

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

**Report No.:** PIDISDSA15337

**Date Prepared/Updated:** 10-Feb-2016

**I. BASIC INFORMATION**

**A. Basic Project Data**

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

project?	
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## B. Introduction and Context

### Country Context

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

Key service delivery rankings and citizen satisfaction with public services have been deteriorating, and trust in public institutions seems to be eroding. This illustrates persistent challenges in the effectiveness of Tanzania's development policies as well as underlying governance and institutional issues. According to Transparency International, in 2014 Tanzania ranked 119th out of 175 countries scored for their citizens' perception of corruption. Corruption, accountability, and urban crime are affecting the country's national reputation and its ease and costs of doing business. According to Afrobarometer, about 390,000 households reported that they had faced serious crimes such as robbery, burglary, hijacking, or assault in 2010/11. Only 34.9 percent of firms in Tanzania believe the court system is fair, impartial, and uncorrupted, compared to 46.3 percent for Sub-Saharan Africa. In addition, on the Mo Ibrahim African Governance's Index, Tanzania's overall rule of law and safety scores have steadily declined over the last decade (a score of 64 in 2006 compared with 57 in 2014, or a decline of about 10 percent)

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

Moreover, the new administration that took office in November 2015—has called upon everyone for expeditious improvements in accountability and transparency to achieve better public service delivery to citizens. Combating corruption, public embezzlement, tax fraud, red tape, poor management, waste of public resources, procurement loopholes, and other economic and administrative wrongdoings requires concerted efforts. The new President has called upon his cabinet, the Parliament, and the judiciary to support him in this effort.

## Sectoral and institutional Context

Tanzania's Development Vision 2025 Big Results Now calls on the judiciary and other justice sector institutions to modernize to international standards so that they can improve the enabling environment for business and investment and strengthen contract enforcement. Ranked 64 globally in enforcing contracts in Doing Business (DB) 2016, Tanzania is ahead of its regional peers such as South Africa (ranked 128) and Kenya (ranked 105), but lags behind global benchmarks. For example, in Tanzania it takes 515 days to resolve a commercial dispute, while in Singapore it takes only 150 days, going through 38 procedures and costing 14.3 percent of the total claim. These inefficiencies are due to cumbersome rules of procedures, administrative inefficiencies, poor case management, large case backlogs, and minimal use of alternative dispute mechanisms. Contract enforcement delays also are partly due to weak oversight and shortage of court brokers: there are only 42 court brokers for a population of 49 million. Limited information sharing within the judiciary and with the public, as well as deficiencies in skills and performance measurement, are negatively affecting transparency and quality. Uneven geographic distribution of courts, high fees for court users, and institutional challenges are further hindrances to the access to justice for business enterprises.

Tanzania is blessed with abundant natural resources, including minerals and gas reserves that have contributed to rapid economic growth. These high growth sectors are expected to lead to increased revenues for the government that could enable increased investments in infrastructure and social services. However various institutional shortcomings prevent most businesses and individuals from taking advantage of this growth and opportunity. Moreover, the gap between the rich and the poor, as well as large and small businesses, local governments and citizens has widened, leading to conflict around labor, land, and water rights - at times with tragic consequences. The 2014 Index of Economic Freedom ranks Tanzania 109th out of 178 in the world due to the weak protection and poor definition of private property rights, which deter private investment. Resolving such conflicts and discrepancies is the primary focus of the judicial system - more people are coming to courts for adjudication putting new demand and expectations on Tanzania's legal and judicial system.

Tanzania's law and justice sector comprises of many institutions with clearly mandated functions that span across the different branches of government and interact in a complex manner. These include the judiciary, which adjudicates disputes between citizens, public and private institutions, and economic entities such as businesses. The judiciary also interprets the constitution, protects human rights, and provides the essential governance checks and balances between the different arms of the state and within society. The judiciary has a host of auxiliary judicial organs which help perform its functions. These include experts, custodians, auditors, auctioneers, court brokers, and others. The other major agency is Ministry of Constitutional and Legal Affairs (MOCLA), an Executive Branch agency, which is the principle policy advisor to the government on legal and constitutional matters; the Office of the Attorney General is the principal legal advisor to the government, which drafts bills to Parliament for all sectors of the economy (e.g., mining, fisheries, roads, natural gas), and the Office of the Director of Public Prosecutions (DPP), which prosecutes crimes per the Penal Code, Health Code, Tax Code, and agricultural laws in collaboration with the police and municipal authorities. In addition to the formal system of justice, traditional or customary justice institutions operate in Tanzania, especially in rural areas, to resolve communal and other customary grievances. In practice, the user interface, and the interplay of different justice sector stakeholders described above is complex and causes delays

in the delivery of justice services (see Annex 6 of Project Appraisal Document on the justice sector for a detailed description of various institutions and their interplay in the overall law and justice sector and for a description of how well they deliver services in different geographic areas and for different population groups).

### Structure of the Judiciary

According to the URT Constitution of 1977 and the Judiciary Administration Act of 2011, the judiciary has the final say in the administration of courts and policies that govern court and case management efficiency. It has a five-tier court structure as follows (see Figure 3): the Court of Appeal, the High Court and its four divisions, the Resident Magistrates Courts, the District Magistrates Courts, and the Primary Courts. In the court system, there are about 100 judges and 1,000 magistrates, 40 court administrators, and 5,000 court clerks and support staff. Its overall annual budget is about US\$118 million (2014) (see Annex 6 for budget details of the judiciary and other justice sector entities). The court system receives about 200,000 (both filed and pending) cases per year in all types and levels of courts, of which about 120,000 are disposed of annually (i.e., a disposal rate of about 60 percent) thereby causing perpetual increase in backlogs and compounding delays. Manual event-based systems and processes result in inefficient case management. For example, more than 50 percent of cases take 30-90 days from filing to preliminary objection, and 2/3 take 90-1000 days to progress from pre-trial hearing to trial, and 2/3 take 150-1000 days from trial to decision. Court administrators have been appointed recently in High Courts and other major courts to enhance efficiency by separating judicial and non-judicial functions and this has enabled introduction of modern management systems and to bring e-justice for effective service provision. Most records and case management systems in High Courts, Resident Magistrate Courts, District Courts and Primary Courts are manual and susceptible to theft and alteration, and require streamlining.

