and management information systems; (c) the BCC campaign for the National Sanitation Campaign; (d) the verification of the Program results, (e) the Water Institute (WI), and (f) other smaller technical assistance activities.

The estimated number of beneficiaries in the 16 regions under the Program is as follows:

- 5,000,000 people benefitting from improved sanitation;
- 5,750,000 people benefitting from improved water supply;
- 1,250 ODF villages
- 2,750 schools or health centers benefitting from improved water supply and sanitation facilities and support to operation and maintenance;

2.3.3 Disbursement Linked Indicators and Verification Protocols

The disbursement model consists of eight DLIs grouped into three Results Areas across five disbursement periods. DLIs have been developed according to the criteria of: (i) importance for successful implementation; (ii) potential to incentivize improvements within the Government program; and (iii) practicality and cost effectiveness of verification.

The DLIs under the three Results Areas are intended to incentivize both the achievement of tangible outputs and strengthen the institutions and processes relating to the rural WASH sector. The key overarching difference between rural water supply and sanitation stems from the LGAs current incentive structure. The LGAs are currently highly incentivized to construct new infrastructure for rural water supply, but there is a capacity and incentive gap to systematically address the underlining sustainability challenges. Considering this situation, under result area three, strong incentives have been designed to address the institutional and capacity constraints to sustainability of rural water supply. With regards to rural sanitation and hygiene, LGAs have historically shown reluctance in investing in such infrastructure and related community outreach activities. An output-based incentive structure has, therefore, been designed for result area two supported by specific national level activities on M&E and funding for the sub-sector (DLI 7 and 8).

The DLIs are presented below in Table 2.

Table 2: Disbursement-Linked Indicators

Disbursement-Linked Indicators	Rationale for selection of DLIs
Result Area 1: Increased access to improved water services in rural areas	
DLI 1. Number of people with access to an improved water supply DLI 2: The proportion of sustainably functioning water points	<ul style="list-style-type: none"> Access to reliable, functioning water supply is low in the Program areas The GoT's focus is on constructing new water supply schemes rather than sustaining existing schemes
Result Area 2: Increased access to safely managed sanitation services in rural areas	
DLI 3. Number of households with access to an improved toilet DLI 4. Number of public schools with access to improved sanitation and hygiene DLI 5. Number of ODF villages	<ul style="list-style-type: none"> Access to improved sanitation and handwashing practices is low in the Program areas and challenges exist in eradicating open defecation and ensuring adequate access to improved sanitation in schools and health centers
Result Area 3: Strengthened institutional capacity for water and sanitation service delivery in rural areas	
DLI 6. Improved O&M capacity for water supply services DLI 7. Rural water and sanitation M&E systems established and operational DLI 8. National public financing mechanism for rural sanitation established and financed	<ul style="list-style-type: none"> At the village level, there is a need to support the operations and maintenance (O&M) capacity. Core gaps include; lack of legal status, inadequate tariffs structure, and lack of alternatives from the community managed delivery model National M&E systems are weak and require sustained improvement Sanitation has no dedicated budget line and government spending on sanitation is low. A budget line needs to be established and sustained

The Program has three categories of DLIs:

- DLIs 1-5: Increased access to rural water and sanitation:** These DLIs leverage and disburse according to the results achieved by LGAs in increasing access to improved rural WASH. DLI 3, DLI 4 and DLI 5 are closely interlinked through a stepped approach that is designed to increase access to sanitation and improve hygiene practices in rural Tanzania. This approach rewards the eradication of OD by incentivizing a shift to unimproved fixed-point defecation using the CLTS methodology as well as progressively moving rural households up the sanitation ladder to improved sanitation through strengthening the supply and marketing of improved sanitation products and services.
- DLI 6: Improved O&M Capacity for water supply services:** The DLIs are focused on developing the capacity of water and sanitation institutions at the district level to enable them to carry out their mandates effectively including; officially registering COWSOs; establishing and implementing a Cost Reflective Financing Mechanism; and establishing Local Technical Support Mechanisms for rural water supply (Table 3 below). The fundamental objective of these DLIs is to leverage improve performance and results in target LGAs to ensure enhance institutional strengthening of the LGAs to ensure sustainable, long-term improvements the management of rural water supply.

Table 3: DLIs 6: Improved O&M capacity for water supply services

#	Definition: Improved O&M capacity for water supply services
6.1	Proportion of district water schemes with improved water sources where COWSOs have achieved Official Status, participate in the bi-annual community of practice meeting and can sign legal contracts
6.2	Proportion of district water schemes that have established and implemented a Cost Reflective Financing Mechanism for rural water supply
6.3	Proportion of district water schemes that have a contractual relationship with an eligible Local Technical Support Mechanism for Maintenance and Repair

- **DLIs 7-8: Strengthened national institutions:** The DLIs leverages and disburses according to results achieved against strengthening the WSDP at the national level according to milestones in specific Program periods.

Collectively these three results areas cover the core of the PDO.

Verification protocols

The results reported by MoWI as achieved under the Program will be verified through a paper audit, physical inspection and phone calls that tests the accuracy and quality of results claimed. In accordance with good audit practice, physical verification will take place against a sampling framework. On the basis of this, the IVA will prepare a Results Verification Report which will be shared with MoWI and the World Bank. A key use of the Results Verification Report will be to determine the amount of the eligible disbursement to be made based on the results achieved. If the Bank finds that the disbursement request meets the terms of the Financing Agreement, the Bank will disburse the corresponding funds to the MoFP.

Capacity Building and Institutional Strengthening

1. In light of the challenges identified and lessons learned in the WSDP I, the Program is designed to improve implementation in the 16 Program regions by using a combination of results-based disbursements to incentivize performance and TA during implementation. The key capacity building activities, which will be delivered according to the capacity development plan are described here and in further detail in Annex

Incentivizing institutional improvements through DLIs. DLIs are used to incentivize improved management and quality of implementation, providing a critical complement to the delivery of infrastructure. Some of the challenges identified during the implementation of WSDP I included high unit costs and sub-standard construction. Limits on per capita costs are being used through the DLIs to incentive the LGAs to prioritize areas where schemes can be rehabilitated and extended and identify more cost-effective designs for new construction. The LGAs' capacity to ensure quality assurance, value for money, standardization, increased transparency and accountability and management capacity at village level are all incentivized through the DLIs. Through this setup, the DLI framework contains specific incentives to strengthen the LGA's institutional capacity to ensure sustainability.

Technical Assistance. Although the Technical Assessment, the Environmental and Social Systems Assessment and the Fiduciary Systems Assessment carried out by the Bank have found the GoT's systems to be fundamentally sound, a number of multifaceted capacity gaps and institutional deficiencies have been identified that require strengthening. The Program will therefore be supported by a number of technical assistance activities to address the gaps and deficiencies. These activities are critical to achieving the Program results and institutionalizing the results-based approach. The proposed activities will be implemented mainly through the Program's IPF funding window. The TA includes seven IPF activities, each managed by the responsible implementing agency:

- I. **Strategic Program Support Consultant (MoWI):** To optimize and fast-track implementation, the Program will include a substantial technical assistance support package to support the GoT in: i) Program coordination and local level technical assistance to the implementation of the PforR Program approach, ii) undertaking planning, systems strengthening, capacity building, and financial management improvement activities including internal auditing, aiming to improve the overall quality of rural water supply and sanitation services, iii) establishment and institutionalization of quality assurance and value for money procedures for water supply, sanitation and hygiene activities including cross learning between districts, iv) M&E activities including impact evaluations and qualitative assessments of Program results; v) supporting the establishment of the Rural Water Agency; and vi) technical support for the procurement and supervision of the additional identified TA activities under the Program. This support will focus on building capacity of the GoT's staff and systems at all levels in order to sustain the gains beyond the end of the TA.
- II. **Integrated reporting and Management Information Systems (MoWI):** The TA will strengthen the capacity of the MoWI, MoHCDGEC, MoEST and PO-RALG to collect, consolidate and use real-time data on service delivery for planning and monitoring of program activities. The Program will fund the modernization of the management and information systems and processes in the WASH sector. The TA will explore the potential to implement the Rural Water and Sanitation Information System, SIASAR, successfully adopted by 11 countries in Latin America and supported by the World Bank. The implementation is envisaged to be cost-effective and will supply actionable data to the LGAs, a critical aspect of strengthening the sustainability of rural water supply.
- III. **Field-level Leadership Development Initiative (MoWI):** Building on the success of DAWSCO's participation in the FiLDI (as per Box 2 above), the Program will facilitate a similar low-cost exercise for key officials in the rural water and sanitation sub-sectors.
- IV. **Independent Verification Agent (MoWI):** A detailed verification protocol will be developed and a qualified independent verification agent will be engaged throughout the Program period.
- V. **Behavior Communication Change Campaign (MoHCDGEC):** The TA will fund the extension of the BCC campaign for the National Sanitation Campaign¹⁸;

¹⁸ The IPF will not fund airtime for the BCC campaign

- VI. **Water Development Management Institute (MoWI):** The Program will support the WDMI in ensuring the sector has sufficient human resources in the future including both long term courses as well as short courses to support achievement of the DLIs;
- VII. **Specific Technical Assistance (MoWI):** The TA will support LGAs in improving borehole drilling supervision, engineering designs, standardized equipment, including the provision of simple water treatment applications.

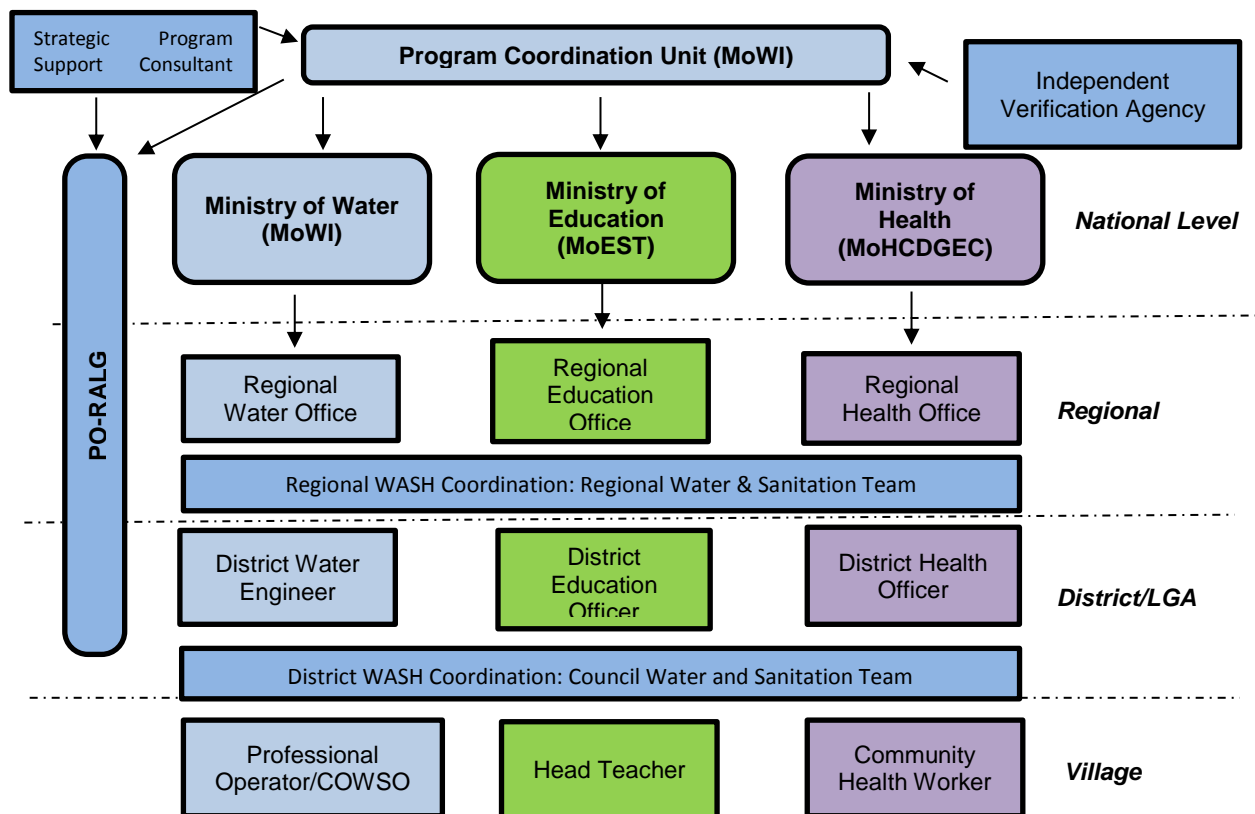
2.4 Program Implementation

2.4.1 Institutional and Implementation Arrangements

The Program will be implemented through the systems established for WSDP II which are expected to continue with the potential exception of the establishment of the Rural Water Agency (RUWA) which may assume responsibility for rural water supply. The key changes recommended for the implementation of the WSDP II Program are to provide more independence to the MoHCDGEC in the execution of the NSC and to provide a technical assistance consultancy to support the implementation of the PforR Program in all regions under the Program and assist in the establishment of the Rural Water Agency.

As national “Program owner” MoWI will coordinate the implementation of the Program, through a national steering committee comprising MoWI, MoHCDGEC, Ministry of Education and Science and Technology (MoEST), PO-RALG, MoFP and potentially RUWA. Fully empowered teams will be established national to monitor and support implementation. Activities at the regional and district levels will be implemented through the Regional Water & Sanitation Teams (RWSTs) and the Council Water and Sanitation Teams (CWSTs) and coordinated by the district health officers and district water engineers. The RWST and CWST are formal structures at the regional and district levels responsible for the coordination of the WSDP. The Program’s overall institutional arrangement is illustrated in Figure 3 below.

Figure 3: Institutional Arrangements



MoWI will implement efforts to achieve sustainable access to improved water supply with support of PO-RALG. LGAs will be the main executing entity with support from the regional secretariats and MoWI.

At the national level, the MoHCDGEC will lead the implementation of the sanitation and hygiene promotion activities in coordination with PO-RALG. LGAs will be the main executing entity with support from the regional secretariats and MoHCDGEC.

School WASH (SWASH) will be implemented by MoEST in coordination with PO-RALG. LGAs will be the main executing entity with support from the regional secretariats and MoEST. There are two options for the procurement and implementation of school WASH:

Option I: The LGA coordinates, procures and supervises the construction of SWASH facilities. These options provide economies of scale through bulk procurement and allows for standardization with however, limited involvement and ownership from the beneficiary schools and their communities.

Option II: The LGA coordinates the SWASH activities but allocates the procurement responsibilities to the schools through funds transfers to their accounts. This approach was used under WSDP I. The experience from 11 African countries shows that community

delegation of school construction has been the most effective.¹⁹ These experiences also show that the quality of the works done by local contractors is heavily dependent on the efficiency of the technical supervision, which is always more efficient when the technical supervision service is competitively contracted.

Strengthened institutional capacity to manage the WSDP, will be implemented by both MoWI and MoHCDGEC. Activities relevant for rural water will be implemented by MoWI whereas TA activities pertaining to sanitation and hygiene will be implemented by MoHCDGEC.

2.5 Objectives and Scope of the ESSA

2.5.1 To inform the preparation of the PforR operation, the World Bank has conducted an Environmental and Social Management Systems Assessment (ESSA) of Tanzania's existing environmental and social management system reflected in the national legal, regulatory, and institutional framework that will be used to address environmental and social effects of the activities financed by the PforR operation. The ESSA defines measures to strengthen the system, and proposes to integrate those measures into the overall PforR operation. This report presents the findings of the ESSA exercise. The ESSA was undertaken to ensure consistency with six Core Principles outlined in the guidelines to the World Bank's Policy on Program-for-Results Financing in order to effectively manage Program risks and promote sustainable development.

2.5.2 The purpose of the Environmental and Social Systems Assessment (ESSA) is to: (i) document the environmental and social management rules and procedures and institutional responsibilities that are being used by the Government for WSDP program (ii) to assess implementing entities' institutional capacity including performance to date to manage the likely environmental and social effects in accordance with Tanzania's own requirements under the program; and (iii) to recommend specific actions for improving counterpart capacity during implementation.

2.5.3 The ESSA is a World Bank document prepared by Bank staff and consultants through a combination of reviews of existing program materials and available technical literature, interviews with government staff, and consultations with key stakeholders and experts. Findings of the assessment will be used for the formulation of an overall Program Action Plan with key measures to improve environmental and social management outcomes of the Program. The findings and conclusions and opinions expressed in the ESSA document are those of the World Bank. Recommendations contained in the analysis have been discussed and finalized with the Government of Tanzania counterparts.

2.5.4 Unlike conventional investment financing, implementation under PforR relies to a great extent on existing counterpart procedures and processes that are used to manage social and environmental effects of program activities. The ESSA describes the extent to which the applicable government social and environment policies, program procedures and institutional systems are

¹⁹ World Bank, 2009, School Construction Strategies for Universal Primary Education in Africa, Should Communities be empowered to build their schools?

consistent with the core principles and elements of PforR lending, and recommends necessary actions to address the gaps as well as opportunities to enhance performance during implementation.

2.5.5 ESSA is undertaken to ensure consistency with six “core principles” outlined in paragraph 8 of the World Bank’s OP/BP 9.00 Program-for-Results Financing in order to effectively manage Program risks and promote sustainable development. It considers the consistency of the existing country systems with the proposed PforR operation along two dimensions: (1) systems as defined in the legal and regulatory framework of the country; and, (2) capacity of the Program institutions to effectively apply the environmental and social management systems associated with the Program’s environmental and social effects as well as the proposed set of actions in the Program Action Plan that address the major gaps in the system as identified in the ESSA with respect to the six core principles of OP/BP 9.00.

2.5.6 To guide the ESSA analysis, there are six core principles that must be benchmarked in the preparation and utilization as required in the Program-for-Results financing guidelines. The ESSA six core principles are briefly described below:

- Promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making relating to the Program’s environmental and social impacts.
- Avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.
- Protect public and worker safety against the potential risks associated with: (i) construction and/or operations of facilities or other operational practices under the Program; (ii) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program; and (iii) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.
- Manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assist the affected people in improving, or at the minimum restoring, their livelihoods and living standards.
- Give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups.
- Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

2.6 Methodology

2.6.1 This Environmental and Social Systems Assessment (ESSA) was undertaken by the Bank team for the Program as per the requirement of the Bank's Operational Policy/Bank Procedure (OP/BP) 9.00 PforR Financing. In order to assess the existing systems, as well as to analyze how these systems are applied in practice, the process of preparing the ESSA has drawn on a wide range of data. Inputs analyzed for this ESSA have included the following elements:

- a) Desk Review of policies, legal framework and program documents: The review examined the set of national policy and legal requirements related to environment and social management in the health and water sectors in Tanzania. The review also included supervision documents from previous and ongoing World Bank project and programs in the

health and water sectors, namely: Strengthening Primary Health Care for Results (P152736) and Water Sector Support Project (P087154).

- b) Institutional Analysis: An institutional analysis was carried out to identify the roles, responsibilities, structure and relations of the relevant institutions responsible for implementing the PforR funded activities, including coordination between different entities at the national, regional and local levels. Sources included: existing assessments of key institutions focusing on environmental and social assessment and management processes. Available literature and documents were also consulted to assess health care waste management system's capacity and performance and access to health care services in the country.
- c) Interviews and meetings: Interviews and group meetings were held with various institutions and authorities, including those at the national, state and local government area level, as well as technical experts involved with environmental and social impact assessment and management in the water and health sectors. Specifically, formal interviews were conducted with relevant personnel in the national and LGA ministries of water and health, and key staff in the NEMC of Ministry of Environment, and other environmental standard, regulatory and enforcement agencies. In addition, in-depth interviews were held in local and primary health care facilities to assess strengths and gaps in effectively managing environmental effects in the sectors at the national, regional and local levels. Discussions were also held with COWSOs and local level water technicians.

2.6.2 The ESSA assessed the overall system for environmental and social impact management that will be applied to the PforR operation, which focuses on improving service delivery and strengthening systems, and financing civil works related to upgrading and improving infrastructural conditions and utility services of the health facilities. The analysis was conducted using the Strengths-Weaknesses-Opportunities-and- Threats (SWOT) approach. The “weaknesses,” or gaps with OP/BP 9.00, are considered on two levels: (i) the system as written in laws, regulation, procedures and applied in practice; and (ii) the capacity of Program institutions to effectively implement the system.

