

Inspection Panel

Tanzania: Resilient Natural Resource Management for Tourism and Growth (P150523) Investigation Plan (issued on December 14, 2023, updated on May 31, 2024)

I. Introduction

On June 20, 2023, a first Request for Inspection (the “First Request”) was submitted by two individuals from Tanzania with regard to the Resilient Natural Resource Management for Tourism and Growth Project (the “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 Project was approved by the World Bank’s Board of Executive Directors (the “Board”) 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 protected areas in Tanzania: (i) Ruaha National Park (RUNAPA), (ii) Nyerere National Park, (iii) Mikumi National Park, and (iv) Udzungwa National Park. The Project was assigned environmental Category B.

The First 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 First Request, communities are under threat of eviction and they allege they face violence, which has created constant fear among the affected community members. The Requesters state that over the past two years their cattle have been seized in large numbers. The First Request also 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, and informed consultations were conducted with these communities. The First Request also alleges that the affected communities have not been meaningfully consulted and project documentation has not been disclosed to them.

On June 30, 2023, the Panel acknowledged receipt of the First Request by issuing a Notice of Receipt on its website. On July 20, 2023, after conducting its due diligence, the Panel registered the First Request for Inspection.¹ Bank Management submitted its response to the First 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 as to whether an investigation into the matters alleged in the First Request is warranted.

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>.

II. The Panel’s Investigation Recommendation in Relation to the First Request

In its Report and Recommendation,² the Panel determined that the claims raised regarding adverse impacts on Indigenous communities are not plausibly linked to the Project, as the Bank’s Indigenous Peoples Policy is not applicable in the context of this Project. At the time of the eligibility report, the Panel determined that there was no plausible link between the alleged resettlement-related harm or potential harm resulting from the Project in the Project area. The Panel noted in the report 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 First Request for Inspection met the technical eligibility criteria set out in the Panel Resolution³ in relation to the allegations of violence which included 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 reviewed the possible non-compliance with the applicable World Bank Policy on Environmental Assessment (OP/BP 4.01), on Involuntary Resettlement (OP/BP 4.12), and the Bank’s Investment Project Financing policy. The Panel indicated that this investigation pertained to the Bank’s actions and omissions and would not consider other parties mentioned in the First Request for Inspection. On November 15, 2023, the Board approved the Panel’s recommendation for 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) in relation to the First Request. On December 11, 2023, the AMS informed the Board, and the Panel that there was no agreement from both parties to enter dispute resolution. The Panel therefore commenced its investigation, and on December 14, 2023, published its investigation plan.⁵

III. The Second Request for Inspection and the Additional Scope of the Investigation

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>.

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 The Panel Resolution, para. 30.; Accountability Mechanism Resolution No. IDA 2020-0004, The World Bank Accountability Mechanism, September 8, 2020, para. 11. Available at:

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

⁵ Inspection Panel Investigation Plan (December 14, 2023). Available at:

<https://www.inspectionpanel.org/sites/default/files/cases/documents/165-Inspection%20Panel%20Investigation%20Plan-14%20December%202023.pdf>.

On May 3, 2024, the Panel received a second Request for Inspection (the “Second Request”) related to the Project. The Second Request stated that a new Government Notice (GN) GN-754 issued on October 20, 2023, modified the southern boundary of RUNAPA. The Second Request stated that the boundary modification (encompassing at least “23 *legally registered villages*”) and the escalating cattle and farm equipment seizure, indicated that “*evictions*” of households “*are imminent.*” It added that GN-754 will trigger “*evictions*” and cause serious harm to the impacted villages.

The Panel noted that GN-754 was issued in October 2023, i.e., one month after the Panel had submitted its recommendation related to the First Request to the Board. After careful review, the Panel concluded that the Second Request raised new circumstances concerning resettlement in RUNAPA, which were not known at the time of the Panel’s September 2023 recommendation. Considering Management’s suspension of the Project’s disbursement on April 17, 2024, for safeguards reasons, including resettlement, the Panel established a plausible link between the Project and the alleged harm.

