

**THE UNITED REPUBLIC OF TANZANIA**

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**PROGRAM FOR RESULTS**

**Sustainable Rural Water Supply and Sanitation Program  
(Additional Financing)**

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

**Prepared by the World Bank**

**June 2022**

# TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
ACRONYMS AND ABBREVIATIONS .....	iii
EXECUTIVE SUMMARY.....	v
1. INTRODUCTION.....	1
2. PROGRAM DESCRIPTION.....	2
2.1 Results Areas.....	2
2.2 Disbursement Linked Indicators .....	3
2.3 Geographical coverage .....	6
2.4 Achievements Under Parent Program .....	6
2.5 Type of activities to be funded under the AF .....	8
2.6 Institutional Arrangements.....	9
2.7 Borrower’s capacity, experience and performance of E&S systems under the Parent Project .	10
3. EXPECTED ENVIRONMENTAL AND SOCIAL EFFECTS OF THE SRWS-AF PROGRAM.....	15
3.1 Potential Environmental Benefits and Risks .....	15
3.2 Climate Change .....	17
3.3 Potential Social Benefits and Risks.....	20
3.4 Gender Issues:.....	25
3.5 COVID-19 Risks and Impacts .....	26
3.6 Exclusion Criteria.....	27
3.7 Risk Rating.....	27
3.8 Grievance Redress Mechanisms .....	28
4. THE ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT RELEVANT TO THE WATER AND SANITATION SECTOR.....	28
4.1 Background .....	28
4.2 National Environment and Social Management Policy and Legal Framework .....	29
4.3 Environmental Impact Assessment and Management Systems.....	29
4.4 Social Impacts and Risks Management .....	37
4.5 School Water, Sanitation and Hygiene .....	40
4.6 Institutional Framework for Environmental and Social Risks Management .....	42

4.7	Water Resources Management, River Conservation and Management .....	51
5.	OPERATIONAL PERFORMANCE AND INSTITUTIONAL CAPACITY ASSESSMENT IN MANAGING ENVIRONMENTAL AND SOCIAL IMPACTS .....	51
5.1	Consistency with Core Principles .....	51
5.2	Systems Assessment by Core Principles .....	52
5.3	Integrated Risk Assessment .....	62
6.	STAKEHOLDERS CONSULTATIONS.....	68
6.1	Consultations during ESSA preparation .....	68
7.	RECOMMENDED MEASURES TO STRENGTHEN SYSTEMS PERFORMANCE.....	70
7.1.	System Performance Strengthening .....	70
	ANNEXES .....	75
	ANNEX IA:ESSA Pre-Draft Consultations:List of Stakeholders:.....	76
	ANNEX IB:Final Draft Multistakeholder Consultations Meetings .....	77
	ANNEX II: Categories of projects as per The Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations GN. No. 474 .....	84
	ANNEX III: Project Screening Criteria .....	91

## LIST OF FIGURES

Figure 1: Targeted Regions of the Country under Parent Program and AF .....	7
Figure 2: Institutional framework for Environmental Management in Tanzania Mainland .....	40

## LIST OF TABLES

Table 1: Existing and new DLIs and proposed changes for AF Unit: US\$M .....	4
Table 2: Results to date for parent Program per Results Area, DLI and PDO indicator .....	8
Table 3: Overview of Potential Impacts Associated with Water and Sanitation Activities .....	18
Table 4: List of Health Facility-Based One Stop Central Enter Modal for GBV and VAC Prevention and Response In Health Sector .....	49
Table 5: Risk Assessment and Management .....	63
Table 6: Environment and Social Program Action Plan .....	70

## ACRONYMS AND ABBREVIATIONS

<b>AF</b>	Sustainable Rural Water Supply and Sanitation Program – Additional Financing
<b>BWOs</b>	Basin Water Offices
<b>CBWSO</b>	Community-Based Water Supply Organization
<b>DAWASA</b>	Dar es Salaam Water and Sewerage Authority
<b>DAWASCO</b>	Dar es Salaam Water & Sewerage Corporation
<b>DEMC</b>	District Environmental Management Committee
<b>DEMO</b>	District Environmental Management Officer
<b>DIA</b>	Direct Influence Area
<b>DfID</b>	UK's Department for International Development
<b>DLI</b>	Disbursement-Linked Indicator
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>EIS</b>	Environmental Impact Statement
<b>EMA</b>	Environment Management Act
<b>ESMU</b>	Environmental and Social Management Unit
<b>ESMP</b>	Environmental and Social Management Plan
<b>ESPA</b>	Environmental and Social Preliminary Assessment
<b>EWURA</b>	Energy and Water Utilities Regulatory Authority
<b>ESPAP</b>	Environmental and Social Program Action Plan
<b>GoT</b>	Government of the United Republic of Tanzania
<b>GRS</b>	Grievance Redress Service
<b>IAs</b>	Implementing Agencies
<b>IWRMD</b>	Integrated Water Resource Management and Development
<b>LGA</b>	Local Government Authority
<b>MDG</b>	Millennium Development Goals
<b>MKUKUTA</b>	Mkakati wa Kukuza Uchumi na Kuondoa Umaskini
<b>MoEST</b>	The Ministry of Education, Science and Technology
<b>MoFP</b>	Ministry of Finance and Planning
<b>MoHCDGEC</b>	Ministry of Health, Community Development, Gender, Elderly and Children
<b>MoH</b>	Ministry of Health
<b>MoW</b>	Ministry of Water
<b>NAWAPO</b>	National Water Policy 2002
<b>NEMA</b>	National Environmental Management Act
<b>NEMC</b>	National Environment Management Council
<b>NEP</b>	National Environment Policy
<b>RWSSP</b>	Rural Water Supply and Sanitation Program
<b>NWSDS</b>	National Water Sector Development Strategy
<b>PAD</b>	Project Appraisal Document
<b>PAP</b>	Project Affection People

<b>PCU</b>	Program Coordination Unit
<b>PDO</b>	Program Development Objective
<b>PforR</b>	Program-for-Results
<b>PESIA</b>	Preliminary Environmental Impact Assessment
<b>PMO-RALG</b>	Prime Minister's Office – Regional Administration and Local Govt
<b>POM</b>	Program Operational Manual
<b>RA</b>	Result Area
<b>RUWASA</b>	Rural Water and Sanitation Agency
<b>RWSTs</b>	Regional Water and Sanitation Teams
<b>SRWS</b>	Sustainable Rural Water Supply and Sanitation Program
<b>SWAp</b>	Sector-Wide Approach to Planning
<b>SWASH</b>	School Water and Sanitation and Hygiene
<b>UWSA</b>	Urban Water and Sewerage Authority
<b>UWSSP</b>	Urban Water Supply and Sewerage Programme
<b>VEMO</b>	Village Environmental Management Officer
<b>VWC</b>	Village Water Committee
<b>WATSAN</b>	Water and Sanitation Committee
<b>WDMI</b>	Water Development Management Institute
<b>WRMP</b>	Water Resources Management Programme
<b>WSDP</b>	Water Sector Development Programme
<b>WSS</b>	Water Supply System
<b>WSSAs</b>	Water Supply and Sanitation Authorities
<b>WSSP-II</b>	Second Water Sector Support Project

## EXECUTIVE SUMMARY

This document presents the Environmental and Social Systems Assessment (ESSA) report that has been prepared by the World Bank for the proposed PforR – Sustainable Rural Water Supply and Sanitation Program- Additional Financing program. The ESSA includes the following information: an introduction of the PforR; a summary of environmental and social risks and benefits associated with activities for achieving the Program Development Objective (PDO) and the Disbursement Linked Indicators (DLIs) for each Results Area of the PforR; an assessment of the borrower’s environment and social management systems which apply to these activities; an evaluation of the borrower’s performance and track record in implementing its environment and social management systems in the course of the implementation of the parent program (P163732) which was approved on June 26, 2018 and became effective on July 15, 2019; an assessment of the extent to which the borrower’s environment and social management systems are consistent with the six core environment and social principles of the World Bank Policy; and recommendations and actions the borrower has agreed to undertake to improve the implementation of applicable systems.

The Parent Program covers 86 districts in 17 regions that have low access to improved water supply and sanitation, high stunting rates, and high poverty rates. The regions are Tabora, Katavi, Rukwa, Lindi, Geita, Shinyanga, Singida, Kagera, Mwanza, Manyara, Mtwara, Simiyu, Iringa, Mara, Ruvuma, Kigoma, Songwe regions. The Ministry of Water (MoW), as the ‘Program Owner’ that coordinates implementation among different implementing agencies, has requested an AF to build on the results achieved and to scale up the Program. The AF request reflects the GoT’s focus on accelerating access to sustainable water and sanitation services. The AF will maintain the same PDO, results areas, and institutional arrangements of the Program as the parent Program. It will only add scale-up financing for the PforR component. The geographic scope will continue to cover the current 86 rural districts in 17 regions and will include an additional 54 Districts in eight other regions.

The parent program was covered by an ESSA prepared in March 2018 and is still valid. However, in order to comply with the requirements of the recently updated guidance for Program-for-Results Financing Environmental and Social Systems Assessment (OPS5.04-GUID.118), dated September 18, 2020, it has decided that the AF ESSA will need to be fully revised. It is also expected that the ESSA will highlight emerging challenges like Climate Change, and ensure adequate mitigation measures are in place, so that the Program does not contribute to increased depletion of the existing water resources, thereby exacerbating water scarcity and drought or contributing to water body pollution in the Program areas.

The AF will be to the tune of US\$150 million (the parent Program was for US\$350 million). The Program development objective (PDO) is to increase access to rural water supply and sanitation (WSS) services in participating districts and strengthen the capacity of selected sector institutions to sustain service delivery. The AF will continue to focus on three results areas. Results Area 1 is providing increased access of well-designed, properly constructed, and well-managed rural water supply services (both new and rehabilitated) and sustaining existing water points to ensure they remain functional and provide adequate service levels. Results Area 2 is measuring the increased access to improved sanitation services in rural areas through promotion

of hygiene practices and improved sanitation at household level, construction and rehabilitation of institutional water, sanitation, and hygiene (WASH) facilities at primary schools and health care facilities, and achievement and sustainability of Community-Wide Sanitation. Results Area 3 strengthens the capacity of sector institutions to improve service delivery in rural areas through better data management for reporting and decision-making, strengthening of technical and financial capacities of Community Based Water Supply Organizations, and strengthening of Rural Water Supply Authority (RUWASA).

The parent Program is on track to achieve its objectives with several targets likely being met ahead of time. Based on initial reporting and implementation experience, the verification process is expected to lead to the disbursement of most, if not all, of the remaining credit. The PDO indicators of access to improved water sources and sustainable functioning water points is also likely to be met. This is about 2.5 years ahead of the July 31, 2024, closing date. It is assessed that the remaining PDO indicators will be met by the current Program closing date, if not in advance. The Ministry of Water (MoW), as the 'Program Owner' that coordinates implementation among different implementing agencies (RUWASA, MoH and MoEST, with close coordination with PO-RALG and District Councils), will use the AF to build on the results achieved and to scale up the Program. The AF reflects the GoT's focus on accelerating access to sustainable WSS services. The AF will maintain the same PDO, results areas, and institutional arrangements of the Program as the parent Program.

Furthermore, as of today, more than 1.8 million people out of a targeted three million have gained access to improved water supply with adequate pressure and closer to their houses. The target of three million is expected to be achieved after the second-year verification exercise, due to be completed in January 2022. On sanitation, 2.6 million people out of a targeted four million have gained access to improved sanitation facilities, such as flush/pour flush toilets, ventilated improved pit latrines, pit latrines with intact slabs, or composting toilets. Furthermore, over 1,200 villages are now served by CBWSOs with improved operation and maintenance capacity for water supply services.

The speed and magnitude of results achieved stems from several factors, the most important one being the establishment of the Rural Water Supply and Sanitation Agency (RUWASA), which occurred when the parent Program became effective. Previously, rural water supply and sanitation services were managed by multiple agencies, including the President's Office – Regional Administration and Local Government (PO-RALG) and Local Government Authorities (LGAs). RUWASA took over the responsibilities of these agencies and restructured the service provision modality by setting up regional and district offices and re-registering CBWSOs. The establishment and operationalization of the professional agency, dedicated to rural WSS services, was a game changer in terms of improved implementation capacity, communication of program information, and monitoring of progress. By September 2021, RUWASA was able to complete construction of 666 water Projects out of which, 494 (361 completed and 133 under implementation) projects were under PforR. All 494 projects carried out by RUWASA were screened using Customized ES Screening Forms included in Environmental and Social Management Frameworks.

Despite remarkable achievements, some challenges remain. It has been reported that a few District Managers (DMs) are still reluctant to fully comply with Environmental Management and

Social Legislations. It has also been observed that due to shortage of employees at RUWASA project monitoring may not be up to expectations. Capacity building needs to be reinforced. RUWASA will also strengthen its collaboration with Zonal Water Bodies and other key stakeholders to ensure monitoring and promotion of sustainability of Implemented water schemes.

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

The risk of climate change significantly impacting water resources, coupled with the competing demands on its use, is real. Small water utilities must be alert to these effects as they pose threats to their long-term viability and sustainability. Climate change effects range from rising sea levels, increased saline intrusion into groundwater aquifers, changes in discharge characteristics of major rivers, water treatment challenges, to increased risk of direct storm and flood damage to water utility facilities. More intense rainfall, on the other hand, can increase turbidity and sedimentation in the water courses and increased risk of direct flood damage to water utility facilities. Despite strong legal instruments for freshwater conservation, future changes in freshwater supply and demand in Tanzania will present challenges for balancing future river water allocations between ecosystems and human users. River flows in some Basins are already declining in part because of high rates of water withdrawals. Human population growth, agricultural expansion, planned construction of new dams, industrialization, introduced species, are all issues that exacerbate the likely impacts of climate change. The AF will attempt to strengthen the efforts to mitigate and adapt to climate change through building more resilience for water schemes. MoW and RUWASA will be supported in their efforts to monitor river flows and to sensitize the beneficiaries on the importance of judicious use of such a precious commodity and learn to use it sustainably. All water user associations need to be trained on water conservation prior to rolling out any scheme.

The ESSA process includes extensive stakeholder consultations and disclosure of the ESSA Report following the guidelines of the World Bank's Access to Information Policy. At the Draft ESSA preparation stage, Bank staff held several virtual consultations, as well as a few face-to-face meetings. Consultations were also done with central, local government agencies and water user associations in the concerned regions. The Draft ESSA was posted on the MoW's website and widely circulated among a number of multi-stakeholders who were invited to consultation meetings held between 11 and 15 March, 2022 to discuss and adjust the findings of the report, and to ensure that a final version of the ESSA is disclosed during the planned Bank appraisal mission. Generally, the participants voiced their strong support for the implementing of the proposed program that aims to improve water and sanitation services in rural areas, while improving

environmental and social management in the water and sanitation sectors. They also called for authorities to ensure that the impacts of climate change are taken on board when designing any project.

Based on the screening of environmental and social effects (benefits, impacts and risks) of the Program and the consultations and discussions with stakeholders, the ESSA finds that, in general, the national regulatory framework for environmental and social management in Tanzania is consistent with the Bank PforR Policy and Directive in terms of principles and key elements. The legal framework provides a reasonable basis for addressing environment, health, safety and social issues likely to arise in the proposed Program. Procedures and technical guidelines and national plans/programs exist for environmental and social due diligence with respect to the potential impacts of the Program and risks to the Program’s achieving its results. However, the human and financial capacity to effectively enforce certain environmental (including climate change-related) and social regulations and guidelines in provision of water supply and sanitation facilities could be improved through the Program implementation.

Taking into consideration the potential risks and impacts of the AF operation, the fact the legal and regulatory frameworks are consistent with Bank’s policies and guidelines and having taken cognizance of the track record of the IAs after completing close to 400 projects, there is low to moderate likelihood that the program activities would lead to significant E&S consequences. The risks are well understood and with limited capacity-building measures, the E&S outcomes can be sustainably managed. Overall, the risk rating is set at **Moderate**. Several recommendations (actions) that are being implemented at the parent-project level will be carried forward and will be supplemented by some additional measures to address the shortcomings identified during parent-project implementation, and to deal with emerging challenges like climate change.

The gaps identified through the ESSA and subsequent actions to fill those gaps are expected to directly contribute to the Program’s anticipated results for enhancing improved access to water, improved access to safely managed sanitation and strengthened institutional capacities for water and sanitation delivery. The ESSA identifies the key measures to be taken for improved environmental and social due diligence in the Program. These measures are linked closely with the Program Action Plan and Disbursement-linked Indicators (DLIs) for the PforR operation (DLIs 1, 2, and 7). The following actions are recommended for inclusion in the DLIs and or Program Action Plan. The actions in bold are those that are being introduced under the AF, while the rest are being carried over from the parent program

### **Environment and Social Program Action Plan**

<b>Objective</b>	<b>DLI/PAP</b>	<b>Due Date</b>	<b>Measures</b>
Strengthening environmental and social management systems	DLI 1: Number of people with access to an improved water supply	On-going	<ul style="list-style-type: none"> <li>• The Program will not finance subprojects that pose significant environmental risk, and any physical or economic displacement is expected to be minor. Given the experience of the previous Water Sector SupportProject,<sup>45</sup> there is a good opportunity to improve systemic</li> </ul>

	<p>DLI 7: Number of participating districts submitting accurate and complete sector M&amp;E data</p>	<p>implementation of environmental and social practices related to the functioning and operations of water and sanitation service provision.</p> <p>The Program will adopt the measures and procedures defined in the Environmental Impact Assessment and Audit Regulations (2005) and as Amended in 2018, which underscores the obligation to screen projects. After screening, projects deemed to require an ESIA will not be financed under the AF. The beneficial experience from WSSP-I and the parent project PforR regarding improved screening of subprojects and will serve to plug in any gaps that have been identified</p> <ul style="list-style-type: none"> <li>• The EIA regulation and procedure has been assessed and found to be compliant with PforR principles at the top level, but needs greater attention on implementation procedures, resources, and improved institutional mechanisms at the local government/project site level.</li> <li>• The current process for grievance redress and complaint handling, inclusive and participatory community consultations, social accountability, transparency and information sharing, and gender equality (including vulnerable groups) also needs improvement.</li> <li>• The Program will strengthen environmental management functions of core implementing agencies to require further coordination among various ministries, agencies, and donor partners (including as relevant at the regional and district/district levels) on environmental and social aspects to further support field implementation.</li> </ul> <p>Improvements in this regard will be assessed through more regularized compliance monitoring, enforcement, and reporting. These environmental and social measures will be part of overall Program reporting and a central environment management system. For improved implementation, enforcement, and monitoring, procedures defined in the EMA, EIA regulation, management tools for the environmental and social management in the ministry, the Sustainability Strategy, the Trainers Manual for CBWSOs and the District Water and Sanitation Teams capacity building will be fully implemented.</p> <ul style="list-style-type: none"> <li>• Support CBWSOs environmental and social management functionality.</li> <li>• Monitor inclusion of disadvantaged and vulnerable communities in services delivery.</li> </ul>
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Addressing Climate Change	PAP	Before Launch for 1 <sup>st</sup> two items, and during implementation for the rest	<ul style="list-style-type: none"> <li>• MoW to update its climate-resilient water sector strategy and develop guidelines on measures aimed at promoting retention of water during rainy seasons, promote more judicious use and more equitable sharing of water resources among competing users (agriculture, urban development, industry...)</li> <li>• MoW and RUWASA to develop materials to sensitize beneficiaries on the value of water conservation.</li> <li>• Provide training to key staff on climate change adaptation.</li> <li>• Rainwater harvesting will be encouraged to take advantage of increased precipitation during rainfall months.</li> <li>• Undertake hydrological flow monitoring of all river systems being sources for the program at launch of program and every 6 months thereafter.</li> </ul>
Managing sanitation and hygiene-related activities	PAP	On-going	<ul style="list-style-type: none"> <li>• MoH, MoE and RUWASA to update strategies to deal with climate change impacts on WASH infrastructure. Revise Standard Designs to make WASH infrastructure more robust and climate-resilient (deeper boreholes, locating facilities in areas that are less prone to flooding and other risk factors, more robust construction to prevent impacts from flooding, etc.), ensuring proper disposal of wastewater, integrating ramps for disabled students, etc., and siting of facilities at a safe distance from water sources to prevent contamination.</li> <li>• Design facilities that consider future expansion of educational establishments to accommodate increased enrolment/ student population.</li> <li>• Encourage strengthening of institutions and community engagement to facilitate better outcomes.</li> <li>• Allocate adequate safeguards staff at all levels to implement and monitor design criteria.</li> </ul>
Addressing capacity constraints	<b>DLI 1:</b> Number of people with access to an improved water supply <b>DLI 2:</b> Number of sustainably functioning water points <b>DLI 8:</b> Agency	On-going	<ul style="list-style-type: none"> <li>• The capacity building activities (including provision for strengthening safeguards screening and monitoring arrangements) from the parent project will be extended to the AF component and included in the Operations Manual. Central to this will be the mainstreaming of environmental and social capacity strengthening under the multiple-activity IPF Technical Support component.</li> </ul>

