

Inspection Panel

Tanzania: Resilient Natural Resource Management for Tourism and Growth (P150523) Investigation Plan (December 14, 2023)

I. Introduction

On June 20, 2023, a Request for Inspection was submitted by two individuals from Tanzania with regard to the above Project. The Requesters asked the Inspection Panel to keep their identities confidential due to fear of retaliation, and asked the Oakland Institute to be their advisor in the Panel process.

The Resilient Natural Resource Management for Tourism and Growth (REGROW) Project was approved by the World Bank's Board of Executive Directors on September 28, 2017. It is designed to improve the management of natural resources and tourism assets in priority areas of Southern Tanzania. It aims to improve the country's capacity to conserve its wildlife as a basis for attracting tourists and to promote conservation friendly, alternative livelihoods in local communities to increase social inclusion, create jobs, and tackle unsustainable uses of natural resources. The Project covers four large, unique park areas in Tanzania: (i) Ruaha National Park, (ii) the Nyerere National Park (iii) Mikumi National Park, and (iv) Udzungwa National Park. The Project was assigned environmental Category B.

The Request alleges that the Project has not followed several safeguard policies and procedures of the World Bank, resulting in harm or threat of harm to project-affected communities. According to the Request, communities are under threat of eviction. The Request alleges that the affected communities have not been meaningfully consulted and project documentation has not been disclosed to them. The Requesters allege they face violence, which has created constant fear among the affected community members. They state that over the past two years their cattle have been seized in large numbers. The Request states that the Bank failed to trigger its policy on Indigenous Peoples (OP/BP 4.10), causing irreparable harm to the identity, culture, and rights of the indigenous communities – the Datoga, Maasai, and Sukuma – in the Project area and that no free, prior, informed consultations were conducted with these communities.

On June 30, 2023, the Panel acknowledged receipt of the Request by issuing a Notice of Receipt on its website. On July 20, 2023, after conducting its due diligence, the Panel registered the Request for Inspection.¹ Bank Management submitted its response to the Request on August 21, 2023. A Panel team visited Tanzania from August 21 to September 2, 2023, and met with Project stakeholders including officials from Government of Tanzania, the Project's implementing agencies, the Requesters, and local communities to inform its report and recommendation to the Board of Executive Directors (the "Board") as to whether an investigation into the matters alleged in the Request is warranted.

II. The Panel's Investigation Recommendation

In its Report and Recommendation,² the Panel determined that the claims raised regarding adverse impacts on Indigenous communities due to the non-triggering of the Bank's Indigenous Peoples Policy are not plausibly linked to the Project, as the Bank's Indigenous Policy is not applicable in the context of this Project. The Panel also determined that since no resettlement is currently taking place in the Project area,

¹ Inspection Panel Notice of Registration (July 20, 2023). Available at: <https://www.inspectionpanel.org/sites/default/files/cases/documents/165-Notice%20of%20Registration-20-July-2023.pdf>.

² Inspection Panel Report and Recommendation (September 19, 2023). Available at: <https://www.inspectionpanel.org/sites/default/files/cases/documents/165-Inspection%20Panel%20Report%20and%20Recommendation-19%20September%202023.pdf>.

it is therefore not possible for the Panel to establish a plausible link between the alleged harm or potential harm resulting from resettlement and the Project. The Panel noted that if resettlement is triggered in the Project area within the life of the Project, the Requesters retain their right to submit a new Request for Inspection if they believe they are experiencing or likely to experience harm due to non-compliance with Bank policies.

The Panel determined that the Requesters and the Request for Inspection meet the technical eligibility criteria set out in the Panel Resolution³ in relation to the allegations of violence which include the alleged forceful seizure of cattle in RUNAPA by the Tanzania National Parks (TANAPA) one of the Project's implementing agencies. The Panel recommended an investigation into the Bank's review and due diligence of the capacity and processes of TANAPA, and whether risks to communities were identified in project documents, appropriate mitigation measures put in place, and the Bank's supervision of the Project's implementing agencies. The Panel recommended that the investigation reviews the related, possible non-compliance with the applicable World Bank policies, focusing on the Bank's Policy on Environmental Assessment (OP/BP 4.01) and the Bank's Investment Project Financing policy. The Panel indicated that this investigation pertains to the Bank's actions and omissions and would not consider other parties mentioned in the Request for Inspection. On November 15, 2023, the Board approved the Panel's recommendation this investigation.

As per the Inspection Panel and the Accountability Mechanism resolutions,⁴ the Accountability Mechanism Secretary (AMS) offered dispute resolution to the parties (Requesters and Borrower). On December 11, 2023, the AMS informed the Board and the Panel that there is no agreement from both parties to enter dispute resolution. The Panel will then commence its Investigation.

