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# UNITED REPUBLIC OF TANZANIA



## THE JUDICIARY OF TANZANIA

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### ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

### FOR

### CITIZEN-CENTRIC JUDICIAL MODERNIZATION AND JUSTICE SERVICE DELIVERY PROJECT

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## List of Acronyms and Abbreviations

NGO	-	Non-Governmental Organization
JDI	-	Judicial Training Institute
KRAs	-	Key Results Areas
GBV	-	Gender Based Violence
URT	-	United Republic of Tanzania
GDP	-	Gross Domestic Product
EMA	-	Environmental Management Act
EIA	-	Environmental Impact Assessment
TBD	-	To be determined
NEMC	-	National Environmental Management Council
CCA	-	Chief Court Administrator
TOT	-	Training of Trainers
LGAs	-	Local Government Authorities
MLHSD	-	Ministry of Lands, Housing and Human Settlement Development
OP	-	Operational Policy
CBD	-	Central Business District
ESMF	-	Environmental and Social Management Framework

## Executive summary

### Introduction

The Government of Tanzania through Judiciary has acquired a credit from World Bank for implementation of the Citizen-Centric Judicial Modernization and Justice Service Delivery Project. The project is planned to have three inter-related components (about US\$75-100 million in financing) implemented over a period of five years. The project has taken into account the Judiciary Strategic Plan 2015-2020, lessons of past programs and on-going assistance provided by development partners. The three components of the project include; Component 1: Court Organization and Systems Development, Component 2. Skills and Performance Management and Component 3: Access to Justice and Partnerships for Citizen-Centric Results. The project focuses on enhancing the capacity of the judicial system, increase efficiency on service delivery and access of justice services to citizen-centric.

### Objective of the ESMF

The main objective of the ESMF is to establish Environmental and social screening procedures for identifying, assessing and mitigate potential environmental and social impacts of the sub-projects. The screening process will determine whether environmental and social impact assessment for sub-projects is required or not. The ESMF therefore will guide the level of assessments of environmental and social impacts of the sub-projects whether simple environmental assessment should be applied by using environmental checklist or detailed Environmental and Social Impact Assessment in this case “according to Tanzania’s Environmental Impact Assessment & Audit Regulations of 2005”.

The ESMF can be reviewed anytime even after the project has been cleared and ESMF disclosed to the World Bank inforshop and Judiciary website. This can be done in order to improve management of some environmental and social impact in the sub-projects or to accommodate some changes that will be introduced in the project.

### Project Description

The project will have three inter-related components (about US\$75-100 million in financing) implemented over a period of five years. Component 1: Court Organization and Systems Development (US\$25 Million). The judicial system is slowed by cumbersome rules of procedure, excessive administrative steps, and preexisting case backlogs. Poor records management, excessive adjournments, and limited access to case-related information also affect performance. Capacity to handle high profile cases and communication to the public are also key institutional constraints.

Component 2: Skills and Performance Management (US\$20 Million). Integrity of the system is seriously constrained by the absence of an objective system for assessing performance. Staff evaluation is only done for non-judicial staff but lack of reliable data undermines the system. There are no opportunities for comprehensive skills development or judicial training. Courts are not subject to thorough inspections by the senior judges. Complaints against judges, staff, advocates and court brokers are not systematically handled by the judiciary resulting in loss of confidence.

Component 3: Access to Justice and Partnerships for Citizen-Centric Results (US\$55 Million). High costs associated with corruption, court fees, legal services, and long waits in getting through the courts, obtaining copies of documents and decisions are key bottlenecks. In addition, about 47 percent of the population does not have physical formal court presence resulting in long travel times for those who seek access, and face other challenges. Information on laws and court-related issues is not readily available and compounded by poor statistical capabilities of the judiciary. This component will improve access to justice and court services.

### **Court Structure in Tanzania**

The Judiciary of Tanzania is operated in the hierarchy of five tiers which are;

- Court of Appeal with 16 justice of Appeal
- High Court and its four divisions with 81 judges
- Resident Magistrates Court (677)
- District Magistrates Courts
- Primary courts (474)

### **Baseline Information**

This chapter describes the baseline information where the proposed Citizen-Centric Judicial Modernization and Justice Service Delivery Project will take place. The scope of the project covers the whole country and the sub-projects will be implemented in various places in the country and hence the baseline information has also covered the whole country.

### **Potential Environmental and Social Impacts**

The Environmental and Social Management Framework provides potential impacts which are likely to occur during projects implementation that would require mitigation measures. However, during the appraisal stage the impacts are not site specific but rather overall impacts within the overall context of the project. The proposed Citizen-Centric Judicial Modernization and Justice Service Delivery Project among other activities will involve construction of modern court houses, rehabilitation court buildings and extension of buildings in order to increase working places or offices. Therefore, the project will involve demolition of old court buildings

and construction activities. Most of the construction activities will take place in the existing court premises in areas which are owned by the judiciary and will not involve acquisition of new land area. Most of the sub-projects will take places in cities, municipals, towns and semi urban areas. This ESMF has provided potential mitigation measures and procedures to mitigate them.

### **World Bank Safeguard Policies**

World Bank safeguard policies provide guidelines for the Bank and the Borrower to prevent and mitigate undue harm to people and their environment during identification, preparation, and implementation of programs and projects. Any World Bank supported project must comply with environmental and social safeguard policies before it is approved for implementation. This applies also for applicable policies, laws and regulations of Tanzania. Some of the proposed activities under the Citizen-Centric Judicial Modernization and Justice Service Delivery Project, particularly construction and rehabilitation of court buildings are likely to have potential adverse impacts on the environment and trigger one of the 10 safeguard policies, namely; (i) Environmental Assessment (OP/BP 4.01).

### **Policy and Legal Framework**

This ESMF has provided overview of policy framework highlighting key policies namely, Environmental Policy, 1997 as it provides an overview for environmental consideration in various aspects in Tanzania. Forest policy of 1996 which outlines key areas namely forest land management, forest based industries and products, ecosystem conservation and management, institutions and human resources, for conservation of forest resources. Land Policy of 1996 aims at promoting and ensuring secure land tenure system which protects the rights to land for all citizens of Tanzania. The policy realizes that the land has a value, and that the rights and interests of citizens to land shall not be taken without due process of law.

This section summarizes the legal framework by briefly explain Judicial Administration Act, no.4 of 2011, Environmental Management Act, no.20 of 2004, Environmental Impact Assessment and Audit Regulations, 2005, Occupation Health and Safety Act, no.5 of 2003, Water Resources Management Act, 2009, Land Act No.6 of 1999, Urban Planning Act, 2007 and Land use planning Act, 2007.

### **Capacity Building, Training and Technical Assistance**

The Judicial Modernization and Justice Service Delivery Project will be administered by the Chief Court Administrator assisted by the other court administrators in their respective regions. The roles of Chief Court Administrator (CCA) among others are to handle matters related to finances, procurement, manage funds and other non-judicial functions. The Judiciary requires training for implementation of safeguard policies and preliminary capacity in order to

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

### **Environmental and Social Screening of Sub-Projects**

This chapter defines and demonstrates specific procedures to be taken for environmental and social screening process, review and approval of the sub-projects for Citizen-Centric Judicial Modernization and Justice Service Delivery Project. The environmental and social screening will be undertaken when the sub-projects are identified and sites are specified. Generally the implementing institution for this case the Judiciary will screen their own sub-projects to identify adverse environmental and social impacts using the screening form and integrate into the sub-project design the required measures to mitigate impacts identified. This will be done before submission of the sub-project design to the implementing unit for review, approval and clearance. The screening process will be conducted using screening form and checklist. The implementing unit will review and clear sub-projects after satisfactorily confirming that, the project design have identified and considered environmental and social impacts, mitigation plan, management plan, monitoring plan and institutional measures to be undertaken during implementation and operation of the sub-project.

### **Environmental and Social Management Plan**

This Environmental and Social Management Framework has been prepared for providing screening procedures for determination of future potential environmental and social impacts of the sub/projects. It provides directives for preparing Environmental and Social Management Plan (ESMP) for each sub-project by the implementing institution. The ESMP shall provide all mitigations with associated monitoring measures as well as responsible institution for particular action. The ESMF requires the ESMP to be implemented during implementation and operations of all sub-projects. This will be done to minimize identified adverse environmental and social impacts to levels that will not have negative impact to the nearby surrounding and the area of influence. The ESMP will be one of the crucial documents for submission during approval of the sub-projects.

### **Stakeholder Involvement, their View and Concerns**

Various stakeholders have been consulted in various regions which are identified as pilot project areas which will be implemented in phase one. These include Dar es Salaam, Arusha, Morogoro, Mwanza and Singida. The consultation was based on situational representation of court environment. Some of them represent critical situation which need immediate intervention when the project is launched in the first phase of the project. The consultation were focused to stakeholders particularly Judicial and non-judicial staffs who have experience and aware of the challenges regarding court situation such as congestions, old buildings, inadequate service delivery, increased backlogs, inefficient record management, etc. However, most of the stakeholders supported the project and prefer it to start immediately. The consultation was extended to environmental officers and urban planners at the municipals or cities where the court infrastructure exists. They provided important and constructive views and concerns about the project.

### **Conclusions and Recommendations**

The Environmental and Social Management Framework (ESMF) for Citizen-Centric Judicial Modernization and Justice Service Delivery Project has provided procedures for undertaking Environmental and social screening, identified World Bank safeguard policies which are triggered by this project, potential impacts, institutional roles and responsibilities, capacity building and training requirements, technical assistance required, specifies how the environmental and social management plan should be prepared, monitoring and reporting should be carried for this project. It also specifies how the sub-projects should be reviewed and approved for clearance by implementers. The ESMF further explains how to identify impacts, assess, and mitigate environmental and social impacts of sub-project activities including preparation of site-specific Environmental Impacts Assessment (EIA) where applicable in accordance with the EMA, 2004, World Bank safeguard policies particularly the Environmental Assessment (OP/BP 4.01). The ESMF outlines all key processes and procedures to be followed. Therefore it is the responsibility of the Judiciary to ensure compliance with the ESMF. The World Bank will also be following up through regular implementation review missions.

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# 1. INTRODUCTION

## 1.1 Background to the project

The Government of Tanzania through Judiciary has acquired a credit from World Bank for implementation of the Citizen-Centric Judicial Modernization and Justice Service Delivery Project. The project is planned to have three inter-related components (about US\$75-100 million in financing) implemented over a period of five years. The project has taken into account the Judiciary Strategic Plan 2015-2020, lessons of past programs and on-going assistance provided by development partners. The three components of the project include; Component 1: Court Organization and Systems Development (US\$25 Million), Component 2. Skills and Performance Management (US\$20 Million) and Component 3: Access to Justice and Partnerships for Citizen-Centric Results (US\$55 Million). The project focuses on enhancing the capacity of the judicial system, increase efficiency on service delivery and access of justice services to citizen-centric.

For many years the Judiciary sector in Tanzania has been facing a number of challenges. These challenges are attributed by rapid economic growth which has led to increased economic disparities among the people leading to resource conflicts particularly on labor, land and water resources. The growth of economy has also led a growing level of conflict between laborers and investors, smallholder and large scale farmers, the government and villagers, small and large scale miners, water use conflicts, forest and land resource conflicts. Many of these conflicts have led to death, injuries to people and loss of property. Addressing such conflicts remains the primary responsibility of judicial system. The judicial system remains unchanged for many years while conflicts are rapidly increasing. The Government of Tanzania has currently realized the need to have a well-functioning Judiciary which will attract the use of proper mechanisms for adjudicating conflicts and maintaining peace and harmony in the country and further enhance social and economic development.

High growth of sectors such as mining, telecommunication, oil and gas, again pose new challenges in addressing associated claims in these sectors. The judiciary of Tanzania needs to improve and modernize to meet the challenges accruing from rapid economic growth with major investments in mining, telecommunication, oil and gas. While Tanzania is blessed with abundant natural resources such as minerals and gas reserve, a number of barriers and bottlenecks exists which business from functioning well. These new sectors create new challenges and demand on the judiciary services that are essential for enabling Tanzania to become an attractive investment destination. These high growth sectors are expected to lead to increased revenues for the government that could enable increased public investments in infrastructure and social services.

Part of the project will involve construction, rehabilitation and/or extension of the court buildings in various places in Tanzania in order to promote access to justice and increase working space and efficiency. The development of court infrastructure particularly buildings is expected to involve the following activities;

- Site selection for identification of construction area
- Structure design
- Application of building permit
- Vegetation clearing for construction activities
- Demolition of existing oil court buildings
- Soil excavation
- Removal of excavated materials from site
- Delivery of material at site
- Temporary working space in sites where demolition of existing old buildings will occur
- Construction activities
- Court operation activities

The sub-projects will mainly take place in court areas which are owned by the judiciary and there will be no acquisition of new land area for this project. These activities are likely to trigger the World Bank policies and hence need to address procedures for environmental and social screening that will be used during implementation of the project. Therefore this ESMF has been prepared to provide screening procedures and the level of assessment of environmental and social impacts for each sub-project depending on the category of the sub-projects.

## **1.2 Objective of the project**

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

### **1.3 Objective of the ESMF**

The main objective of the ESMF is to establish Environmental and social screening procedures for identifying, assessing and mitigate potential environmental and social impacts of the sub-projects. The screening process will determine whether environmental and social impact assessment for sub-projects is required or not. The ESMF therefore will guide the level of assessments of environmental and social impacts of the sub-projects whether simple environmental assessment should be applied by using environmental checklist or detailed Environmental and Social Impact Assessment in this case “according to Tanzania’s Environmental Impact Assessment & Audit Regulations of 2005”. The specific objectives of ESMF are;

- To create procedures for environmental and social screening, planning, review, approval and implementation of sub-projects
- To stipulate roles and responsibilities and reporting procedures for managing and monitoring environmental and social concerns for sub-projects
- To identify training, capacity building and technical assistance needed for implementation of the ESMF
- To describe institutional arrangement for managing environmental and social impacts
- To assess if the sub-project activities of the overall project trigger the world Bank environmental and Social safeguard policies
- To ensure all adverse environmental and social impacts from the project activities are minimized

### **1.4 Rationale of the ESMF**

The rationale of the ESMF is to have procedures and modalities for managing and monitoring environmental and social impacts of sub-projects within the overall major project. The project has indicated that court infrastructure particularly buildings will be constructed, rehabilitated and/or extended. These undertakings are likely to trigger World Bank Policies mainly Environmental Assessment – OP/BP 4.01. The ESMF therefore categorizes the project according to World Bank conditions which determines the level of assessment required and provides procedures for environmental and social impacts assessment. In this view the ESMF is a tool for guidance on how environmental and social issues should be handled and monitored within the overall project.

