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INSPECTION PANEL INVESTIGATION REPORT

UNITED REPUBLIC OF TANZANIA

RESILIENT NATURAL RESOURCE MANAGEMENT FOR TOURISM AND GROWTH (P150523)



16 SEPTEMBER 2024

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Abbreviations

AMS	Accountability Mechanism Secretary
CoC	Code of Conduct
DGO	District Game Officer
EA	Environmental Assessment
ESMF	Environment and Social Management Framework
GDP	Gross Domestic Product
GN	Government Notice
GO	General Orders
GRM	Grievance Redress Mechanism
IDA	International Development Association
IPF	Investment Project Financing
IWGIA	International Work Group for Indigenous Affairs
LEA	Law Enforcement Agency
MINAPA	Mikumi National Park
MLHSD	Minister of Lands, Housing and Human Settlement Development
MNRT	Ministry of Natural Resources and Tourism
NALO	National Anti-Livestock Operation
NNP	Nyerere National Park
PAD	Project Appraisal Document
PAs	Protected Areas
PCN	Project Concept Note
PDO	Project Development Objective
RAP	Resettlement Action Plan
REGROW	Resilient Natural Resource Management for Tourism and Growth
RPF	Resettlement Policy Framework
RUNAPA	Ruaha National Park
SGR	Selous Game Reserve
TANAPA	Tanzania National Parks
TAWA	Tanzania Wildlife Management Authority
UGR	Usangu Game Reserve
UMNP	Udzungwa Mountains National Park
USAID	United States Agency for International Development
VGS	Village Game Scouts
WCA	Wildlife Conservation Act
WFCS	Wildlife and Forest Conservation Services

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.

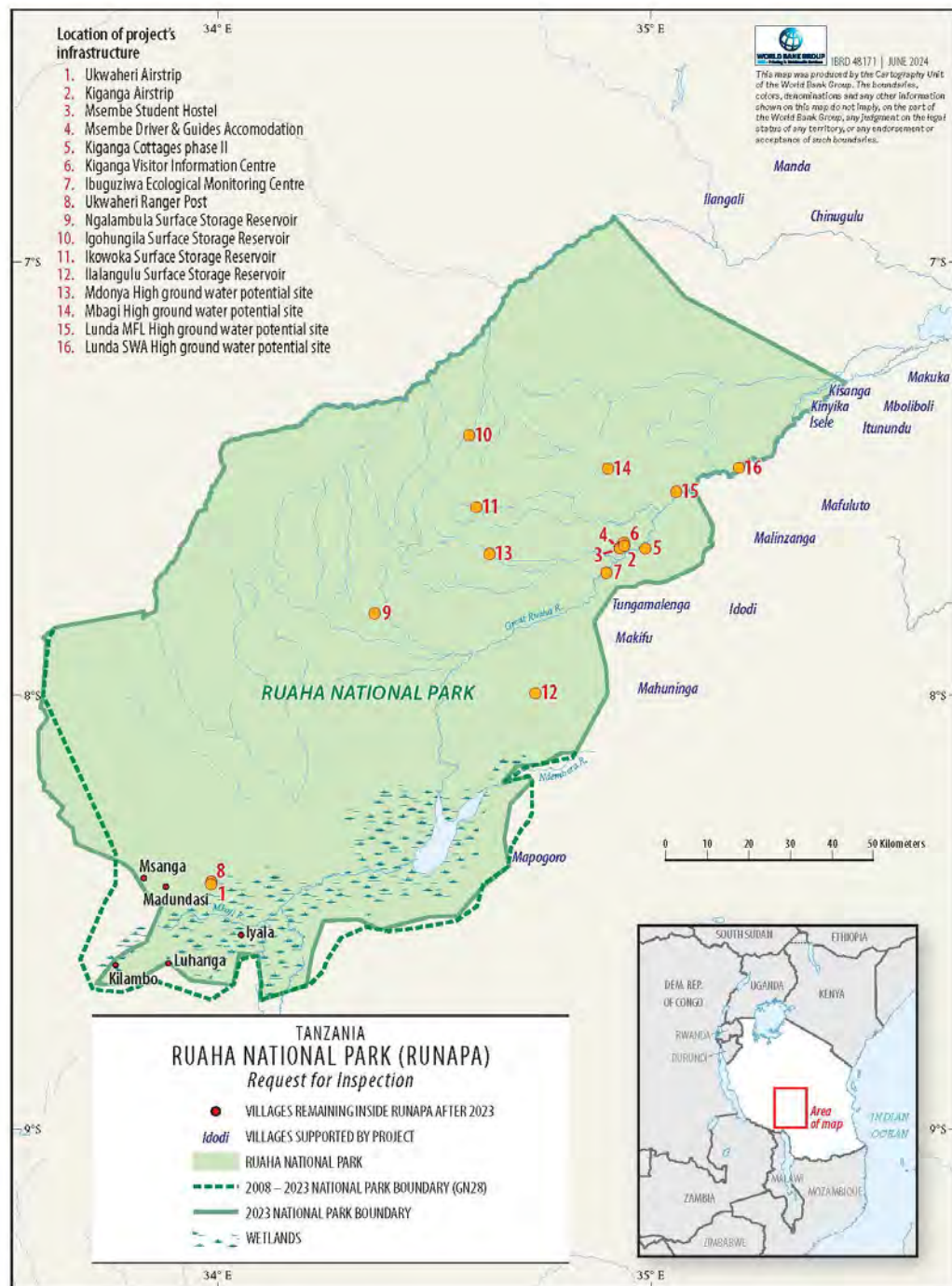
24. During Project preparation, a key priority was to initiate a process to improve land and water management in the Mbarali District by piloting cross-sectoral coordination, efficient farming and irrigation procedures, and conservation of upland water sources to demonstrate the benefits and methods 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 km² – 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.