Skills and professional management are key weaknesses of the judiciary, undermining its performance, integrity, transparency, and credibility among citizens. Staff evaluation is done for non-judicial staff, but no mechanism is in place for assessing the performance of judicial staff. Productivity benchmarks for judges to handle about 220 typical cases per year have been set, but the lack of an automated performance monitoring and evaluation system and the absence of a robust skills training program for judges, magistrates, court clerks, and staff has undermined policy implementation. The Judiciary Administration Act of 2011 sets high education standards for magistrates (at minimum is a Bachelor of Law Degree), but about 25 percent of sitting magistrates do not meet these requirements, thereby affecting citizen confidence in the magistrates. The ineffectiveness of complaint handling systems for judges, lawyers, and court brokers also affect public perceptions, integrity and quality of the judiciary. The Chief Justice has set up a committee to develop performance standards, conduct inspection of courts, and promote an ethical code among stakeholders.

Access to justice and service delivery for user groups such as women, small businesses, and rural poor are severely constrained among other users, due to socio-economic, cultural, political, infrastructure and governance factors. Women's access is constrained due to procedural difficulties as well as delays in settling probate matters, in which they are usually disproportionately affected due to social challenges (See Annex 6, Box 5, on Women's Access to Justice in Tanzania). There are no small claims procedures to provide effective services to small and medium enterprises in commercial court or Resident Magistrates and District Courts. There is

a severe shortage of lawyers in rural areas. Many paralegals operate without adequate supervision or certification providing suboptimal services and causing other legal and social problems . Alternative dispute resolution mechanisms, whether court-annexed or conducted by private entities are not well developed, nor fully understood by large segments of the stakeholders (e.g., in the commercial court, mediation accounted for only 13 percent of all disposed cases in 2013, and in family matters mediation is sparingly used). Some of the court fee rules are outdated. Advocates' fees are not adequately regulated and monitored. Court brokers execution fees are high (about 22 percent), there is limited monitoring of the execution of court decisions by the court, and an ineffective licensing and supervision system exists. Legal aid is provided by NGOs and the law schools, but coverage and resources are limited.

Many courts have shortage of trial rooms and offer fragmented services which negatively affect the image of courts among citizens. Often this causes, for example, the numerous court stenographers and other staff responsible for recording court proceedings to sit in multiple, dispersed locations. The court staff also operates in dilapidated conditions forcing magistrates to hold court proceeding in their offices; this limits citizen access to justice and puts at risk their due process and fair, open trial rights. Many judges work in crowded offices and lack IT resources and together these disrupt the judges' ability to write their decisions uninterruptedly.

Due to the poor geographic distribution of courts, 21 million people (equal to 47 percent of the total population) do not have easy access to High Court services. All 25 administrative regions have a functional Resident Magistrate Court; furthermore, three specialized Resident Magistrate Courts deal with juvenile issues, as well as municipal and traffic issues. District Courts exist in 110 out of 133 districts, while there are only 960 functional Primary Courts countrywide, with the number of Wards currently standing at 3,957 (and many far away from a Primary Court) . In addition to the poor geographic coverage, sheer infrastructure gaps force citizens to travel long distances and incur high costs to gain access to justice. All in all, these deficiencies cause numerous operational and security problems, and negatively affect the image of the judiciary among citizens .

The lack of public information, slow publication of court decisions, and perception of corruption in service delivery aggravate the problem of access to justice and highlight other operational deficiencies, according to the Court User Survey (2015) (see Annex 5 for details). Citizens and businesses do not have adequate access to basic information on filing claims, or on obtaining records, paying court fees, or about who does what in the justice sector. There are no court user guides. Court proceedings and information are in English, while many people who appear in court only understand Swahili. About 60 percent of ordinary users say that court websites do not meet their information needs. Direct users mostly rely on notice boards in the court premises, whose coverage and quality are deficient. While all High Court branches and the Court of Appeals have notice boards, only 70 percent of District and Resident Magistrates' Courts do, and only 31 percent of Primary Courts do. The publication of court decisions is slow, and publications are difficult to obtain. About 80 percent of respondents consistently said that they “never had to pay bribes for any instance during their interaction with the court system.”

#### THE WAY FORWARD

Recent judiciary-led reform measures have resulted in initial improvements in case management and better resource allocation, and have had some positive impacts on court performance, which needs to be strengthened under the proposed project. In the last two years, the judiciary has

established a new cadre of Court Administrators to relieve judicial officers from administrative and financial responsibility. This has given judicial officers more time to concentrate on judiciary work and improve performance. The clearance rate of district magistrate courts has increased from about 52 percent to about 73 percent, and the primary courts are now recording a clearance rate of about 80 percent, which also reduces backlogs. Congestion of cases at the appeal court level has been reduced (clearance rate from 21 percent in 2008 to 58 percent in 2012, and cases heard increased from 552 to 1043 during the same period). The performance of the high courts has also shown improvement. The commercial court has deployed technology successfully to improve public information through a kiosk and website, and has plans to upgrade its ICT and case management systems. The commercial court will also serve as a model for other courts to introduce technology and deploy e-justice. There is reduced case backlog in the High Court by 50 percent from 6,887 cases in 2012 to 3,632 in 2014. Also, 52 out of 59 major government project cases (e.g., regional roads, pipelines) which were at the High Court Land Division have been finalized.

