

**THE UNITED REPUBLIC OF TANZANIA  
MBINGA DISTRICT COUNCIL**



**LAND TENURE IMPROVEMENT PROJECT (LTIP)**

**ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN FOR  
RURAL CERTIFICATION PROCESS IN MBINGA DISTRICT  
COUNCIL**



**Prepared by:  
MBINGA DISTRICT COUNCIL**

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## LIST OF ABBREVIATIONS AND ACRONYMS

<b>CBO</b>	-	Community Based Organization
<b>CCRO</b>	-	Certificate of Customary Right of Occupancy
<b>CoC</b>	-	Code of Conduct
<b>CRO</b>	-	Certificate of Right of Occupancy
<b>DED</b>	-	District Executive Director
<b>DEMO</b>	-	District Environmental Management Officer
<b>DLHT</b>	-	District Land and Housing Tribunal
<b>E&amp;S</b>	-	Environmental and Social
<b>EA</b>	-	Environmental Assessment
<b>EIA</b>	-	Environmental Impact Assessment
<b>EIAR</b>	-	Environmental Impact Assessment Report
<b>EIS</b>	-	Environmental Impact Statement
<b>EHSG</b>	-	Environmental Health and Safety Guidelines
<b>EMA</b>	-	Environmental Management Act 2004
<b>EMO</b>	-	Environmental Management Officer
<b>ES</b>	-	Environmental Screening
<b>ESCP</b>	-	Environmental and Social Commitment Plan
<b>ESMT</b>	-	Environmental and Social Management Team
<b>ESMF</b>	-	Environmental and Social Management Framework
<b>ESMP</b>	-	Environmental and Social Management Plan
<b>ESF</b>	-	Environmental and Social Framework
<b>ESS</b>	-	Environmental and Social Standard
<b>FPIC</b>	-	Free, Prior and Informed Consent
<b>GDP</b>	-	Gross Domestic Product
<b>GBV</b>	-	Gender Based Violence
<b>GoT</b>	-	Government of Tanzania
<b>GRM</b>	-	Grievance Redress Mechanism
<b>HIV/AIDS</b>	-	Human Immunodeficiency Virus/Acquired Immune- Deficiency Syndrome
<b>ILMIS</b>	-	Integrated Land Management Information System
<b>LGAs</b>	-	Local Government Authorities
<b>LTAP</b>	-	Land Tenure Assistance Project
<b>LTIP</b>	-	Land Tenure Improvement Project
<b>LTSP</b>	-	Land Tenure Support Project
<b>M&amp;E</b>	-	Monitoring and Evaluation
<b>MLHSD</b>	-	Ministry of Land, Housing and Human Settlement Development
<b>NEMC</b>	-	National Environment Management Council
<b>NGO</b>	-	Non-Governmental Organisation
<b>NSC</b>	-	National Steering Committee
<b>OHS</b>	-	Occupational Health and Safety
<b>OM</b>	-	Operational Manual
<b>PCU</b>	-	Project Coordinating Unit
<b>PLUM</b>	-	Participatory Land Use Management
<b>PO-RALG</b>	-	President’s Office Regional Administration and Local Government
<b>RL</b>	-	Residential License
<b>RSCBWB</b>	-	Ruvuma and Southern Coast Basin Water Body
<b>RPF</b>	-	Resettlement Policy Framework
<b>SEA</b>	-	Sexual Exploitation and Abuse
<b>SEP</b>	-	Stakeholder Engagement Plan

<b>TNA</b>	-	Training Needs Assessment
<b>TOR</b>	-	Terms of Reference
<b>URT</b>	-	United Republic of Tanzania
<b>VEO</b>		Village Executive Officer
<b>VLUM</b>	-	Village Land Use Management (Committee)
<b>VLUP</b>	-	Village Land Use Plan
<b>VG</b>	-	Vulnerable Groups
<b>VGPF</b>	-	Vulnerable Groups Planning Framework
<b>WB</b>	-	World Bank
<b>WEO</b>	-	Ward Executive Officer

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background Information**

The Government of Tanzania (GoT), through the Ministry for Land, Housing, and Human Settlements Development (MLHHSD), is implementing the Land Tenure Improvement Project (LTIP). The Project Development Objective (PDO) is to strengthen the national land administration system and increase tenure security in selected areas for both men and women. The LTIP promotes land-based investments and ensures the inclusion of socioeconomic development in both urban and rural areas. Key project result indicators related to the PDO to increase tenure security include the registration of 1 million Certificates of Rights of Occupancy (CROs), one million Residential licences (RL), and 500,000 certificates of customer rights of occupancy (CCROs). At least 40 percent of the land certificates should be registered under the name of women, as sole owners or co-owners. Project investments are also expected to support a reduction of at least 30 percent in the number of land conflicts as well as an increase in the perception of tenure security. The results indicators related to the PDO to strengthen the national land administration system include an increase of 20 percent in the number of CRO transactions and a reduction in the average time to issue CROs (first registration) from 180 days to 60 days.

#### **1.2 LTIP Project Scope in Mbinga District Council**

The Mbinga District Council is one of the beneficiaries of LTIP. In Mbinga, the project is expected to support the preparation of Village Land Use Plans (VLUP) and the Detail Settlement Plan (DSP) covering the settlement part of the villages, as well as the issuance of CCROs and renovation/construction of district and village land offices. This ESMP is prepared specifically to guide the preparation of the VLUP, DSP, and issuance of CCROs activities covering all 103 villages (see Table 1), while the ESMPs for the renovation or construction of district and village land offices will be developed later before commencement of the renovation activities.

**Table 1: Mbinga District Council- Project Coverage Villages**

<b>Ward</b>	<b>Village</b>
Matiri	Matiri, Kilindi, Kiyaha and Barabara.
Kihangi Mahuka	Kihangi Mahuka, Lipumba and Lihutu
Lukarasi	Liula, Lukarasi and Lupilinga
Amani Makoro	A/makoro, Kiwombi and MKeke
Mkako	Mkako, Kihuruku and Lihale
Kitumbalomo	Mapipili and Liwihi
Muhongozi	Mhongozi, Sara and Kihumbaguru
Kigonsera	Kigonsera, Mihango, Litorongi and Mkurumusi
Litembo	Litembo, Lituru, Mahenge, Mhagawa Asili, Langandondo and Mitambotambo
Kitura	Mahiro, Kitura, Lisau and Mzuzu
Mpapa	Burma, Mitawa, Mitanga and Mpapa
Mbuji	Mbuji, Kilanga Juu, Mawono, Kibanga, Myau and Mahilo
Nyoni	Nyoni, Matanga, Kihulila, Likwela and Kiherekiti
Maguu	Maguu, Kibandai “A”, Kibandai Asili, Mkuka and Mkuwani
Kipapa	Kipapa, Matuta, Mhilo and Kitumbi
Langiro	Langiro Asili, Langiro, Mkoha, Mkoha Asili and Lingomba.
Kambarage	Malindindo, Matekela, Kitesa, Mkeyeto and Ugano
Mikalanga	Makonga, Iela, Ugogo, Kikuli and Mikalanga
Mapera	Mapera, Mkinga, Lukanzauti and Kihongo
L/Ndyosi	L/ndyosi, Luhagara, Kingoli and Mabuni
Ruanda	Ruanda, Paradiso, Ntunduwaro and Ukombozi
Muungano	Kindimba Chini, Kizota and Kimara.
Namswea	Ndongosi and Kindimba juu
Ukata	Ukata, Liwanga, LitoHo and Ulima
Kipololo	Kipololo, Ndanga, Lunoro and Bagamoyo
Linda	Linda, Mkalanga, Ndembo, Silo, Liyombo, Ulolela and Lukiti
Mkumbi	Luwino, Mkumbi, Longa, Mtawa, Kipegei and Lugari
Wukiro	Wukiro, and Manzeye
Ngima	Ngima, Unango and Njombe

In the Mbinga District Council, the preparation of VLUPs, DSPs, and issuance of CCROs are expected to involve the following activities:

### **A. Village Land Use Plans (VLUP)**

There are 114 villages formally registered in the Mbinga district, of which 11 already have a VLUP. LTIP is expected to support the preparation of VLUP in 103 villages and DSPs for the 11 villages reached by LTIP in the district, as this is a prerequisite for the issuance of CCROs. The preparation of VLUPs involves awareness creation and capacity building for the Participatory Land Use Management Team (PLUM), village assembly and formulation of the Village Land Use Management Council (VLUM); preparation of baseline information which includes resource assessment, existing land use, and existing environmental and social issues; preparation of draft Village Land Use Plan (VLUP); validation and approval of the proposed VLUP and respective by-laws by the village assembly, endorsement of the VLUP by the district council, and gazettelement of the approved VLUP by the National Land Use Planning Commission. For each VLUP and DSP, LTIP will support an adequate assessment of E&S implications and the formulation of advice to address them in ways that are consistent with the World Bank's Environmental and Social Framework (ESF).

### **B. Issuance of CCROs**

The process of issuing CCROs is detailed in the LTIP CCRO Manual and involves five (5) major activities.

- Public awareness and engagement of marginalised groups (for example, people with disabilities and elderly people)
- Employing and Training Para-surveyors
- Parcels adjudication;
- Preparation of DSP (regularisation layout)
- Block Planning and Negotiation of Road Accessibility
- Printing and issuing CCROs.

The aforementioned activities involved in the issuance of CCRO have the potential to cause environmental and social (E&S) risks and impacts. To address the potential E&S risks and impacts, the project has prepared the Environmental and Social Management Plan (ESMP) for the Mbinga District Council.

### **1.3 General Objectives of ESMP**

The preparation of Mbinga VLUPs and DSPs and issuance of CCRO have the potential to cause E&S risks and impacts. The Mbinga ESMP is a tool for identifying, mitigating, and monitoring E&S impacts associated with these activities. Specifically, it depicts how organizational capacity and resources are utilised to assess these impacts, define mitigation measures, and implement them when appropriate. Therefore, the Government's implementation team, as well as Non-Governmental Organizations (NGOs) that are expected to be hired under LTIP to support rural land certification, will implement project activities in accordance with this ESMP.

