

THE UNITED REPUBLIC OF TANZANIA

KYELA DISTRICT COUNCIL



LAND TENURE IMPROVEMENT PROJECT (LTIP)

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



Prepared by:

KYELA DISTRICT COUNCIL

APRIL, 2023

ACKNOWLEDGEMENT

The Environmental and Social Safeguard team for Kyela District is indebted to all those who met and devoted their time to have discussions or meetings with them to support this ESMP document's development. The team is specifically thankful to the Land Tenure Improvement Project (LTIP) Management and Environmental Social Management Team for their guidance, criticism, and directives, significantly improving this ESMP. The Chamwino District Council Environmental and Social Team also wishes to recognize the technical assistance provided by the World Bank Consultants team of the government of Tanzania for their input and support in developing this ESMP report. Since the number of people who participated in this ESMP is large, it will be difficult to mention all of them.

We sincerely dedicate our appreciation to all of them and say thank you very much.

ESMP PREPARATION TEAM

NAME	PROFESSION/POSITION	ORGANIZATION
Godwin Gosbert	Environmental Officer	Kyela DC
Nankumbi Azza	Community Development Officer	Kyela DC
Albert Bubelwa	Cartographer	Kyela DC
Alpha Mangula	Environmental and Social Safeguard Coordinator, Land Tenure Improvement Project (LTIP)	Ministry of Lands, Housing and Human Settlement Development (MLHHSD)
Tumaini Setumbi	Social Development Officer, Land Tenure Improvement Project (LTIP)	MLHHSD
Robert Kishiki	Social Development Specialist, Land Tenure Improvement Project (LTIP)	MLHHSD
Regina Kabwogi	Environmental Specialist, Land Tenure Improvement Project (LTIP)	MLHHSD

TABLE OF CONTENTS

ACKNOWLEDGEMENT	i
ESMP PREPARATION TEAM	ii
TABLE OF CONTENTS.....	iii
LIST OF TABLES	vi
LIST OF FIGURES	vii
LIST OF ABBREVIATIONS AND ACCRONYMS	viii
CHAPTER ONE	10
INTRODUCTION	10
1.1 Background Information.....	10
1.2 LTIP Scope in Kyela District.....	10
1.3 General Objectives of ESMP	12
1.4 Methodology for Preparation of ESMP	13
CHAPTER TWO	14
BASELINE ENVIRONMENTAL AND SOCIAL CONDITION OF THE PROJECT AREA.....	14
2.1 Introduction.....	14
2.2. Administrative Condition of Kyela District Council.	14
2.3. Land use patterns	15
2.3.1 Road Infrastructure:	15
2.4 Environmental baseline information in Kyela district council	16
2.4.1 Climate	16
2.4.2 Topography.....	17
2.4.3 Drainage System.....	17
2.4.4 Vegetation.....	18
2.4.5 Geological Features	18
2.5 Social baseline information in Kyela district.....	19
2.5.1 Population.....	19
2.5.2 Social Services:	19
2.5.3 Economic Activities.....	19
2.5.5 Ethnic Groups	20
2.5.6 Conflicts over Land Resources.....	20

2.5.7	GBV/SEA and Diseases Transmission:.....	21
CHAPTER THREE		22
LEGAL AND INSTITUTIONAL FRAMEWORK		22
3.1	Introduction.....	22
3.1.1	The Occupational Health and Safety Act, No. 5 of 2003	22
3.1.2	The Employment and Labor Relations Act, No. 6 of 2004.	22
3.1.3	The Environmental Management Act (EMA) Na 20 of 2004.	23
3.1.4	The National Land Act, No. 4 and 5 of 1999.....	23
3.1.5	The Land Use Planning Act No. 8 of 2007.....	24
3.1.6	Public Health Act of 2012	24
3.1.7	Water Resources Management Act No. 11 of 2009.	24
3.1.8	Agriculture and Livestock Policy of 1997.....	24
3.2	World Bank Environmental and Social Framework.	25
CHAPTER FOUR.....		27
ENVIRONMENTAL AND SOCIAL IMPACTS, RISKS AND MITIGATION MEASURES		27
4.1	Introduction.....	27
4.2	Project Social Benefits:.....	27
4.3	Negative Social Risks and Impacts.....	28
4.4	Project Positive Environmental Impacts of Land Certification	29
4.5	Negative Environmental Impacts of Land Certification	29
4.6	Mitigation Measures of the Identified Impact	30
CHAPTER FIVE		34
ENVIRONMENTAL AND SOCIAL MONITORING PLAN (ESMP)		34
5.1	Introduction.....	34
5.2	Objectives of Environmental and Social monitoring plan	34
CHAPTER SIX.....		37
INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION OF ESMP IN KYELA DISTRICT.....		37
6.1	Introduction.....	37
6.2	ESMP Implementing Institutions in Kyela District	37
6.3	Supervision and Monitoring Roles	38

6.4	Capacity Development and Training	38
	CHAPTER SEVEN	40
	CONCLUSIONS AND RECOMMENDATIONS	40
7.1	Conclusions.....	40
7.2	Recommendations.....	40

LIST OF TABLES

Table 1: Villages associated with LTIP.....	11
Table 2: Availability of Land Use Distribution by Size of the Land, Kyela District Council; 2015.....	15
Table 3: Mitigation Measures of Identified Impacts	31
Table 4: Social and Environmental Monitoring Plan for Implementation of Mitigation Measures during Land Certification and Registration Process in Kyela District Council.....	35
Table 5: Time table for Environmental and Social Frame work	39

LIST OF FIGURES

Figure1: A map showing the location of Kyela district.....7

LIST OF ABBREVIATIONS AND ACCRONYMS

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

SEA	-	Sexual Exploitation and Abuse
SEP	-	Stakeholder Engagement Plan
TNA	-	Training Needs Assessment
TOR	-	Terms of Reference
URT	-	United Republic of Tanzania
VLUM	-	Village Land Use Management (Committee)
VLUP	-	Village Land Use Plan
VG	-	Vulnerable Groups
VGPF	-	Vulnerable Groups Planning Framework
WB	-	World Bank
WEO	-	Ward Executive Officer

CHAPTER ONE

INTRODUCTION

1.1 Background Information

The Government of Tanzania (GOT), through the Ministry for Lands, Housing and Human Settlements Development (MLHSD), is implementing the Land Tenure Improvement Project (LTIP). The Project aims to increase the security of land rights and efficiency in land administration. It promotes land-based investments and ensures inclusion for social and economic development in both rural and rural areas. The key project results indicators would be a number of Certificates of Rights of Occupancy (CCROs), Certificates of Customary Rights of Occupancy (CCCROs), and Residential Licenses issued and registered (gender disaggregated); increased number of land and property transactions; reduced number of land conflicts; increased tenure security, and gender-disaggregated (survey data).