The judiciary enjoys the full support of the new President and Executive and Legislative branches and has adopted a participatory and inclusive approach for institutional modernization to meet global standards in service provision, transparency and citizen engagement. It has initiated a broad participatory and consultative process within the judiciary and among its stakeholders to assess needs and prioritize investments. This process has led to the development of the Judiciary Strategic Plan 2015-20 which has three pillars, namely: (i) governance, accountability, and management of resources; (ii) access to justice and expeditiousness in service delivery; and (iii) public trust and stakeholder engagement. (See Figure 7 ahead). Also, based on international good practice, a Judiciary Reform Team (JRT), has been set up to plan and carry out implementation of modernization initiatives. At the national level, a High Level Judiciary Reform Steering Committee has been set up to provide policy oversight and monitor implementation. At the Law Day on February 4, 2015, the former President lauded the judiciary's efforts and offered full support for transformation. The Chief Justice is continually promoting close consultation with all stakeholders to ensure buy-in (e.g., from judges, staff, civil society and members of the bar), and harnessing international good practices. Modernization measures are being deployed gradually. Progress reviews are being completed in a systematic manner, and results have been disseminated during public events such as Law Day. Development partners such as DANIDA, DFID, CIDA, UNDP, EU, UNICEF and others that have supported law and justice initiatives are encouraged to provide direct support around the new priorities. For example, in collaboration with the World Bank, CIDA, and USAID are being encouraged to build partnerships among the Institute of Judicial Administration of Tanzania (IJA), the Canadian National Judicial Institute, and the U.S. Federal Judicial Center to address judges' skills training needs.

The Chief Justice and the Ministry of Finance, and the President have invited the World Bank Group to support Tanzania's justice transformation process by sharing global knowledge, offering advice, and providing financial resources for priority justice service delivery, anti-corruption and citizen engagement investments. Being a "Solutions Bank", the World Bank is uniquely placed to marshal the vast reserves of evidence and experiential knowledge on judicial development from across the world and help apply them to solve local problems in the Tanzanian judiciary. Ongoing judiciary-led efforts will gain added stimulus and direction through the direct participation of the World Bank and other partners. The Bank's support to the judiciary and justice entities will help enhance their institutional capacity to demonstrate results to citizens. Tanzania's overall purpose is to build a modern Judiciary which delivers efficient and transparent justice by 2025.

## C. Proposed Development Objective(s)

### Development Objective(s)

The project development objective is to improve the efficiency and transparency of, and access to, selected citizen-centric justice services.

### Key Results

## D. Project Description

### II. PROJECT DEVELOPMENT OBJECTIVES

#### A. PDO

24. The project development objective is to improve the efficiency and transparency of, and access to, selected citizen-centric justice services. In urban and rural areas, justice services will be brought closer to the people through the modernization of governance, inspection, and court administration systems; the upgrade of skills and performance of judges, magistrates, and staff; and the construction of court infrastructure and deployment of innovations to improve justice accessibility in select locations. A robust program of change management will accompany the implementation.

25. Although the project will be national in scope, capacity development activities will take a targeted and integrated approach, whereby, the infrastructural upgrade and construction of courts will mainly take place in large cities (e.g. Dar es Salaam, Mwanza, Arusha, Mara, Morogoro and Mtwara) and along economic corridors, where, innovations in access to justice and e-justice will be promoted. Furthermore, a Justice-on-Wheels (Mobile Courts) program will be piloted to empower vulnerable groups (e.g. women, youth, and small business) by providing quick and affordable justice services where they live and work. Selection of court locations and jurisdictions for justice-on-wheels will be done on the basis of criteria to be specified in the Project Operations Manual. (See 12 in Annex 2)

#### B. PROJECT BENEFICIARIES

26. Citizens (both men and women), vulnerable groups like women, rural poor and informal traders, and businesses (micro, small, medium, and large commercial enterprises, investors, and banks) operating in the United Republic of Tanzania will be the core beneficiaries of the project. The set-up of integrated justice service delivery centers in the aforementioned cities will directly help vulnerable women who are engaged in family-related disputes through the timely provision of all services (e.g. access to court decisions) in one location. The opportunity to upgrade skills and knowledge will benefit judges, staff, and other justice sector stakeholders in their provision of citizen-centric justice services, while also helping with their career progression and their level of satisfaction with their job performance. (See 12 in Annex 2)

27. Public education through community radio and mobile courts will benefit the poor in rural and peri-urban areas. In select urban and rural areas, an improved work environment in courthouses and the modernization of justice facilities should boost the morale of human resources and add to the judiciary's spirit de corps. It will also improve citizens' day-to-day interactions with court service access and their ability to exercise their rights. When delays are cut

and costs related to access are reduced, businesses, banks, and other commercial entities should all benefit from a lower risk profile and from lower transaction costs.

28. Since Tanzania is a key partner in regional trade due to its geographic location (whereby it serves as a trade route for landlocked neighboring countries via the Dar es Salaam port), improved contract enforcement and judicial predictability will promote regional integration. Government authorities in all branches of the state will benefit from better citizen confidence in the provision of justice services and the enhancement of the enabling environment for investment and national development, thereby meeting the requirements of Vision 2025, BRN initiatives, and the aspirations of the new Administration. Also, regional integration will benefit, and help advance Tanzania's contribution to the Agenda 2063 of the African Union, which calls for collective action to improve peoples' lives in Africa.