The preparation of this ESMP is consistent with the project's Environmental and Social Management Framework (ESMF), and aims to achieve the following objectives:

- a) Identify potential E&S risks and impacts associated with land-use planning and rural certification activities supported by LTIP.
- b) Develop mitigation/enhancement measures to minimize E&S risks and impacts
- c) Assess the capacity of the implementation agencies and develop plans for training and other capacity building activities
- d) Define implementation arrangement and organization structure of ESMP implementation including assessment of the implementation capacity of the implementing agencies (LGA)
- e) Identify the parameters to be monitored and the respective tools used for monitoring and reporting.

### **1.4 Methodology for Preparation of ESMP**

This ESMP was prepared by the district Participatory Land Use Management Team (PLUM) of the Mbinga District Council in collaboration with the LTIP-ESMT through the following activities:

- a) Undertake an E&S screening to determine risks and impacts associated with the certification process using: (i) Annex 4 of the ESMF on Screening Checklists for environmental and social issues; (ii) Annex 4: Environmental and Social Safeguards Criteria for Selecting Project Specific Areas; and (iii) Annex 5: Terms of Reference for the preparation of the ESMP. Annex 1 for this ESMP on villages with existing VLUP
- b) Define mitigation, enhancement, and monitoring measures for identified impacts

- c) Validation of mitigation, enhancement, and monitoring measures through stakeholder engagement.
- d) Finalisation of the ESMP report and sharing with wider stakeholders, including ESMP publication on the LTIP website.

### **1.5 Screening results**

This section presents the results of the Environmental and Social Screening conducted for the Land Tenure Improvement Project (LTIP) in the Songwe District Council, Tanzania. Screening was carried out using the E&S Safeguard Criteria established by the project for selecting specific project areas. This was performed using the screening form found in the ESMF guiding document (attached in Annex 6), which assessed the potential environmental and social impacts of the LTIP in the selected Songwe area.

## **CHAPTER TWO**

### **BASELINE ADMINISTRATIVE, ENVIRONMENTAL AND SOCIAL CONDITION OF THE PROJECT AREA**

#### **2.1 Introduction**

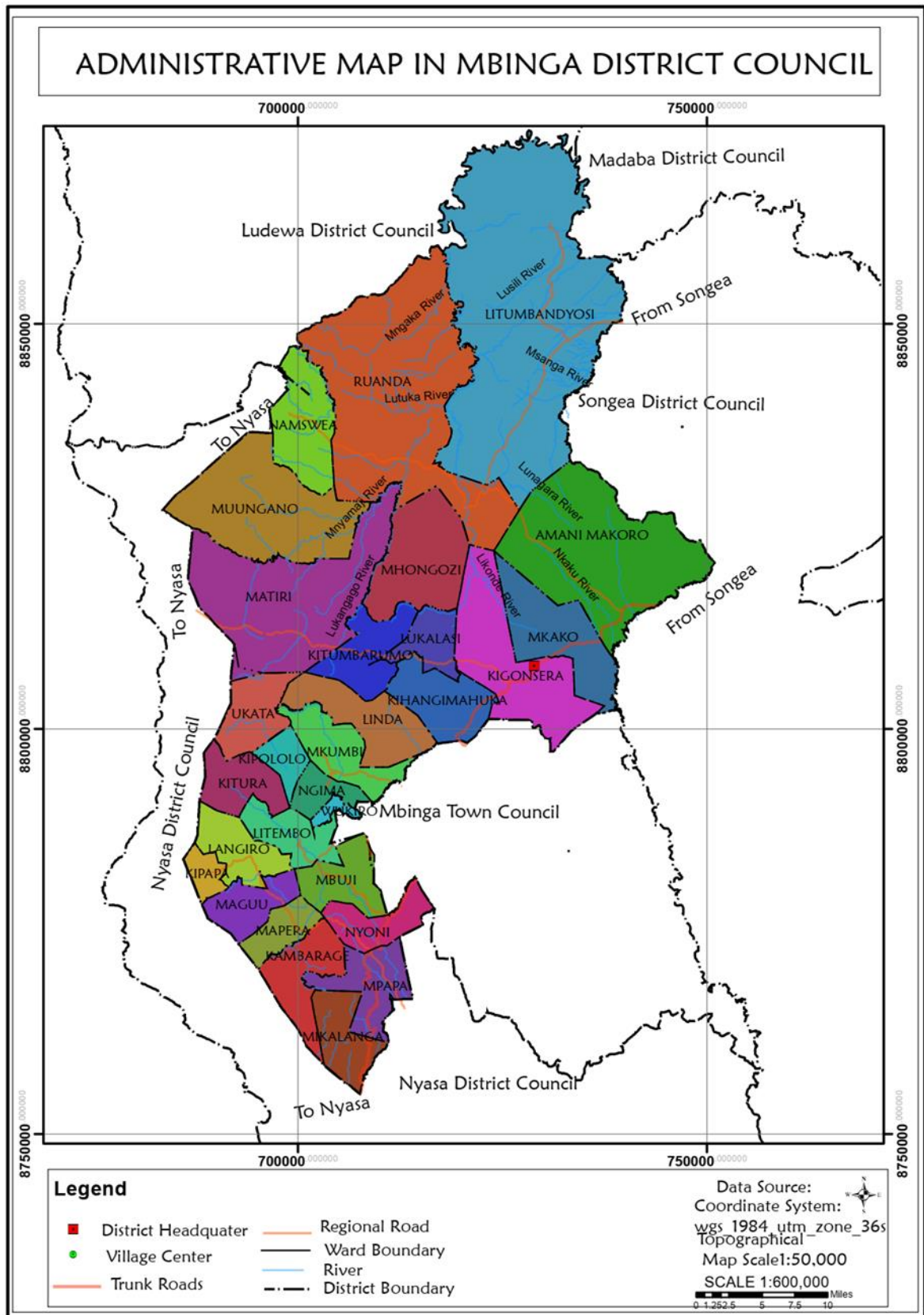
The baseline environmental and social conditions of the Mbinga district describe biophysical and social issues which are likely to be affected, trigger conflicts, or be of biological importance in the district. The biophysical and social issues in Mbinga necessitate a project to ensure that mitigation measures are put in place to avoid risks and impacts on the communities. The main indigenous ethnic group in the Mbinga is Matengo. They constitute almost 70 percent of the district's entire population. Other ethnic groups include Sukuma, Manda, Ngoni, and Nindi. Religious groups available in Mbinga are mainly Christians and Muslims, and a few adhere to traditional beliefs. The majority of residents produce both food and cash crops such as Maize, Cassava, Paddy, Beans, Sweet Potatoes, bananas, and vegetables/fruits. Cash crops include coffee, sunflower, and groundnut. The dominant economic activity in the district is agriculture, which is practiced by the majority of the community. Other economic activities included trade and mining.

#### **2.2 Administrative Condition of Mbinga District Council**

The Mbinga district is one of the six districts in the Ruvuma Region in southern Tanzania. The Mbinga District has a size of 4,858.69 Square Kilometers whereas the Mbinga Town Council has an area of 1,265.69 Square Kilometers the Mbinga District Council has an area of 3,593 Square Kilometers. The District Headquarters is located in Mbinga Towns which is approximately 90 km from Songea Municipality along the Mbamba Bay road. Mbinga District is situated South West of the region, it lies between latitude 10° 15' and 11°34' S, longitude 34°24' E and 35°28' E.

Administratively Mbinga DC has five (5) divisions, 29 Wards and 117 villages. The divisions were Kigonsera, Mbuji, Hagati, Namswea, and Mkumbi. All 117 villages were registered by responsible authorities. The council has one electoral constituency and one parliament member.





Map 1-2.1: Administrative Map of Mbinga District Council showing 29 Wards

## **2.3 Environmental Baseline Information in Mbinga District Council**

Physiography provides an analysis of the existing physical conditions within the council. It covers environmental context analysis, including climate, soils, geological conditions, land and vegetation cover, topography, and agro-ecological zones.

### **2.3.1 Climate**

The climate involves a long-term pattern of temperature and precipitation averages and extremes at allocation. It also contains a combination of current meteorological components, including temperature, wind direction and speed, type of precipitation, humidity, and sunshine hours.

### **2.3.2 Rainfall**

Mbinga District Council, the mean annual rainfall ranges from 1,200 mm to 1,800 mm per year, and the rainfall pattern in the district is unimodal, with an average annual rainfall of 1224 mm. However, in Matengo, the average annual rainfall increased to 2,000 mm. The wet season (rainy season) extends from November to April, leaving the remainder of the year dry. The growing period extends from six to seven months except for the Hagati Plateau, which extends up to nine months. The onset of rain is reliable and typically begins at the end of November. The driest months were July, August, and September, with an average precipitation of 0 mm.

### **2.3.3 Temperature**

The Mbinga District Council experienced a moderate temperature of 23<sup>0</sup>C–25<sup>0</sup>C with a maximum temperature of 27<sup>0</sup> C in October and November. A minimum temperature of 13<sup>0</sup>C is experienced in June, July, and August, particularly in the Matengo Highlands.