### **1.5 Project Area**

The project will take place in various places in Tanzania. The project is expected to undertake construction, rehabilitation and office/building extension depending on specific requirement of

the sub-projects. Currently the project is not site specific although there few pilot sites selected prior to full implementation of the project as indicated in Figure 1 below.

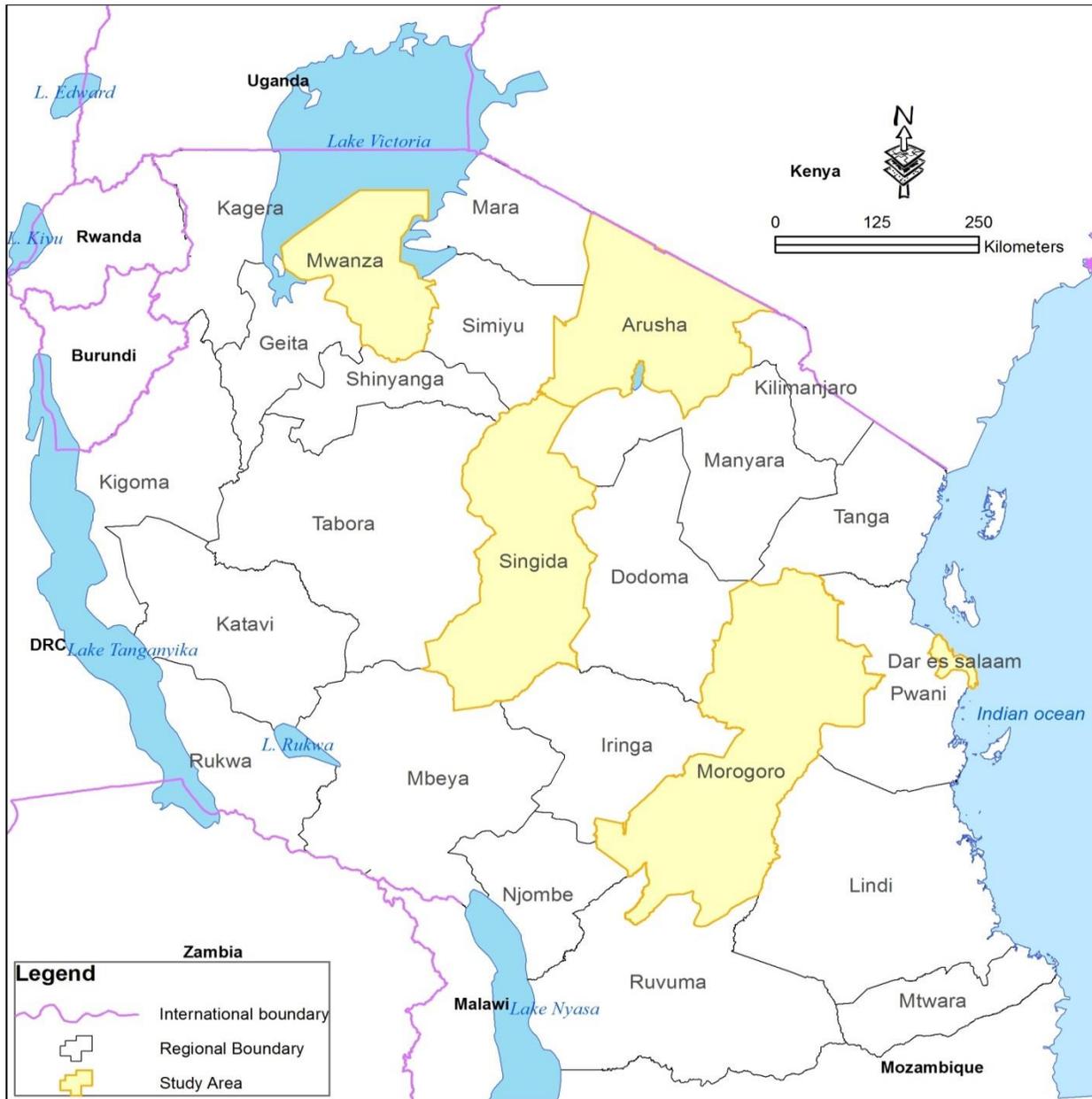


Figure 1: Map of Tanzania indicating regions designated for pilot implementation of the project

### 1.6 Review for updating the ESMF

The ESMF can be reviewed anytime even after the project has been cleared and ESMF disclosed to the World Bank inforshop and Judiciary website. This can be done in order to improve management of some environmental and social impact in the sub-projects or to accommodate some changes that will be introduced in the project.

## 2. ROJECT DESCRIPTION

The project will have three inter-related components (about US\$75-100 million in financing) implemented over a period of five years (See Figure 4 ahead). The project design would takes into account the [draft] Judiciary Strategic Plan 2015-2020, lessons of past programs and on-going assistance provided by development partners.

### 2.1 Component 1: Court Organization and Systems Development

The judicial system is slowed by cumbersome rules of procedure, excessive administrative steps, and preexisting case backlogs. Poor records management, excessive adjournments, and limited access to case-related information also affect performance. Capacity to handle high profile cases and communication to the public are also key institutional constraints. Current component will address these issues through the following activities:

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

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

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

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

management program for judges, staff, advocates, and other stakeholders to improve timeliness.

## **2.2 Component 2: Skills and Performance Management**

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

(a) Develop Performance Management and Deliver Training. (i) review international and local best practices and customize and roll out performance evaluation system for judges, managers and courts (except Court of Appeals) including e-feedback portal; (ii) conduct systematic training for judicial and non-judicial staff by doing a needs assessment, reviewing curriculum of existing programs offered by the Judicial Academy, updating physical infrastructure (including e-learning) for the delivery of courses in Dar es Salaam and other locations, and selecting partners among local universities and international judicial training institutions (e.g. National Judicial Institute Canada); and (iii) organize a fast-track educational program for magistrates (about 300) so that they can meet the minimum requirement (a Bachelors of Laws) to hold office outlined in the Judiciary Act of 2011;

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

## **2.3 Component 3: Access to Justice and Partnerships for Citizen-Centric Results.**

High costs associated with corruption, court fees, legal services, and long waits in getting through the courts, obtaining copies of documents and decisions are key bottlenecks. In addition, about 47 percent of the population does not have physical formal court presence resulting in long travel times for those who seek access, and face other challenges. Information on laws and court-related issues is not readily available and compounded by poor statistical capabilities of the judiciary. There is also a lack of clarity on who does what in the justice

sector. Typically, the Prosecution Department and the Police are the most visible actors due to their law enforcement functions. There is a critical need to inform the public (especially the poor and vulnerable) on the role and function of the judiciary; how to access the courts and services such as legal aid, paralegals, and ADR; where to address their family law and probate matters; and what roles Land Tribunals are performing in resolving disputes, so that citizens can exercise their constitutional rights. There is also a critical need to promote inter-institutional collaboration so that services get done in the justice sector and people can see tangible results. The interface with the traditional justice system also needs to be reviewed and analyzed for a holistic solution to the access to justice challenge.

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

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

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

(c) Extend Court Infrastructure to Priority Socio-economic and Unserved Geographical Areas for Citizen Services. (i) develop a new judicial map of court buildings and facilities for improved accessibility of citizens to formal court services, including a manpower plan to recruit judges and staff and review incentive systems for them to work and/or relocate to these remote/new

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

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

## **3. COURT STRUCTURE IN TANZANIA**

### **3.1 Judiciary profile**

The Judiciary of Tanzania is operated in the hierarchy of five tiers which are;

- Court of Appeal with 16 justice of Appeal
- High Court and its four divisions with 81 judges
- Resident Magistrates Court (677)
- District Magistrates Courts
- Primary courts (474)

### **3.2 Strategic plan**

The main objective of the Strategic Plan is to deliver people-centric or citizen-centric services. This goal will be achieved through activities that seek to; Promotion of change management and institutional coordination; Expansion of accessibility of justice by bringing justice closer to the people; and Increased efficiency and transparency in justice delivery. The Strategic Plan comprises of three strategic pillars that will lead to the achievement of this goal: governance, accountability and management of resources; access to justice and expeditiousness of justice delivery; and public trust and stakeholder engagement.

#### **3.2.1 Governance, accountability and management of resources**

This pillar comprises of four key results areas (KRAs) each constituting several activities for the realization of underlying objectives.

- (a) Improvement of leadership and management through development of guidelines for leadership and management;
- (b) Modernization of management systems starting with review of institutional structures, establishment of change management committees, introduction of integrated performance system, recruitment of professionals and improvement of ICT infrastructure at all levels;
- (c) Effective coordination and cooperation based on strengthening of Case-flow management and cooperation mechanisms for implementation;
- (d) Development of jurisprudence and skills development for judges and staff built on capacity development for the Judicial Training Institute (JDI), development of curriculum for skills development, continuing legal education, twinning with international institutions and improvement of legal research.

### 3.2.2 Access to justice and expeditiousness of justice delivery

The second pillar, access to justice and its expeditious delivery also comprises of four key result areas with a number of activities envisaged to achieve underlying objectives i.e.:

**Efficient Case Management systems for expeditious and quality services:** Comprises of strategic actions that include:-effective ADR mechanisms; systems for accelerated case disposal; simplification of laws and rules of procedure for expedited justice dispensation; automated records management; and comprehensive case management system.

**Effective supervision and inspection:** to be achieved through strengthened inspection and supervision systems at all levels; results based performance; introduction of supervision and inspection manuals; and operationalization of the CJ's Committee on Inspection Supervision and Ethics.

**Increased Services to Urban and Rural Population:** This will be achieved through development of a Judiciary infrastructure development master plan; capacity development for internal infrastructure management; refurbishment of existing infrastructure and construction of new facilities; introduction of mobile courts, small claims court, family courts and juvenile courts; and equipment and tools for efficient functioning of courts.

**Extending outreach of services and access to justice for the vulnerable:** by establishing a one stop center for probate issues and estate administration; training of selected magistrates and staff on probate issues and gender based violence (GBV) / violence against people with disabilities; and raising awareness on these issues.

### 3.2.3 Public Trust and Stakeholder Engagement

This pillar has three KRAs each with corresponding activities for the achievement of underlying objectives:

**Public and Stakeholder Engagement for Confidence:** With six activities i.e.: Development and execution of an IEC strategy; development and implementation of mechanisms for engaging the public in judicial services and processes; public awareness outreach programs; strengthening of public complaints handling mechanisms; development and implementation of strategies for engaging targeted stakeholders; and building internal capacity for effective public communication skills.

**Values, Ethics and Culture Transformation;** This KRA will be achieved through: strengthening of judicial ethics and behavioral change; development and adherence to shared values; and capacity development for the directorate of Inspection and Ethics.

**Fostering Partnerships for People-centric Justice;** The third KRA will be achieved through 4 activities: enhancement of integrity within the legal profession; strengthened mechanisms for handling complaints; improved collaboration with quasi-judicial tribunals; and establishment of mechanisms to reduce investigation lead times for criminal matters in the courts.

### 3.3 Approved Organization structure of the High court of Tanzania

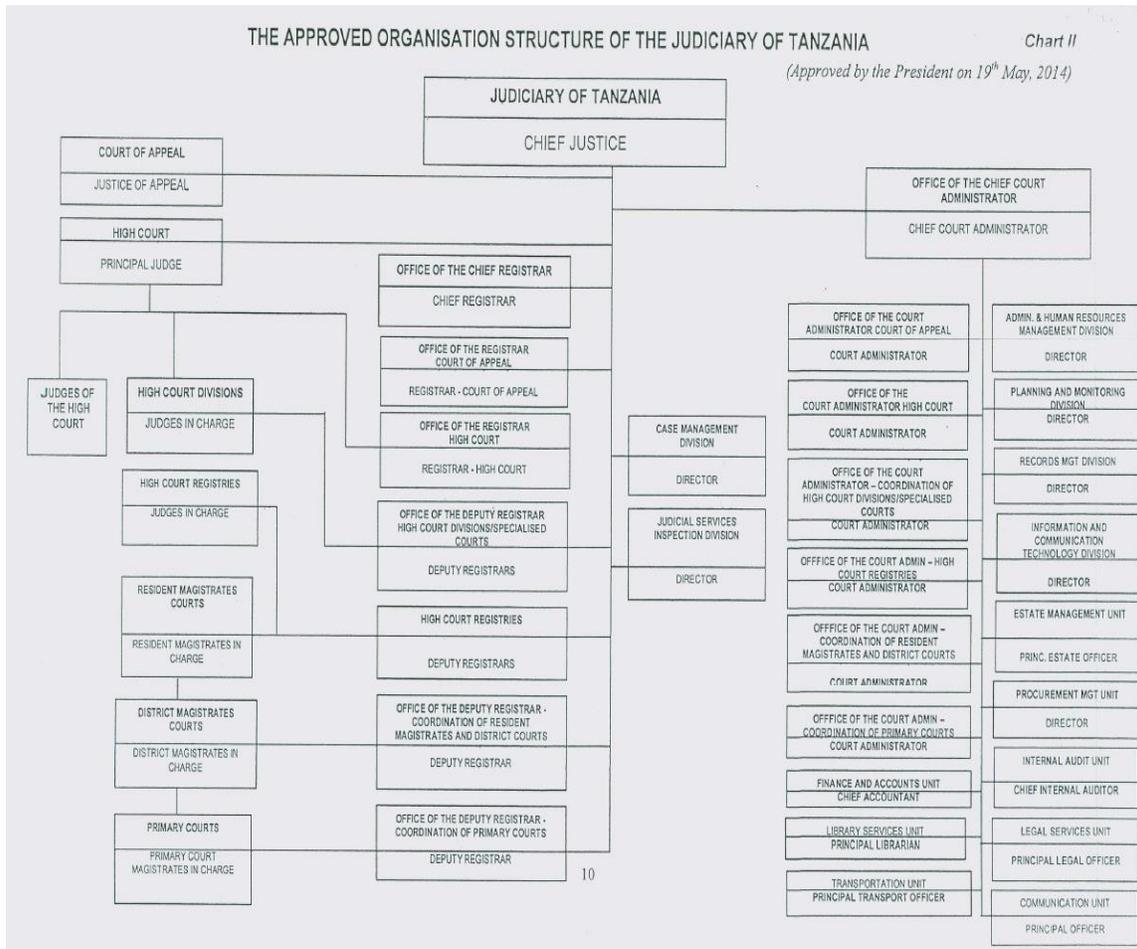


Figure 3.1. Approved Organization structure of the High Court of Tanzania

## 4. BASELINE INFORMATION

This chapter describes the baseline information where the proposed Citizen-Centric Judicial Modernization and Justice Service Delivery Project will take place. The scope of the project covers the whole country and the sub-projects will be implemented in various places in the country and hence the baseline information will also cover the whole country.