	<b>established and operationalized PAP/IPF</b>		<ul style="list-style-type: none"> <li>• <b>Progress made on capacity building will be provided by the verification of DLI 7.</b></li> </ul>
Improved systems for information disclosure and stakeholder consultation	PAP	On-going	<ul style="list-style-type: none"> <li>• Accountability and transparency of institutions are essential to ensure that the benefits of the Program reach all beneficiary groups (service users and providers). The measures to improve information disclosure and stakeholder are included in the Stakeholder Engagement Plan (SEP) of the parent program which will be adopted for the AF.</li> <li>• During supervision, the World Bank will monitor information available in the public domain on community engagement activities and their contribution to improved water and sanitation service provision.</li> </ul>
<b>Disadvantaged and vulnerable persons</b>	PAP	<b>On-going</b>	<ul style="list-style-type: none"> <li>• <b>The AF of the Program will develop and adopt measures to ensure inclusive consultations and grievance redress with the vulnerable and unreached/disadvantaged people to safeguard them from exclusion from the Programs benefits.</b></li> <li>• <b>The Program will adopt measures to ensure that benefits and compensation accorded to disadvantaged persons are culturally appropriate. The Program will also adopt the GoT-prepared Vulnerable Groups Plan under the Productive Social Safety Net (PSSN) P124045.</b></li> <li>• <b>These will be included in the OM before effectiveness of the Program.</b></li> </ul>
Land acquisition/allocation for the Program	DLI 1: Number of people with access to an improved water supply	<b>On-going</b>	<ul style="list-style-type: none"> <li>• The AF Program will continue with the procedures in place for voluntary land donations and formats of agreements (between the Program and land donors).</li> <li>• These will be included in the OM before effectiveness of the Program.</li> <li>• <b>To guide land acquisition where needed the AF program will Water Sector Support Project (P087154) – Resettlement Policy Framework (RPF).</b></li> </ul>
Gender inclusion	DLI 1: Number of people with access to an improved water supply PAP	On-going	<ul style="list-style-type: none"> <li>• A Gender Action Plan developed under the Foundation Activities of the Parent Program during year 1 will be extended to AF program.</li> <li>• <b>To promote the participation of women in governance and CBWSOs, the Program will adopt the dedicated gender action plan to be implemented at RUWASA, district, and CBWSOs and build women’s capacity to lead and manage CBWSOs.</b></li> <li>• <b>These initiatives will include development and adoption of a rural water gender mainstreaming strategy, extension of current quota system to include leadership</b></li> </ul>

			<p><b>positions, exploring of ways of promoting female water technicians and engineers, training of both men and boys on sanitation and hygiene to promote their active participation, continuous sensitization of all sectors on social and cultural discriminatory practices and norms underpinning gender inequalities and discrimination against women with the aim of correcting them.</b></p> <ul style="list-style-type: none"> <li>• It also includes provide guidance on how sexual exploitation and abuse will be safeguarded in the Program.</li> </ul>
<p>Management of Gender Based Violence / Sexual Exploitation and Abuse (GBV/SEA-SH)</p>	PAP	On-going	<p>Finalize the appointments of Gender Desk Coordinators</p> <p>Prepare /Roll out sexual violence guidelines.</p> <p>Gender Desk coordinators to work closely with Community Development Specialists and GRM focal points to provide survivor centered approach to management of GBV/SEA-SH cases within the project in line with existing Government standards and procedures.</p> <p>Gender Desk Coordinators and GRM focal point persons training on GBV/SEA-SH case management. Training requirements reflected in the Training Plan prepared two (2) months after approval of the AF.</p>

# 1. INTRODUCTION

1.1 The current document presents the Environmental and Social Systems Assessment (ESSA) report that has been prepared by the World Bank for the proposed PforR –Sustainable Rural Water Supply and Sanitation Program- Additional Financing. The ESSA includes the following information: an introduction of the PforR; a summary of environmental and social risks and benefits associated with activities for achieving the Program Development Objective (PDO) and the Disbursement Linked Indicators (DLIs) for each Results Area of the PforR; an assessment of the borrower’s environment and social management systems which apply to these activities; an evaluation of the borrower’s performance and track record in implementing its environment and social management systems in the course of the implementation of the parent program (P163732) which was approved on June 26, 2018 and became effective on July 15, 2019; an assessment of the extent to which the borrower’s environment and social management systems are consistent with the six core environment and social principles of the World Bank Policy; and recommendations and actions the borrower has agreed to undertake to improve the implementation of applicable systems.

1.2 The parent program was covered by an ESSA in March 2018, but at the Concept Note Review Meeting held on December 15, 2021, it was decided that the SRWS AF ESSA will need to be fully revised in line with the requirements of the recently updated guidance for Program-for-Results Financing Environmental and Social Systems Assessment (OPS5.04-GUID.118), dated September 18, 2020. It was also expected that the ESSA will explain and ensure adequate mitigation measures are in place, so that the Program is not contributing to the significant depletion of the existing water resources, exacerbating water scarcity and drought or contributing to water body pollution in the Program areas.

1.3 The parent Program is on track to achieve its objectives with several targets likely being met ahead of time. Based on initial reporting and implementation experience, the verification process is expected to lead to the disbursement of most, if not all, of the remaining credit. The PDO indicators of access to improved water sources and sustainable functioning water points is also likely to be met. This is about 2.5 years ahead of the July 31, 2024, closing date. It is assessed that the remaining PDO indicators will be met by the current Program closing date, if not in advance. The Ministry of Water (MoW), as the ‘Program Owner’ that coordinates implementation among different implementing agencies (IAs)<sup>1</sup>, has requested an AF to build on the results achieved and to scale up the Program. The AF request reflects the GoT’s focus on accelerating access to sustainable WSS services. The AF will maintain the same PDO, results areas, and institutional arrangements of the Program as the parent Program. It will only add scale-up financing for the PforR component.

1.4 The ESSA is an integral part of the PforR appraisal and implementation. The report has been prepared according to the requirements of the World Bank Policy and Directive for Program-for-Results Financing and to the Bank Guidance “Program-for-Results Financing Environmental and Social Systems Assessment” (effective September 18, 2020). The ESSA aims at (i) identifying the key environmental and social risks (E&S), that may affect the achievement of the development

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<sup>1</sup> Implementing agencies for the Program are RUWASA, MoH and MoEST, with close coordination with PO-RALG and District Councils.

outcomes, (ii) assessing the capacity of the Government's existing environmental and social management systems that are the legal, regulatory, and institutional frameworks guiding the Program, and (iii) defining and recommending measures to strengthen the system and integrate these measures into the overall Program to manage E&S risks. In this ESSA report the WB environmental and social assessment team presents the identified gaps and provides recommendations to fill in those gaps to ensure sustainable environmental and social benefits of the SRWS - AF PforR. In view of the fact that there will be no change in the type of activities that will be funded under the AF, that the geographical coverage will remain the same, and that the parent project is amply covered by a full-fledged ESSA completed in 2018, the pragmatic approach (as recommended by the updated guidance, will be to generally assess those E&S risks and effects that have emerged in the course of the implementation of the parent project, and to ensure the Plan of Action fully integrates additional mitigatory measures.

1.5 As there is a possibility that the geographical scope of the program could be extended should additional funding be made available, the assessment has given due consideration those 8 additional regions (Arusha, Kilimanjaro, Tanga, Dodoma, Morogoro, Pwani, Mbeya, and Njombe) and consultations have included stakeholders there. It is understood that the additional selected districts will be based on the same criteria as for the Parent Program and the AF, i.e., low water supply and sanitation coverage, high poverty and stunting rates).

## **2. PROGRAM DESCRIPTION**

### **2.1 Results Areas**

2.1.1. The AF supports a flagship GoT program to provide sustainable water supply and sanitation (WSS) access in rural areas. This rural water supply and sanitation program is part of the government's Water Sector Development Program (WSDP), which is comprised of infrastructure development and institutional reforms for the water sector to improve access and sustained services delivery. The Water Sector Development Program Phase 2 (WSDP-2) has five components, covering the entire water sector: (i) water resources management, (ii) rural water supply, (iii) urban water supply and sewerage, (iv) sanitation and hygiene, and (v) program delivery support. The parent Program supports the second, fourth, and fifth components of WSDP-2, and the AF will continue to target these areas. While WSDP-2 was supposed to run from 2016 to 2019, it continues to be the governing program for the water sector in Tanzania as of now, as WSDP-3 has not been developed yet. In addition to WSDP-2, the GoT has launched a new National Five-Year Plan III (2021-2025, NFYP-III): Realizing Competitiveness and Industrialization for Human Development. Among many goals and targets, this plan also has ambitious targets to increase access to safely managed water supply and improved sanitation facilities in rural areas to 85 and 75 percent, respectively

2.1.2 The AF will be to the tune of US\$150 million to provide an additional financing (AF) of US\$150 million for the Sustainable Rural Water Supply and Sanitation Program (P163732, Credit No. 6295-TZ). The World Bank has so far disbursed 53 percent of the credit amount, including an advance payment of 20 percent. The proposed additional credit will cover a financing gap of

US\$150 million due to significant expenditure of credit, expected to be achieved by year two verification. Based on initial reporting and implementation experience, the verification process is expected to lead to the disbursement of most, if not all, of the remaining credit. It will also allow the GoT to scale up the activities to cover more villages in the same program areas. The GoT is committed to increasing counterpart funding and has provided US\$140 million to date. The closing date will be extended from July 31, 2024, to July 31, 2025, to allow the program to achieve its objectives fully (including the increased targets as a results of the AF). The project objectives and implementation arrangements remain unchanged, and there will be continuity of the World Bank's safeguards policies from the original credit to the AF. The AF does not trigger any new safeguard policies and will retain the Category B rating of the parent program.

2.1.3 The Program development objective (PDO) is to increase access to rural water supply and sanitation (WSS) services in participating districts and strengthen the capacity of selected sector institutions to sustain service delivery. The AF will continue to focus on three results areas. Results Area 1 (US\$105 million) is providing increased access of well-designed, properly constructed, and well-managed rural water supply services (both new and rehabilitated) and sustaining existing water points to ensure they remain functional and provide adequate service levels (DLI #1&2). Results Area 2 (US\$75 million) is measuring the increased access to improved sanitation services in rural areas through promotion of hygiene practices and improved sanitation at household level, construction and rehabilitation of institutional water, sanitation, and hygiene (WASH) facilities at primary schools and health care facilities, and achievement and sustainability of Community-Wide Sanitation (DLI #3, 4, and 5). Results Area 3 (US\$150 million) strengthens the capacity of sector institutions to improve service delivery in rural areas through better data management for reporting and decision-making, strengthening of technical and financial capacities of CBWSOs, and establishment and operationalization of RUWASA (DLI #6, 7, and 8). The Program also has an Investment Project Financing (IPF) component (US\$20 million) to provide technical support to address capacity gaps and institutional deficiencies. However, the AF will not be used for the IPF.

## **2.2 Disbursement Linked Indicators**

2.2.1. Most of the existing DLIs will remain the same, except for DLI 4. The disbursement formula for DLI 4 Number of public primary schools with access to improved sanitation and hygiene facilities needs to be adjusted to accommodate the growing number of students enrolled in primary schools (i.e., increasing the unit price per school or shifting to disbursement on a per drop hole basis). This adjustment is needed because of the free education policy that commenced in 2019, which has caused a rapid increase in primary school enrollment that could not be foreseen during the preparation of the parent Program. The MoEST assessed that the current funds allocated for this DLI would not be sufficient to cover the increased construction costs needed to achieve the drop hole ratio requirement, which is the key criterion of DLI 4.

2.2.2. Two DLIs focused on WASH access in health care facilities and on support of an extended pilot of pre-paid meters with private financing will be added. A new DLI for health care facilities (HCFs) to monitor the number of HCFs with water supply and sanitation and hygiene (WASH) facilities is proposed. As the demands for WASH facilities for HCFs have been heightened during the COVID-19 pandemic, MoH utilizes most of the disbursed amount on DLI 3 on the construction

of WASH facilities for HCFs. Because of the sheer number of HCFs to cover, it has become increasingly challenging for MoH to monitor and ensure the quality of construction is done according to standards. MoH aims to use the PforR verification mechanism to reward the districts that have successfully constructed HCFs that meet agreed criteria and standards of construction. Another newly proposed DLI is to extend a solar pre-paid water meter public-private partnership (PPP) pilot to benefit at least 206 water supply schemes. This DLI will build on a prior successful pilot of this PPP approach under a TF project. This proposed DLI will be funded by a US\$5 million grant from the Danish International Development Agency (DANIDA). The details of these new DLIs, including milestones and eligibility criteria, will be finalized during the AF preparation. Beside these new DLIs, DLI conditions for school WASH and HCFs will also be updated to measure the number of primary schools and HCFs that are connected to the water supply service, provided by RUWASA. This will incentivize IAs to work closely together and provide more holistic services, including water supply and sanitation. Table 1 describes the proposed DLIs (existing and new) and any changes.

**Table 1: Existing and new DLIs and proposed changes for AFUnit: US\$M**

	DLI	Description	Changes	Allocation as per parent Program	Disbursed Amount (as of Nov. 2021) <sup>2</sup>	Allocation of AF
Existing	DLI 1	Number of people with access to an improved water supply	No change	75	45	100
Existing	DLI 2	Number of sustainably functioning water points	No change	30	7.6	15
Existing	DLI 3	Number of people with access to an improved sanitation facility	No change	20	11.3	8
Existing	DLI 4	Number of public primary schools with access to improved sanitation and hygiene facilities	Disbursement formula (i.e., unit cost) for DLI4 will be modified to accommodate the growing number of students enrolled in primary schools. The number of primary schools that are connected to water	30	3.7	10

<sup>2</sup> Disbursement was done based on SDR. US\$ amount is calculated based on the exchange rate of June 1, 2020, which is US\$1=XDR0.692.

			supply service will also be measured			
Existing	DLI 5	Number of villages that achieve and sustain community-wide sanitation status	No change	25	1.2	
Existing	DLI 6	Number of villages with a COWSO with improved O&M capacity for water supply services	No change	110	28.3	10
Existing	DLI 7	Number of participating districts submitting accurate and complete sector M&E data	No change	20	1.2	
Existing	DLI 8	RUWASA established and operationalized	No change	20	4.0	
New	DLI 9	Number of health care centers with improved water supply, sanitation, and hygiene facilities				7
New	DLI 10	Enabling a pilot of pre-paid water meter with private financing				5
Existing	IPF			20	2.8	
Total				350	105.1 <sup>3</sup>	155

<sup>3</sup> The amount excludes the advance, which is about US\$75.9M.

## **2.3 Geographical coverage**

2.3.1 The Parent Program covers 86 districts in 17 regions that have low access to improved water supply and sanitation, high stunting rates, and high poverty rates. The regions are Tabora, Katavi, Rukwa, Lindi, Geita, Shinyanga, Singida, Kagera, Mwanza, Manyara, Mtwara, Simiyu, Iringa, Mara, Ruvuma, Kigoma, Songwe regions, as shown in Figure 1. The Ministry of Water (MoW), as the ‘Program Owner’ that coordinates implementation among different implementing agencies (IAs)<sup>4</sup>, has requested an AF to build on the results achieved and to scale up the Program. The AF request reflects the GoT’s focus on accelerating access to sustainable WSS services. The AF will maintain the same PDO, results areas, and institutional arrangements of the Program as the parent Program. It will only add scale-up financing for the PforR component. The geographic scope will be kept the same as the original 17 regions (Figure 1) but will be expanded to an additional 54 Districts in 8 other regions. Two new DLIs will be introduced, and the targets of some of the current DLIs as well as PDO and intermediate outcome indicators will be increased to reflect the outcomes from the scaled-up scope. The verification protocols will be adjusted to align with their expansion in scale and emerging issues on the ground. The closing date will also be extended by 12 months.

## **2.4 Achievements Under Parent Program**

2.4.1 There have been several key achievements under the Parent Program. As of today, more than 1.8 million people out of a targeted three million have gained access to improved water supply with adequate pressure and closer to their houses. The target of three million is expected to be achieved after the second-year verification exercise, due to be completed in January 2022. On sanitation, 2.6 million people out of a targeted four million have gained access to improved sanitation facilities, such as flush/pour flush toilets, ventilated improved pit latrines, pit latrines with intact slabs, or composting toilets. Furthermore, over 1,200 villages are now served by CBWSOs with improved operation and maintenance capacity for water supply services. These CBWSOs are not only registered with governing bodies with at least one woman in key positions, but they have also set equitable and affordable tariffs, maintained cash books, and participated in bi-annual district-level community of practice meetings for better coordination and knowledge exchange with other CBWSOs in the same district (Level 1). More than half of them also have installed functioning chlorination systems for water schemes and have technical backstopping mechanisms for maintenance and repairs (Level 2). These elements strengthen technical and financial capabilities of CBWSOs to provide better services.

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<sup>4</sup>Implementing agencies for the Program are RUWASA, MoH and MoEST, with close coordination with PO-RALG and District Councils.



Figure 1: Targeted Regions of the Country under Parent Program and AF (Dark Shaded). AF will now be extended to unshaded Regions

2.4.2 Despite the remarkable achievements, the Program remains highly relevant to Tanzania’s rural water and sanitation sector development agenda, given that rural WSS services still need further support to improve access. With the establishment of RUWASA, water supply services are organized through CBWSOs, with technical support from the district and regional levels. Nevertheless, rural access to basic drinking water services stood at 45.4 percent in 2020, a number that is well below the Sub-Saharan African average of 56 percent. Beyond access, availability (distance and hours of service) and quality remain an issue for the sector. Unfortunately, the high correlation between poverty and lack of access to basic water supply means that the impact of subpar service performance falls disproportionately on the poor. Therefore, the Program is targeting regions that have low coverage of water supply and sanitation services, as well as high poverty and stunting rates. Furthermore, when developing solutions to address poor service performance, consideration needs to be given to the fact that vulnerable people, such as the elderly, disabled people, and women and children, experience different kinds of difficulty accessing water supply and sanitation services than groups that are not considered vulnerable. The sector requires continuous effort to maintain sustainable services and further efforts are needed to reach the Government program targets and Sustainable Development Goals.

**Table 2: Results to date for parent Program per Results Area, DLI and PDO indicator**

Results areas	DLIs and PDO indicators <sup>5</sup>		Yr 1	Yr 2	End Program Target
Results area 1	DLI1 and PDO indicator: Number of people with access to improved WS	Target	450,000	1,140,000	3,000,000
		Actual	1,831,543	3,370,353	
	DLI2 and PDO indicator: Number of sustainably functioning water points	Target	33,611	36,371	45,000
		Actual	(Public) 36,831 (HHC) 47,496	26,363 25,079	
Results area 2	DLI3 and PDO indicator: Number of people with access to an improved sanitation facility	Target	400,000	1,300,000	4,000,000
		Actual	2,602,650	4,670,260	
	DLI4: Number of public primary schools with access to improved sanitation and hygiene facilities	Target	100	450	1,500
		Actual	185	637	
	DLI5 and PDO indicator: Number of villages that achieve and sustain community-wide sanitation	Target	50	350	1,250
		Actual	72/0	246/42	
Results area 3	DLI6: Number of villages with CBWSO with improved O&M capacity	Target	550	1,330	3,667
		Actual	(Level I)578 (Level II) 650	817 2,765 (3,582)	
	DLI7 and PDO indicator: Number of participating districts submitting accurate and complete M&E data	Target	86	86	86
		Actual	54	59	
	DLI8: RUWASA support	Target	Agency established	Audit Unit and QA&QC mechanism operational	Tech. support agreement signed and implemented with 50% of CBWSOs
		Actual	Established and operational (DLI 8.2)		

## 2.5 Type of activities to be funder under the AF

2.5.1 As the program focuses on rural water and sanitation facilities provision, and the achievement of a basic human right as promoted by SDG6, the proposed infrastructure will include: (i) construction and rehabilitation of rural water schemes – drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics and (v) installation of local product including plastic pans, and user-friendly hand washing stations. Based on the type and scale of

<sup>5</sup> Noted where DLI is also a PDO indicator.

the investment, are expected to have moderate to low and site specific environmental and social impacts, which can be readily mitigated during implementation.