2.6.3 The analysis focused on the strengths, gaps, potential actions, and risks associated with the systems currently in use in the Health sector to address the environmental and social effects commensurate with the nature, scale and scope of operations. This is structured to examine arrangements for managing the environmental and social effects (i.e., benefits, impacts and risks) of the Program. The analysis also examined how the system as written in policies, laws, and regulations is applied in practice at the national and local levels. In addition, the analysis examines the efficacy and efficiency of institutional capacity to implement the system as demonstrated by performance thus far. The analysis presents a scenario of whether the current system: (i) mitigates adverse impacts; (ii) provides transparency and accountability; and (iii) performs effectively in identifying and addressing environmental and social risks. The overarching objectives are to ensure that the risks and impacts of the Program activities are identified and mitigated, and to strengthen the system and build capacity to deliver the Program in a sustainable manner. This ESSA report also proposes measures to strengthen the system.

2.7 Stakeholder Consultation Process

2.7.1 The Bank organized several consultations during the preparation of this ESSA. Initial consultations with MOWI were held during October and November 2017. Bank Specialists undertook a series of meetings, consultations with different stakeholders including national and local government agencies and COWSOs. A multi-stakeholder consultation meeting took place in Dar es Salaam on January 18, 2018 on the draft ESSA report to receive specific feedback on its findings and recommendations. A description of the workshop, consultation participants, and main issues raised is provided in Annex 2 of this ESSA. During the consultation, the Bank team presented the detailed information on the PforR instrument, activities to be supported under the SRWS Program, and key findings and recommendations of the ESSA. The participants concur with findings and recommendation presented in the ESSA, and voiced their strong support in implementing the proposed Program to improve water and sanitation services in rural areas, while improving environmental and social management in the water and sanitation sectors. The draft ESSA was disclosed on January 2018 in the country (MOWI website, <http://www.maji.go.tz>) and the final ESSA will be disclosed in-country and in the World Bank's external website after negotiations of the SWRS Program.

3. THE ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT RELEVANT TO THE WATER AND SANITATION SECTOR

3.1 Background

The physical investment types eligible for SRWS funding will comprise facilities to improve and sustain access to water, sanitation and hygiene for the host communities in 17 regions of Tanzania. Proposed infrastructure will include: (i) construction and rehabilitation of rural schemes – drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics and (v) installation of local product including plastic pans, and user-friendly hand washing stations. Type of investments in participating districts will depend on the priorities and specific needs of each district.

Implementation of the envisaged project investments to be financed will be guided by Environmental Impact Assessment and Audit Regulations, 2005, which has a requirement to screen all projects for environmental and social impacts prior to commencement. Based on the type and scale of the investment, are expected to have moderate to low and site specific environmental and social impacts. Based on the EIA Regulation, the investments are likely to require a preliminary environmental assessment (Type B) as opposed to a full EIA required for Type A projects, which are considered likely to cause significant impacts as presented in Annex 3. The program will not finance investments of larger scale and likely to result into significant adverse impacts that are sensitive, diverse and unprecedented, such as waste water treatment plants and water resources management, which will be financed under the Water Sector Development Project (WSDP II).

Environmental and social legislations, regulations and policy instruments in Tanzania provide extensive guidelines for environmental and social impact assessment and management, protection and management of natural habitats and physical cultural resources, safeguarding of public and worker safety, land management and acquisition and the protection of vulnerable population in the country. The systems review also revealed that the country lacks a legal framework and policy guidance to protect disadvantaged communities.

Despite having an elaborate system, there are gaps in the implementation of the policies and enforcement of laws and regulations on environmental management in the country. This include but is not limited to lack of screening of projects for environmental and social risks, quality assurance of environmental studies that have been conducted, monitoring of the implementation of impact management recommendations in prepared safeguard tools. The section below presents in detail, available legal and policy framework relevant to the program, implementing institutions their capacity within and identified gaps.

3.2 National Environment and Social Management Policy and Legal Framework

Tanzania has a number of policies, instruments and laws that support environmental and social management and the environmental and social assessment processes. There are a number of sectoral directives to integrate environmental and social considerations in the decision-making process. The Constitution of Tanzania 1977 (amendments in 1988), Article II states that (i) every person has the

right to self-health, and that every citizen shall be free to pursue health in a field of his choice up to the highest level according to his merits and ability, and (ii) the Government shall endeavor to ensure that there are equal and adequate opportunities to all persons to enable them to acquire health and vocational training at all levels of health facilities and other institutions of learning. Even though laws, guidelines and the policy framework exists in Tanzania, the challenge of enforcement as well as capacities in the relevant institutions remain. In the context of the proposed project, this section gives an account of the existing country environmental and social regulatory framework, management systems and responsible institutions. A detailed description of the Environmental Impact Assessment procedure (EIA) is presented in section 4.2.6. An analysis that identifies gaps or inconsistencies between the country system and the requirements of the Bank Program for Result financing is presented in Section 6. The following are the environmental and social policies laws, and management systems relevant to this Water and Sanitation Program.

3.3 Environmental Impact Assessment and Management Systems

This section describes the applicable national policies, laws, strategies, regulatory frameworks and procedure for impact assessment and management in Tanzania. The relevance of these requirements to SRWS is assessed in line with the guidelines of the Bank policy on Program for Results financing.

3.3.1 The National Environmental Policy (1997): The National Environmental Policy (NEP) provides the framework for incorporating and mainstreaming environmental and social considerations into decision-making in Tanzania. The overall objectives are to:

- Ensure sustainability, security and the equitable use of resources without degrading the environment or risking health or safety
- prevent and control degradation of land, water, vegetation and air
- Conserve and enhance the natural and manmade heritage, including biological diversity of the unique ecosystems of Tanzania
- improve the condition and productivity of degraded areas, including rural and urban settlements
- Raise public awareness and understanding of the essential linkages between environment and development, and promote individual and community participation in environmental action
- Promote international cooperation on the environmental agenda

3.3.2 The NEP is a comprehensive attempt to guide the conservation and management of natural resources and the environment. It provides for cross-sectoral and sectoral policy guidelines, instruments for environmental policy, and the institutional arrangements for environmental management for determining priority actions and monitoring. NEP advocates strengthening of sector institutions for improving the integrated water resources management and development, and ensuring that the number of people with access to clean and safe water supply and sanitation services in urban and rural areas reaches the targets aspired by our macroeconomic policies such as the National Development Vision by 2025.

3.3.3 As stated in the NEP, the environmental objective of the Water, Sewerage and Sanitation sector is to support the overall national objective of providing clean and safe water within easy reach, to satisfy basic needs, to protect water sources and prevent environmental pollution. The NEP requires planning and implementation of water resources and other development programs in an integrated

manner and in ways that protect water catchment areas and vegetation cover and promotion of technology for efficient and safe water use.

3.3.4 Reviews of environmental performance are undertaken annually. There are no published documents/reports on monitoring and reviewing environmental performance. It has also not been widely distributed in the Kiswahili language, which is used by the majority of the implementers.

3.3.5 **The Environmental Management Act No. 20 (2004):** This is a framework Act in that it is the legislation governing environmental aspects in Tanzania. It includes provisions for sustainable management of the environment, prevention and control of pollution, environmental quality standards, public participation, and the basis for the implementation of international environmental agreements. The Act makes Environmental Impact Assessment mandatory prior to commencement or financing of a project or undertaking. The Act sets out the mandates of various actors to undertake enforcement, compliance, review and monitoring of environmental impact assessment, to facilitate public participation in environmental decision-making and to exercise general supervision and coordination matters relating to the environment. Institutionally, it provides for the continuation of the National Environmental Management Council (NEMC), which is mandated to oversee environmental management issues and review programs to decide whether they need to undertake Environmental Impact Assessments (EIAs) and prepare Environmental Impact Statements (EISs).

3.3.6 The EMA has established environment units in all ministries and environmental committees at the regional, district and village levels. Within each ministry, it is the Environmental Section's responsibility to ensure that environmental concerns are integrated into the ministry's developmental planning and project implementation in a way that protects the environment. In order to ensure effective enforcement of EMA, a total of 90 regulation have been recommended, however only 26 of the key regulation on environmental protection and management, including the Environmental Management (Biodiversity) are in place. A National Biodiversity Strategy and Action Plan (NBSAP), 2001, which is reviewed after every 5 years, is also guidance document, to realize and promote sustainable utilization and conservation of biodiversity. The NBSAP 2015-2020 aims at reducing loss of biodiversity, promoting the value of biodiversity and improving community livelihoods. Efforts by VPO to develop remaining regulations have been hampered by capacity constraints. Further, due to the cross cutting nature of environmental issues, EMA provides for application of sector specific regulations and guidelines pertaining to environmental management. Specifically, EMA provide for the Minister for Environment in collaboration with responsible for sector or LGA to declare, protection or conservation of sensitive biological area. Protection could entail prohibition of human activities or gazettelement. The above applies for the Six Core Principles of PforR, in the sense that, apart from EMA, compliance of SRWS activities and mitigation measures for likely impacts will be addressed through sector specific regulations and guidelines of the water and sanitation and relevant sectors. Potential impact to natural habitat and physical cultural resources under SRWS, for instance will be mainly addresses via existing policies and regulations under the Ministry of Natural Resources and Tourism, these include: National Forestry Policy, 1998; National Wildlife Policy, 2007; Wildlife Conservation Act, 2009; and the Antiquities Act revised 1985. Similarly, EMA provides for Director of Environment in consultation with NEMC, appropriate Sector, Department or Agency of Government responsible for a segment of the environment and whose nature of activity may impact on environment at interval of 5 years to prepare and submit to the Minister a national action plan to provide guidance for management and protection of environment and natural resources.

3.3.6.1 The Environmental Impact Assessment and Audit Regulation (2005).

This regulation provides guidance on the type of projects that require full EIA, which are also regarded as Type A – Projects (Mandatory List) and Type B – Projects, which require preliminary environmental assessment. A detailed list of projects under each of the two categories has been provided as annex 2. Water supply project fall under Type A-projects, which require full EIA. However, based on the scale and type of proposed water supply and sanitation investments under SRWS are expected to require preliminary environmental assessment. The scope of the required assessment will be determined at Screening Stage, which is the initial review step in the EIA process. The main operational challenge of the Regulation has been on how to categorize sector or activities which are not prescribed in Type A and Type B projects. As a way of addressing this challenge NEMC has been recommending that such projects are implemented by observing sector specific regulations or other relevant laws to that specific sector. Screening for likely impacts from the Six Core Principles for Pfor including, natural habitats and physical cultural resources are part of the EIA process and observes sector specific regulations and guidelines from Wildlife and Antiquities departments from the Ministry of Natural Resources and Tourism. In this regard activities under SRWS, which will not be clearly defined under this regulation will be expected to comply with the water and sanitation and other relevant sector regulations. The Environmental Impact Assessment and Audit Regulation (2005) is currently under review by the Vice President's Office to enhance to its application, particularly to address the observed operational shortcomings including the screening process, which needs to ensure that all types of projects are properly screened and appropriate mitigation measures are put in place..

The regulation also outlines procedure to be followed from the registration of the project, assessment, review, approval, mitigation plans, monitoring and auditing. The steps involved in the EIA process in Tanzania as follows:

- a) *Registering a project:* The proponent is required to register the project with the NEMC through submitting a project brief stating –
 - i) the nature of the project in accordance with the categories identified in the Third Schedule to the EMA (2004) and the First Schedule to these Regulations;
 - ii) the location of the project including to the physical area that may be affected by the project's activities;
 - iii) the activities that shall be undertaken during the project construction, operation and decommissioning phases;
 - iv) the design of the project;
 - v) the materials to be used, products and by-products, including waste to be generated by the project and the methods of their disposal;
 - vi) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;
 - vii) an action plan for the prevention and management of possible accidents during the project cycle;
 - viii) a plan to ensure the health and safety of the workers and neighboring communities;

- ix) the economic and socio-cultural impacts to the local community and the nation in general;
 - x) the project budget; and
 - xi) any other information which the Council may require.
- b) *Screening*: The Council shall screen the project brief guided by screening criteria as specified in the Second Schedule to these Regulations. The screening process shall be undertaken with the objective of determining whether an environmental impact assessment be undertaken.

Approval of project brief.

- On determination of the project brief, the decision of the Council, together with the reasons thereof, shall be communicated to the developer or proponent within forty-five days of the submission of the project brief.
- Where the Council is satisfied that the project shall not have significant negative impact on the environment, or that the project brief discloses sufficient mitigation measures, the Council may proceed to recommend to the Minister to approve the project.
- Approval of the project or undertaking shall be made in Form 3 specified in the Third Schedule to these Regulations.

Decision that an environmental impact statement be prepared.

- Where the Council finds that the project shall have a significant impact on the environment and the project report discloses no sufficient mitigation measures it shall require the developer or proponent to:
 - ✓ undertake an environmental impact assessment in accordance with these Regulation; or
 - ✓ undertake a preliminary assessment, where more information is required to determine a screening decision.
 - A preliminary assessment shall proceed along the following steps:
 - ✓ (a) description of the project characteristics and the affected environment;
 - ✓ (b) identification of impacts on the local environment; and
 - ✓ (c) assessment or evaluation of the significance of the impacts in terms of energy flow, transformation of matter, effects on sensitive ecosystems relative to the baseline state and socioeconomic impacts.
 - Where the Council finds that the project shall have no significant negative impact on the environment and the project report discloses sufficient mitigation measure, it shall not require the developer or proponent to undertake an environmental impact assessment, and may proceed to recommend to the Minister for approval of the project.
- c) *Conducting an EIA*: This involves the three main stages of the EIA process: scoping, preparing terms of reference, baseline studies (on the existing social, economic, physical,

ecological, social-cultural and institutional environment within the project boundary area), conducting of EIA by experts and preparing an EIS.

- d) *Reviewing the EIS*: A cross-sectoral Technical Advisory Committee established by the NEMC reviews the EIA. The NEMC will also invite comments from relevant Ministries, institutions and the general public and may arrange for on-site visits and determine whether to hold or not to hold a public hearing. Upon completion of the review process, NEMC shall prepare a report on the review of environmental impact statement and submit it to the Minister of Environment in accordance with section 91 of the MEA.
- e) *Decision of the Minister*: The Minister will give his decision on an EIS, taking into account (i) the validity of the environmental impact assessment statement with emphasis on the environmental, economic, social and cultural impacts of the project; (ii) the comments made by relevant Ministry, institution and other interested parties; (iii) the report of the person presiding at a public hearing, where applicable; (iv) other factors which the Council may consider relevant in the implementation of the project; and (v) advice of the Director of Environment in such application. If the EIS is approved, the Minister will issue an EIA certificate.
- f) *Environmental Monitoring and Audit*: The NEMC shall, in consultation with the relevant sector Ministry, Government Department, agency or institution monitor ongoing projects on a continuous basis using parameters and indicators as may be prescribed in the guidelines made by the Minister in that respect, in order to evaluate the performance of the mitigation measures following the prepared Environmental and Social Management Plan as well as the Monitoring Plan. An environmental audit (self-auditing or by NEMC) will be carried out by a qualified and authorized environmental auditor or environmental inspector who shall be an expert or a firm of experts registered in accordance with the Environmental Regulations (Registration of Environmental Experts), 2005 through questionnaires, and environmental site visits and test analysis, etc. An environmental audit report shall be reviewed by cross sectoral advisory committee for purpose of establishing the accuracy and coverage of key issues and providing appropriate recommendations for remedial measures.
- g) *Decommissioning*: A decommissioning report is prepared at the end of the project life. This report outlines the restoration/rehabilitation activities to be carried out by the proponent and is lodged with the NEMC.
- h) *Public participation* is required during the scoping stages and while fulfilling the terms of reference for the impact assessment of the EIA process. The proponent is responsible for identifying interested and affected parties and ensuring that all parties concerned are given adequate opportunity to participate in the process. A public information program is initiated, and public notices are issued during the scoping and EIA stages. Whenever a strong public concern over the proposed project is indicated and impacts are extensive and far-reaching, the NEMC is required to organize a public hearing. The results of the public hearing should be taken into account when a decision is taken whether or not an environmental impact assessment certificate is to be issued.
- i) *Information Disclosure*. Subject to the freedom of access to environmental information, any project brief, environmental impact statement, terms of reference, public comments, report of a person presiding at a public hearing, environmental impact assessment statement, decision

letter or any other information submitted to the NEMC under these Regulations, shall be public documents.

j) The First Schedule of these Regulations provides a list of projects requiring EIA (A list) and a list of small-scale activities and enterprises that require registrations (may or may not require EIA) (B list). School construction is included in the list B.

3.3.6.2 Environmental (Registration of Environmental Experts) Regulations, 2005 (G.N. No. 348 of 2005). These Regulations make provision with respect to Environmental Experts and establish the Environmental Export Committee. The Regulations provide for the certification and registration of Environmental Experts and contain rules relative to the practice and discipline of Environmental Experts and define functions, powers and internal organization of the Committee.

3.3.6.3. Environmental Management (Hazardous Waste Control and Management) Regulations (2009). The Regulations control all categories of hazardous waste and address generation, storage, transportation, treatment and disposal of hazardous waste and their movement into and out of Mainland Tanzania. They require hazardous waste management be guided by principles of environment and sustainable development namely, the precautionary principle; polluter pays principle; and the producer extended responsibility. The Regulations places responsibility to the generator of hazardous waste for the sound management and disposal of such waste and shall be liable for damage to the environment and injury to human health arising thereby. The regulations further recognize management and control of pesticides, radioactive and industrial and consumer chemical waste to be regulated under respective legislation. The Division of Environment issued in 2013 the Guidelines for Management of Hazardous Waste.

3.3.6.4 Other Regulations under EMA. Other regulations under the EMA also include:

- a) Protection and Integrated Management of Coastal Zones Regulations (2014);
- b) Prevention and Control of Pollution Regulations (2014);
- c) Sustainable Management of Wetlands Regulations (2014);
- d) Solid Waste Management Regulations (2009);
- e) Strategic Environmental Assessment Regulations (2009);
- f) Air Quality Standards Regulations (2007);
- g) The Soil Quality Standards Regulations (2007);
- h) Water Quality Standards Regulations (2007);
- i) Noise and Vibrations Standards Regulations (2009);
- j) Environmental Inspectors Regulations (2011);
- k) Control of Plastic Bags Regulations (2015); etc.

3.3.7 In September 2006, the GoT issued the **Healthcare Waste Management Policy Guidelines**, which were intended to ensure the proper handling and treatment of healthcare waste at different levels of health facilities. The target groups are medical staff members, national policy members, research and training institutions, NGOs and other healthcare service-related organizations. The

Policy Guidelines were followed by the **National Standards and Procedures for Healthcare Waste Management**, and the **Healthcare Waste Management Monitoring Plan**.

3.3.8 Water Utilization (Control and Regulation) Act, (No. 42) 1974: This Act, and its amendments, is the principal legislation dealing with the protection of water resources and control of water extraction for different uses. The extraction of water for different users is controlled through a “water right permit”. The projects need to undertake the procedures for acquiring and managing water rights, discharges to open environment and maintenance of water quality, which are provided by this act.

3.3.9 Energy and Water Utilities Regulatory Authority (EWURA), 2001: The general functions of EWURA are to regulate the provision of water supply and sanitation services by a water authority or other person including the establishment of standards relating to equipment and tariffs chargeable for the provisions of water supply and sanitation services. Specific functions of EWURA in relation to water supply and sanitation include: to establish standards relating to equipment attached to the water and sanitation system; monitor water quality and standards of performance for the provision of water supply and sanitation services; initiate and conduct investigations in relation to the quality of water and standards of services given to consumers; and promote the development of water supply and sanitation services in accordance with recognized international standard practices and public demand.