### 4.1 Climate condition

Tanzania can be roughly categorized in four major climatic/topological zones; Lowland coastal zone, Highland zone, Plateau zone and Semi-desert zone.

*Lowland coastal zone;* this zone is also divided in three sub-zones namely, wet sub-zone lies between 0-500m above sea level. This zone is characterized with average annual rainfall of about 1800 mm. The humid sub-zone with elevation ranging from 500-1000m and average annual rainfall between 1000 and 1800 mm; and the drier zone, about 1000m altitude with less than 1000mm annual rainfall.

*Highland zone;* this is mainly comprised in the northern highlands such as Usambara mountains, Kilimanjaro and Meru Mountains, southern highlands such as mount Rungwe, Livingstone ranges and Mbeya. These areas have generally high precipitation.

*Plateau zone;* This zone lies in Lake Victoria areas and much of the western part of Tanzania. It is dominated by miombo woodlands and is mainly characterized by dry areas with an average rainfall of 1000mm.

*Semi-desert zone;* mainly cover the central and Northern Eastern Tanzania around Dodoma, Shinyanga, Arusha, Mwanza and Mara. It is characterized with annual rainfall of less than 600mm.

### 4.2 Population and population dynamics

The population of people in Tanzania based of 2012 census enumerated 44.9 million people, representing the growth rate of 2.7% per annual during 2002-2012. The history from the data collected in previous census show that, Tanzania's population has increased in the four decades from 12.3 million in 1967 to 34.4 million people in 2002. The average annual growth rate during the 1988-2002 censuses increased marginally to 2.9 percent per annum, from to 2.8 percent per annum in 1978-1988 (URT 2012). Compare to the recent data of previous 2012 census the population is expected to increase hence putting pressure on the use of natural resources since

large percent of the population, their livelihood depends on natural resource. The scramble for use of natural resources has resulted into various resource use conflicts which again increases workloads on conflict resolution to the judiciary sector.

### **4.3 Bio-Physical Environment**

Tanzania is one among the world's abundant natural resources country endowed with forests, mines, fisheries, wildlife, water and land resources. These resources are the main sources of people's livelihood and key sources for production sectors such as agriculture, tourism, fishing and mining. These are the major sectors contribution to economic growth in Tanzania. These sectors in turn have impact on environment which may be negative. The key challenge for Tanzania is therefore ensuring that economic development does not compromise the environment and the sustainability of resources. Production and consumption patterns are increasingly becoming unsustainable and much of the forests and other terrestrial and marine habitats have been decimated due to population pressure and unplanned development (UNDP 2014).

The key root causes of environmental degradation are mainly excessive forest clearing, overgrazing, unsustainable agricultural activities, forest fires, illegal fishing methods and mining. Apart from these, other drivers are; population growth, unsustainable use of agrochemicals, dependence on non-renewable energy resources while lacking alternative energy sources.

### **4.4 Energy resources**

The country is endowed various energy resources such as hydropower, geothermal, wind, coal, solar and natural gas, most of them untapped or underutilized. The majority of the population depends on energy source from biomass by about 92% and 8% is commercial energy which is mainly electricity and petroleum based fuel. This demonstrates high dependence on biomass since energy use is characterized by very low per capita consumption on commercial energy (URT, 2013). However, the use of environmentally and social sound energy technologies do exist but the major challenge is the high initial costs and inadequate institutional and human capacities in Tanzania. Depletion of forest resources has brought challenges to biomass energy and the government is trying to discourage and minimize the use of charcoal which leads to conflicts between forest users particularly locals and monitoring institutions. In addition, natural gas resource has also brought challenge among the communities where gas reserves have been discovered bringing conflicts between local people and investors. All these conflicts have implications to the judiciary sector.

## **4.5 Urban environment**

Rapid population growth has resulted into rapid growth of informal settlements in most cities in Tanzania. Informal settlements occupy about 60% of housing in urban area and it is estimated that about 70% of the urban population in the country live in unplanned settlements. This represents potential public health risks and flooding hazards mainly as a result of poor urban planning. Apart from this, other urban issues related to environment include; municipal wastes, traffic congestion, air and noise pollution.

## **4.6 Land resources**

Countrywide the land use is grouped into seven major classes which are; cultivated land, bush land, forests, grassland, woodland, open land and water. A number of environmental challenges such as land degradation due to unsustainable farming and mining, wild fires, wetland encroachment, uncontrolled tree and vegetation clearing, and overgrazing are being faced in various places in the country. These challenges highly contribute to environmental degradation in Tanzania. Forests and woodland occupies more than 40 percent of the total land area of the mainland, whereas protected areas occupy nearly 30 percent of the whole area of the country. Uncontrolled clearing may reduce further reduce these resources. Tanzania has about 35.3 million hectares (ha) of natural forests or about 38% of the total land area. Furthermore, forests and woodlands do provide other goods and services to people such as food, natural herbs for medicine and water. The forest resources are facing a number of environmental challenges including over exploitation, bush fires and encroachment (URT, 2013).

## **4.7 Water resources**

Tanzania is one of the countries with abundant water resources, with about 59.050 Km<sup>2</sup> of inland water bodies. About 6% of the land area is covered by surface water including rivers draining into major water basins. The groundwater resources also significantly contribute in meeting the demand of water particularly in rural areas. The renewable water resources are estimated to about 80km<sup>3</sup> per year of which 30km<sup>3</sup> per year is groundwater resources. The main environmental challenges include access to clean and safe water; sedimentation of reservoirs and waterways; pollution; encroachment of water sources; and climate change impacts. Human activities such as unsustainable fishing, agriculture and mining have been the major sources of pollution of many water sources especially the lakes, rivers and dams (URT, 2013).

## **4.8 Biodiversity**

The country's biodiversity is ranked fourth among other African countries with the huge number of mammals with about 310 species. Tanzania is among the countries in Africa with the highest species richness of amphibians, reptiles, plants and birds. It is one of the biodiversity hotspot areas in the world particularly from the Eastern Arc Mountains. The major challenges to this biodiversity are pollution of water in rivers, lakes and oceans, invasive alien species, encroachment in biodiversity sensitive areas by human and climate change impacts. These challenges have contributed to loss of wildlife habitats and biodiversity (URT, 2013).

## **4.9 Socio-Economic Environment**

### **State of the economy**

The economic situation of Tanzania has been changing slowly over the past 10 years. The agricultural contribution to GDP declines in 2001 from 29% to 24% in 2010 and slightly increased to 25.3% in 2013 (URT, 2012). The agricultural growth rate averaged to 4.3% between 2001 and 2010 which is below the target of 10% by 2010. However, the sector still provides employment to rural population for about 74% (URT, 2013). In addition, the existing natural resources such as forests, wildlife, fisheries, minerals has attracted tourism which is currently rapidly growing and ranked as the second after agriculture for earning foreign exchange. The mineral production has also become one of the sources of economic growth contributing about 3% of GDP and accounts for 50% of country's exports (URT, 2013). The existing direct link between natural resources available and economic earnings provide challenges to the environment and thus consideration on sustainability comes upon in order compromise between economic development and environmental protection.

Tourism is among the significant part of the service sector which contributes over 17% to GDP and around 40% of total export earnings. Future earnings from the sector can be improved by expanding infrastructure, encouraging domestic demand and improving skills of workers and businesses in the industry. Close links between tourist operations and local economy will be an important tool in poverty reduction (URT, 2012).

## **4.10 Environmental status of court structures**

### **4.10.1 Court Buildings condition**

The environmental status of the court structures is characterized with old structures of the buildings. Most of the buildings have been used since colonial era where in other areas have been abandoned while waiting for construction of new court building. Such cases were observed in Longido primary court building which has been abandoned and currently are using

the Member of Parliament's (MP's) office. Similar situation was also observed in Sangabuye Primary court which also has been abandoned and currently is using the health centre building provided by the Ilemela Municipal Council at Igombe Village.



Photo 1: Old primary Court building in Longido District which has been abandoned



Photo 2: Old primary Court building in Sangabuye which has been abandoned

#### 4.10.2 Proximity to other services or land uses

Proximity to other services or land use may interfere important functioning. Court areas needs quiet environment for proper court operations. There are court buildings which are located close to public services which produce noise that may interfere with the court operations. This was observed in Mwanza High Court which is adjacent to Kamanga Ferry along with public businesses. The open court room interferes with noise from Ferry and business activities. Such situations the construction and rehabilitation of court buildings should consider sound proof wall or any other methods to minimize noise to interfere with court operations.



Photo 3: Primary court major road in Mwanza city

#### 4.10.3 Workplace Condition

Workplace conditions refer to working environment at the office or work station. The court buildings do not have enough offices to accommodate its staffs. Most of staffs share offices such as Resident magistrates (Arusha, Mwanza, Kawe and Kinondoni-Dar es Salaam), Court Administrators (Arusha) causing congestion of staffs and customers in offices. This in turn affects their effectiveness and delays of cases due to sharing of offices by magistrates. Apart from that, consideration from Environmental point of view may be recommended as not good for occupational health and safety.



Photo 4: Congestion in District court offices, Dar es Salaam, Kinondoni



Photo 5: Congestion in Regional court offices, Dar es Salaam, Kinondoni

## 5. POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS

The Environmental and Social Management Framework provides potential impacts which are likely to occur during projects implementation that would require mitigation measures. However, during the appraisal stage the impacts are not site specific but rather overall impacts within the overall context of the project. The proposed Citizen-Centric Judicial Modernization and Justice Service Delivery Project among other components will involve construction of modern court houses, rehabilitation court buildings and extension of buildings in order to increase working places or offices. Therefore, the project will involve demolition of old court buildings and construction activities. Most of the construction activities will take place in the existing court premises in areas which are owned by the judiciary and will not involve acquisition of new land area. Most of the sub-projects will take places in cities, municipals, towns and semi urban areas.

The Environmental Management Act (EMA) no.20 of 2004 requires that, any projects should be subjected to environmental assessment prior to its implementation, therefore projection of potential impacts that would arise from this project provides a platform for better environmental management and compliance. The project undertaking is expected to have impacts that will be ranked for proper consideration and the modalities of how these should be dealt are addressed in this ESMF.

### 5.1 Potential impacts

Table 5.1: Potential impacts

No.	Impact	severity	causes	Mitigation measures	Responsible institutions
1	Construction noise	High	Construction activities -demolition activities -movement of construction trucks	-use equipments with low noise	-Developer -TBD
2	Air pollution (dust)	Medium	-construction activities -trucks delivering material at site -demolition activities	-Carry out EIA -Moisten the site to reduce dust -use of masks	-Developer -TBD
3	Increase of waste	Medium	-remains of	Carry out EIA	-Developer

	generation		construction waste		-TBD
4	Water pollution	Low	-Waste generated from construction site	-Carry out EIA -proper design of waste management (liquid and solid)	
5	Health and safety	Medium	-construction workers	-comply to occupation healthy and safety measures	-Developer -TBD
6	Accidents	Medium	-construction activities -equipments and machines	-risk management	-Developer -TBD
7	Risks and hazards	Low	-delivery of material -construction activities	-comply to health and safety measures	-Developer -TBD
8	Disturbance to court workers	High	-demolition activities -construction activities -site laborers	-minimize construction time	-Developer -TBD
9	Disturbance in court sessions	High	demolition activities -construction activities -site laborers	-minimize construction time	-Developer -TBD
10	Disruption of current physical environmental	Medium	-construction activities	-restore the physical environmental after construction	-Developer -TBD
11	Damage of existing structures	High	-demolition activities	-clear all demolished material from	-Developer -TBD

				site	
12	Increased efficient for court services	High	-construction of new court buildings -increase of offices	-provision of good working facilities	-Developer -TBD
13	Improved work places	High	-construction of modern court	-provision of good working facilities	-Developer -TBD

TBD – To be determined when the sub-projects are specified in their location

The severity of potential impacts may change based on the location of the sub-projects considering that different areas have different environmental features and setting. However, during the implementation of the sub-projects in various places within the country these are the most likely impacts which will occur in the implementation of the Citizen-Centric Judicial Modernization and Justice Service Delivery Project.

## 5.2 key environmental considerations during implementation of sub-projects

### 5.2 1 Application of Environmental friendly construction technology

The ESMF encourage application of construction technologies which do not use abundant natural resource such as timber and wood for protection of the environment such as vegetation is highly encouraged. The project will involve construction of court structures in various places in the country. Therefore, it is expected to consume huge amount of material such woods and this may contribute significantly to depletion of natural resources.

New construction technologies which minimize utilization of natural resources are highly encouraged. However, existing conventional technologies still use significant amount of natural resources such as wood and timber. In addition, conventional technology produces a large amount of construction wastes. The implementation of this project should opt technologies which are environmental friendly to minimize negative impacts of the project. Construction technologies which use plastic formworks are more encouraged hence do not use huge amount of wood formworks hence minimize use of timber and wood.

The ESMF also encourage the use of construction technologies which produce minimum construction wastes. Waste minimization is key element in environmental protection.

### **5.2.1 Risks**

There is a risk regarding potential conflicts due to encroachment in the court areas. These conflicts are likely to arise when the process of surveying court areas starts. During this time, the boundaries will have to be identified precisely; this is when conflicts are likely to arise due to encroachment. The likelihood of occurring of such conflicts ranked as small but may delay a particular sub-project.