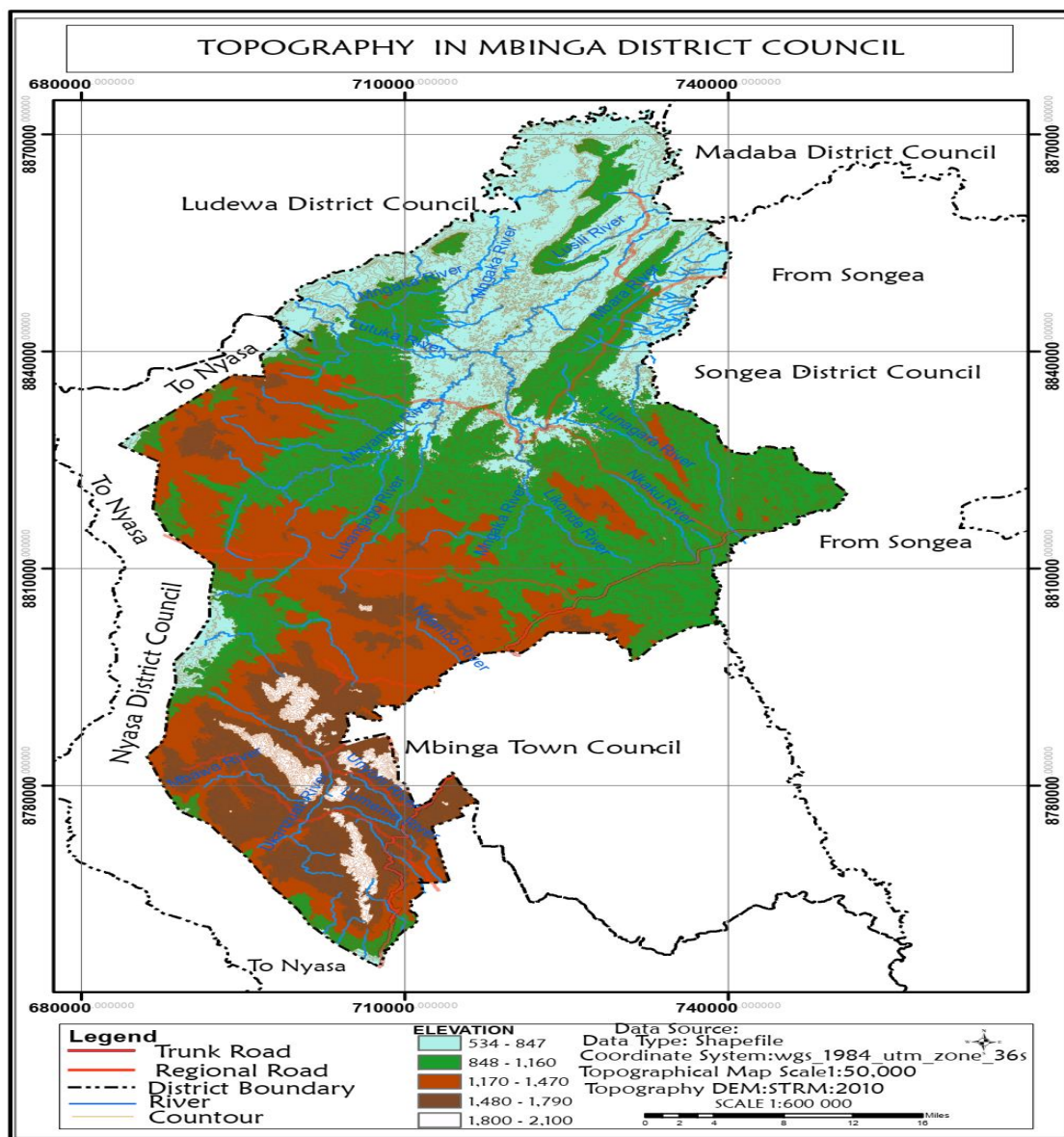
### **2.3.4 Humidity**

The Mbinga Council is within the proximity of an overcast and light in a saturated relative humidity. It experiences high humidity in September and November and low humidity in December and August. The average annual humidity was 89 %.

### **2.3.5 Topography**

The Mbinga Council has an altitude ranging between 534 and 2100 meters above sea

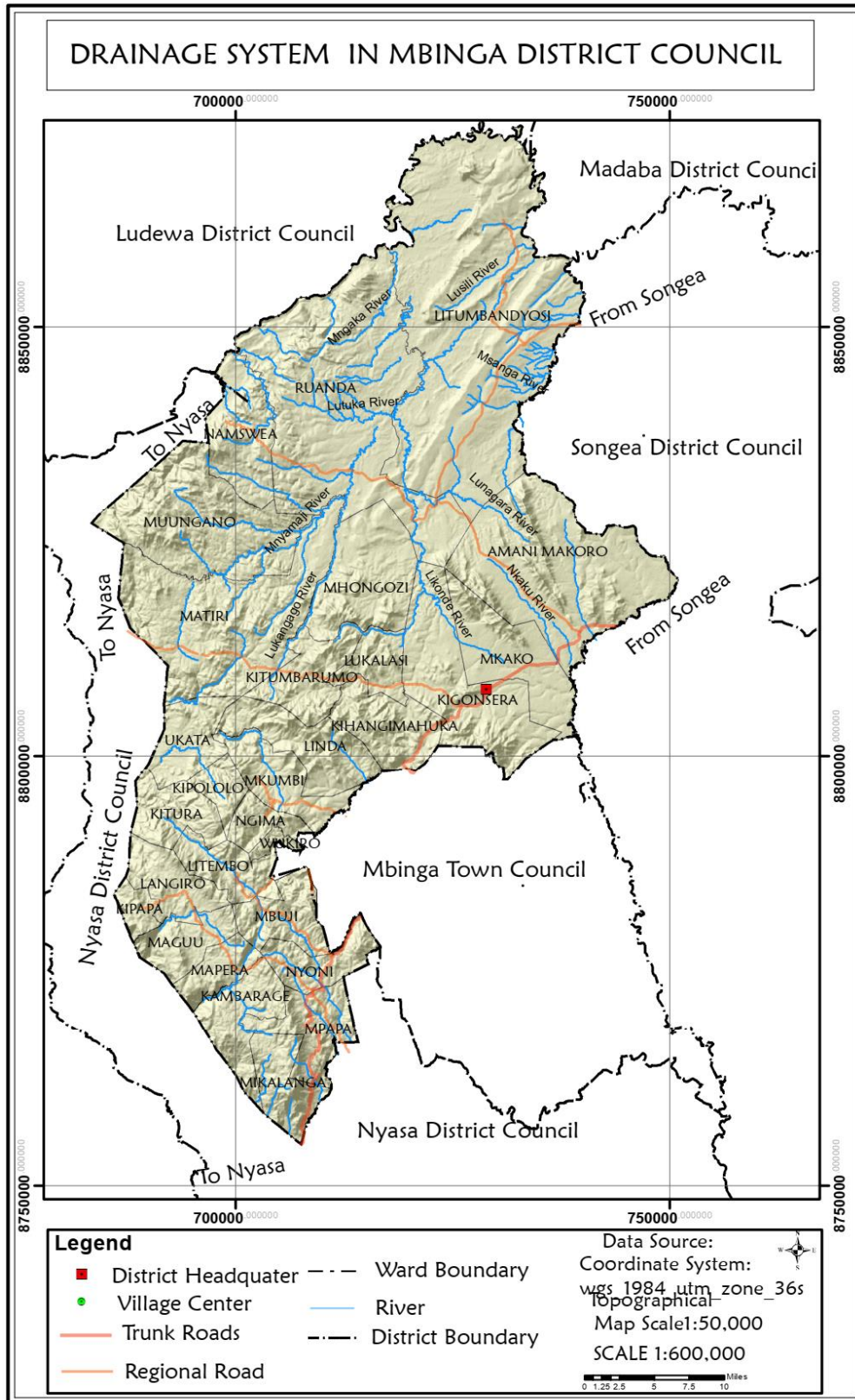
level, characterised by the Matengo Plateau, highlands, mountain peaks, lowlands, and plains. The lowlands are found in the northern part of the district at the boundary with Songea, Madaba, and Ludewa districts, with altitudes ranging between 534 and 847meters above sea level. This is followed by the area found in the central and eastern parts of the district, with an altitude ranging between 848 and 1,160meters above sea level. The highest part is found in the southern area, where the district council borders the Nyasa district along Livingstone Mountain, with an altitude ranging between 1,800 and 2,100 meters above sea level. The topology of the Mbinga district council is presented in Map No. 2.2.



Map 2-2.2 Showing the Topography of Mbinga District Council

**Drainage Pattern**

The Mbinga District Council forms a major catchment area for the main rivers and wetlands. The Mbinga District Council forms part of the vast western plateau of the Ruvuma region, an area of hilly and gently undulating plains broken in place by prominent hills. Several mountain ranges, including Lipumba and Livingstone mountain ranges, among others. The main rivers/streams with several tributaries, which form several alluvial flood plains in the council includes Ruvuma, Mngaka, Mnyamaji, Mhimbasi, Rutukula, Ruhuhu, Ruagara and Mkurusi. The river receives water from different streams found in the Matengo Highlands on the northwestern side of the council. There are other small tributaries, such as Likonde, Mkako, and Lunea which flow into the Lake Nyasa and Ruvuma basins. The Mkurusi River flows into the Ruvuma River in the Kigonsera ward, whereas the Likonde and Mkako rivers from the Mkako ward join the Ngaka River. Drainage Patterns in Mbinga District Council are shown on Map 2.2.