On May 17, 2024, the Panel recommended the Board approve that the Panel investigates the allegations raised in the Second Request for Inspection regarding the resettlement-related activities within the context of the ongoing investigation.⁶ In relation to the First Request, the Panel had already determined that the Requesters meet the eligibility criteria. Following the Board’s approval of the Panel’s recommendation concerning the Second Request on May 24, 2024, the AMS offered dispute resolution to the parties (Requesters and Borrower). On May 31, 2024, the AMS informed the Board and the Panel that there was no agreement from both parties to enter dispute resolution. The Panel therefore updated and published this investigation plan to include the additional issues raised in the Second Request. The Panel provided the Second Request to Management to respond.

IV. Scope of the Investigation

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 in relation to both the First Request and the Second Request as approved by the Board. This requires a review of the design of the Project in respect to the identification, preparation of safeguard documents and management of environmental and social risks in relation to the use of force by TANAPA and resettlement in RUNAPA (Section A), the review of the Bank’s due diligence of TANAPA’s capacity and operating procedures and processes (Section B), a review of the Project’s implementation (Section C), and a review of the Bank’s supervision of the Project activities

⁶ Inspection Panel Second Report and Recommendation (May 17, 2024). Available at: <https://www.inspectionpanel.org/sites/default/files/cases/documents/165-Inspection%20Panel%20Second%20Report%20and%20Recommendation-17%20May%202024.pdf>.

implemented by TANAPA or the Bank's commitments related to resettlement in RUNAPA (Section D).

A. Design of the Project

- a. What is Bank Management's understanding of the Project's area of influence?
- b. Did Bank Management adequately identify the Project environmental and social (E&S) risks, in particular the use of force and resettlement?
- c. Did the Project ensure sufficient capacity to address these risks?
- d. Was there sufficient understanding of the extent of people residing, and villages established, in RUNAPA and of their customary or formal land-use rights? Was cattle seizing and the impact on livelihood considered from an involuntary resettlement perspective?
- e. What safeguard measures were designed and put in place to address the materialization of such risks? Were these measures adequate?
- f. Did Bank Management adequately review contextual changes and their implications on the Project's E&S risk management?

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

- 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 communities?
- b. Did the Bank identify any gaps in the capacity of TANAPA to carry out its operations in such a manner that minimizes risks to communities? Did the Bank recommend any measures to address any gaps?
- c. Did the Bank review TANAPA's operating procedures and processes vis-à-vis the Project, and was an assessment carried out?
- d. 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?
- e. 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. Project Implementation

- a. Has the Project carried out meaningful consultations with the communities living in and around the RUNAPA?
- b. What resources did the Project provide TANAPA to support its operations, specifically for their patrolling activities? Were such resources used during the alleged cattle seizures or other patrolling activities?
- c. What support does the Project provide to Village Game Scouts in relation to their work with TANAPA in the Project areas?

- d. 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. Were any resettlement process activities taking place in RUNAPA during Project implementation? How did the Bank respond to the GN-754 boundary changes?

D. Bank Supervision

- a. Was the Bank's supervision of the Project adequate?
- 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? Did the Bank take or require actions to be taken based on such investigations? And if so, what were these actions?
- c. When was the Bank made aware of any resettlement process activities taking place in RUNAPA? How did the Bank respond?

V. Methodology of Fact Finding

For the purposes of this investigation, the Panel will enlist the assistance of three 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, (ii) experience on the interface between security forces and local communities, and (iii) social impact and community engagement. The expert(s) will help the Panel determine compliance with the Bank's Environmental Assessment policy (OP/BP 4.01), Involuntary Resettlement policy (OP/BP 4.12), 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 field visits as needed, 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.

Considering the addition to the investigation in May 2024 of the claims in the Second Request related to involuntary resettlement, the Panel aims to add three months to the original period initially estimated to conclude its investigation. This investigation is expected to conclude approximately nine months after this plan was originally disclosed on December 14, 2023. 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 (including the Second Request and the related Management Response) available after the Board meets to consider the Panel's findings and to discuss and approve the Management Action Plan.