2.5.2 Exclusions: The AF will respect the exclusionary provision under the Policy and exclude activities that are “judged to be likely to have significant adverse impacts that are sensitive, diverse, or unprecedented on the environment and/or affected people are not eligible for financing and are excluded from the Program.” More specifically, PforR financing should not be used to support programs, or activities within ownership or under customary use or occupation; or (c) have significant impacts on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities’ cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected communities. Furthermore, The Environmental Management (Environmental Impact Assessment and Audit) Act of 2005 has been amended in 2018, has to reclassify projects in consideration of magnitude of impacts on the environment, be classified into the following types, namely:

- (a) Type “A” for Mandatory Projects (requiring a full ESIA);
- (b) Type “B1” for Borderline Project (that may or may not require full ESIA);
- (c) Type “B2” for Non-Mandatory; and
- (d) “Special”.

A full list of the projects falling under the different categories is presented in Annex 3. The clear majority of the activities under the AF will fall under category B2, as evidenced by the screening forms of the projects funded under the parent company.

## **2.6 Institutional Arrangements**

2.6.1 The Program will largely be implemented through the systems established for WSDP-2 and the parent project. MoW will implement activities to achieve sustainable access to improved water supply. RUWASA was created under Section 48 of the Water Supply and Sanitation Act No. 5 of 2019, and is responsible for development, management, and ensuring sustainability of rural water supply and sanitation services. The Agency operates at the national, regional and district levels under the MoW and is mandated to protect environment and safeguards social related issues in implementing water supply and sanitation projects. This is in line with the Environmental Management Act No. 20 of 2004. As the national ‘Program owner’, the MoW will coordinate the implementation of the Program, through a national steering committee comprising the MoW, MoH, MoEST, PORALG, MoFP, and RUWASA. Fully empowered teams have been established nationally to monitor and support implementation. Activities at the regional and district levels will be implemented through the Regional Water and Sanitation Teams (RWSTs) and the Council Water and Sanitation Teams (CWSTs) and coordinated by the district health officers and district water engineers. The RWST and CWST are formal structures at the regional and district levels responsible for the coordination of the WSDP.

2.6.2 At the national level, the MoH will lead the implementation of the sanitation and

hygiene promotion activities in coordination with PO-RALG. The districts will be the main executing entities with support from the RSs and the MoH. The districts will be responsible for the procurement and construction of facilities in dispensaries and health centers.

SWASH will be implemented by the MoEST in coordination with PO-RALG. The districts will be the main executing entities with support from the RSs and the MoEST. The districts will coordinate and supervise the SWASH activities but responsibility for procurement will be assigned to the schools through funds transfers to their accounts.

## **2.7 Borrower's capacity, experience and performance of E&S systems under the Parent Project**

2.7.1 As mentioned previously, the parent project is on track to achieve its objectives with several targets likely being met ahead of time. The speed and magnitude of results achieved stems from several factors, the most important one being the establishment of the Rural Water Supply and Sanitation Agency (RUWASA), which occurred when the parent Program became effective. Previously, rural water supply and sanitation services were managed by multiple agencies, including the President's Office – Regional Administration and Local Government (PO-RALG) and Local Government Authorities (LGAs). RUWASA took over the responsibilities of these agencies and restructured the service provision modality by setting up regional and district offices and re-registering Community-based Water Service Organizations (CBWSOs). The establishment and operationalization of the professional agency, dedicated to rural WSS services, was a game changer in terms of improved implementation capacity, communication of program information, and monitoring of progress.

2.7.2 Specifically, RUWASA is responsible for the following:

- Plan, design, construct and supervise rural water supply projects;
- Conduct ground water survey including prospecting and explorations and undertake drilling operations including water well flushing and pumping test, and rehabilitation of water wells;
- Design and construct dams of different types and carry out geotechnical and soil investigation for dam construction and other civil engineering structures;
- Monitor and evaluate performance of community organizations in relation to rural water supply and sanitation services;
- Promote and sensitize rural communities on sanitation, hygiene education and practice as well as protection and conservation of rural water sources;
- Provide financial and technical support to community organizations for major maintenance of rural water schemes;
- Provide support to community organizations in relation to management, operation and maintenance of rural water supply schemes;
- Advise the Minister on issues related to rural water supply and sanitation;
- Facilitate participation of communities in the identification, planning, construction and management of rural water supply and sanitation projects;
- Facilitate private sector engagement in provision of the rural water supply and sanitation services;

- Facilitate training and capacity building to community organizations according to the Act and Regulations made by the Minister; and
- Undertake any other initiative or activity aimed at ensuring the Agency attain its objectives.

2.7.3 Overall, since its creation, RUWASA has made good progress on employment of competent staff, provision of capacity building to staff and institution, development of working tools, and strengthening of the reporting systems. Thus, RUWASA has made good efforts to strengthen its capacity to carry out its functions of development and management of sustainable rural water supply and sanitation projects. Development of RUWASA Service Delivery Management System (RSDMS) has progressed well and all Program for Results (PforR) data are processed through the system, resulting in significant improvement in securing timely, accurate, and complete sector M&E data although serious accuracy issues remain. A January 2021 report on RUWASA's Capacity Needs Assessment (CNA) provides more insight on how to address capacity gaps for more efficient operations. The CNA of RUWASA assesses the staff and organizational capacity and explore the linkages and issues between the staff and the institutional capacity operating within the water supply and sanitation sectorial operating environment. At the individual staff level, the assessment covers capacities of artisans, technicians, engineers, Community Development Officers (CDOs) and other support staff in terms of currently available numbers, their qualifications, competencies, experience, and soft skills to establish capacity gaps that need to be addressed. RUWASA is already working on the various recommendations from that report. Currently, most essential posts at RUWASA HQ have been filled. At regional level, all Regional Managers (RMs) are qualified and experienced engineers who are assisted by one additional engineer and other support staff. All RUWASA District Managers (DMs) are qualified engineers some with one or two other engineers in the team. The number of staff at each DM's office varies widely but with an average of about 7 staff including support staff. RUWASA management has spent a significant amount of time engaging staff to provide clarity on the strategic direction of the organization. It is estimated that 89% of RUWASA's staff have a clear understanding of RUWASA's objectives. However, there are still some issues related to staff performance which are inadequately addressed, including: motivation, attitudes and behavior, as well as the soft skills related to leadership, management.

2.7.4 Other efforts include strengthening capacity of RUWASA staff on data management, deployment of 26 accountants stationed at headquarters and Regional Managers (RMs)' offices, leaving a deficit of 65 accountant positions yet to be filled. Also, 21 procurement officers (POs) have been stationed at HQ and RMs' offices with a deficit of 174 POs. Plans are to fill the gap of accountants and POs within the next two years. An MoU has been signed with the Water Institute (WI) aiming at deploying the institution's students and graduates for on-the-job training to create a pool of future Agency's employees. Currently, a total of 422 graduates (181 engineers, 111 technicians, and 130 Community Development Officers) are deployed and are attached to Community-based Water Supply Organizations (CBWSOs) to assist in O&M of rural water supply schemes. Furthermore, Technical support agreements have been signed with 436 CBWSOs. A "service area model" (ongoing) aimed at strengthening the capacity of CBWSOs by optimizing the customer base to enhance water sales volume and increase collections, to be able to cover all O&M costs, has been developed. The model involves zoning villages and wards into a cluster to be served by a single CBWSO rather than the current practice where most CBWSOs manage a single village. Service delivery guidelines were developed including Capacity Building Guidelines, Operation

and Maintenance Guidelines, and Regulation Guidelines. These tools provide standard operating procedures (SOPs) and protocols for strengthening and managing rural water supply and sanitation service delivery. A concept note has been developed for the establishment and operationalization of a technical support center model for CBWSOs' technical backstopping. The model aims at instituting a mechanism of spare-parts supply chain and after-sales services support for sustainability of rural water supply and sanitation facilities. A strategy was developed to support CBWSOs to lower the O&M costs through switching from use of liquid fuel pumping technologies to use of solar and other electricity technologies.

2.7.5 Furthermore, Section 48 of the Water Supply and Sanitation Act No. 5 of 2019, requires RUWASA to protect environment and safeguards social related issues in implementing water supply and sanitation projects. This is in line with the Environmental Management Act No. 20 of 2004 and its amendment of 2018. It is also guided by the Revised Water Sector Development Programme (WSDP) Frameworks which were jointly prepared by the World Bank and MOWI. These Frameworks include Environmental and Social Management Frameworks (ESMF), Resettlement Management Frameworks (RMF), and GGESP. Compliance with Environmental and Social Safeguards legislation is part and parcel of all Projects implemented by RUWASA including those under PforR. The Agency is continuing to implement Programme Action Plan (PAP) as stipulated in Operation Manual of SRWSP.

2.7.6 By September 2021, RUWASA was able to complete construction of 666 water Projects out of which, 494 (361 completed and 133 under implementation) projects were under PforR. All 494 projects carried out by RUWASA by September 2021 were screened using Customized ES Screening Forms included in Environmental and Social Management Frameworks. The forms have now been included in RUWASA Service Delivery Management System (RSDMS) for their easy access. Most of the projects were found to be of category C (Cat B2 under Tanzanian regulations) with low environmental and social risks levels. However, to promote better monitoring of projects, RUWASA introduced mandatory ESMP preparation for all projects, irrespective of risk level. Furthermore, all screening is now subjected to NEMC scrutiny and has facilitated this process by providing an online portal for registration of screening forms.

2.7.7 Reducing threats to water schemes. In an effort to sustain water schemes, RUWASA signed a Memorandum of Understanding with Water Resource Division of Ministry of Water for protection of its water sources. Up to 30<sup>th</sup> June 2021, RUWASA had 7,404 water sources of which about 7.4% (476) are under threat of human activities such as farming, grazing, tree cutting, and fishing. Various sensitization campaigns for water sources protection were conducted in collaboration with other stakeholders to protect degradation of water sources. Since Water schemes are run by Community Based Water Supply Organisations (CBWSOs), a Water sources Environmental degradation protection manual will be developed.

2.7.8 Strengthening environmental and social management systems. RUWASA has an ESS Focal person in each Region (appointed by RMs) who is responsible for coordinating Environmental and Social related activities for each region in support of District Environmental management officers. The Agency has established an Environmental management unit based at HQ with employees to coordinate and supervise all ESS activities in all Regions. It is expected

that RUWASA in future will have offices in all zones with Environment Officers to facilitate environmental and social activities.

2.7.9 Addressing capacity constraints. In the period between May and June 2021, RUWASA in collaboration with Vice President Office, NEMC, University of Dar es Salaam and Ministry water conducted training for 25 RUWASA ESS Focal persons and 8 RMs for purpose of creating awareness on various procedures and tools for ESS. This was the second training following the one conducted in July 2020 addressed to RMs. The training for District Environment Management Officers (DEMOs) which was planned to take place in September 2021, has been rescheduled to take place in early 2022.

2.7.10 Ministry of Health: The role of the new Ministry of Health (MoH), has not changed from that of the split Ministry of Health, Community, Gender, Elderly, and Children (MoH). MoH coordinates the implementation of the NSC under WSDP-2 including monitoring of the NSC, updating the National Sanitation Management Information System (NSMIS) and coordinating quarterly and annual reports for submission to the MoW. The split of the ministry has not affected the capacity of MoH.

2.7.11 Improved systems for information disclosure and stakeholder consultation. A Stakeholders Engagement plan (SEP) has been developed and shared with World Bank. Engagement of Stakeholders in Project implementation is part and parcel of all projects implemented under the programme. This includes communities at project level followed by the District Council Committee (DCC) and Regional Council Committee (RCC). Training of 172 Community Development Officers (CDOs) on the SEP has been conducted and each district has devolved Action plan which are currently under review for their implementation.

2.7.12 Disadvantaged and vulnerable persons have seen their conditions improved. To ensure that Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities can participate in devising opportunities to benefit from exploitation of customary resources and indigenous knowledge, the latter (indigenous knowledge) to include the consent of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities. The program adopted the Vulnerable Groups Plan under the Productive Social Safety Net (PSSN) P124045 as indicated in the parent programs Environmental and Social Program Action Plan (E&S PAP) in the project operations manual.

2.7.13 Program Grievance Redress Mechanism. The Agency has established a Grievance Redress Mechanism, which has been developed and shared with WB. The GRM also has guidelines for the management of GBV/SEA cases. Committees for grievance handling have been established in some Regions and as such complaints are handled at various stages depending on their nature and complexity. Templates for complaints are also found in RSDMS where DMs can fill all complaints and record their status. For the Period between July and September, RUWASA received 104 Complaints from 14 Regions of Geita, Rukwa, Tanga, Manyara, Songwe, Tabora, Simiyu, Katavi, Iringa, Mwanza, Singida, Kagera, Kilimanjaro and Dodoma.

There has been a shift from Land complains which had highest proportion at 34.5% in April 2021 followed by Water service delivery (24.1%) as compared to current complains (July-

September) which has seen a rise in complaints over water service delivery (80.8%). This is followed by Land compensation complaints (16.3%). By September 58.7% of all submitted complains were already resolved and the rest were in progress at different levels of authority.

2.7.14 Land acquisition/allocation procedure. Both voluntarily and involuntarily land acquisition approaches are in use. More than 90% of project implemented had their land donated voluntarily by either individuals or village governments. To complement Tanzania's local legal framework in involuntary land acquisition the program under the E&S PAP adopted the Water Sector Support Project (P087154) – Resettlement Policy Framework (RPF). The Agency (RUWASA) is using customized land acquisition voluntary agreement form, to enter into agreement between landowner and RUWASA Regional Manager. In case where involuntary land acquisition approach is used, the valuation is carried out to determine the amount to be compensated. There have been instances when compensations have not been forthcoming leading to delays in implementation of the project.

2.7.15 Gender Inclusion. A draft Gender Action Plan, which includes guidelines for the Prevention of Gender Based Violence and Sexual Exploitation and Abuse, has been developed by the Ministry of Water and shared with WB for review and comments. The GAP is still in the process of revision by the project implementing agencies and once finalized will be send to the WB for final quality review. It was developed to ensure gender inclusion in all water supply projects to be implemented. This is also highlighted in Water supply and sanitation Act where recruitment of management team of CBWSOs is required to address gender balance component.

2.7.16 Despite remarkable achievements, some challenges still remain. It has been reported that a few DMs are still reluctant to fully comply with Environmental Management and Social Legislations. It has also been observed that due to shortage of employees at RUWASA project monitoring may not be up to expectations. Capacity building needs to be reinforced. RUWASA will also strengthen its collaboration with Zonal Water Bodies, Basin Water Boards, NEMC Zonal Offices, Regional Water Laboratory Centers, and other key stakeholders to ensure monitoring and promotion of sustainability of Implemented water schemes. Furthermore, a Bank technical mission conducted in March 2022 revealed that many infrastructure facilities were not adhering to established design guidelines, potentially leading to contamination of water sources by fecal sludge and destruction of facilities by flood waters because of bad siting.

2.7.17 New and amended EMA Regulations. One of the proposals put forward in the E&S PAP for the parent-project was that the MoE comes forward with several pending regulations to fully operationalize the EMA Act of 2004. It is very encouraging and reassuring to put on record that, since 2018, a number of regulations have been gazetted to deal with emerging challenges in the country. Not to mention the fact that the National Environmental Policy has been revised and a new policy adopted by government. Below is a list of regulations passed since 2018:

- a. The Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations, 2018
- b. Environmental Management (Registration and Practice of Environmental Experts Regulations of 2021 GN 267 of 2021)
- c. The Environmental Management (Control and Management of Electrical and Electronic Equipment Waste) Regulations, 2021 .GN No 388 of 2021.

- d. Environmental Management (Fees and Charges) Regulations 2021.
- e. The Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019 GN 394 /2019.
- f. The Environmental Management (Hazardous Waste Control and Management) Regulations of 2021.
- g. The Environmental Management (Control and Management of Mercury and Mercury Compounds) Regulations, 2020.
- h. Finally, a new National Environment Policy<sup>6</sup> has been launched to serve as a national framework for planning and sustainable management of the environment in a coordinated, holistic and adaptive approach taking into consideration the prevailing and emerging environmental challenges as well as national and international development issues.

### **3. EXPECTED ENVIRONMENTAL AND SOCIAL EFFECTS OF THE SRWS-AFPROGRAM**

#### **3.1 Potential Environmental Benefits and Risks**

3.1.1 As mentioned previously, the Water and Sanitation Program will support the Government in implementing the WSDP II for a five-year period and will support some of the targets under the program. The proposed AF, just like its parent project, is therefore a subset of the WSDP II, consisting of rural water supply and sanitation services in 17 (and an additional 8 to be confirmed after discussions) out of Tanzania's 26 regions, which have been selected against the criteria of low access to water and sanitation as well as high poverty and high stunting rates. The AF will directly support activities linked to increasing access to improved water services in rural areas to be implemented by both MoW and PORALG in participating districts. This will be based on investments identified by districts WASH plans with a focus on low-coverage communities as well as rehabilitating and repairing water points that are non- or partly functional. In the rural areas, under this AF, RUWASA will act in conjunction with LGAs and CBWSOs. Further support will be focused on increasing access to safely managed sanitation services in rural areas which will be implemented by MoH and PORALG. The key activities here will be the national Sanitation Campaign as well as rolling out the Behaviour Change Communication strategy. Encouragement of local private sector suppliers and service providers in the marketing and installation of local products including plastic pans, handwashing stations, etc., will be a priority. Finally, institutional capacity strengthening for water and sanitation services in rural areas will be strengthened through MoWI and MoH, and will focus on monitoring, quality assurance and sustaining the WASH service delivery.

3.1.2 An environmental and social screening of the AF scope was undertaken. The purpose of the screening was to: (i) identify activities likely to have significant adverse impacts that are

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<sup>6</sup>United Republic of Tanzania (URT) (October 2021). National Environment Policy. Vice President's Office, Division of Environment, Government Printer, Dodoma. Tanzania

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

- a) Positive environmental and social benefits will be expected as major results of the AF, if environmental and social actions and measures are included into the implementation of the Program to enhance compliance and integration of environmental and social impacts and risks management.
- b) The main environmental and social impacts of the AF are related to construction of water supply and sanitation facilities which have impacts resulting from civil works such as pollution, erosion, noise, loss of vegetation, occupational and health risks, generation of solid waste, etc. and land acquisition.
- c) Environmental and social risks to the achievement of the AF PDO specially relate to environmental, health, safety and social concerns including: (i) inadequate water supply and sanitation facilities; (ii) poor maintenance of the facilities, (iii) the cultural beliefs and practices related to safe water and use of sanitation facilities, (v) community roles in functionality of water supply facilities, (iv) access to facilities for the remote disadvantaged and vulnerable communities, (vi) lack of structured grievance redress mechanisms on environmental and social impacts and risks at LGAs and/or communities.
- d) Environmental and social impacts and risks management systems should be enhanced during the AF implementation, as part of the Disbursement Linked Results/Indicators and/or the Program Action Plan.

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

3.1.4 No new environmental risks will be introduced as a result of the implementation of the project. At 20 liters per head, water extraction from the system will not seriously affect surface environmental flows or the recharge of aquifers. The mitigation measures that will accompany the project will adequately compensate for the satisfaction of a basic human right.

## **3.2 Climate Change**

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

3.2.2 Despite strong legal instruments for freshwater conservation, future changes in freshwater supply and demand in Tanzania will present challenges for balancing future river water allocations between ecosystems and human users. The World Bank's Climate and Disaster Risk Screening assessment indicates that Tanzania is exposed to potential future increases in extreme temperatures, extreme precipitation and flooding, recurrence of droughts, and recurrence of strong winds. River flows in some Basins are declining in part because of high rates of water withdrawals, which threatens numerous species of amphibians and reptiles. Current projections suggest that human demand for freshwater will substantially increase in the next decades. Human population growth, agricultural expansion, planned construction of new dams, industrialization, introduced species, and climate change are all issues relevant on a national scale; however, these challenges are likely to be most acute for river systems that support agricultural and urban areas in eastern Tanzania.

3.2.3 The AF will further strengthen the efforts to mitigate and adapt to climate change through building more resilience for water schemes. While the biggest users of water are agriculture, urban development and industrialization, the provision of a basic human need in terms of water and sanitation facilities cannot be denied. The GoT is making efforts to develop strategies to integrate Climate Change considerations across all sectors, it is important that MoW and RUWASA develop plans to sensitize the beneficiaries on the importance of judicious use of such a precious commodity and learn to use it sustainably. All water user associations need to be trained on water conservation prior to rolling out any scheme.

