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INSPECTION PANEL INVESTIGATION REPORT

UNITED REPUBLIC OF TANZANIA

RESILIENT NATURAL RESOURCE MANAGEMENT FOR TOURISM AND GROWTH (P150523)

16 SEPTEMBER 2024

The Inspection Panel | THE WORLD BANK
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Executive Summary

Introduction

1. On June 20, 2023, the Inspection Panel (the "Panel") received a first Request for Inspection (the "First Request") related to the Bank-financed Tanzania: Resilient Natural Resource Management for Tourism and Growth Project (P150523) ("REGROW" or the "Project"). This First Request came from two individuals (the "Requesters") in the southern area of Tanzania's Ruaha National Park (RUNAPA or the "Park"). They authorized the Oakland Institute (the "Requesters' Advisor"), a US-based civil society organization, to provide them support and advice during the Panel process. The Requesters asked for confidentiality.

2. The First Request raised six types of harm that can be summarized into three principal categories – excessive use of force, failure to apply the Bank's Indigenous People Policy, and involuntary resettlement without the application of the Bank's resettlement instruments. The Panel registered the First Request on July 20, 2023. On August 18, 2023, Bank Management ("Management") submitted its Response (the "First Management Response" or the "First Response") to the First Request. Management believed the Requesters' rights or interests had not been nor will be directly or adversely affected by the alleged failure of the Bank to implement its policies and procedures to the Project.

3. In its Report and Recommendation to the First Request, the Panel determined that the Requesters and the Request for Inspection met the technical eligibility criteria set out in the Panel Resolution with respect to allegations of violence by one of the Project's implementing agencies, Tanzania National Parks (TANAPA), responsible for enforcing Park rules – these allegations included the forceful seizure of cattle in RUNAPA. The Panel recommended investigating the Bank's review and due diligence regarding TANAPA's capacity and processes and examining whether risks to communities had been identified in Project documents, appropriate mitigation measures had been put in place, and Bank supervision of the Project's implementing agencies was adequate.

4. At that same time, the Panel deemed the allegations concerning the application of the Indigenous Peoples Policy and Involuntary Resettlement Policy ineligible for investigation. The Panel saw no plausible link between the alleged loss of indigeneity of the affected people and the Project. Furthermore, the Panel noted that resettlement out of the Park would be decided after the issuance of a new Government Notice (GN) redefining the Park boundary. This GN was issued in October 2023 as GN-754, and it changed the RUNAPA boundary that had previously been based on GN-28 of December 2007.

5. On September 19, 2023, the Panel submitted its Report and Recommendation for an investigation to the Board of Executive Directors (the "Board"), which approved the recommendation on November 15, 2023. Subsequently, the Accountability Mechanism Secretary (AMS) offered the Requesters and the Borrower the opportunity to participate in dispute resolution. On December 11, 2023, the AMS informed the Board, the Panel, and Management that there was no agreement from both the Requesters and the Borrower to participate in dispute resolution. Pursuant to this notice, the Panel commenced its investigation into TANAPA's alleged excessive use of force.

6. On May 3, 2024, the Panel received a second Request for Inspection (the "Second Request") related to the Project. It claimed that evictions were imminent and negative impacts, including from "*cruel livelihood restrictions*", were occurring. After careful review, the Panel concluded that the Second Request raised new circumstances on the issue of resettlement – the issuance of GN-754 modifying the Park boundary – which had not been issued at the time of the Panel's original recommendation. On May 17, 2024, the Panel therefore recommended to the Board that the Panel investigate the allegation of involuntary resettlement raised in the Second Request by adding it to the ongoing investigation. In that recommendation, the Panel noted that on April 17, 2024, the Bank informed the Board that it had suspended the Project's disbursement, effective April 18, 2024, for non-compliance with Project safeguards, including resettlement.

7. Following Board approval of the Panel's recommendation to investigate the allegations of involuntary resettlement raised in the Second Request, the AMS offered dispute resolution to the Requesters and Borrower. On May 31, 2024, the AMS informed the Board, the Panel, and Management that there was no agreement to enter the dispute resolution process. The Panel therefore updated its earlier investigation plan and commenced investigating the additional issues raised in the Second Request.

8. On June 27, 2024, Bank Management submitted its Response to the Second Request (the "Second Management Response" or "Second Response"). In its Second Response, Management stated that it had reassessed the Requesters' allegations based on additional information obtained through more comprehensive visits to the field and consultations with the Government. The Second Response acknowledged weaknesses in Project design, preparation, implementation, and Bank supervision. It also adjusted the Bank's position, including correcting errors on key issues that were presented in the First Management Response. It outlined key risks that were underappreciated, even with available information, and acknowledged that appropriate mitigation measures had not been applied to manage these risks. The Second Response highlighted that Management had significantly increased its attention to the Project and was working with the Government and other stakeholders on specific measures "*relating to resettlement, livelihood restrictions and confrontations*."

The Project

9. The Project Development Objective (PDO) is "*to improve management of natural resources and tourism assets in priority areas of Southern Tanzania and to increase access to alternative livelihood activities for targeted communities*." The Project was conceptualized in 2014 and approved by the Board on September 28, 2017, for an amount of US$ 150 million equivalent International Development Association (IDA) credit.