3.3.10 Water Supply and Sanitation Act No 12 (2009): The Act provides the legal framework for water supply and sanitation. It outlines the responsibilities of government authorities involved in the water sector, establishes Water Supply and Sanitation Authorities as commercial entities. The Act provide for the establishment of water supply and sanitation authorities as well as community owned water supply organizations and gives mandate to local governments to develop bylaws that take on board both water supply and sanitation issues. The National Water Sector Development Strategy 2006-2015 also sets out a strategy for implementing the National Water Policy, which aims to achieve sustainable development in the sector through an "efficient use of water resources and efforts to increase the availability of water and sanitation services." At program level the National Water Sector Development Program of 2006-2025 sets out to promote the integration of water supply and sanitation with hygiene education.

3.3.11 The Occupational Health and Safety Act No. 5 of 2003 aims to improve health, safety, and general wellbeing of workers and workplaces by promoting occupational health and safe practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces. In addition, it provides for the protection of persons other than those at work against hazards to health and safety arising out of or in connection with activities of persons at work. Section 15 gives powers to the Registrar of factories and workplace to enter any factory or workplace to perform his duties as provided by the Act. Section 16 requires that factories and workplace should register with Registrar of factories and workplaces before commencing operations.

3.3.12 The Public Health Act was enacted in 2009. The Act defines healthcare wastes (infectious wastes, pathological wastes, sharps, pharmaceuticals, gene toxics, radioactive wastes, coagulated blood wastes and drugs) and clarifies that waste management procedures should be guided by the Environment Management Act. The Act (Para. 92) instructs the relevant authorities to:

- a) ensure that health care wastes are sorted and stored in prescribed coded containers and transported in waste trucks designed and registered for that purpose;
- b) prescribe the best possible methods for final disposition of various types of health care wastes;
- c) prescribe the best possible methods for handling and the disposal of
 - (i) veterinary wastes arising from abattoirs;
 - (ii) veterinary drugs;
 - (iii) wastes emanating from agricultural activities;
- d) agro-chemical wastes;
- e) chemical wastes; where necessary, prescribe for penalties on management of animal excreta waste or sewerage or dung.

3.3.13 The **National Climate Change Strategy (NCCS)** was developed in 2012 in response to the growing concern of the negative impacts of climate change and climate variability on the country's social, economic, and physical environment. Its overall aim is to enhance the technical, institutional and individual capacity of the country to address the impact of climate change. The Strategy covers adaptation, mitigation and cross-cutting interventions that will enable Tanzania to benefit from the opportunities available to developing countries in their efforts to tackle climate change.

The goal of the Strategy is to enable Tanzania to effectively adapt to climate change and participate in global efforts to mitigate climate change with a view to achieving sustainable development in line with the Five Years National Development plan; the Tanzania Development Vision 2025, as well as national sectoral policies. It is expected that this Strategy will reduce vulnerability and enhance resilience to the impacts of climate change. The implementation of the Strategy will enable the country to put in place measures to adapt to climate change and mitigate GHG emissions in order to achieve sustainable national development through climate resilient pathways.

The specific objectives of this Strategy are:

- a. To build the capacity of Tanzania to adapt to climate change impacts.
- b. To enhance resilience of ecosystems to the challenges posed by climate change.
- c. To enable accessibility and utilization of the available climate change opportunities through implementation.
- d. To enhance participation in climate change mitigation activities that lead to sustainable development.
- e. To enhance public awareness on climate change.
- f. To enhance information management on climate change.
- g. To put in place a better institutional arrangement to adequately address climate change.
- h. To mobilize resources including finance to adequately address climate change.

3.3.14 Based on the National Strategy, a **Water Resources Management Strategic Interventions and Action Plan for Climate Change Adaptation** was prepared by the MoWI (December 2012). The strategic intervention and action plan was necessary in order to

enable stakeholders in the water sector to effectively cope with risk associated with climate change and variability in Tanzania. The strategic intervention and action plan are expected to streamline all climate change activities in the water sector and provide a basis for coordination of the activities at basin level.

3.3.15 As part of the **GIZ- Support Water Sector Development Programme**, in the component of Water Resources Management under Conditions of Climate Change established in 2012, provides support to MOWI by realizing a multi-level approach encompassing the national (MoWI Division of Water Resources) as well as water basin levels (Lake Nyasa and Lake Rukwa BWB), and by deploying a mix of long-term technical advisors and short-term experts.

3.3.16 **The Wildlife Conservation Act 2009.** The Act aims to (a) protect and conserve and administer areas with great biological diversity, including wetlands which are representative of the major wildlife habitats; (b) protect and conserve wildlife resources and its habitats in game reserves, wetland reserves, game controlled areas, wildlife management areas, dispersal areas, migratory route corridors, buffer zone and all animals found in areas adjacent to these areas; (c) promote and enhance the contribution of the wildlife sector to the sustainable development of Tanzania; (d) promote and enhance the development of wildlife eco-system, as well as development of protected areas network; (e) support, strengthen and enlarge the wildlife protected areas network; (f) enhance the conservation of wildlife and its habitats outside wildlife protected areas by establishing Wildlife Management Areas; (g) encourage, promote and facilitate active involvement and participation of local and traditional communities in the sustainable management, use and conservation of wildlife resources; (h) integrate wildlife conservation with rural development through the transfer of the management responsibility of Wildlife Management Areas to local communities; (i) foster sustainable and legal use of wildlife resources and take appropriate measures to prevent illegal use of wildlife; (j) facilitate greater public awareness of the cultural, economic and social benefits for conserving wildlife resources; (k) mitigate human-wildlife conflicts wherever they occur; (l) create an enabling environment for the private sector to invest in different forms of wildlife utilization and conservation; and (m) enable Tanzania to participate in relevant international agreements.

3.3.17. **The Antiquities Act, 1964 amended in 1979 and 1985.** The Act protects all relics that were made, shaped, carved, inscribed, produced or modified by humans before 1863. Also, the act protects all *monuments* (buildings, structures, paintings, carvings, and earthworks) made by humans before 1886. In addition, the act protects all objects such as wooden doors or doorframes that were carved before 1940. Under the Act, the Minister responsible for antiquities is empowered to declare protected status for any object, structure, or area of cultural value. The Act vests the Department of Antiquities ownership of tangible cultural heritage resources. Moreover, the Act prohibits the sale, exchange, and export of such cultural heritage resources without a permit. Also, it regulates cultural heritage resources research undertakings. The Act gives the Director of Antiquities the power to regulate, supervise and control tangible or physical cultural heritage resources together with research

undertakings. It also gives the responsible minister immense powers to declare any area, object or structure, a monument or conservation area as a heritage site²⁰.

3.3.18 National Forest Policy (1998)

The forest policy calls for conservation of unique ecosystems and biological diversity, considering the needs of local populations and appropriate management and utilization of natural resources, sustainable management of reserved forest will be defined and management responsibility promoted. The proposed KCCM will focus on Biodiversity conservation and management as well as watershed management and soil conservation will be included in the management plans.

3.3.19 The National Wildlife Policy (2007)

The Wildlife Policy of Tanzania refers on the enforcing EIA process for developments in Protected Areas (PAs) and requesting for environmental planning for developments to be carried out in wildlife areas outside PAs in order to minimize negative impacts.

3.4. Social Impacts and Risks Management

Constitution under the articles 9, 13 and 14 provides for the protection of all citizens including ethnic minorities. These provisions are found in the Constitution of Tanzania 1977 (amendments in 1998,2005) which stipulates as follows:

Article 9.

- (a) that human dignity and other human rights are respected and cherished;
- (f) that human dignity is preserved and upheld in accordance with the spirit of the Universal Declaration of Human Rights;
- (g) that the Government and all its agencies provide equal opportunities to all citizens, men and women alike without regard to their color, tribe, religion, or station in life;

Article 13.

- (4) No person shall be discriminated against by any person or any authority acting under any law or in the discharge of the functions or business of any state office.

Article 14.

Every person has the right to live and to the protection of his life by the society in accordance with law.

Other legal and policy provisions that protect workers and the communities in general, are as presented in the following sections. These were found to be mostly consistent with the requirements of the core principles. In areas where gaps were identified such as compensation of informal settler and management of vulnerable and disadvantaged communities, gap filling measures have been proposed in the Environmental and Social Program Action Plan Table 7.

²⁰ Cultural Heritage Management in Tanzania's Protected Areas: Challenges and Future Prospects, by Audax Z. P. Mabulla and John F. R. Bower

3.4.1 **Labour laws.** Tanzania overhauled its employment and labor laws in 2004 when it enacted the **Employment and Labour Relations Act, Act No. 6 of 2004** and the **Labour Institutions Act, Act No. 7 of 2004**. While the Employment Act provides for labor standards, rights and duties, the Labour Institutions Act constitutes the governmental organs charged with the task of administering the labor laws. These are the Ministry of Labor and Employment (MoLE) and its decentralized arrangements with Labour Inspectors in the districts. Subsequently, in 2007 several pieces of subsidiary legislation were promulgated to facilitate the enforcement of labor rights and standards stipulated in the Employment Act. The new laws further enact employment and labor standards which, by and large, conform to the labor standards set by the International Labour Organization.

3.4.2 The **Employment and Labour Relations Act** sets out provisions for fundamental rights and protections, which include forced labor, child labor, discrimination, and freedom of association. It also sets out employment standards, wage parameters, working hours, and dispute regulations, among others.

3.4.3 While Tanzania's Constitution stipulates which laws apply across the entire United Republic, labor laws are not included. Therefore, mainland Tanzania and Zanzibar have separate legislation governing child labor. Each has a different minimum age for work and laws governing hazardous labor. Zanzibar has two different minimum age for work. Article 100 of the Zanzibar Children's Act of 2011 prohibits children under age 18 from working, while the Zanzibar Employment Act and Act 116 of the Zanzibar Labor Act of 2007 stipulate age 17 as the minimum age for work. In contrast, the minimum age for work on mainland Tanzania is 18. While Zanzibar clearly stipulates the prohibition of the use of children for illicit activities, mainland Tanzania does not, including involvement in the production and trafficking of drugs.

3.4.4 **Land Policy (1997):** The Land Policy, and laws emanating from it, addresses issues of: land tenure, promotion of equitable distribution of land access to land by all citizens; improvement of land delivery systems; fair and prompt compensation when land rights are taken over or interfered with by the government; promotion of sound land information management; recognition of rights in unplanned areas; establishment of cost effective mechanisms of land survey and housing for low income families; improvement of efficiency in land management and administration and land disputes resolution, and protection of land resources from degradation for sustainable development.

3.4.5 **Land Act No 4 of 1999.** Private property is given either through Granted Rights in General and Reserved Land (Land Act, Section 19) or through Customary Rights in Village land (Village Land Act, Section 22). Provision is also made for holding land by joint occupancy or occupancy in common (Land Act, Part XIII). This is under the Ministry of Lands and Human settlements.

3.4.6 **Village Lands Act, No. 5 of 1999:** The act requires each village to identify and register all communal land, and obtain the approval of all members of the village for identification and registration (Village Assembly, Section 13). A Register of communal land (section 13(6)) is to be maintained by each village land council, and land cannot be allocated to

individuals, families or groups for private ownership (section 12(1) (a)). This is also under the Ministry of Lands and Human Settlements.

3.4.7 Land Act, Cap.113 R.E. 2002: The major function of the Land Act is to promote the fundamentals of the National Land Policy by giving clear classification and tenure of land, land administration procedures, rights and incidents of land occupation, granted rights of occupancy, conversion of interests in land, dispositions affecting land, land leases, mortgaging of land, easements and analogous rights, co-occupation and partitioning and settlement of land disputes. Section 1(4) classifies Tanzanian land into three categories: Tanzanian land falls into three categories, namely:

- a. Reserved Land: set aside for wildlife, forests, marine parks, etc. Specific legal regimes govern these lands under the laws which established them e.g. Wildlife Conservation Act, Cap 283, National Parks Ordinance, Marine Parks and Reserves Act, etc.
- b. Village Land includes all land inside the boundaries of registered villages, with Village Councils and Village Assemblies given power to manage them. The Village Land Act, Cap 114 governs the land and gives details of how this is to be done.
- c. General Land is neither reserved land nor village land and is therefore governed by the Land Act and managed by the Commissioner under the Ministry of Lands and Human Settlements.

3.4.8 All urban land falls under General Land Category, except land which is covered by laws constituting reserved land, or that which is considered hazard land. General land is governed by the Land Act. Reserved land includes environmental protected areas as well as areas intended and set aside for spatial planning and (future) infrastructure development. Rights of occupancy are given in two categories that separate the rights of citizens and non-citizens to occupy land. Section 19 (1) confers right to all citizens to occupy land; 19 (2) and 20(1) excludes non-citizen to occupy land except for purpose of investment (Tanzania Investment Act 1997). Property rights can be created over surveyed general land or reserved land; for a period of 33, 66 or 99 years; confirmed by a Certificate of Title.

3.4.9 Land Acquisition Act Cap118, 1967 R.E. 2002: The Land Acquisition Act is the principal legislation governing the compulsory acquisition of land in Tanzania. Sections 3-18 of the Act empower the President to acquire land, and provide the procedures to be followed when doing so. The President is empowered to acquire land in any locality provided that such land is required for public purposes, and those who will be adversely affected to the acquiring of land by the government are eligible for the payment of compensation.

3.4.10 The Land (Assessment of Value of Land for Compensation) Regulations, 2001: This regulation outline that the basis for assessment of the value of any land and un-exhausted improvement for the purpose of compensation shall be its market value. This is to ensure that fair and adequate compensation is paid. It further provided for the method of determining the market value of such land. The market value under regulations is determined on the basis of:

- a. Market value of the real property;

- b. Disturbance allowance;
- c. Transport allowance of prohibits;
- d. Loss of profit or accommodation;
- e. Cost of acquiring or getting of the subject land;
- f. Any loss or capital expenditure incurred to the development of the subject land.

Further, Section 4 of the Land (Compensation Claims) Regulations of 2001 defines who can claim for compensation. These include:

- a. Holder of granted Right of Occupancy in general or reserved land that is transferred to village land or land held under Right of Occupancy that is compulsory acquired for public purpose (Section 22); or a right of occupancy that is revoked.
- b. Holder of a granted customary right of occupancy that is revoked for the land in question been in hazardous land,
- c. Holder of a customary right of occupancy where the subject land is acquired to be granted to another person under right of occupancy (Section 34),
- d. Occupier of land who has obtained (by disposition) from holder of a granted or customary right of occupancy where this occupier is denied right of occupancy (Section 54), and
- e. Occupier of land in any urban or peri-urban area where such land is acquired by the President under Section 60 i.e. Scheme of Regularization

Squatters are not entitled to compensation based on these regulations.

3.4.11 The **Local Government Act, 1982** (revised in 2002) and its amendments, the village, district and urban authorities are responsible for planning, financing and implementing development programs within their areas of jurisdiction. Each authority has to suppress crimes, maintain peace, good order and protect the public and private property. LGAs are also capable of holding and purchasing, or acquiring and disposing of any movable or immovable properties.

3.4.12 **Gender Policies:** There are a number of policies positively impacting gender. Important among them include the following: (i) Gender Policy, (ii) Affirmative Action Policy, (iii) Sexual Offenses Act (1998), and (iv) Action Plan against Gender Based Violence (since 2010).

3.4.13 **Rights of the Child; Rights to Reproduction and Access to good quality Reproductive Healthcare:** Tanzania is a signatory to the Universal Declaration of Human Rights and specifically to the Convention on the Rights of the Child and has submitted the 3 reports in 2013.

3.5 School Water, Sanitation and Hygiene

3.5.1 National Strategic Plan for School Water, Sanitation and Hygiene (SWASH), 2012 - 2017

While significant success has been made in extending access, improving quality remains a challenge. The increase of number of schools is inversely proportional with the increase of

sanitation facilities. The MoEST has defined clearly the standards for school sanitation facilities.

These standards include setting latrines with the ratio of one drop hole per 20 girls and one per 25 boys. In 2009, the United Nations Children's Fund (UNICEF), Water Aid and Netherland Development Organization (SNV) carried out a survey (2009) to find out the existence situation and standards of WASH facilities in schools. Survey revealed that most of the schools have not met these standards. This situation has prompted the MoEST to join effort with Development Partners to design a SWASH program in scaling up the sanitation facilities in schools. In order to embark in this situation and bring effective implementation of the SWASH program strategic plan was necessary to be developed.

3.5.2 The SWASH Strategic Plan aims at enhancing the provision of adequate safe water, sanitation and hygiene facilities as well as improving the academic performance, school attendance and overall health of school children. It acts as a guide to various stakeholders including the Government, Development Partners, NGOs, Civil Society Organizations Communities and others to work together towards attainment of better healthy learning environment among school children. It stipulates key strategic areas including policy guidelines and strategy formulation, institutional arrangements, awareness and capacity building, infrastructure development and maintenance (including mobilization of construction resources for WASH facilities, construction and development of operation & maintenance manual and training), and cross-cutting issues (including waste disposal be separately from sanitary waste and sanitary waste be disposed through incineration) that need to be collaboratively addressed by four key Ministries. It also complements other regional and national efforts on improvement of school sanitation and hygiene contributing to a positive learning environment, quality education and health for school children. It targets to increase by 50% WASH facilities in schools by 2016/17. Future phases will be determined based on the review of the initial phase during 2012-2017.

3.5.3 **National Guideline and its Toolkits for School Water, Sanitation and Hygiene in Tanzania, 2010, First Draft for Piloting and Consultation.** For implementation of the SWASH Strategic Plan, the School WASH Guideline was developed in 2010, which is a joint effort of four key Ministries responsible for School WASH including Prime Minister's Office – Regional Administration and Local Government, Ministry of Education and Vocational Training, Ministry of Health and Social Welfare, and the Ministry of Water and Irrigation in close collaboration with other stakeholders including development partners, NGOs, Civil Society Organizations, local government authorities and institutions and the communities. It sets out the minimum requirements for WASH that are relevant to various types of schools in different contexts in Tanzania. It is designed for use in different school settings where simple; affordable and replicable options can be promoted to contribute significantly to improving water; sanitation and hygiene conditions in schools and pre-schools. It is developed with the aim to:

- a) Assist local authorities (including school's management) and the local communities to assess the existing situation and to evaluate the extent to which

those schools may fall short of national standards; and subsequently plan and implement any intervention or improvements required.

- b) Provide basic information (such as technical designs, cost estimation and simple operation and maintenance requirements) on a range of technical options that are suitable for various social economic conditions, for different ages, gender friendly and for children with disabilities.
- c) Set out specific standards to ensure that the improvement of existing and construction of new WASH facilities in schools meet the minimum requirements;
- d) Assist schools and communities with the development of comprehensive and realistic action plan so that acceptable conditions are maintained;
- e) Provide relevant tool-kits that can be used by different target groups (school teachers/pupils; LGAs, International/local NGOs and contractors; Development Partners; decision-makers) for development and implementation of strategic action plan for SWASH improvement.
- f) Support the implementation of the relevant National Policies through setting and achieving specific targets.
- g) Assist LGAs to involve and support communities and schools in planning; budgeting; implementing and monitoring for School WASH improvement

3.5.4 The Guideline has five toolkits:

- a) Toolkit 1- Assessment and Monitoring Tools for SWASH (including SWASH Situation Assessment, SWASH Monitoring and Inspection for External Use, Checklist for Monthly Monitoring by School Committees, Parents and Teachers, SWASH Planning and Implementation Checklist)
- b) Toolkit 2- Technical Options for SWASH (2A: Options and Operation & Maintenance, and 2B: Designs and Bills of Quantities)
- c) Toolkit 3- Sanitation and Hygiene Education for Primary Schools (3A: Handbook for Teachers, and 3B: Posters)
- d) Toolkit 4- Manual on use SWASH Guidelines, Handbook for Trainers
- e) Toolkit 5- Manual on use of Teachers' Handbook on Hygiene Education in Schools, Handbook for Trainers

3.5.5 National Sanitation Campaign. In 2012, the Government of Tanzania launched the National Sanitation Campaign (NSC), under which, the Government has committed to facilitate 7 million Tanzanians gaining access to improved sanitation by 2015. In addition, a draft National Sanitation and Hygiene Policy¹⁸ demonstrates the priority of the Government to this sector. A MoU among Ministry of Health and Social Welfare, MoEST, Ministry of Water, and PO-RALG summarizes institutional responsibilities and outlines a dialogue structure among the parties to improve coordination among key institutions. The NSC is delivered through Water Sector Development Program under the overall coordination of the Ministry of Water. About 65% of the funding (US\$16 Million) is provided directly to LGAs for household sanitation promotion and school infrastructure improvement with the balance is targeted for national and regional level for monitoring and supervising LGAs activities.