1.2 LTIP Scope in Kyela District

The Kyela District is one of the beneficiaries of LTIP activities. In Kyela, the project involves regularization activities involving the issuance of CCROs and the construction of the District Land Office and Archive building. This ESMP is specifically for regularization activities into ninety (90) villages within 19 Wards (Refer to annex 6 : E&S Safeguard Criteria for Selecting Specific Project Area.). The project is expected to issue over 90,000 CCROs in the ninety villages (an estimated 1,000 CCROs from each Village).

Table 1: Villages associated with LTIP.

S/N	Wards	Villages	No of Village
1	Bujonde	Isanga, Itope, Bujonde, Lubaga and Nnyejele	5
2	Busale	Busoka, Ikomelo, Lema and Masoko	4
3	Ikama	Fubu, Ilopa, Mpunguti, Mwambusye	4
4	Ikolo	Ikolo, Lupembe and Muungano	3
5	Ipande	Konjula, Maendeleo, Malangali, Mbula and Njugilo	5
6	Ipinda	Bujela, Ikulu, Ikumbilo, Kafundo, Kanga, Kingili, Kisale, Lupaso, Mabunga and Ngamanga	10
7	Kajunjumele	Buloma, Kajunjumele, Kilwa, Kingila and Lupaso	5
8	Katumbasongwe	Isaki, Kabanga, Katumba, Mpunguti and Ndwanga	5
9	Lusungu	Kikuba, Lukama, Lukwego, Lusungu and Mpanda	5
10	Mababu	Mababu, Ngyekye and Kilombelo	3
11	Makwale	Ibale, Kateela, Mahenge, Makwale, Mpegele, Mpunguti and Ngeleka	7
12	Matema	Ikombe and Kisyosyo	2
13	Muungano	Bukinga, Lutusyo and Mwaigoga	3
14	Mwaya	Iondo, Kapamisya, Kasala, Lugombo, Lukuyu, Malungo, Masebe, Mwaya, Ndola and Tenende	10
15	Ndobo	Bwato, Isuba, Ndobo and Sebe	4
16	Ngana	Mwalisi, Ngana and Ushirika	3
17	Ngonga	Itenya, Itete, Lugombo, Ngonga and Nsasa	5
18	Nkokwa	Buponelo, Kyijila and Sinyanga	3
19	Talatala	Talatala, Ngolela, Kyangala and Kagogo	4
Total			90

The Villages mentioned above have been currently selected for the LTIP. The selected Villages are among areas where land transactions are taking place more frequently in Kyela District. These areas are peril-Rural with low housing density which allows access their houses through informal road hierarchy.

In Kyela District Council, the preparation of VLUP, DSP and the issuance of CCROs is expected to involve the following activities:

- i Community sensitization about the project
- ii Conducting screening which aims at ascertaining environmental and social risk levels with subsequent devising mitigation measures to be adopted during adjudication and planning;
- iii To identify linear network structures so as to harmonize road linkages
- iv To prepare scheme of regulations and scheme of surveys plan;
- v Approval of the plans which is done at regional land office;
- vi Issuance of CCROs

The aforementioned activities involved in legalization process have potential to cause environmental and social (E&S) risks and impacts. To address the potential E&S risks and impacts the Project has prepared this Environmental and Social Management Plan (ESMP) for Kyela district council.

1.3 General Objectives of ESMP

The overall objective of this Kyela ESMP is a tool for managing and monitoring of the E&S impacts associated with the proposed project activities. Specifically, it depicts

The preparation of this ESMP is consistent with the Project's Environmental and Social Management Framework (ESMF). Specifically, this ESMP is designed to attain the following objectives:

- i. Identification of potential E&S impacts associated with Rural certification;
- ii. To develop mitigation/enhancement measures to minimize E&S impacts;
- iii. To define implementation arrangement and organization structure of ESMP;
- iv. To identify the parameters to be monitored and the respective tool that is used in monitoring and reporting.

In Kyela District Council, the preparation of VLUP, DSP and the issuance of CCROs is expected to involve the following activities:

- i. Community sensitization about the project

- ii. Conducting screening which aims at ascertaining environmental and social risk levels with subsequent devising mitigation measures to be adopted during adjudication and planning;
- iii. To identify linear network structures so as to harmonize road linkages
- iv. To prepare scheme of regulations and scheme of surveys plan;
- v. Approval of the plans which is done at regional land office;
- vi. Issuance of CCROs

The aforementioned activities involved in legalization process have potential to cause environmental and social (E&S) risks and impacts. To address the potential E&S risks and impacts the Project has prepared this Environmental and Social Management Plan (ESMP) for Kyela district council.

1.4 Methodology for Preparation of ESMP

This ESMP is prepared by the Kyela District Council in collaboration with ESMT through the following activities.

- i Undertaking environmental and social screening to determine risks and impacts associated with certification process using: (I) Annex 4 of ESMF on Screening Checklists for environmental and social issues; (ii) Annex 6: Environmental and Social Safeguards Criteria for selecting project specific areas; and (iii) Annex 5: Terms of Reference for the preparation of ESMP.
- ii Identification of mitigation, enhancement and monitoring measures for the identified impacts;
- iii Validation of mitigation, enhancement and monitoring measures through stakeholders' engagement.
- iv Finalization of ESMP report and sharing with wider stakeholders.
- v Screening results (See Annex 6: E&S Safeguard Criteria for Selecting Specific Project Area).

CHAPTER TWO

BASELINE ENVIRONMENTAL AND SOCIAL CONDITION OF THE PROJECT AREA

2.1 Introduction

Kyela District Council is located at the southern end of the Mbeya Region, where the region itself is located in south western Tanzania. Kyela Township is the council's headquarters that is situated within Bondeni Ward, a distance of 53 km from Tukuyu Town. The district lies between 35°41' and 30' Longitudes East of the Greenwich Meridian and 9°25' and 9°40' Latitudes South of Equator.

In East Kyela district borders with Makete and Ludewa districts in Njombe region, in the west with Ileje District, in north with Rungwe district in Mbeya region and to the south district borders with The Republic of Malawi. Below is a map showing the location of Kyela district.