10. The Project Appraisal Document (PAD) stated that Tanzania's economy depends significantly on its rich natural resources. It highlighted the importance of tourism, which largely focuses on biodiversity and wildlife-based experiences. According to the PAD, in 2015, tourism generated $4.8 billion in revenues – roughly 10 percent of GDP – and was the "*main contributor to foreign currency*." The PAD indicated that the country's most visited tourism destination – the "*Northern Circuit*" – is showing signs of stress as it reaches the limits of its carrying capacity,

adding that the development of the "*Southern Circuit*" is the most feasible way the Government can achieve its ambition to double tourist arrivals in the coming decade.

11. The Project covers four large, unique Protected Areas (PAs) located in the Southern Circuit: (i) RUNAPA, which, at the time of Project approval, was the largest National Park in East Africa, (ii) the Selous Game Reserve (SGR), (iii) Mikumi National Park (MINAPA), and (iv) the Udzungwa Mountains National Park (UMNP). In November 2019, a big part of SGR was transformed into a national park – the Nyerere National Park. Since then, all four PAs are national parks and are managed by TANAPA.

12. The Project comprises four components: First, to strengthen management and improve infrastructure in the priority parks. Second, to strengthen alternative livelihoods for targeted communities in proximity to the priority parks. Third, to strengthen landscape management and infrastructure investments in and upstream of RUNAPA. Fourth, to support Project management, institutional strengthening, quality assurance and control, and monitoring and evaluation. The issues raised in the two Requests pertain to all four components.

Requests for Inspection

13. The First Request alleged that the Project had not adhered to the World Bank's safeguard policies, thereby causing direct harm to project-affected communities. According to the Request, the Government of Tanzania (the "Government") publicly announced in October 2022 that five villages and 47 sub-villages will have their communities evicted and the villages' legal registrations cancelled, and that the Bank's involuntary resettlement instruments were not being applied. In addition, the Request claimed the Bank failed to trigger its Policy on Indigenous Peoples, which is causing irreparable harm to the identity, culture, and rights of Indigenous Peoples groups in the Project area. Furthermore, the Request alleged that access to grazing land in the Park was being restricted, at times by use of excessive force, and community members' cattle had been seized in large numbers, creating hardships for pastoralists and their livelihoods.

14. The Second Request reiterated the involuntary resettlement claims raised in the First Request. It claimed that evictions were imminent and negative impacts, including from "*cruel livelihood restrictions*", were occurring. The Second Request added that, on October 20, 2023, the Government issued GN-754 modifying the existing boundary of RUNAPA. It added that GN-754 left inside the Park at least 23 legally registered villages whose removal will mean evicting more than 21,000 people and causing serious harm. It stated that the escalating cattle and farm equipment seizures in the area indicated the eviction of households was "*imminent*." The Second Request also alleged that affected communities were not consulted, their consent was not sought on the boundary decision, and they have not been compensated.

The Management Responses

15. While recognizing the gravity of the allegations in the First Request, Management's First Response stated that conflicts between pastoralist communities and the Government's nature conservation efforts were longstanding, widespread, predated the Project, and occurred well

beyond the Project area. The First Management Response deemed the alleged cattle seizures by TANAPA rangers unrelated to the Project as these actions are governed by the laws of Tanzania.

16. In its First Response, Management stated that upon learning in April 2023 about alleged extrajudicial killings and other abuses, it immediately met with TANAPA and sent a team of social and environmental specialists to the "*Project sites*." Management's review found no connection between the alleged abuses and the Project, or that they resulted from Bank policy non-compliance. Management said the Bank nevertheless raised its concerns with the Government and requested that the alleged incidents be examined and addressed by the competent national authorities. Management added that a Government investigation to evaluate TANAPA rangers' conduct was underway. In addition, Management reported that it raised with the "*highest levels*" of Government the Requesters' concerns regarding reprisals and emphasized the absolute need to protect complainants, victims, and witnesses from any form of threat or intimidation.

17. Management's First Response stated that the Bank had complied with all policies and procedures applicable to the matters raised by the Request. Management believed that the Requesters' rights and interests had not been, nor would be, directly or adversely affected by the alleged failure of the Bank to implement its policies and procedures.

18. On June 27, 2024, Bank Management submitted its Second Response, which reassessed the Requesters' allegations and recognized certain weaknesses in Project design, implementation, and Bank supervision. Based on this reassessment, Management provided an "*adjustment*" to its position and corrected errors on key issues in the First Management Response due to inadequate consideration of Project risks. The Second Management Response also acknowledged that several opportunities to address the impacts of these risks during implementation were missed, even when brought to the Bank's attention.

19. The Second Response stated that three key risks – resettlement, law enforcement and conflicts, and livelihood restrictions – were underappreciated during Project preparation and supervision. The Second Management Response cited Management's narrow interpretation of the Project's scope – which focused on infrastructure and community support activities. Management specifically cited inadequate appreciation of TANAPA's law enforcement role and mandate, exclusion of villages from the Project's Process Framework, and failure to monitor the situation of villages susceptible to potential resettlement. The Second Response admitted there was no clear basis for the Bank to assume that resettlement of villages from RUNAPA was unlikely throughout the life of the Project.