3.6 Institutional Framework for Environmental and Social Risks Management

The main institutions responsible for environmental and social management relevant to SRWS are as follow:

3.6.1 The Vice President Office (VPO)’s Leaders: The Minister Responsible for Environment. The Minister for Environment is responsible for matters relating to environment and mandated for the articulation of policy guidelines necessary for the promotion, protection and sustainable management of environment in Tanzania.

3.6.2 The National Environmental Advisory Committee. It is an advisory body established with the mandate of advising the Minister responsible for Environment or any sector Ministry in all matters related to the protection and management of environment.

3.6.3 The Vice President Office (VPO) –Environment Division (ED). With regards to the environmental management in Tanzania, the overall responsibility lies with the Vice President’s Office (VPO) – Environment Division. The legal and institutional framework for environmental management in the country is provided in the EMA (2004). The ED was established in 1991 under the Ministry of Natural Resources and Tourism. In 1995, the ED was transferred to the VPO to give it the requisite priority and attention on promoting management of environmental agenda. The ED is responsible for the overall environmental policy and regulation, formulation, coordination and monitoring of environment policy implementation in the country. Institutions, with enforcement role in environmental management include Sector Ministries, National Environment Management Council (NEMC) and Local Government Authorities (LGAs). The vision of the VPO ED is “to attain sustainable human development, eradication of poverty, security and equitable use of resources on a sustainable basis to meet the basic needs of the present and future generations without degrading the environment or risking health or safety and also maintain the union between the mainland Tanzania and Zanzibar”. The mission of the VPO ED is “to formulate policies and strategies on poverty eradication, protection of environment and non-governmental organizations as well as co-ordinate all issues pertaining to the mainland Tanzania and Zanzibar”.

3.6.4 The ED is responsible for coordination of national and international matters related to environmental conservation and management. The Division is led by a Director and comprises of three Sections as follows:

- a) *Environnemental Natural Habitats Conservation.* This section is responsible for developing, reviewing and coordinating implementation of environmental policies, acts, regulations, guidelines, programs and strategies which are related to natural habitats and environmental conservation. Some of the specific areas of focus include biosafety; State of the Environment reporting; and biodiversity conservation of major lake basins such as Lake Tanganyika and Lake Nyasa. In addition, the section coordinates Global Environment Facility activities.
- b) *Environmental Management of Pollution.* The section is charged with the preparation, review and provision of advice on policies, legislation and guidelines which are related to environmental management of pollution. Some of the specific

areas of focus include ozone depleting substances; persistent organic pollutants; and sustainable consumption and production.

- c) *Environmental Impact Assessment*. The main responsibilities of this section is to prepare and review environmental management policies, legislations, regulations, guidelines, criteria and procedures for environmental impact assessments, risk assessments and Strategic Environmental assessments. Some of the specific areas of focus include climate change; poverty and environment mainstreaming; approval of Environmental Impact Statement and Strategic Environmental Assessment.

3.6.5 The Director of Environment is responsible for coordinating various environment activities being undertaken by other agencies and promotes the integration of environment considerations into development policies, plans, programs, strategies, projects and undertake as well as process or issue several environmental permits.

3.6.6 **The National Environment Management Council** is the national authority responsible for ensuring compliance with the National Environmental Act. To ensure compliance, project must be issued an environmental license or permit, which confirms that all necessary environmental and social due diligence requirements have been fulfilled. NEMC also provides periodic oversight, monitoring the national portfolio of activities to ensure that no adverse cumulative impacts result. NEMC further provides oversight and technical assistance at the district level when required. Currently NEMC has established centers in 5 out of 7 zones of the country. In each city, municipality, district, town council there is an appointed Environmental Management Officer (EMO). However, not all officers have required background to adequately manage and coordinate environmental issues.

3.6.7 Overall, NEMC performs three critically important roles:

- a) Oversee the ESIA process;
- b) Train district officials to carry out environmental and social due diligence monitoring; and
 - a. Monitor implementation of environmental and social risk management.

3.6.8 NEMC is also responsible for:

- a) Ensuring that operators comply with Tanzania's environmental laws and requirements, a function it carries out with the assistance of the environmental officers assigned to district and regional governments;
- b) Receiving, reviewing, issuing comments and requests for revision, and providing clearance of completed ESIAs, when they are required, for subprojects prior to issuance of environmental permits and disbursement of financing from the fund;
- c) Reviewing and compiling monitoring reports for the district coordinators;
- d) Issuing directives, based on monitoring and evaluation reports, to the operators and district environmental coordinators; and
- e) Conducting, in cooperation with other ministries, programs to enhance environmental education and increase public awareness.

3.6.9 Local Government Authorities. LGAs are responsible for overseeing planning processes, and establishing local environmental and social policies and regulations. At the level of governance closest to the people, LGAs are also best placed to play the vital role of educating, mobilizing and responding to the public in promoting environmental and social objectives based on national laws, regulations and policies. However, Local government authorities as principal executive agencies of environmental and social policies and legislations of relevant sectoral legislations are weak and coordination with central government is inadequate. Despite the EMA requirement, not all districts have in place competent Environmental Management Officers (EMO). Most of the EMO are designated officers from other sector departments, mostly, forestry, fisheries, wildlife, health, etc. without basic technical skills in environmental management. The responsibilities for environmental management at LGA level lies with Environmental Management Officers. Roles of EMO include: enforcement of EMA; promotion of environmental awareness, monitoring the preparation, review and approval of the ESIA's of local investments and projects and to report to the Director of the Environment on implementation of the Act within the area of his/her jurisdiction. Similarly, Committees and Environmental Management Officers are to be appointed at the Kitongoji (KEMO), Ward (WEMO), Mtaa (MEMO) and Village (VEMO) levels. They are empowered to coordinate all activities geared towards the protection of the environment within their local areas. In the context of SRWS, beneficiary communities and operators of the projects through Community-owned Water Supply Organisations (COWSOs) will participate in monitoring the contractor's role in implementation of ESMP during construction and maintain the environmental and social qualities during project operations.

Currently, the roles of LGAs as environmental and social authorities in their areas of jurisdiction is dismally low and lacks integration of relevant institutions in the field. Capacity to manage the environment and social and to conserve natural resources is also limited by the fact that little or no resources are available to them for managing the environment.

Administratively, LGAs maintain Environmental Management Committees, the membership of which typically consists of:

- a) District planning officer, who coordinates the planning process;
- b) District natural resources officer, who manages the development of natural resources/forestry, wildlife, beekeeping, fisheries, and so forth;
- c) District agricultural and livestock development officer, responsible for land use and management;
- d) District water engineer;
- e) District health officer; and
- f) Co-opted members (depending on nature of project).

3.6.10 The Committees are supported by a designated or appointed Environmental Management Officer, employed by the District LGA but linked to and trained by NEMC, and having these main functions:

- a) Issuance of ESIA registration forms to developers and operators and provision of information on relevant policy, legal, and other administrative requirements at the district level;

- b) Coordination of the ESIA process at the district level as needed; and
- c) Linkage with NEMC on all undertakings within the district.

3.6.11 LGAs review and clear the environmental and social management process, required for investments, prior to funding any construction or civil works program.

Apart from the Environment Management Committee LGAs also have other relevant staff associated with environmental and social management, and these include, Environment, Community Development, Surveyors, etc., Officers. While at national level the Ministry of Lands Housing and Human Settlements provides policy guidance on land acquisition, the LGAs could undertake land acquisition activities and its attendant measures of compensation and resettlement. This also includes land donation or outright purchase of land for developmental program activities.

3.6.12 Sectoral and District Level Environmental Units. Environmental Units at sectoral and district level are the collaborating partners in the EIA process. They are also responsible for promoting environmental awareness; generation, compilation and dissemination of information on the environment relating to the Sector. Due to institutional set-up Environmental Units have not been very effective do not have the necessary powers and tools as they operate below department status within the sector ministries. To be effective the Environmental Sections must have equal or slightly higher status compared to the Sector departments and enjoy budgeted funds while remaining answerable to the Ministry responsible for environment.

The linkages between NEMC and the sectoral and district environmental units are legally binding to ensure clear lines of command to facilitate effective implementation. However, coordinators and/or environmental coordinating units in sector ministries and districts are currently not positioned slightly at lower status compared to sector or district department heads; hence, do not receive required budgets to perform their tasks. The roles and responsibilities of these units are the following:

- a) Sectoral Environmental Units:
 - With assistance from NEMC to develop sectoral guidelines within the framework of the national EIA guidelines;
 - To issue Environmental Impact Statements (EIS) registration forms to proponents and provide relevant information on policies and other administrative requirements; and
 - To assist the general EIA process administration at sectoral level
- b) Regional coordination of Environmental Management
 - The Regional Secretariat is responsible for co-ordination of all advice on environmental management in their respective regions and liaison with the Director of Environment and the Director-General on the implementation and enforcement of EMCA;

- Regional Environment Management Expert working under the secretariat is charged with the responsibility of advising the local authorities on matters relating to the implementation and enforcement of EMCA;
- The Regional Environment Management Expert shall be a link person between the region in which he is employed with the Director of Environment and the Director-General.

c) District Environmental Units:

- To issue EIA registration forms to proponents and provide relevant information on policy, legal and other administrative requirements at the district level;
- To coordinate EIA process at district level; and
- To link and liaise with the NEMC on all undertaking with district.

3.6.13 Community Owned Water Supply Organizations (COWSO) are responsible for the water supply systems, specifically to:

- a) own movable and immovable properties including public taps and waterworks;
- b) manage, operate and maintain public taps and or waterworks and provide an adequate and safe supply of water to its consumers;
- c) make rules for the use of public taps and or waterworks by consumers;
- d) install water meters for the purpose of measuring the amount of water supplied to a public tap or a consumer;
- e) charge consumers for the water supplied from public taps and or waterworks;
- f) limit the access of any persons from the water source, public taps or from supplies from the waterworks who are not complying with the rules, regulations or the constitution of the community organization;
- g) consult and cooperate with the village councilor any other institution responsible for land to plan and control the use of land in the immediate vicinity of the water points and or waterworks; and
- h) do such other thing or enter into any transaction which, in the opinion of the Board or Committee is necessary and proper in carrying out its obligations under this Act.

Currently, efforts to formalize the transition of the existing Village Water Committees (VWCs) to COWSOs in the targeted areas of the Program is on-going. As this transition progresses it would be important that the existing village committees on environment are acquainted with the roles and responsibilities of COWSOs for more effective implementation of water and sanitation activities in the communities.

According to the Government's proposal, a new **Rural water Agency (RUWA)**, which will be established under this program will work with LGAs and COWSOs to facilitate establishment of a mechanism to support management, operation and maintenance of rural water supply schemes. An assessment of RUWA's capacity to manage environmental and social aspects of the program, will be carried out upon its establishment. It is however, anticipated that RUWA will integrated environmental and social issues in line with its mission to "provide sustainable portable water in rural areas through resource mobilization, project

implementation capacity building and operation and maintenance of projects with active participation of major stakeholders.

3.6.14 The Ministry of Water and Irrigation (MoWI) is the agency responsible for co-ordination, monitoring and regulating community water supply. The MoWI is responsible for overall oversight of environmental and social management for the project specific activities including, the local government entities responsible for subproject execution. Lessons from implementation of the World Bank-funded Water Sector Development Project (WSPD I) have helped MoWI to strengthen safeguard management capacity. The Ministry has established a formal safeguards unit with five (5) personnel (two (2) Environmental Specialist and three (3) Social Development Specialist) and a Gender Desk Officer within the ministry headquarters. It has also developed tools to improve institutional arrangements and capacity for safeguards management. A series of environmental and social tools (templates) have been designed for internal use. The Implementing Agents (IAs), including LGAs and the Environmental and Social Management Unit (ESMU) ought to apply these tools, in order to ensure incorporation of the environmental and social safeguards in all stages of project “project cycle”. These tools also serve to systematize the environmental and social management information for process record-keeping purposes. The management tools for the environmental and social management in the Ministry are:

- i) Environmental and Social Preliminary Assessment (ESPA);
- ii) Environmental and Social Monitoring Report (ESMR); and
- iii) Environmental and Social Final Report (ESFR).

Despite the operational tools and past experience from implementing World Bank financed projects, capacity of MoWI to coordinate environmental and social management remains inadequate. MoWI needs to enhance human capacity within the ministry as well as linkages with implementing entities, particularly at LGA level. It will be necessary to improve collaboration with District Environmental Management Officer and District Community Officer for successful integration of environmental and social issues under the program.

The promotion of hygiene and sanitation rests with the **Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDGEC)**. Under the program, MoHCDGEC will be responsible for Technical Assistance (TA) activities pertaining to sanitation and hygiene. These activities will mainly focus on enhancing capacity of the government to monitor, ensure quality and improve and sustain WASH service delivery. Coordination between the directorates within MoHCDGEC is low. Water, sanitation and hygiene (WASH) in general, particularly in healthcare facilities has not been given attention it deserves. The Ministry has a total of nineteen (19) Environmental Health Officers working under occupation health and safety, water, sanitation and hygiene, disease control and environmental protection sub-departments. Responsibility of the programs environmental management will fall under water, sanitation and hygiene department with five (5) environmental personnel. Social protection is managed by Community Development, Gender, Elderly and Children department: thus, collaboration in the implementation of the ESSA is encouraged.

3.6.15 Energy and Water Utilities Regulatory Authority, 2001. The general functions of EWURA are to regulate the provision of water supply and sanitation services by a water authority or other person including the establishment of standards relating to equipment and tariffs chargeable for the provisions of water supply and sanitation services.

3.6.16 The Occupational Safety and Health Authority (OSHA) was set up in 2001 under the Ministry of Labor and Employment to administer occupational health and safety at workplaces in the country. The role of OSHA is to improve health and safety (wellbeing) of workers and workplaces by promoting occupational health and safe practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces. The Ministry of Labor and Employment is the main actor with the oversight role of ensuring that decent work is practiced and maintained in Tanzania. It provides directives, technical advice, enforces legislations, proposes amendments, allocates resources, oversees all activities carried out by OSHA and ensures that occupational safety and health rules and regulations are adhered to and maintained at workplaces.

3.6.17 Ministry of Education, Science and Technology (MoEST). The MoEST is responsible for hygiene education and the provision of clean water and sanitation facilities in schools. However, there is a gap between MoEST at the national level and the School Committees (formed by parents, local government officials [village and ward] and school management) and who bear the major responsibility in facilitating community engagement in addressing school level environmental and social risks. This gap gives rise to inadequate enforcement of existing standards on quality school facilities, despite the school inspection process. This existing shortcoming in coordination and criteria for monitoring limit the effectiveness of School Committees to supervise standards as well as community engagement in supporting the provision of basic school facilities. A new Government Directive (Letter with Ref No. DC297/507/01/145 dated 27th November 2015 of the PS, PO-RALG) seeks to clarify the responsibilities of government on primary education and the roles and responsibilities of different stakeholders in this sector, specifically delineating the contribution of communities towards maintenance of water supply and sanitation facilities which may be in kind. Compliance with environmental and social measures however will vary due to differences in understanding and capacities in resource mobilization which will have impact on the SWRS Program.

3.6.18 PO-RALG has a convening mandate for the other national and local government agencies. PO-RALG will support improvements in sustainable access to water supply services in the participating districts, which are responsible for service provision of water and sanitation in the administrative areas. In doing so PO-RALG also has responsibility in overseeing and guiding the environmental and social impact assessment process of all investments under its purview. Capacity for environmental and social risk management is improving with two new staff (One (1) environmental specialist and One (1) social specialist) at PORALG, even though not yet at the desired levels considering the projects coverage. The program will continue to enhance the skills of existing staff especially at LGA's level through training and on spot guidance. Environmental and social management issues will continue to

be addressed during implementation in order to enhance compliance at all levels of the program.

4. POTENTIAL ENVIRONMENTAL AND SOCIAL EFFECTS OF THE SRWS PROGRAM

4.1 Potential Environmental Benefits and Risks

As earlier described in Chapter 2 of this document, the Water and Sanitation Program will support the Government in implementing the WSDP II for a five-year period and will support some of the targets under the program. The proposed PforR operation therefore is a subset of the WSDP II, consisting of rural water supply and sanitation services in 16 out of Tanzania's 26 regions, which have been selected against the criteria of low access to water and sanitation as well as high poverty and high stunting rates. Kigoma region has been added to support the host community affected by the ongoing refugee situation.

The program will directly support activities linked to increasing access to improved water services in rural areas to be implemented by both MoWI and PORALG in participating districts. This will be based on investments identified by districts WASH plans with a focus on low -coverage communities as well as rehabilitating and repairing water points that are non-or partly functional. In the rural areas, under this program the new Rural water Agency will deliver this program together with LGAs and COWSOs. Further support will be focused on increasing access to safely managed sanitation services in rural areas which will be implemented by MoHCDGEC and PORALG. The key activities here will be the national Sanitation Campaign as well as rolling out the Behaviour Change Communication. Encouragement of local private sector suppliers and service providers in the marketing and installation of local products including plastic pans, handwashing stations, etc., will be a priority. Finally, institutional capacity strengthening for water and sanitation services in rural areas will be strengthened through MoWI and MoHCDGEC, and will focus on monitoring, quality assurance and sustaining the WASH service delivery.

An environmental and social screening of the Program scope was undertaken. The purpose of the screening was to: (i) identify activities likely to have significant adverse impacts that are sensitive, diverse, or unprecedented on the environment and/or affected people; those activities are not eligible for the Financing, and should not be included under the Program; and (ii) to identify potential risks (as well as opportunities) that may be associated with the Program and determine the priority areas that warrant further analysis through the environmental and social system assessment. The results of the screening are as follows:

- a) Positive environmental and social benefits will be expected as major results of the Program, if environmental and social actions and measures are included into the implementation of the Program to enhance compliance and integration of environmental and social impacts and risks management.
- b) The main environmental and social impacts of the Program are related to construction of water supply and sanitation facilities which have impacts resulting from civil works such as pollution, erosion, noise, loss of vegetation, occupational and health risks, generation of solid waste, etc. and land acquisition.
- c) Environmental and social risks to the achievement of the Program PDO specially relate to environmental, health, safety and social concerns including: (i) inadequate water supply and

sanitation facilities; (ii) poor maintenance of the facilities, (iii) the cultural beliefs and practices related to safe water and use of sanitation facilities, (v) community roles in functionality of water supply facilities, (iv) access to facilities for the remote disadvantaged and vulnerable communities, (vi) lack of structured grievance redress mechanisms on environmental and social impacts and risks at LGAs and/or communities.

- d) Environmental and social impacts and risks management systems should be enhanced during the Program implementation, as part of the Disbursement Linked Results/Indicators and/or the Program Action Plan.

41.1 The environmental impacts likely to be generated cover a wide range of aspects related to construction works such as loss of vegetation, soil erosion from both the construction sites and quarries, pollution of water bodies, dust and noise; in general, the total area impacted directly by the construction activities is not significant depending, of course, on the magnitude of the works. However other factors can significantly increase the importance of this loss due to potential cumulative impacts such as collection of materials from common borrow pits and quarries. Although most of the sanitation infrastructure will be on-site facilities, mainly pit latrines, it is expected that flush toilets will be constructed and/or rehabilitated under the Program. Since the Program will be implemented as part of WSDP II, which will support activities related to waste water treatment, potential impacts from collection, transportation and deposition of waste water will be mitigated accordingly under the WSDP II. activities in the wider region.