Map 3-2.3 Drainage Pattern in Mbanga District Council

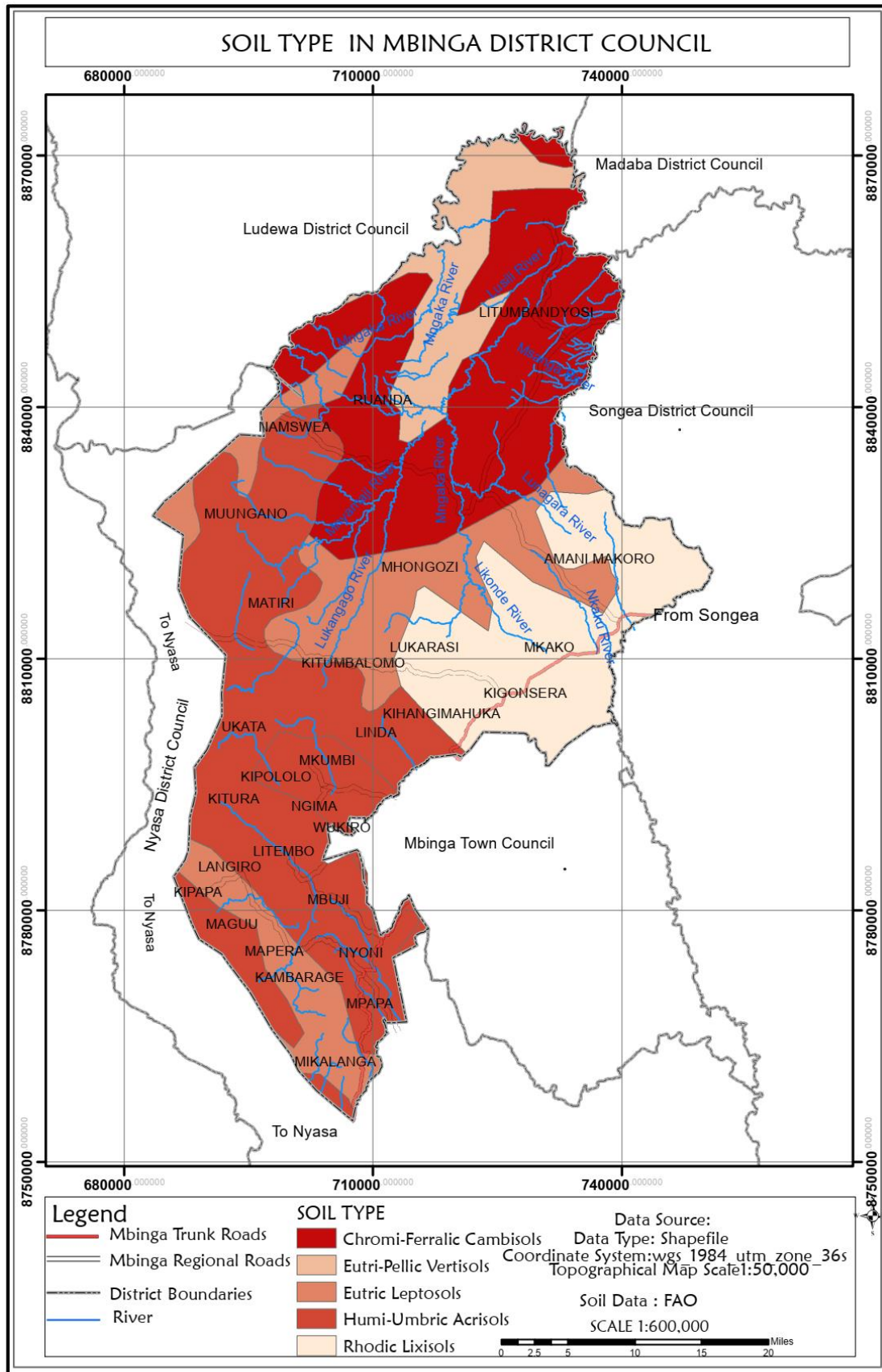
### 2.3.6 Geological Features

The Mbinga District Council is covered with sedimentary, metamorphic, and intrusive (plutonic) rocks. Intrusive rocks formed and solidified from a melt of magma at great depth. Magma rises, bringing minerals and precious metals such as gold, silver, molybdenum, and lead with it and forcing its way into older rocks. It cools slowly (tens of thousands of years or longer) underneath the Earth's crust, which allows individual crystals to grow large by coalescing where the rock is later exposed to erosion. Sedimentary rocks are also common rock types in the Mbinga District Council and are freely exposed on the Earth's surface. They were formed from other rock materials made up of weathered and eroded pre-existing rocks. Weathering, erosion, and eventual compaction of igneous, metamorphic, or formerly structured sedimentary rocks, among other biological processes, lead to the formation of sedimentary rocks. Metamorphic rocks are also a part of the geological features found in the area. They are formed from other rocks because of extreme pressure and heat. Thus, changes in the physical pressure and temperature alter the mineral composition and texture of pre-existing plutonic and sedimentary rocks to form metamorphic rocks.

### 2.3.7 Soil type

- ***Chromi-Ferralic Cambisols*** in the World Reference Base for Soil Resources (WRB) are soils at the beginning of soil formation. The horizontal differentiation was weak. This is evident from the weak, mostly brownish discoloration and/or structural formation in the soil profile.
- ***Eutric Leptosols*** are very shallow soils over hard rock or in unconsolidated gravely materials. Leptosols are unattractive soils for rainfed agriculture because of their inability to hold water but may sometimes have the potential for tree crops or extensive grazing.
- ***Humi-Umbritic Acrisols*** form on old landscapes that have an undulating topography and a humid tropical climate. This soil type has strongly weathered acidic soils with a low base saturation.
- ***Eutri-Pellic Vertisols*** is a Churning heavy clay soil, vertisol, or vertosol. It is a soil type in which there is a high content of expansive clay minerals, many of which are known as montmorillonite, which form deep cracks in drier seasons or years. In a phenomenon known as argilli pedoturbation, alternate shrinking and swelling cause self-ploughing, where the soil material consistently mixes

itself, causing some vertisols to have an extremely deep A horizon and no B horizon. Soil with no B-horizon is called A/C soil). The heaving of the underlying material to the surface often creates a microrelief known as gilgai. Vertisols typically form highly basic rocks, such as basalt, in climates that are seasonally humid, subject to erratic droughts and floods, or impede drainage. The parent material and climate of the Mbinga District Council are largely red. The soil type in the Mbinga District Council is shown on Map 2.4.



Map 4-2.4 Soil Types in Mbinga District Council



### **2.3.8 Agro Ecological Zone**

Mbinga DC constitutes the Matengo Plateau and the lowlands and plains which is a highly variable agro-ecological zone suitable for the production of a wide variety of crops and livestock. The Matengo Plateau is divided into four main areas: the mountainous areas rising to 2000m, the Hagati Valley, the Southern Uplands, and the Northern Uplands. The Ngoro style of cultivation is famous on the hilly slopes of the Matengo Plateau for the cultivation of maize, beans, and wheat. The lowlands and plains/plateaus cover most of the eastern part of the district council and rises between 900m and 1200m above sea level. The area becomes more of a plateau which is flat at the top as you go towards the river Ruvuma. The area is covered mostly with Miombo woodlands and is famous for the cultivation of maize, beans, sorghum, and tobacco. The style of farming is that of ridges which stop water movement. Matengo highlands and the lowlands and plains have sandy loam soil, moderately good drainage and rainfall of 1200 mm to 1800 mm per year. The zone has five agricultural irrigation schemes: Litumbandyosi with 600 Ha, Sanga Luhagara with 200 Ha, Sanga mabuni with 200 Ha, Nambalapala with 120 Ha and Mawasiliano Mkako with 60 ha. Bee production is practiced in various forest reserves, including the village forest at Paradiso Village, occupying 57 ha.

### **2.3.9 Vegetation**

The original natural vegetation for most of the Mbinga District is Miombo woodland, mostly found in hilly slopes and lower plateau areas. Miombo woodland is a natural forest found in most parts of the DC; it is associated with well-drained soils on high ground while grassland thrives in low-lying areas replacing woodlands in water-logged areas. The district is mostly covered by barren land covering about 46.55% of the total district area, followed by grassland which accounts for 26.37% of the total area of the district, cropland which accounts for 19.11% of the total district area, forest, which accounts for 5.49 of the total district area, and water bodies, which accounts for 2.48%. Despite the presence of Miombo tree cover found in Mbinga DC, there is a high deforestation rate where trees are cut down and fires are often set to clear land for agriculture, coal mining, and charcoal making.

***Districts and other areas bordering Mbinga District:*** To the north, it is bordered by Ludewa District in Njombe Region, South and West by Nyasa District while Songea District borders Mbinga District to the east.

## **2.4 Mbinga District Council Social Baseline Information**

### ***People and Population***

Based on the population census reports of 2022, the Ruvuma Region has a total population of 1,848,794 ( 902,298 males and 946, 496 females). The Mbinga District Council has a population size of 285,582 (141,271 males and 144,311 females), with a growth rate of 2.9%. The Mbinga District Council ranks third in population compared to other districts in the region.

***Project Workforce Requirements:*** VLUPs and the rural land certification process in the Mbinga District Council require a workforce. This situation is likely to attract an influx of people searching for employment within and outside the district. The presence of internal and external movement of people necessitates the LTIP to pay attention to labour management and eligibility for land rights during the issuance of the CCRO.

***Economic Activities:*** The Mbinga district economic structure is based on agriculture, livestock keeping, trade, beekeeping, and mining as the source of livelihood for the majority of residents. The district is also endowed with wildlife resources which play a major role in its socioeconomic development through ecological, aesthetic, spiritual, and research values.

***Social Services:*** The Mbinga District Council has primary and secondary schools, health centres, churches, mosques, and markets which are located in all 29 wards owned by the government, private sector, and religious institutions. Provision of land parcels for social services such as schools, health centres, churches, mosques, and markets is critical for the LTIP and necessitates a project to ensure that these facilities are identified and provided with the CCRO to improve their tenure security. The source of energy was the electricity supplied by TANESCO. The main sources of drinking water include boreholes and streams.

***Road Infrastructure:*** Road transportation is the main means of transporting people and various goods within and outside the Mbinga District Council. It is one of the key

subsectors responsible for sustainable development and poverty reduction in the council. The Mbinga District Council is well linked to a trunk road, namely the Songea-Mbamba Bay road. The roads maintained by the Tanzania National Roads Agency (TANROADS) are classified as trunk/regional roads, while feeder roads are maintained by the Tanzania Rural and Urban Roads Agency (TARURA), the agency under the District Council. Apart from the Mbamba Bay road which is tarmac, most district roads are gravel, whereas some are constructed with aggregates. Given the topography of the district council, some roads connecting the district council and other districts, such as Ludewa and Nyasa via Litumbandyosi and Matiri, respectively, experience difficulty during rainy seasons. On the other hand, the district council is experiencing poor road networks especially roads connecting wards and village centers, a situation resulting in high transportation costs for goods and services which in turn contribute to increasing cost of living

***Conflicts over Land Resources:*** The Mbinga District Council also experiences conflicts with conservation authorities over land, as the district plays an important role in the conservation of major ecosystems. The LTIP is required to recognise relevant conservation authorities to avoid conflicts between different land users, communities, and conservation authorities. In particular, the LTIP Team is required to closely observe the ESS7, ESS6, and ESS10 requirements and provisions during VLUPs and rural land certification activities. The Mbinga District Council does not experience any conflicts between the various land users. LTIP provides opportunities for pastoralists and agriculturalists to demarcate various land uses.

***GBV/SEA and disease transmission:*** Similar to other areas in Tanzania, HIV/AIDS is prevalent in Mbinga District. The proposed project activities, including the preparation of PLUM, VLUP, and issuance of CCROs, will increase interactions between project workers and the local community which is likely to trigger social issues, such as GBV/SEA and the spread of HIV/AIDS. To avoid GBV/SEA, spread of HIV and AIDS, as well as conflicts between project workers and the community, the project will require all workers to sign a code of conduct (CoC).