20. The Second Response also acknowledged the reports of violence between TANAPA rangers and community members in RUNAPA. Management expressed deep concern about the serious nature of these reports, but it said many incidents could not be verified as the Project had not put in place adequate reporting systems. Although the First Management Response stated these violent incidents were not Project-related, the Second Response recognized that by enhancing TANAPA's capacity to enforce the law, Project Component 1 had increased the possibility of violent confrontations. In addition, Management's Second Response acknowledged that TANAPA's law enforcement mandate was insufficiently considered during Project preparation

and supervision, and that further due diligence of TANAPA's capacity to enforce Park rules should have been conducted so mitigation measures to manage risks could have been put in place.

21. In terms of livelihood restrictions, the Second Management Response recognized that the Project narrowly focused on livelihood support to selected beneficiary villages adjacent to the national parks under Component 2 of the Project. The Response also acknowledged that the Project inadequately considered the potential impacts of improved park management on the livelihoods of communities in and near the Park, particularly in relation to Park access.

22. In the conclusion of its Second Response, Management highlighted the "*next steps*" it and the Government are taking to address the Project shortcomings related to resettlement, law enforcement and conflicts, and livelihood restrictions. Management also outlined some "*preliminary lessons*" that it would apply to other, similar Bank projects.

Panel Observations – Project Scope and Involuntary Resettlement

23. **Project Scope**. The PAD stated that the "*project areas are the four priority PAs and their surroundings*." The Process Framework has a table that sets out the "*administrative coverage of REGROW priority PAs and the overlapping and bordering districts*." This includes the District of Mbarali. The Process Framework stated that the Project area of influence includes "*wards bordering or overlapping UMNP, MINAPA and RUNAPA, as well as the Northern photographic zone of Selous Game Reserve*." It also included a map of the parks and districts sampled for development. The Panel notes that some Bank staff were of the view that the Project area of influence was limited to areas surrounding the specific Project-supported infrastructure works.

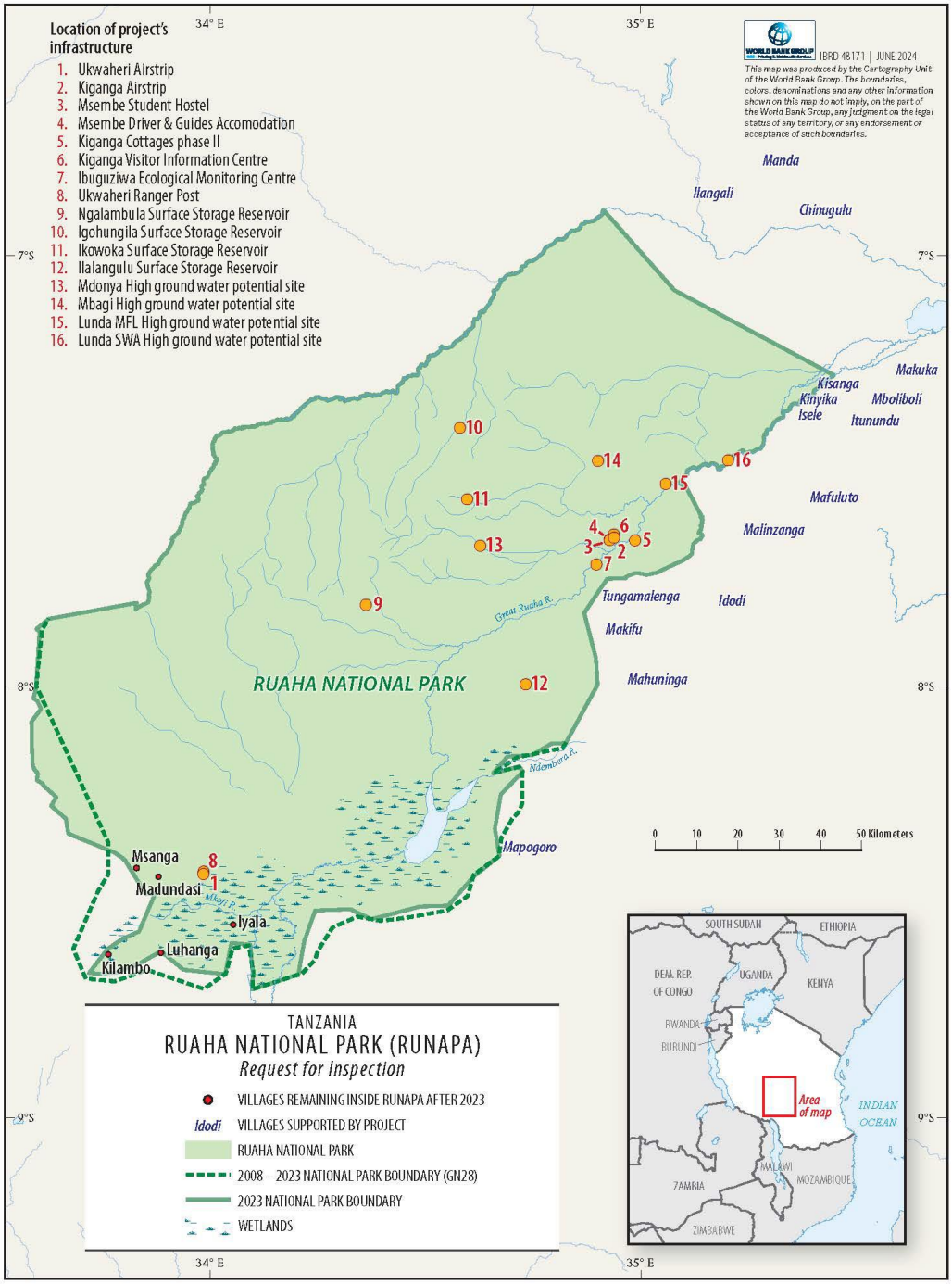
24. During Project preparation, a key priority was to initiate a process to improve land and water management in the Mbarali District by piloting cross-sectoral coordination, efficient farming and irrigation procedures, and conservation of upland water sources to demonstrate the benefits and methods for subsequent upscaling. The Panel observes Bank staff noted the early concept of the Project focused on watershed management of southern RUNAPA. Subsequently, the Project's focus moved away from watershed management and more towards park management, and consequently the Project rationale shifted from sustainable management of different land-uses, including agricultural and livelihood activities, towards increased tourism by controlling access to the Park.