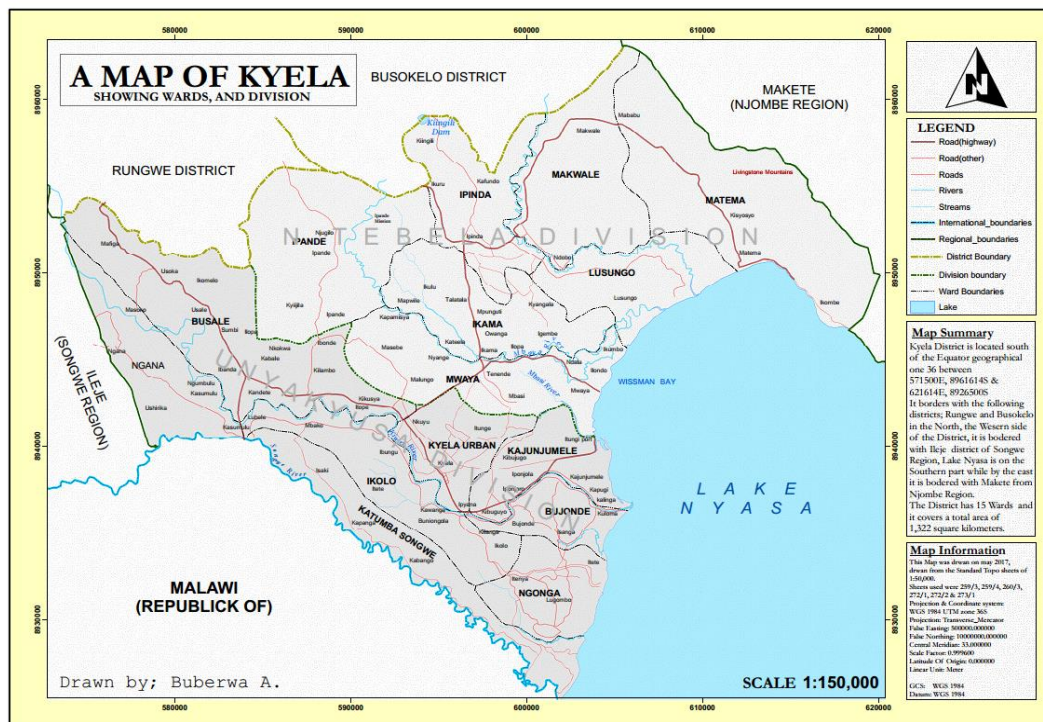


Figure 1: A map showing the location of Kyela district.

2.2. Administrative Condition of Kyela District Council.

Administratively, the Kyela district council has 33 Wards and 93 villages and 398 hamlets. 3 Villages which are Kasumulu, Itete, and Lugombo are registered by the

responsible authorities, and the VLUP has been issued, while the rest 90 villages are not yet issued. The council has a total surface area of 132,200 hectares. Table 2 below shows the distribution of the district council area among the thirty-three (33) wards. Ngana Ward has the largest share 10.2 percent of total land area of the district council followed by Matema Ward whose share is 8.6 percent. However, Muungano Ward has the smallest share 2.0 percent of total land area followed by Makwale Ward sharing 2.1 percent while the other wards have not yet been measured.

2.3. Land use patterns

Kyela District Council has a total surface area of 132,200 hectares. Most of the total land area, 49,548.96 ha, (37.5 percent) covered with water area, 45,005.5 ha (34.0 percent) is arable land used for crop cultivation, 28,148.8 ha (21.3 percent) are forest reserves, 7,624.74 ha (5.8 percent) is covered by settlements and the remaining 1,872 ha (1.4) is open land use and other uses as shown in Table 2 below.

Table 2: Availability of Land Use Distribution by Size of the Land, Kyela District Council; 2015.

Land Use	Area in Hectares (ha)	Percent
Forest Area	28,148.80	21.3
Cultivated Land	45,005.50	34.0
Open Land	1,872.00	1.4
Water Feature	49,548.96	37.5
Residential Area	7,624.74	5.8
Total	132,200.00	100.0

Source: *Kyela District Council Profile, 2015.*

2.3.1 Road Infrastructure:

Road transportation is the main means of transportation of people and various goods within and outside Kyela District Council. A tarmac road of about 40.5km and 125km road from Mbeya city to Kyela is one of the key sub-sectors that are responsible for sustainable development and poverty reduction in the council. Kyela District Council is well linked with trunk roads. The roads that are maintained by Tanzania National Roads Agency (TANROADS) are classified as

trunk/ regional roads, while feeder roads are maintained by Tanzania Rural and Urban Roads Agency (TARURA), the agency under District Council. Apart from tarmac road which is most district roads are gravel while some are constructed with aggregates. Given the topography of the district council, some roads connecting the district council and other districts such as Kisusya to Matema via Ipinda plays a great role in transportation. 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. The figure below shows the tarmac road from Mbeya to Malawi boarder which is essential for transportation activities in the Kyela district.

2.4 Environmental baseline information in Kyela district council

2.4.1 Climate

i) Temperature

In Kyela the average annual moderate temperatures vary between 23 to 32 degrees centigrade. The cool season normally runs from June to August and the hot season runs in October and November. However, temperatures vary with altitude and therefore highlands experiences higher temperatures than the lowlands.

ii) Rainfall

Kyela District Council experiences two rain seasons namely long rainfall season and short rainfall season. Long rainfall season that starts in March and ends in June (normally in April and May the district council experiences heavy rainfalls that sometimes leads into floods especially in lowlands) while short rainfall season starts in November and ends in February it also allows a wide range of crops to be grown with some double planting of short seasonal crops such as maize. The average annual rainfall varies between 2000mm and 3000mm, the average annual rainfall varies from year to year and between ecological zones.

iii) Humidity

Kyela Council is within proximity of an overcast and light in saturated relative humidity. It experiences high humidity in September and November and less humidity in December and August. The average annual humidity varies from rain season to dry seasons.

2.4.2 Topography

Kyela District Council, situated in the southernmost part of Mbeya Region, occupies a unique position at the tip of Lake Nyasa, nestled within the Great African Rift Valley floor. The district's topography is characterized by a diverse array of landforms, showcasing the dramatic geological forces that shaped this region.

The landscape of Kyela is a tapestry of plains, plateaus, mountains, and valleys, with smaller features like hills adding further complexity. The presence of hills is notable throughout the uplands, with notable examples including Kabulo, Kigali, Nakaba, Lugela, and Kasumulu hills in Ngana Ward. Ikomelo and Busale hills in Busale Ward and Konjula hill in Ipande Ward add to this rolling landscape. The impressive Livingstone Ranges are running across various wards, including Matema, Mababu, and Makwale, marking a significant geological feature. Adding to the varied topography, valleys weave through the district, such as Mweya Valley in Ngana Ward, Nsitakujoba and Stamiko Valley in Busale Ward, and the Kingili Valley, home to the Kingili Crater in Ipinda Ward. The district's altitude reflects its diverse terrain, ranging from 450 meters at the lakeshore to an impressive 2400 meters above sea level, showcasing the dramatic elevation changes within Kyela District Council.

2.4.3 Drainage System

The main rivers in the district include Songwe, Kiwira, Mbaka and Lufilyo that are adjoined by other small streams that pour water into Lake Nyasa. Regarding Songwe River, whose source is found in the mountains of Rungwe, is fast flowing and changes its course, particularly during the rainy season, forming new meanders that cause the actual border location between Tanzania and Malawi to shift from its original position to another. This border lies in the middle of Songwe River that eventually enters Lake Nyasa, where it meets the tri-point between Tanzania, Malawi and Mozambique. On

the other hand, streams that feed water into River Songwe are Mkalisi, Kandete, Malola, Kabanga, and other tributaries. Meanwhile, Kiwira River receives several streams from Mount Rungwe's slopes, including Mwalisi, Mwigo and Kabanga in Kyela District Council. Mbaka River also originates from Mount Rungwe that receives several tributaries, including Njugiro, Nsitakujoba, Ibonde, Fubu and other tributaries, which flow southeast into the north end of Lake Nyasa at Mwaya Ward. Similarly, Lufilyo River receives several streams, including Mpegere, Kisale, Ndobu, and others. In addition, Nsesi, Mangala, Mbasi, and Kakumbe are natural dams found in Kyela District Council. Experience shows that during the rainy season each dam is connected by several streams. Thus, Nsesi Dam is connected by Mwigo and Kisanga streams, Mangala Dam is connected by Bujonde stream, Mbasi Dam is connected by the Tenende and Kapwiri streams and Kakumbe Dam is connected by Fubu and Ngolela streams that flow directly into Lake Nyasa.