**Table 3: Overview of Potential Impacts Associated with Water and Sanitation Activities**

<b>ENVIRONMENTAL COMPONENTS</b>	<b>Geology</b>	<b>Soils</b>	<b>Topography</b>	<b>Surface water resources</b>	<b>Surface water quality</b>	<b>Groundwater resources</b>	<b>Groundwater quality</b>	<b>Archaeology/Paleontology</b>	<b>Flora</b>	<b>Terrestrial Fauna</b>	<b>Aquatic fauna</b>	<b>Air quality</b>	<b>Noise and vibration</b>	<b>Cultural heritage and sites</b>	<b>Local communities</b>	<b>Livelihoods</b>	<b>Current land use</b>	<b>Future land use options</b>	<b>Local economy</b>	<b>National economy</b>	<b>Existing infrastructure</b>	<b>Health and safety</b>	<b>Aesthetic and amenity</b>
<b>PROJECT ACTIVITIES</b>																							
<b>PLANNING AND DESIGN</b>																							
Mobilization of stakeholders															X								
Site identification															X	X	X	X	X		X	X	X
Surveying of the project site	X	X							X								X	X	X		X	X	X
Project design															X								
<b>CONSTRUCTION AND REHABILITATION</b>																							
Mobilization of resources		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Land clearing activities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Water source development	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X		X	X	X

Construction materials acquisition	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Tank, pump-house and treatment Plant	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
Latrine installation	X	X					X								X	X	X	X	X			X	X	
Install water pipes and tapstands	X	X						X	X	X			X	X	X	X	X	X			X	X	X	
Construct boreholes/intakes	X	X						X	X	X			X		X	X	X	X	X		X	X	X	
<b>OPERATION AND MTCE</b>																								
Water supply																X	X			X			X	X
Provision of employment																X	X			X		X	X	X
Scheme Management				X	X	X	X		X		X				X	X			X	X		X		
Operation of infrastructure				X	X	X	X				X				X	X			X		X	X	X	
Latrine operation																								
Septic Tank discharges		X			X		X				X				X	X			X		X	X	X	X
Infrastructure repair and maintenance					X		X						X		X	X			X		X	X	X	
<b>DECOMMISSIONING AND CLOSURE</b>																								
Demobilisation of resources																X	X			X				
Closure of construction sites	X	X	X		X				X						X		X	X	X			X	X	

### **3.3 Potential Social Benefits and Risks**

3.3.1 The Government of Tanzania is making efforts to be inclusive of all groups of people without discrimination in its service delivery. The Sustainable Rural Water and Sanitation program (SRWS) Program has the potential to enhance equitable access to water supply and sanitation of all social/economic groups, vulnerable and other less advantaged groups, and underserved regions. The program will also target for better institutional functioning for results by enhancing capacity of implementers from national level to LGAs and water associations and private sector service providers as well as enhancing participatory water and sanitation development, social accountability and grievance redress measures. The anticipated negative social effects of the Program are site specific and not expected to be significant; while the Program focuses on functionality and rehabilitation of existing facilities and services, it also aims to expand services and does finance limited civil works for rural water supply and sanitation and health activities. Small construction activities include bore holes, water tanks, water kiosks, water pipes, small dams, surface water collection and cattle troughs and construction and maintenance of school and health centers sanitation and hygiene facilities. The physical interventions are expected to have limited footprints in terms of loss of land or assets in rural areas. Land for such facilities is often obtained through voluntary land donation by local authorities or community leaders and agreements to indicate the donations are prepared.

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

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

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

3.3.5 Cultural taboos and beliefs towards good practices such as the use of common latrines, water purifiers and boiling of water prevent communities from using safe water and sanitation and hygiene services in a sustainable manner. Much of the rural population still uses traditional and unhygienic pit latrines and a significantly low proportion (one in ten households) have

handwashing facilities near their latrines or kitchens. Most still practice inappropriate disposal of children's stools.

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

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

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

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

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

and hence there will be limited land acquisition or land take for small infrastructural activities. Most of these activities have very small footprint of land take and some will be implemented within existing Government owned facilities. The activities include: (i) construction and rehabilitation of rural schemes - drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics within existing facilities owned by the Government and (v) installation of local product including plastic pans, and user-friendly hand washing stations.. Experience from past show screening of projects is conducted for social and environmental impacts. In cases where that land is donated tenure security for the land should be confirmed. The Water Sector Development program will ensure proper documentation of the terms and conditions of the donation ensure the stability of the community owned facilities. What this program for results will do is to enhance capacity of the relevant agencies in ensuring that documentation related to voluntary land donation by any stakeholder will be properly prepared and filed. In case land acquisition is required, the program will adopt WSSP-I RPF. Both the land act and the land acquisition act have provisions for compensation and the gaps between these and the Bank requirements will be indicated in the gap analysis later.

The AF will adopt the voluntary land donation protocols used in the parent program as summarized below:

### **Voluntary Land Donation Protocol:**

Land accessed for the program purposes through VLD will involve:

- Stakeholders meeting about the project (All Authorities in the area of implementation of the project will be the stakeholder) the aim of the meeting to have a same understanding about the project and the land acquisition local protocols
  - Village meetings, in each village the meeting should be conducted to create awareness about the project and voluntary land donation and compensation for the damage of any properties such as house, crops.
  - After general understanding and the valuation preparation the local protocol will follow by filling the memorandum of understand between the concerning authority, recipients and Project Affected People
- (i) The village chairperson, in coordination with sub-project staff, verifies the informed consent or power of choice by the people who would donate land or an asset. In particular, the following will be verified and documented in the voluntary donation report (valuation report voluntary land donation agreement)
- The land will be used for public interest where the water supply infrastructures will be constructed through SRWSSP, the land will be owned by the local government authority (Village, District/Region).
  - Any competing claims of ownership or use will be handled through the developed Grievance Redness Mechanism.

- Confirmation that affected people agree to donate land or asset, based on a face-to-face meeting and through valuation report and voluntary land donation agreement.  
The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land); the properties will be valued according to land acquisition laws.
  - The area where the land will be required for water infrastructure development, the owner of the land will be requested to accept in kind compensation or physical relocation.
  - The donated land will continue to be owned/used permanent for public interest regardless of the change of economic viability.
- (ii) The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land;
- (iii) Proper documentation. During the voluntary land donation process for sub-project investments, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the Program] and can have a negative effect on community relations. (Refer the Voluntary Land Donation Agreement)
- (iv) Village Chairperson, Village Executive Officer and sub-project staff should:
- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
  - Ensure that the agreement: (i) Refers to the consultation has taken place; (ii) Sets out the terms of the transfer; (iii) Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure; (iii) Attaches an accurate map of the land being transferred (boundaries, coordinates); (iv) Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
  - Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
  - Ensure that the transfer and title is registered or recorded; and
  - Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded. Taking into consideration the project will mostly implemented in rural areas, where most of the land is customary owned, therefore land ownership is not properly recorded and registered.

- (v) It is also important to maintain a record of the process that has been followed. Such documents could include the following: (i) The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public; (ii) Records of the consultations that were held and what was discussed; (iii) A copy of the due diligence that was conducted; (iv) Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved; (v) Copies of all documents, registrations or records evidencing the legal transfer of the land; and (vi) A map, showing each parcel of land.

3.3.11. Exclusion and inequity: Consultations, monitoring and feedback processes and procedures for operating of Water Supply facilities if not well designed and funded could exclude disadvantaged communities and vulnerable groups of people. The potential for exclusion of some disadvantaged communities living in their ‘zoned’ localities as well as vulnerable communities of miners in ‘temporary’ settlements and transhumant pastoral communities needs to be mitigated by adopting flexibility in the program. Procedures for identifying disadvantaged communities and vulnerable groups and provisions for ensuring equitable access to services will form part of the service provision and tariff setting guidelines by CBWSOs. Weak participatory planning, monitoring and decision: Participatory decision making, and community involvement is an important aspect of demand led approach of the program. Community involvement at the early stages in mobilization and initial contribution should be sustained during and post construction and operation. Extensive consultation with the beneficiaries on the design, operation and maintenance options are critical in determining technical choices. Community consultation help sustain community responsibility and ownership, help address challenges, improve the quality of services, and help instill accountability and transparency. Such a participatory approach therefore needs to take root right from planning, through monitoring the expected results and decision making for improvements and needs to be deliberately encouraged as opposed to passive ordinary community involvement.

3.3.12. Conflict management: Conflicts/complaint management mechanism is an important part of any development activity involving various players. If not addressed, weak, delayed or impractical conflict management and resolution mechanism may upset the expected outcomes. The parent program has put in place an operational grievance redress mechanism which has been able to pick and manage grievances emanating from the program. This is expected to be maintained and further strengthened through increased sensitization and training of implementing agencies on the GRM. Strengthening conflict management and grievance mechanisms in areas where there is high competition for scarce water resources is particularly important. The effectiveness of existing grievance redress mechanisms at village and district levels should be strengthened. Coordination of multiple actors at the lowest level, consultative process and putting information in the public domain and periodic monitoring and feedback could minimize grievances. Strategic communication efforts and inclusive participatory mechanisms with government, private service providers, non-government and community-based agencies at various levels should be encouraged for this purpose. Buy in of other actors is essential. In addition, coordination of the various agencies at national level is key to the achievement of the expected outcomes of this program.

3.3.13 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (IPSSAHUTLC) or ethnic or racial groups. Noting that some of these communities are living in rural areas with high level of poverty and low levels of education. There is a risk of

exclusion from consultations and protection from the risks associated with the implementation of program benefits. To guide the undertaking of meaningful consultations with the IPSSAHUTLC, include their consent in projects being implemented in their areas and guide project implementation in some of these areas the project has adopted the Vulnerable Groups Plan under the Productive Social Safety Net (PSSN) P124045. This is included in the parent project POM as part of the ESPAP.

### **3.4 Gender Issues:**

3.4.1 Since women are the primary users and managers of rural household water, they have a major stake in rural water matters and must be involved in decisions about water issues. To narrow the gender gap at all levels of the rural water sector, and to ensure water security for all, there needs to be more equity, and women need to have greater involvement in decision making. Gender parity in CBWSOs is yet to be achieved although growing number of women are elected to CBWSOs. Following the national affirmative action of 50% women representation in all committees, it is believed that these efforts will help in making the CBWSOs inclusive and functional.

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

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

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

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

3.4.6 The assessment recommends both national and lower-level actions that are relevant to the program. To strengthen gender mainstreaming, an action plan that aims at but not limited to institutionalizing gender and creating and enabling environment for gender in management and in

operations under the program. These initiatives will include: development and adoption of a rural water gender mainstreaming strategy, extension of current quota system to include leadership positions, explore ways of promoting female water technicians and engineers, training of both men and boys on sanitation and hygiene to promote their active participation, continuous sensitization of all sectors on social and cultural discriminatory practices and norms underpinning gender inequalities and discrimination against women with the aim of correcting this. This may however take a longer period beyond the proposed program period. However, this program provides an opportunity to start off these activities. In addition, to promote the participation of women in governance and CBWSOs the program has prepared gender action plan to be implemented at RUWASA and CBWSOs and build women' s capacity to lead and manage CBWSOs.

3.4.7 The program is not expected to attract high number of job seekers and followers due to the nature of the investments which have a small footprint and require low volumes of labor as reflected in Section 3.1 of this report. Thus, to safeguard risks of sexual exploitation and abuse it is recommended that the program embed in contractors contract a requirement to have in their contracts to employees a code of conduct with guidance on project staff – community interactions. Besides that, guidelines on prevention of Gender Based Violence and Sexual Exploitation and Abuse (GBV/SEA) are included in the Gender Action Plan.

### **3.5 COVID-19 Risks and Impacts**

3.5.1 Projects involving construction/civil works frequently involve sometimes a large work force, together with suppliers and supporting functions and services. The work force may comprise workers from national and local labor markets. They may need to live in on-site accommodation, lodge within communities close to work sites or return to their homes afterwards. Given that there will be worker coming into the communities, schools and medical facilities to implement the project activities related to construction, there are risk of spread of communicable diseases including COVID-19. To mitigate the risks of infection within the workforce and the project host community, the Program will develop a set of principles and minimum standards that will act as measures to minimize project risks against spread of COVID-19. This will include but not limited to:

- Adhere to the rules and regulation guidelines set up by the Government of Tanzania;
- Take all necessary precautions to maintain the health and safety of the Personnel involved in the AF;
- Ensure suitable arrangements are made for all necessary welfare and hygiene requirements and for the prevention of epidemics at all sub-projects sites;
- Personnel will be encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the program/sub-projects to address COVID-19related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.; and
- All Government protocols of health and safety are met at all Program intervention areas.
- Follow the guidelines set out in the WB's ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects, issued on April 7, 2020.

## 3.6 Exclusion Criteria

3.6.1 The exclusion principle applies to AF activities that meet these criteria, regardless of the borrower's capacity to manage such effects. In the PforR context, the concept of exclusion means that an activity is not included in the identified program of expenditures. Also, an activity is not included if it requires the completion of a non-eligible activity to achieve its contribution to the Project Development Objective (PDO) or any specific Disbursement Linked Indicators (DLI). The six principles under the PforR will apply to all investments as a mechanism for mitigating adverse environmental and social impacts.

The AF shall exclude projects that are likely to:

- Significant conversion or degradation of critical natural habitats or cultural heritage sites.
- Air, water, or soil contamination leading to significant adverse impacts on the health or safety of individuals, communities, or ecosystems.
- Workplace conditions that expose workers to significant health and personal safety risks.
- Land acquisition and/or resettlement of a scale or nature that will have significant adverse impacts on affected people or the use of forced evictions.<sup>7</sup>
- Large-scale changes in land use or access to land and/or natural resources.
- Adverse E&S impacts covering large geographical areas, including transboundary impacts, or global impacts such as greenhouse gas (GHG) emissions.
- Significant cumulative, induced, or indirect impacts.
- Activities that involve the use of forced or child labor.
- The marginalization of, or conflict within or among, social groups; or
- Activities with high risk of GBV and SEA.
- Activities that would (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause the relocation of VMGs from land and natural resources that are subject to traditional ownership or under customary use or occupation; or (c) have significant impacts on cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected communities.

## 3.7 Risk Rating

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<sup>7</sup>As per the PforR financing Environment and Social Systems Assessment Guidance (OPS5.04-GUID. 118) dated September 18, 2020, Resettlement includes physical relocation of individuals and communities as well as the acquisition of land for program purposes. Because of the extreme sensitivity of land acquisition and resettlement, the Bank exercises caution when proceeding with any resettlement when the borrower cannot demonstrate that its systems meet the core principles and attributes or cannot ensure consistently satisfactory resettlement outcomes. It is not necessarily helpful to define fixed numerical thresholds for "large scale" because the significance of impacts depends very much on local contextual factors. The definition of significant resettlement impacts is closely related to the extent to which the borrower's systems align with the core principles and to the borrower's capacity to carry out land acquisition and resettlement in accordance with policy principles and requirements. The emphasis should be on the potential for significant impacts on affected people regardless of scale, as significant adverse impacts are not acceptable to the Bank even if they affect only a small number of people. When the Bank team's assessment is that the borrower is not able to demonstrate resettlement practices consistent with PforR core principles, regardless of the size or severity of resettlement impacts, the PforR operation should proceed only after a separate review of agreed resettlement systems and capacity-building actions.

3.7.1 Taking into consideration the potential risks and impacts of the AF operation and having taken cognizance of the track record of the IAs after completing close to 400 projects, there is low to moderate likelihood that the program activities would lead to significant E&S consequences. The risks are well understood and with limited capacity-building measures, the E&S outcomes can be sustainably managed. Overall, the risk rating is set at **Moderate**.

### **3.8 Grievance Redress Mechanisms**

3.8.1 Given the various environment and social risks and mitigation measures outlined above, the AF will put measures in place to mitigate possible risks, conflicts or tensions that might occur at all stages of the design and implementation of the AF program. The AF Program will respond to concerns and grievances of project-affected parties related to the environmental and social performance in a timely manner. For this purpose, already established GRM under the parent program will be adopted by the AF, so as to receive and facilitate resolution of grievances and complaints related to its activities. The AF will learn from ongoing program in implementation of an effective GRM. Communities and individuals who believe that they are adversely affected as a result of the Program will be given mechanisms to submit complaints to the grievance redress mechanisms (GRM) at the national and/or local levels as described below.

### **3.9 World Bank Grievance Redress**

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org)

## **4. THE ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT RELEVANT TO THE WATER AND SANITATION SECTOR**

### **4.1 Background**

4.1.1 The physical investment types eligible for AF funding will comprise facilities to improve and sustain access to water, sanitation and hygiene for the host communities in 17 regions of Tanzania, and any additional regions that may be agreed to before project appraisal. Proposed infrastructure will include: (i) construction and rehabilitation of rural schemes -drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-

functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics and (v) installation of local product including plastic pans, and user-friendly hand washing stations. Type of investments in participating districts will depend on the priorities and specific needs of each district.

4.1.2 Implementation of the envisaged project investments to be financed will be guided by Environmental Impact Assessment and Audit Regulations, 2005, and its Amendment of 2018, which has a requirement to screen all projects for environmental and social impacts prior to commencement. Based on the type and scale of the investment, potential environmental and social impacts are expected to have moderate to low and site specific environmental. Environmental and social legislations, regulations and policy instruments in Tanzania provide extensive guidelines for environmental and social impact assessment and management, protection and management of natural habitats and physical cultural resources, safeguarding of public and worker safety, land management and acquisition and the protection of vulnerable population in the country. The systems review also revealed that the country lacks a legal framework and policy guidance to protect disadvantaged communities. Despite having an elaborate system, there are some gaps in the implementation of the policies and enforcement of laws and regulations on environmental management in the country. This includes but is not limited to lack of screening of projects for environmental and social risks, quality assurance of environmental studies that have been conducted, monitoring of the implementation of impact management recommendations in prepared safeguard tools. The section below presents in detail, available legal and policy framework relevant to the program, implementing institutions their capacity within and identified gaps.

## **4.2 National Environment and Social Management Policy and Legal Framework**

4.2.1 Tanzania has several policies, instruments and laws that support environmental and social management and the environmental and social assessment processes. There are several sectoral directives to integrate environmental and social considerations in the decision-making process. The Constitution of Tanzania 1977 (amendments in 1988), Article II states that (i) every person has the right to self-health, and that every citizen shall be free to pursue health in a field of his choice up to the highest level according to his merits and ability, and (ii) the Government shall endeavor to ensure that there are equal and adequate opportunities to all persons to enable them to acquire health and vocational training at all levels of health facilities and other institutions of learning. Even though laws, guidelines and the policy framework exist in Tanzania, the challenge of enforcement as well as capacities in the relevant institutions remain. In the context of the proposed project, this section gives an account of the existing country environmental and social regulatory framework, management systems and responsible institutions.

## **4.3 Environmental Impact Assessment and Management Systems**

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

4.3.1 The **National Environmental Policy (2021)**: The overall objective of the NEP is to “provide a national framework for guiding harmonized and coordinated environmental management for the improvement of the welfare of present and future generations.”

The specific objectives aim:

- i) To strengthen coordination of environmental management in sectors at all levels;
- ii) To enhance environmentally sound management of land resource for socio-economic development;
- iii) To promote environmental management of water sources;
- iv) To strengthen conservation of wildlife habitats and biodiversity;
- v) To enhance conservation of forest ecosystems for sustainable provision of environmental goods and services;
- vi) To manage pollution for safe and healthy environment;
- vii) To strengthen the national capacity for addressing climate change impacts;
- viii) To enhance conservation of aquatic system for sustained natural ecosystem;
- ix) To ensure safety at all levels of application of modern biotechnology;
- x) To promote gender consideration in environmental management;
- xi) To promote good governance in environmental management at all levels; and
- xii) To ensure predictable, accessible, adequate and sustainable financial resources for environmental management.

The revision to the 1997 NEP was deemed necessary since, during the implementation of NEP 1997, new challenges and opportunities emerged demanding for a review of the Policy. These challenges include:

- i) Inadequate guidance on how climate change can be addressed at national, region and local levels;
- ii) Inadequate policy guidance on addressing environmental pollution arising from e-waste, oil and gas operations as well as sound management of chemicals throughout their life cycle;
- iii) Lack of comprehensive policy guidance to address safe transfer, handling and use of modern biotechnology as well as management of proliferation of invasive species;
- iv) Inclusion of issues which fall outside the mandate of environment sector such as access to water and instituting appropriate user charges that reflect the full value of water resources which are issues to be addressed under the water policy;
- v) Lack of policy guidance and emphasis on tapping various investment opportunities arising from environmental management that can attract private sector and financial institutions; and
- vi) Emerging of new National, Regional and International policy developments that have relevance to environment which need to be harmonized with national environment policy. These initiatives include: Tanzania Development Vision 2025; African Union Agenda 2063 on the Africa we Want; the Long-Term Perspective Plan 2015/16 to 2025/26; Treaty for the Establishment of East African Community in 1999 and Agenda 2030 on Sustainable Development Goals.