4.1.4 Climate change is now becoming increasingly significant because of its impacts on the available sources of water, as well as on the competing demands on its use. Small water utilities have to be alert to these effects as they pose threats to their long-term viability and sustainability. Climate change effects range from rising sea levels, increased saline intrusion into groundwater aquifers, water treatment challenges, including increased bromide, need for desalination, to increased risk of direct storm and flood damage to water utility facilities. Warmer climates can cause changes in discharge characteristics of major rivers due to upstream changes; changes in recharge characteristics of major groundwater aquifers due to upstream changes; increased water temperature leading to increased evaporation and eutrophication in surface sources; water treatment and distribution challenges; increased competing demands for domestic and irrigation; increased urban demand with more heat waves and dry spells; and increased drawdown of local groundwater resources to meet the increasing water demands. More intense rainfall, on the other hand, can increase turbidity and sedimentation in the water courses and increased risk of direct flood damage to water utility facilities.

Table 4: Overview of Potential Impacts Associated with Water and Sanitation Activities

ENVIRONMENTAL COMPONENTS	Geology	Soils	Topography	Surface water resources	Surface water quality	Groundwater resources	Groundwater quality	Archaeology/Palaeontology	Flora	Terrestrial Fauna	Aquatic fauna	Air quality	Noise and vibration	Cultural heritage and sites	Local communities	Livelihoods	Current land use	Future land use options	Local economy	National economy	Existing infrastructure	Health and safety	Aesthetic and amenity values
PROJECT ACTIVITIES																							
PLANNING AND DESIGN																							
Mobilisation of stakeholders															X								
Site identification															X	X	X	X	X		X	X	X
Surveying of the project site	X	X							X								X	X	X		X	X	X
Project design															X			X					
CONSTRUCTION AND REHABILITATION																							
Mobilisation of resources		X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Land clearing activities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Water source development	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X		X	X	X
Construction materials acquisition	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Tank, pump-house and treatment Plant	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Latrine installation	X	X					X								X	X	X	X	X			X	X
Install water pipes and tap stands	X	X						X	X	X			X		X	X	X	X	X		X	X	X
Construct boreholes/intakes	X	X		X	X	X	X		X				X		X	X	X	X	X		X	X	X
OPERATION AND MTCE																							
Water supply															X	X			X			X	X
Provision of employment															X	X			X		X	X	X
Scheme Management				X	X	X	X		X		X				X	X			X	X		X	
Operation of infrastructure				X	X	X	X				X				X	X			X		X	X	X
Latrine operation							X								X	X			X		X	X	X
Septic Tank discharges		X			X		X				X				X	X			X		X	X	X
Infrastructure repair and maintenance					X		X						X		X	X			X		X	X	X

ENVIRONMENTAL COMPONENTS																		
	Geology	Soils	Topography	Surface water resources	Surface water quality	Groundwater resources	Groundwater quality	Archaeology/Palaeontology	Flora	Terrestrial Fauna	Aquatic fauna	Air quality	Noise and vibration	Cultural heritage and sites	Local communities	Livelihoods	Current land use	Future land use options
PROJECT ACTIVITIES																		
Water point maintenance															X	X		X
Water collection and distribution															X	X		X
DECOMMISSIONING AND CLOSURE																		
Demobilisation of resources															X	X		X
Closure of construction sites	X	X	X		X				X						X		X	X

4.2 Potential Social Benefits and Risks

4.2.1 The Government of Tanzania is making efforts to be inclusive of all groups of people without discrimination in its service delivery. The Sustainable Rural Water and Sanitation program (SRWS) Program has the potential to enhance equitable access to water supply and sanitation of all social/economic groups, vulnerable and other less advantaged groups, and underserved regions. The program will also target for better institutional functioning for results by enhancing capacity of implementers from national level to LGAs and water associations and private sector service providers as well as enhancing participatory water and sanitation development, social accountability and grievance redress measures.

The anticipated negative social effects of the Program are site specific and not expected to be significant; while the Program focuses on functionality and rehabilitation of existing facilities and services, it also aims to expand services and does finance limited civil works for rural water supply and sanitation and health activities. Small construction activities include bore holes, water tanks, water kiosks, water pipes, small check dams, surface water collection and cattle troughs and construction and maintenance of school and health centers sanitation and hygiene facilities. The physical interventions are expected to have limited foot prints in terms of loss of land or assets in rural areas. Land for such facilities is often obtained through voluntary land donation by local authorities or community leaders and agreements to indicate the donations are prepared.

4.2.2 The social implications of the interventions the program is expected to address includes among others: Poverty and inequity (Economic and Health Vulnerability); Beliefs and Traditions through the BCC; Gender responsiveness in water sector development; Community consultation, participation and representation in prioritization of development needs in water and sanitation; Community capacity building to sustainably operate, manage and maintain rural water supply facilities; Existence, functionality and effectiveness of mechanisms to promote accountability and transparency including consultations, feedback and grievance redress at village and district levels.

4.2.3 The predicament in rural water supply, sanitation and hygiene relate to poor health, high burden of disease, adding to stunting in under 5 children and infant mortality. Diarrheal related illness is the leading cause of treatment in health facilities and infant mortality attributed to diarrheal diseases is significantly high. Lack of adequate knowledge about preventive measures and poor hygiene and sanitation practices increases mortality and reduces household income.

4.2.4 The rural water supply also faces low sustainability and low functionality, inequity in availability of services, dwindling water resources and poor quality of water in some areas. Increased awareness and positive changes in norms towards good hygiene and sanitation practices in rural areas are challenged by slow progress in behavior changes and poor up keeping of sanitary and hygiene facilities.

4.2.5 Cultural taboos and beliefs towards good practices such as the use of common latrines, water purifiers and boiling of water prevent communities from using safe water and sanitation and hygiene services in a sustainable manner. Much of the rural population still uses traditional and unhygienic pit latrines and a significantly low proportion (one in ten households) have handwashing facilities near their latrines or kitchens. Most still practice inappropriate disposal of children's stools.

4.2.6 Several other issues play a major role in maintaining functionality of rural water supply and ensuring sustainability of services. These are weak community responsibility or ownership for financing the up keeping water supply facilities, low capacity of COWSOs for maintenance, operation and management and gaps in monitoring and communication. Lack of adequate skills for construction and maintenance locally, gaps in the supply chain, and clarity of roles and responsibilities between local government and COWSOs regarding maintenance of facilities are factors for low sustainability and functionality. The program aims to strengthen community consultation and planning at LGA level to ensure services are demand led and communities are willing and able to take responsibility for operation and management of services.

4.2.7 The program therefore aims to strengthen the monitoring system to ensure inclusiveness and adherence to standards in health and sanitation services. Capacity building of COWSOs is key in addressing inequity (financial, time and emotional distress) due to non-functionality of water supply services. A strong and sustained sense of responsibility and active participation of communities in the financing is important aspect of sustainability. Strengthening accountability and transparency of COWSOs towards communities is also important for continued community engagement and responsibility. A well-structured community consultation and regular communication and feedback mechanisms contributes to inclusiveness, acceptability and improved quality of service. Capacity building of COWSOs in critical areas of operation and management can effectively address issues of equity (gender and poverty) and inclusion.

4.2.8 At local level, LGAs and COWSOs play key role in the program. LGAs (community development team) play lead role in facilitation of communities for the identification, planning and implementation of the water supply and sanitation services delivery. COWSOs are responsible for ownership, operation and maintenance of rural water supply at the local level. They set and collect fees for water services, operate and manage the services. The COWSOs are also responsible for minor maintenance. The Capacity of COWSOS varies significantly. Lack of motivation have affected the functionality of COWSOs.

4.2.9 The District Water Engineer (DWE) and District Water and Sanitation Team (DWSTs) help communities prioritize sub-projects and prepare annual district plans and budgets, mobilizing funds from communities as contribution to the construction costs of facilities, ensure recovery of O&M costs, and monitor and report on RWSS facilities. The DWST is supported by Service Providers / Consultants (SP) covering technical aspects as well as facilitation as part of the capacity building effort of LGAs. Further, the LGAs are responsible for the implementing of the ESMP. The Regional Secretariats (RSs) have a supporting as well as a monitoring role through the Regional Water and Sanitation Teams (RWSTs). The village level executive committee have limited role of facilitating communication with LGAs and district far from the villages where the water facilities are. Logistical, communication and budgetary challenges hamper close monitoring by districts.

The social risks may include the following:

4.2.10. Land requirements: The normal practice in the rural water supply sector in Tanzania is for land to be contributed by either the Local Government or the community and land has not been a constraint in the past. In this program the focus will be on rehabilitation and operationalization of existing water supply as well as promoting safe water supply and sanitation at community level, and

hence there will be limited land acquisition or land take for small infrastructural activities. Most of these activities have very small foot print of land take except for a few such as existing surface water collection/earth dams and check dams that may require relatively larger size of land but not to the extent of displacing people or their livelihoods. Experience from past show screening of projects is conducted for social and environmental impacts. In cases where that land is donated tenure security for the land should be confirmed. The Water Sector Development program will ensure proper documentation of the terms and conditions of the donation ensure the stability of the community owned facilities. What this program for results will do is to enhance capacity of the relevant agencies in ensuring that documentation related to voluntary land donation by any stakeholder will be properly prepared and filed. In case land acquisition is required, the program will adopt WSSP-I RPF as reflected in the Table 7 of this report. Both the land act and the land acquisition act have provisions for compensation and the gaps between these and the Bank requirements are indicated in the gap analysis in Chapter 5.

4.2.11. Exclusion and inequity: Consultations, monitoring and feedback processes and procedures for operating of Water Supply facilities if not well designed and funded could exclude disadvantaged communities and vulnerable groups of people. The potential for exclusion of some disadvantaged communities living in their ‘zoned’ localities as well as vulnerable communities of miners in ‘temporary’ settlements and transhumant pastoral communities needs to be mitigated by adopting flexibility in the program. Procedures for identifying disadvantaged communities and vulnerable groups and provisions for ensuring equitable access to services will form part of the service provision and tariff setting guidelines by COWSOs.

Weak participatory planning, monitoring and decision: Participatory decision making and community involvement is an important aspect of demand led approach of the program. Community involvement at the early stages in mobilization and initial contribution should be sustained during and post construction and operation. Extensive consultation with the beneficiaries on the design, operation and maintenance options are critical in determining technical choices. Community consultation help sustain community responsibility and ownership, help address challenges, improve the quality of services, and help instill accountability and transparency. Such a participatory approach therefore needs to take root right from planning, through monitoring the expected results and decision making for improvements, and needs to be deliberately encouraged as opposed to passive ordinary community involvement.

4.2.12. Conflict management: Conflicts/complaint management mechanism is an important part of any development activity involving various players. If not addressed, weak, delayed or impractical conflict management and resolution mechanism may upset the expected outcomes. Strengthening conflict management and grievance mechanisms in areas where there is high competition for scarce water resources is particularly important. The effectiveness of existing grievance redress mechanisms at village and district levels should be strengthened. Coordination of multiple actors at the lowest level, consultative process and putting information in the public domain and periodic monitoring and feedback could minimize grievances. Strategic communication efforts and inclusive participatory mechanisms with government, private service providers, non-government and community based agencies at various levels should be encouraged for this purpose. Buy in of other actors is essential.

In addition, coordination of the various agencies at national level is key to the achievement of the expected outcomes of this program.

4.3. Gender Issues:

4.3.1 Since women are the primary users and managers of rural household water, they have a major stake in rural water matters and must be involved in decisions about water issues. To narrow the gender gap at all levels of the rural water sector, and to ensure water security for all, there needs to be more equity, and women need to have greater involvement in decision making. Gender parity in COWSOs is yet to be achieved although growing number of women are elected into COWSOs. Following the national affirmative action of 30% women representation in all committees, these efforts will be established in helping making the COWSOs inclusive and functional

4.3.2 National policies and legislation such as the NAWAPO acknowledge the key roles and practical interest of women in rural water provision (URT, 2002). A quota system was adopted to ensure women's representation in the formal water management structures at village level, particularly in the Village Council and Water Committees or COWSOs. The policy further requires a merit-based gender-sensitive recruitment policy within all water sector institutions.

4.3.3 Despite the NAWAPO and the WSP in place, it is noted that there is still little consultation of both men and women in selecting and managing rural water supply schemes nor equal participation of women in water committees and in leadership positions. Women are rarely involved in decisions relating to water policies and strategies, water resource management, or tariff setting and technology choices. The women are therefore missing in key areas of water-related decision making

4.3.4 An inclusive consultation ensures the needs and preferences of women, men, girls and boys are considered in decision making processes at different levels. Important decisions such as tariff setting and modes of payment as well as physical location of water facilities have significant ramifications for accessing services by women and other vulnerable groups. Physical location of facilities should consider distance from villages as well as safety and security issues. Lessons drawn from water facilities globally also show that sexual harassment at water facilities is a common occurrence that needs to be monitored and addressed. Issues of quality, affordability and design of sanitation and hygiene facilities for inclusive services to adolescent girls (MSM), pregnant women, newly married women and persons with disability need to be addressed for the full realization of health benefits.

4.3.5 A rural water supply and sanitation sector gender assessment has been undertaken to pick critical institutional and operational actions necessary to furthering gender equality in WASH service delivery.

4.3.6 The assessment recommends both national and lower level actions that are relevant to the program. To strengthen gender mainstreaming, an action plan that will aim at but not limited to institutionalizing gender and creating and enabling environment for gender in management and in operations under the program. This initiatives will include: development and adoption of a rural water gender mainstreaming strategy, extension of current quota system to include leadership positions, explore ways of promoting female water technicians and engineers, training of both men and boys on

sanitation and hygiene to promote their active participation, continuous sensitization of all sectors on social and cultural discriminatory practices and norms underpinning gender inequalities and discrimination against women with the aim of correcting this. This may however take a longer period beyond the proposed program period. However, this program provides an opportunity to start off these activities. In addition, to promote the participation of women in governance and COWSOs the program will adopt a dedicated gender action plan to be implemented at PO-RALG, LGA and COWSOs and build women's capacity to lead and manage COWSOs.

4.3.7 The program is not expected to attract high number of job seekers and followers due to the nature of the investments which have a small footprint and require low volumes of labor as reflected in Section 3.1 of this report. Thus, to safeguard risks of sexual exploitation and abuse it is recommended that the program embed in contractors contract a requirement to have in their contracts to employees a code of conduct with guidance on project staff – community interactions.

5. OPERATIONAL PERFORMANCE AND INSTITUTIONAL CAPACITY ASSESSMENT IN MANAGING ENVIRONMENTAL AND SOCIAL IMPACTSs

5.1 The SWOT Approach

5.1.1. Based on the screening of environmental and social effects (benefits, impacts and risks) of the Program and the consultations and discussions with stakeholders, the analysis of the environmental and social capacity assessment presented here is organized by each of the six Core Principles outlined in PforR. The main findings using the SWOT (Strengths-Weaknesses-Opportunities-Threats) approach, which is adapted and applied to the PforR context in the following way:

- Strengths of the system, or where it functions effectively and efficiently and is consistent with the Bank Policy;
- Inconsistencies and gaps (“weaknesses”) between the principles espoused in the Bank policy and Directive and the country’s environmental and social systems and capacity constraints
- Actions (“opportunities”) to strengthen the existing system especially being integrated into the relevant DLIs and DLRs as well as the Program Action Plan (PAP).

The ESSA concludes that, in general, the national regulatory framework for environmental and social management in Tanzania is consistent with the Bank PforR Policy and Directive in terms of principles and key elements. The legal framework provides a reasonable basis for addressing environment, health, safety and social issues likely to arise in the proposed Program. Procedures and technical guidelines and national plans/programs exist for environmental and social due diligence with respect to the potential impacts of the Program and risks to the Program’s achieving its results. However, the human and financial capacity to effectively enforce certain environmental and social regulations and guidelines in provision of water supply and sanitation facilities could be improved through the Program implementation. Thus, several recommendations (actions) at the Program level are made to address these shortcomings and are included in the PAP and DLRs/DLIs for effective implementation and progress monitoring

5.2 Summary of System Assessment

Table 5: Systems Assessment by Core Principles

Core Principle 1: General Principle of Environmental and Social Management

Bank Policy for Program for Results Financing: Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in Program design; (b) avoid, minimize or mitigate against adverse impacts; and (c) promote informed decision-making relating to a program’s environmental and social effects.

Bank Directive for Program for Results Financing: Program procedures will:

- Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the program level.
- Incorporate recognized elements of environmental and social assessment good practice, including (a) early screening of potential effects; (b) consideration of strategic, technical, and site alternatives (including the “no action” alternative); (c) explicit assessment of potential induced, cumulative, and trans-boundary impacts; (d)

<p>identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized; (e) clear articulation of institutional responsibilities and resources to support implementation of plans; and (f) responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.</p>	
<p>Applicability</p> <p>Proposed infrastructure will include: (i) construction and rehabilitation of rural water schemes – drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics and (v) installation of local product including plastic pans, and user-friendly hand washing stations. Based on the type and scale of the investment, are expected to have moderate to low and site specific environmental and social impacts, which can be readily mitigated during implementation.</p>	
<p>Summary Findings</p> <p>There is an adequate national regulatory framework in Tanzania and a procedure exists for environmental and social due diligence with respect to the potential impacts of the Program. The EIA process outlines required screening procedure for environmental and social impacts and calls for risk mitigation plans prior to commencement of project implementation. However, implementation and enforcement of the regulations has not been up to standards and the assessed weaknesses are systemic, related to insufficient resources – both financial and manpower - for overseeing and monitoring and reporting of implementation of environmental and social measures, enforcement weak coordination and inadequate attention to environmental concerns.</p>	
<p>System Strengths</p> <ul style="list-style-type: none"> • MoWI, MOHCDGEC, MOEST and PO-RALG all recognize the importance of environmental sustainability and the desire for Program interventions to contribute towards improved access to water, sanitation, reduced pollution and a better quality of life, as well as strengthened institutions. • Environmental Policies under the Vice President’s Office and regulations under NEMC are in place and these are applicable at all government levels. • At LGA level, where SWRS investments will be implemented, compliance of the regulatory requirement for environmental and social management will be under the supervision of the NEMC through District Environmental Management and Community Development Officers. • MoWI has adequate experience from the WSDP in implementation of water projects in both urban and rural areas all over the country, which relatively larger environmental and social impacts... • Supervision reports and field visits have confirmed that measures to mitigate 	<p>Gaps</p> <ul style="list-style-type: none"> • Weak implementation: Program supervision reports from MoWI indicate that although the direct impacts and risks are generally modest, environmental management activities are weak in some areas, such as systematic inspection, monitoring and enforcement. This is concern in other sector ministries, and it is likely to result in poor management of impacts during construction of SRWS infrastructure. • The environmental and social impact assessment requirements under EMA are comprehensive although there are gaps related to categorization of risks, screening, and impact analysis and auditing as compared to Core Principles of PforR However, the risk is low since the Program supported by the Bank does not involve major construction activities. • At Despite having systems at District, and community levels, oversight on environmental and social management is poor, primarily due to (i) weak and insufficient <i>institutional and technical capacity</i>; (ii) inadequate resources, including human resources, <i>technology and equipment</i>; (iii) inadequate <i>training, monitoring and enforcement</i>; and (iv) weak <i>inter-institutional and coordination</i> between the various related agencies.