Chapter 1 - Introduction

1.1. Background to the Panel Investigation

1. On June 20, 2023, the Inspection Panel (the “Panel”) received a first Request for Inspection (the “First Request”)¹ related to the Bank-financed Tanzania: Resilient Natural Resource Management for Tourism and Growth (P150523) (“REGROW” or the “Project”). The First Request was submitted by two individuals (the “Requesters”) in the southern area of Tanzania’s Ruaha National Park (RUNAPA or the “Park”), who asked the Panel to keep their identities confidential as they fear retaliation and reprisal for submitting the Request. They authorized the Oakland Institute (the “Requesters’ Advisors”), a US-based civil society organization, to provide them with support and advice throughout their engagement with the Panel process.

2. The First Request alleged that the Project had not followed the World Bank’s safeguard policies, thereby causing direct harm to project-affected communities. It described six issues of harm² that can be summarized in three principal categories. First, the Government of Tanzania (the “Government”) publicly announced on October 25, 2022 that five villages³ (see map below) and other 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. Second, 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 – including the Datoga, Maasai, and Sukuma – in the Project area. Third, 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, to the detriment of pastoralists and their livelihoods.⁴

3. The Panel registered the First Request on July 20, 2023.⁵ On August 18, 2023, Bank Management (“Management”) submitted its Response (the “First Management Response” or the “First Response”) to the First Request.⁶ In its First Response, Management stated that the Bank had complied with all relevant policies and procedures to the Project.⁷ Management believed the

¹ [First Request for Inspection](#) (June 20, 2023).

² The six types comprise: (i) loss of livelihood and economic displacement, including the “*confiscation*” of livestock and cattle, and non-compliance with the Bank’s Involuntary Resettlement Policy; (ii) potential for – and threats of – forced eviction; (iii) retaliation and violence against community members by TANAPA rangers; (iv) adverse impact on indigenous communities, including from the Project’s non-triggering of the Indigenous Peoples policy; (v) lack of meaningful consultation and insufficient disclosure of project information, and (vi) fear of intimidation and reprisals for submitting the Request.

³ Throughout this Report “five villages” refers to Luhanga, Madundasi, Masanga, Iyala, and Kilambo, all of which are in the southern portion of RUNAPA.