4.3.2 The NEP is a comprehensive attempt to guide the conservation and management of natural resources and the environment. It provides for cross-sectoral and sectoral policy guidelines, instruments for environmental policy, and the institutional arrangements for environmental

management for determining priority actions and monitoring. NEP advocates strengthening of sector institutions for improving the integrated water resources management and development and ensuring that the number of people with access to clean and safe water supply and sanitation services in urban and rural areas reaches the targets aspired by our macroeconomic policies such as the National Development Vision by 2025.

4.3.3 As stated in the NEP, the environmental objective of the Water, Sewerage and Sanitation sector is to support the overall national objective of providing clean and safe water within easy reach, to satisfy basic needs, to protect water sources and prevent environmental pollution. The NEP requires planning and implementation of water resources and other development programs in an integrated manner and in ways that protect water catchment areas and vegetation cover and promotion of technology for efficient and safe water use.

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

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

4.3.6 The EMA has established environment units in all ministries and environmental committees at the regional, district and village levels. Within each ministry, it is the environmental Section's responsibility to ensure that environmental concerns are integrated into the ministry's developmental planning and project implementation in a way that protects the environment. In order to ensure effective enforcement of EMA, a total of 90 regulations have been recommended, however only 26 of the key regulations on environmental protection and management, including the Environmental Management (Biodiversity) are in place. A National Biodiversity Strategy and Action Plan (NBSAP), 2001, which is reviewed after every 5 years, is also a guidance document, to realize and promote sustainable utilization and conservation of biodiversity. The NBSAP 2015-2020 aims at reducing loss of biodiversity, promoting the value of biodiversity and improving community livelihoods. Efforts by VPO to develop remaining regulations have been hampered by capacity constraints. Further, due to the cross-cutting nature of environmental issues, EMA provides for application of sector specific regulations and guidelines pertaining to environmental management. Specifically, EMA provides for the Minister

for Environment in collaboration with responsible for sector or LGA to declare, protection or conservation of sensitive biological area. Protection could entail prohibition of human activities or gazettelement. The above applies for the Six Core Principles of PforR, in the sense that, apart from EMA, compliance of SRWS activities and mitigation measures for likely impacts will be addressed through sector specific regulations and guidelines of the water and sanitation and relevant sectors. Potential impact to natural habitat and physical cultural resources under SRWS, for instance will be mainly addresses via existing policies and regulations under the Ministry of Natural Resources and Tourism, these include: National Forestry Policy, 1998; National Wildlife Policy, 2007; Wildlife Conservation Act, 2009; and the Antiquities Act revised 1985. Similarly, EMA provides for Director of Environment in consultation with NEMC, appropriate Sector, Department or Agency of Government responsible for a segment of the environment and whose nature of activity may impact on environment at interval of 5 years to prepare and submit to the Minister a national action plan to provide guidance for management and protection of environment and natural resources.

4.3.7 The Environmental Impact Assessment and Audit Regulation (2005) and its Amendment (2018). This regulation provides guidance on the type of projects that require full EIA, which are also regarded as Type A -Projects (Mandatory List), Type B1 -Projects, which may or may not require an ESIA, and Type B2 projects that are not likely to cause any significant E&S impacts. A detailed list of projects under each of the categories has been provided as Annex 3.

The steps involved in the EIA process in Tanzania as follows:

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

*b) Screening:* The Council shall screen the project brief guided by screening criteria as specified in the Second Schedule to these Regulations. The screening process shall be undertaken with the objective of determining whether an environmental impact assessment be undertaken.

*Approval of project brief.*

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

*Decision that an environmental impact statement be prepared.*

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

#### **4.3.8 Environmental Management (Hazardous Waste Control and Management)**

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

4.3.9 **Other Regulations under EMA.** Other regulations under the EMA also include:

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

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

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

4.3.12 **Water Supply and Sanitation Act No 5 (2019):** The Act provides the legal framework for water supply and sanitation. It outlines the responsibilities of government authorities involved in the water sector, establishes Water Supply and Sanitation Authorities as commercial entities. The Act provide for the establishment of water supply and sanitation authorities as well as community owned water supply organizations and gives mandate to local governments to develop bylaws that take on board both water supply and sanitation issues. The National Water Sector Development Strategy 2006-2015 also sets out a strategy for implementing the National Water Policy, which aims to achieve sustainable development in the sector through an "efficient use of water resources and efforts to increase the availability of water and sanitation services." At program level the National Water Sector Development Program of 2006-2025 sets out to promote the integration of water supply and sanitation with hygiene education.

4.3.13 The **Occupational Health and Safety Act No. 5** of 2003 aims to improve health, safety, and general wellbeing of workers and workplaces by promoting occupational health and safe

practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces. In addition, it provides for the protection of persons other than those at work against hazards to health and safety arising out of or in connection with activities of persons at work. Section 15 gives powers to the Registrar of factories and workplace to enter any factory or workplace to perform his duties as provided by the Act. Section 16 requires that factories and workplace should register with Registrar of factories and workplaces before commencing operations.

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

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

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

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

The specific objectives of this Strategy are:

- a. To build the capacity of Tanzania to adapt to climate change impacts.
- b. To enhance resilience of ecosystems to the challenges posed by climate change.

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

4.3.16 Based on the National Strategy, a **Water Resources Management Strategic Interventions and Action Plan for Climate Change Adaptation**” was prepared by the MoWI (December 2012). The strategic intervention and action plan was necessary in order to enable stakeholders in the water sector to effectively cope with risk associated with climate change and variability in Tanzania. The strategic intervention and action plan are expected to streamline all climate change activities in the water sector and provide a basis for coordination of the activities at basin level.

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

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

4.3.19 **The Antiquities Act, 1964 amended in 1979 and 1985**. The Act protects all relics that were made, shaped, carved, inscribed, produced or modified by humans before 1863. Also, the act protects all *monuments* (buildings, structures, paintings, carvings, and earthworks) made by

humans before 1886. In addition, the act protects all objects such as wooden doors or doorframes that were carved before 1940. Under the Act, the Minister responsible for antiquities is empowered to declare protected status for any object, structure, or area of cultural value. The Act vests the Department of Antiquities ownership of tangible cultural heritage resources. Moreover, the Act prohibits the sale, exchange, and export of such cultural heritage resources without a permit. Also, it regulates cultural heritage resources research undertakings. The Act gives the Director of Antiquities the power to regulate, supervise and control tangible or physical cultural heritage resources together with research undertakings. It also gives the responsible minister immense powers to declare any area, object or structure, a monument or conservation area as a heritage site.

#### **4.3.20 National Forest Policy (1998)**

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

#### **4.3.21 The National Wildlife Policy (2007)**

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

### **4.4 Social Impacts and Risks Management**

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

#### **Article 9.**

(a) that human dignity and other human rights are respected and cherished;

(f) that human dignity is preserved and upheld in accordance with the spirit of the Universal Declaration of Human Rights;

(g) that the Government and all its agencies provide equal opportunities to all citizens, men and women alike without regard to their color, tribe, religion, or station in life;

#### **Article 13.**

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

#### **Article 14.**

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

Other legal and policy provisions that protect workers and the communities in general, are as presented in the following sections. These were found to be mostly consistent with the requirements of the core principles. In areas where gaps were identified such as compensation of

informal settler and management of vulnerable and disadvantaged communities, gap filling measures have been proposed in the Environmental and Social Program Action Plan (Table --).

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

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

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

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

4.4.6 **Village Lands Act, No. 5 of 1999:** The act requires each village to identify and register all communal land and obtain the approval of all members of the village for identification and registration (Village Assembly, Section 13). A Register of communal land (section 13(6) is to be maintained by each village land council, and land cannot be allocated to individuals, families or groups for private ownership (section 12(1) (a)). Section 17 provides procedures on how the Village Council will allocate Village Land required by Government Departments and other organization for development activities. Thorough stakeholders' consultation and engagement is conducted involving all villagers and proper documentation is a mandatory. The transfer of ownership and the title deed is then registered under the authority responsible for the investment or development intervention. Maximum consideration is taken to ensure that after allocating the land no villager will be affected by the decision.

4.4.7 **Land Act, Cap.113 R.E. 2002:** The major function of the Land Act is to promote the

fundamentals of the National Land Policy by giving clear classification and tenure of land, land administration procedures, rights and incidents of land occupation, granted rights of occupancy, conversion of interests in land, dispositions affecting land, land leases, mortgaging of land, easements and analogous rights, co-occupation and partitioning and settlement of land disputes. Section 1(4) classifies Tanzanian land into three categories: Tanzanian land falls into three categories, namely:

a. Reserved Land: set aside for wildlife, forests, marine parks, etc. Specific legal regimes govern these lands under the laws which established them e.g., Wildlife Conservation Act, Cap 283, National Parks Ordinance, Marine Parks and Reserves Act, etc.

b. Village Land includes all land inside the boundaries of registered villages, with Village Councils and Village Assemblies given power to manage them. The Village Land Act, Cap 114 governs the land and gives details of how this is to be done.

c. General Land is neither reserved land nor village land and is therefore governed by the Land Act and managed by the Commissioner under the Ministry of Lands and Human Settlements.

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

**4.4.9 The Land (Assessment of Value of Land for Compensation) Regulations, 2001:**

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

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

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

- a. Holder of granted Right of Occupancy in general or reserved land that is transferred to village land or land held under Right of Occupancy that is compulsory acquired for public purpose (Section 22); or a right of occupancy that is revoked.
- b. Holder of a granted customary right of occupancy that is revoked for the land in question been in hazardous land,

- c. Holder of a customary right of occupancy where the subject land is acquired to be granted to another person under right of occupancy (Section 34),
- d. Occupier of land who has obtained (by disposition) from holder of a granted or customary right of occupancy where this occupier is denied right of occupancy (Section 54), and
- e. Occupier of land in any urban or peri-urban area where such land is acquired by the President under Section 60 i.e. Scheme of Regularization

Squatters are not entitled to compensation based on these regulations.

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

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

## **4.5 School Water, Sanitation and Hygiene**

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

While significant success has been made in extending access, improving quality remains a challenge. The increase of number of schools is inversely proportional with the increase of sanitation facilities. The MoEST has defined clearly the standards for school sanitation facilities. These standards include setting latrines with the ratio of one drop hole per 20 girls and one per 25 boys. In 2009, the United Nations Children's Fund (UNICEF), Water Aid and Netherland Development Organization (SNV) carried out a survey (2009) to find out the existence situation and standards of WASH facilities in schools. Survey revealed that most of the schools have not met these standards. This situation has prompted the MoEST to join effort with Development Partners to design a SWASH program in scaling up the sanitation facilities in schools. In order to embark in this situation and bring effective implementation of the SWASH program strategic plan was necessary to be developed.

4.5.2 The SWASH Strategic Plan aims at enhancing the provision of adequate safe water, sanitation and hygiene facilities as well as improving the academic performance, school attendance and overall health of school children. It acts as a guide to various stakeholders including the Government, Development Partners, NGOs, Civil Society Organizations Communities and others to work together towards attainment of better healthy learning environment among school children. It stipulates key strategic areas including policy guidelines and strategy formulation, institutional arrangements, awareness and capacity building, infrastructure development and maintenance (including mobilization of construction resources for WASH facilities, construction and development of operation & maintenance manual and training), and cross-cutting issues (including waste disposal be separately from sanitary waste and sanitary waste be disposed through incineration) that need to be collaboratively addressed by four key Ministries. It also complements

other regional and national efforts on improvement of school sanitation and hygiene contributing to a positive learning environment, quality education and health for school children. It targets to increase by 50% WASH facilities in schools by 2016/17. Future phases will be determined based on the review of the initial phase during 2012-2017.

**4.5.3 National Guideline and its Toolkits for School Water, Sanitation and Hygiene in Tanzania, 2010, First Draft for Piloting and Consultation.** For implementation of the SWASH Strategic Plan, the School WASH Guideline was developed in 2010, which is a joint effort of four key Ministries responsible for School WASH including Prime Minister's Office

– Regional Administration and Local Government, Ministry of Education and Vocational Training, Ministry of Health and Social Welfare, and the Ministry of Water and Irrigation in close collaboration with other stakeholders including development partners, NGOs, Civil Society Organizations, local government authorities and institutions and the communities. It sets out the minimum requirements for WASH that are relevant to various types of schools in different contexts in Tanzania. It is designed for use in different school settings where simple; affordable and replicable options can be promoted to contribute significantly to improving water; sanitation and hygiene conditions in schools and pre-schools. It is developed with the aim to:

- a) Assist local authorities (including school's management) and the local communities to assess the existing situation and to evaluate the extent to which those schools may fall short of national standards; and subsequently plan and implement any intervention or improvements required.
  - b) Provide basic information (such as technical designs, cost estimation and simple operation and maintenance requirements) on a range of technical options that are suitable for various social economic conditions, for different ages, gender friendly and for children with disabilities.
  - c) Set out specific standards to ensure that the improvement of existing and construction of new WASH facilities in schools meet the minimum requirements;
  - d) Assist schools and communities with the development of comprehensive and realistic action plan so that acceptable conditions are maintained;
  - e) Provide relevant tool-kits that can be used by different target groups (school teachers/pupils; LGAs, International/local NGOs and contractors; Development Partners; decision-makers) for development and implementation of strategic action plan for SWASH improvement.
  - f) Support the implementation of the relevant National Policies through setting and achieving specific targets.
  - g) Assist LGAs to involve and support communities and schools in planning; budgeting; implementing and monitoring for School WASH improvement
- 3.5.4 The Guideline has five toolkits:

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

**4.5.5 National Sanitation Campaign.** In 2012, the Government of Tanzania launched the National Sanitation Campaign (NSC), under which, the Government has committed to facilitate 7 million Tanzanians gaining access to improved sanitation by 2015. In addition, a draft National Sanitation and Hygiene Policy<sup>18</sup> demonstrates the priority of the Government to this sector. A MoU among Ministry of Health and Social Welfare, MoEST, Ministry of Water, and PO-RALG summarizes institutional responsibilities and outlines a dialogue structure among the parties to improve coordination among key institutions. The NSC is delivered through Water Sector Development Program under the overall coordination of the Ministry of Water. About 65% of the funding (US\$16 Million) is provided directly to LGAs for household sanitation promotion and school infrastructure improvement with the balance is targeted for national and regional level for monitoring and supervising LGAs activities.

#### **4.6 Institutional Framework for Environmental and Social Risks Management**

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

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

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

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

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

**4.6.6 Local Government Authorities.** LGAs are responsible for overseeing planning processes and establishing local environmental and social policies and regulations. At the level of governance closest to the people, LGAs are also best placed to play the vital role of educating, mobilizing and responding to the public in promoting environmental and social objectives based on national laws, regulations and policies. However, Local government authorities as principal executive agencies of environmental and social policies and legislations of relevant sectoral legislations are weak and coordination with central government is inadequate. Despite the EMA requirement, not all districts have in place competent Environmental Management Officers (EMO). Most of the EMO are designated officers from other sector departments, mostly, forestry, fisheries, wildlife, health, etc. without basic technical skills in environmental management. The responsibilities for environmental management at LGA level lies with Environmental Management Officers.

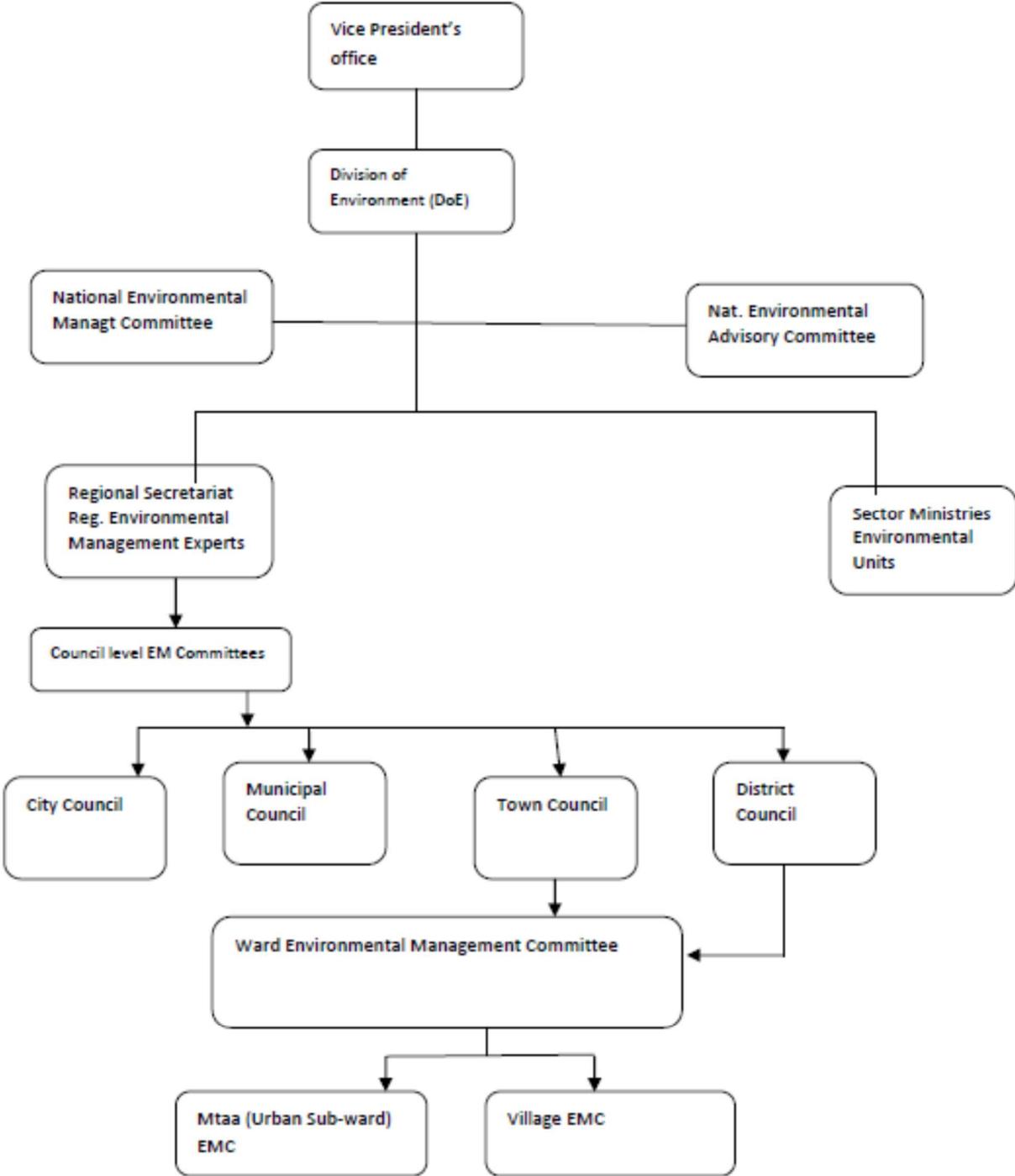
**4.6.7 Sectoral and District Level Environmental Units.** Environmental Units at sectoral and district level are the collaborating partners in the EIA process. They are also responsible for promoting environmental awareness; generation, compilation and dissemination of information on the environment relating to the Sector. Due to institutional set-up Environmental Units have not been very effective and do not have the necessary powers and tools as they operate below department status within the sector ministries. To be effective the Environmental Sections must have equal or slightly higher status compared to the Sector departments and enjoy budgeted funds while remaining answerable to the Ministry responsible for environment. The linkages between NEMC and the sectoral and district environmental units are legally binding to ensure clear lines of command to facilitate effective implementation. However, coordinators and/or environmental coordinating units in sector ministries and districts are currently not positioned slightly at lower status compared to sector or district department heads; hence, do not receive required budgets to perform their tasks. The roles and responsibilities of these units are the following:

a) Sectoral Environmental Units:

- With assistance from NEMC to develop sectoral guidelines within the framework of the national EIA guidelines;
- To issue Environmental Impact Statements (EIS) registration forms to proponents and provide relevant information on policies and other administrative requirements; and
- To assist the general EIA process administration at sectoral level b) Regional coordination of Environmental Management

- The Regional Secretariat is responsible for co-ordination of all advice on environmental management in their respective regions and liaison with the Director of Environment and the Director-General on the implementation and enforcement of EMCA;
  - Regional Environment Management Expert working under the secretariat is charged with the responsibility of advising the local authorities on matters relating to the implementation and enforcement of EMCA;
  - The Regional Environment Management Expert shall be a link person between the region in which he is employed with the Director of Environment and the Director-General.
- c) District Environmental Units:
- To issue EIA registration forms to proponents and provide relevant information on policy, legal and other administrative requirements at the district level;
  - To coordinate EIA process at district level; and
  - To link and liaise with the NEMC on all undertaking with district.