<p>potential impacts in water sector projects have had reasonable success in being implemented.</p> <ul style="list-style-type: none"> • The Environmental Management Act, 2004 provides for establishment of Environmental Committees at community level. Collaboration of COWSOs with existing Community Environmental Committees will ensure that the environmental and social management is integrated in SRWS implementation. • The Program will benefit from guidelines, which have been produced by MOWI (Guidelines of Good Environmental and Social Practices for the Water and Sewerage Sector) in order to assure the implementation of environmental and social measures in the design, construction and operation of the water and sewerage projects. PMO-RALG (currently PO-RALG), with technical guidance from the Bank, has also developed a Technical Manual for Environmental and Social Management to guide the environmental and social impact assessment process of investments under the urban local government strengthening program. 	<ul style="list-style-type: none"> • Public disclosure of safeguards documents for some activities may be necessary. But the actual process of public review and comments can be onerous and public hearings are at NEMC's discretion during the review and approval process. • Under EMA, there is a procedure related to grievances with respect to decisions about granting the ESIA certificate. However, there is no requirement that ESMPs include a <i>mechanism for handling grievances</i>. • Further, <i>roles and responsibilities between LGAs and COWSOs</i> appear unclear including their expected collaboration.
<p>Actions and Opportunities</p> <p><i>Technical Guidance and Implementation Capacity:</i> There is opportunity to strengthen implementation capacity for good decision making, management, monitoring, evaluation and reporting, along with public participation and disclosure.</p> <p>Strengthening cooperation and inter-sectoral coordination around the environmental and social issues, and use of Environmental and Social Management Frameworks/Management Plans would improve their implementation.</p> <p><i>Technical guidelines</i> need updating to include emerging issues such as climate change, climate adaptation and resilience-building measures will need to be developed.</p>	<p>Risks</p> <p>While the principle of universal participation is acknowledged, the communities' limited knowledge and understanding of technical and management options is a serious issue. Poor management and oversight of COWSOs can have significant effects on their ability to sustain effective water service delivery.</p> <p>Information on performance of COWSOs and other water service providers especially on resolving key challenges using participatory mechanisms is not readily available and access to internet services is low especially among the rural population. It is therefore not clear how the population would have access to the vital information and use it for influencing decisions regarding water services</p>

Ensure functioning of mechanisms and processes at the local level for handling general grievances and disputes, and inclusion of environmental and social grievances.	
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Core Principle 2: Natural Habitats and Physical Cultural Resources

<i>Bank Policy for Program for Results Financing:</i> Environmental and social management procedures and processes are designed to avoid, minimize and mitigate against adverse effects on natural habitats and physical cultural resources resulting from program.	
<i>Bank Directive for Program for Results Financing:</i> As relevant, the program to be supported: <ul style="list-style-type: none"> • Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas. • Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities. • Takes into account potential adverse effects on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects. 	
Applicability Proposed investments under the Program will focus on rehabilitation and construction of small scale rural water schemes and sanitation facilities in built up community areas. The analysis confirmed that Program investments would neither significantly impact nor convert critical natural habitats, but proposed rehabilitation and construction civil works, though of small scale are likely to have short term, moderate and site-specific impacts, which can be readily mitigated during project implementation. In case of an unlikely event of chance find of physical cultural resources, the project will follow national procedures and guidance on reporting and protecting antiquities in line with the Antiquities Act, 1964 amended in 1979 and 1985. This Core Principle will be applicable to the Program and the PforR as activities though limited in scope and with minimal ecological footprints.	
System Strengths <ul style="list-style-type: none"> • The Tanzanian Environmental and Social Management process considers physical cultural resources, including screening for archaeological, historical and cultural sites. The assessment shows that impacts on cultural sites are taken into account in program design and implementation and appropriate mitigation measures adopted. • Aside from the provisions of the EMA, <i>National Environmental Action Plan</i> (2013-18), Forest Policy 2007, Wildlife Policy 2007, among other relevant regulatory activities, the GoT is revising the National Biodiversity Strategy and Action Plan of 2001 to be able to meet the UN Aichi Biodiversity Targets agreed in 2010, which will set the parameters for 	Gaps There are no significant inconsistencies between PforR and Tanzania's policies, laws, and regulations related to natural habitats.

conservation and natural habitats – aquatic, terrestrial and agri-biodiversity. This has also been strengthened by the establishment of a national coordinating body that will oversee all aspects, from environmental safeguards to information dissemination.	
Actions and Opportunities Environmental and Social screening stage of EIA process should guide the selection of locating for water supply infrastructure to avoid potential impacts on natural habitats and physical cultural resources.	Risks Awareness on the importance of all physical cultural resources do not explicitly feature in ESIA, hence there is a risk that they may get limited attention at community/COWSO level.

Core Principle 3: Public and Worker Safety

<i>Bank Policy for Program for Results Financing:</i> Environmental and social management procedures and processes are designed to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.	
<i>Bank Directive for Program for Results Financing:</i> <ul style="list-style-type: none"> • Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed. • Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; and promotes use of integrated pest management practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions. • Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events. 	
Applicability physical infrastructure and civil works being financed under the Program including: (i) construction and rehabilitation of rural water schemes – drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics, could cause work related injuries and hazardous chemicals from machinery	
Strengths By law in Tanzania it is the duty of local governments to provide for the health and safety of the public. The EMA and regulations contain several provisions for public and worker safety, which will be applicable under SRWS, and are also consistent with PforR.	Gaps Public and worker safety are adequately covered in the EMA regulations and the CRB, and no major inconsistencies between the system and Core Principle 3. However, the worker safety provisions are not always included in civil works contracts. Monitoring of compliance by the implementing entities is very weak.

<p>The ESIA process contains robust procedures for worker safety, requiring plans for accident prevention as well for health and safety of workers and communities, which are also part of contracts for civil works and will be applicable under SRWS.</p> <p>Tanzania has a Contractor Registration Board (CRB) that monitors and enforces occupational health and safety regulations. The Rules of Conduct requires that contractors must maintain accident registers, provide workers with protective gear, and standards for construction sites.</p>	
<p>Actions and Opportunities MoWI, PO-RALG and LGAs in collaboration with OSHA will provide oversight and monitor health and safety issues under SRWS</p>	<p>Risks The risks identified for strengthening the system for Core Principle 1 are applicable to Core Principle 3.</p>

Core Principle 4: Land Acquisition

Bank Policy for Program for Results Financing: Land acquisition and loss of access to natural resources are managed in a way that avoids or minimizes displacement, and affected people are assisted in improving, or at least restoring, their livelihoods and living standards.

Bank Directive for Program for Results Financing: As relevant, the program to be supported:

- Avoids or minimizes land acquisition and related adverse impacts;
- Identifies and addresses economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy;
- Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid prior to taking of land or restricting access;
- Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment); and
- Restores or replaces public infrastructure and community services that may be adversely affected.

Applicability and Summary Findings

The program's main focuses on rehabilitation and functionality of existing water supply and sanitation infrastructure in the rural areas. Limited civil works such as laying pipes, construction of water kiosks, water tanks, digging of bore holes and hand pumps and construction of cattle troughs, surface water collection, earth dams is envisaged. It is unlikely that areas of household land will be affected under the Program and if it does it. For other civil works (e.g., facilities in schools or health centers, household hygiene latrine), no land acquisition is required as the construction will be within either the existing premises of the institution or household.

Experience from similar programs show that Land for the civil works is acquired through donation by local government and community (communal land) and agreements to this effect are made. The risk of impacts on physical relocation, loss of land/asset/, formal and informal livelihood etc., from land acquisition are not likely and in case land acquisition of small tracts of land is required, the program will be guided by WSSP-I RPF. Similarly, loss of access to natural resources is also a low risk. However, there is a risk that local people are mobilized to donate small strips of land in exchange for the project's benefits. Without proper management,

this practice result in the affected households not being fully informed about the Program as well as the compensation package that they are entitled to receive. The land donation requests may lead to the ‘involuntary’ donation of land (rather than voluntary) and worsen conditions for vulnerable groups. Land donations, if not well documented may destabilize community resources if and when donations are revoked by donor individuals or villages. To manage voluntary land donations the program will develop and adopt voluntary land donation procedures and formats of agreements as proposed in the ESPAP Table 7.

System Strengths

Clear land laws, policies and regulations: The land acquisition and compensation including their dispute resolution and grievance mechanisms are governed under the following land laws and regulations.

- Land Acquisition Act, Cap. 118 (R.E 2002);
- Land (Assessment of the Value of Land for Compensation) Regulations (2001);
- Land (Compensation Claims) regulations (2001);
- Courts (Land Disputes Settlements) Act, Cap. 216 (2002).

Clear staff roles and responsibilities There is relatively clear designation of roles and responsibilities between agencies responsible for land management from the community level to the national level.

Grievance procedures and dispute resolution There is a system where complaints are channeled upward, starting with the *Mtaa*²¹, Ward Executive Officer, District Commissioner, then to the Region, and up to MLHSD. If still unsatisfied PAPs can seek recourse for grievances in the courts (specifically the Court of Land Arbitration).

Consultations: Community land consultations is an internal process, and followed at the community level to ensure there is consensus on the donated land and if there are impacts on any group community mitigation measures are undertaken. For land acquisition, the valuation process includes a sensitization meeting with PAPs, which must be attended by local leaders as well. The intent is to explain the program, the valuation process,

Valuation rates, and arrangements for physical inspection of properties.

Analysis and Guidance There is good guidance on resettlement and compensation in Tanzania that goes beyond the Land Act and Regulations – there has been a comprehensive gap analysis between World Bank OP 4.12 and the Tanzanian system, and all of the elements of Core Principle 4 are visible in any existing Resettlement Policy

Gaps:

Tenure: Tanzanian law has clear procedures for landholders and generally extends eligibility for compensation to recognized or customary land users or occupiers lacking full title. But it does not recognize tenants, squatters or encroachers as being entitled to assistance or any allowances for transportation or disturbances to this particular group, etc. In Tanzania, land compensation is paid to non-titled persons if they have been in possession of the land for more than 12 years. This is covered under the law of limitation. However, compensation would not be provided to non-titled persons occupying land already demarcated for a particular purpose. There is no clear policy on resettlement and relocation of large groups of people, which is not likely to happen under this program.

Market value: Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, movement, and accommodation allowance for 36 months, and loss of profits where applicable²². However, a depreciated replacement cost approach is used, which does not result in full replacement costs of the lost assets which is inconsistent with the Bank Policy for PforR. Additionally, market values and valuation procedures tend to be outdated and there is little baseline data for land values, which risks the valuation being at the discretion of the Land Valuation Officer.

²¹ A small urban area or geographical division of a ward.

²² These provisions in Tanzania are proving to be more beneficial to the project affected people and bringing them close or even above replacement values in assets lost than anywhere else in East Africa.

<p>Framework for Bank supported projects. Furthermore, for any unanticipated emerging risk, such as exclusion of squatters from entitlement as identified in Section 3.9.10, the RPF for the WSDP will be used to provide guidelines for mitigating the land acquisition related risks.</p>	<p><i>Lost Assets and Livelihood Restoration:</i> “Replacement assets” under the Land Act in Tanzania are restricted to land and developments on land, and where relevant, loss of rent income and profits. The Bank Policy for PforR goes beyond physical assets and includes livelihoods and standard of living, seeking to improve them or at least to restore them to pre-displacement levels. While profit losses are included in Tanzanian law, this is more narrowly defined as formal business profits and compensation for crops. While the Land Act does entitle compensation for business losses, there are no legal provisions requiring the government to restore livelihoods or to provide assistance towards the restoration of such livelihoods. Land users such as tenant farmers are only entitled to compensation for crops (the valuation method is outlined in the 2001 Regulations).</p> <p><i>Payment of Compensation:</i> Legally, compensation for the acquired land is to be paid “promptly,” but does not have to be paid before possession of land is taken.</p> <p><i>Community Infrastructure:</i> It does not appear that public infrastructure is specifically addressed in the Land Act and Regulations because in the past land would be freely provided for public goods. For projects/programs prioritized and implemented by the community, risks that community infrastructure will be impacted is low where most of the work will be on existing land and if required, the communities decide what land to offer to the program as donation and agreements made to that effect. New developments are that LGAs now may either donate or purchase land for public infrastructure.</p> <p><i>Consultation and Disclosure:</i> As resettlement in practice is done as part of the ESIA and or RAP, consultation and disclosure generally follow this process with the addition of a sensitization meeting with PAPs as part of the valuation process. PAPs are also publicly informed toward the end of the process when they can collect their compensation payments. Community Development Officers have a role</p>
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	<p>during this process as well, as do Ward Officers. However, this process is geared only toward the land valuation process, and may not include tenants, informal land users, and other types of resettlement and compensation that are not covered by Tanzanian law. Information asymmetry exposes these groups to land speculators.</p> <p>For this program consultation and disclosure will take place according to the PfoR Policy even though land acquisition is not expected by this program.</p>
<p>Actions and Opportunities Technical Guidance and Implementation Capacity: Because the Program's needs for land are expected to be met mainly through land donation involuntary, resettlement and compensation, are not expected. Clear, procedures and documentation for land donation (voluntary or otherwise) should be developed.</p> <p>If land acquisition is required the guidance from the GoT guidelines as well as known best practices such as: (i) Direct purchase of land, (ii) Voluntary land Donation by local authorities with supporting documentation, and (iii) Land acquisition following the Land Acquisition Act of 1967. These guidelines and other good practices will also be included in the verification of DLI 2 which establishes the proportion of sustainably functioning water points. Disagreements on land ownership and donations are some of the causes of non-functioning of water points.</p> <p>Training on community consultations, preparation of land donation agreements, grievance redress/conflict management should also be provided to implementing agencies village committees and COWSOs.</p> <p>Addressing Resource Constraints: The government should designate Environmental and Social focal point officers for the Program in MoWI and PO-RALG who will oversee the implementation of ESSA at various levels and they need to be trained and should be provided with adequate resources and inputs to provide technical support in identifying, consulting with, and assisting disadvantaged communities and vulnerable groups, which may be excluded by the benefits of this program. The program's capacity building plan can include measures for good practices on inclusion of Vulnerable and Disadvantaged Communities in culturally appropriate consultations in their local language of understanding. This action is also included in the verification for DLIs 1 and 2.</p>	<p>Risks</p> <p>The risk of not addressing the gaps identified described above, could result in inconsistency with the Core Principles of OP/BP 9.00, if there is large scale land acquisition that is unmitigated. The risk is low since there is limited land acquisition and its related impacts in this program.</p> <p>Water is a scarce resource and can become a source of competition and contestation among communities especially during dry seasons. Such issues should be avoided through proper screening and consultations. Capacity building of local level preparation of land donation agreements, conflict management and functional grievance redress mechanism to mitigate potential conflicts is required.</p>

Core Principle 5: Indigenous Peoples and Vulnerable Groups

Bank Policy for Program for Results Financing: Due consideration is given to cultural appropriateness of, and equitable access to, program benefits giving special attention to rights and interests of Indigenous Peoples and to the needs or concerns of vulnerable groups.

Bank Directive for Program for Results Financing:

- Undertakes free, prior, and informed consultations if Indigenous Peoples are potentially affected (positively or negatively) to determine whether there is broad community support for the program.
- Ensures that Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples.
- Gives attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable access to program benefits.
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Assessment summary:

Constitution of Tanzania 1977 (amendments in 1998,2005) under the articles 9, 13 and 14 provides for the protection of all citizens including ethnic minorities. While additional analysis on laws and policies confirmed that, at present, there is currently no specific legislation or policy in place in Tanzania related to disadvantaged communities; the investments under this program targets all citizens in the selected districts of Tanzania for this program as direct beneficiaries. Thus, while considering the applicability of this Core Principle, the analysis found that it was relevant in terms of ensuring that disadvantaged communities and vulnerable groups are included in the planning process and program prioritization; that disadvantaged and vulnerable groups have access to program benefits; and that their needs are considered with respect to the program's impacts. For the ESSA, the analysis of disadvantaged and vulnerable groups focused on those defined in the Tanzania Participatory Poverty Assessment: children, persons with disabilities, youths (unemployed, females, youths with unreliable incomes), people living with long illnesses (e.g. HIV/AIDS), women (heads of households, widows and those not able to support themselves), drug addicts and alcoholics, and disadvantaged communities. In addition, other groups recently identified like the albinos are also to be included. The government's approach is to ensure that all groups of people are consulted and benefit from its programs.

System Strengths

The ESIA process in Tanzania does take into account social issues in screening, impact assessment, and mitigation measures. Part of NEMC's screening criteria for ESIA is to assess if impacts vary by social group or gender, and if resources are impacted that vulnerable groups depend upon. Additionally, there is currently an initiative within NEMC and supported by various Development partners to better mainstream social issues such as gender and HIV/AIDS in the ESIA process.

Tanzania also has policies specific to vulnerable groups such the National Gender Policy and National Policy on HIV/AIDs, in order to prevent discrimination and promote equity.

Gaps

The analysis identified a number of critical gaps in the system as written, including:

Identification of Vulnerable Groups: Vulnerable and marginalized groups are not **explicitly** included in the screening process for ESIA through EMA or in the Tanzanian system for land acquisition and resettlement.

Indigenous Peoples: As mentioned above, there is no system in place that defines Indigenous Peoples in Tanzania. However, government is warming towards accepting the term disadvantaged and vulnerable communities.

Resettlement: This requires further examination, but there are particular issues with respect to gender and vulnerability in the practice of resettlement and compensation. As mentioned

<p>National policies and legislation such as the NAWAPO acknowledge the key roles and practical interest of women in rural water provision (URT, 2002). A quota system was adopted to ensure women's representation in the formal water management structures at village level. The policy further requires a merit-based gender-sensitive recruitment policy within all water sector institutions.</p> <p>There is also strong guidance for community participatory planning by PMO-RALG through the "Opportunities and Obstacles to Development Handbook", which promotes inclusion of vulnerable groups throughout the planning process. Such process is followed by the Tanzania Social Action Fund (TASAF) to support the poor in participating communities across the country.</p> <p>Technical guidelines for the establishment of committees in schools, health facilities, water and sanitation organizations and village level that promote community representation for purposes of inclusive consultations, feedback and decision making in program activities are outlined in the GoT system documents. Such committees are also expected to promote SAc mechanisms and to apply the community score card and other tools that promote feedback for decision making.</p>	<p>above, there are no specific requirements for considering gender and vulnerability in resettlement and compensation processes beyond payment of compensation for lost land. However, for this Program that is not an issue since no involuntary resettlement is expected.</p> <p>The experience with vulnerable and marginalized groups of PAPs could benefit from further information and action – it is clear that at least in DPs funded programs with Resettlement Action Plans, vulnerability is screened for and taken into consideration; however, such initiatives are limited and there is little information on how vulnerability is considered in the actual practice of compensation and/or relocation where necessary.</p> <p>Labor influx and GBV related issues: In Tanzania, there are no provisions anywhere for managing impacts of labor influx and the resulting GBV phenomenon, even though in this program this is not an expected high risk due to the limited civil works. However, community engagement within existing systems and structures if well-functioning can address the concerns.</p> <p><i>Social Accountability Mechanisms:</i> Weak village, water and sanitation organizations, etc., committees and in some cases their inexistence affect progress in the achievement of inclusive consultation, monitoring and feedback outcomes.</p> <p><i>Monitoring:</i> Monitoring of gender, poverty, and HIV/AIDS in the development planning process needs strengthening. In the water sector there is no common method of analysis and collection of baseline to aid development planning on these issues.</p>
<p>Actions and Opportunities</p> <p><i>Technical Guidance and Implementation Capacity:</i> While there are some criteria for vulnerable groups in the ESIA process, these need to be strengthened so that the disadvantaged are directly targeted for program benefits. This program may support the current undertaking by NEMC to better mainstream gender and HIV/AIDS in the environmental and social assessment process.</p> <p><i>Addressing Resource Constraints:</i> It is unclear if any staff in the water or health sector is trained to provide inputs on identifying, consulting with, and assisting vulnerable groups that may be impacted by the types of activities that will be financed with</p>	<p>Risks</p> <p>In terms of providing services to the most disadvantaged and vulnerable groups of people, it is becoming clear from the analysis that if the gaps identified and opportunities presented in this core principle (where applicable) are not addressed; the Program would be at risk of not generating the desired environmental and social effects and may remain inconsistent with the guiding principles of <i>Bank Policy for Program for Results Financing.</i></p>

<p>the Unreached People Group (UPG) and/or promoting social inclusion in the development planning process. The Program capacity building and training plan will provide for staff to promote social inclusion and hence include measures for good practices on inclusive consultations, monitoring and feedback of all groups of people for improved service delivery. This will enhance inclusion of all in the water and Sanitation program as well as enhance the functioning of COWSOs.</p> <p>Gender Mainstreaming: There is a need to develop a robust framework and a systematic approach to gender mainstreaming, ensuring that the voices of women, children and vulnerable groups get addressed and that institutions are geared to respond to their water and sanitation services demand. Specific recommendations for a Rural Water Sector Gender Mainstreaming Strategy and Gender Action Plans (including for specific gender training) at PO-RALG, LGA and COWSO should be developed.</p> <p>The actions identified for strengthening the system for Core Principle 4 as they relate to land acquisition are applicable to Core Principle 5 if the land implied is under use /owned by the Vulnerable and Marginalized /Disadvantaged people and communities.</p> <p>The program will also develop and adopt measures to safeguard inclusive consultations with the vulnerable and disadvantaged population to ensure they are not excluded from projects benefits.</p>	
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Core Principle 6: Social Conflict

<i>Bank Policy for Program for Results Financing:</i> Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
<i>Bank Directive for Program for Results Financing:</i> Considers conflict risks, including distributional equity and cultural sensitivities.
The Program will not entail social conflict in fragile states, post-conflict areas or areas subject to territorial disputes, nor will the Program cause social conflict or impact distributional equity or associated cultural sensitivities. As such, the ESSA did not consider the Program with regards to Core Principle 6 as this Core principle and key element are not applicable to the Program. It is important to note that distributional equity and cultural sensitivities are covered under the analysis of system with respect to the main considerations of Core Principle 5.