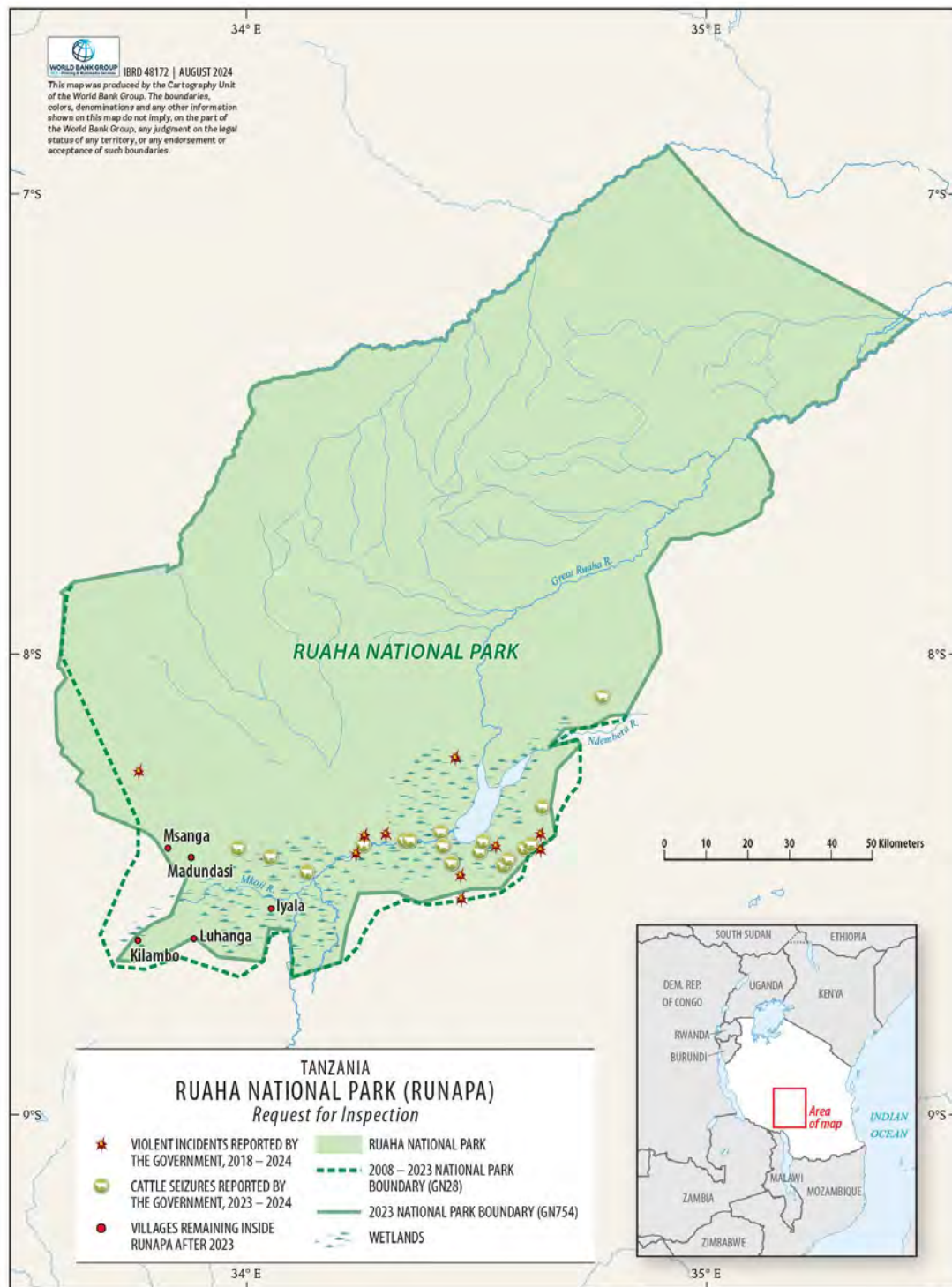
⁴ [First Request for Inspection](#) (June 20, 2023).

⁵ Inspection Panel (July 20, 2023), [Notice of Registration Request for Inspection Tanzania: Resilient Natural Resource Management for Tourism and Growth \(REGROW\) \(P150523\)](#).

⁶ The World Bank (August 18, 2023). [Management Response to Request for Inspection Panel Review of the Tanzania: Resilient Natural Resources Management for Tourism and Growth \(P150523\) \(“First Management Response”\)](#).

⁷ The World Bank (August 18, 2023). [First Management Response](#), p. 15, para. 41.

Requesters' rights or interests had not been, nor will be, directly or adversely affected by a failure of the Bank to implement its policies and procedures.⁸



⁸ The World Bank (August 18, 2023). [First Management Response](#), p. 15, para. 41.

4. On September 19, 2023, the Panel submitted its Report and Recommendation to the First Request. In that report the Panel recommended an investigation to the Board of Executive Directors (the “Board”),⁹ which approved the Panel’s investigation recommendation on November 15, 2023. In its Report and Recommendation, 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, which included the alleged forceful seizure of cattle in RUNAPA by Tanzania National Parks (TANAPA) – one of the Project’s lead implementing agencies responsible for enforcing Park rules.¹⁰ The Panel recommended an investigation into the Bank’s review and due diligence of the capacity and processes of TANAPA¹¹ and whether risks to communities were identified in Project documents and appropriate mitigation measures put in place, as well as whether the Bank’s supervision of the Project’s implementing agencies was adequate.