## 6. WORLDBANK SAFEGUARD POLICIES

Any World Bank project must comply to safeguard policies before is cleared for implementation. This applies also for applicable policies, laws and regulations of Tanzania. The project must be assessed if it triggers safeguard policies for proper decisions prior to project implementations. There are 10 World Bank policies which are;

- i. Environmental Assessment (OP/BP 4.01)
- ii. Natural Habitats (OP/BP 4.04)
- iii. Forests (OP/BP 4.36)
- iv. Physical Cultural Resources (OP/BP 4.11)
- v. Involuntary Resettlement (OP/BP 4.12)
- vi. Safety of Dams (OP/BP 4.37)
- vii. Pest management (OP/BP 4.09)
- viii. Indigenous Peoples (OP/BP 4.10)
- ix. Projects in Disputed Areas (OP/BP 7.60)
- x. Projects on International Waterways (OP/BP 7.50)

The Citizen-Centric Judicial Modernization and Justice Service Delivery Project is expected to trigger the main policy, namely Environmental Assessment (OP/BP 4.01)

### **Environmental Assessment (OP/BP 4.01)**

This policy is triggered if the project is likely to have potential adverse environmental risks and impacts in the area if influence. OP includes impacts on natural environment such as air, water, land, human health and safety. The primary role of this policy is to ensure that, the World Bank financed projects are environmentally and socially acceptable and sustainable. The decisions regarding the project are based on critical analysis of project activities and associated environmental impacts which are likely to occur during implementation.

The Judicial Modernization and Justice Service Delivery Project among other undertakings will involve construction, rehabilitation and/or extension of court buildings in various places in Tanzania. The sub-projects may require preparation of partial Environmental and Social Impact Assessment (ESIA) and/or Environmental and Social Management Plans (ESMPs) before implementation approval. Since the OP 4.01 is triggered and the project is rated Category B – partial assessment, activities or specific investments to be implemented under the project may be classified as category B or C. Category B projects would require partial Environmental and Social Impact Assessment (ESIA), whereas Category C, do not require ESIA. Therefore each sub-project or investment will be screened to determine potential adverse impacts and mitigation measures for their planned activities.

## **7. LEGAL AND POLICY FRAMEWORK**

### **7.1 Policy framework**

#### **7.1.1 Environmental Policy, 1997**

The National Environmental Policy provides an overview for environmental consideration in various aspects in Tanzania. The overall objective of this policy is to ensure sustainability, security and equitable use of resources without degrading the environment or risking health or safety; to prevent and control degradation of land, water, vegetation, and air; to conserve and enhance natural and man-made heritage including the biological diversity of ecosystems of Tanzania. On the other hand the operationalization of these objectives basically addresses the key environmental challenges identifies for urgent attention which are; environmental pollution, land degradation, lack of good quality water, loss habitats and biodiversity, deterioration of aquatic systems and deforestation.

Tanzania is committed to sustainable development through economic growth and is currently undertaking strategies aimed at strengthening the financial base of social services whereas integration of environmental management need to considered and pursued with keen interest. Therefore the policy calls for integration of environmental management in the proposed forthcoming project regarding improvement of court infrastructures and operations through Citizen-Centric Judicial Modernization and Justice Service Delivery Project

#### **7.1.2 Forest policy, 1996**

The policy outlines key areas namely forest land management, forest based industries and products, ecosystem conservation and management, institutions and human resources, for conservation of forest resources. The policy states that for any projects or activities or investment which will involve the changing the use of forest land and thus cause some damage to the forest environment, then such project an Environmental Impact Assessment should be required. The policy further supports sustainable management of forests on public land, clear ownership of all forests and trees on these lands and management responsibility. The policy further insists development of management plans for biodiversity conservation, soil conservation and watershed management for projects which may take place in protected forests. These initiatives should be implemented while involving forestry management, local communities and other stakeholders.

#### **7.1.3 Land policy, 1996**

The Land Policy of 1996 aims at promoting and ensuring secure land tenure system which protects the rights to land for all citizens of Tanzania. The policy realizes that the land has a

value, and that the rights and interests of citizens to land shall not be taken without due process of law. The Policy provides guidance and directives on land ownership and tenure rights, taking of land and other land-based assets. It recognizes the right for full, fair and prompt compensation when land is acquired. Therefore, the land policy is the key document providing guidance and directives on land tenure and ownership in Tanzania. The proposed project will not involve acquisition of new land hence conditions for sustainable development of land will apply.

#### **7.1.4 Vision 2015**

The Tanzania vision aims at building a nation with high quality of livelihood; peace, stability and unity; Good governance through the rule of law; well-educated and learning society; and competitive economy capable of producing sustainable growth and shared benefits by 2025. Among these, Good governance is the most challenging as it strives to create strong adherence to and respect for the rule of law, ensure absence of corruption, desirable moral and cultural uprightness which are very key in any developing country. It therefore expected that, the economy will be transformed from a low productivity agricultural economy to a semi-industrialized one led by modernized and highly productive agricultural activities which are effectively integrated and buttressed by supportive industrial and service activities in the rural and urban areas.

Any development coupled with economic growth is associated with increased challenges on resource use conflicts arising from the struggle of economic opportunities among the citizens which will need resolutions either by the judicial system or any other government authorities. It is therefore important to have access to a stable and strong judicial and justice services across the country. This vision strongly supports the proposed improvement of court infrastructures and operations through Citizen-Centric Judicial Modernization and Justice Service Delivery Project. This project therefore clearly complies to our national vision 2025.

## **7.2 Legal framework**

### **7.2.1 Judicial Administration Act, no.4 of 2011**

The Judicial Administration Act provide provisions for Judicial administration, establishment of Judicial service, establishment of the Judicial Fund, to repeal the Judicial service Act and for the related matters. The provision of this Act deals with the administrative framework on how the judicial system should be administered. Following the implementation of this Act, a number of Judicial services have improved as the Act confines the duty of court administration to the chief court administrator whose powers should not extend to matter assigned by law to Judicial

officers. The Act defines the roles of court administrators in which among others, is to handle matters related to finances, procurement and other non-judicial functions and manage funds allocated for the court. In view of this the proposed construction of court buildings in the Citizen-Centric Judicial Modernization and Justice Service Delivery Project should be managed in accordance to the provisions of this Act which merely directs the responsibility of court administrator to ensure that, the project is sustainably and successfully implemented.

### **7.2.2 Environmental Management Act, no.20 of 2004**

The Environmental Management Act no.20 of 2004 provides the legal framework on Environmental management in Tanzania. The provisions of the Act defines the roles of National Environmental Management Council (NEMC) for managing the environment and outlines types of projects that are mandatory for full EIA and which are subject EIA after initial screening by NEMC. It defines the roles of NEMC on enforcement, compliance, review and monitoring of environmental impact assessment. It also requires the facilitation of public participation in decision making for matters pertaining to environment. Under this Act NEMC is responsible for reviewing EIA and provide recommendations for approval or not and undertake screening of projects in which environmental assessment or monitoring should be conducted.

Section 83(2) of the Act and item 14 (ii) of the First Schedule of the Regulation for EIA requires all projects concerning “major urban construction and civil engineering works on industrial and estate development, construction of mult-storey buildings” to go through Environmental Assessment. In addition to that, the Act under section 224 requires the Government to undertake Environmental Assessment for projects funded by the Government.

The proposed construction of court buildings in the Citizen-Centric Judicial Modernization and Justice Service Delivery Project fall under projects prescribed for full EIA. Therefore EIA studies will be a pre-requisite to implementation of sub-projects activities. Though the extent of most of sub-project activities are not yet known at this stage but the Environmental and Social Management Framework will provide procedures that will guide decisions regarding environmental management.

### **7.2.3 Environmental Impact Assessment and Audit Regulations, 2005**

The Environmental Impact Assessment and Audit Regulation provide procedures and requirements for conducting EIA for various types of projects. For instance Regulation 46(1) groups projects in two classes (i) Type A projects which are mandatory for EIA and (ii) Type B projects which require preliminary environmental assessment (PEA). Therefore it is expected that construction, rehabilitation and/or extension of court buildings will either fall into type A or B depending on the list specified in the First Schedule. E.g. item (i) and (vii) of the First

Schedule requires that all projects regarding land development planning, land reclamation, housing and human settlement, development of residential and commercial estates on ecological sensitive areas are mandatory to full EIA. The regulation sets requirement for addressing social, cultural and economic impacts as well and defines the need for public participation in the EIA process. It also provides for the content and format required for the EIS: This ESMF is in line with the legal requirements as provided and shall apply to all sub-projects during prior and during implementation.

#### **7.2.4 Occupation Health and Safety Act, no.5 of 2003**

The Occupational and Safety Act deals with welfare issues at workplaces, health and safety matters. It is responsible for workers protection at work with regard to any risks and hazards to their health and safety which may occur depending on the nature of activity in which the person is involved. The ministry of labor is responsible for all matters regarding occupation health and safety and so it is accountable in ensuring for enforcement and compliance at all workplaces. The Act provides the Minister the power to appoint Chief Inspector who also may designate any person as inspector to undertake all functions assigned to an inspector. The provisions of this Act will also apply to the Judicial Modernization and Justice Service Delivery Project.

#### **7.2.5 Water Resources Management Act, 2009**

This Act responsible for administering sustainable water resources management in Tanzania. It provides principles for water resources management and plays key role in prevention and control of water pollution. The Act aims at ensuring all national water resources are protected, used, conserved and managed by considering key factors such as meeting basic human needs, availability for future generations, and equitable access to water. The Act realizes and declares that, water is essential for life and safe drinking water is a basic human right which should be granted in any society. It promotes efficient, sustainable and beneficial use of water while considering public interest and protecting biological diversity particularly for aquatic ecosystems.

The proposed project will involve construction of court structures in various places in Tanzania, therefore the implementation of the sub-projects should comply to provisions of this Act particularly by protecting water resources in areas where implementation will take place.

#### **7.2.6 Land Act No.6 of 1999**

The Land Act is the primary Act which deals with all issues regarding land. The provisions of this Act are geared toward implementation of the Land Policy of 1996 that aims at providing land

classification and tenure, rights and incidents of land occupancy, conversion of interests in land dispositions affecting land, land leases, mortgaging of land, easements and analogous rights. It also deals with co-occupation, partitioning and settlement of land disputes. The provisions of this Act categorize the right of occupancy in two classes which are (1) for citizens and (2) non-citizens. For a citizen can be granted the right of occupancy or derivative of a granted right of occupancy while for a non-citizen may only obtain a right of occupancy or derivative right for the purpose of investment prescribed under the Tanzania Investment Act of 1997.

According to the Land Act of 1999 all land in Tanzania is public land vested in the president as trustee on behalf of all citizens. This Act is the basic law in relation to land other than village lands and reserved land. The provisions of this Act seeks to ensure that, the existing rights and recognized longstanding occupation or use of land are clarified and secured by the law. Among others it also seeks to ensure that, land is used productively and that any such use complies with the principles of sustainable development. The proposed construction of court buildings in the Citizen-Centric Judicial Modernization and Justice Service Delivery Project should comply with this Act since the project ensures sustainable use of court areas where the project will take place.

### **7.2.7 Urban Planning Act, 2007**

The Urban planning Act serves key role for providing guidance or principals of urban planning in order to safeguard the environment, human settlement, and natural ecosystems from pollution and degradation for the purpose of maintaining sustainable development in urban. It ensures that, all the provisions of urban legislation and building regulations are adhered to, in accordance with the specified urban plan. It also ensures important features such as service land for shelter and human settlement development are available. The provisions of this Act are set to ensure an orderly and sustainable development of land in urban areas and to provide for the grand of consent to develop land and control on the use of land.

The proposed construction of court buildings in the Citizen-Centric Judicial Modernization and Justice Service Delivery Project should comply with the Urban Planning Act.

### **7.2.8 Land use planning Act, 2007**

The land use plan Act of 2007 provides procedures for preparation, administration and enforcement of land use plans for the purpose of facilitating efficient and proper land use management. It also promotes sustainable land use practices and facilitates prevention of land use conflicts. It is clear that lack of land use planning may result into land use conflicts. The proposed construction of court buildings under the Judicial Modernization and Justice Service Delivery Project should comply with the requirements of this Act.

## **8. CAPACITY BUILDING, TRAINING AND TECHNICAL ASSISTANCE**

### **8.1 Institutions roles and responsibilities**

The Judicial Modernization and Justice Service Delivery Project will be administered by the Chief Court Administrator (CCA) particularly through the Judiciary Delivery Unit (JDU). There will be specific staff in the unit who will be responsible for all matters regarding implementation of the Judicial Modernization and Justice Service Delivery Project. These will be assisted by the project managers in their respective regions. The Judiciary Delivery Unit draws staff from planning and monitoring department, technical management and estate management departments. The roles of Judiciary Delivery Unit will be to handle matters related to finances, procurement, manage funds and all other matters according to the project activities. The Chief Court Administrator will be the overall in-charge responsible for (a) decision making and approvals (b) Coordinating project activities across the country, review sub-projects progress and quality of implementation, the use of funds, and outputs.

The CCA will be responsible for approving sub-projects based on review from the screening processes. The approval process will be carried out in line with the conditions set out in this ESMF. The CCA will be responsible for governing training and capacity building, and will be the overall in charge for monitoring and evaluation of the project and assessing financial management. The Judiciary Delivery Unit will conduct a central processing and coordination role between the implementing institutions regarding the activities of the project and sub-projects by receiving, compiling and processing periodic monitoring reports and by issuing guidelines in order to ensure that, the intended targets are met while environmental and social issues are integrated. The CCA will therefore report to the World Bank.

The CCA will be responsible for ensuring all components of the projects are implemented and delivered through supervision provided by the Judiciary Delivery Unit. The main responsibility at this stage will be to assess training and technical assistance required and to draft terms of reference for commissioning consultants to deliver training and capacity building.