## **CHAPTER THREE**

### **LEGAL AND INSTITUTIONAL FRAMEWORK**

#### **3.1 Introduction**

This chapter describes the relevant legal and institutional framework governing the preparation of VLUP, DSPs, and the issuance of CCRO in the Mbinga district. The focus has been on legislation which provides environmental and social provisions and requirements relevant to a project. The legislation described in this chapter provides guidance to the project and can be made actionable to assist the project in the management of E&S risks and impacts.

#### **3.2 Country's Legal Framework to Guide Land Use Planning and Rural Certification Processes in Mbinga District**

##### ***Environmental Management Act (EMA) 2004***

The Act provides guidance for regulatory processes in sensitive areas such as rivers, lakes, wetlands, forest areas, and wildlife resources. The Act provides a legal framework for coordinating harmonious and conflicting activities by integrating these activities into an overall sustainable environmental management system and providing key technical support to Sectoral Ministries. The EMA will be applicable by the LTIP team in Mbinga for the identification of national parks and preparation of DLUPF and VLUP. Specifically, the LTIP project in the Mbinga District Council will adhere to 60m buffer zone requirements when issuing CROs.

##### ***The National Land Act, No. 4 and 5 of 1999***

The Land Act (1999) recognises that all land in Tanzania belongs to the public, and the president acts as the trustee of the land for the benefit of the people (Land Act, § 1(1)(a)). The Land Act classifies all land in Tanzania into three categories: (1) Reserved Land, (2) General Land, and (3) Village Land (4(4)). The first two categories are governed by provisions of the Land Act and its regulations. About 68% of all land in the country is Village Land, 30% is Reserved Land, and only 2% is general land.

These Acts, among other things, outline the procedure for land administration, allocation, acquisition, regularisation schemes, land registration and certification, compensation, and resource management in both urban and rural areas. The Land Acts contain provisions of critical environmental importance and modalities for stakeholder

engagement through meetings and public hearings. Both Acts translate the fundamental principles of land policy into the body of law. One of these fundamental principles is to ensure that land is used productively, and that any such use complies with the principles of sustainable development. The preparation of the VLUP and issuance of the CCRO will be conducted in accordance with the provisions and requirements stipulated in the Land Act. Sections 32 (1) and 33 of the Land Use Planning Act No. 6 of 2007 provide directives and requirements for the preparation of both DLUFP and VLUPs.

***The land use planning Act, 2007***

LTIP shall prepare the VLUP in accordance with this Act, the act provides that the village must have defined boundaries and gazetted under the GN and described in Village Certificate issued by the Commissioner of Land, which makes reference to other acts, especially Land Act No. 4 and 5, to guide the entire process of land use planning practice in Tanzania.

***The Employment and Labour Relations Act, No. 6 of 2004***

The Act provides labour rights and protections, particularly for child labour, forced labour, discrimination in the workplace, and freedom of association. The Act prohibits child labour, providing that no child under the age of 14 shall be employed. The LTIP will ensure equality in employment, forbid child labour, and provide valid employment contracts to direct and indirect workers. The employment contracts for direct and indirect teams will ensure compliance with basic employment standards which include:

- i) wage determination that stipulates a minimum term and condition of employment;
- (ii) an employment standard constitutes a term of a contract with an employee unless a term of the contract contains a term that is more favourable to the employee, and a provision of an agreement alters the employment standard to the extent permitted by the provisions; and
- iii) a provision of any collective agreement, a written law regulating employment, wage determination, or exemption granted under section 100. The law also requires provision for health insurance and joining national compensation funds for labour on employment beyond six months.

***HIV and AIDS (Prevention and Control) Act, No. 28, 2008***

Made under section (9), every employer in consultation with the ministry shall establish and coordinate a workplace programme on HIV and AIDS for employees under this control, which shall include provision of gender-responsive HIV/AIDS and education, Distribution of Condoms, and support to people living with HIV/AIDS.

The LTIP project team shall be responsible for providing education, condoms, and awareness of HIV and AIDS to control the spread of HIV to workers and communities around the project area.

***The Urban Planning Act of 2007***

This was the principal legislation governing urban planning. The LTIP will prepare detailed planning schemes, undertake public and other stakeholders' engagement, and subsequently facilitate approval of the regularisation scheme as stipulated in this Act. The project will also spearhead the preparation of an environmental and social assessment of the proposed regularisation scheme.

***Occupational Health and Safety Act, No. 5 of 2003.***

This law requires employers to provide a good working environment for workers to safeguard their health. The LTIP will ensure the implementation of this Act through training drivers to eradicate incidences and accidents and provide appropriate Personal Protective Equipment (PPE) and welfare facilities such as tents, drinking water, and toilets to the direct and indirect implementing teams during preparation of DLUPF, VLUP, and the issuance of CCRO.

***Public Health Act of 2012***

The Act stipulates the need to consolidate public health through the prevention of disease, promotion, safeguarding, maintaining, and protecting the health of humans and animals. The presence of LTIP workers may result in the risk of disease transmission and will be addressed by conducting HIV/AIDS campaigns and providing handwashing facilities, condoms, and dustbins.

### ***Water Resources Management Act No. 11 of 2009***

The Water Resource Management Act No. 11 of 2009 is the principal legislation governing the utilisation and pollution control of water resources. Specifically, the objective of this act is to ensure that water resources are protected, used, developed, conserved, managed, and controlled for sustainable development. The LTIP will identify boundaries of streams, rivers, and other water sources in the Mbinga District Council and ensure that such uses are included during the preparation of DLUPF and VLUP, and will not issue CCRO in such areas to enhance the management of water resources.

***Agriculture and Livestock Policy of 1997:*** The main objective is to promote and ensure a secure land tenure system to encourage optimal use of land resources and facilitate broad-based social and economic development without upsetting or endangering the ecological balance of the environment. The LTIP implementation in Mbinga will adhere to this policy to protect the rights of livestock keepers and specific uses endowed to the VGs.

### **3.3 World Bank Environmental and Social Framework**

Project ESMF has identified ESS1, ESS2, ESS3, ESS4, ESS5, ESS6, ESS7, ESS8, and ESS10 to be applicable to LTIP. However, for the Mbinga District Council, the following ESSs are applicable, and this ESMP describes how specific ESSs will be complied with during preparation of DLUPF, VLUM, and the issuance of CCROs.

ESS1: Assessment and Management of Environmental and Social Risks and Impacts

- Screening of environmental and social risks and impacts to determine the level and magnitude of risks and impacts.
- Prepared an ESMP for Mbinga to mitigate identified risks and impacts, monitor the effectiveness of proposed mitigation measures, and enhance project benefits.

ESS2 Labour and Working Conditions

- Provision of Valid Employment Contractors to Workers for Direct and Indirect Teams:
- Provide Occupational Health and Safety (OHS) measures to workers, including PPE and welfare facilities;
- Training HIV/AIDS to project workers in direct and indirect teams;

- Provision of occupational and safety awareness and services to workers

#### ESS4 Community Health and Safety

- Sensitization of community about the project and associated health risks and impacts; and
- Training on HIV/AIDS for project workers of direct and indirect teams
- Training on community and road safety
- Awareness of accident risks and community safety.

#### ESS5 Land acquisition, Restriction on Land use and Involuntary Resettlement

- Sensitization of community about the project and land requirements for access roads, community facilities such as schools, health facilities, markets, cemetery; recreational and open areas; and
- Land donation/acquisition requirements and procedures as stipulated in Resettlement Policy Framework (RPF)

#### ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources

- Use of **Annex 4** to ensure that no certification will be undertaken in reserved or conservation land or ecological resources of biodiversity
- Identification of boundaries of reserve land, water bodies and

#### ESS10 Stakeholders Engagement and Information Disclosure

- Sensitization of community about the project
- Formulation and operationalization of Grievance Redress Mechanism (GRM)
- Implementation of district stakeholder engagement forum (DSEF) and national stakeholder engagement forum (NSEF).

A legal gap analysis between national laws and applicable ESSs was provided in the Project ESMF. Wherever there are differences between national laws and ESSs, more stringent laws apply.



## **CHAPTER FOUR**

### **ENVIRONMENTAL AND SOCIAL IMPACTS, RISKS AND MITIGATION MEASURES**

#### **4.1 Introduction**

Based on the environment and social (E&S) baseline condition of the project area, the E&S assessment identified the following likely project benefits, risks, and impacts:

#### **4.2 Project Social Benefits**

In Mbinga District, the LTIP will create the following benefits:

***Security of Tenure:*** Issuance of CCROs will enhance security of tenure for individuals, community members, and institutions. For instance, issuance of CCROs to a group of people owning jointly grazing lands will protect such resources from individual encroachment and appropriation.

***Capital Creation:*** Individuals and communities have the potential to use CCROs as collateral to access capital from financial institutions because of their legal representation. This will help accumulate capital which will be invested in other productive economic activities which will stimulate development within the Mbinga district.

***Reduction of cost associated with informal land transactions:*** The provision of CCROs to Mbinga communities will enhance reliability in land transactions. CCROs serve as evidence of land ownership with clear sizes and boundaries. Equally, it discourages the practice of multiple sales of the same land to different buyers, thus reducing land-related conflicts.

***Employment Opportunities:*** Rural certification activities in Mbinga District require a workforce to perform different activities. The project will employ over 50 people, both skilled and unskilled.

#### **4.3 Negative Social Risks and Impacts**

The following were identified as negative social risks and impacts associated with LTIP regularisation activities in the Mbinga District Council.

**VLUP:** LTIP ensures that villages have no contradicting GN before the preparation of the VLUP. Failure to do so is likely to cause conflict between the community and other

institutions. Some decisions made as part of the VLUP preparation may also have E&S effects. These will be assessed and mitigation measures will be proposed as part of the VLUP preparation process.