25. The Panel further observes that the Project support of park management, including patrolling, was for all of RUNAPA and the other three national parks. However, the Panel notes that the Project team largely focused on a smaller geographical area – the specific infrastructure improvements and the strengthening of alternative livelihoods for targeted communities.

26. **Involuntary Resettlement of Villages**. The PAD stated that the Project was not intended to acquire land or implement any activity that would cause involuntary resettlement. The PAD stated, however, that an unknown number of people continued to reside in villages and sub-villages inside RUNAPA. The Panel observes that the ESMF stated that legacy boundary tensions between RUNAPA and the communities were detrimental for tourism development.

27. During the Panel's investigation visit in March 2024, TANAPA shared with the Panel a list of 33 villages in RUNAPA at the time GN-28 was issued (December 2007) and the five that remain within RUNAPA since the promulgation of GN-754 (October 2023) (see Map below). The Panel observes that Project documents lacked a list of villages within the GN-28 boundary of RUNAPA, and made no mention of the extent to which the communities in these villages and associated sub-villages sustained livelihoods using Park resources, especially grazing land.

Map of RUNAPA boundary change as a result of GN-754



28. The PAD specified that, in the "*unlikely event*" the Government initiates activities inside the priority PAs or with communities engaged in the Project, and these require involuntary resettlement, the Government would adopt the Bank's Policy on Involuntary Resettlement. Nevertheless, Bank staff told the Panel they had some concerns about potential involuntary resettlement from within the Park, and therefore the Bank required the Government prepare a Resettlement Policy Framework (RPF). In addition, according to Management, the Government on a voluntary basis agreed to follow the RPF in the event of any future resettlement in the Project area that is Government-sponsored but not Project-related. The RPF stated that if the Ministry of Natural Resources and Tourism (MNRT) "*decides to implement an activity in the priority PAs or in communities where REGROW is being implemented which would trigger OP 4.12, MNRT would prepare and implement a Resettlement Action Plan (RAP)*" and the RAP would be submitted to the Bank for review and clearance before implementation of any resettlement activities.

29. The PAD indicated that a Government Task Force "*not related or supported by the REGROW*" would assess households inside RUNAPA. Following that assessment, the Government will decide if households would remain in their current locations or whether additional resettlement would be necessary, particularly in areas where TANAPA must "*protect critical habitat where people currently reside*."

30. During its eligibility visit between August 21 and September 2, 2023, the Panel met with community members who said that in October 2022 the Minister of Lands, Housing and Human Settlement Development visited their area and announced that villages located inside RUNAPA would be relocated. They said a team from the district and regional authorities had followed the Minister's visit, marking certain houses and structures, and providing the house occupants with notifications of potential land acquisition and next steps according to national legislation. The Panel observes that since the promulgation of GN-754 some of these communities now appear to be outside the Park boundary.

31. The Second Response stated that, in May 2023, Management learned of the Government's initiation of asset identification processes within RUNAPA. Management acknowledged that it only responded to resettlement planning activities following the visit to the five villages in March 2024. It was then that Management suspended disbursement for the Project in light of noncompliance with the Financing Agreement's safeguard requirements, including resettlement procedures and compensation.

32. During the Panel's second investigation visit in July 2024, the Government stated that it will not resettle the five villages inside southern RUNAPA in the "*foreseeable future*." The Government told the Panel that community members faced no land-use restrictions and would continue to be provided with public services. However, the Government has yet to clarify to those residing inside RUNAPA, as per the Second Response, "*what economic activities they may or may not carry out within the limits of their villages and the Park*."

33. **Involuntary Resettlement based on Restriction of Access**. The RPF included a gap analysis of national legislation and the Bank's Involuntary Resettlement Policy. A finding of that analysis is that under Tanzanian law displaced persons cannot claim compensation payments as a result of restriction of access. The Panel notes that the Bank's Policy requires, for restriction of

access to legally designated parks that result in loss of livelihoods, that measures be designed to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them. The Panel considers this relevant to livelihood restrictions imposed on communities that have lived in and around the national parks for decades and have been impacted by TANAPA's increased capacity to patrol the Project area. The Panel observes that this also affects community members living adjacent to the Park who have maintained their livelihoods based on grazing livestock in and around the Park.