### **8.2 Existing capacity, gaps and weakness in implementation of ESMF**

Tanzania has provided a substantial supporting environment for addressing environmental and social issues in various interventions. A clear framework for environmental management is defined through Environmental Policy which states key environmental problems and priority issues to be considered while the Environmental Management Act provides the legal structure and conditions for addressing Environmental management. Most of the ministries, departments and local governments do not have the required capacity to comply with the requirements of

the Environmental Policy and Environmental Management Act. Similar situation is also revealed in this project in which the judiciary lacks the necessary capacity to implement the ESMF. Major gaps and weaknesses in addressing the ESMF include;

- The Judiciary and other project beneficiary institutions such as City councils and municipals where the project will be implemented lack institutional policies for integrating environmental and social management issues starting from development project planning and implementation.
- Inadequate staffs who are exposed and have experience to interventions involving environmental and social management concerns
- Inadequate capacity to carry and coordinate EIA's and their guidelines and procedures are restricted to national and local level excluding international and/or World Bank procedures and guidelines. Efforts to institutionalize these procedures and guidelines at various levels have not been carried out appropriately. Inadequate efforts have also been deployed to seek assistance for environmental and social assessment and reviews from experienced consultants and experts at National Environment Management Council ( NEMC) as well.
- The judiciary and other associated implementing institutions are not clear with the requirements of the Environmental Management Act (EMA, 2004) such as implementing sector environmental sections and appointing sector environmental coordinators.

Therefore, the Judiciary which is the implementing sector does not have the capacity to screen, review and clear their sub-projects under the Citizen-Centric Judicial Modernization and Justice Service Delivery Project. These weaknesses define the inadequacies on managing environmental and social issues along with implementing the ESMF in this project. Therefore the ESMF will be implemented through administrative and management structure defined in this project. However, the implementing sector has to be strengthened in terms of resources and training for capacity building. For instance, Part III (e) of EMA, 2004 provides requirement for all government ministries to set up sections and staff responsible for environmental management. Therefore government ministries are advised to pro-actively to implement the environmental and social management frameworks for the purpose of building up their capacity on environmental management.

### **8.3 Institutional capacity needs for environmental and social management**

The Judiciary requires preliminary capacity in order to implement environmental and social safeguard instruments. In order to implement the ESMF appropriately, the Judiciary should designate staff for environmental and social management or hire a recognized Environmental Expert/Consultant (refer Annex VI). The Environmental Expert/Consultant will provide assistance from time to time while gradually developing their capacity and experience.

Therefore the Judiciary in collaboration with the Environmental Expert/Consultant will enhance their capacity for screening process, review, approval, monitoring and control of feedback reporting during project implementation and operation of the sub-projects within the Citizen-Centric Judicial Modernization and Justice Service Delivery Project.

## **8.4 Training needs for implementing institutions**

The overview of the capacity building requirement explained above defines a training and training strategy plan to be carried out as an initial implementation activity of this ESMF. It also recommends the technical assistance from experienced environmental practitioners either from higher training institutions or National Environment Management Council or recognized Experienced Environmental Expert to be obtained to mentor the implementing sector (Judiciary), project coordinators, designated staff and other relevant project beneficiaries for supporting them to develop experience. The training to be provided should incorporate key features defined in this framework such as environmental and social mitigation planning, management and monitoring to be taught for the implementing institution.

For successful implementation of the ESMF capacity enhancement should be focused to implementing designers, planners, coordinators and reviewers of the sub-projects. The training should be planned depending on the needs. The following key aspects should be considered for capacity building;

- The form of Training of Trainers (TOT)
- The training should be designed to enhance skills on environmental and social issues which are likely to be addressed in the project implementation such as screening process, impact assessment, developing mitigation plans, monitoring and reporting, etc.
- The training should be in form of short or long workshop

## **8.5 Proposed trainings**

### **(a) Environmental and Social assessment process**

- Screening process
- Impact prediction and identification
- Formulation of mitigation measures
- Formulation of environmental and social management plan
- How to prepare terms of reference for environmental and social impact assessment
- How to integrate environmental and social management considerations in project design and preparation of contract documents for constructions
- Reviewing, approving ESIA
- Public participation in ESIA process

- Monitoring and reporting of project implementation

(b) Environmental and Social policies, procedures and guidelines

- How to incorporate Environmental and social policies and legislation according to the nature of project
- World Bank safeguard policies
- Review of ESIA and ESMF
- Collaboration with relevant institutions

(c) Other key topics on environmental and social issues

- How to create baseline information prior to project implementation
- Environmental pollution
- Waste management
- Protection of water resources against pollution

## **8.6 Project implementers in respective institutions and LGAs**

The project will work in collaboration with LGAs and will involve in matters such as building permits, etc. It will adhere to Planning Authorities particularly in urban areas. The developer (Judiciary) will be responsible for preparing court building designs which comply with the urban plan requirements and submit for endorsement of approval by City councils, Municipal Councils and Ministry of Lands, Housing and Human Settlement Development (MLHSD). Therefore, it is important that, the local government be aware and need to have basic knowledge and capacity. It is important for them also to be included in the initial training on environmental screening and EIA process in order to support the ESMF appropriately. Therefore training at this level and stage will be meant to (i) Enhance their capacity and ability to integrate environmental and social aspects in project planning, design and implementation, and (ii) Enhance their ability to carry out environmental screening and support the consultative and monitoring processes.

This kind of training will also take the form of Training of Trainers (ToT) and will covers aspects such as areas of environmental and social screening, impact assessment, developing mitigation plans, monitoring and reporting. Consequently this kind of training will enable trained officers to train other LGAs staffs to equip them with key skills for implementing the ESMF. This will ensure implementation of the project activities successful while considering environmental sustainability. It is recommended that qualified Environmental Consultants in collaboration with NEMC to provide this kind of training.

## **9. ENVIRONMENTAL AND SOCIAL SCREENING OF SUB-PROJECTS**

This chapter defines and demonstrates specific stages to be taken for environmental and social screening process, review and approval of the sub-projects for Citizen-Centric Judicial Modernization and Justice Service Delivery Project. The environmental and social screening will be undertaken when the sub-projects identify and area site specific. These steps have taken into consideration both the national policies and laws, and the World Bank triggered safeguard policies. Generally the implementing institution for this case the Judiciary will screen their own sub-projects to identify adverse environmental and social impacts using the screening form (Annex IV). Then the Judiciary will integrate into the sub-project design the required measures to mitigate impacts identified from the screening process before submission of the sub-project design to the implementing unit for review and clearance. The screening process will be conducted using screening form and checklist. The implementing unit will review and clear sub-projects after satisfactorily confirming that, the project design have identified and considered environmental and social impacts, mitigation plan, management plan, monitoring plan and institutional measures to be undertaken during implementation and operation of the sub-project. This clearly defines that, the primary role of deploying environmental and social screening process is to foresee whether the future project activities are likely to have potential adverse impacts. Therefore the specific objectives are;

- Identify impacts and proposed mitigation measures
- Incorporate mitigation measures into project design
- Review and approve sub-project proposals
- Monitoring environmental impacts during project implementation

Key steps to be followed during environmental and social screening under the Judiciary Modernization and Justice Service Delivery project are listed hereunder;

### **9.1 Screening of sub-project activities and sites**

The screening process (environmental and social) will be undertaken by using Environmental and Social Screening Form as indicated in Annex IV. This form will be filled by the designated staff from the implementing unit and will be assisted by NEMC or recognized Environmental Consultant. This exercise will involve identifying the potential environmental and social impacts, determining their significance, assigning the appropriate environmental category, proposing appropriate environmental and social impact mitigation measures, and carrying out Environmental and Social Impact Assessments (ESIAs), if necessary. The screening process will eventually identify which projects will or will not require detailed environmental assessments. The key project activities to be screened will include but not limited to, level and type of

building to be constructed and associated infrastructures such as water systems, accessibility, nearby land uses, etc.

## 9.2 Assigning appropriate Environmental and Social Impact category

The exercise of assigning particular environmental category is based on the World Bank Operational Policy (OP 4.01) regarding Environmental Assessment described in section 5. The EIA procedures in Tanzania are in line with the Environmental and Social Impact screening categories stipulated in the World Bank safeguard policy OP 4.01.

## 9.3 Carrying out Environmental and Social work

This involves determining the level of environmental and social work. This will decide whether mitigation measures outlined in the Environmental and Social checklist (Annex III) or separate EIA is required. In case the EIA is required, the procedure is outlined in Annex V.

- ***Environmental and Social checklist (Annex III)***

This will be completed by the implementing unit assisted with the Environmental Expert from either NEMC or any recognized and registered Environmental Expert (Annex VI). This will involve identifying appropriate mitigation measures from the checklist provided. In case there are already designs for the sub-projects under discussion, then the implementing unit in collaboration with the Environmental Expert will assess the designs for specific site for impacts. If it indicates that, there will be potential significant adverse impacts then the implementer is advised to modify the design and incorporate the additional mitigation measures. Therefore, flexibility is acceptable in order to optimize implementation of mitigations for ensuring sustainable environmental and social management

- ***Environmental and Social Impact Assessment***

The environmental and social screening result may recommend for full ESIA. In this situation full environmental procedures (from registration, to preparation of EMPs, to issuing of an EIA certificate) as provided for in the EMA, 2004 and National EIA and Audit guidelines, 2005 will be applied. The project implementer will be responsible for sourcing and paying for the service of environmental impact assessment from the consultant and review costs at NEMC. This level of assessment may require a team of Environmental and Social specialists/consultants. The steps for undertaking EIA are attached in Annex V.

## 9.4 Review and approval of screening activity

The review and approval of the screening activity will be conducted by the implementing unit under the guidance of Environmental Expert or Environmental Management Officer (Annex VI). The review and approval of environmental and social screening will be done for all the sub-projects in order to ensure all environmental and social impacts have been identified, considered and successfully addressed. The Judiciary (the implementer) in collaboration with the Environmental Expert or Environmental Management Officer both should make sure the designs of the project are adequately addressed in monitoring and provide institutional measures to be undertaken during sub-project implementation and operation.

Issues regarding inconsistency with the requirements stipulated in the environmental and social screening form and checklist identified by the reviewers may result into requesting the developer/implementer to re-design in order to do some modifications or choose another site. In this case the sub-project should then be requested to re-screen and resubmit for review. The reviewers will then review for the second time and if it is acceptable then it will be recommended for approval. If it is not acceptable for the second time, then it will be sent back to the implementation unit for more improvement or denied for clearance. Proposed sub-projects which will not comply with the requirements of World Bank and Tanzania's policies will not be cleared for implementation.

For cases where the reviewers are satisfied with sub-projects designs and proposals that comply to environmental and social management, they are cleared and also submitted to World Bank for approval. Generally, the sub-projects documents are accompanied with the copy of completed environmental and social screening forms. The Judiciary must involve the recognized Environmental Experts or Environmental Management Officers in the approval processes. During the approval processes the following documents must be submitted for considerations; a) Environmental and Social Screening results, b) Environmental checklists, c) Sub-projects proposal, designs and implementation schedule, d) Environmental clearance or Certificate for sub-projects that undertook EIA, and e) Environmental and Social Management Plan (ESMP). ESIA's and ESMPs are to be disclosed both in country and in the World Bank InfoShop.

Table 9.1 Classification of sub-projects based on WB OP 4.O1

No.	Impacts	Category	Remarks
1	Project causes diverse and significant impacts that can be mitigated	A	Project require full EIA
2	Projects cause relatively low and site specific impacts which can be readily mitigated	B	Projects require partial EIA
3	Projects expected to have little or no environmental impact	C	Project do not require EIA

The screening results will categorize the project either requiring EIA or not based on classification of the sub-project

Since this project has been rated environmental risk Category B – partial assessment, most of the proposed project activities or sub-projects are expected to have low impacts and will fall under Category B and C.

## 10. ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

This Environmental and Social Management Framework has been prepared for providing screening procedures for determination of future potential environmental and social impacts of the sub/projects. It provides directives for preparing Environmental and Social Management Plan (ESMP) for each sub-project by implementing institutions. The ESMP shall provide all mitigation with associated monitoring measures as well as responsible institution for particular action. The ESMP requires the ESMP to be implemented during implementation and operations of all sub-projects under the Modernization and Justice Service Delivery project. This will be done to minimize identified adverse environmental and social impacts to levels that will not have negative impact to the nearby surrounding or area of influence. The ESMP will be one of the crucial documents for submission during approval of the sub-projects.

Key aspects of the ESMP shall include;

- *Mitigation;*

Every mitigation shall be well explained and how it will be implemented. In case the implementation will involve other institutions apart from the implementing institution then other institutions should also be mentioned and their specific roles.

- *Monitoring;*

The environmental and social monitoring shall take place during implementation and operation of the sub-project. The monitoring will be a tool for assessing the effectiveness of the mitigation measure applied for specific impacts by observing the response of the indicator of the impact. Monitoring results may propose improvement of some mitigation measures in case is not performing well.

Specifically key sections of the ESMP should include;

- Parameter to be measured, methods to be used, sampling locations, frequency and thresholds or limits.
- Procedures for monitoring and reporting for the purpose of detection of initial conditions for specific mitigation measure and should provide information on the progress and results of mitigation

The ESMP describes all responsible institutions for implementing the mitigation measure and those which will directly or indirectly be involved in the monitoring process such as supervision, enforcement and compliance, operation, implementation costs, capacity building and financial reporting. The costs for implementing the specified monitoring measures should be indicated so that the implementing institution can include in the budgeting. However, the planning process of the sub-projects, mitigation and monitoring actions outlined in the ESMP must be prepared by involving various affected groups so as to capture their views and concerns in the

design of the ESMP. The ESMP should also provide specific period set for monitoring purposes because some of the impacts are short term and others are long terms. Therefore it will reach a time when monitoring of short term impacts will cease while the long term one will continue. The ESMP should also be cost effective to avoid unnecessary costs.

## 11. ESTIMATED COSTS FOR IMPLEMENTATION OF THE ESMF

The implementation of the ESMF is associated with significant costs that will be incurred. These costs are estimated to ensure successful implementation of the ESMF in the proposed project (Citizen-Centric Judicial Modernization and Justice Service Delivery). The ESMF requirement ensures sustainability of the project by integrating environmental and social issues in all sub-projects. Some of the key issues which are addressed in the ESMF are; screening, training, capacity building, reviewing and monitoring mechanisms.

The staff that will be involved in the implementation of the project should be trained to build their capacity on environmental and social issues. The participants of the training will include staff from Judiciary and other implementing institutions such as ministries, departments and local governments. This training will enable them to understand processes of screening, review and monitor environmental and social issues. The training cost is estimated at USD 100,000.00 whereas other activities such as screening, reviewing and monitoring is also estimated at USD 100,000.00 based on previous experience from other projects.