### C. PDO LEVEL RESULTS INDICATORS

29. Project performance indicators. The project has been designed to support the implementation of activities drawn from the strategic pillars of the Judiciary's Strategic Plan 2015-2020, as described above. The type of improvements the project plans to support would make justice service delivery faster, quicker, and more accessible. An indicative list of measurement indicators would be provided in the Project Operations Manual, and updated as the implementation progresses. The following results indicators would be used initially for select locations (see Annex 1 for details):

(a). Citizen-engagement :

(i) Percentage of users' satisfaction (disaggregated by gender) with treatment by court staff, waiting times before getting services, the way hearings /and trials are being handled and with court responsiveness to user needs. [Baseline: Court User Survey 2015 End of Project (EOP): Improving Trend].

(ii) A SMS based public education and feedback loop established. [Yes/No]

(b) Efficiency:

(i) Percentage reduction in case backlogs (phased by years, i.e., more than five years and between two and five years): (a) The Court of Appeal; (b) The High Courts; (c) Commercial Court; (d) The Resident Magistrate Courts, and the District Courts ; and (e) The Primary Courts.

(ii) Average time it takes from the date of filing to the determination of a case, for: (a) Commercial cases [Baseline: 515; EOP: 350]; (b) Family cases [Baseline: 750; EOP: 300]; © Traffic cases [Baseline: TBD; EOP: 30 percent reduction]

(c) Transparency:

(i) Court Performance report made available to the public [Baseline: Zero; Annual report]

(d) Access:

(i) Percentage of Court of Record decision published online: (a) All High courts, including Commercial Court: [Baseline: 3 percent; EOP: 10 percent]; (b) Resident Magistrate Court, District Court and Primary Courts in select locations[Baseline: Zero; EOP: 10 percent]

(ii) Number of court matters resolved through mobile court and ADR services [Baseline: Zero; Target 1000 per year, number disaggregated by gender and or type of business and women entrepreneurs]

(iii) Percentage increase in the number of court users in select locations [ Baseline TBD; EOP: 10 percent increase]

### III. PROJECT DESCRIPTION

#### A. PROJECT COMPONENTS (FIGURE 8)

Component 1: Governance, Organization, and Systems Development (US\$18 Million).

30. The component aims to improve court efficiency and modernize court administration. Inefficiencies, delays, backlogs, and administrative bottlenecks will be addressed by strengthening planning, human resources, simplifying governing rules, modernizing record keeping, improving staff productivity, de-concentrating functions, and leveraging technology for the introduction of e-justice services and the production of statistics and information to citizens and businesses.

Sub-Component 1.1 Strengthen Court Administration and Support Project Management.

31. This sub-component aims to improve the judiciary's institutional management and provide support for the implementation and oversight of the proposed project. The project will, therefore, finance the following activities: (i) provision of capacity support to the Office of the Chief Justice, the Office of the Chief Court Administrator, and the Office of the Chief Registrar for the implementation of the Judiciary Administration Act of 2011, with respect to the new court administration systems (including for planning, human resource recruitment, communication, statistics, budgeting, and inter- and intra-institutional coordination); and (ii) provision of support to the Judiciary Reform Team (JRT) for undertaking day-to-day project implementation activities and performing reporting functions to the high-level Judiciary Steering Committee (JSC) responsible for the oversight and monitoring of the project .

Sub-Component 1.2 Simplify Rules and Procedures for Court Cases.

32. This sub-component aims at mainstreaming the work of the judiciary's Rules Committee to simplify bottlenecks in case processing, especially for commercial matters. The project will, therefore, support the following activities: (i) regularly take stock of procedural rules, and submit amendments and recommendations to the Chief Justice for approval to address procedural gaps, while identifying those recommendations that do not require legislative approval; and (ii) disseminate the new rules, and train judges, magistrates, staff, and other stakeholders.

Sub-Component 1.3 Clear Backlogs in High Courts and Subordinate Courts in all Jurisdictions.

33. This sub-component aims at reducing the number of pending cases. The project will, therefore, support the following activities: (i) support the design of a backlog clearance program by identifying relevant case files for inclusion, estimating human and financial requirements, and compiling and publishing cause lists; (ii) conduct bench-bar strategic meetings, engage acting and short-term judges and magistrates, and carry out relevant training; (iii) implement a backlog clearance program by improving communication system to parties and stakeholders, promoting ADR, conducting consecutive hearings, delivering judgments immediately after trials, evaluating progress, and disseminating results.

Sub-Component 1.4 Modernize Court Records and Introduce e-Case Management.

34. This sub-component aims to improve the integrity of court records, the efficiency of case processing, and the availability of judicial information by leveraging technology and new work methods. The positive ICT modernization experience of the commercial court and the JSDS-IT system in use for statistical data collection will be leveraged to design the e-justice program for deployment in select courts. The project will, therefore, finance the following activities: (i) the streamlining and reorganization of record keeping in all courts; (ii) the refining of time standards (e.g., for pre-trial actions and adjournments) and the establishment of sanctions to ensure compliance with court orders; (iii) the implementation of an 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, and e-performance), including the setting up of a judiciary data center and video conferencing facilities (e.g., for remote testimony and court appearance), and the further modernization of the commercial court ICT systems; (iv) the setting of standards and outlining of mechanisms for handling high profile cases and large economic investment disputes (such as land disputes related to BRN programs) in order to manage institutional risks and to communicate to the public; (v) the establishment of a records management system for completed cases and setting of archival schedules of non-case related records; and (vi) the driving of a change management program for judges, staff, advocates, and other stakeholders to improve timeliness in case processing. Overall, in collaboration with Tanzania's e-government agency, an e-justice program will be deployed in courts that are handling high volume and important cases

Component 2: Skills Development, Inspection, and Performance Management (US\$10 Million).

35. The component aims to strengthen training and skills of the judiciary and its stakeholders and will operationalize the work of the Directorate of Inspections by implementing a system of judicial performance monitoring and promoting a robust mechanism for obtaining citizen feedback on court services. Skills and knowledge gaps of the judiciary and stakeholder officials will be addressed through continuing education programs, using adult learning principles, and an experiential, skills based approach. This component will also build the capacity of the judiciary to conduct court inspections and the institutional supervision of lawyers and court brokers in an effective manner, and provide an easy and workable mechanism for obtaining citizen feedback on court performance.