III. Scope of the Investigation: Issues of Harm and Compliance

This document presents the investigation plan as required by the Panel's Operating Procedures. It includes key questions and issues to be addressed during the Investigation, and a brief description of the Investigation's methodology. This plan is publicly available on the Panel's website. It is a living document and will be adjusted as needed as more information becomes available in the course of the investigation.

The Panel's investigation considers the Requesters' claims of harm relating to alleged violence by one of the Project's implementing agencies, TANAPA, including during alleged forceful seizure of cattle in RUNAPA. This requires a review of the design of the Project in respect to the identification and management of environmental and social risks (Section A), the review of the Bank's due diligence of TANAPA's operating procedures and processes (Section B), the review of the Bank's due diligence of TANAPA's capacity (Section C), a review of the Project's implementation (Section D), and a review of the Bank's supervision of the implementation of Project-related activities conducted by TANAPA (Section E).

³ Inspection Panel Resolution No. IDA 2020-0003, The World Bank Inspection Panel, September 8, 2020, (the "Panel Resolution"). Available at:

<https://www.inspectionpanel.org/sites/default/files/documents/InspectionPanelResolution.pdf>.

⁴ World Bank Accountability Mechanism Resolution, Resolution No. IDA 2020-0004, dated September 8, 2020, para. 11. Available at:

<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/documents/AccountabilityMechanismResolution.pdf>.

A. Design of the Project

- a. Did Bank Management adequately identify all the E&S risks of the Project?
- b. Did Bank Management consider the history and context in relation to villages and the population living either adjacent to the Park, or following the expansion of the Park boundaries in 2007, living inside the National Park and their relationship with the Park agencies?
- c. What measures were designed and put in place to manage these risks? Were these measures adequate?

B. Review of the Bank's Due Diligence of TANAPA's Operating Procedures and Processes

- a. Did the Bank review TANAPA's operating procedures and processes vis-à-vis the Project and was an assessment carried out?
- b. Did the Bank's review determine whether TANAPA, as a Project-implementing agency, has a code of conduct or rules of engagement that would appropriately cover the interaction with communities living in and around RUNAPA?
- c. Has the Bank reviewed the track record of TANAPA in relation to publicly reported serious incidents? To what extent were such incidents with communities by TANAPA considered during the assessment of TANAPA's processes? Did the Bank discuss with TANAPA a system to track the occurrence of these incidents and measures to address them?

C. Review of the Bank's Due Diligence of TANAPA's Capacity

- a. Did the Bank assess whether TANAPA has the necessary skills, training and experience to carry out their operations safely and effectively in a manner that minimizes risks to the surrounding communities?
- b. Did the Bank identify any gaps in the capacity of TANAPA to carry out its operations in such a manner? Did the Bank recommend any measures to fill such gaps?

D. Project Implementation

- a. Has the Project required consultations with the communities living in and around the RUNAPA? Did these consultations inform the communities of the Ruaha Park boundaries?
- b. What resources (equipment and vehicles) did the Project provide TANAPA to support its operations, specifically for their patrolling activities?
- c. Was any of TANAPA's infrastructure in RUNAPA, financed by the Project, used during the alleged cattle seizures or other patrolling activities?
- d. What role was given to the Project-supported Village Game Scouts working with TANAPA? What support, including training, does the Project provide for the Village Game Scouts?
- e. Was any additional assessment conducted in relation to TANAPA when it formally announced the adoption of a paramilitary system? Were any additional measures recommended for implementation?

E. Bank Supervision

- a. What was the extent of the Bank supervision of TANAPA's activities in RUNAPA?
- b. Did the Bank require reporting on TANAPA's patrolling activities? Were serious incidents recorded and the investigation of such incidents reported to the Bank?
- c. Did the Bank take or require actions to be taken based on such investigations? And if so, what were these actions?

IV. Methodology of Fact Finding

For the purposes of this Investigation, the Panel will enlist the assistance of one or two experts with a combination of technical knowledge and expertise in (i) the management and performance of security organizations and international standards for rules of engagement, and (ii) experience on the interface

between security forces and local communities. The expert(s) will help the Panel determine compliance with the Bank's Environmental Assessment policy, OP/BP 4.01, and the Investment Project Financing policy.

The Investigation will proceed in three phases:

- (i) Investigation preparation and identification of expert consultants,
- (ii) Review of documentation, staff interviews, and a field visit, and
- (iii) Report drafting and finalization.

The Investigation will consult with the Requesters, other community members, Bank staff, the implementing agency, relevant ministries, development partners, and other relevant stakeholders.

The Panel aims to conclude its Investigation approximately six months after this plan is disclosed. The Panel's Investigation Report and the Management Response and Recommendation (including the Management Action Plan) addressing the Panel's findings, if any, will be made publicly available after the Board meets to consider the Panel's findings and to discuss and approve the Management Action Plan.