Monitoring will be conducted during implementation of the sub-projects in order to follow up the implementation plan and compliance with ESMF requirements. This will help in identifying conditions that may need particular attention for mitigation. The cost for monitoring is estimated at USD 60,000.00. All these costs are estimates based on previous experience. However, the actual costs will be determined during implementation stage. The estimated costs as indicated in table 11.1

Table 11.1: ESMF implementation budget

No.	Proposed ESMF activity	Key institutions, departments and units	Level of costs (USD)
1	Training/capacity building	Judiciary delivery Unit/Project coordination committee or team	100,000
2	Screening and reviewing	Implementing units	100,000
3	Monitoring activities	Judiciary delivery Unit/Project coordination committee or team	60,000

## **12. STAKEHOLDER INVOLVEMENT, THEIR VIEW AND CONCERNS**

Various stakeholders have been consulted in various regions which are identified as pilot project areas which will be implemented in phase one. These include Dar es Salaam, Arusha, Morogoro, Mwanza and Singida. The consultation was based on situational representation of court environment. Some of them represent critical situation which need immediate intervention when the project is launched in the first phase of the project. The consultation were focused to stakeholders particularly Judicial and non-judicial staffs who experience the challenges regarding court situation in terms of congestions, old buildings, inadequate service delivery, increased backlogs, inefficient record management, etc. However, most of the stakeholders supported the project and prefer it to start immediately. The consultation was extended to environmental officers and urban planners at the municipalities or cities where the court infrastructure exists. They provided important and constructive views and concerns about the project.

### **Views and Concerns from Morogoro Region**

Positive views and concerns supporting the project were raised. They view the project as a big opportunity which will enhance and improve court services and will solve major challenges which are currently burning. The project is expected to provide increased working space for both Regional and District court. Currently the District court uses the District premises for temporary use. This project will provide offices at the existing Regional court area which is owned by the judiciary which have enough space that is expected to accommodate the District court as well. This project is expected to improve court services and reduce backlogs. Currently the magistrates share the room which slows down efficiency of court services. Actually, when one uses the office to run the case the other should wait; this increases the backlogs and reduces working efficiency. In addition to that, the current premises are very congested. There is also lack of IT specialist thus lacking expertise in this area. This project will provide space and each magistrate will run the case without waiting or by shifts and hence improve working environment, efficiency and reduce significantly the existing backlogs.

Other concerns were focused on health and safety issues particularly regarding toilet facilities. The existing toilet facilities are not enough, are shared by all workers, attendants and visitors. Lack of lock up for women and congestion also endanger health and safety issues.

### **Views and concerns from Arusha Region**

Most of stakeholders supported the project. Key Issues raised include inadequate offices and most of staff share offices. There are situations when the magistrates from Regional court go to work at the District Court due to lack of offices. Other issues include lack of adequate facilities and technology, congestion in offices due to lack of enough working space and offices. Views

from urban planner recommended that, the project should be implemented in an environmental friendly way taking into considerations compliance with the Arusha Master plan. However, the current master plan is being reviewed. The Arusha High court, regional and District court fall in the Central Business District (CBD) area, therefore the project implementation should comply with the requirements of this plan. The Architectural design of the court building should comply with the conditions specified in the CBD area (such as building height, etc.). It was also suggested that any implementation should ensure no land use conflict in all the sub-project areas designated for implementation.

Safety measures such as fire detectors and other health and safety measure should be given due priority during construction of the sub-projects. Therefore, the building design should incorporate environmental considerations to minimize impacts that can occur during operation phase. Construction of the court buildings should comply with town planning where other factors such as tittle, health and safety, and fire should be considered before the building permit is granted.

#### **Views and concerns from Mwanza Region**

Stakeholders in Mwanza also strongly supported the project. Almost similar cases exist as in Arusha but the most challenging one is noise pollution arising from Kamaga Ferry. The ferry is situated adjacent to the court building and all noise from the ferry activities disturbs the operation of the court. Currently the open court room is not frequently used as a result of this noise. The proposed project should therefore consider implementing a sound proof wall or any other mechanism in order to minimize noise from the Kamaga ferry.

Views from the Mwanza urban planner was positive to the project, since it is located in the area designated for court buildings. However, she highlighted regarding existence of the project area within the planned Central Business District (CBD) area which is currently in planning stage. It is definitely that conditions for construction requirements will change since currently the master plan is being reviewed and is expected to be completed by July 2017. She insisted that, the construction should follow the urban planning requirements.

#### **Views and concerns from Dar es Salaam Region**

Views from Dar es Salaam also indicated positive attitude on the proposed project. Key issues identified were lack of enough working offices for staffs, lack of water supply in the building, high congestion in offices, court rooms are not enough, health and safety conditions are not good due to congestion, noise from nearby institutions and residential houses, poor workplace

environment, poor toilet condition, inadequate furniture and other working facilities, the building condition is not good and lack of proper drainage system in the court area.

Most of stakeholders recommended that, during project implementation design considerations should integrate environmental and social issues in order to have a modern court with conducive working environment which will enhance court services and efficiency.

### **Views and concerns from Singida Region**

Views and concerns from Singida region support the project. Although there is shortage of working office for magistrates and other staffs but there is big area available for construction of new buildings. The existing area is currently under-utilized and the existing congestion is due to lack of financial capability for construction of new building for provision of offices. Currently, the Regional and District court share the same building while were supposed to have separate buildings. In addition, the Regional and District Administrative officers of the court do not have working office. Consultation at the primary court at Ipembe was also conducted. Issues raised is that, the primary court area is within the Central Business District (CBD), the existing area is very small and confined close to the regional Police station and high noise are also experienced.

It was suggested that, the proposed project should be implemented in areas which are free from noise. The construction phase should consider issues of dust and apply appropriate mitigation measures. Also construction should consider key issues such as water, space, fire and all health and safety issues. Contractors should follow all safety measures during construction phase.

### **Views and concerns from Individuals**

Consultation of individuals covered three types of livelihood activities which were farmer, Artisanal fisher and Artisanal miner. This context of consultation relied on the concept that people of different activities faces different challenges and eventually would experience different cases.

***Views and concerns from a farmer*** claimed that, there are few judges and there are many cases. This causes increase of backlogs; cases take very long to complete, for example the case that is required to be finished within 90 days can take up one year or more; there are few primary courts which causes people from distant villages to follow court services and this causes wastage of time; there is a need to introduce mobile courts which can serve for distant/remote areas; The project should increase open court rooms since it is much better

running a case in the open room than in the room/in office of the magistrate. Lack of transparency may cause loss of someone's rights. However he supported the project strongly.

***Views and concerns from artisanal fisher;*** he supported the proposed project and was concerned that the primary courts should be improved. There are very few primary courts e.g. one primary court can serve one division while the requirement is at least one primary court in one ward. He also added that, the high court buildings should be increased as well as the judges so as to reduce piling-up of cases. He also recognizes and insisted to have a monitoring mechanism for duration of cases since other cases takes very long for without any significant reasons.

***Views and concerns from artisanal miner;*** he explained that, there are many challenges which occur in our court services. Some include poor working facilities to enhance the judges and magistrates to run cases in real environment. He raised the issue where there are cases which are resolved and the judgment is given particularly land cases without the court visiting the conflict area to witness the existing situation on the ground. They should be provided with enough working facilities in order to increase their working efficiency.

The details of consultations are also attached in Annex II and List of stakeholders consulted in Annex I.

### 13. CONCLUSIONS AND RECOMMENDATIONS

The Environmental and Social Management Framework (ESMF) for Citizen-Centric Judicial Modernization and Justice Service Delivery Project has provided procedures for undertaking Environmental and social screening, identified world bank safeguard policies which are triggered by this project, potential impacts, institutional roles and responsibilities, capacity building and training requirements, technical assistance required, specifies how the environmental and social management plan should be prepared, monitoring and reporting should be carried for this project. It also specifies how the sub-projects should be reviewed and approved for clearance by implementers. The ESMF further explains how to identify impacts, assess, and mitigate environmental and social impacts of sub-project activities including preparation of site-specific Environmental Impacts Assessment (EIA) where applicable in accordance with the EMA, 2004, World Bank safeguard policies particularly the Environmental Assessment (OP/BP 4.01).

The existing information is currently in most cases general, but specific information of sub-projects such as site location across the country, types and use of equipments, vegetation types, geo-physical features, size of the project area, sources of materials, and quantities of materials is not clear at this stage. Therefore the details, severity and intensity of environmental and social impacts will be determined during site specific EIAs.

However, the ESMF recommends the following

- Technical assistance, The ESMF has identifies gaps and weaknesses for implementing institutions. In addition to that, the associated or collaboration institutions such as local government Authorities where most of the sub-projects will be located are also lacking the necessary capacity to implement the ESMF. This ESMF has indicates means and where the technical assistance can be sought and highly recommends significant effort in ensuring adequate technical assistance is available during implementation and operation of the sub-projects.
- Capacity building, this can be undertaken simultaneously when the technical assistance is also going on. The ESMF recognizes the importance of strengthening the capacity of key staffs at the implementing institutions in order to be able to comply with the requirements of the World Bank and Tanzania policies and laws. This will enhance their capacity in future to address environmental and social issues appropriately.
- The ESMF strongly recommends integration of environmental and social issues in all sub-projects that will be implemented under this project as outlined in this ESMF. The implementation should comply to safeguard policies and national policies and laws are elaborated previous chapters.

- Training should be conducted to key staffs involved in decision making, screening, reviewing, monitoring and approvals at the implementing institution

The project implementers should ensure compliance of all requirements of the ESMF. The ESMF outlines all key processes and procedures to be followed. Therefore it is the responsibility of the Judiciary to ensure compliance with the ESMF. The World Bank will also be following up through regular implementation review missions.

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## 15. ANNEXES

### Annex I: List of Stakeholder's consulted

Name stakeholder consulted	Desgnation/Tittle
H. A. Kattanga	Chief Court Administrator, Tanzania
Solanus M. Nyimbi	Court Administrator of the high court
Eng. Kitunzi	Architectural designer
Nestory C. Mujunangoma	Court Administrator, Morogoro
Abdala Omary Abdala	Principal Court attendant, Morogoro
John Anania	Records Management Assistant I
Teresia Daniel Charles	Records Management Assistant I
Jackson Sima	Court Administrator, Arusha
Mariam M. Kimolo	Urban Planner, Arusha City Council
Jerad Nyoni	Environmental Management Officers, NEMC zonal Office Arusha
Papiloni Mkome	Environmental Management Officers, NEMC zonal Office Arusha
Andrew D. Hayuma	Resident Magistrate, Longido District
Musa Kichumu	District Land officer, Longido District
Paul Sinje	Court Administrator, Singida Municipal Council
Edna Nyange	Environmental Officer, Singida Municipal Coucil
Deodatus Patric	Resident Magistrate incharge, Ipembe primary Court, Singida
Aristide Nyange	Urban planning Officer, Singida Municipal Council
Said R. Ding'ohi	Resident Magistrate Incharge, Dar es Salaam-Kinondoni
Zainabu Ally	Court Clerk, Dar es Salaam-Kinondoni
Joel L. Mushi	Resident Magistrate, Dar es Salaam Kinondoni Regional Court
Bertha Mariki Lawrence	Primary Court Magistrate, Dar es Salaam Kinondoni Primary Court
Mary J. Katabi	Primary Court Magistrate, Dar es Salaam-Kawe
Gladness A. Njau	Primary Court Magistrate, Dar es Salaam-Kawe
Bernice M. Ikanda	Primary Court Magistrate, Dar es Salaam-Kawe
Kitina M. Lugoye	Primary Court Magistrate Dar es Salaam-Kawe
Moses Minga	Court Administrator, Mwanza City Council
Zawadi Tawaleni Ngonde	District court, Mwnza City councuil
Enos S. Missana	Resident magistrate Incharge, Sangabuye Primary Court, Ilemela District
	Executive Director, Mwanza City Council

Charles Aman	Environmental Officer, Mwanza City Council
Hosiana Kusiga	Head of Urban Planning Office, Mwanza City Council
Josephat Rwejuna Muganda	A farmer, Mwanza
Mayuki Igiliwa	Artisanal fisher, Mwanza
Jane Jems Msoga	Artisanal miner, Mwanza
Fatuma H. Mgendwa	Kigamboni Primary Court
Geuza Rashid Mbeyu	Kigamboni Primary Court
Salima M. Taka	Kigamboni Primary Court
Mercy Swai	Kigamboni Primary Court
Magreth Y. Mapunda	Kigamboni Primary Court
Ally A. Nziku	Kigamboni Primary Court
Faraji M. Lamwike	Kigamboni Primary Court
Pyelesya J. Mwalubi	Kigamboni Primary Court
Athuman R. Mzee	Kigamboni Primary Court
Sylvester Paul Nyanda	Kigamboni Primary Court
Blandina Z. Kimakino	Kigamboni Primary Court
Saumu Iddi	Kigamboni Primary Court
Jasson B. Ibrahim OCD	Kigamboni Police Station (OCD)
Richard D. Mwaisemba (OC/CID)	Kigamboni Police Station (OC)
Lawi O. Matiku Traffic Inv.	Kigamboni Police Station (OCD)
Francis Swai RM	Temeke Primary Court
Amina Abdallah	Temeke Primary Court
Samia Khalifan	Temeke Primary Court

## Annex II: Details of stakeholder views and concerns

Region	Name	Views and Concerns
MOROGORO	Nestory C. Mujunangoma Court Administrator	<ul style="list-style-type: none"> <li>-I support the proposed project</li> <li>-It will provide working space for both Regional and District court</li> <li>-Currently the District court uses the District premises; this project will provide offices at the existing court area which is owned by the judiciary will accommodate the District court as well.</li> <li>-This project will improve court services and reduce backlogs</li> <li>-Currently the magistrates share the room which slows down efficiency of court services</li> <li>-when one uses the office to run the case the other should wait, this increases the backlogs</li> <li>-there is shifting when saving the case</li> <li>-The current premises are very congested</li> <li>-There is no IT specialist</li> <li>-This project will provide space and each magistrate will run the case without waiting or by shifts</li> </ul>
	<p>Abdala Omary Abdala Principal Office attendant</p> <p>John Anania Records Management Assistant I</p> <p>Teresia Daniel Charles Records Management Assistant I</p>	<ul style="list-style-type: none"> <li>-The court lock up should extended</li> <li>-The lock-up room should be self-contained</li> <li>-The existing lock up room is for men only they should construct for female also</li> <li>-There are few toilets, the existing one are shared by all workers, attendants and visitors</li> <li>-congestion in offices where magistrates and others staffs share offices</li> <li>-Health and safety of workers should be considered taking into consideration of the existing congestion</li> </ul>