Figure 2: Institutional framework for Environmental Management in Tanzania Mainland



4.6.8 **Community Based Water Supply Organizations (CBWSO)** are responsible for the water supply systems, specifically to:

- a) own movable and immovable properties including public taps and waterworks;
- b) manage, operate and maintain public taps and or waterworks and provide an adequate and safe supply of water to its consumers;
- c) make rules for the use of public taps and or waterworks by consumers;
- d) install water meters for the purpose of measuring the amount of water supplied to a public tap or a consumer;
- e) charge consumers for the water supplied from public taps and or waterworks;
- f) limit the access of any persons from the water source, public taps or from supplies from the waterworks who are not complying with the rules, regulations or the constitution of the community organization;
- g) consult and cooperate with the village councilor any other institution responsible for land to plan and control the use of land in the immediate vicinity of the water points and or waterworks; and
- h) do such other thing or enter into any transaction which, in the opinion of the Board or Committee is necessary and proper in carrying out its obligations under this Act. Currently, efforts to formalize the transition of the existing Village Water Committees (VWCs) to CBWSOs in the targeted areas of the Program is on-going. As this transition progresses it would be important that the existing village committees on environment are acquainted with the roles and responsibilities of CBWSOs for more effective implementation of water and sanitation activities in the communities.

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

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

4.6.10 Despite the operational tools and past experience from implementing World Bank financed projects, capacity of MoWI to coordinate environmental and social management remains

inadequate. MoW needs to enhance human capacity within the ministry as well as linkages with implementing entities, particularly at LGA level. It will be necessary to improve collaboration with District Environmental Management Officer and District Community

Officer for successful integration of environmental and social issues under the program.

The promotion of hygiene and sanitation rests with the **Ministry of Health, Community Development, Gender, Elderly and Children (MoH)**. Under the program, MoH will be responsible for Technical Assistance (TA) activities pertaining to sanitation and hygiene. These activities will mainly focus on enhancing capacity of the government to monitor, ensure quality and improve and sustain WASH service delivery.

Coordination between the directorates within MoH is low Water, sanitation and hygiene (WASH) in general, particularly in healthcare facilities has not been given attention it deserves. The Ministry has a total of nineteen (19) Environmental Health Officers working under occupation health and safety, water, sanitation and hygiene, disease control and environmental protection sub-departments. Responsibility of the programs environmental management will fall under water, sanitation and hygiene department with five (5) environmental personnel. Social protection is managed by Community Development, Gender, Elderly and Children department: thus, collaboration in the implementation of the ESSA is encouraged.

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

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

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

contribution of communities towards maintenance of water supply and sanitation facilities which maybe in kind. Compliance with environmental and social measures however will vary due to differences in understanding and capacities in resource mobilization which will have impact on the SWRS Program.

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

4.6.15 **Gender Based Violence / Sexual Exploitation and Abuse- Sexual Harassment (GBV/SEA-SH)** The Minister for Community Development, Gender, Women, and Special Groups (MoCDGWS) is the overall coordinating body for gender-related work. The main bodies involved in the provision of support services for survivors of GBV and VAC include:

- At National level, Prime Minister's Office (PMO), President's Office - Regional Administration and Local Government (PO-RALG), Ministry of Home Affairs (MoHA - Police, Prison and Immigration - Human trafficking), Ministry of Finance and Planning (MoFP - Commissioner of Budget), Minister for Community Development, Gender, Women, and Special Groups (MoCDGWS), Ministry of Constitution and Legal Affairs (MoCLA), Ministry of Education, Science and Technology (MoEST), Ministry of Agriculture, Livestock Development and Fisheries (MoALF), Ministry of Industry, Trade and Investment (MoITI), the Ministry of Energy and Minerals (MEM), Tanzania Commission for AIDS (TACAIDS), Tanzania Social Action Fund (TASAF), Commission for Human Rights and Good Governance (CHRAGG), Registration, Insolvency, and Trusteeship Agency (RITA), Tanzania Food and Nutrition Centre (TFNC), National Bureau of Statistics (NBS), and representatives of development partners, Civil Society Organizations (CSOs), and Faith-Based Organizations (FBOs);
- At the Local level, (inclusive of regions, districts, wards and villages)<sup>8</sup>NPA-VAWC Protection Committees have been established at National, Regional, District, Wards and Village levels to lead operationalization of NPA – VAWC<sup>9</sup>

The Government of Tanzania embarked on multisectoral service provision of GBV and VAC prevention and response through a health facility based One Stop Centre (OSC) model, where GBV and VAC services including medical, psychosocial, security/protection and legal support are provided at one location within the health facility premises in a well-coordinated manner to reduce secondary victimization of survivors.

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<sup>8</sup>United Republic of Tanzania 2011, Violence Against Children in Tanzania: Findings from National Survey 2009, Page 26

<sup>9</sup>United Republic of Tanzania, Beijing Plus 25, Page 15

In improvement of service delivery, the Government considers it imperative to have a guideline in place for effectively coordinate as well as to scale-up the multisectoral efforts in ensuring comprehensive service provision to GBV and VAC survivors.

In this regards the Ministry of Health in collaboration with stakeholders managed to establish twenty-one (21) One Stop Centers located at health facility premises across the Country. The target is to reach all Regional Referral Hospitals and cascading to District Councils Hospitals. So far only five Referral Regional Hospitals has been reached with the service. These include:

**Table 4:**

**LIST OF HEALTH FACILITY BASED ONE STOP CENTER MODAL FOR GBV AND VAC PREVENTION AND RESPONSE IN HEALTH SECTOR**

<b>No</b>	<b>NAME OF FACILITY (ONE STOP CENTRE LOCATION)</b>	<b>DISTRICT</b>	<b>REGION</b>
1	Mount Meru regional referral hospital	Arusha Municipality Council	ARUSHA
2	Sekou Toure regional referral hospital	Mwanza Municipality Council	MWANZA
3	Maili tano Health Center	Tabora Municipality council	TABORA
4	Amana referral hospital	Ilala Muniapal Council	DAR ES SALAAM
5	Mwananyamala referral hospital	Kinondoni Municipal Council	DAR ES SALAAM
6	Shinyanga regional referral hospital	Shinyanga Municipal council	SHINYANGA
7	Tumbi Hospital	Kibaha District Council	PWANI
8	Hai District Hospital	Hai Distict Council	KILIMANJARO
9	Nindo Health Centre		SHINYANGA
10	Simiyu District Hospital	Simiyu District Council	SIMIYU
11	Iringa police health centre	Iringa Municipal Council	IRINGA
12	Mbeya FFU dispensary	Mbeya City Council	MBEYA
13	Kahama TC hospital	Kahama District Council	SHINYANGA

14	Chanika Health Centre	Ilala Municipal Council	DAR ES SALAAM
15	Mvomero District Hospital	Mvomero DC	MOROGORO
16	Kibondo District Hospital	Kibondo DC	KIGOMA
17	Kasulu District Hospital	Kasulu DC	KIGOMA
18	Kasulu District Hospital	Kasulu TC	KIGOMA
19	Maweni Referral Hospital	Kigoma MC	KIGOMA
20	Sabasaba Health Center	Morogoro MC	MOROGORO
21	Jordan University	Morogoro MC	MOROGORO

The Judiciary has also been working in collaboration with other institutions like the police, prosecutors and investigators to prosecute, where possible, the perpetrators of GBV and VAC cases. The Tanzanian Police Force (TPF) has strengthened response to cases of VAWC, including the establishment of the Tanzania Police Female Network. The TPF have also developed comprehensive guidelines on the establishment of these desks so that a minimum standard for each defining them as “a facility that addresses GBV&CA cases in a gender and child-responsive manner, managed and staffed by trained personnel designated by the Officer Commanding Police Station.”<sup>10</sup>

Both State and Non-State actors have played critical roles in providing various support services to survivors of GBV and violence against children, including legal aid services, shelters and counselling services, civic/awareness education, children’s services such as paying school fees, feeding services and sanitary services and now providing Coronavirus protective materials. Through an Umbrella Coalition (Mkuki) Nonstate actors are engaged with governments implementation of the Five-year National Plan of Action to End Violence Against Women and Children (NPAVAWC 2017/18 – 2021/22) from national, regional district, wards and village levels.

These existing systems were adopted for the parent program and will also be adopted for use in the project through the Gender Action Plan which has laid a requirement for each IA to have a Gender Desk Coordinators to refer cases to existing government systems mitigate to provide necessary services. The Gender Desk Coordinators have not been identified and under the AF the MoW will ensure that all the requirements under the Gender Action Plan are implemented. These include:

- Appoint and Support Gender Desk Coordinators

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<sup>10</sup>Guidelines for the Establishment of Police Gender and Children’s Desks March 2012

- Prepare / Roll out sexual violence guidelines;
- Gender Desk coordinators to work closely with Community Development Specialists and GRM focal points to provide survivor centered approach to management of GBV/SEA-SH cases within the project in line with existing Government standards and procedures;
- Gender Desk Coordinators and GRM focal point persons training on GBV/SEA-SH case management.

#### **4.7 Water Resources Management, River Conservation and Management**

4.7.1 While it is generally recognized that the United Republic of Tanzania has plentiful freshwater resources, these are under constant threat from pressures of human population growth, agricultural expansion, proposed river alterations, introduced species and climate change<sup>11</sup>. The NAWAPO (2002) and WRM Act (2009) offer a hierarchical approach to river management, with the Tanzanian Ministry of Water operating at a national scale, nine Basin Water Boards with jurisdiction at river or lake basins, and Catchment Committees at sub-basin levels. Beyond these levels, Water Users Associations (WUAs) provide a formal means for public participation in water management at a smaller geographic scale. WUAs are designed to be the lowest level in the hierarchical water management structure in Tanzania, covering all or parts of the watersheds and delegating responsibility for water conservation and some aspects of water allocation permitting to residents of the respective watershed area. For water allocation decisions involving Tanzanian rivers, the NAWAPO and WRM Act established an order of priority by which needs of different user groups must be considered and satisfied. Domestic needs for water—such as water for drinking, bathing, cooking or subsistence—receive priority. Water to sustain ecosystems, now and into the future, is accorded second priority, followed by water needs of agriculture, hydropower, industry and other off channel users.

## **5. OPERATIONAL PERFORMANCE AND INSTITUTIONAL CAPACITY ASSESSMENT IN MANAGING ENVIRONMENTAL AND SOCIAL IMPACTS**

### **5.1 Consistency with Core Principles**

Based on the screening of environmental and social effects (benefits, impacts and risks) of the Program and the consultations and discussions with stakeholders, this section provides an assessment of the extent to which the applicable systems are consistent with the core principles and key planning elements expressed in the Bank’s policy on PforR. It also provides a review of the implementing agencies' capacity and aspects where gaps exist between Bank policy

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<sup>11</sup>Nadia A. Seeteram, Pendo T. Hyera , Lulu T. Kaaya, Makarius C. S. Lalika and Elizabeth P. Anderson:Conserving Rivers and Their Biodiversity in Tanzania. *Water* 2019, 11, 2612.

requirements and the country systems. A number of Actions to strengthen the existing system are integrated into the relevant DLIs and DLRs as well as the Program Action Plan (PAP).

Proposed infrastructure will include: (i) construction and rehabilitation of rural water schemes – drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics and (v) installation of local product including plastic pans, and user-friendly hand washing stations. Based on the type and scale of the investment, are expected to have moderate to low and site specific environmental and social impacts, which can be readily mitigated during implementation.

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

## **5.2 Systems Assessment by Core Principles**

### **5.2.1 Core Principle 1: General Principle of Environmental and Social Management**

#### **Bank Policy for Program for Results Financing:**

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

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

- Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the program level.
- Incorporate recognized elements of environmental and social assessment good practice, including (a) early screening of potential effects; (b) consideration of strategic, technical, and site alternatives (including the “no action” alternative); (c) explicit assessment of potential induced, cumulative, and trans-boundary impacts; (d) identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized; (e) clear articulation of institutional responsibilities and resources to support implementation of plans; and (f) responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.

## Summary Findings

There is an adequate national regulatory framework in Tanzania and a procedure exists for environmental and social due diligence with respect to the potential impacts of the Program. The EIA process outlines required screening procedure for environmental and social impacts and calls for risk mitigation plans prior to commencement of project implementation. However, implementation and enforcement of the regulations has not been up to standards and the assessed weaknesses are systemic, related to insufficient resources – both financial and manpower - for overseeing and monitoring and reporting of implementation of environmental and social measures, enforcement weak coordination and inadequate attention to environmental and social concerns. An analysis of the Tanzania regulatory system shows that the social management systems are not as well developed as those for environmental management except in the context of land acquisition. Although the LGAs have Social Welfare Departments, the social management is usually handled by individual ministries/departments executing the projects, without any involvement of the Social Departments. The understanding of social aspects and management is however weak, and not well understood in comparison to environment.

## System Strengths

- MoWI, MoCDGWS , MOEST and PORALG all recognize the importance of environmental sustainability and the desire for Program interventions to contribute towards improved access to water, sanitation, reduced pollution and a better quality of life, as well as strengthened institutions.
- Environmental Policies under the Vice President’s Office and regulations under NEMC are in place and these are applicable at all government levels.
- At LGA level, where SWRS investments will be implemented, compliance of the regulatory requirement for environmental and social management will be under the supervision of the NEMC through District Environmental Management and Community Development Officers.
- MoWI has adequate experience from the WSDP in implementation of water projects in both urban and rural areas all over the country, which relatively larger environmental and social impacts. The creation of RUWASA has demonstrated its willingness to address the challenges of the program and ensure its successful implementation.
- Supervision reports and field visits have confirmed that measures to mitigate potential impacts in water sector projects have had reasonable success in being implemented.
- The Environmental Management Act, 2004 provides for establishment of Environmental Committees at community level. Collaboration of CBWSOs with existing Community Environmental Committees will ensure that the environmental and social management is integrated in SRWS implementation.
- The AF will benefit from guidelines, which have been produced by MOW (**Guidelines of Good Environmental and Social Practices for the Water and Sewerage Sector**) in order to assure the implementation of environmental and social measures in the design, construction and operation of the water and sewerage projects. PMO-RALG (currently PORALG), with technical guidance from the Bank, has also developed a Technical Manual for Environmental and Social Management to

guide the environmental and social impact assessment process of investments under the urban local government strengthening program.

## **Gaps**

• **Weak implementation:** Program supervision reports from MoW indicate that although the direct impacts and risks are generally modest, environmental management activities are weak in certain areas, such as systematic inspection, monitoring and enforcement. This is concern in other sector ministries, and it is likely to result in poor management of impacts during construction of SRWS infrastructure. At District and community levels, oversight on environmental and social management is still weak, primarily due to (i) weak and insufficient institutional and technical capacity; (ii) inadequate resources, including human resources, technology and equipment; (iii) inadequate training, monitoring and enforcement; and (iv) weak interinstitutional and coordination between the various related agencies.

## **Opportunities and Actions**

Opportunities exist to reinforce the implementation capacity at national, district and local levels for improved decision making, safeguards management, monitoring, evaluation and reporting, along with public participation and disclosure functions.

Opportunities have also been enhanced to strengthen cooperation and inter-sectoral coordination around environmental and social issues and a stronger safeguards management system.

Actions will focus on continued capacity building initiatives and updating of technical guidelines to address emerging challenges, like climate change and adaptation, and resilience building

### **5.2.2 Core Principle 2: Natural Habitats and Physical Cultural Resources**

**Bank Policy for Program for Results Financing:** Environmental and social management procedures and processes are designed to avoid, minimize and mitigate against adverse effects on natural habitats and physical cultural resources resulting from program.

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

- Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas.
- Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities.
- Takes into account potential adverse effects on physical cultural property and as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.

## **System Strengths**

• The Tanzanian Environmental and Social Management process considers physical cultural resources, including screening for archaeological, historical and cultural sites. The assessment

shows that impacts on cultural sites are taken into account in program design and implementation and appropriate mitigation measures adopted.

- Aside from the provisions of the EMA, *National Environmental Action Plan* (2013-18), Forest Policy 2007, Wildlife Policy 2007, among other relevant regulatory activities, the GoT is revising the National Biodiversity Strategy and Action Plan of 2001 to be able to meet the UN Aichi Biodiversity Targets agreed in 2010, which will set the parameters for conservation and natural habitats – aquatic, terrestrial and agri-biodiversity. This has also been strengthened by the establishment of a national coordinating body that will oversee all aspects, from environmental safeguards to information dissemination.

## **Gaps**

There are no significant inconsistencies between PforR and Tanzania’s policies, laws, and regulations related to natural habitats.

## **Opportunities and Actions**

The new procedures laid down in the amended Environmental Management Act will provide a much clearer methodology for environmental and social screening at an early stage. The requirement to submit all screening briefs to NEMC will also ensure greater oversight of the process. The guidelines already available will guide the design of WASH and other water supply infrastructure in the choice of site location to avoid potential impacts on natural habitats and physical cultural resources.

Guidelines will be strengthened, and training provided to staff at local and district levels to sensitize them to the importance of physical cultural resources and preservation of natural habitats.

### **5.2.3. Core Principle 3: Public and Worker Safety**

**Bank Policy for Program for Results Financing:** Environmental and social management procedures and processes are designed to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.

#### **Bank Directive for Program for Results Financing:**

- Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed.
- Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; and promotes use of integrated pest management practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage,

transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.

- Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.

## **Strengths**

By law in Tanzania, it is the duty of local governments to provide for the health and safety of the public. The EMA and regulations contain several provisions for public and worker safety, which will be applicable under SRWS, and are also consistent with PforR. The ESIA process contains robust procedures for worker safety, requiring plans for accident prevention as well for health and safety of workers and communities, which are also part of contracts for civil works and will be applicable under SRWS.

OSHA was set up in 2001 under the Ministry of Labor and Employment to administer occupational health and safety at workplaces in the country. The role of OSHA is to improve health and safety (wellbeing) of workers and workplaces by promoting occupational health and safe practices in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces.

The Ministry of Labor and Employment is the main actor with the oversight role of ensuring that decent work is practiced and maintained in Tanzania. It provides directives, technical advice, enforces legislations, proposes amendments, allocates resources, oversees all activities carried out by OSHA and ensures that occupational safety and health rules and regulations are adhered to and maintained at workplaces.

In fulfillment of its responsibility of identifying hazards at workplaces and assessment of risks with a view of preventing accidents, diseases and damage to property, the Authority will play a key role in the program by inspecting and auditing of workplaces to promote best practices and ensure compliance with safety and health standards as set out in Occupational Health and Safety Act, 2003 and its subsidiary legislations.

Tanzania has a ***Contractor Registration Board*** (CRB) that monitors and enforces occupational health and safety regulations. The Rules of Conduct requires that contractors must maintain accident registers, provide workers with protective gear, and standards for construction sites.

## **Gaps**

OSHA is represented in 6 zones across the country which are coastal zone, Northern Zone, Lake zone, Central zone, Southern highlands zone and Southern zone. The officers at these zones are qualified and possess the requisite skills necessary for managing health and safety risks. However, the offices are understaffed, with the capacity assessment findings revealing that most officers are not able to cover their regions within the zones as required. The officers are also not given enough resources (including budget) to cover the wide regions assigned. This has made it difficult for the staff to enforce and monitor the health and safety requirements as per the OSHA and WB requirements, especially for infrastructure projects.

Public and worker safety are adequately covered in the Occupational Health and Safety Act, 2003, EMA regulations and the CRB, and no major inconsistencies between the system and Core Principle 3. However, the worker safety provisions are not always included in civil works contracts. Monitoring of compliance by the implementing entities is very weak.

### **Opportunities and Actions**

Greater collaboration between RUWASA, PO-RALG and LGAs under the aegis of MOW and in collaboration with OSHA will provide better oversight and monitoring of health and safety issues under the AF.

The actions identified for strengthening the system for Core Principle 1 are applicable to Core Principle 3.