34. The ESMF stated that Project support would increase patrol activity and "*deter illegal activities including grazing, poaching and logging*." The Panel notes that the ESMF noted that pastoralists and farmers graze their livestock along RUNAPA's borders and commonly enter the Park from villages adjacent to RUNAPA "*due to the scarcity of productive grazing zones* […] *and the fact that allocated grazing areas are mostly barren and unproductive*."

35. The PAD emphasized that the Project is "*not designed to enforce existing boundaries or introduce new restriction of access to the PAs*" and that regulations on allowable activities across the Project PAs have been "*in place for many years – in some cases, for several decades*." The PAD recognized that the Project's support of improved park management may restrict access to the priority PAs, and identified this as a key social risk. However, it stated that this risk would only result in "*marginal*" adverse impacts on livelihoods. The Project prepared a Process Framework as a precautionary measure should the extent of "*surveillance activities*" by more ranger patrols "*marginally contribute to increasing existing restriction of access.*" The Panel learned from its interviews with Bank staff that communities, that are not in the priority villages under Component 2 but also rely on Park resources, were not considered. The Second Management Response acknowledged that many villages had not been covered by the Process Framework.

36. The Second Management Response stated that cattle grazing poses a significant conservation challenge and that TANAPA's cattle seizures were a major source of conflict insufficiently considered during Project preparation. Management stated in the Second Response that TANAPA has reported that large herds of cattle found illegally grazing in the Park have been seized in accordance with applicable law and kept in temporary pens awaiting court decision.

37. The Panel observes that, notwithstanding the legality of cattle seizures and the allegations of use of force, the Project failed to assess the impact of restriction of access and cattle seizures on the livelihoods of pastoralists. The Panel notes that there are earlier references in the public domain to denial of access to national parks and cattle seizures resulting in negative impact on livelihoods. The Panel observes that the Second Management Response stated that the Process Framework and the existing, Project-supported Grievance Redress Mechanism (GRM) will be updated and expanded to cover villages inside RUNAPA and affected communities adjacent to the Project-supported parks.

Panel findings on Project Scope and Involuntary Resettlement

38. The EA Policy requires evaluation of a project's potential impacts in its area of influence, which it defines to include areas used for livelihood activities (hunting, fishing, grazing, gathering, agriculture, etc.). **The Panel finds Management's definition of the Project area of influence to**

include the four park areas and their surroundings is in compliance with OP 4.01, Annex A, paragraph 6.

39. **The Panel finds that the Project documents did not adequately identify the extent of human settlement within the southern part of RUNAPA, i.e. all the villages in the Park as a result of GN-28 and GN-754. The Panel finds that the Project is not in compliance with OP 4.01, paragraph 3, for not sufficiently considering the social risks in the southern part of RUNAPA, including the risk of resettlement**. The Panel notes that in March and April 2024, Management visited some of the five villages to understand better the social risks facing them.

40. The Panel observes that project documents reported earlier efforts of resettling people out of RUNAPA based on GN-28, and that these had been discontinued. The Panel, therefore, observes that the Bank was aware of the legacy issues but did not gather sufficient information on the villages and sub-villages remaining within the Park and the livelihoods sustained by Park resources. Without such information, the Bank was unable to identify the extent of the livelihoods impacts resulting from enforcement of Park boundary.

41. The Panel observes that during project implementation there was evidence of resettlement planning for communities living in the Park. The Panel further observes that the Government and the Bank had agreed that any resettlement taking place in the Park during the life of the Project would comply with the Bank's Involuntary Resettlement Policy. The Panel notes that for non-Project related resettlement in the Project area the RPF was to be used on a voluntary basis for Government-sponsored involuntary resettlement activities. The Panel observes that in this case, and in the context of park management across RUNAPA, the application of the resettlement instruments is mandatory for all involuntary resettlement and/or loss of assets or access to assets and livelihoods within the Project area during the life of the Project, even if Project documents state that it is voluntary.

42. **The Panel finds that while a RPF was prepared for the Project, early resettlement activities were underway without its use or the application of other Bank Involuntary Resettlement Policy provisions relating to physical resettlement. The Panel finds this is not in compliance with OP 4.12, paragraph 3(a)**.

43. The Panel observes that although the Project included a Process Framework, until March 2024 Management did not identify that Project support to park management would increase the enforcement of restriction of access with implications for livestock grazing and other resource uses from within the Park. Moreover, the Project's Process Framework was not designed to cover the Project area in its entirety nor was it used to help mitigate negative impact on livelihoods. **The Panel finds that Management did not recognize that Project support of park management would invariably restrict access to legally designated parks, including the southern part of RUNAPA, and that this could result in adverse impacts on livelihoods linked to the Project. Thus, the Panel finds the Project is not in compliance with OP 4.12 paragraph 3(b)**.

Panel Observations – Park Management and Law Enforcement

44. In 1961, President Mwalimu Julius Nyerere set out the guiding philosophy of conservation of wildlife in what became known as the "*Arusha Manifesto*". In March 1994, the Tanzania National Parks National Policy Committee prepared "*National Policies for National Parks*", which prohibited all human settlement and any agricultural and grazing activities within national parks and reiterated TANAPA's role in park management.