		<ul style="list-style-type: none"> <li>-The buildings are not in good condition and are also used by judges</li> <li>-The judges should work at the high court so as to reduce congestion</li> <li>-working facilities such as computers are not enough and the old typing machines are still in use</li> </ul>
ARUSHA	Jackson Sima Court Administrator	<ul style="list-style-type: none"> <li>-We support the project</li> <li>-The offices are not enough so we need building for new offices</li> <li>-The human resource shares the office with other staffs</li> <li>-sometimes the magistrates from Regional court go to work at the District Court due to lack of offices</li> <li>-The area is owned by the judiciary</li> <li>-we need new facilities and technology</li> <li>-the community is also comfortable with the existing court area because it's close to other services and institutions</li> <li>-currently, there is shortage of offices</li> </ul>
	Mariam M. Kimolo Urban Planner Arusha City Council	<ul style="list-style-type: none"> <li>-I support the project</li> <li>-The project should be implemented in an environmental friendly way</li> <li>-The project should ensure that, there are no land use conflicts in the sub-projects sites</li> <li>-Currently the master plan for Arusha is being reviewed in order to improve the city plan</li> <li>-The project falls in the Central Business District (CBD) area therefore, it should comply with the requirements of the plan (such as height of the building, etc.)</li> <li>-The Architectural design of the building should comply to the Master plan requirements</li> </ul>
	Jerad Nyoni	<ul style="list-style-type: none"> <li>-we support the project as will improve court</li> </ul>

	<p>Environmental Management Officers NEMC zonal Office Arusha</p> <p>Papiloni Mkome Environmental Management Officers NEMC zonal Office Arusha</p>	<p>infrastructure</p> <ul style="list-style-type: none"> <li>-key environmental should be put into consideration for environmental management</li> <li>-Noise pollution should be considered since court services need silent environment</li> <li>-some of the court areas are very busy and exposed to noise activities mitigation for such areas my include sound proof walls</li> <li>-the construction of court buildings should ensure proper waste management (Solid and liquid waste)</li> <li>-some of court areas are congested, this can be challenging when comes to cases with high public interest</li> <li>-construction should provide for fire safety detectors for protection against fire incidences</li> <li>-the project should observe issues regarding proximity to residential, schools, universities and churches/mosque area so as to avoid disturbances that may arise from such areas</li> <li>-construction should comply to master plans for respective cities or towns</li> <li>-The new court building in Arusha should be situated opposite to the river and not adjacent to the river</li> <li>-The project will provide opportunity for employment</li> <li>-the building design should incorporate environmental considerations to minimize impacts that can occur during operation phase</li> </ul>
	<p>Andrew D. Hayuma Resident Magistrate Longido District</p>	<ul style="list-style-type: none"> <li>-The existing court has been abandoned because its condition is not good</li> <li>-However, its located close to the primary school whereby noises from school sometimes was interfering with court activities</li> <li>-Currently the court activities are carried at the office of the Member of Parliament</li> <li>-There is another area which has been allocated</li> </ul>

		for construction of the court
	Musa Kichumu District Land officer Longido District	<p>-I support the project because it provide opportunity for improvement of court offices and services</p> <p>-The Longido Municipal has already provided plots for construction of court buildings</p> <p>-A number of issues were considered during the allocation this plot some of them being environmental factors such as proximity to noise activities, etc.</p> <p>-During construction they should not cut the trees except the area which will be constructed</p> <p>-Construction of the court buildings should comply with town planning where other factors such as tittle, health and safety, and fire are considered before the building permit is granted</p> <p>-The area for construction of houses for court workers has also been secured /allocated. It will be good if construction of staff houses will be accommodated in this project.</p>
SINGIDA	Paul Sinje Court Administrator Singida Municipal Council	<p>-I support the project</p> <p>-we have shortage of working office for magistrates and other staffs</p> <p>-there is big area available for construction of building</p> <p>-the existing area is under utilized</p> <p>-the Regional and District court share the same building while were supposed to have separate buildings</p> <p>-Regional and District A administrative officers of the court do not have working office</p>
	Environmental Officer Singida Municipal Coucil  Aristide Nyange Urban planning Officer Singida Municipal Council	<p>-The primary court at Ipembe area is within the Central Business District (CBD)</p> <p>-the existing area is very small and confined close to the regional Police station</p> <p>-the proposed project should be implemented in areas which are free from noise</p> <p>-the construction phase should consider issues of</p>

			<ul style="list-style-type: none"> <li>dust and apply appropriate mitigation measures</li> <li>-construction should consider key issues such as water, space, fire and all health and safety issues</li> <li>-contractors should follow all safety measures during construction phase</li> </ul>
DAR SALAAM	ES	<p>Said R. Ding’ohi Resident Magistrate Incharge Dar es Salaam</p> <p>Zainabu Ally Court Clerk</p> <p>Joel L. Mushi Resident Magistrate Kinondoni Regional Court</p>	<ul style="list-style-type: none"> <li>-I support the project</li> <li>-the offices are not enough and most of staffs share offices</li> <li>-The court building do not have water supply</li> <li>-High congestion in offices due to inadequate offices</li> <li>-court rooms are not enough thus delaying the cases hence causing backlogs</li> <li>-Health and safety conditions are good due to congestion</li> <li>-poor workplace environment</li> <li>-the storage room for records is not enough and not in good condition</li> <li>-toilet conditions are not good and not enough</li> <li>-furniture are inadequate and the existing one are old</li> <li>-working facilities such as computer are not enough</li> </ul>
		<p>Bertha Mariki Lawrence Primary Court Magistrate Kinondoni Primary Court</p>	<ul style="list-style-type: none"> <li>-The building condition is not in good condition</li> <li>-health and safety conditions for court environment and working office is not conducive</li> <li>-The drainage in the court area is not good and during rain season the area is flooding</li> <li>-the area is adjacent to school, Tumaini University and residential houses which are the main sources of noise the court area</li> <li>-during construction there will be a problem with working space, therefore consideration of alternative working office when construction is undertaken should considered</li> <li>-there is high congestion in offices which create poor working environment in the office</li> </ul>
		<p>Kigamboni Primary Court</p> <p>Fatuma H. Mgendwa Geuza Rashid Mbeyu</p>	<ul style="list-style-type: none"> <li>-They accepted the proposed project</li> <li>-They need the project to commence soon</li> </ul>

	<p>Salima M. Taka  Mercy Swai  Magreth Y. Mapunda  Ally A. Nziku  Faraji M. Lamwike  Pyelesya J. Mwalubi  Athuman R. Mzee  Sylvester Paul Nyanda  Blandina Z. Kimakino  Saumu Iddi</p>	<p>-Engineering design must ensure that the problem of flooding of the court premise is avoided  -Structure to be constructed must have all necessary facilities and particularly sanitary facilities (Toilets)  -Erection of the building must ensure no noise is experienced because the Court is close to a Road  -Land belongs to the Court</p>
	<p>Kigamboni Police Station (OCD)</p> <p>-Jasson B. Ibrahim OCD  -Richard D. Mwisemba (OC/CID)  -Lawi O. Matiku Traffic Inv.</p>	<p>-Accepted the proposed project  -The project has come late so they need the project to be executed immediately  -The area is having flooding problem during rains, so the design has to ensure that the problem is fixed during construction  -The structure to be constructed must conform with all legal requirements since Kigamboni is a planned satellite city  -The area where the Court is existing and where new structures will be erected belong to Court and the existing Court has been in place for over 50 years</p>
	<p>Temeke Primary Court</p> <p>-Francis Swai RM  -Amina Abdallah  -Samia Khalifan</p>	<p>-Accepted the proposed development  -The area is always disturbed by Floods. Construction must ensure that the problem is avoided and the project must also help in constructing good drainage system  -Development will improve the general availability of the services and human welfare because the Court does not have adequate toilets.  -If possible the proposed development has to start immediately  -Large Archive has to be constructed for keeping the records.</p>
MWANZA	<p>Moses Minga  Court Administrator  Mwanza City Council</p>	<p>-I support the project since it will improve court buildings, create additional office space for workers  -the current situation is worse because the high</p>

		<p>court building is old and offices area not enough</p> <ul style="list-style-type: none"> <li>-there are high noise level that creates disturbance during court operation</li> <li>-The noise is attributed by the nearby activities arising from Kamanga ferry which is adjacent to the court building</li> <li>-I propose to put a sound proof mechanisms in order to minimize noise from Kamanga ferry activities</li> <li>-The area is close to Lake Victoria therefore provision of 60m from lake should be considered during construction</li> </ul>
	<p>Zawadi Tawaleni Ngonde District court Mwnza City council</p>	<ul style="list-style-type: none"> <li>-we support the project</li> <li>-currently the office rooms are not enough</li> <li>-working facilities such as furniture and computers are not enough and the existing one are old</li> <li>-there is no waiting area for customers</li> <li>-The magistrates share the offices and this causes a lot of inconveniences in running their cases</li> <li>-the lock-up room is not good and available for men only</li> <li>-there is a need of another lock-up room for women</li> <li>-there is a noise problem in the open court room since its close to the road and there is no fence</li> <li>-The noises most of the time interferes with case operations causing significant disturbances</li> <li>-The fence and sound proof walls should be constructed to minimize noise to acceptable levels</li> </ul>
	<p>Enos S. Missana Resident magistrate Incharge Sangabuye Primary Court Ilemela District</p>	<ul style="list-style-type: none"> <li>-I strongly support the project</li> <li>-It will reduce existing court challenges such as inadequate offices</li> <li>-It will increase working rooms and provide conducive environment for court workers</li> </ul>

		<ul style="list-style-type: none"> <li>-the working facilities such as computers and furniture are inadequate</li> </ul>
	<p>Executive Director Mwanza City Council</p>	<ul style="list-style-type: none"> <li>-I strongly support the project</li> <li>-the project will reduce court challenges which are currently affecting working efficiency</li> <li>-it will increase court rooms thus enable to run many cases simultaneously</li> <li>-there is a plan to increase judges therefore this project will provide space for the judges as well</li> </ul>
	<p>Charles Aman Environmental Officer Mwanza City Council</p>	<ul style="list-style-type: none"> <li>-I support the project</li> <li>-it will increase status of the court services since the existing court working environment are worse</li> <li>-most of the structures are very old since the colonial period they are still used</li> <li>-the project will increase working environment and efficiency hence reduce congestion of cases</li> <li>-the construction of court buildings should comply to occupational health and safety measures</li> <li>-the contractors should also consider integration of environmental issues during construction phase</li> </ul>
	<p>Hosiana Kusiga Head of Urban Planning Office Mwanza City Council</p>	<ul style="list-style-type: none"> <li>-The project exists in area which is designated for court buildings</li> <li>-conditions for construction requirements will change since currently the master plan is being reviewed</li> <li>-The high court, regional and District court exist in the planned Central Business District (CBD) which is currently in planning stage</li> <li>-The current master plan is under review and is expected to be completed by July 2017</li> <li>-there are possibilities for changes on construction conditions for specific areas</li> <li>-The construction should follow the urban planning requirements</li> </ul>
	<p>Josephat Rwejuna</p>	<ul style="list-style-type: none"> <li>-there are few judges and there are many cases</li> </ul>

	<p>Muganda A farmer</p>	<p>this causes increase of backlogs</p> <ul style="list-style-type: none"> <li>-cases take very long to complete, for example the case that is required to be finished for 90 days can take up one year or more</li> <li>-there are few primary courts which causes people from distant villages to follow the court and this causes wastage of time</li> <li>-there is a need to introduce mobile courts which can serve for distant remote areas</li> <li>-they should increase open court rooms since they are much better than running a case in the room/in office court</li> </ul>
	<p>Mayuki Igiliwa Artisanal fisher</p>	<ul style="list-style-type: none"> <li>-I support the project</li> <li>-the primary courts should be improved</li> <li>-there are very few primary courts e.g. one primary court can serve one division while at least the requirement is one primary court in one ward</li> <li>-the high court buildings should be increased as well as the judges so as to reduce piling up of cases</li> <li>-there should be a monitoring mechanisms for duration of cases since other cases takes very long for without any significant reasons</li> </ul>
	<p>Jane Jems Msoga Artisanal miner</p>	<ul style="list-style-type: none"> <li>-there are many challenges which or in our court services</li> <li>-poor working facilities to enhance the judges and magistrates to run cases in real environment</li> <li>- the are cases where judgment is given to land cases without the court visiting the conflict area to witness the existing situation on the ground</li> <li>-they should be provided with working facilities in order to increase their working efficiency</li> </ul>