2.4.4 Vegetation

The original natural vegetation for most of Kyela District is Miombo woodland, mostly found in the 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 area within 2 miles of Kyela is covered by cropland (61%), herbaceous vegetation (20%), and shrubs (15%) , within 10miles by cropland (52%) and trees (21%) and within 50miles by cropland (25%) and trees.

2.4.5 Geological Features

Kyela District Council is covered with sedimentary rocks, metamorphic rocks, and intrusive (plutonic) rocks. Intrusive rocks were 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 Earth's crust, which allows the individual crystals to grow large by coalescing where the rock is later exposed to erosion. Sedimentary rocks are also common rock types in Kyela District Council and are freely exposed on the earth's surface. They formed from other rock

materials made up of the buildup of weathered and eroded pre-existing rocks. Weathering, erosion, and the eventual compaction of igneous, metamorphic, or formerly structured sedimentary rocks, among other biological sedimentations, lead to the formation of sedimentary rocks.

Soil type in Kyela District Council, soil types in lowland zones are mainly alluvial soils while in highlands are red vegetation into agro-vegetation except in the north and west with remnants of Miombo woodlands. The soil is ideal for agricultural activities that are favorable for production of paddy, cocoa, maize, root crops, cashewnut and oil palm among other crops that have a potential to give out high profits at the market.

2.5 Social baseline information in Kyela district.

2.5.1 Population

Based on the population census reports of 2022, Mbeya Region has a total population of 2,343,754 (Male 1,123,828; Female 1,219,926). Kyela District Council has a population size of 266,426 (126,235 Males and 140,191 Females) with a growth rate of 1.9%. Kyela district council ranks second in population compared to other regional Districts.

2.5.2 Social Services:

Kyela district council has primary and secondary schools, health centers, churches, mosques, and markets which are located in all 33 wards and owned by the government, private sector, and religious institutions. The provision of land parcels for social services such schools, health centers, churches, mosques, and markets is critical for the LTIP. The project must ensure that these facilities are identified and provided with the CCRO to improve their tenure security. The source of energy is electricity supplied by TANESCO. The main sources of drinking water include boreholes and river streams.

2.5.3 Economic Activities.

The economy of Kyela District is mainly based on productive sectors such as

transportation, small-scale industries, Tourism, Fishing, business activities, and Agriculture. Agriculture is a major dominant production sector, employing about 80% of the total population in the district, and the remaining sectors employ only 20%. The highest amount of the District's GDP comes from agricultural activities.

Many people in the district depend on agriculture, and the most cultivated food crops are paddy, maize, banana, cassava, beans, and groundnuts. The major cash crops are cocoa and palm oil. The two crops contribute to the income of the people by 65% of their total income and 70% of the District GDP. Farming activities are being conducted by using poor implements such as hand hoes. It is family labor-based, which results in low yields per area; investors need to be invited to invest in agriculture to improve the sector.

In the Kyela district, animal keeping is predominantly the source of income for rural and urban dwellers. Animals kept are cattle, goats, chickens, pigs, and sheep. About 37% of the population is engaged in animal husbandry, where the people and the district government get revenues by selling animals and animal products such as skins, hides, milk, meat, and eggs.

2.5.5 Ethnic Groups

Kyela District Council is among the fast-growing district councils in Mbeya Region. It experiences fast population growth by both indigenous and immigrants. As a result, more ethnic groups are found in the district council. However, among all people, the district council has five major ethnic groups, namely: Nyakyusa, Kinga, Ndali, Kisi, and Ngoni, that occupy most wards of the district council. However, Nyakyusa is the largest ethnic group, followed by Kinga.

2.5.6 Conflicts over Land Resources

The district also experiences conflicts with conservation authorities over land as the district plays an important role in the conservation of major ecosystems. LTIP must recognize relevant conservation authorities to avoid conflicts between government ministries and conservation authorities. In particular, the LTIP Team is required to closely observe *ESS7*, *ESS6*, and *ESS10* requirements and provisions during VLUPs and rural land certification activities.

2.5.7 GBV/SEA and Diseases Transmission:

Like other areas in Tanzania, HIV/AIDs are prevalent in Kyela District. 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, the 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 this ESMP. The focus has been made on legislation as they provide environmental to social requirements relevant for the Project.

3.1.1 The Occupational Health and Safety Act, No. 5 of 2003

The law requires employers to provide a good working environment to workers to safeguard their health. The LTIP will ensure the implementation of this act by training drivers to eradicate incidences and accidents and providing appropriate Personal Protective Equipment (PPE) and welfare facilities such as tents, pure drinking water, and toilets to the direct and indirect implementing teams.

3.1.2 The Employment and Labor Relations Act, No. 6 of 2004.

The Act provides labor rights and protections, particularly for child labor, forced labor, gender discrimination in the workplace, and freedom of association. The act prohibits child labor and provides that no child under the age of 14 shall be employed. LTIP will ensure equality in employment, forbid child labor, 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 favorable 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 to National compensation funds for labor on employment beyond six months.

3.1.3 The Environmental Management Act (EMA) Na 20 of 2004.

The Act provides guidance for the regulation process 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 those activities into the overall sustainable environmental management system and providing key technical support to sectoral ministries. Specifically, the LTIP in Kyela will adhere to the 60m buffer zone requirement when issuing CCROs along the rivers and streams in the project sites and in a sensitive area

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

The Land Act (1999) recognizes 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. The first two categories are governed under the provisions of the Land Act and its regulations. About 68% of all land is Village Land, 30% is Reserved Land, and only 2% is General Land in the Country.

These Acts include the procedure for land administration, allocation, acquisition, schemes of regularization, land registration and certification, compensation, and resource management in both Rural and rural areas. The Land Acts contain provisions of critical environmental importance and modalities for stakeholders' engagement through meetings and public hearings. Both Acts translate the fundamental principles of land policy into the body of the 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. In issuing CCROs, the LTIP in Kyela will comply with the specified provisions in land acts.

3.1.5 The Land Use Planning Act No. 8 of 2007.

This is the principal legislation that governs rural planning. The LTIP will prepare detailed planning schemes, undertake public and other stakeholder engagement; and subsequently facilitate approval of the scheme of regularization as stipulated in this Act. The project will also spearhead the preparation of an environmental and social assessment of the proposed scheme of regularization.

3.1.6 Public Health Act of 2012

The act, among others, 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 will be addressed through conducting an HIV/Aids campaign, and provision of hand washing facilities, condoms, and dustbins.