### **Crosscutting Impacts due to Land use planning and rural land certification**

***Conflict over land ownership and rights:*** In project areas, people live without proper identification of their areas, land size, or boundaries with neighbours. During the adjudication process, the chance of not agreeing to the boundaries might lead to conflict over land use and conservation authorities. In addition, some conflicts might involve proving that the legal owner of the land parcels is issued with CCROs. Such cases are likely to occur, especially in bouldering land parcels, extended and polygamous families, inherited land parcels, and land parcels in which people have contested interest and ownership rights.

Similarly, individuals and communities residing close to or who have encroached conservation areas might require CCROs on such land, thus leading to conflict with authorities.

***Ineligibility to CCROs:*** According to **Annex 4** of the ESMF and the CCRO Manual guiding the certification process, communities residing within road reserves, protected areas, and other sensitive areas are not eligible for CCROs. Such areas are reserve lands and are restricted to human settlements and other socioeconomic activities. Considering that land use restrictions may be defined or formalised as part of the VLUP process (e.g. establishment of village forest reserves and/or village grazing land), there is a possibility that some individuals using these areas may lose access rights and/or may find out that they are ineligible for CCROs. Community members falling under such circumstances might consider having denied project benefits related to CCROs. Some may also question the criteria used to establish land use restrictions as part of the VLUP process.

***Inequalities for women and other marginalised groups:*** Marginalised groups such as elders, chronically ill people, and youth have fewer chances of getting CCROs due to lack of project information, and this could formalise inequalities between men and women regarding access to CCROs.

***Gender-based violence and sexual exploitation and abuse (SEA):*** In Mbinga, community members with access to project resources, such as employment, income, and power over others, might subject subordinates, children, spouses, and people from low-income status to GBV and SEA.

***Influx of labourers:*** Mass rural certification will involve many workers within and outside the project areas. Interactions between project workers and the local community are likely to accelerate the spread of STI, crimes, and overburden available social services.

***Inaccessibility of Project Sites/Traffic Accidents:*** A large section of Mbinga district is served with gravel and dirty roads, which limit transportation, particularly during the rainy season. Land certification process is likely to delay during rainy seasons and the issue of health and safety due to accidents

***Possibility of Issuing CCROs to Non-nationals:*** Mbinga district is neighbouring Malawi country, whose nationals have much interaction with the Mbinga community, thus putting the risk of issuing CCROs to non-citizens because of the demand for land.

***Physical and Economic Displacement:*** The Certification and registration processes may require land. The community or households may already use this land for a range of purposes (housing, economic activities, grazing land, businesses, etc.). Where land is acquired or donated, this may result in the economic resettlement of households with associated impacts on livelihood activities and household income. Physical resettlement for land regularisation was not undertaken.

#### **4.4 Positive Environmental Impacts of Land Use Planning and Land Certification**

The following are the positive environmental impacts of this project in the Mbinga District Council.

***Enhancement of the protection of sensitive areas and minimisation of Conflicts:*** Mbinga district plays an important role in conservation. VLUPs and the issuance of CCROs will recognize all protected areas which will reduce their encroachment and conflicts between local community and conservation authorities.

#### **4.5 Negative Environmental Impacts of Land Use Planning and Land Certification**

The major negative environmental impacts of the regularisation process in the Mbinga District Council are as follows:

***Encroachment of Sensitive Areas:*** Important conservation areas, such as major ecosystem water source and forest reserves, must be protected. Inadequacy and failure to recognise such areas during rural certification might lead to encroachment.

***Soil Erosion and Solid Waste Generation:*** Installation of beacons may result in localised soil erosion due to the presence of loose soil around the beacon. In addition, the fabrication of beacon activities involves sourcing materials from quarries and borrow pits, such as gravel and sand, which may result in land degradation and soil erosion. This includes the OHS risks for the workers of the primary suppliers. In addition, during the certification process, project workers generate solid and liquid wastes, such as plastic, food, and human waste, leading to land pollution, such as oil spills during car maintenance.

***Health and Safety Hazards:*** Fabrication, transportation, and subsequent installation of beacons might lead to incidents and accidents, causing injuries and fatalities to workers and community members.

#### **4.6 Mitigation Measures of the Identified Impact**

This section describes mitigation measures for the project's adverse risks and impacts and proposes measures for enhancing positive ones as well as associated costs. **Annex 1** is the impact and mitigation matrix for rural certification in the Mbinga District. It details the proposed impacts, mitigation measures, responsible party, timeframe, and costs that the LTIP project implementation team will oversee and manage.

### Annex 1 Mitigation Measures of Identified Impacts

Sn	Risks and Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
Negative Project Social Risks and Impacts						
1	Negative economic and social impacts relating to restrictions on land use resulting from VLUP processes	<ul style="list-style-type: none"> <li>○ Undertake adequate E&amp;S assessment of the proposed VLUP to determine the magnitude of impacts.</li> <li>○ Devise mitigation measures to address risks and impacts related to the proposed VLUP in accordance with the World Bank’s ESF (following the exact process described in the Project Resettlement Policy Framework)</li> </ul>	1,000,000	<ul style="list-style-type: none"> <li>○ Mbinga District Council E&amp;S Team</li> <li>○ Ward and village leaders</li> <li>○ CSOs</li> </ul>	ESMT	During preparation of VLUP.
2	Deepening of insecurity on the fate of lands among Mbinga communities.	<ul style="list-style-type: none"> <li>○ Provide communities with correct project information.</li> <li>○ Strategize engagement of traditional leaders.</li> <li>○ Ensure present and future village land use needs are considered during formulation of VLUPs without prejudice the need of other land uses and conservation of the environment.</li> </ul>	30,000,000	<ul style="list-style-type: none"> <li>○ Participatory Land Use Management (PLUM) Team.</li> <li>○ E&amp;S Team</li> <li>○ CSO</li> </ul>	ESMT	During preparation of VLUP and issuance of CCROs
3	Confusion of communities with incorrect information about the project.	<ul style="list-style-type: none"> <li>○ Map NGOs/CSOs and understand their mission and objectives.</li> <li>○ Provide NGOs/CSOs with project information and where necessary, engage them to create sensitization to the community.</li> </ul>	5,000,000/=	<ul style="list-style-type: none"> <li>○ E&amp;S Team</li> <li>○ Participatory Land Use Management (PLUM) Team.</li> <li>○ WEOs, CDOs and</li> <li>○ VEOs</li> <li>○ Traditional and religious leaders</li> </ul>	ESMT	During preparation of VLUP & throughout the project.

Sn	Risks and Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
4	Conflict over land ownership and rights	<ul style="list-style-type: none"> <li>○ Formulation and operationalization of GRM</li> <li>○ Capacity building and awareness creation to local leaders on conflict resolution.</li> <li>○ Sensitization on the importance of joint land titling.</li> <li>○ Educate men on the importance of including their wives on CCROs.</li> </ul>	30,000,000/=	<ul style="list-style-type: none"> <li>○ Mbinga District Council E&amp;S Team</li> <li>○ Ward Executive Officer (WEO),</li> <li>○ Ward Community Development Officer (CDO)</li> <li>○ Village Leaders</li> </ul>	ESMT	During preparation of VLUP and issuance of CCROs.
5	Ineligibility to CCROs	<ul style="list-style-type: none"> <li>○ Identification of all households ineligible to receive CCROs and formulation of advice on how to address their situation.</li> <li>○ Identification of households and parcels close and within conservation and sensitive areas.</li> <li>○ Awareness on ineligibility for CCROs.</li> <li>○ Liaise with TFS, NEMC</li> <li>○ Ruvuma River and Southern Cost Water Body (RSCBWB) and Lake Nyasa Water Body for further guidance, and the Ministry of Natural Resources and Tourism</li> <li>○ TANROADS and TARURA</li> <li>○ Signage informing potential new settlers that those areas cannot be titled and should not be occupied - to avoid further occupation, including by those that would like to be compensated.</li> </ul>	10,000,000/=	<ul style="list-style-type: none"> <li>○ 31. Mbinga District E&amp;S Team</li> <li>○ Participatory Land Use Management Team (PLUM)</li> <li>○ National Environmental Management Council (NEMC)</li> <li>○ TANROADS&amp;</li> <li>○ TARURA</li> <li>○ TFS</li> <li>○ Water Basin Authority</li> <li>○ Ministry of Natural Resources and Tourism for further guidance</li> </ul>	ESMT	During identification of Parcels.
6	The CCRO issuance process formalize land access inequalities for Women and other Marginalized Group	<ul style="list-style-type: none"> <li>○ Identification of marginalized groups such as people with disabilities, women, elders, chronically ill persons and youth</li> <li>○ Sensitization on importance of CCROs and other project benefits.</li> </ul>	10,000,000/=	<ul style="list-style-type: none"> <li>○ Mbinga District E&amp;S Team</li> <li>○ Ward Executive Officer (WEO),</li> </ul>	ESMT	During Project Sensitization and identification

Sn	Risks and Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
				<ul style="list-style-type: none"> <li>○ Ward Community Development Officer (CDO)</li> <li>○ Village Leaders</li> <li>○ CSOs.</li> </ul>		
7	Gender Based Violence / SEA	<ul style="list-style-type: none"> <li>○ Engage Police Gender Desk to train Project staff on GBV/SEA.</li> <li>○ All LTIP staff to sign a code of conducts which include GBV/SEA issues.</li> <li>○ Develop and operationalize GBV Action Plan for the District.</li> <li>○ Disseminate information about the GRM and encourage population to report misconducts</li> <li>○ Engage relevant government agencies and/ or NGOs in the district who provide support to survivors on GBV and SEA such as assistance for medical care, psychosocial support, legal redress, safety, etc. where necessary.</li> </ul>	10,000,000/=	<ul style="list-style-type: none"> <li>○ Mbinga District E&amp;S Team</li> <li>○ Ward Executive Officer (WEO),</li> <li>○ Ward Community Development Officer (CDO)</li> <li>○ Village Leaders</li> </ul>	ESMT	Before placement of employees and during rural certification process.
8	Influx of Laborers	<ul style="list-style-type: none"> <li>○ Community awareness on STIs transmission and basic hygiene practice and crimes</li> <li>○ Give employment priority to unskilled laborers from within project areas.</li> <li>○ Provision of welfare facilities such as water, toilets and food vending to project workers.</li> </ul>	5,000,000/=	<ul style="list-style-type: none"> <li>○ Mbinga District Council Certification Office (CUCO)</li> <li>○ Mbinga District E&amp;S Team</li> <li>○ Village Leaders</li> <li>○ Private Companies involved in rural certification activities.</li> </ul>	ESMT	During Rural Certification Process.
9	Inaccessibility of Project Sites	<ul style="list-style-type: none"> <li>○ Target implementation of rural certification of villages not accessible during rainy season during dry season.</li> </ul>	15,000,000/-	<ul style="list-style-type: none"> <li>○ Mbinga District Rural Certification Office (DRCO):</li> </ul>	ESMT	During Rural Certification Process