#### **5.2.4 Core Principle 4: Land Acquisition**

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

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

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

### **Applicability and Summary Findings**

Limited civil works such as: (i) construction and rehabilitation of rural schemes -drilling boreholes, shallow wells, gravity and hand pumped schemes; (ii) construction and rehabilitation of non-functional water points; (iii) installation of water distribution system; (iv) construction and upgrading sanitation and hygiene facilities in public schools and clinics within existing facilities owned by the Government and (v) installation of local product including plastic pans, and user-friendly hand washing stations. It is unlikely that areas of household land will be affected under the AF. For other civil works (e.g., facilities in schools or health centers, household hygiene latrine), no land acquisition is required as the construction will be within either the existing premises of the institution or household.

Experience from similar programs show that Land for the civil works is acquired through donation by local government and community (communal land) and agreements to this effect are made. The parent project widely used voluntary land donations and it is expected that with the envisaged minimal land requirements, the AF will also largely employ the same strategy. The risk of impacts on physical relocation, loss of land/asset/, formal and informal livelihood etc., from land acquisition are not likely and in case land acquisition of small tracts of land is required, the program will be guided by WSSP-I RPF. Similarly, loss of access to natural resources is also a low risk. However, there is a risk that local people are mobilized to donate small strips of land in exchange for the project's benefits. Without proper management, this practice result in the affected households not being fully informed about the Program as well as the compensation package that they are entitled to receive. The land donation requests may lead to the 'involuntary' donation of land (rather than voluntary) and worsen conditions for vulnerable groups. Land donations, if not well documented may destabilize community resources if and when donations are revoked by donor individuals or villages.

### **System Strengths**

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

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

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

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

***Analysis and Guidance*** There is good guidance on resettlement and compensation in Tanzania that goes beyond the Land Act and Regulations – there has been a comprehensive gap analysis between World Bank OP 4.12 and the Tanzanian system, and all of the elements of Core Principle 4 are visible in any existing Resettlement Policy Framework for Bank supported projects. Furthermore, for any unanticipated emerging risk, such as exclusion of squatters from entitlement as identified in Section 3.9.10, the RPF for the WSSP I will be used to provide guidelines for mitigating the land acquisition related risks.

## **Gaps:**

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

**Payment of Compensation:** Legally, compensation for the acquired land is to be paid promptly,” but does not have to be paid before possession of land is taken. No program activity can start before payment of compensation for the acquired land .

## **Opportunities and Actions**

Because the Program’ s needs for land are expected to be met mainly through land donation involuntary, resettlement and compensation, are not expected. Clear, procedures and documentation for land donation (voluntary or otherwise) should be developed.

If land acquisition is required the guidance from the Government guidelines as well as known best practices such as: (i) Direct purchase of land, (ii) Voluntary land Donation by local authorities with supporting documentation, and (iii) Land acquisition following the Land Acquisition Act of 1967.

These guidelines and other good practices will also be included in the verification of DLI 2 which establishes the proportion of sustainably functioning water points. Disagreements on land ownership and donations are some of the causes of non-functioning of water points. Training on community consultations, preparation of land donation agreements, grievance redress/conflict management should also be provided to implementing agencies village committees and COWSOs.

The government should designate Environmental and Social focal point officers for the Program in MoW and PO-RALG who will oversee the implementation of ESSA at various levels, and they need to be trained and should be provided with adequate resources and inputs to provide technical support in identifying, consulting with, and assisting disadvantaged communities and vulnerable groups, which may be excluded by the benefits of this program. The program’ s capacity building plan can include measures for good practices on inclusion of Vulnerable and Disadvantaged Communities in culturally appropriate consultations in their local language of understanding. This action is also included in the verification for DLIs 1 and 2.

### **5.2.5 Core Principle 5: Indigenous Peoples and Vulnerable Groups**

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

### ***Bank Directive for Program for Results Financing:***

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

### **Assessment summary:**

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

### **System Strengths**

There is currently an initiative within NEMC and supported by various Development partners to better mainstream social issues such as gender and HIV/AIDS in the ESIA process. Tanzania also has policies specific to vulnerable groups such the National Gender Policy and National Policy on HIV/AIDS, in order to prevent discrimination and promote equity. National policies and legislation such as the NAWAPO acknowledge the key roles and practical interest of women in rural water provision (URT, 2002). A quota system was adopted to ensure women's representation in the formal water management structures at village level. The policy further requires a merit-based gender-sensitive recruitment policy within all water sector institutions. There is also strong guidance for community participatory planning by PMO-RALG through the

“Opportunities and Obstacles to Development Handbook”, which promotes inclusion of vulnerable groups throughout the planning process. Such process is followed by the Tanzania Social Action Fund (TASAF) to support the poor in participating communities across the country. Technical guidelines for the establishment of committees in schools, health facilities, water and sanitation organizations and village level that promote community representation for purposes of inclusive consultations, feedback and decision making in program activities are outlined in the GoT system documents. Such committees are also expected to promote SAc mechanisms and to apply the community score card and other tools that promote feedback for decision making.

## **Gaps**

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

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

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

**Social Accountability Mechanisms:** Weak village, water and sanitation organizations, and committees, and in some cases their inexistence affect progress in the achievement of inclusive consultation, monitoring and feedback outcomes.

**Monitoring:** Monitoring of gender, poverty, and HIV/AIDS in the development planning process needs strengthening. In the water sector there is no common method of analysis and collection of baseline data to aid development planning on these issues.

## **Opportunities and Actions**

The Program will therefore require a strengthened and incentivized SAc system which demands community engagement plans as part of the capacity building action plan.

The program will adopt as in the parent program the Vulnerable Groups Plan under the Productive Social Safety Net (PSSN) P124045 to guide consultations and program implementation in IPSSAHUTLC or vulnerable groups communities.

### **5.2.6 Core Principle 6: Social Conflict**

**Bank Policy for Program for Results Financing:** Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

**Bank Directive for Program for Results Financing:** Considers conflict risks, including distributional equity and cultural sensitivities.

**Findings.** The Program will not entail social conflict in fragile states, post-conflict areas or areas subject to territorial disputes, nor will the Program cause social conflict or impact distributional equity or associated cultural sensitivities. As such, the ESSA did not consider the Program with regards to Core Principle 6 as this Core principle and key element are not applicable to the

Program. It is important to note that distributional equity and cultural sensitivities are covered under the analysis of system with respect to the main considerations of Core Principle 5.

### **Opportunities and Actions**

**None.**

### **5.3 Integrated Risk Assessment**

5.3.1 Based on the findings of the ESSA Analysis, the following table aggregates the risks discussed above, and proposed measures to mitigate those risks. These are included in the Program's integrated risk assessment. Due consideration is also accorded to lack of action on certain actions included in the parent-program's Program Action Plan (PAP) which the Client had undertaken to implement. No significant progress report was noted on actions that were meant to reinforce and support enforcement and compliance functions at District and community levels. Some effort has been noted in terms of reinforcement of institutional capacity, but a lot still needs to be done. Another issue of utmost importance was the IA's inability to take effective measures to safeguard the main water sources for the project in view of emerging climate change challenges and to ensure sustainability of this essential service to communities. For example, there was an undertaking to switch rural villages residing in areas of seasonal water resources to those areas with more permanent ones.

**Table 5: Risk Assessment and Management**

Risk Criteria	Phase of the Project	Risk/Impact Management	Additional Actions under AF	Risk rating
<p><i>Likely E&amp;S effects</i></p> <p>Risk associated with inadequate due diligence in identifying the E&amp;S effects of the AF and the inability to mitigate, monitor and take corrective measures. Program scope is changed to include construction or largescale civil works.</p>	<p>Project implementation</p>	<p>Overall, the potential environment and social risks of the AF are site-specific, moderate, straightforward and manageable, related primarily to construction management, occupational health and safety, construction and waste/sludge disposal.</p> <p>While technical guidelines and standards exist, inadequate capacity and insufficient resources (Human and funds) can result in poor implementation, inadequate enforcement and monitoring, which could result in poor mitigation of potential impacts.</p> <p>Monitoring and supervision of due diligence measures related to environmental and social issues will be a part of World Bank supervision. The program will include a process of ongoing consultations and a capacity building and training program to ensure implementation of measures meet the needs of the beneficiaries. The details of implementation will be included in the AF.</p> <p>Operations Manual. The inclusion of environmental and social management in the competency model for CBWSOs and other water service providers, and the capacity building plans for LGAs are expected to address the capacity issues.</p>	<p>Greater emphasis will be laid on monitoring. Spot checks will be encouraged to ensure that screening of activities is done in such a way as to reflect the real risks and impacts.</p>	<p><b>Moderate</b></p>

Risk Criteria	Phase of the Project	Risk/Impact Management	Additional Actions under AF	Risk rating
<p><b><i>Contextual risk factors.</i></b></p> <p>Impacts of Climate Change threaten the sustainability of water resources for the schemes. Since the impacts of CC are already being felt and hydrological regimes are undergoing significant changes, some areas may be affected by drought conditions, etc.</p> <p>Annual Performance Audit does not include the requirement or the technical expertise to assess performance of the ESSA</p>	<p>During Implementation</p>	<p>Some efforts have been undertaken to develop frameworks to address climate change and pilot schemes have been launched to design W&amp;S projects that are climate sensitive. Given the rural setting of the program, and the fact that globally water diversion as a result of implementation will be minimal (biggest water consumers being agriculture and industry), risk management should not constitute a major challenge.</p> <p>Terms of Reference for consultants will ensure that adequate skills are hired to assess environmental and social management systems along with social audits/social accountability and implementation of ESSA</p>	<p>At the National level, strategies must be formulated to address the impacts of climate change on water resources. Policies will have to be strengthened or developed to promote conservation and better utilization / allocation of water resources. Water for human consumption gets priority, but MoW and RUWASA should launch campaigns to sensitize all beneficiaries on the importance of water conservation.</p> <p>Also, where feasible, switch rural villages residing in areas of seasonal water resources to those areas with more permanent ones</p>	<p><b>Moderate</b></p>
<p><b><i>Institutional capacity and complexity risks</i></b></p> <p>Risk arising out of lack of coordination among the different IAs involved in the program is possible.</p>	<p>During Implementation</p>	<p>Champion identification, buy in and consensus building among key stakeholders is critical. Field level leadership training can improve decision making and result in high program</p>		<p><b>Moderate</b></p>

Risk Criteria	Phase of the Project	Risk/Impact Management	Additional Actions under AF	Risk rating
<p>Risk of delayed implementation of decisions and service delivery as a result of the vast geographical coverage, financial and other constraints.</p> <p>Staffing and skills mix in the AF is insufficient to handle environmental and social management issues. Weak participation of communities in identifying and managing water supply systems and facilities for sustainability</p> <p>The AF will assess capacity needs of staff for environmental and social management and ensure that all necessary staffing is made available and required to have adequate skills. The Program will be required to appoint focal points for Environmental and Social for the monitoring and implementation of the ESSA. The Program will be incentivized to provide adequate resources to environmental and social management. Training on costing, implementation and monitoring of Environmental and Social actions including participatory planning and consultations on water and sanitation, and</p>		<p>performance. In addition, information dissemination and awareness raising activities for environmental and social due diligence measures will be built into the Program</p> <p>The Program will assess capacity needs of staff for environmental and social management and ensure that all necessary staffing is made available and required to have adequate skills. The AF will be required to appoint focal points for Environmental and Social for the monitoring and implementation of the ESSA. The AF will be incentivized to provide adequate resources to environmental and social management. Training on costing, implementation and monitoring of Environmental and Social actions including participatory planning and consultations on water and sanitation, and Grievance Redress mechanisms will be included in capacity building program</p>	<p>Emphasis will be laid on enhancing the capacity at the District levels to ensure district-level officers are fully aware of their responsibility in effectively managing and monitoring the environmental and social system</p>	

Risk Criteria	Phase of the Project	Risk/Impact Management	Additional Actions under AF	Risk rating
<p>Grievance Redress mechanisms will be included in capacity building program.</p> <p>Weak Participatory Planning, Monitoring and Decision Making: Community participation beyond initial planning and mobilization in decision making and monitoring processes is weak. The mechanisms for decision making, monitoring of the quality services and the responsiveness of community water service providers to the needs complaints by service users is not clear.</p>		<p>Program will strengthen the existing systems that allow the community and other stakeholders to be represented in the community water service provider governing committees to be fully constituted and functional. This is provided for under the assessment of performance for water and sanitation service provision and that for LGAs. The committees will work towards public information dissemination</p>		
<p><b><i>Political and reputational risks</i></b></p> <p>Exclusion in consultations, monitoring and feedback. The likelihood that some vulnerable groups of people such as poor, persons with disability, elderly and other vulnerable groups such as IPSSAHUTLC and those in hard-to-reach areas such as pastoral communities may be excluded from consultation, monitoring and feedback and may not benefit equitably from the program</p>	<p>During implementation</p>	<p>Overall, the SAc indicators score indicates very little is being done to provide for the ‘demand side’ of decision making and management of water service provision. In addition, the lower-level water service providers and LGAs are not fully functional.</p>	<p>The Program will therefore require a strengthened and incentivized SAc system which demands community engagement plans as part of the capacity building action plan.</p> <p>The program will adopt as in the parent program the Vulnerable Groups Plan under the Productive Social Safety Net (PSSN) P124045 to guide consultations and project implementation in IPSSAHUTLC areas.</p>	<p><b>Moderate</b></p>

Risk Criteria	Phase of the Project	Risk/Impact Management	Additional Actions under AF	Risk rating
Grievance Redressal Mechanisms. Functional GRM under all components implemented of the program for effective complaints resolving with no retaliation		The parent program has a functional Grievance Redress Mechanism in place which has been managing grievances in the project. The challenge is that the implementation of the GRM has been relatively weak on the project activities implemented by the MoEST and MoHCGDEC	MoW, RUWASA, MoEST and MoHCGDEC to ensure that the GRM manual prepared under the parent program and is applicable to the AF is disseminated to all Regional and District officials and training on its operationalization and reporting conducted	
Management of Gender Based Violence / Sexual Exploitation and Abuse (GBV/SEA-SH)	During Implementation	The parent program has a functional Grievance Redress Mechanism in place which has been managing grievances in the project. It also has a Gender Action Plan which has requirements to be put in place for management of GBV./SEA-SH) cases which have not been fully implemented.	<p>Finalize the appointments of Gender Desk Coordinators</p> <p>Prepare /Roll out sexual violence guidelines;</p> <p>Gender Desk coordinators to work closely with Community Development Specialists and GRM focal points to provide survivor centered approach to management of GBV/SEA-SH cases within the project in line with existing Government standards and procedures;</p> <p>Gender Desk Coordinators and GRM focal point persons training on GBV/SEA-SH case management. Training requirements reflected in the Training Plan prepared two (2) months after approval of the AF.</p>	<b>Moderate</b>

## 6. STAKEHOLDERS CONSULTATIONS

### 6.1 Consultations during ESSA preparation

6.1.1 The ESSA process includes extensive stakeholder consultations and disclosure of the ESSA Report following the guidelines of the World Bank's Access to Information Policy. At present, the ESSA consultation process has provided feedback from stakeholders that have been helpful in designing and revising the Program Action Plan. The Bank's staff held several virtual consultations, as well as a few face-to-face meetings, during the preparation of this ESSA. Bank Specialists also had consultations with central, local government agencies and water user associations in the concerned regions. A number of multi-stakeholder consultation meetings were also held between March 11 and 15, 202, to discuss and adjust the findings of the draft report. The post-draft consultation meetings involved five (5) key groups of stakeholders including:

- (a) RUWASA Parent Regions and New Regions, IPU's (MOW & MOH)
- (b) Water Basin Authorities & Water Users Associations
- (c) Donors, International NGOs & Local NGOs dealing with Water & WASH Programs
- (d) Organizations dealing with IPs, PLWDs and Women Groups and
- (e) Academicians from Water Institutions.

The issues identified during these consultative meetings are shown in Table5, together with the lists of consultation participants for both pre-draft and post-draft meetings at Annex 1.

6.1.2 Generally, the participants voiced their strong support in implementing the proposed program to improve water and sanitation services in rural areas, while improving environmental and social management in the water and sanitation sectors. Generally, the issues raised related to:

- **Capacity to prepare, implement and implement environmental management tools**

There is general knowledge on ES issues; however, there is more emphasis and strength at the regional level than the district level. The ES experts are available in some regions at RUWASA / and Water Basins Authority while the district level depends on support provided the Safeguard Officers placed at the District Council unfortunately in some councils there is also lack or inadequate staff responsible for environment and social issues. There is an urgent need to train and place adequate safeguard experts at the district level.

- **Existence of Policies to handle ES Issues**

There is general agreement that adequate policies/ guideline is available and are overseen by the RUWASA Safeguards experts at the regional as well as the departments responsible for Quality Assurance. These policies are also available at the district council level.

- **Capacity to deal with impacts of climate change.**

The need to climate-proof all infrastructure was strongly voiced. It was felt that IAs should update all strategies and policies regarding impacts of and adaptation to climate change as its effects are already being felt in all its severity. The Ministry of Water should prepare a *Sector Specific Framework* to address climate change impacts on water resources. The framework will serve as sector strategy to manage water resources more effectively against climate change impacts.

- **Quality of water.**

Some concern was expressed regarding the quality of water being distributed. There was general agreement that the quality of water was not always up to standard, in part due to human pressure. Water sources also tended to dry up more frequently because of prolonged drought.

- **Existence of Stakeholders Engagement Plan (SEP)**

Stakeholders Engagement is conducted, but it has been observed that there is no systematic plan in most of the regions and districts. Most collaborations and engagements are done on adhoc basis. There is need to train key staff responsible for SEP and ensure that there is an established effective stakeholders' engagement and feedback mechanism. RUWASA collaborates with LGAs in dispute resolution and safeguarding of infrastructure facilities. Collaboration between the Water Basins and the Urban Water Authorities, the Private Sector Community Based Water Users Association and other NGOs in handling water resources management are ongoing and needs to be further encouraged.

- **Acquisition of Land**

AF implementation will need to minimize grievances related to land acquisition. Currently, land acquisition is mainly done on a voluntary basis, and is guided by Land Donation Guideline. It was suggested that, in order to minimize complaints, the AF will need to intensify stakeholders consultations with the local population and where necessary one-on-one discussions with PAPs should be done.

- **Handling of Gender Based Violence (GBV) Issues**

There is general awareness on GBV issues, but no systematic approach to receiving and handling GBV cases. Some Regional Offices file GBV complaints with their Human Resources Department while others are directed to the responsible GBV management officers. The reported cases are normally resolved at the first stage; there is no appeal mechanism.