3.1.7 Water Resources Management Act No. 11 of 2009.

Water Resource Management Act No. 11 of 2009 is the principal legislation governing the utilization 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 streams, rivers, and other water source areas in Kyela and will not issue CCROs in such areas to enhance the management of water resources.

3.1.8 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 Kyela district council will have to adhere to this policy to protect the rights of hunters, gatherers, livestock keepers and specific use endowed to the VGs.

3.2 World Bank Environmental and Social Framework.

Project ESMF has identified *ESS1*, *ESS2*, *ESS3*, *ESS4*, *ESS5*, *ESS6*, *ESS7*, *ESS8*, and *ESS10* to be applicable to the LTIP. However, for Kyela District Council the following ESSs are applicable and this ESMP describes how specific ESSs are operationalized during 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 ESMP for Kyela for mitigating identified risk and impacts; monitoring effectiveness of proposed mitigation measures as well as enhancing project benefits.

ESS2 Labour and Working Conditions;

- Provision of Valid Employment Contractors to workers for both direct and indirect teams
- Provide PPE and welfare facilities to workers;
- Training HIV/Aids to project workers of direct and indirect team;

ESS4 Community Health and Safety

- Sensitization of the community about the project and associated health risks and impacts; and
- Training HIV/Aids to project workers of direct and indirect teams;

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 requirements and procedures as stipulated in the Resettlement Policy Framework (RPF);

ESS10 Stakeholders Engagement and Information Disclosure

- Sensitization of the community about the project
- Formulation and operationalization of Grievance Redress Mechanism (GRM)
- Implementation of District Stakeholders Engagement Forum (DSEF) and National Stakeholders Engagement Forum (NSEF).

CHAPTER FOUR

ENVIRONMENTAL AND SOCIAL IMPACTS, RISKS AND MITIGATION MEASURES

4.1 Introduction

Based on baseline environment and social conditions of the project area, the environmental and social assessment has identified the following likely project benefits, risks and impacts:

4.2 Project Social Benefits:

In Kyela District the LTIP will create the following benefits:

Security of Tenure: Issuance of CCROs will enhance the security of tenure to the individual, community members and institutions such as Cocoa, paddy, and palm tree farm owners and religious institutions.

Capital activation: Individuals and communities will use CCROs collateral to access capital from financial institutions which will stimulate land-based investments.

Effective Land Control and Management: During rural certification processes different land uses will be identified and prescribed their uses. This will reduce conflicts over land and provide land for road infrastructures, social services, residential, and commercial uses. Also, the plan will identify the hazardous areas which will not be suitable for human activities.

Reduction of Cost Associated with Informal Land Transaction: The provision of CCROs to Kyela District community members will enhance reliability in land transactions. CCROs serve as evidence of ownership of land with clear size and boundaries. Equally, it will discourage the practice of multiple sales of the same land to different buyers, thus reducing land-related conflicts.

Employment/ income Opportunities: Rural certification activities in Kyela District will require the workforce to perform different activities. In total, the project will employ approximately 388 people: 208 skilled, 90 semi-skilled, and 90 unskilled. The

duties and responsibilities of each category of workers are detailed in the CCRO Manual.

4.3 Negative Social Risks and Impacts

The following are major negative social impacts associated with LTIP and village land use for regularization activities in Kyela

a) Conflict over land use and land rights

In project areas, people are living without proper identification of their areas, land size, and boundaries with neighbors. During the adjudication process, the chances of not agreeing to the boundaries might lead to conflict over land. Similarly, the rearrangement of access roads might require neighbors to negotiate for road access and land donation, which might lead to misunderstanding among residents. In addition, some conflicts might involve the legal owner of the land especially in the extended families, polygamous, and inheritance cases.

b) Ineligibility to CCROs

Based on Annex 6 of ESMF and CCRO's Manual communities residing within road reserves, gullies, and seasonal streams existing in all villages shall not be eligible for CCROs because those areas are protected by the Road Act of 2007 and EMA of 2004.

c) Inequalities for Women and Other Marginalized Group

Given the existence of Nyakyusa ethnic traditional practice, women have less/ no access to the right to own land. In addition, marginalized groups such as Elders, Long time Patients, and the youth have fewer chances to get CCROs due lack of project information.

d) Gender Based Violation

In ninety villages, community members with access to project resources such employment, income and power over others might subject subordinates, children, spouses, and people from low income status to GBV and SEA.

e) Influx of Labourers

Mass land certification will involve large number of workers from within and outside the project areas. Interactions of project workers among themselves and local community are likely to accelerate the spread of STI, crimes as well as over tasking of available social services.

4.4 Project Positive Environmental Impacts of Land Certification

The following are positive environmental impacts of this project in Kyela District:

- a) *Enhancement of protection of sensitive areas:* The project areas have gullies, river streams and road reserves which will be identified. The provision of CCROs in such as will be restricted from such areas in accordance to EMA (2004) and Road Act (2007).

- b) *Livable Settlements:* The regularization process in Kyela District will create safe and conducive environment through provisions of green structures and enhancement of mobility.

4.5 Negative Environmental Impacts of Land Certification

The major negative environmental impacts of village regularization process in Kyela District are:

- a) *Soil Erosion and Dust*

Installation of the beacons may result in localized soil erosion and dust due to the presence of loose soil around the beacon. However, these impacts are considered to be minor.

Additionally, the fabrication of beacons activities will involve sourcing materials from quarries and borrow pits such as gravel, sand, which may result in land degradation and soil erosion and dust. However, this impact will be minor if the project will leverage on the use of iron pins to earmark plot boundaries.

- b) *Waste management*

During certification process project workers will generate solid and liquid wastes such as plastic, food and human waste leading to land pollution.

- c) *Health and Safety Hazards*

Fabrication, transportation, and subsequent installation of beacon might lead to incidences and accidents causing injuries and fatalities. Also, Kyela District has remote villages like Ikombe village which is inaccessible by road transport the only transportation available is through water in Lake Nyasa, so there is a risk of drowning.

4.6 Mitigation Measures of the Identified Impact

This sub-section contains a description of mitigation measures for adverse impacts, measures for enhancing the beneficial effects, and the cost of mitigation against the impacts. Kyela District Council and Ministry of Land will implement an Environmental and Social Management Plan (ESMP), which has been developed for LTIP project. The ESMP will also ensure compliance with applicable environmental standards during both on the land use and certification process.

Table 3: Are the impacts and mitigation matrix for Land Certification for Kyela District Council. It detailed the proposed impacts, mitigation measures, responsible party, timeframe and costs that will be overseen and managed by LTIP implementation team.