45. Over the last 20 years, Tanzania's park management sector has received significant criticism for its approach to managing parks and related law enforcement. Several governmental, non-governmental, and academic reports in the public domain reviewed by the Panel document serious incidents allegedly committed by TANAPA rangers during their enforcement of wildlife conservation policies. The Panel notes that TANAPA, while armed, was not organized under paramilitary rules at the time of Project preparation but became a formal paramilitary force on November 17, 2018.

46. The two main documents prescribing how and when the rangers of law enforcement agencies are mandated to conserve wildlife and protected areas may use force are the Wildlife Conservation Act (WCA) and the Wildlife and Forest Conservation Services (WFCS) General Orders (GO).

47. The WCA permits rangers, under certain conditions, to use a firearm against another person who is alleged to have committed an offence and is escaping or resisting arrest. However, the Panel notes that it makes no reference to proportional use of force or self-defense, imminent threat of death or serious injury, or the perpetration of a particularly serious crime involving grave threat to life, or to arrest someone presenting such a danger. The Wildlife and Forest Conservation Services General Orders No. 27 (WFCS GO) covers all aspects of TANAPA's conducts as a paramilitary force and define how TANAPA protects national parks and conservation areas. The Panel observes that staff interviews indicated that Management did not review TANAPA's operating legal framework. The Panel views that a consideration of the WCA and the WFCS GO would have allowed the Bank to recognize that the implementing agency is permitted to use force even when not facing imminent threat or when its use is disproportionate to the level of threat (i.e., a use of "*excessive force*").

48. **Capacity Assessment of TANAPA**. The Panel notes that Bank staff recognized that TANAPA's capacity had been insufficiently assessed during Project preparation. The Panel found no evidence in Project documentation that TANAPA's law enforcement operation was reviewed. The Panel observes that little to no discussion occurred concerning TANAPA's adoption of a paramilitary system in November 2018. The Panel also observes that repeated allegations of use of excessive force during law enforcement activities could indicate weaknesses in an implementing agency's framework or general operation.

49. **TANAPA Law Enforcement and the Project**. As part of Component 1, the Project provided TANAPA rangers with 21 different types of equipment to strengthen their patrolling capacity in the Project area with a view to reducing or eliminating illegal activities. This provision of equipment to the Project included bush knives, which TANAPA officials explained are

normally used for preparing food, cutting small branches to make a fire, etc. The PAD noted that the patrolling equipment to be provided by the Project will "*not include weapons, firearms, or similar*."

50. According to TANAPA, rangers in the parks associated with REGROW must abide by the Project's Code of Conduct (CoC). The Panel observes that although the CoC prohibits TANAPA rangers from resorting to force "*except when used for preventive and defensive purposes*," the CoC also states that TANAPA rangers "*will act in consistence with the guidelines of the Wildlife and Forest Conservation Services (WFCS) General Orders (GO)*" which, as described above, clearly allows the use of excessive force.

51. TANAPA officials stated that, according to their reports, 50 rangers were killed and many more injured in conflicts between 2018 and 2024 countrywide. They said rangers are often attacked at night, and some described the conditions during patrols a "*battle they have to win*." Some officials stated a person's mere presence in a PA is considered poaching, if not authorized. The Panel inquired about TANAPA's arrest procedures. The risk of violence is particularly high when potential offenders outnumber the rangers on patrol. TANAPA officials told the Panel rangers cannot shoot fleeing potential offenders. The Panel observes, however, that the rules of engagement outlined in WFCS GO allow the shooting of potential offenders who are running away in certain circumstances.

52. Management's Second Response noted that the Process Framework developed for the Project should have anticipated conflicts relating to Park access and could have contained specific elements to support conflict mitigation. According to TANAPA officials, the GO includes requirements for incident reports, investigation and prosecution reports, human-wildlife conflict reports, seizure reports, and patrol reports. If an incident contains alleged human rights abuses or serious injuries, the police conduct an investigation. TANAPA said these reports are of a security nature and are not shared with Bank staff as this would be considered a breach of security protocols.

53. The Panel observes that, until the suspension of disbursement in April 2024, Management did not require regular reporting from TANAPA on its patrolling activities or specific incidents occurring on such patrols. The Panel notes that Management remained unaware of serious incidents in the Project area and related investigations, since it did not require TANAPA to report on incidents.

54. The Panel observes that TANAPA's field operations, including the potential use of excessive force during law enforcement patrols enforcing restrictions of access, were not assessed by the Bank. The Panel notes that, as the Project provided patrolling equipment and infrastructure to TANAPA who may use excessive force as part of their law enforcement activities under the WCA and GO, the Bank could have assessed in detail TANAPA's operational standards and procedures as well as its capacity and training to uphold such standards.

Panel Findings on Park Management and Law Enforcement

55. The Panel observes that, during Project preparation, background information on serious incidents committed by TANAPA prior to the Project and in relation to restriction of access was publicly available. The Panel also observes that the Project identified existing and ongoing conflicts in RUNAPA, principally related to Park boundary changes and restriction of access. Furthermore, in November 2018, TANAPA officially adopted a paramilitary system.

56. The Panel reviewed the capacity assessment of the Project's implementing agencies conducted by the MNRT which the Project used to deem TANAPA's capacity adequate. The Panel observes that this assessment did not evaluate TANAPA's mandate and legal framework, its law enforcement role for the management of national parks, and the implications of its activities on the health and safety of community members. The Panel also observes that the Project's lack of consideration of these aspects, especially as it was supporting patrolling with equipment, is a serious omission which led to no specific measures being identified to address potential weaknesses in TANAPA's capacity.