5.3. Integrated Risk Assessment

5.3.1 Based on the findings of the ESSA Analysis, the following table aggregates the risks discussed above, and proposed measures to mitigate those risks. These are included in the Program's integrated risk assessment.

Table 6: Risk Assessment and Management

Risk Description	Risk Management
<p><i>Potential Environmental and Social Impacts</i> of Program are not identified, mitigated, and monitored; Program scope is changed to include construction or large-scale civil works.</p>	<p>Overall, the potential environment and social risks of the Program are site-specific, moderate, straightforward and manageable, related primarily to construction management, occupational health and safety, construction and waste/sludge disposal. While technical guidelines and standards exist, inadequate capacity and insufficient resources (Human and funds) can result in poor implementation, inadequate enforcement and monitoring, which could result in poor mitigation of potential impacts.</p> <p>Monitoring and supervision of due diligence measures related to environmental and social issues will be a part of World Bank supervision. The program will include a process of ongoing consultations and a capacity building and training program to ensure implementation of measures meet the needs of the beneficiaries. The details of implementation will be included in the Program Operations Manual. The inclusion of environmental and social management in the competency model for COWSOs and other water service providers, and the capacity building plans for LGAs are expected to address the capacity issues.</p>
<p><i>Exclusion in consultations, monitoring and feedback.</i> The likelihood that some vulnerable</p>	<p>Overall the SAc indicators score indicates very little is being done to provide for the 'demand side' of decision making and management of water</p>

<p>groups of people such as poor, persons with disability, elderly and other vulnerable groups and those in hard to reach areas such as pastoral communities may be excluded from consultation, monitoring and feedback and may not benefit equitably from the program.</p>	<p>service provision. In addition, the lower level water service providers and LGAs are not fully functional. The Program will therefore require a strengthened and incentivized SAc system which demands community engagement plans as part of the capacity building action plan.</p>
<p><i>Weak Participatory Planning, Monitoring and Decision Making:</i> Community participation beyond initial planning and mobilization in decision making and monitoring processes is weak. The mechanisms for decision making, monitoring of the quality services and the responsiveness of community water service providers to the needs complaints by service users is not clear.</p>	<p>Program will strengthen the existing systems that allow the community and other stakeholders to be represented in the community water service provider governing committees to be fully constituted and functional. This is provided for under the assessment of performance for water and sanitation service provision and that for LGAs. The committees will work towards public information dissemination.</p>
<p><i>Staffing and skills mix</i> in the Program is insufficient to handle environmental and social management issues.</p> <p>Weak participation of communities in identifying and managing water supply systems and facilities for sustainability</p>	<p>The Program will assess capacity needs of staff for environmental and social management and ensure that all necessary staffing is made available and required to have adequate skills. The Program will be required to appoint focal points for Environmental and Social for the monitoring and implementation of the ESSA. The Program will be incentivized to provide adequate resources to environmental and social management. Training on costing, implementation and monitoring of Environmental and Social actions including participatory planning and consultations on water and sanitation, and Grievance Redress mechanisms will be included in capacity building program.</p>

<p><i>Grievance Redressal Mechanisms.</i> There are no formalized and effective complaints resolving mechanisms for services, environmental and social related issues with no retaliation</p>	<p>Lack of a functional complaint resolving mechanism in the water sector has been indicated in preceding sections and therefore the program will make deliberate efforts to help develop the framework within which the mechanisms can be established starting at the lowest levels upwards.</p>
<p><i>Annual Performance Audit</i> does not include the requirement or the technical expertise to assess performance of the ESSA</p>	<p>Terms of Reference for consultants will ensure that adequate skills are hired to assess environmental and social management systems along with social audits/social accountability and implementation of ESSA.</p>
<p><i>Delayed Implementation of decisions.</i> Due to financial and other constraints, key decisions may take long to come to fruition. This can discourage those responsible for key improvements in service delivery.</p>	<p>Champion identification, buy in and consensus building among key stakeholders is critical. Field level leadership training can improve decision making and result in high program performance. In addition, information dissemination and awareness raising activities for environmental and social due diligence measures will be built into the Program.</p>

6. RECOMMENDED MEASURES TO STRENGTHEN SYSTEMS PERFORMANCE

6.1. System Performance Strengthening

6.1.1 Tanzania in general has established comprehensive environmental and social management systems to address environmental, health and safety as well as some social concerns related to the Water and Sanitation program. Such systems are somewhat aligned to the core principles of the Bank policy on PforR. However, the Program ESSA analysis presented above identifies some inadequacies and gaps from a Program implementation perspective. Therefore, the following actions are recommended for inclusion in the DLIs and or Program Action Plan.

Table 7: Environmental and Social Program Action Plan

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
National Environmental and Social Management System Improvement	<p>Program Action Plan</p> <p>DLI 9 – Number of EMA Regulations gazetted and environmental inspectors trained</p>	Ongoing	<p>The Program will not finance sub-projects that pose significant environmental risk, and any physical or economic displacement is expected to be minor. Given the experience of the previous Water Sector Support Project²³, there is a good opportunity to improve systemic implementation of environmental and social practices related to the functioning and operations of water and sanitation service provision.</p> <p>The Program will adopt the measures and procedures defined in the Environmental Impact Assessment and Audit Regulations (2005), which underscores the obligation to screen projects and thereafter undertake EIA prior to</p>

²³ The previous WSSP was supported through traditional Bank lending rather than a PforR, and was rated as Category A for Environmental Assessment given the inclusion of a large well field, though the vast majority of sub-projects were rated as Category C for low to minimal risk. The remainder were rated as Category B given more modest but still manageable risk. The new Program will only finance sub-projects that pose these more low to moderate risk, and exclusionary criteria will be specified in project documents and the Financing Agreement.

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>commencement or financing of a moderate risk project or undertaking. The beneficial experience from WSSP-I regarding improved screening of sub-projects and supervision to the field level will be formalized under the Program. Sub-projects representing significant environmental or social risk are excluded from PforR financing.</p> <p>The Program will support VPO to expedite the on-going review of the Environmental Impact Assessment and Audit Regulation (2005) to improve its application, particularly to address observed short-comings in the screening process for lower risk investments, which apply to SRWS.</p> <p>The EIA regulation and procedure has been assessed and found to be compliant with PforR principles at the top level, but needs greater attention on implementation procedures, resources and improved institutional mechanisms at the local government/project site level.</p> <p>The current process for grievance redress and complaint handling, inclusive and participatory consultations, social accountability and gender equality (including vulnerable</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>groups) also needs significant improvement.</p> <p>The Program will require further coordination among various ministries, agencies and donor partners (including as relevant at the Regional and District/LGA levels) on environmental and social aspects to further support on-the-ground implementation. Improvements in this regard will be assessed through more regularized compliance monitoring, enforcement and reporting. These environmental and social measures will be part of overall Program reporting and data management.</p> <p>For improved implementation, enforcement and monitoring, procedures defined in the EMA, EIA Regulation, management tools for the environmental and social management in the Ministry and the Sustainability Strategy and Trainers Manual for COWSOs and DWSTs' Capacity Building will be fully implemented.</p> <p>VPO/DoE, in collaboration with all the sectors involved in SRWS will ensure allocation and/or designation of staff and functional environmental units within line ministries and at LGA level to ensure effective oversight on compliance of</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>environmental and social management.</p> <p>The program will allocate resources to the Ministry in charge of Environment to finance the drafting of necessary implementation instruments required to fully operationalize EMA. The implementation of this will be monitored through DLI 9.</p>
Providing Technical Guidance and Enhancing Implementation Capacity	<p>DLI 7 Rural Water and Sanitation M&E systems established and operational</p> <p>Program Action Plan</p>	Ongoing	<p>The ESSA identifies the need for the Vice President's Office and Division of Environment in collaboration with PO-RALG to improve environmental inspection, monitoring and enforcement at district and community level through designated national environmental and social officers and regional levels.</p> <p>Designate/ hire qualified staff and train environmental inspectors and district environmental officers in order for the district to participate in the Program.</p> <p>Strengthen environmental management functions of NEMC and Division of Environment to coordinate monitoring at LGAs.</p> <p>Develop and implement a central environment tracking System for environmental monitoring.</p> <p>Allocate financial resources to regional and LGA levels</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>for monitoring environmental and social compliance.</p> <p>Enhanced transparency and information sharing, grievance redress, and community participation through awareness raising and consultation on water and sanitary services.</p> <p>Support to COWSOs environmental and social management functionality.</p> <p>Monitor inclusion of disadvantaged and vulnerable communities in services delivery.</p>
Addressing Capacity Constraints	<p>DLI 1 Number of people with access to an improved water supply</p> <p>DLI 2 The proportion of sustainably functioning water points</p> <p>Program Action Plan</p>	Foundation Activities – Year 1	<p>The Capacity Building Plan will be developed early in year 1 of Program implementation, as part of the “Foundational Activities” (DLI 1), and included in the Operations Manual. Central to this will be the mainstreaming of E&S capacity strengthening under the multiple-activity IPF Technical Support Component.</p> <p>Progress made on capacity building will be provided by the verification of DLI 7.</p> <p>To address the challenges of enforcement and monitoring of compliance, the program will strengthen the Ministry in charge of Environment through allocation of resources to fund capacity</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			building of Environmental Officers.
Improved systems for Information Disclosure and Stakeholder Consultation	Program Action Plan	Foundation Activities – Year 1	<p>Accountability and Transparency of institutions are essential to ensure that the benefits of the Program reach all beneficiary groups (service users and providers). The ESSA suggests actions: i) establish coordination mechanisms from national agencies and DPs jointly led by MoWI and PO-RALG; ii) undertake orientation and awareness creation for program implementation to lower level stakeholder groups on environmental and social management through publicly available mechanisms. The measures to improve information disclosure and stakeholder consultations will be included in the Program Operations Manual.</p> <p>During supervision the Bank will monitor information available in the public domain on Community engagement activities and their contribution to improved water and sanitation service provision.</p>
Disadvantaged and vulnerable persons	Program Action Plan	Before effectiveness of the program	The program will develop and adopt measures to ensure inclusive consultations and grievance redress with the vulnerable and unreachable / disadvantaged people to safeguard them from exclusion from the programs benefits.

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>The program will also adopt measures to ensure that benefits and compensation accorded to disadvantaged persons are culturally appropriate. The program will also adopt the GoT prepared Vulnerable Groups Plan prepared for the Tanzania Social Action Fund under the Tanzania Productive Social Safety Net (P124045).</p> <p>These will be included in the Program Operations Manual before effectiveness of the program.</p>
Land acquisition /allocation for the program	Program Action Plan	Before effectiveness of the program	<p>The program will develop procedures for Voluntary Land Donations (VLD) and formats of agreements (between the program and land donors) before effectiveness of the program.</p> <p>The program will adopt the Water Sector Support Project (P087154) – Resettlement Policy Framework (RPF) to guide land acquisition and resettlement for the program.</p>
Gender inclusion	Program Action Plan	Foundation Activities – Year 1	<p>A Gender Action Plan will be developed under the ‘Foundation Activities’ (DLI 1) of the program during year 1.</p> <p>To promote the participation of women in governance and COWSOs the program will adopt of the dedicated gender action plan to be implemented at PO-RALG, LGA and COWSOs and build women’s</p>

Environmental and Social Program Action Plan			
Objective	DLI/PAP	Due date	Measures
			<p>capacity to lead and manage COWSOs.</p> <p>This initiatives will include: development and adoption of a rural water gender mainstreaming strategy, extension of current quota system to include leadership positions, explore ways of promoting female water technicians and engineers, training of both men and boys on sanitation and hygiene to promote their active participation, continuous sensitization of all sectors on social and cultural discriminatory practices and norms underpinning gender inequalities and discrimination against women with the aim of correcting this.</p> <p>It should also provide guidance on how sexual exploitation and abuse will be safeguarded in the program.</p>

6.2. The Grievance/Complaint Redress Mechanism

6.2.1 National Level: At the national level there is a government portal available for registering complaints. In addition, the Water sector will also have a portal that can be used for registering complaints. The existence of this mechanism needs to be widely disseminated in the format and language understood by the citizens using all media channels accessible to them. In addition, the implementers of both the portals need to have a person identified for integrating the complaints into the community score card for discussion with the service providers and monitored for redress.

6.2.2 Local Level: The following systems are in place at the local level:

- LGAs have a complaint box to receive complaints and depending on the issues raised, either provide resolutions or include in the community score card for mutual discussions and addressing.

- COWSOs also have a similar mechanism for handling complaint. They respond to the complainant or forward to the next higher level for redress of issues that are beyond their jurisdiction
- District Councils are responsible to receive and resolve complaints.

The Operational Manual of the Program will need to review the existing system and provide timelines and a monitoring mechanism for the grievance redress mechanism (GRM). The GRM will also need to be widely disseminated to all stakeholders.

6.2.3 Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the World Bank's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond²⁴.

²⁴ For information on submitting complaints to the World Bank's corporate Grievance Redress Service (GRS), <http://www.worldbank.org/GRS>.
For information on submitting complaints to the World Bank Inspection Panel: www.inspectionpanel.org.

7. STAKEHOLDERS CONSULTATIONS

7.1 The ESSA process includes extensive stakeholder consultations and disclosure of the ESSA Report following the guidelines of the World Bank's Access to Information Policy. At present, the ESSA consultation process is embedded in the Program consultation process. Feedback from stakeholders has been instrumental in designing and revising the Program Action Plan, indicators, and technical manual. The Bank organized several consultations during the preparation of this Program. Initial consultations with the Ministry of Education, Science and Technology (MoEST), Ministry of Health Community Development, Gender, Elderly and Children (MoHCDGEC), Ministry of Water and Irrigation (MoWI), the African Development Bank (AfDB), United Nations Children's Fund (UNICEF) and Sanitation and Water Action (SAWA), an NGO during October and November 2017. Bank Specialists also had consultations with local government agencies and COWSOs in Ubungo Municipality and Kibaha District. A multi-stakeholders consultation meeting took place in Dar es Salaam on January 18, 2018 on the draft ESSA report to receive specific feedback on its findings and recommendations, as well as identify any other possible recommendations to be added to the proposed program. The issues identified during these consultative meetings are shown in the contents following this paragraph and the list of consultation participants is provided in Annex 2 of this ESSA. During the consultation, the Bank team presented the detailed information on the PforR instrument, activities to be supported under the SRWS Program, and key findings and recommendations of the ESSA.

7.2. Generally, the participants concur with findings and recommendation presented in the ESSA, and voiced their strong support in implementing the proposed Program to improve water and sanitation services in rural areas, while improving environmental and social management in the water and sanitation sectors.

Table 8: Issues raised and responses during the consultations

Issues/Questions Raised	Response
Why is Songwe, which has a coverage of sanitation less than 30% not among the selected regions. The MoH representative requested for the region to be considered.	The 16 regions have been selected against the criteria of low access to water and sanitation as well as high poverty and high stunting rates. Kigoma region has been added to support the host community affected by the ongoing refugee situation. The program has so far been revised to cover Mbeya and will hence cover Songwe.
How does DLI work? Will the project provide funds upfront? If budget allocation will be based on results, how will LGAs manage to plan without an indicative budget for 2018/19?	An advance % of the program funds will be provided at the commencement of the project, then follow up disbursement will be results based.
It was requested that the program should provide for an indicative budget for the implementation of the program to the LGAs to enable them factor this in the 2018/2019 budgets	It was communicated that the project is still at an early stage of preparation and some of the details were not clear. Upon refining of the program details, necessary communications will be issued to participating LGAs
Disbursement Linked Indicator to Result Area 1&2 should consider access to safe water.	This was noted by the team.
It is good that the project has selected regions which were forgotten in past interventions, however, it would be useful to use terms which are in line with the SDG.	The team will revisit the wording to be in line with the SDG and JMP to help the country in reporting progress in the sector.
Some of the proposed Results Areas have nothing on the ground, is the project planning to carry out an assessment on new systems?	The project will also support establishment of new systems and conduct an assessment of their performance. This will be carried out during implementation.
On operations and maintenance, how will tariffs be set, particularly in areas without water sources?	This important observation is noted for consideration under a separate Solar Power project which is also under preparation and aims to provide access to water at a sustainable and cost-effective way.
How will the use of solar reduce cost, particularly on O&M? Experience from past projects has indicated a lack of O&M strategies in solar projects. SAWA, proposed for the rollout in place of strategies for capacity enhancement at district and Community level. It was also proposed that the solar project should try and learn from previously implemented projects.	The meeting was informed that extensive studies had been conducted and it was found that the use of solar will be able to reduce the cost of O&M. The team welcomed the proposal of learning from other solar project initiatives already implemented in the country.
Reference to “rural” is missing from the project acronym SRWS, hence misleading. It would also be useful to differentiate this project from an existing DANIDA project	The technical team will discuss and deliberate on the name and acronym of the project during the appraisal mission.

Issues/Questions Raised	Response
The scope of ESSA lacks information catchment protection and sustainability of the water sources.	This was noted by the team.
The meeting shared a concern that the focus of the program seems to be on pumping schemes only but should also consider simple technologies that can be used in the rural areas.	This concern was noted by the team.
District Medical Officers (DMOs), Sanitation Officers, Environmental Health Officers need to be capacitated to support communities.	This was noted by the team.
How is the District Environmental and Management Officer (DEMO) linked with the DMO to support sanitation?	District Environmental and Management Officer (DEMO) district level are the collaborating partners in the EIA process while DMO is part of the project implementation at District Level.
It would be useful for the project to build the capacity of existing officers at district and lower levels than adding more staff. This should focus on persons charged with the implementation of the program. The project should aim at improving the functions of the District Council Water and Sanitation Teams (DCWST?). These teams exist in the districts and responsible for water and sanitation issues. The team members are: District Water Engineer, District Medical Officer of Health, District Education Officer, District Health Officer and Community Development Officer.	It was noted this has been proposed for in the ESSA and will be conducted at several levels. The suggestion on improving DCWST was also noted.
DCWSTs are key for COWSO's oversight, but they have not been meeting as regularly as required. In order to achieve the objectives of this project, it would have been useful to include a DLI, which will provide some mechanism to track coordination and accountability at the district level.	It was communicated that DLIs on process indicators have so far been removed from the program. To cater for the concern, it was communicated that the team would explore including this in the MoWI manual on schemes.
Capacity building and project involvement at community level should be extended beyond COWSOs. Village leadership, which is also part of COWSO's advisory body needs to be included in the capacity building programs	This was noted and has been proposed in Section 7 of the ESSA report as well as the table of measures.
A linkage between Environmental Committees (EC) and COWSOs could be an opportunity. EC are mandated by the Environmental Management Act (EMA, 2004) to monitor environmental performance, which includes COWSOs. It was proposed that this can	The team noted the proposal and communicated that it would explore ways to incorporate this.