Sub-Component 2.1 Skills Training and Knowledge.

36. This sub-component aims at upgrading the skills of judges, staff, and stakeholders for effective service delivery. The project will, therefore, finance the following activities: (i) conduct systematic training for judicial and non-judicial staff and justice sector stakeholders (e.g. procedural reforms, code of ethics, use of ADR, e-record keeping), by reviewing the curriculum of existing programs offered by the Institute for Judicial Administration (IJA) (the Judiciary's Training Academy), adding new continuing education courses adopting, providing physical infrastructure (including e-learning) for the delivery of training in the Integrated Justice Centers (see Component 3.3) to be built in large urban areas (e.g. Dar es Salaam, Mwanza, Mara, Arusha, and Morogoro), and formalizing partnership agreements with local universities and international judicial training institutions (e.g. National Judicial Institute of Canada, National Judicial Academy of Turkey, and the Federal Judicial Center of the USA) for at-scale delivery. An indicative list of training and education courses is provided in Table 3 in Annex 2; and (ii) the carry-out of training impact assessments.

Sub-Component 2.2 Judicial Inspection and Performance Evaluation and Supervision of Advocates and Court Brokers.

37. This sub-component aims to strengthen the performance evaluation and inspection of judges and the institutional supervision of advocates and court brokers, in coordination with stakeholders. The project will, therefore, support the following activities: (i) based on international good practices and learning from the recent target setting experience for judges, roll out a performance evaluation system for judges, court managers, and courts (except for the Court of Appeal) including an e-feedback (e.g. complaints) portal for the Directorate of Inspections; (ii) establish a unit in the judiciary that deals with the day-to-day work of advocates and court brokers, recruits resources, offers training, and prepares an SMS feedback system; (iii) increase

the number of court brokers serving urban and rural areas in court decision enforcement; and (iv) offer support to the Tanganyika Law Society and the Court Brokers Association to strengthen their professional oversight and operations, in line with the provisions of the Judiciary Administration Act and applicable norms.

#### Component 3: Access to Justice and Public Trust (US\$37 Million).

38. As noted above, socio-economic factors, lack of information, language, time, cost, distance, corruption, and poor infrastructure are major bottlenecks of access to justice and cause weak citizen trust of the judiciary. According to the Court User Survey 2015, only 57 percent of the people are satisfied “with the performance of the justice system as a whole”. Lack of information is a major barrier. Obtaining copies of court decisions and other information sometimes involves paying bribes. Most people speak Swahili, while court information is mostly only available in English. Only 30 percent of the population can read and write, and fewer still speak English, which is the language of the court.

39. This component aims to expand the current avenues of accessing justice and building citizen trust by promoting innovations that bring justice services closer to the people. Since access to justice and justice reform is a long-term process, this component also seeks to facilitate the development of complementary programs, in collaboration with other development partners.

#### Sub-Component 3.1. Public Education and Accountability.

40. The aim of this sub-component is to improve the availability of court information to citizens and businesses and to provide them with mechanisms for offering feedback. The project will, therefore, finance these activities: (i) design and implement court user information campaigns in Swahili and English, targeting the general public, tourists, truckers, and SMEs, especially through community radio stations, TV, and mobile courts (see sub-component 3.2 ahead) and in partnership with civil society and SME business associations, the Tanganyika Law Society, and justice sector institutions; (ii) design and implement a student education module in Swahili and English on the role of courts in development, as part of the middle school civics curriculum in partnership with the Ministry of Education and justice sector entities; (iii) disseminate court decisions, court user guides, court statistics, court schedules, and court calendars through the judiciary’s website, media, Mobile Text Message Campaigns, and other outlets (e.g. mobile phones, municipalities, NGOs, and universities), and also through the citizen court information offices to be set up by the judiciary (see sub-component 3.3 for details); (iv) launch an e-complaint system for user feedback on law and justice sector operations (e.g. via mobile phones) which will be linked to the judiciary’s Directorate of Inspection (see sub-component 2.2) so that monitoring can be regularly carried out; (v) conduct court user surveys; and (vi) publish the Judiciary Balanced Scorecard (Court Performance Report) every year.

#### Sub-Component 3.2 Justice-on-Wheels Program (Mobile Courts and ADR).

41. The sub-component aims to empower vulnerable groups (e.g. women, youth, and small businesses) by providing quick and affordable justice services where they live and work. The sub-component will also help assess citizen demand for the location of physical court structures for a phased infrastructure expansion program described ahead under subcomponent 3.3. The project will, therefore, finance the following activities: (i) set the ceiling of eligibility (e.g. US\$1,500) for free mediation and free small claims adjudication in civil, family, and labor matters, based on examples from other countries (e.g. Guatemala, Honduras, Philippines, Pakistan, and Brazil) and current volume of cases in Tanzania, to develop mobile court procedures; (ii) design and procure

specialized buses, minivans and other vehicles for use as mobile courts in urban and rural areas; (iii) recruit and train magistrates, staff, and other stakeholders, and put into operation the justice-on-wheels program while conducting periodic evaluations; and (iv) conduct citizen communication and awareness raising activities (via radio and other media) in collaboration with trade and women associations and with municipal and ward authorities. The mobile courts will be designed and operated in a way that facilitates safe and effective access and their use by all target beneficiaries. Particular attention will be paid to minimizing factors that contribute to increased risk of violence against women, and to creating awareness among justice-on-wheels staff of strategies and practical steps to ensure the safe use of the facilities by women.