57. For these reasons **the Panel finds the Project is not in compliance with the IPF Policy, paragraph 5, which requires the Bank to assess the appropriateness of the needs and capacity of the borrower and any project implementation entity. The Panel also finds the Project is not in compliance with the Bank's Environmental Assessment Policy, OP 4.01, paragraph 3, which requires a project to take into account human health and safety and the institutional capabilities related to the environmental and social aspects**.

58. The Panel further observes that the Project provided equipment and infrastructure to improve TANAPA's ability to patrol RUNAPA and to combat illegal activities, including cattle grazing. Given the history of conflict in relation to the management of and the restriction of access to national parks and other PAs, the Panel also observes that TANAPA personnel would be expected to engage people in RUNAPA and there could be associated risks of serious incidents occurring. The Panel observes that no mitigation measures to manage this risk were included in Project documents.

59. The Panel observes that the Project did not adequately consider that several registered villages, with thousands of people whose livelihoods depend on resources located inside the Park boundary, live in and around RUNAPA. The Panel also observes that the Project did not adequately consider the implications of pre-existing conflicts over the use of Park resources. The Panel further observes that the Project did not consider that, by supporting TANAPA's patrolling capacity, it contributed to an increased risk of conflict as well as involuntary resettlement arising from restriction of access to legally designated parks. **Therefore, the Panel finds that Management did not adequately assess the Project risks in the Project area of influence as they relate to these observations, which increased the exposure of communities to the potential use of excessive force by TANAPA rangers. As such, the Panel finds the Project is not in compliance with IPF Policy, paragraph 4, which requires a project to take into account social considerations, and related risks. The Project is also not in compliance with the Environmental Assessment Policy, OP 4.01, paragraph 2, and the Involuntary Resettlement Policy, OP 4.12, paragraph 3(b)**, as analyzed in Chapter 2, above.

Panel Observations – Project Supervision

60. **Frequency of Supervision**. The Panel considers the frequency of the Bank Project team's supervision to have been adequate. The Bank undertook 16 missions (regular and interim) prior to submission of the First Request and three missions since then, for a total of 19 missions since Project approval in September 2017.

61. **Composition of Supervision Teams**. The Panel's review of the composition of supervision missions from approval to date shows that they theoretically included sufficient expertise to identify whether resettlement was taking place. However, the Panel concludes that expertise engaged during supervision of the Project was not commensurate to the risks and reported allegations specifically related to involuntary resettlement. Furthermore, in relation to the risks associated with the alleged use of excessive force by TANAPA rangers the Panel found no evidence indicating the inclusion of expertise in security and management of law enforcement. The Panel considers this omission to be of serious concern, particularly because the letter from the Requesters' Advisor informed Management of this issue as early as April 2023.

62. **Quality of Supervision**. The Panel observes that the supervision documents from when the Project was approved lack any information about resettlement. The Panel also observes that none of the alleged incidents were mentioned in supervision documents until the March 2024 mission. The Panel notes that Management acknowledged in the March 2024 Aide-Mémoire that it had not previously clarified to the Government that its reporting obligations extended to incidents inside the Project area.

63. On April 17, 2024, Management informed the Board that, effective the next day, the Bank suspended the Project due to non-compliance with the Financing Agreement's safeguards requirements – namely, resettlement procedures and compensation, and grievance monitoring and reporting. The April-May 2024 Aide-Mémoire noted that the Government and Bank Management had agreed on a series of actions for lifting the suspension of disbursement. The Panel observes that Management's suspension of disbursement was appropriate, however, it did not happen until April 2024. Furthermore, the Panel observes that the conditions Management has set for the lifting of suspension and the further actions agreed with the Government, may not fully address the shortcomings of this Project identified by the Panel's investigation.

Panel Findings on Project Supervision

64. The Panel observes that the Bank undertook regular, biannual supervision visits. In addition, the Bank conducted four interim missions that reported progress on environmental and social implementation performance. The Panel observes, however, that although social specialists were included on missions, they narrowly focused on the implementation of Component 2 in the priority villages outside the national parks. The Panel also observes that after the allegations of TANAPA's use of excessive force against community members were first made in April 2023 to Management, the composition of the Bank supervision team did not include relevant expert support. **The Panel finds the expertise engaged during supervision was not commensurate to the risks and reported allegations of involuntary resettlement and the use of excessive force until December 2023**. **The Panel also finds that before December 2023, Management**

supervision was insufficient and did not recognize that an involuntary resettlement process had been initiated. Management also did not identify or record the serious reports of excessive violence, including during cattle seizures related to restriction of access to legally designated parks and other incidents. The Panel finds this is not in compliance with Bank Policy on Investment Project Financing, paragraph 20.

65. The Panel observes that, following the March 2024 supervision mission, Management suspended the Project on April 18, 2024. **The Panel finds Management in compliance with the Bank's Policy on Investment Project Financing, paragraph 27 (December 2021), for having exercised the Bank's legal remedy by suspending disbursements of unwithdrawn amounts of the Bank Loan**. The Panel observes that while the intent of the suspension of disbursement is to bring the Project back into compliance with Bank policies, the Panel notes that the measures suggested to lift the suspension may not fully address the shortcomings of this Project identified by this investigation.