Issues/Questions Raised	Response
be used to monitor the functions of the COWSOs at village level	
Strengthen audit department to monitor COWSOs good governance issues.	Environmental Audits, which have recently started by CAG, should not stop at the National Environment Management Council, but be extended to LAGs and other government's administrative levels.
Gender issues in COWSO should focus on capacity to engage rather than number of women and men. Youth inclusion in COWSOs should be considered for sustainability purposes.	Proposals on gender inclusion was communicated to have been addressed by the ESSA as presented in Section 7 of the report.
The issue of voluntary and donation needs to be transparent, documented and appropriately addressed in the program to avoid unnecessary land disputes.	The team noted this and guidelines on voluntary land donations has been included in the ESSA.
Environmental and social management knowledge is lacking at regional and district levels leading to lack of accountability or limited focus and exclusion of the same from performance audits. The discussant proposed for capacity building	It was affirmed that this was part of the observations that had been made by the assessment and the proposal on capacity building was noted by the team.
In order to improve oversight of environmental and social management issues at district and community level, the project could assist to define and provide job descriptions of accounting officers by including responsibilities on water and sanitation to: District Executive Directors (DEDs); District Human Resource Officers, District Health Officer and District Medical Officers and District Environmental Management Officers. It was also proposed that performance contracts be issued to the district heads.	This suggestion was noted by the team for assessment and possible consideration in the program and ESSA.
What is the role of Civil Service Organizations in water and sanitation in SRWS?	It was noted that the aim of the program was to give the GoT freedom to implement the program free of directives. Therefore, the involvement of CSOs was communicated as the responsibility of the Government to determine.
The meeting suggested that for successful implementation of the GRM capacity of the administrators at the ward and village level to receive and advice on grievances need to be improved.	It was communicated that Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the Grievance Redress Service (GRS) which will supplement the program level GRM.

Issues identified during the preliminary meetings held during October and November 2017 with representatives of MoWI-DED, DWEs, COWSOs, Technicians and Village Administrators

Implementation Challenges:

- Limited technical knowhow of COWSOs to operate and maintain water supply especially with the introduction of technologies such as solar energy and challenges in financial management. Need to review and strengthen the management model of COWSOs to ensure sustainability.
- The limited awareness among communities leading to low level of willingness to pay for water: water seen as a free resource by communities.
- Increased pressure on limited water sources: change in intensity and duration of rainfall, dwindling water resources, environmental degradation and absence of water harvesting practices among communities.
- Logistical challenges such as distance, communication and costs make support by LGAs difficult. Sometimes village executive officers are used for communication and technical support. There is a potential to strengthen and provide the technical support at village level.
- LGAs, mandated to provide financial and technical support to COWSOs, face severe financial and technical constraints. Each LGA has one water engineer and one technician who are not able provide much needed technical support to all COWSOs under its jurisdiction.
- Opportunities to involve NGOs in the water sector should be fully exploited. NGOs have good working relations, long presence, good relations with communities, and are engaged in COWSOs' capacity building. The ministry has recently developed a manual for standardizing CB of COWSOs (currently being translated into Swahili).
- The 'no fee no water' approach to service provision introduced by some COWSOs has been effective and are able to accommodate poorer members (free water in exchange for contributions towards maintenance).
- Maintenance for Major Breakdowns: The DWE is unable to provide uniform support in cases of major breakdowns because of the number of villages that the DWE is responsible for, and constraints due to location and accessibility.
- The practices for determining fees vary and some challenges are observed in determination of fees for water from DPs and for home connections (e.g. Lower rates for home connections than DPs, free water for institutions such as schools). Different models for operation of the DPs are also adapted where some are fully managed by COWSOs while others are mostly managed by private operators.

Implementation Challenges identified with National Sanitation Campaign Coordinator:

- Capacity limitation on social issues: The Preventive Health Services Division lacks expertise in community development and gender analysis and need Consultants. Yet the capacity gaps could not be addressed due to lack of collaboration between the Division and other Departments of the same Ministry that have the expertise.
- Gaps in coordination between hygiene and sanitation and rural water supply activities: The NSC activities in rural areas are directly related to rural water supply activities. However, there are no clear systems in place to ensure effective coordination of local level planning between these two.
- Poverty/Equity Issues: The cost of construction for toilets is high for poor rural households and tendency to forgo much of the health benefits. The minimum cost of constructing improved toilet (flush, power flush, VIP-ventilated improved latrine, and improved traditional pit latrine) with basic washable floor finish, door for privacy and other supra structures cost USD50. Similarly, a water purifier (Aqua Tabs) costs 20 shillings for 20 litres of water. This is significant cost for some poor households who often resort to the cheapest option of 'improved traditional latrine', or none and use of unsafe water.
- Human resource constraints at ward levels: Environmental health officers are responsible at times for more than 10 villages and this is overstretching and compromises quality of service.
- Challenges of Cultural Taboos: NSC faces challenges related to cultural taboos. In some communities the men refuse to use same toilet as girl child due to taboos related to 'mixing of faeces with daughters' (Mbeya, Maro, Mwanza, Geita). In some cultures, they do not use latrine at all. Myths about boiling of water or use of water purifiers compromise health benefits of NSC. These challenges contribute to big gaps in achievements between different regions.
- Contamination of water sources: The contamination of water sources (by discharges and chemical contamination such as mercury) are challenges for realizing health benefits of the hygiene and sanitation activities. Most mining areas are located in the highlands and the mercury contaminated water flows to lakes and rivers in the low land areas. The NEMC and VP Environment Office are working on program regarding mercury contamination.
- Gaps in reaching underserved areas: The NSC benefits may not reach some communities such as mining communities within semi- permanent and temporary settlement areas. Integrating these and other groups in the LGA planning process has been a challenge.
- Potential shortfalls in financing by LGAs: The recent move by central government to remove the mandate for property tax collection from districts to the national government is likely to create shortfalls in financing of NSC by LGAs.

7.3. Document Dissemination and Public Comments Period:

The draft ESSA was disclosed in January 2018 in the country (MOWI website, <http://www.maji.go.tz>). The final draft ESSA will be publicly re-disclosed and shared with Development Partners and other stakeholders involved with the Water Sector Development program II, Sanitation related programs as well as environmental and social management issues in Tanzania. The final report will be translated in Swahili and disclosed publicly as well as on the Bank webpage.

ANNEXURES

Annex I: Environmental Impact Assessment (EIA) Process in Tanzania

The key steps of the EIA process in Tanzania are:

Registration:

The proponent is required to register a project with NEMC by submitting duly filled EIA application form. The forms are available at NEMC.

Screening:

Screening is an initial review step in the EIA process. Thus, the EIA application forms and Project Brief are screened in order to assess and establish the category of project and determine the level of EIA required. This is done by NEMC within 5 working days after submission of EIA application forms.

Scoping:

If the screening indicates that a full EIA is required, identification of main issues of concern through scoping will be conducted by the developer through his Consultant. This is done by consulting all the relevant concerned parties. Draft terms of references (ToR) will then be prepared to guide the impact assessment study. A Scoping Report and draft Terms of Reference (ToR) are submitted to NEMC for review and approval. This is done within 10 days after submission of the Scoping Report.

Impact Assessment:

Conducting EIA study is done after approval of ToR by NEMC. The Consultant uses the ToR to conduct the actual EIA study. The crucial task is to identify likely impacts, assess and evaluate their severity and magnitude and propose mitigation measures to minimize potential negative impacts and enhance positive benefits. The output of this stage is an EIA report, also known as Environmental Impact Statement (EIS). This includes an Environmental Management plan (EMP) as well as a Monitoring Plan (MP) that outline management and monitoring of anticipated impacts, including those, which affect local communities in the project area. Public consultation is mandatory when conducting an EIA and the proponent (through his consultant) must meet key stakeholders to get their views.

Review:

Once the proponent has submitted an EIA report (EIS), NEMC conducts site verification visit. The site visit is conducted to verify information provided in the EIS report. NEMC then coordinates a cross-sectoral Technical Advisory Committee (TAC) to review the EIS. The TAC is composed of members from sectors responsible for environment and resource management. Review of EIS is completed by NEMC within 60 days from the date it was received by NEMC, and this is as required by EMA 2004. The Minister may within 30 days, upon receipt of recommendations of the Council approve or disapprove the EIS.

Public hearing:

As part of the review process a public hearing may be necessary to address public concerns over a proposed activity or project. Normally this takes place when major concerns have been raised by the public and potential negative impacts of the proposed project are perceived to be far reaching. Other critical factors that may necessitate public hearing are sensitivity of the site location, type and scale of project, technology used, multiple land use considerations, presence of relocation and resettlement issues, cumulative impacts and any other factor related to a particular project that might cause public concern.

Environmental Decision-Making:

After submission of the final version of the EIS, NEMC assesses it in order to ascertain whether all the TAC comments and recommendations have been adequately addressed by the consultant. Thereafter terms and conditions for issuance of the EIA Certificate are prepared by NEMC. Approval/disapproval of the EIS is done by the Minister responsible for Environment as stipulated in EMA 2004 section 92 (1).

Appeals:

Both the proponent and the affected or interested parties have the right to appeal. If there is dissatisfaction on the decision reached, provision for appeal to the Environmental Tribunal or Court of law is provided by law.

Project Implementation:

This is conducted according to the terms and conditions of approval and is guided by the Environmental Management and Monitoring Plans.

Monitoring:

It is the collection of data through a series of repetitive measurements of environmental parameters (or more generally, a process of systematic observation) over a long period to provide information on characteristics and functioning of environmental and social variables in space and time. Day to day internal monitoring (routine monitoring) is done by the developer (project management team), but compliance monitoring is done by NEMC in collaboration with key stakeholders and regulatory bodies.

Environmental Audit:

Environmental audit is an independent and objective oriented examination of whether the practice complies with expected standards. Broadly, environmental audit means a check on some aspects of environmental management, and implies some kind of testing and verification. There are two levels of Environmental Audits, i.e. Environmental Impact Audit and Environmental Management Audit. Environmental Impact Audit involves comparing the impacts predicted in an EIS with those that actually occur after implementation of the project while Environmental Management Audit involves checks against adherence to plans, mitigation measures and general compliance of terms and conditions.

Annex II: Environment and Social Systems Assessment (ESSA) Consultations - List of Participants:

Ms. Theresia Kuiwite	Principal Education Officer (PEO) and Environmental Education & School WASH Coordinator, MoEST
Ms. Dorah Neema	Gender Officer, MoHCDGEC
Mr. Anyitike Mwakitalima	Coordinator, National Sanitation Campaign, MoHCDGEC
Mr. Joseph Kubena	Head of Environmental Management Unit (EMU) MoWI
Ms Emmiella Mcharo	Social Safeguards Officer, EMU MoWI
Ms Jane George Lulandala	Gender Desk Officer, MoWI
Ms. Catherine Bamwenzaki	Assistant Director, MoWI
Obadia K. Kibona	Environmental Management Unit (EMU) MoWI
Dr. Justus Rwetabula	African Development Bank
Dr. Khalis Massa	Assistant Director Environmental Health
Rowland Titus	WASH Specialist, UNICEF
Eng. Wilhemina Matime	National Coordinator, WSSCC/SAWA
Upendo Judica	Program Engineer, Sanitation and Water Action
Ignace Mchallo	Former Director EIA – NEMC
Kinyasi A COWSO	(Ubungo Municipal Council)
Ferry COWSO	(Kibaha District Council).

Annex III: Types of Projects Requiring and Not Requiring EIA

(a) Type A - Project requiring a mandatory EIA.

Project is likely to have significant adverse environmental impacts and that in-depth study is required to determine the scale, extent and significance of the impacts and to identify appropriate mitigation measures.

(b) Type B - Project requiring Preliminary Environmental Assessment

Project is likely to have some significant adverse environmental impacts but that the magnitude of the impacts is not well-known, a preliminary environmental assessment is required to decide whether the project can proceed without a full environmental impact assessment.

A: List of Projects Requiring EIA (Mandatory List)

1. Agriculture

- (i) Large scale cultivation.
- (ii) Water resources development projects (dams, water supply, flood control, irrigation, drainage).
- (iii) Large scale mono-culture (cash and food crops including floriculture).
- (iv) Biological Pest Control.
- (v) Agricultural projects necessitating the resettlement of communities.
- (vi) Introduction of new breeds of crops.
- (vii) Introduction of Genetically Modified Organisms (GMOs).

2. Livestock and Range management

- (i) Large Scale Livestock movement.
- (ii) Introduction of new breeds of livestock.
- (iii) Introduction of new or foreign alien species.
- (iv) Intensive livestock rearing units.

3. Forestry

- (i) Timber logging and processing.
- (ii) introduction of new tree species and development of forest plantation.
- (iii) Selective removal of single tree species.
- (iv) Biological pest control.
- (v) Afforestation and reforestation for the purpose of carbon sequestration.
- (vi) Construction of roads inside forest reserve.
- (vii) Commercial charcoal, firewood and other forest harvest operations.
- (viii) Establishment of commercial logging or conversion of forested land to other uses within catchment areas.

4. Fisheries

- (i) Medium to large scale fisheries.
- (ii) Artificial fisheries (Aqua-culture for fish, algae, crustaceans shrimps, lobster or crabs).
- (iii) Introduction of new species in water bodies.
- (iv) Large scale fish farming including prawn farming.
- (v) Industrial fish processing and storage.
- (vi) Introduction of Genetically Modified fish species and other aquatic species.

5. Wildlife

- (i) Introduction of new species.
- (ii) Wildlife catching and trading.
- (iii) establishment of hunting blocks or areas, especially involving resettlement of communities.
- (iv) Translocation of wildlife.
- (v) New protected areas especially involving resettlement of communities.
- (vi) Wildlife ranching and farming.
- (vii) Zoo and sanctuaries.

6. Tourism and Recreational Development

- (i) Construction of resort facilities or hotels along the shorelines of lakes, river, islands and ocean.
- (ii) Hill top resort or hotel development.
- (iii) Development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc) on islands and in surrounding waters.
- (iv) Hunting and capturing.
- (v) Camping activities walk ways and trails etc.
- (vi) major construction works for sporting purposes.

7. Energy

- (i) Production and distribution of electricity, gas, steam and geothermal energy.
- (ii) Storage of natural gas.
- (iii) Thermal power development (i.e. coal, nuclear).
- (iv) Hydro-electric power.
- (v) Development of other large-scale renewable and non-renewable sources of energy.

8. Petroleum

- (i) Oil and gas fields exploration and development.
- (ii) Construction of offshore and onshore pipelines.
- (iii) Construction of oil and gas separation, processing, handling and storage facilities.
- (iv) Construction of oil refineries.
- (v) Construction and/or expansion of product depots for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas.
- (vi) Transportation of petroleum products.

9. Transport and infrastructure

- (i) Construction, expansion or rehabilitation of new trunk roads
- (ii) Construction, expansion or rehabilitation of airports and airstrips and their ancillary facilities
- (iii) Construction or new expansion to existing railway lines
- (iv) Construction of new, or expansion to shipyards or harbour facilities

10. Food and beverage industries

- (i) Manufacture of vegetable and animal oils and fats
- (ii) Oil refinery and ginneries
- (iii) Manufacture of dairy products
- (iv) Brewing distilling and malting
- (v) Fish meal factories
- (vi) Slaughter - houses
- (vii) Soft drinks
- (viii) Tobacco processing
- (ix) Caned fruits, and sources
- (x) Sugar factories
- (xi) Other agro-processing industries

11. Textile industry

- (i) Cotton and Synthetic fibres
- (ii) Dye for cloth
- (iii) Ginneries

12 Leather Industry

- (i) Tanning
- (ii) Tanneries
- (iii) Dressing factories
- (iv) Other cloth factories

13. Wood, Pulp and Paper Industries

- (i) Large scale manufacture veneer and plywood
- (ii) Manufacture of fibre board and of particle - board
- (iii) Manufacture of Pulp, Paper, sand-board cellulose – mills

14. Building and Civil Engineering Industries.

- (i) Industrial and housing Estate
- (ii) Major urban projects (multi-storey building, motor terminals, markets etc)
- (iii) Construction and expansion/upgrading of roads, harbours, ship yards, fishing harbours, air fields and ports, railways and pipelines
- (iv) Developments on beach fronts

15. Chemical industries

- (i) Manufacture, transportation, use and storage of pesticide or other hazardous and or toxic chemicals

- (ii) Manufacture of pharmaceutical products
 - (iii) Storage facilities for petroleum, petrochemical and other chemical products (i.e. filling stations)
 - (iv) Production of paints, vanishes etc.
 - (v) Soap and detergent plants
 - (vi) Manufacture of fertilizers
16. Extractive industry
- (i) Extraction of petroleum
 - (ii) Extraction and purification of natural gas
 - (iii) Other deep drilling - bore-holes and wells
 - (iv) Mining
17. Non-metallic industries (Products)
- (i) Manufacture of cement, asbestos, glass, glass-fibre, glass-wool
 - (ii) Manufacturing of plastic materials
 - (iii) Lime manufacturing, tiles, ceramics
18. Metal and Engineering industries.
- (i) Manufacture and assembly of motorized and non-motorized transport facilities
 - (ii) Body - building
 - (iii) Boiler - making and manufacture of reservoirs, tanks and other sheet containers
 - (iv) Foundry and Forging
 - (v) Manufacture of non - ferrous products
 - (vi) Manufacture of iron and steel
 - (vii) Electroplating
19. Electrical and electronics industries
- (i) Battery manufacturing
 - (ii) Electronic equipment manufacturing and assembly
 - (iii) Installation and expansion of communication towers
20. Waste treatment and disposal
- (a) *Toxic and Hazardous waste*
- (i) Construction of Incineration plants
 - (ii) Construction of recovery plant (off-site)
 - (iii) Construction of waste water treatment plant (off-site)
 - (iv) Construction of secure land-fills facility
 - (v) Construction of storage facility (off - site)
- (b) *Municipal Solid Waste*
- (i) Construction of incineration plant
 - (ii) Construction of composting plant
 - (iii) Construction of recovery/re-cycling plant
 - (iv) Construction of Municipal Solid Waste landfill facility

(c) Municipal Sewage

- (i) Construction of waste water treatment plant
- (ii) Construction of marine out fall
- (iii) Night soil collection transport and treatment.
- (iv) Construction of sewage system

21. Water Supply

- (i) Canalization of water courses
- (ii) Diversion of normal flow of water
- (iii) Water transfers scheme
- (iv) Abstraction or utilization of ground and surface water for bulk supply
- (v) Water treatment plants

22 Land development planning, land reclamation, housing and human settlements

- (i) Resettlement/relocation of people and animals e.g. establishment of refugee camps
- (ii) Establishment or expansion of industrial estates
- (iii) Establishment of estates for residential/commercial purposes
- (iv) Major urban projects (multi-storey building, motor terminals, markets etc.)
- (v) Construction and expansion of hospitals with large bed capacity.
- (vi) Land reclamation including land under water bodies.
- (vii) Development of residential and commercial estates on ecologically sensitive areas including beach fronts.
- (viii) Dredging of bars, greyones, dykes and estuaries.

B: List Of Small-Scale Activities And Enterprises That Require Registration (May Or May Not Require EIA).

- (i) Fish culture
- (ii) Small animal husbandry and urban livestock keeping
- (iii) Horticulture and floriculture
- (iv) Wildlife catching and trading
- (v) Basket and other weaving
- (vi) Nuts and seeds for oil processing
- (vii) Bark for tanning processing
- (viii) Brewing and distilleries
- (ix) Bio-gas plants
- (x) Bird catching and trading
- (xi) Hunting
- (xii) Wildlife ranching
- (xiii) Zoo, and sanctuaries
- (xiv) Tie and dye making
- (xv) Brick making
- (xvi) Sea weed Farming
- (xvii) Salt pans

- (xviii) Urban Livestock Keeping
- (xix) Urban agriculture.
- (xx) Wood carving and sculpture
- (xxi) Hospitals and dispensaries, Schools, Community centre and Social halls, play grounds
- (xxii) Rain water harvesting
- (xxiii) Garages
- (xxiv) Black smith.
- (xxv) Tile manufacturing
- (xxvi) Kaolin manufacturing
- (xxvii) Livestock stock routes
- (xxviii) Fire belts.
- (xxix) Tobacco curing
- (xxx) Sugar refineries
- (xxxi) Tanneries
- (xxxii) Pulp plant
- (xxxiii) Oil refineries and ginneries
- (xxxiv) Artisanal and small-scale mining
- (xxxv) Rural road