Table 3: Mitigation Measures of Identified Impacts

S/N	Potential Social Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
Negative Social Impacts						
1	Conflict over land use and land rights	<ul style="list-style-type: none"> - Formulation and operationalization of GRM - Capacity building and awareness creation to local leaders on conflict resolution. - Operationalization of Land Donation Procedures - Sensitization on the importance of joint land titling. - Educate men on the importance of including their wives on CCROs. 	20,000,000/=	<ul style="list-style-type: none"> - Kyela District E&S Team - Ward Executive Officer (WEO), - Ward Community Development Officer (CDO) - Villages Leaders 	ESMT	During Rural Certification Process.
2	Ineligibility to CCROs	<ul style="list-style-type: none"> - Identification of Households residing along road reserve, gullies and river streams. - Awareness on ineligibility for CCROs - Payment of compensation to those along road reserve by TARURA/TANROADS as per country laws. - Liaise with NEMC and Central Water Basin Authority for further guidance. 	40,000,000/=	<ul style="list-style-type: none"> - Kyela District Council Rural Certification Office (CRCO) - Kyela District E&S Team - Participatory Land Use Management Team (PLUM) - National Environmental Management Council (NEMC) - Tanzania Rural and Rural Road Agency (TARURA) - Tanzania Road Agency (TANROADS)& - Lake Nyasa Water Basin Authorities. 	ESMT	During identification of Parcels.
3	Inequalities for Women and Other Marginalized Group	<ul style="list-style-type: none"> - Identification of marginalized groups such as women, elders, chronically ill persons and youth - Sensitization on importance of CCROs and other project benefits. 	20,000,000/	<ul style="list-style-type: none"> - Kyela District E&S Team - Ward Executive Officer (WEO), - Ward Community 	ESMT	During Project Sensitization and identification

S/N	Potential Impacts	Social	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
					Implementation	Supervision	
					<ul style="list-style-type: none"> Development Officer (CDO) - Villages Leaders - Civil Society Organisations (CSO). - Community Based Organizations (CBO) 		
4	Gender Based Violation		<ul style="list-style-type: none"> - Engage Police Gender Desk to train Project staff on GBV/SEA. - All LTIP staff to sign a code of conducts (CoC) which include GBV/SEA issues. - To develop a GBV Action Plan for the District. - To identify relevant government agencies and/ or NGOs in the district who can provide survivors of GBV and SEA assistance for example medical care, psychosocial support, legal redress, safety, etc. as and when necessary. 	15,000,000/=	<ul style="list-style-type: none"> - Kyela District E&S Team - Ward Executive Officer (WEO), - Ward Community Development Officer (CDO) - Villages Leaders - Private Companies involved in certification activities. 	ESMT	Before placement of employees and During Rural Certification Process.
5	Influx of Laborers		<ul style="list-style-type: none"> - Community awareness on STIs transmission and basic hygiene practice and crimes - Give priority to unskilled laborers from within project areas. - Provision of welfare facilities such as water, toilets and food vending to project workers. 	22,000,000/=	<ul style="list-style-type: none"> - Kyela District Council Rural Certification Office (CRCO) - Kyela District E&S Team - Villages Leaders - Private Companies involved in certification activities. 	ESMT	During Rural Certification Process.
6	Possibility of Issuing CCROs to Non-nationals		<ul style="list-style-type: none"> - Make use of National IDs during issuance of CCROs - The rural formalization team will work closely with local leaders to confirm the citizenship of project beneficiaries. 	15,000,000/=	<ul style="list-style-type: none"> - Kyela District Council Urban Certification Office (CUCO) - Kyela District E&S Team - Ward Executive Officer (WEO), 	ESMT	During the Rural Certification Process

S/N	Potential Social Impacts	Mitigation Measures	Cost Estimates (TZS)	Responsible		Implementation Time Framework
				Implementation	Supervision	
				<ul style="list-style-type: none"> - Ward Community Development Officer (CDO) - Village Leaders 		
Negative Environmental Impacts						
1	Soil Erosion and Dust	<ul style="list-style-type: none"> - Tree and grass planting - Dust suppression using water - Provide workers with PPEs (Masks, boots, gloves, and helmets). 	30,500,000/=	<ul style="list-style-type: none"> - Kyela District Council Rural Certification Office (CRCO) - Kyela District E&S Team - Villages Leaders 	ESMT	During Rural Certification Process.
2	Waste management	<ul style="list-style-type: none"> - Provide dustbins in all project areas - Use of welfare facilities such as toilets and water. 	20,000,000/=	<ul style="list-style-type: none"> - Kyela District Council Rural Certification Office (CRCO) - Kyela District E&S Team. - Villages Leader 	ESMT	During Rural Certification Process.
3.	Health and Safety Hazards	<ul style="list-style-type: none"> - Provide workers with PPEs (Masks, boots, gloves, helmets, raincoats, reflectors). - Training drivers of direct and indirect teams on road safety - Provide Health and safety Training to project workers 	27,000,000/=	<ul style="list-style-type: none"> - Kyela District Council Rural Certification Office (CRCO) - Kyela District E&S Team - Villages Leaders 	ESMT	During Rural Certification Process.
	Risk of drowning in	<ul style="list-style-type: none"> - Training on swimming to workers - Buying fiber boat for transportation - Availability of life jackets 	20,000,000	<ul style="list-style-type: none"> - Kyela District Council Rural Certification Office (CRCO) - Kyela District E&S Team. - Villages Leader 	ESMT	Before placement of employees and During Rural Certification Process.

CHAPTER FIVE

ENVIRONMENTAL AND SOCIAL MONITORING PLAN (ESMP)

5.1 Introduction

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

5.2 Objectives of Environmental and Social monitoring plan

The objectives of Environmental and Social monitoring plan are:

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

The Table below summarizes monitoring plan for rural certification in Kyela District Council:

Table 4: Social and Environmental Monitoring Plan for Implementation of Mitigation Measures during Land Certification and Registration Process in Kyela District Council

S/N	Environmental/ Social Impacts	Monitoring Parameters	Targets/Legal Standards	Monitoring Methods	Frequency /Duration	Responsibility Host institution Supervising institutions	Monitoring Budget
Enhancement of Social Benefits							
1.	Security of Tenure	No. of CCROs issued in each Villages	1,000	ILMIS data	Quarterly	ESMT & PIT	1,500,000
2.	Capital Creation	No. of Beneficiaries using CCROs to secure capital.	20	Project report	Quarterly	ESMT & PIT	2,00,0000
3.	Effective Land Control and Management.	Percentage decrease of land-related conflict cases in ninety (90) villages.	60%	Project Report	Quarterly	ESMT & PIT	2,00,0000
4.	Reduction of Cost Associated with Informal Land Transaction	Percentage decrease of cost associated with access to land in ninety (90) villages.	100%	Project Report	Annually	ESMT & PIT	2,00,0000
5.	Employment Opportunities	No. of people employed	174	Report	Quarterly	ESMT & PIT	
Enhancement of Environmental Benefits							
6.	Enhancement of protection of Sensitive areas	Number of land development within sensitive areas (Gullies & river streams).	5	Report	Quarterly	ESMT & PIT	2,00,0000
7.	Livable Settlements	Percentage of green structures and enhanced mobility in ninety villages	-10% green structures & -15% mobility	Scheme of regularization	Annually	ESMT & PIT	2,000,000
Social Negative Impacts							
1.	Conflict over land use and land rights	Percentage decrease in land-related conflict cases in ninety villages.	80%	Report	Annually	ESMT & PIT	2,00,0000
2.	Ineligibility to CCROs	No of the identified ineligible parcels in ninety villages	N/A	Report	Quarterly	ESMT & PIT	1,00,0000
3.	Inequalities for Women and Other	Percentage of Women and	30%	Report	Quarterly	ESMT & PIT	2,00,0000