Sn	Risks and Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
		<ul style="list-style-type: none"> <li>Provide suitable transport facilities.</li> </ul>		<ul style="list-style-type: none"> <li>Mbinga District Council E&amp;S Team</li> <li>Participatory Land Use Management (PLUM) Team</li> </ul>		
10	Possibility of Issuing CCROs to Non-nationals	<ul style="list-style-type: none"> <li>Make use of National IDs during issuance of CCROs</li> <li>Rural formalization team to work closely with local leaders to confirm citizenship of Project beneficiaries.</li> </ul>	10,000,000/=	<ul style="list-style-type: none"> <li>Mbinga District Council Rural Certification Office (CUCO)</li> <li>Mbinga District E&amp;S Team</li> <li>Ward Executive Officer (WEO),</li> <li>Ward Community Development Officer (CDO)</li> <li>Village Leaders</li> <li>Migration Teams</li> </ul>		During Rural Certification Process
	Physical and Economic Impacts	<ul style="list-style-type: none"> <li>The project will address all physical and economic displacement in line with the requirements of the Resettlement Policy Framework (RPF) and the Vulnerable Groups Planning Framework (VGPF) where relevant.</li> <li>Adjudication to try to minimise land take and loss of assets from any given household through negotiated agreements.</li> <li>Surveying will ensure all the plots are viable and of acceptable sizes to enable their continued use after land take.</li> </ul>	10,000,000/-	<ul style="list-style-type: none"> <li>Ward Executive Officer (WEO),</li> <li>Ward Community Development Officer (CDO)</li> <li>Village Leaders</li> <li>Migration Teams</li> </ul>	ESMT	Prior to project activity



Sn	Risks and Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
Total Cost			120,000,000			
<b>Negative Project Environmental Risks and Impacts</b>						
1	Negative environmental impacts relating to land use classification adjustments resulting from Review of the GN	<ul style="list-style-type: none"> <li>○ Undertake adequate E&amp;S assessment of the proposed VLUP to determine the magnitude of impacts.</li> <li>○ Devise mitigation measures to address risks and impacts related to the proposed VLUP in accordance with the World Bank's ESF.</li> </ul>	5,000,000	<ul style="list-style-type: none"> <li>○ PLUM</li> <li>○ E&amp;S Team</li> </ul>	ESMT	During preparation of VLUP.
2	Encroachment of Environmental Sensitive Areas	<ul style="list-style-type: none"> <li>○ Make use of Annex 4 of the ESMF to ensure that boundaries between national parks, reserve and grazing land are made clear during preparation of DLUPF, VLUP and before issuance of CCRO issuance.</li> </ul>	5,000,000/=	<ul style="list-style-type: none"> <li>○ PLUM</li> <li>○ E&amp;S Team</li> <li>○ National Environmental Management Council (NEMC)</li> <li>○ TANROADS&amp;</li> <li>○ TARURA</li> <li>○ TFS,</li> <li>○ Lake Nyasa Water Basin Board</li> <li>○ Ruvuma River and Southern Coast Basin Water Board (RSCBWB)</li> </ul>	ESMT	Before placement of employees and during rural certification process.
3	Soil Erosion, oil spills and Solid Waste Generation	<ul style="list-style-type: none"> <li>○ Undertake tree and grass planting</li> <li>○ Provision of dustbins in all project areas</li> <li>○ Use of welfare facilities such as toilets and water</li> <li>○ No refuse, waste oils should be discharged into drains or onto site grounds.</li> </ul>	5,000,000/=	<ul style="list-style-type: none"> <li>○ Mbinga District Council E&amp;S Team</li> <li>○ Private Companies involved in certification activities.</li> <li>○ Village Leaders</li> </ul>	ESMT	During Rural Certification Process.

Sn	Risks and Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
4	Health and Safety Hazards	<ul style="list-style-type: none"> <li>○ Provide workers with PPEs (Masks, Boots, Gloves, and Helmets).</li> <li>○ Implementing Institutions (LGA/Private/CSO) must do due diligence on OHS risk management, including primary suppliers' workers.</li> <li>○ Training drivers of direct and indirect teams on road safety</li> <li>○ Implementing agencies to enforce rules for drivers and passengers.</li> <li>○ Provide Health and Safety Training to project workers</li> </ul>	30,000,000/=	<ul style="list-style-type: none"> <li>○ Mbinga District Council E&amp;S Team</li> <li>○ Private Companies involved in certification activities.</li> <li>○ Village Leaders</li> </ul>	ESMT	During Rural Certification Process.
	OHS risks for primary supplier workers	<ul style="list-style-type: none"> <li>○ Contractor to conduct OHS due diligence assessment of primary supplier</li> </ul>		<ul style="list-style-type: none"> <li>○ Contractor</li> </ul>	ESMT	During contracting

## **CHAPTER FIVE**

### **MONITORING OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS**

#### **5.1 Introduction**

Monitoring establishes benchmarks used to assess the level of compliance with the ESMP. Monitoring involves a continuous or periodic review of mitigation activities to determine their effectiveness. The monitoring plan in this report specifies the institution arrangement for execution of the ESMP. In particular, it clarifies the type of monitoring, who will carry out monitoring, and what other inputs, such as training, are necessary.

The objectives of the Environmental and Social monitoring plan are as follows:

- To monitor the effectiveness and implementation of ESMP during the planning and CCROs issuance phases of the proposed mitigation measures;
- To confirm compliance with environmental, social, and safety legislation/regulations during certification as well as safeguard tools and instruments in place.
- Controlling risks and ecological/social impacts
- To ensure best practices management as a commitment to continuous improvement in environmental and social performance
- Provide environmental information to the community/stakeholders
- To provide early warning signals on potential environmental degradation for appropriate actions to be taken to prevent or minimise environmental consequences.

**Annex 2** below summarises the monitoring plan for rural certification of the Mbinga District Council.

## Annex 2: Social and Environmental Monitoring Plan

S/N	Environmental/ Social Impacts	Monitoring Parameters	Targets/Legal Standards	Monitoring Methods	Frequency /Duration	Host institution Supervising institutions	Monitoring Budget
	Land Use Planning						
○	E&S impacts of land use planning	Compliance of the ESS 1-8 and ESS 10	100%	Reports on Implementation of ESMP	Quarterly	ESMT & PIT	8,000,000/=
	Enhancement of Social Benefits						
○	Security of Tenure	No. of CCROs issued in each Village	50,000	ILMIS data	Quarterly	ESMT & PIT	4,000,000/=
○	Capital Creation	No. of Beneficiaries using CCROs to secure capital.	10	Project report	Quarterly	ESMT & PIT	1,000,000/=
○	Reduction of land conflicts	No. of land conflicts identified and resolved as part of the CCRO issuance process	20	Project report	Quarterly	ESMT & PIT	1,000,000/=
○	Employment Opportunities	No. of people employed	50	Report	Quarterly	ESMT & PIT	1,000,000/=
	Enhancement of Environmental Benefits						
○	Enhancement of protection of sensitive areas and minimization of Conflicts	Number of CCROs issued in sensitive areas	0	Report	Quarterly	ESMT & PIT	1,000,000/=
		Number and hectares of village land declared as forest reserve	100 Ha	VLUP Reports	Six Months	ESMT & PIT	1,000,000/=
○	Protection of Common resources	The presence of group of people owning jointly grazing lands issued with CCROs	5	Scheme of Regularization & Reports	Annually	ESMT & PIT	1,000,000/=
	Social Negative Risks and Impacts						
○	Lack of communities' understanding of LTIP activities	○ Acceptance of the LTIP activities by the communities in the Mbinga district ○ Participation of traditional leaders in LTIP activities.	50,000	Reports	Quarterly	ESMT & PIT	1,000,000/=

S/N	Environmental/ Social Impacts	Monitoring Parameters	Targets/Legal Standards	Monitoring Methods	Frequency /Duration	Host institution Supervising institutions	Monitoring Budget
o	Ineligibility to CCROs	No of parcels identified as ineligible for rural land certification	10	Report	Quarterly	ESMT & PIT	500,000/=
o	Inequalities for Women and Other Marginalized Group	Tailored local information campaigns organized with the support of NGO-CSOs	1000	Report	Quarterly	ESMT & PIT	1,000,000/=
o		No od Project staff trained on women land rights and how to encourage the registration of women’s land rights as part of the CCRO process	100	Report	Quarterly	ESMT & PIT	1,000,000/=
o		Percentage of Women with CCROs.	30%	Report	Quarterly	ESMT & PIT	0
o		Marginalized Group with CCROs.	10%	ILMIS Report	Quarterly	ESMT & PIT	1,000,000/=
o	Gender Based Violence	Percentage of grievances that have been successfully resolved	100%	Report	Quarterly	ESMT & PIT	500,000/=
o	Influx of Laborers	Percentage of laborers employed from within the project areas.	40%	Report	Quarterly	ESMT & PIT	500,000/=
o	Inaccessibility of Project Sites	No of Village identified as not accessible	0	Report	Quarterly	ESMT & PIT	500,000/=
o	Land conflicts	Number of resolved land disputes	tbd	Report/GRM	Quarterly	ESMT & PIT	0
Total							24,000,000/=
<b>Environmental Negative Risks and Impacts</b>							
o	Waste Management	No. of dustbins provided in three Mitaas	150 dustbins @ village 3	Report and observation	Quarterly	ESMT & PIT	15,000,000/=
o	Health and Safety Hazards	No. of incidence and accidents reported.	0	Report	Quarterly	ESMT & PIT	1,000,000/=
o	Greenhouse gas emissions	No. Service Conducted	Service at every 5000 Km	Maintenance Report	Quarterly	ESMT & PIT	12,000,000/=

S/N	Environmental/ Social Impacts	Monitoring Parameters	Targets/Legal Standards	Monitoring Methods	Frequency /Duration	Host institution Supervising institutions	Monitoring Budget
○	Monitoring of oil spills	No of drums (100 liters) distributed for collect dirty oil	1 Drums in each LGA	Report	Quarterly	ESMT & PIT	4,000,000/=
○	OHS risks for primary supplier workers	Percentage of primary suppliers that have undergone an OHS due diligence assessment by contractors	100%	Report	Quarterly	ESMT & PIT	4,000,000
Total							36,000,000/=

## CHAPTER SIX

### INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION OF ESMP

#### 6.1 Introduction

The implementation of the ESMP follows the plan stipulated in the ESMF. For the Mbinga District Council, the following institutions were involved in the implementation of this ESMP.