5. At the same time, the Panel deemed the other allegations in the First Request – those concerning the application of the Indigenous Peoples Policy and Involuntary Resettlement Policy – ineligible for investigation. The Panel considered that there is no plausible link between the alleged loss of the indigeneity of the affected people and the Project from not triggering the Indigenous Peoples Policy since the policy is not applicable in this situation. 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 following GN-28, which extended the boundary of the Park on December 15, 2007.

6. Following Board approval of the Panel’s recommendation to investigate, 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 pursue dispute resolution.¹² Pursuant to this notice, the Panel commenced its investigation into TANAPA’s alleged excessive use of force and posted its Investigation Plan on its website on December 14, 2023.

7. On May 3, 2024, the Panel received a second Request for Inspection (the “Second Request”) related to the Project. It reiterated the involuntary resettlement claims raised in the First Request, and claimed that evictions were imminent and negative impacts – including from “*cruel livelihood restrictions*” were occurring. The Second Request added that GN-754, issued on October 20, 2023, modified the existing boundary and 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 about to take place. The Second Request also alleged that affected

⁹ Inspection Panel (September 19, 2023). [Report and Recommendation on a Request for Inspection Tanzania: Resilient Natural Resources Management for Tourism and Growth \(P150523\)](#).

¹⁰ Inspection Panel (July 20, 2023), [Report and Recommendation on a Request for Inspection Tanzania: Resilient Natural Resources Management for Tourism and Growth \(P150523\)](#), p. 20, para. 82.

¹¹ Inspection Panel (July 20, 2023), [Report and Recommendation on a Request for Inspection Tanzania: Resilient Natural Resources Management for Tourism and Growth \(P150523\)](#), p. 20, para. 82.

¹² Accountability Mechanism (December 11, 2023). [Notice – No Agreement to Pursue Dispute Resolution – Tanzania: Resilient Natural Resource Management for Tourism and Growth Project \(P150523\)](#).

communities were not consulted, their consent was not sought on the boundary decision, and they have not been compensated.¹³

8. After careful review, the Panel concluded that the Second Request raised new circumstances on the issue of resettlement – the issuance of a new Government Notice, GN-754, modifying the Park boundary – which had not yet occurred 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 allegations of involuntary resettlement raised in the Second Request by adding these to the ongoing investigation.¹⁴ 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. The Panel had already deemed the Requesters eligible in its September 19, 2023, Report and Recommendation.

9. Following Board approval, on May 24, 2024, 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 the 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 investigation plan¹⁵ and commenced investigating the additional issues raised in the Second Request. The Panel provided Management with the Second Request for a response within 21 business days.

10. 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.¹⁶ It also adjusted Bank’s position, including correcting errors on key issues that were presented in the First Management Response.¹⁷ 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.*”¹⁸

¹³ Second Request for Inspection (May 3, 2024). See Annex 2.

¹⁴ Inspection Panel (May 17, 2024). [Memorandum to the Executive Directors and Alternates of the IDA Inspection Panel Second Request for Inspection Tanzania: Resilient Natural Resources Management for Tourism and Growth \(P150523\)](#).

¹⁵ Inspection Panel (issued December 14, 2023, updated May 31, 2024). [Investigation Plan](#).

¹⁶ The World Bank (June 27, 2024), Management Response to the Second Request for Investigation Review of the Tanzania: Resilient Natural Resources Management for Tourism and Growth (P150523) (“Second Management Response”), p. 5, para. 12. See Annex 3.

¹⁷ Second Management Response, 5, para. 12. See Annex 3.

¹⁸ Second Management Response, p. 22, para. 73. See Annex 3.

1.2. The Project

11. 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.”¹⁹ 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. The Project was originally scheduled to close on September 28, 2023, but was restructured on September 28, 2021, extending its closing date to February 28, 2025.²⁰

12. The lead Project implementing agencies are the Ministry of Natural Resources and Tourism (MNRT) and TANAPA.²¹ The Project was assigned Environmental Risk Assessment Category B, and it triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Forests (OP/BP 4.36), Pest Management (OP 4.09), Physical Cultural Resources (OP/BP 4.11), and Involuntary Resettlement (OP/BP 4.12).²²

13. The Project Appraisal Document (PAD) stated that Tanzania’s economy depends significantly on its rich natural resources.²³ The PAD highlights the importance of the tourism industry, which largely focuses on biodiversity and wildlife-based experiences. In 2015, tourism generated \$4.8 billion in revenues – roughly 10 percent of GDP – and is the “*main contributor to foreign currency*.”²⁴ The PAD added that 70 percent of the population live in rural areas and depend for their livelihoods on natural resources in the form of food, fuel, and fodder. The PAD considers that, given the linkages between natural resources, livelihoods, and poverty, strong management and stewardship of natural resources is paramount for maintaining economic growth and making it more inclusive.²⁵