#### Sub-Component 3.3 Integrated Justice Center for Consolidated Citizen-Centric Service Provision.

42. The aim of this sub-component is to begin to offer court services in modern, integrated, efficient, transparent, and easily accessible manner by designing and building justice centers (with multiple courts and services) in large cities, while starting to address the huge court infrastructure challenge that exists and needs to be addressed over the medium and long term. These court centers will consolidate the functions of different jurisdictions in one location (One-Stop-Court Complex); promote economies of scale and the good management of resources; offer state-of-the-art tools and dignified facilities that meet international standards of justice operation (e.g. for judges, staff, prosecutors, police, forensics, advocates, and the general public); provide a good working environment for staff operations (e.g. modern record keeping and training rooms); and ensure user needs of due process and quality service. The project will, therefore, finance the following construction activities: (i) design, construct, furnish, and operationalize about five new integrated justice (court) centers (with multiple courts and services) in main cities (where about 40 percent of national population lives and where 60 percent of the judicial caseload is located, see Figure 12 in Annex 2), selected on the criteria of population level, economic activity, judicial workload, and the Judiciary Strategic Plan's (2015-20) priorities (i.e., in Dar es Salaam, Mwanza, Mara, Arusha, Morogoro), and their periodic evaluation; (ii) in a phased manner, remodel, construct, furnish, and operationalize small (primary) courthouses in select locations with solar panels (for e-justice services) and prefabricated units along the North, Central, and South-Western economic corridors, and retrofit courthouses to accommodate IT investments and to enable the overnight parking of mobile courts; and (iii) develop a long-term court infrastructure master plan to extend court infrastructure to priority socio-economic and unserved geographical areas.

#### Sub-Component 3.4 Support for Justice Sector Stakeholder Participation and Future Reform Development (US\$3 Million)

43. The aim of this sub-component is to provide research and capacity support to pave the way for complementary access to justice improvement efforts such as legal aid through partnerships with civil society, justice sector entities and development assistance agencies. There is a need to incorporate flexibility in order to adjust to changes in realities during implementation, inform evidence-based decision making, and promote synergies with other justice sector entities, NGOs and other development institutions (e.g. EU, DFID, UNODC) so that complementary programs are promoted for the benefit of the court users. The sub-component, will, therefore fund: (i) capacity support for the review and finalization of the legal aid policy of the government, whereby, NGOs providing legal aid would be consulted and their networks expanded, and the operation of paralegals would be reviewed and policies improved by strengthening the legal aid unit of the Ministry of Constitutional and Legal Affairs; and (ii) support for research on priority topics such as (a) the promotion of measures to fight corruption in the public sector where law and justice institutions have an important role (e.g. via the setting up of anti-corruption courts,

and establishment of special prosecution and investigation units). The new President has called for a fight against graft and misuse of public resources and has assigned top priority to the introduction of special anti-graft courts and prosecution mechanisms to fight economic crimes. International good practices and experiences need to be shared to inform this policy-setting process; and (b) the review of the prosecution system to better assess the negative impacts of weak police performance on justice service delivery (prosecution system reform was started in 2008, see Annex 6, Box 3 for details). These capacity building activities will be executed by concerned justice institutions, development partners and NGOs.

#### B. PROJECT FINANCING

44. IDA credit of US\$65 million will be provided in the form of IPF. The IPF is suggested as the most appropriate and realistic instrument for meeting Government needs for the modernization of court administration and infrastructure, the upgrade of performance management and skills of judges, magistrates and staff, and the promotion of access to justice initiatives that bring services closer to the people. The potential of using a P4R instrument was considered but found unsuitable due to capacity constraints in the judiciary and preference of the borrower who is learning to use this instrument for other sectors. IPF will be a strong tool to complement the currently ongoing Governance DPO to facilitate citizen engagement, improve transparency, and enhance institutional integrity and capacity of public institutions. Moreover, the IPF will greatly complement other development partner resources (e.g. EU, CIDA, UNDP, DFID, GIZ) that may be provided to the Tanzanian justice and rule of institutions as part of an overall program of assistance for justice and rule of law reforms.

45. The overall financing needs of a comprehensive justice and rule of law improvement program of Tanzania--with medium- to long-term needs estimated broadly at about US\$400 million--are much larger than the IDA support being provided under the proposed project. Hence, as complement to this project, which mainly assists the court system, a parallel effort will be made to encourage development partners provide complementary assistance to the broader justice sector. Additionally, the Bank plans to consider additional financing support as the project advances and begins to deliver concrete results.

#### C. PROJECT COST AND FINANCING

46. The estimated project cost is US\$65 million. These costs pertain to technical assistance, equipment purchase, construction of physical infrastructure, skills enhancement, training, and citizen outreach.

47. An IDA advance has been provided to support project preparation. The PA in the amount of US\$4.5 million was signed on October 21, 2015. The designated account has been opened and PA is under implementation.

#### D. LESSONS LEARNED AND REFLECTED IN THE PROJECT DESIGN

48. Creating incentives for executive and legislature buy-in for judiciary reform and for inter-institutional coordination matters. The role and responsibilities of justice institutions are either provided for in the constitution or described in the various organic laws and regulations. Although entities operate under a set legal framework, informal practices also impact their operational relationships and work methods. The exercise of applying and enforcing laws requires institutions to work together at different levels while performing their mandated functions collaboratively but independently. Since justice institutions are part of the overall governance and public

administration architecture of the state, they are also inter-dependent upon the support of other government entities (e.g., budget and financial issues by the treasury or ICT issues by e-government entity). In the past, reforms lacked adequate clarity and availability of mechanisms to ensure ownership of implementation and to preserve the independence of each entity, causing implementation failures and other problems. Effective performance of these institutions requires robust communication and inter- and intra-institutional coordination arrangements. Hence, the proposed project includes a high-level Judiciary Steering Committee (JSC) to provide policy guidance and to monitor progress on a quarterly basis.