### Annex III: Environmental Checklist Form

Potential Negative   Environmental and Social Impacts	Tick if relevant	Mitigation Measure	Tick if relevant	Responsible Person
<b>Before construction</b>				
Possible land acquisition		Prepare Resettlement Action Plan as per OP 4.12		
Possible damage to cultural property		Carry out EIA (Annex IV)		
Possible damage to natural habitats/sensitive or protected area; damage/loss of important biodiversity		Carry out EIA (Annex IV)		
Landslides and soil erosion on hillsides		Terracing; excavation to level; control of water flows		
Water stagnation and flooding on depressed/flat land		Proper placement of the building within a site, taking into consideration the topography and terrain to allow natural water flows.		
Destruction of vegetation during excavation; may cause loss of biodiversity, flora and fauna		Construction contracts to include provisions for limiting vegetative removal and for restoration /landscaping and re-vegetation of the construction area after completion of works.		
Soil erosion, deposition of fine materials (sand, silts, cement dust) in downstream water courses during demolition and construction, particularly in the rainy season		Construction contracts will require re-vegetate as soon as possible; contractors to be limited regarding activities that can be carried out in the rainy season; contractors will be required to treat excavated areas below flood water levels as required under the design		

		contract (use of stone gabions, before the start of each rainy season. Controlled storage of demolished materials and products (on stabilized area) and rehabilitation of sites after use		
Traffic disruption		Best engineering practices to be employed to ensure traffic disruptions are kept to a minimum		
Noise disturbance		Keep noise at minimum levels		
Nuisance on public health due to unsafe disposal of wastes		Dispose safely in sealed plastic containers for burial in municipal landfills		
Dust impacts		In extreme cases, particularly near clinics, schools, contractors will be required to moisten the construction area to minimize dust		
Pit formation from sand mine		Use sand from existing borrow pits; backfill pits		
<b>During construction</b>				
Noise		Use of ear protectors		
Create dust to nearby houses during construction		Control fugitive dust generated from construction works by spraying water or other means		
Pressures on existing water sources		Liaise with local utilities to ensure adequate water supply		
Soil and water pollution due to large number of laborers on the construction site and related wastes		Build latrines and ensure adequate waste water disposal; ensure safe storage of construction materials such as oils, paints		
Creation of stagnant pools of water in left borrow pits		Rehabilitation of borrow pits sites		
<b>After construction</b>				
Soil and water		Contractors to clear		

pollution due to remainder of construction wastes, tools, equipment, and temporary infrastructure		construction site of temporary infrastructures and restore vegetation of the site		
Increased sediments into streams, ponds and rivers due to erosion from inadequate backfilling and resurfacing		Prevention of erosion by re-vegetation, dry construction and physical stabilization; use of debris in construction of foundation/compaction of fill-in pits found in the area.		
Erosion along banks of storm water drainage channel causing siltation of channel, loss of land and damage to physical infrastructure		Stabilize sections of bank susceptible to erosion; plant shrubs and trees on uphill side of ditch to slow water runoff		
Soil and water pollution due to seepage from septic tanks/blockage of sewer		Ensure regular emptying/unblocking, maintenance and monitoring; conduct hygiene education campaign to raise awareness of the health risks of exposed sewage; establish and support affordable pump out services		
Contamination of water supply sources (well, borehole) by seepage from pit latrines		Do not construct latrines within a minimum of 30m of the hand dug well, borehole and springs, 60m is preferable		
Latrines overflowing and creating health risks through people and animals coming in contact with human wastes		Conduct hygiene education campaign to raise awareness of the health risks of exposed human waste and promote the support and use of municipal or private sector cleaning services		
Open defecation		Conduct hygiene		

		education campaign to raise awareness of the health risks of open defecation, and promote the use of latrines		
Haphazard disposal of solid waste		Provide adequate number of waste collection bins at appropriate places within the buildings for sanitary disposal; construct on site collection points and liaise with municipal for regular disposal; Conduct hygiene education campaign to raise awareness of health risks of indiscriminate dumping of waste		
Health hazards due to improper sanitation and unavailability of water		Use of easy-to clean surfaces, good housekeeping, adequate supply of water-storage tanks/reservoir, boreholes, water conservation measures, rain water harvesting. Availability of adequate resources/funds to meet running costs and regular maintenance		
High running cost for energy needs		Energy savings measures: use of low energy consuming fluorescent, proper use of daylight, proper ventilation, provide and maintain stand-by generators		
Any other relevant impact • • • •				

## Annex IV: Environmental and social Screening Form

### Guidelines for Screening

The evaluator should undertake the assignment after;

- Gaining adequate knowledge of baseline information of the area
- Gaining knowledge of proposed project activities for the area
- Having been briefed/trained in environmental and social screening.

The form is to be completed with the consensus of at least three people, knowledgeable of the screening processes (such as the Environmental Management Officers)

Name of project: .....

Name of Institution: .....

Contact details of the person who is responsible for filling out this form

Name: .....

Title; .....

Telephone Number: .....

Fax number: .....

E-Mail address: .....

Date: .....

Signature: .....

### 1. Sub-Project Description

Please provide information on the type and scale of the project (project area, area of construction buildings, access roads, and landscape), waste generated (solid, liquid and air).

### 2. The Natural Environment

a) Describe the vegetation/trees in/adjacent to the sub-project area.

.....

.....

b) Estimate and indicate where vegetation/trees might need to be cleared

.....  
.....

c) Are there any environmentally sensitive areas or threatened species (specify below) that could be adversely affected by the project?

Yes ..... No .....

i. Natural Forests Yes ..... No .....

ii. National Parks Yes ..... No .....

iii. Rivers Yes ..... No .....

iv. Lakes Yes ..... No .....

v. Wetlands (swamps, seasonally inundated areas)

Yes ..... No .....

vi. Habitats of endangered species for which protection is required under Tanzania laws

and/or

international agreements

Yes ..... No .....

vii. Others (describe). Yes ..... No .....

### 3. River Ecology

Is there a possibility that, due to the installation of structures, such as houses and water system, the river ecology will be adversely affected? Attention should be paid to water quality and quantity, the nature, productivity and use of aquatic habitats and variations of these over time.

Yes.....No.....

### 4. Protected Areas

Does the sub-project area (or components of the sub-project) occur within/adjacent to any protected areas designated by government (national park, natural reserve, world heritage site etc.)?

Yes.....No.....

If the sub-project is outside, but close to, any protected area, is it likely to adversely affect the ecology within the protected areas (e.g. interference with the migration routes of mammals or birds)?

Yes.....No.....

#### 5. Geology and Soils

Based upon visual inspection or available literature, are there areas of possible geologic or soil instability (erosion prone, landslide prone, subsidence prone)?

Yes.....No.....

Based on visual inspection or available literature, are there areas that are at risk of a large-scale increase in soil leaching and/or erosion?

Yes.....No.....

#### 6. Landscape/aesthetics

Is there a possibility that the sub-project will adversely affect the aesthetic attractiveness of the local landscape?

Yes.....No.....

#### 7. Invasive Plant species along feeder roads routes

Is the sub project likely to result in the spread of invasive plant species (along feeder roads)?

Yes.....No.....

#### 8. Historical, Archaeological or cultural heritage sites

Based on and local knowledge available source, and after consultation with local authorities and/or observations, could the sub-project alter any historical, archaeological or cultural heritage sites or require excavation near these sites?

Yes.....No.....

66

#### 9. Resettlement and/or Land Acquisition

Will involuntary resettlement, land acquisition, or loss of access to land as defined by World Bank OP 4.12 be caused by sub-project implementation?

Yes.....No.....

10. Loss of Crops, Fruit trees and Household Infrastructure

Will the sub-project result in the permanent or temporary loss of crops, fruit trees and household infrastructure?

Yes.....No.....

11. Noise pollution during construction and Operations

Will the operating noise level exceed the allowable decibel level for the zone?

Yes.....No.....

12. Will the project have adverse impacts on natural habitats that will not have acceptable mitigation measures according to OP 4.04 Natural Habitats?

Yes.....No.....

13. Public Consultation Process

Briefly describe the sub project consultation process in terms of when consultations took place, where they took place, who participated and what criteria were used to select participants in this process that were the contributions from the participants, was it recorded and were the contributions from participants included in decision making, (use separate sheet if necessary).

.....  
.....

14. Did the consultation and participatory process described in 13 above involve the following social/ vulnerable groups?

Women: Yes.....No.....

The elderly: Yes.....No.....

Widows/widowers: yes.....No.....

Orphans: Yes.....No.....

15. Will the groups (in 14 above) have access to and benefit from this sub-project?

Yes.....No.....

## Annex V: Procedures for undertaking EIAs

When the environmental and social screening process would recommend that an EIA be carried out, the implementers should refer to Tanzania's EIA procedure, keeping in mind the requirements of the World Bank's safeguard policies. The main steps in carrying out EIA are outlined below:

- **Impact Assessment:**

Based on the screening and scoping results, the EIA shall identify and assess positive and negative impacts likely to result from the proposed sub-project activities. This uses a variety of methods, including checklists, impact matrices, overlays and network analysis. Opportunities for environmental enhancement should be explored. The extent and quality of available data, key gaps in data, and uncertainties associated with predictions shall be identified or estimated.

- **Analysis of alternatives:**

This is an important aspect of the EIA - enhancing the design of a project through consideration of alternatives, as opposed to the more defensive task of reducing the adverse impacts of a given design. This provides a detailed review of alternative approaches and prioritizes them into a feasible approach. For each alternative, the environmental costs and benefits should be quantified to the extent possible. The 'no project alternative' should always be included, with a discussion of it being adopted - that is, what would the future look like without the proposed sub-project? The 'no project alternative' is always feasible and gives a "base case" against which the performance of other alternatives can be compared in terms of environmental, social and economic impacts.

- **Predictions:**

The principal function of EIA is to provide predictive information on the potential implications of the planned sub-projects. Prediction should determine the cause and effect relationship of direct and indirect impacts based on data and information from a wide number of sources on the physical, social, biological, institutional, economic and cultural issues. The quality and availability of data and the analytical techniques and assumptions frequently limit the reliability of prediction. In this context, open dialogue with key stakeholders and the public is vital.

- **Evaluation of significance:**

This determines the significance of the impacts at the different phases of the sub-project and its area of influence. Within a specified time and space, a significant impact is the predicted or measured change in an environmental attribute that should be considered in sub-project design, depending on the reliability and accuracy of the prediction and the magnitude of the change.

- **Mitigation:**

This identifies measures to be taken to avoid and/or to reduce adverse impacts. It also assesses how to plan and manage environmental enhancement. The identified measures need to be undertaken early enough to embed ideas thoroughly into the basic design of a proposed sub-project and to show how future monitoring and evaluation would be carried out. These measures are drawn together into a coherent Environmental and Social Management Plan (ESMP), including a monitoring plan.

- **Public consultation:**

Consultation throughout EIA preparation is required, particularly for sub-projects that might involve land acquisition and thus negatively affecting people's livelihoods. Public consultation should be undertaken during screening, scoping and the preparation of terms of reference, of the EIA report, review of the EIA report by NEMC and other stakeholders.

All the information gathered during the Environmental Impact Assessment is compiled in the format given in the NEMC Reporting Procedure and Guidelines and submitted to NEMC for review and clearance. In all cases, the documentation should be kept as brief and simple as possible.

The EIA regulation under regulation 18.-(1) requires that the developer or proponent shall submit to NEMC, an environmental impact statement incorporating but not limited to the following information-

- (a) The project and the activities that it is likely to generate;
- (b) The proposed location of the project and reasons for rejecting alternative locations;
- (c) A concise description of the national environmental legislative and regulatory framework, baseline information, and any other relevant information related to the project;
- (d) The objectives of the project;
- (e) The technology, procedures and processes to be used, in the implementation of the project;
- (f) The materials to be used in the construction and implementation of the project;
- (g) The products, by products and waste generated by the project;
- (h) A description of the potentially affected environment including specific information necessary for identifying and assessing the environmental effects of the project;
- (i) The environmental effects of the project including the social and cultural effects and the direct, indirect, cumulative, irreversible, short term and long term effects anticipated;
- (j) Alternative technologies and processes available and reasons for preferring the chosen technology and processes;

- (k) Analysis of alternatives including project site, design and technologies and reasons for preferring the proposed site, design and technologies;
- (l) An environmental management plan proposing the measures for eliminating, minimizing or mitigating adverse impacts on the environment; including the cost, timeframe and responsibility to implement the measures;
- (m) Provision of an action plan for the prevention and management of foreseeable accidents and hazardous activities in the cause of carrying out activities or major industrial and other development projects;
- (n) The measures to prevent health hazards and to ensure security in the working environment for the employees and for management of emergencies;
- (o) An identification of gaps in knowledge and uncertainties which were encountered in compiling the information;
- (p) An economic and social analysis of the project;
- (q) Positive impacts and how to enhance them; and
- (r) Such matters as the Council may require.

Moreover, under section (2) it requires that, without prejudice to the generality of regulation (1), the environmental impact statement shall closely be styled and contain the following information:

(a) Format of the environmental impact statement:

- (i) Executive summary;
- (ii) Acknowledgement;
- (iii) Acronyms;
- (iv) Introduction;
- (v) Project background and description;
- (vi) Policy, administrative and legal framework;
- (vii) Baseline or existing conditions;
- (viii) Assessment of impacts and identification of alternatives;
- (ix) Impacts management or environmental mitigation measures;
- (x) Environmental and social management plan;
- (xi) Environmental and social monitoring plan;
- (xii) Resource evaluation or cost benefit analysis;
- (xiii) Decommissioning;
- (xiv) Summary and conclusions
- (xv) References;
- (xvi) Appendices;

The EIA report should be short and clear, so that project participants can understand it. It should state clearly the main environmental issues, both positive and negative, likely impacts, potentially affected persons, mitigation and monitoring measures, and cost estimates and institutional arrangements for the implementation of mitigation and monitoring measures.

The EIA report should include an Environmental and Social Management Plan (ESMP). This ESMP should be a practical, action-oriented plan specifying measures to be taken to address the negative environmental impacts. It should also specify the actions, resources and responsibilities required to implement the agreed actions and details on key social and environmental management, monitoring, and monitoring indicators. Further, the ESMP should ensure that the costs of implementing the recommendations of the EIA report are budgeted into the total infrastructure project costs. Responsibility for the preparation of the ESMP will be with the Sector Environment Coordinators, under the guidance of the District/Municipal Environmental Officer and, to the extent necessary, in consultation with NEMC.

The ESMP should be formulated in such a way that it is easy to use. The ESMP should cover the following aspects: Summary of environmental and social impacts, description of the mitigation measures, description of the impacts of the mitigation measures, description of the monitoring plan and monitoring indicators, institutional arrangements and capacity building needs to ensure effective implementation of these measures, implementation schedule and reporting procedures and cost estimates. The NEMC/Environmental Officer will assist with the details required for the preparation of the ESMP.

## **Annex VI: Environmental Expert**

Minimum qualification for Environmental Expert and Environmental Management Officer  
According to EIA and Audit regulation of 2005 a person shall be considered as an Environmental Expert if;

- Possesses at least a first degree in a relevant discipline or its equivalent from a recognized university or institution
- Has not been convicted of a professional or disciplinary offence
- Has relevant experience in undertaking EIAs
- Has been registered and recognized by the National Environment Management Council (NEMC)