Conclusions

66. The Panel finds it worth reiterating that the Park now covers more than 20,000 km^2 – about the size of Rwanda. In the southern part of RUNAPA, opportunities for wildlife management and tourism are limited as much of the habitat is degraded. However, the villages and the surrounding agricultural areas located there compete for the use of water.

67. The Panel observed that, while the early Project concept focused on improving watershed management of the Greater Ruaha River in southern RUNAPA, during Project preparation the focus shifted towards park management. At the same time, watershed management has remained a critical issue as different interests continue to compete over the use of water resources. The Panel believes that, as Management's focus shifted from watershed management to park management, Management missed identifying the resettlement risks in the southern RUNAPA – physical and economic – associated with Tanzania's approach to park management and law enforcement.

68. The Panel draws three conclusions about the challenges the Bank has faced in applying its safeguard policies to the REGROW Project. The Panel's first conclusion is that the Bank failed to consider that support towards the enhancement of law enforcement in park management directly leads to restriction of access for local communities to resources in legally designated parks, which constitutes involuntary resettlement.

69. While the Project recognized that there were tensions and conflicts between the local population and Government authorities after southern RUNAPA becoming part of the Park in late 2007, the Project was designed and implemented without an understanding of the fundamental risk of resettlement faced by the villages within the Park, or the number of people who rely on livelihoods drawing on resources from within the Park. Although Management identified the tensions and conflicts in the southern RUNAPA and asked the Borrower to develop an RPF and a Process Framework, it could have analyzed in detail the nature of these tensions and conflicts and how these could impact Project delivery with the view to reconsider its design and develop appropriate mitigation measures.

70. The Panel believes Management's suspension of disbursement was appropriate. However, the conditions Management has placed for the lifting of the suspension and the further actions agreed with the Government do not fully address the shortcomings of this Project as identified by the Panel's investigation. These shortcomings include: (i) the physical resettlement of the five villages that is currently suspended for the "*foreseeable future*" and where the Panel believes this may still occur in the near future; (ii) continued restricted access to resources for livelihoods sustained by the Park; and, (iii) a continued engagement, including patrolling, by TANAPA while legally authorized by the GO to use excessive force.

71. The Panel's second conclusion is that Management failed to recognize the risk posed by the implementing agency, TANAPA, when carrying out park management activities using its legally mandated force. The Panel found that, despite having increased area patrolled as a Project performance indicator, Management did not consider in any detail the risks associated with patrolling until senior Management visited the area in March 2024. The Panel believes that, from a risk assessment perspective, the track record on use of force by an implementing agency should always be considered during Project preparation. Failure to do so leaves risks unmitigated. This is of particular concern to this Project as patrolling took place in areas where people live and depend on Park resources for their livelihoods, and where Park boundary-related conflicts were already well-known throughout the Project cycle.

72. The Panel noted that the Bank has drawn some preliminary lessons relating to law enforcement in the context of natural resource and park management, which are included as part of the Second Management Response:

- Bank-financed projects that focus on supporting improved management of protected areas, such as national parks, will often involve some level of support to law enforcement.
- When supporting such types of projects, the Bank should discuss security-related issues with the borrower.
- Information about security-related incidents from the project area should be received and reviewed by the Bank regularly to allow confirmation that the safeguard systems put in place are working.
- These types of projects require additional institutional assessments of the implementing entities, focusing on security risks.

73. It is unclear whether TANAPA rangers used one of the bush knives procured by the Project in the incident that occurred on May 6, 2023, in a village in the Mbarali District. However, it is clear there were critical failures of the Bank in the planning and supervision of this Project and that these have resulted in serious harm. In the development of the Project, Management could have required the consideration of international best practice (for example, the UN Basic Principles and the UN Code of Conduct) during its due diligence, and capacity and risk assessments. In addition, Management could have stipulated that law enforcement operations be conducted within internationally acceptable principles governing the use of force.

74. The Panel's third conclusion is that Management could have drawn on well-established practices on involuntary resettlement, had it recognized the risk of resettlement for those residing within RUNAPA and those whose livelihoods have been negatively affected by restricted access.

These practices are captured in the Panel's Emerging Lessons Series on Involuntary Resettlement and cover: (i) the accurate scoping of risks, which should be an ongoing and dynamic effort throughout project implementation and includes understanding legal frameworks and institutional capacity, (ii) participation and meaningful consultation with the affected people and adequate and timely disclosure of information, (iii) active supervision aimed at effectively identifying and resolving problems, which is necessary even when resettlement-related project documents meet policy requirements, and (iv) putting in place a grievance redress mechanism that is accessible, reliable, and transparent and that affected people feel is safe to use.

75. The Panel recognizes Management's efforts to address the Project's challenges since March 2024. The Panel hopes this investigation will allow the Bank to work with the Government to bring the Project into compliance, provide remedies to the communities harmed, and mitigate any potential, future, adverse impact. The Panel commends Management for starting to address the Project shortfalls identified in the Suspension of Disbursement letter. However, there are additional findings of non-compliance identified in this Report that will need to also be addressed to bring the Project into compliance and mitigate the harm resulting from non-compliance. The Panel anticipates this investigation will help the Bank learn further lessons that will be applied to similar Projects in the future.