49. Top level capacity to lead change and set a strategic focus for implementation matters in project success. Simply assuming that capacity to implement exists (i.e. without verification) can lead to problems. Much of the implementation delays in previous programs were attributed to lamentably low implementation capacity and manifested themselves in lack of project direction, strategic planning, and leadership. The promotion of apex leadership, leadership in the lower echelons of implementation levels that typically involve stakeholders, and ownership ensure minimal delays in plans and schedules and lead to success. Change processes (how-to-measures) that motivate institution building are the means to an end and are equally important as the technical recipe for improvement.

50. Level of ambitiousness of targets and benchmarking matters. Despite the research supporting the setting of more realistic goals in past interventions, in reality, that research did not prominently influence project design, and, consequently, overambitious targets were set functionally constraining real progress over several years. To avoid such mistakes in the future, it is important to review the large body of knowledge generated under initiatives such as the Africa Investment Climate Facility and the Private Sector Competitiveness and Legal Sector Reform Components of past projects (including the newly amended legislation of the Evidence Act, Arbitration Act, and Civil Procedure Code for magistrate courts, as well as the training of registry officials and many other technical tasks). Benchmarking with like-minded judiciaries and knowledge sharing with good practice locations has helped Tanzania set realistic intermediate milestones and helped develop a sound roadmap for institutional transformation, namely, the Judiciary Strategic Plan 2015-20.

51. In M&E, learning and decision-making using good and open data matters. Institutional learning is critical for successful decision-making, which requires an upgrade to statistical skills and capabilities across the sector. Therefore, measures that enrich the production and dissemination of administrative data, such as user surveys conducted by statistical teams and agencies, will be supported in the early stages of project implementation and made key drivers of knowledge exchange and implementation.

52. Capacity of the procurement function, “design-build” procurement method and the strategic rationale for capital injection matters. In the past, despite resources provided for law school and primary court buildings construction, the weaknesses in the procurement capabilities within the law and justice sector institutions (including the judiciary) and other issues (such as a lack of inter-institutional coordination, lack of staff incentives for people to move to new locations, and the less-than-leading role of the judiciary in making decisions) caused undue delays, planning ambiguities, and cancellation of tasks. This resulted in the gap of what was initially visualized around accessibility of justice improvements or the increase in demand for court services in the remote locations where the infrastructure was planned to be built and what

actually was implemented in reality. Use of innovative “design-build” contracting methods will be deployed to demonstrate quick delivery of investment activities. They will also help encourage further innovation in speedy service delivery, while managing risks.

53. It is important that strategic planning contemplates building procurement capacity as a pre-requisite for infrastructure investments. This strategic approach will help deploy investments in areas that are selected through a viable set of criteria (e.g., workload of courts, extension of justice services in priority economic development areas, and the right-sizing of the formal justice service delivery apparatus in relation to the traditional justice mechanisms) rather than aiming for more higher-level access to justice objectives that are diffused and difficult to achieve. Hence, a phased investment support will be useful in implementing institutional reforms by adopting these criteria and yardsticks.

54. When there are multiple actors, catering to a specific governing institutional set-up of the judiciary matters. The separation of powers and their respective relationships need to be considered when developing support programs. When the judiciary establishes ownership from within, this facilitates change and is a sine qua non for success. Ownership can be promoted through the active involvement of judges and staff in agenda setting and coordinating and demonstrating results, while continually enhancing their independence of operations and promoting adequate mechanisms of accountability.

**Component Name**

Component 1: Governance, Organization, and Systems Development.

**Comments (optional)**

**Component Name**

Component 2: Skills Development, Inspection, and Performance Management.

**Comments (optional)**

**Component Name**

Component 3: Access to Justice and Public Trust

**Comments (optional)**

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

**F. Environmental and Social Safeguards Specialists**

Jane A. N. Kibbassa (GEN01)

Mary C.K. Bitekerezozo (GSU07)

**II. Implementation**

### **Institutional and Implementation Arrangements**

A strategic and effective implementation arrangement is contemplated for this project that builds upon the existing structure and functions of the judiciary and participating justice sector stakeholders from various arms of the state, and it squarely responds to lessons learned. The purpose of this arrangement is to promote synergetic and quick implementation while retaining the flexibility to maneuver by the participating entities as circumstances may warrant. As noted above, Tanzania has a well-organized and functioning High-Level Judiciary Steering Committee (JSC) for the advancement of business and contract enforcement reforms (BRN reforms). The JSC will be responsible for quarterly oversight, policy guidance and monitoring of project implementation, including use of financial resources and progress with result indicators. The strategic and collaborative oversight will promote a sense of buy-in among state organs and lead to win-win solutions for the justice sector and its stakeholders. The proposed oversight and implementation arrangement for the project appropriately responds to the risks outlined in the SORT table.

Launch of project implementation will be a public event. It will promote national ownership of justice modernization and citizen-centric justice delivery in Tanzania and serve as a demonstration effect to all stakeholders. Once the project is approved by the Bank's Board and after completion of legal formalities, the Credit Signing would be encouraged to be done at the highest level in Government with presence of the Judiciary. Effort will also be made to see if the launch of the project could be officiated by the President of Tanzania. As the project preparation has been a collaborative process, representatives of civil society, NGOs, the business community, and other opinion makers and local and international stakeholders would be invited to participate. Moreover, arrangements will also be made for publicity of achievement of major project milestones, e.g., a public presentation for the e-justice initiative.