S/N	Environmental/ Social Impacts	Monitoring Parameters	Targets/Legal Standards	Monitoring Methods	Frequency /Duration	Responsibility Host institution Supervising institutions	Monitoring Budget
	Marginalized Group	Other Marginalized Groups with CCROs.					
4.	Gender-Based Violation	No. of GBV/SEA cases reported.	0	Report	Quarterly	ESMT & PIT	2,00,0000
5.	Influx of Laborers	Percentage of laborers employed from within the project areas.	40%	Report	Quarterly	ESMT & PIT	2,00,0000
Environmental Negative Impacts							
6.	Soil Erosion and Dust	No. of trees planted	500 trees @ 90 Villages	Report	Quarterly	ESMT & PIT	2,00,0000
7.	Waste Management	No. of dustbins provided in twenty-one villages	20 dustbins @ 90 Villages	Report and observation	Quarterly	ESMT & PIT	2,00,0000
8.	Health and Safety Hazards	No. of incidents and accidents reported.	0	Report	Within 24 & Quarterly report	ESMT & PIT	1,000,000

CHAPTER SIX

INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION OF ESMP IN KYELA DISTRICT

6.1 Introduction

The implementation of ESMP will follow the plan stipulated in ESMP. The following will be involved in implementing this ESMP for the Kyela District Council:

6.2 ESMP Implementing Institutions in Kyela District

Kyela District Council Rural Certification Office (CRCO): This will be responsible for daily certification activities, which will involve support to the Kyela District E&S Team

Kyela District E&S Team: This will be responsible for implementing the E&S activities, including the proposed mitigation and enhancement measures, with support from CRCO.

Participatory Land Use Management Team (PLUM): This will identify households residing along road reserves, gullies, and river streams.

National Environmental Management Council (NEMC) and Central Water Basin Authorities Will further guide households residing along gullies and river streams.

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

Lake Nyasa Basin: Will provide further guidance on households residing and farms along the rivers valleys and water-logged areas, including payment of compensation where applicable

Ward and Villages Leaders: These will be involved in conflict resolutions through the operationalization of project GRM, identification of marginalized groups such as women, elders, chronically ill persons, and youth, and sensitization on the importance of CCROs, waste management, GBV/SEA matters, health and safety, and other project related benefits.

Civil Society Organizations (CSOs): They will ensure this entire project. Sensitization on the importance of CCROs and other project benefits, joint titling, and GBV/SEA matters.

Community-Based Organizations (CBOs): They will ensure this entire project. Sensitization on the importance of CCROs and other project benefits, joint titling, and GBV/SEA matters. In Kyela District, the following were identified: Tumani, Jitambue Lembuka, Dreams, Women Empowered,

Private Firms: Private firms will be responsible for the provision of PPEs (masks, boots, gloves, and helmets) to workers; training drivers of direct and indirect teams on road safety; providing health and safety training to project workers; provision of dustbins in all project areas; provision of welfare facilities such as toilets and water; tree and grass planting; dust suppression

6.3 Supervision and Monitoring Roles

Project Environment and Social Management Team (ESMT): shall be responsible for ensuring compliance with ESMPs. In particular, the team will conduct regular audits and prepare reports that demonstrate the suggested ESMP is being implemented accordingly. The team will be required to submit monthly reports to MLHHSD. The MLHHSD, through PCU, will then be required to submit quarterly reports on ESMP implementation to the World Bank.

6.4 Capacity Development and Training

Capacity development training for LTIP is stipulated in ESMF. For Kyela District Council, the following training has been provided to the E&S Team at LGA levels and Village leaders to enhance their capacity to implement environmental and social risk management issues during the certification process.

Table 5: Timetable for Environmental and Social Framework

S/N	Name of Training	Training Institution	Date
1.	Environmental and Social Framework Training to LGAs E&S Teams	World Bank	17 th – 21 st April, 2024

Other E&S trainings planned for Kyela District to enhance their capacity to implement ESMP are:

- a) Health and Safety Training for project drivers and field teams to be conducted.
- b) Training on the implementation of ESMP to private firms to be conducted before the certification process;
- c) Training of code of conduct for GBV/SEA and ethics practice to ESMT and Kyela District Council E&S Team to be conducted on June

CHAPTER SEVEN

CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

This ESMP is specifically for Kyela District Council LTIP activities. It proposes mitigation measures to minimize the adverse impacts while enhancing the positive ones. The assessment and evaluation process of the proposed project activities indicates that the project will bring net social benefits within the area. Negative implications of this project have been identified and need to be mitigated to make this project environmentally and socially sound.

The social benefits of this project include enhanced security of tenure, capital creation, effective land control and management, reduced 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. Among the negative consequences are Conflict over land use and land rights, ineligibility for some people to obtain CCROs, inequalities for women and other marginalized group, likely the emergence of gender-based violations, influx of laborers, soil erosion and dust, generation of waste, and health and safety hazards.

7.2 Recommendations

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

Annex 6: E&S Safeguard Criteria for Selecting Specific Project Area.

SN	Area/issue of concern	Criteria	Applicability (Yes/No)	Guiding Remarks
1	Area/village bordering reserved areas such as forests, National parks, game reserves	-Boundaries of the reserved area and the village are clear and well-identified	YES ¹	The boundaries of Livingstone Ranger's forest, located at Matema and Mkwale ward, Village, were identified by the respective authority, Tanzania Forest Service. Their boundaries are clearly and well recognized, and the Certification process proceeded. The certificates will not be issued in reserved areas.
		-There is encroachment between the village and the reserved area, and the the boundary is not known	NO	All boundaries were identified by involving villagers and respective authorities.
		-There is encroachment between the village and the reserved area, although the boundary is well known to all the parties	YES ²	No houses are built within reserved areas, but some people are cutting trees for firewood; the community should create awareness of the importance of forests and many other benefits.
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	YES	There is a settlement within 60 meters, but kilim hifadhi is practiced in villages along rivers Lufilio, Mbaka, Kiwira, and Songwe, a way to conserve water sources. Under the Environmental Management Act of 2004, settlements found to be at least 60m from shoreline/ bank can be considered for certification.
		-Settlement is found within 60m from the banks of the river/lake, but no floods or any other risk is associated	NO	The MLHSD will clarify with NEMC in advance before project commencement on the issue so that it is included in the process manual to avoid delays during project implementation