*Mbinga District Council Rural Certification Office:* This will be responsible for daily certification activities which will involve support for the Mbinga District Council E&S Team.

*Mbinga District Council E&S Team:* This will be responsible for the implementation of the E&S activities, including the proposed mitigation and enhancement measures with the support from DURCO.

*District Land Use Plan Framework (DLUPF) Team:* This team will be responsible for identifying different uses within the district.

*Participatory Land Use Management (PLUM) Team:* This team is responsible for the identification of households residing along road reserves, gullies, and river streams.

*National Environmental Management Council (NEMC), Southern Zone:* Will provide further guidance on households residing along gullies and river streams.

*Lake Nyasa Water Basin and Ruvuma River and Southern Coast Basin Water Board (RSCBWB)* oversee the sustainable use of water resources and provide guidance whenever needed during LTIP land certification activities.

*Tanzania Rural and Urban Road Agency (TARURA) and Tanzania Road Agency (TANROADS), Ruvuma Region:* Will provide further guidance on households residing along the roads, including payment of compensation where applicable.

*Ward and Village Leaders:* These will be involved in conflict resolution through operationalisation of project GRM, identification of marginalised groups such as women, elders, chronically ill persons, and youth, and sensitisation to the importance of CCROs, waste management, GBV/SEA matters, health and safety, and other project-related benefits.

#### 6.2 Supervision and Monitoring Roles

*The project Environment and Social Management Team (ESMT)* are responsible for ensuring compliance with ESMPs. In particular, the team conducts regular audits and

prepares reports that demonstrate that the suggested ESMP is being implemented accordingly. The team is required to submit monthly reports to the MLHHS. The MLHHS through the PCU will then be required to submit quarterly reports on ESMP implementation to the World Bank.

### 6.3 Capacity Development and Training

Capacity development training for the LTIP was stipulated in the ESMF. For the Mbinga District Council, the following training has been provided to the E&S Team at LGAs levels to enhance their capacity during the preparation of DLUPF (**Table 2**). Several awareness-raising meetings were also conducted with different stakeholders during the preparation of DLUPF.

**Table 2: Training conducted to Mbinga E&S Team**

Sn	Name of Training	Training Institution	Date
○	Environmental and Social Framework Training to LGAs E&S Teams	World Bank	13 <sup>th</sup> – 14 <sup>th</sup> December 2022
○	Workshop for Review of the ESMPs	ESMT	3 March 2023

Other E&S trainings planned for the Mbinga District Council to enhance their capacity to implement this ESMP will be as follows.

- Health and safety training for project drivers and field teams.
- Training on the implementation of ESMP to private firms prior to the certification process;
- Training of code of conduct for GBV/SEA and ethics practice to ESMT and the Mbinga District Council E&S Team.



## **CHAPTER SEVEN**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **7.1 Introduction**

This ESMP is specific to Mbinga District Council LTIP activities. It proposes mitigation measures to minimise adverse impacts while enhancing positive ones. The assessment and evaluation processes of the proposed project activities indicate that the project will bring net social benefits within the project area. The negative implications of this project have been identified and need to be mitigated in order to make this project environmentally and socially sound.

#### **7.2 Conclusions**

Given the importance of multiple land uses in Mbinga, the ESMP is an important tool for facilitating stakeholder engagement and sensitisation to affirm the proposed land uses, village boundaries, and access to CCRO.

Furthermore, there is no identification of any VGs group as per the VGPF guidance document; hence, VGP will not be prepared.

The social benefits of this project include enhanced security of tenure, capital creation, effective land control and management, reduction in costs associated with informal land transactions, and employment opportunities. Apart from the positive impacts, this ESMP also identified some negative implications associated with the proposed interventions, which must be mitigated to ensure project acceptability and sustainability. The negative impacts include conflict over land use and land rights, ineligibility for some people to obtain CCROs, inequalities for women and other marginalised groups, likely due to gender-based violations, influx of labourers, soil erosion and dust, waste generation, and health and safety hazards.

To address the aforementioned risks and impacts, the ESMP includes a comprehensive Environmental and Social Management Plan (ESMP) and a Monitoring Plan for proper implementation of the project and reduction of its negative effects. The MLHHD is committed to effecting this ESMP by ensuring that sufficient budget, human resources, and logistics are available.

### **7.3 Recommendations**

- All Villages where the project is implemented should have the copy of this ESMP,
- NGOs hired to conduct certification processes in the Mbinga District Council should be given this ESMP as part of the contract to ensure its implementation team in the Mbinga District Council with Support from ESMT.
- PLUM (ES TEAM) shall ensure meaningful consultation of all key and relevant stakeholders
- Adequate budgets should be allocated to facilitate the implementation of mitigation measures to avoid project impacts on the environment and community and enhance project benefits.
- Training all stakeholders on E&S issues is the key to achieving the objectives of this ESMP. All key stakeholders identified in the ESMP must be trained to facilitate the smooth implementation of E&S issues during project implementation.

### **Annex 3 Due Diligence in the Villages where there is Existing VLUP**

Sn	Checklist	Description
1	Is the village land uses approved through village Assembly	<ul style="list-style-type: none"> <li>○ Conduct environmental and social assessment of the proposed land use plan basing on ESMF, ESCP, VGPF, SEP and RAP</li> <li>○ Basing on 1 above, confirm if the plan complies with ESF</li> <li>○ Check on supporting documents used to approve the VLUP (Entry Meeting Minutes and Approval of VLUP Meeting minutes)</li> <li>○ Check on engagement of women, youth and other minority community members</li> </ul>
2	Is the proposed land use compactible with the GN	<ul style="list-style-type: none"> <li>○ Check in the issues related to Reserve land and Village land</li> <li>○ Check if there are land uses conflicts between different land users (Environmental Conservation against land uses)</li> </ul>
3	Is the VLUP endowed by District Council	<ul style="list-style-type: none"> <li>○ Check on District Statement on Regards to proposed land use (Normally written in a minute which are submitted to approval authorities for gazettelement)</li> </ul>
4	Is the VLUP Gazetted	<ul style="list-style-type: none"> <li>○ Confirm on gazettelement status and if does not conflicting with other gazettelement</li> </ul>

Note: The results from this table shall open a room for further discussion basing on different cases for proceeding with other rural certification process

#### **Annex 4E&S Safeguard Criteria for Selecting Specific Project Areas**

SN	Area / issue of concern	Criteria	Applicability (Yes/No)	Guiding Remarks
1	Area/village bordering reserved areas such as forest, National parks, game reserves	-Boundaries of the reserved area and the village are clear and well identified	YES <sup>1</sup>	Certification process can proceed as boundaries are clear and certificates will not be issued in reserved areas
		-There is encroachment between the village and the reserved area and the boundary is not clearly known	NO	
		-There is encroachment between village and the reserved area although the boundary is well known to all the parties	NO	
2	Area/village bordering rivers and lakes	-Settlement is found 60m away from the bank of the lake/river as per the Environmental Management Act of 2004	NO	
		-Settlement is found within 60m from the banks of the	NO	

		river/lake but no floods or any other risk is associated		
		-Settlement is found within 60m from the banks of the river/lake and are associated with floods and other risks	NO	
3	Area/village/ settlements bordering wetlands and water catchment areas	-Village/area is found close to or bordering wetlands and/or watershed areas. The area/village boundary should maintain a 60m distance as per the national laws	NO	Wetlands/water catchment areas are considered as areas with high biological importance and are protected by national and international laws and agreements. Under such circumstances the conservation status of such areas will be established from relevant authorities as per the Water Act of 2019, Environmental Management Act of 2004, and other national and international laws. When identified as per the laws and regulations, such areas will be considered hazardous and certification will not proceed in these areas

4	Livestock grazing areas and stock routes	-Village has communal land reserved for livestock grazing only or for established stock routes	YES <sup>2</sup>	These areas should be given certificates in the name of the village for communal use. No one within the village should be denied access as a result of certification process. Individual titles should not be provided in these areas.
5	Cultural Heritage Sites	-Boundaries of the registered cultural heritage area and the village are clear and well identified	YES <sup>3</sup>	Certification process can proceed as boundaries are clear and no certificates will be issued in reserved areas
		-There is encroachment between the village and the registered cultural heritage site and the boundary is not clearly known	NO	
		-There is encroachment between village and the registered cultural heritage site although the boundary is well known to all the parties	NO	
		The village contains a locally important cultural site which is not protected.	NO	

6	High density informal settlements	High density informal settlements in urban settings which are not aligned with planning requirements.	NO	
7	Flood prone areas	- Settlement is located in flood prone areas which may be restricted for any development activities	NO	

1. Boundaries of the reserved area and the village are clear and well identified including villages of Langiro, Lingomba, Kitura, Mahilo, Kibandai A, Mkuka, Maguu, Mkuwani, Buruma, Mitawa, Mitanga, Mhagawa, Lituru, Mitambotambo, Kitesa, Ugano, Malindindo, Iela, Kikuli, Makonga, Mikalanga, Ndembo, Silo, Liyombo, Ulolela, Linda, Lukiti, Mkaranga, Mbuji, Kilanga juu, Mawono, Myau, Kibanga, Mahilo asili, Mkinga, Mapipili, Kitumbi, Matuta, Kipapa,
2. Communal land reserved for livestock grazing in the villages of Mahilo, Mbuji and Mawono
3. Mbuji village has a registered cultural heritage area