Operational implementation for day-to-day and periodic planning and execution of activities and completion of fiduciary requirements will be the responsibility of the Chief Court Administrator. The Judiciary Administration Act of 2011 de-coupled court administration from the judicial function, led to the creation of the office of the Chief Court Administrator, and reformed the office of the Chief Registrar. The Chief Court Administrator is now responsible for all court administration systems and related logistical arrangements. A Judiciary Reform Team has been appointed to lead in the day-to-day implementation of the proposed project. Support for financial management, procurement, monitoring and evaluation, technical IT, Infrastructure and other experts, fiduciary controls, and operations will be provided to the judiciary modernization team to successfully shoulder implementation responsibilities. The Operational Manual will describe in detail the roles, responsibilities, and accountability arrangements for the team. It will also provide an indicative list of project results indicators, and the court construction locations based on the eligibility criteria outlined in Annex 2 of Project Appraisal Document, as well as the collaboration arrangements with stakeholders, within three months of project Effectiveness.

### **III. Safeguard Policies that might apply**

<b>Safeguard Policies</b>	<b>Triggered?</b>	<b>Explanation (Optional)</b>
Environmental Assessment OP/BP 4.01	Yes	The project is envisioned to support investments related to new construction and rehabilitation of old court buildings, which are likely to generate negative impacts such as: soil erosion, dust, noise and solid

		waste. An Environmental and Social Management Framework Assessment (ESMF) has been prepared to address potential impacts. It has already been disclosed. The ESMF includes screening procedures for identifying, assessing and mitigating potential environmental and social impacts of project investments in a timely manner and in line with the requirements of OP/BP 4.01.
Natural Habitats OP/BP 4.04	No	
Forests OP/BP 4.36	No	
Pest Management OP 4.09	No	
Physical Cultural Resources OP/BP 4.11	No	
Indigenous Peoples OP/BP 4.10	No	
Involuntary Resettlement OP/BP 4.12	No	Construction activities will take place in existing court premises in areas which are owned by the judiciary and will not involve acquisition of new land area. Most of the sub-projects will take places in cities, municipals, towns and semi urban areas
Safety of Dams OP/BP 4.37	No	
Projects on International Waterways OP/BP 7.50	No	
Projects in Disputed Areas OP/BP 7.60	No	

#### IV. Key Safeguard Policy Issues and Their Management

##### A. Summary of Key Safeguard Issues

<p><b>1. Describe any safeguard issues and impacts associated with the proposed project. Identify and describe any potential large scale, significant and/or irreversible impacts:</b></p> <p>The project is envisioned to support investments related to new construction and rehabilitation of old court buildings, which are likely to generate negative impacts such as: soil erosion, dust, noise and solid waste. An Environmental and Social Management Framework Assessment (ESMF) has been prepared to address potential impacts. It has already been disclosed in the infoshop. The ESMF includes screening procedures for identifying, assessing and mitigating potential environmental and social impacts of project investments in a timely manner and in line with the requirements of OP/BP 4.01.</p> <p>Construction activities will take place in existing court premises in areas which are owned by the judiciary and will not involve acquisition of new land area. Most of the sub-projects will take places in cities, municipals, towns and semi urban areas</p>
<p><b>2. Describe any potential indirect and/or long term impacts due to anticipated future activities in the project area:</b></p> <p>Construction Noise will be high due to construction activities, demolition activities and movement of trucks</p>

Increased efficiency for court services due to the construction of new court buildings and offices Disruption of current physical environment as a result of construction activities Air pollution from construction activities Disturbances in court sessions as a result of construction activities
<b>3. Describe any project alternatives (if relevant) considered to help avoid or minimize adverse impacts.</b>
<b>4. Describe measures taken by the borrower to address safeguard policy issues. Provide an assessment of borrower capacity to plan and implement the measures described.</b>
<b>5. Identify the key stakeholders and describe the mechanisms for consultation and disclosure on safeguard policies, with an emphasis on potentially affected people.</b>

### ***B. Disclosure Requirements***

<b>Environmental Assessment/Audit/Management Plan/Other</b>	
Date of receipt by the Bank	22-Oct-2015
Date of submission to InfoShop	14-Dec-2015
For category A projects, date of distributing the Executive Summary of the EA to the Executive Directors	
"In country" Disclosure	
<i>Comments:</i>	
<b>If the project triggers the Pest Management and/or Physical Cultural Resources policies, the respective issues are to be addressed and disclosed as part of the Environmental Assessment/Audit/or EMP.</b>	
<b>If in-country disclosure of any of the above documents is not expected, please explain why:</b>	

### ***C. Compliance Monitoring Indicators at the Corporate Level***

<b>OP/BP/GP 4.01 - Environment Assessment</b>	
Does the project require a stand-alone EA (including EMP) report?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
If yes, then did the Regional Environment Unit or Practice Manager (PM) review and approve the EA report?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
Are the cost and the accountabilities for the EMP incorporated in the credit/loan?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
<b>The World Bank Policy on Disclosure of Information</b>	
Have relevant safeguard policies documents been sent to the World Bank's Infoshop?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
Have relevant documents been disclosed in-country in a public place in a form and language that are understandable and	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]

accessible to project-affected groups and local NGOs?	
<b>All Safeguard Policies</b>	
Have satisfactory calendar, budget and clear institutional responsibilities been prepared for the implementation of measures related to safeguard policies?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
Have costs related to safeguard policy measures been included in the project cost?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
Does the Monitoring and Evaluation system of the project include the monitoring of safeguard impacts and measures related to safeguard policies?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]
Have satisfactory implementation arrangements been agreed with the borrower and the same been adequately reflected in the project legal documents?	Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ] NA [ <input type="checkbox"/> ]

## V. Contact point

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## VI. For more information contact:

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## VII. Approval

Task Team Leader(s):	Name: Waleed Haider Malik, Denis Maro Biseko	
<b>Approved By</b>		
Safeguards Advisor:	Name: Johanna van Tilburg (SA)	Date: 09-Feb-2016

Practice Manager/ Manager:	Name: George Addo Larbi (PMGR)	Date: 10-Feb-2016
Country Director:	Name: Bella Bird (CD)	Date: 10-Feb-2016