## 7. RECOMMENDED MEASURES TO STRENGTHEN SYSTEMS PERFORMANCE

### 7.1. System Performance Strengthening

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

**Table 6: Environment and Social Program Action Plan**

*(Actions shown in bold are being introduced under the AF, while those under the Parent Program are being carried over)*

<b>Objective</b>	<b>DLI/PAP</b>	<b>Due Date</b>	<b>Measures</b>
Strengthening environmental and social management systems	DLI 1: Number of people with access to an improved water supply DLI 7: Number of participating districts submitting accurate and complete sector M&E data	On-going	<ul style="list-style-type: none"> <li>• The Program will not finance subprojects that pose significant environmental risk, and any physical or economic displacement is expected to be minor.</li> <li>The Program will adopt the measures and procedures defined in the Environmental Impact Assessment and Audit Regulations (2005) and as Amended in 2018, which underscores the obligation to screen projects. Projects requiring an ESIA will not be financed under the AF.</li> <li>• The EIA regulation and procedure has been assessed and found to be compliant with PforR principles at the top level but needs greater attention on implementation procedures.</li> <li>• The current process for grievance redress and complaint handling needs improvement.</li> <li>• The Program will strengthen environmental management functions of core implementing agencies.</li> </ul> <p>Improvements in this regard will be assessed through more regularized compliance monitoring, enforcement, and reporting.</p>

			<ul style="list-style-type: none"> <li>• Support CBWSOs environmental and social management functionality.</li> <li>• Monitor inclusion of disadvantaged and vulnerable communities in services delivery.</li> </ul>
<b>Addressing Climate Change</b>	<b>PAP</b>	<b>Before Launch for 1<sup>st</sup> two items, and during implementation for the rest</b>	<ul style="list-style-type: none"> <li>• <b>MoW to update its climate-resilient water sector strategy and develop guidelines on measures aimed at promoting retention of water during rainy seasons, promote more judicious use and more equitable sharing of water resources among competing users (agriculture, urban development, industry...)</b></li> <li>• <b>MoW and RUWASA to develop materials to sensitize beneficiaries on the value of water conservation.</b></li> <li>• <b>Provide training to key staff on climate change adaptation.</b></li> <li>• <b>Rainwater harvesting will be encouraged to take advantage of increased precipitation during rainfall months.</b></li> <li>• <b>Undertake hydrological flow monitoring of all river systems being sources for the program at launch of program and every 6 months thereafter.</b></li> </ul>
<b>Managing sanitation and hygiene-related activities</b>	<b>PAP</b>	<b>On-going</b>	<ul style="list-style-type: none"> <li>• <b>MoH, MoE and RUWASA to update strategies to deal with climate change impacts on WASH infrastructure. Revise Standard Designs to make WASH infrastructure more robust and climate-resilient (deeper boreholes, locating facilities in areas that are less prone to flooding and other risk factors, more robust construction to prevent impacts from flooding, etc.), ensuring proper disposal of wastewater, integrating ramps for disabled students, etc., and siting of facilities at a safe distance from water sources to prevent contamination.</b></li> <li>• <b>Design facilities that consider future expansion of educational establishments to accommodate</b></li> </ul>

			<p>increased enrolment/ student population.</p> <ul style="list-style-type: none"> <li>• Encourage strengthening of institutions and community engagement to facilitate better outcomes.</li> <li>• Allocate adequate safeguards staff at all levels to implement and monitor design criteria.</li> </ul>
Addressing capacity constraints	<p><b>DLI 1:</b> Number of people with access to an improved water supply</p> <p><b>DLI 2:</b> Number of sustainably functioning water points</p> <p><b>DLI 8:</b> Agency established and operationalized PAP/IPF</p>	On-going	<ul style="list-style-type: none"> <li>• The capacity building activities (including provision for strengthening safeguards screening and monitoring arrangements) from the parent project will be extended to the AF component and included in the Operations Manual. Central to this will be the mainstreaming of environmental and social capacity strengthening under the multiple-activity IPF Technical Support component.</li> <li>• Progress made on capacity building will be provided by the verification of DLI 7.</li> </ul>
Improved systems for information disclosure and stakeholder consultation	PAP	On-going	<ul style="list-style-type: none"> <li>• Accountability and transparency of institutions are essential to ensure that the benefits of the Program reach all beneficiary groups (service users and providers). The measures to improve information disclosure and stakeholder are included in the Stakeholder Engagement Plan (SEP) of the parent program which will be adopted for the AF.</li> <li>• During supervision, the World Bank will monitor information available in the public domain on community engagement activities and their contribution to improved water and sanitation service provision.</li> </ul>
Disadvantaged and vulnerable persons	PAP	On-going	<ul style="list-style-type: none"> <li>• The AF of the Program will develop and adopt measures to ensure inclusive consultations and grievance redress with the vulnerable and unreached/disadvantaged people to safeguard them from exclusion from the Programs benefits.</li> <li>• The Program will adopt measures to ensure that benefits and compensation accorded to disadvantaged persons are</li> </ul>

			<b>culturally appropriate. The Program will also adopt the GoT-prepared Vulnerable Groups Plan under the Productive Social Safety Net (PSSN) P124045.</b>
Land acquisition/allocation for the Program	DLI 1: Number of people with access to an improved water supply	<b>On-going</b>	<ul style="list-style-type: none"> <li>• The AF Program will continue with the procedures in place for voluntary land donations and formats of agreements (between the Program and land donors).</li> <li>• These will be included in the OM before effectiveness of the Program.</li> <li>• <b>To guide land acquisition where needed the AF program will Water Sector Support Project (P087154) – Resettlement Policy Framework (RPF).</b></li> </ul>
Gender inclusion	DLI 1: Number of people with access to an improved water supply PAP	On-going	<ul style="list-style-type: none"> <li>• A Gender Action Plan developed under the ‘Foundation Activities’ of the Parent Program during year 1 will be extended to AF program.</li> <li>• <b>To promote the participation of women in governance and CBWSOs, the Program will adopt the dedicated gender action plan to be implemented at RUWASA, district, and CBWSOs and build women’s capacity to lead and manage CBWSOs.</b></li> <li>• <b>These initiatives will include development and adoption of a rural water gender mainstreaming strategy, extension of current quota system to include leadership positions, exploring of ways of promoting female water technicians and engineers, training of both men and boys on sanitation and hygiene to promote their active participation, continuous sensitization of all sectors on social and cultural discriminatory practices and norms underpinning gender inequalities and discrimination against women with the aim of correcting them.</b></li> <li>• It also includes provide guidance on how sexual exploitation and abuse will be safeguarded in the Program.</li> </ul>
<b>Management of Gender Based Violence / Sexual Exploitation and</b>	<b>PAP</b>	<b>On-going</b>	<b>Finalize the appointments of Gender Desk Coordinators</b>

<p><b>Abuse (GBV/SEA-SH)</b></p>			<p><b>Prepare /Roll out sexual violence guidelines;</b></p> <p><b>Gender Desk coordinators to work closely with Community Development Specialists and GRM focal points to provide survivor centered approach to management of GBV/SEA-SH cases within the project in line with existing Government standards and procedures;</b></p> <p><b>Gender Desk Coordinators and GRM focal point persons training on GBV/SEA-SH case management. Training requirements reflected in the Training Plan prepared two (2) months after approval of the AF.</b></p>
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## **ANNEXES**

## ANNEX 1A:

### Environment and Social Systems Assessment (ESSA) Pre-Draft Consultations: List of Stakeholders:

*RM = Regional Manager DM= District Manager*

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## ANNEX 1B: Multi-stakeholders' Consultations on Draft ESSA March 11-15, 2022.

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## **ANNEX II: Categories of projects as per The Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations GN. No. 474**

### Type A Projects

The essence of categorizing projects in different levels shall be to check its adverse environmental impacts and make an in-depth study to determine the scale, extent and significance of the impacts and to identify appropriate mitigation measures. In so doing, all projects shall be categorized as follows:

#### 1. AGRICULTURE

- (a) large scale cultivation ( $\geq 100$  Ha);
- (b) water resources development projects;
  - (i) Dams ; command area  $\geq 300$  Ha;
  - (ii) Water supply; command area  $\geq 500$  Ha;
  - (iii) Flood control; command area  $\geq 500$  Ha;
- (c) irrigation, drainage; command area  $\geq 500$  Ha;
- (d) large scale mono-culture (cash and food crops)  $\geq 100$  Ha;
- (e) Floriculture;  $\geq 5$  Ha; and
- (f) in case of any project necessitating the resettlement of communities, please attach the Resettlement Plan.

#### 2. LIVESTOCK AND RANGE MANAGEMENT

- (a) large Scale Livestock movement;  $\geq 5000$  cattle; and
- (b) intensive livestock rearing units;  $\geq 1,000$  herd.

#### 3. FORESTRY

- (a) timber logging;  $\geq 5$  Ha;
- (b) processing/ treatment of timber with chemicals;
- (c) construction of road inside the forest reserve (All projects (irrespective of road size in kilometer);
- (d) conversion of forest land for other uses.

#### 4. FISHERIES

- (a) large scale fish farming including prawn farming;
- (b) industrial fish processing and storage  $\geq 50$  tonnes per day; and

#### 5. WILDLIFE PROJECTS

- (a) reintroduction or translocation of new species;
- (b) wildlife ranching and farming; and
- (c) creation of new sanctuaries or zoos or orphanages.

#### 6. TOURISM AND RECREATIONAL DEVELOPMENT

- (a) construction of resort facilities or hotels along the shorelines of lakes, river, islands and Ocean;
- (b) hill top resort or hotel development; and
- (c) development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc.) on islands and in surrounding waters.

#### 7. ENERGY

- (a) transmission of electricity;
- (b) production of Natural Gas;
- (c) thermal Power development; capacity  $\geq 50$  MW;
- (d) hydro-electric power development; capacity  $\geq 50$  MW;
- (e) nuclear power development; and
- (f) development of other large scale renewable sources of energy
- (i) Off-shore Wind projects; and
- (ii) Geothermal projects.

#### 8. PETROLEUM

- (a) oil & gas field exploration and development;
- (b) construction of offshore and onshore pipelines;
- (c) construction of oil and gas separation, processing, handling and storage facilities;
- (d) construction of oil refineries; and
- (e) Transportation of petroleum products through pipelines.

#### 9. TRANSPORT AND INFRASTRUCTURE

- (a) construction and/or expansion of trunk roads;
- (b) construction and/or expansion of airports and airstrips and their ancillary facilities;
- (c) construction and/or expansion of existing railway lines; and
- (d) construction and/or expansion of ports and harbors.

#### 10. FOOD & BEVERAGE INDUSTRIES

- (a) breweries and Distilleries (Molasses based distilleries);
- (b) tobacco processing; and
- (c) sugar factories.

#### 11. TEXTILE INDUSTRY

Cotton and Synthetic fibers; integrated textile mills (knitting, weaving, dyeing and fabric production).

#### 12. LEATHER INDUSTRY

Tanneries; All integrated plants.

#### 13. WOOD, PULP & PAPER INDUSTRY

Pulp and paper manufacturing (except waste paper).

#### 14. BUILDING & CIVIL ENGINEERING INDUSTRY

- (a) industrial parks and housing estate; and
- (b) developments on beach fronts.

#### 15. CHEMICAL INDUSTRIES

- (a) manufacture and storage of pesticide or other hazardous and / or toxic chemicals;
- (b) manufacture of pharmaceutical products (Technical);
- (c) production of paints varnishes;
- (d) soap and detergent plants; and
- (e) manufacture of fertilizers.

#### 16. EXTRACTIVE INDUSTRY

- (a) Extraction and purification of natural gas (if this is being done within the refinery along with primary and secondary products); and
- (b) Mining (Large and medium scale mines).

#### 17. NON-METALLIC INDUSTRY (PRODUCTS)

Cement Manufacturing

18. METAL AND ENGINEERING INDUSTRY

(a) Manufacture of non - ferrous products

(b) Manufacturing of iron and steel

19. ELECTRICAL AND ELECTRONICS INDUSTRIES

Battery manufacturing and recycling

20. WASTE TREATMENT AND DISPOSAL

(a) Toxic and Hazardous waste:

(i) Construction of Incineration plants;

(ii) Construction of recovery plant;

(iii) Construction of waste water treatment plant;

(iv) Construction of secure landfills facility; and

(v) Construction of storage (temporary) facility.

(b) municipal solid waste:

(i) construction of Municipal Solid Waste landfill facility

(c) municipal sewage:

(i) construction of sewage sewer system

21. WATER SUPPLY

(a) Canalization of water courses;

(b) Diversion of normal flow of water;

(c) Water transfers scheme;

(d) Abstraction and/or utilization of ground and surface water for bulk

(e) Water treatment plants.

22. LAND DEVELOPMENT PLANNING, LAND RECLAMATION,  
HOUSING AND HUMAN SETTLEMENTS

(a) land acquired for resettlement;

(b) establishment of refugee camps;

(c) land reclamation including land under water bodies; and

(d) dredging of bars, groynes, promenades, dykes and estuaries.

**Type B1 Projects**

Medium to high impact, process of Screening shall be used to categorize either Type “A” or “B2” project.

1. AGRICULTURE

(a) large scale cultivation (<100 to 50 Ha;

(b) water resources development projects;

(i) dams (command area <300 Ha);

(ii) water supply (command area ≤500 to 200 Ha;

(iii) flood control (command area ≤500 to 200 Ha);

(iv) irrigation, drainage (command area ≤500 to 200 Ha).

(c) large scale mono-culture (cash and food crops) (<100 to 50 Ha);

Floriculture (<5 to 2 Ha); and

(d) in case of any project necessitating the resettlement of communities, please attach the Resettlement Plan.

## 2. LIVESTOCK AND RANGE MANAGEMENT

- (a) large Scale Livestock movement (<5000 to 1000 cattle); and
- (b) intensive livestock rearing units (< 1000 to 500 herd).

## 3. FISHERIES

- (a) medium to large scale fisheries;
- (b) artificial fisheries (Aqua-culture for fish, algae, crustaceans shrimps, lobster or crabs);
- (c) industrial fish processing and storage (<50 to 10 tonnes per day).

## 4. FORESTRY

- (a) timber logging (<5 hectares);
- (b) processing/ treatment of timber;
- (c) introduction of alien tree species and development of forest plantation;
- (d) selective removal of single tree species (<1000 to 100 tree species);
- (e) a forestation and reforestation for the purpose of carbon sequestration;
- and
- (f) construction of road inside the forest reserve.

## 5. TOURISM AND RECREATIONAL DEVELOPMENT

- (a) any other construction for tourism and recreational activities; and
- (b) major construction works for sporting purposes.

## 6. ENERGY

- (a) distribution of Electricity projects;
- (b) storage of natural gas facilities;
- (c) thermal Power development(Capacity < 50 MW);
- (d) hydro-electric power development (Capacity <50 MW);
- (e) development of other large scale renewable sources of energy:
  - (i) solar projects;
  - (ii) on – shore Wind projects;
- (f) biomass projects.

## 7. PETROLEUM

- (a) construction or expansion of product depots for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas; and
- (b) construction of filling stations or service stations.

## 8. TRANSPORT AND INFRASTRUCTURE

- (a) rehabilitation of trunk roads and airports / airport strips and their ancillary facilities;
- (b) jetty, dockyard and fish landing sites; and
- (c) construction of inland container depots and cargo handling facilities.

## 9. FOOD AND BEVERAGE INDUSTRIES

- (a) manufacture of vegetable and animal oils and fats;
- (b) oil refinery and ginneries;
- (c) manufacture of dairy products;
- (d) breweries and Distilleries (grain based distilleries and breweries);
- (e) fish meal factories;
- (f) slaughter houses / abattoirs (when number of animals slaughtered are >10 per day);

- (g) tobacco curing; and
- (i) other agro-processing industries.

#### 10. TEXTILE INDUSTRY

- (a) cotton & Synthetic fibers (dyeing production units); and
- (b) ginneries.

#### 11. LEATHER INDUSTRY

- (a) tanneries (tanning and other activities);
- (b) bark for tanning purposes (commercial); and
- (c) dressing and cloth factories.

#### 12. WOOD, PULP & PAPER INDUSTRY

Manufacture of veneer, plywood, fiber board, particle-board, sand board cellulose and waste paper.

#### 13. BUILDING & CIVIL ENGINEERING INDUSTRY

- (a) major urban projects (multi-storey building, motor terminals, markets etc.);
- (b) construction of residential / commercial buildings, hospitals and institutions including religious complexes\* and community centers\*- religious complexes refer to buildings with facilities other than worshipping use; and
- (c) schools, dispensaries, health-centers(Schools with boarding facilities for >360 students).

#### 14. EXTRACTIVE INDUSTRY

- (a) other deep drilling - bore-holes and wells; and
- (b) mining (small scale mines).

#### 15. NON-METALLIC INDUSTRY (PRODUCTS)

Manufacturing of:

- (a) glass, Glass-fiber, Glass-wool;
- (b) plastics materials;
- (c) tiles and ceramics; and
- (d) lime manufacturing.

#### 16. METAL AND ENGINEERING INDUSTRY

- (a) manufacture and assembly of motorized and non-motorized transport facilities such as body building;
- (b) boiler - making and manufacture of reservoirs, tanks and other sheet containers;
- (c) foundry and Forging;
- (d) manufacture of non - ferrous products (All secondary processing industry); and
- (e) electroplating.

#### 17. ELECTRICAL AND ELECTRONICS INDUSTRIES

Electrical and electronic equipment manufacturing and assembly.

#### 18. WASTE TREATMENT AND DISPOSAL

- (a) municipal solid waste
  - (i) construction of incineration plant; and
  - (ii) construction of recovery/re-cycling plant.
- (b) municipal sewage

Construction of wastewater treatment plant.

## 19. WATER SUPPLY

Water treatment plants

### **Type B2 Projects**

List of small-scale activities and enterprises that require registration but shall not require Environmental Impact Assessment. Further, the projects shall not require screening and scoping, rather, the Project Brief shall be examined and issued with an Environmental Impact Assessment Certificate.

#### 1. AGRICULTURE

- (a) large Scale cultivation (<50 to 10 Ha);
- (b) water resources development projects:
  - (i) water supply (command area (<200 to <50 Ha);
  - (ii) flood control (command area (<200 to <50 Ha);
  - (iii) irrigation, drainage (command area (<200 to <50 Ha); and
- (c) large scale monoculture (cash and food crops) (<50 Ha).
  - (i) floriculture (<2 Ha).

#### 2. LIVESTOCK AND RANGE MANAGEMENT

- (a) large Scale Livestock movement (< 1000 to <500 cattle); and
- (b) intensive livestock rearing units (< 500 to < 100 herd.

#### 3. FORESTRY

Selective removal of single tree species Ministry of Natural Resources (<100 tree species).

#### 4. FISHERIES

Industrial fish processing and storage (<10 tonnes per day)

#### 5. TOURISM AND RECREATIONAL DEVELOPMENT

Camping activities

#### 6. FOOD & BEVERAGE INDUSTRIES

- (a) slaughter houses / abattoirs (All projects when number of animals slaughtered are <10 per day);
- (b) tobacco processing; and
- (c) canned fruits and sauces.

#### 7. TEXTILE INDUSTRY

Cotton & Synthetic fibers (All stand-alone knitting and weaving units).

#### 8. BUILDING & CIVIL ENGINEERING INDUSTRY

The Environmental Management (Environmental Impact Assessment and Audit) (Amendment) Regulations

GN. No. 474 (contd.)

24

Schools, dispensaries, health-centers:

- (a) dispensaries and health-centers; and

(b) all School projects (l <360 students).

#### 9. METAL AND ENGINEERING INDUSTRY

Garages

#### 10. ELECTRICAL AND ELECTRONICS INDUSTRIES

Installation and expansion of communication towers.

#### 11. WASTE TREATMENT AND DISPOSAL

- (a) municipal Solid Waste;
- (b) construction of composting plant;
- (c) municipal Sewage; and
- (d) night soil collection and treatment.

### **Special Projects**

These shall be projects where potential risks are uncertain and requires detail specialized study prior to EIA. They shall be treated as Type "A" projects.

#### FORESTRY

- (a) introduction of alien tree species and development of forest plantation (All projects fall under the Special Category (EIA mandatory); and
- (b) selective removal of single tree species.

## **ANNEX III: Project Screening Criteria**

Project Screening Criteria made under SECOND SCHEDULE of the Environmental Management (Environmental Impact Assessment and Audit)(Amendment) Regulations GN. No. 474 (contd.)

1. The project will not substantially use natural resources in a way that pre-empts the use or potential use of that resource for any other purpose.
2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.
3. The type of project, its environmental impacts and measures for managing them are well understood in Tanzania.
4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.
5. The project will not displace significant numbers of people, families or communities.
6. The project is not located in, and will not affect, any environmentally sensitive areas such as:
  - (a) national parks;
  - (b) wetlands;
  - (c) productive agricultural land;
  - (d) important archaeological, historical and cultural sites;
  - (e) areas protected under any law;
  - (f) areas containing rare or endangered flora or fauna;
  - (g) areas containing unique or outstanding scenery;
  - (h) mountains or developments on or near steep hill-slopes;
  - (i) dry tropical forests, for instance brachystegia woodlands;
  - (j) development near lakes or its beaches;
  - (k) development providing important resources for vulnerable groups such as fishing communities along the lake-shore;
  - (l) development near high population concentrations or industrial activities where further development could create significant environmental problems; and
  - (m) prime ground-water re-charge areas or areas of importance for surface run off of water.
7. The project type shall not result in:
  - (a) policy initiatives which may affect the environment such as changes in agricultural pricing subsidies or the tobacco liberation;
  - (b) major changes in land tenure; or
  - (c) changes in water use through irrigation, drainage promotion or dams, changes in fishing practices.
8. The project shall not cause:
  - (a) adverse socio economic impact;
  - (b) land degradation;
  - (c) water pollution;
  - (d) air pollution;
  - (e) damage to wildlife and habitat;
  - (f) adverse impact on climate and hydrological cycle; and
  - (g) creation of by-products, residual or waste materials which require handling and

disposal in a manner that is not regulated by existing authorities.

9. The project shall not cause significant public concern because of potential environmental changes. The following are guiding principles:

- (a) is the impact positive, mainly begin or harmful;
- (b) what is the scale of the impact in terms of area affected numbers of people or wildlife;
- (c) what is the intensity of the impact;
- (d) what will be the duration of the impact;
- (e) will there be cumulative effects from the impact;
- (f) are the effects politically controversial;
- (g) have the main economic, ecological and social costs been quantified;
- (h) will the impact vary by social group or gender; and
- (i) is there any international impact due to the proposal projects.

10. The project shall not necessitate further development which is likely to have a significant impact on the environment.