		-Settlement is found within 60m from the banks of the river/lake and is associated with floods and other risks	YES ³	A settlement was found because the area is considered hazardous, and no certification should be conducted. The MLHSD will clarify with NEMC in advance before the project commencement on the issue so that it is included in the process manual to avoid delays during project implementation
3	Area/village/settlements bordering wetlands and water catchment	-Village/area is found close to or bordering wetlands and watershed areas. The area/village boundary should maintain a 60m distance as per the	YES ⁴	Water catchment areas to rivers Lufilio, Mbaka, Kiwira, and Songwe rivers and Lake Nyasa are considered areas with high environmental and biological importance. National and international laws and agreements protect them.

	areas	national laws		Conservation of such areas will be established by relevant authorities as per the Water Act of 2019, the Environmental Management Act of 2004, and other national and international laws. When identified per the laws and regulations, such areas will be considered hazardous, and certification will not proceed.
4	Wildlife areas, corridors, or migratory routes	-Villages border wildlife areas, wildlife corridors, or migratory routes	NO ⁵	There is no such wildlife area within the project areas of Kyela district council.
5	Livestock grazing areas and stock routes	-Village has communal land reserved for livestock grazing only or for established stock routes	NO	In Kyela district, there is no communal grazing area; they apply mixed farming where the area used for agriculture is the area used for pasturing, so everyone has their land for pasturing their livestock, and they will hire those who have. Individual CCRO should be provided in these areas.
6	Cultural Heritage Sites	-Boundaries of the registered cultural heritage area and the village are clear and well-identified	NO	The cultural heritage areas are unavailable in the 90 villages in the Kyela district project area.

		-There is encroachment between the village and the registered cultural heritage site and the boundary is not known	NO	The boundary issue should be resolved between stakeholders using available laws and regulations before proceeding with the certification.
		-There is encroachment between the village and the registered cultural heritage site, although the boundary is well known to all the parties	NO	The encroachment issue should be resolved using available rules and regulations before proceeding with certification activities.
		The village contains a locally important cultural site which is not protected.	NO	The areas should be agreed upon as part of the village land use plan bylaws and certified for communal use in the village's name.
7	Flood prone areas	-Settlement is located in flood-prone areas, which may be restricted for any development activities	YES ⁶	In Kyela District, there is a seasonal flood, especially during rain. These are considered hazardous land, and the certification process should proceed, as per NEMC, which determines if the area should get a certificate.
8	High-density informal settlements	-High-density informal settlements in urban settings are not aligned with planning requirements.	NO	In the issuance of Residential NEMC and other relevant authorities may need to seek licenses and clarification before deciding to proceed with RL in case of other environmental constraints.

1. The main rivers are Kiwira, Songwe, Mbako, and Lufilio are found in Kyela District Council
2. There is A lake Nyasa in Kyela District
3. Also, there are small dams, namely Mpanga, Mwambusi, and Kakumbe dams.
4. The main forests are Mt.Livingstone forest reserve, Ngana, Nakaba Kabul, Kigali, and Kasumulo forest
5. The encroached reserved areas include village forests, district forest reserves, and water source catchment areas

ANNEX 5. Screening results for Kyela district

Screening results

This section presents the results of the Environmental and Social Screening conducted for the Land Tenure Improvement Project (LTIP) in Kyela District Council, Tanzania. The screening was conducted using the screening form attached in Annex 6, which assessed potential environmental and social impacts of the project, implemented by the Land tenure improvement project.

1.1. Screening Methodology

The screening process involved a comprehensive review of the project's activities, its location, and relevant environmental and social aspects. This included:

- **Project Description:** A detailed review of the LTIP project's scope, objectives, and planned activities, including the development of Village Land Use Plans (VLUP), the development of Detailed Settlement Plans (DSP), and issuance of CCROs.
- **Environmental Setting:** Analysis of the existing environmental conditions, including topography, climate, water resources, biodiversity, and sensitive ecosystems within the project area.
- **Social Setting:** Assessment of the social context in Kyela district council, including population demographics, cultural heritage, livelihoods, land tenure systems, and potential social impacts of the project.
- **Applicable Laws and Regulations:** Review of relevant national and international environmental and social regulations, standards, and guidelines related to land tenure, land use planning, and community-based resource management.
- **World bank applicable standards:** the applicable WB standards include *ESS1, ESS2, ESS3, ESS4, ESS5, ESS6, ESS7, ESS8, and ESS10* to be applicable to the LTIP.

The screening results indicated the following potential environmental and social impacts:

- **Potential Positive Impacts:**

- Improved Land Tenure Security: The project will legally recognize land rights, promote tenure security, and facilitate investment and development.
- Improved Land Use Planning: Developing village land use plans and detailed land use plans will encourage sustainable land management practices and resource allocation, reducing conflicts and promoting sustainable development.
- Enhanced Community Participation: The project encourages community participation in land management decision-making by establishing CCROs, empowering local communities to manage their resources effectively.
- Reduced Land Conflicts: The project is expected to reduce land conflicts and disputes by establishing clear land boundaries and rights.

- **Potential Negative Impacts:**

- Displacement of Communities: The implementation of land use plans could potentially lead to the displacement of communities, particularly if land is designated for specific uses.
- Land Conflicts: Defining land rights and boundaries could exacerbate existing land conflicts or create new ones.
- Social Exclusion: The project needs to ensure equitable access to land and resources for all community members, avoiding social exclusion and marginalization.

- **Environmental Degradation:** Changes in land use patterns could potentially lead to environmental degradation, especially if unsustainable practices are not adequately addressed.

1. 4.3. Significance of Impacts

Based on the screening results, the following impacts were identified as significant and requiring further assessment:

- **Displacement of Communities:** The potential displacement of communities due to land use changes needs careful consideration and mitigation strategies.
- **Land Conflicts:** The project must proactively address potential land conflicts during the planning and implementation phases.
- **Social Exclusion:** Ensuring equitable access to land and resources for all community members, particularly vulnerable groups, is crucial for the project's success.
- **Environmental Degradation:** The project needs to incorporate strategies to minimize potential negative environmental impacts related to land use changes.

Therefore, the screening process highlighted the potential environmental and social impacts of the LTIP project. This assessment will inform the development of a comprehensive Environmental and Social Management Plan (ESMP), which will identify mitigation measures and strategies to minimize or eliminate the identified negative impacts and maximize the positive benefits of the project. Based on the screening results, the following steps will be undertaken:

- **A detailed Environmental and Social Impact Assessment (ESIA)** is not required for this project. The screening process has identified potential impacts that can be effectively managed by developing the Environmental and Social Management Plan (ESMP).
- **Development of ESMP:** A detailed ESMP will be developed, incorporating the findings of the ESIA and stakeholder consultations. The ESMP will outline

specific mitigation measures, monitoring plans, and management strategies to address potential displacement, land conflicts, social exclusion, and environmental degradation.

- Stakeholder Consultation: Comprehensive stakeholder consultation will be undertaken with all relevant stakeholders, including community members, local authorities, government agencies, and civil society organizations, to ensure participation and address potential impacts.

This detailed ESMP was developed to ensure that the LTIP in Kyela District Council is implemented in an environmentally and socially responsible manner, contributing to sustainable land management and equitable access to land resources while safeguarding the well-being of the local community and environment.