14. The PAD stated that annual tourist numbers have more than doubled – from about 500,000 in 2000 to more than 1.13 million international visitors in 2015.²⁶ It described the sector as a reliable and resilient source of Government revenue that provides well-compensated, direct employment to more than 400,000 people.²⁷ It 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,²⁸ adding that the development of the “*Southern Circuit*” is the most feasible

¹⁹ The World Bank (September 7, 2017), [Project Appraisal Document International Development Association Project Appraisal Document on a Proposed Credit in the Amount of SDR 106,600,000 \(US\\$ 150.00 Million Equivalent\) to the United Republic of Tanzania for a Resilient Natural Resource Management for Tourism and Growth Project \(“PAD”\)](#), p. 7, para. 19. The World Bank (September 7, 2017). [Project Appraisal Document \(PAD\)](#), p. 7, para. 19.

²⁰ The World Bank. [Tanzania: Resilient Natural Resource Management for Tourism and Growth – Key Details](#).

²¹ The Project’s implementing entities also include the Tanzania Wildlife Research Institute, the Tanzania Tourist Board, the Tanzania Forest Service, the National Irrigation Commission, and the Rufiji Basin Water Board.

²² [PAD](#), p. 23, para. 77.

²³ [PAD](#), p. 1, para. 3.

²⁴ [PAD](#), p. 1, para. 3.

²⁵ [PAD](#), p. 1, para. 3.

²⁶ [PAD](#), p. 1, para. 4.

²⁷ [PAD](#), p. 1, para. 4.

²⁸ [PAD](#), p. 2, para. 7.

way the Government can achieve its ambition to double tourist arrivals in the coming decade.²⁹ The PAD considered that the natural resource base and geography of Southern Tanzania – the area of focus for this Project – presents a unique opportunity to contribute to the goals of the Government in what is a “*largely neglected, yet high potential, part of the country.*”³⁰

15. 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 Nyerere National Park (NNP, formally part of the Selous Game Reserve),³¹ (iii) Mikumi National Park (MINAPA), and (iv) the Udzungwa Mountains National Park (UMNP).³² The four PAs covered by the Project are national parks and are managed by TANAPA.³³

16. The PAD noted that the Great Ruaha River sub-basin, partly located within RUNAPA, illustrates some of the challenges the Government faces in its multisector planning due to several, often conflicting, water uses.³⁴ According to the PAD, the sub-basin is of national importance for rice production, for maintaining the Ihefu wetland and ecosystems of the Usangu Plains, for meeting the ecological needs of RUNAPA, and for feeding the Mtera and Kidatu dams (responsible for around 42 percent of the country’s total, installed hydropower). The PAD added that the Great Ruaha River also supplies water to millions of people along its path to the Rufiji River and delta.³⁵

17. The Project comprises four components and issues raised in the Requests pertain to all four components:³⁶

- ***Component 1 – Strengthen management and improve infrastructure in priority Protected Areas.*** This includes enhancing the management and sustainability of natural resources in four priority parks of Southern Tanzania through infrastructure investments, policy, regulatory support, and capacity and skills development.
- ***Component 2 – Strengthen alternative livelihoods for targeted communities in proximity to the priority Protected Areas.*** This provides access to improved economic opportunities to enhance livelihoods, reduce vulnerability to climate shocks, and reduce pressure on natural resources and wildlife.
- ***Component 3 – Strengthen landscape management and infrastructure investments in and upstream of RUNAPA.*** This focuses on short-term infrastructure measures to restore dry

²⁹ PAD, p. 2, para. 8.

³⁰ PAD, p. 1, para. 3.

³¹ The World Bank, [Restructuring Paper of Tanzania: Resilient Natural Resources Management for Tourism and Growth](#), p. 4, para 1. The Selous Game Reserve (SGR) was in the original design of this Project. In November 2019, much of SGR was transformed into the Nyerere National Park (NNP). This reduced SGR from 50,000 km² to 16,971 km² (38 percent of its original size), with the remaining 30,893 km² (62 percent of its original size) becoming the new NNP now under TANAPA management. NNP is now the largest national park in Africa.

³² PAD, p. 3, para. 9.

³³ The investigation report uses “PAs” and “national parks” interchangeably. The Project was designed when one of the PAs was a game reserve and not a national park.

³⁴ PAD, p. 5, Box 1.

³⁵ PAD, p. 5, Box 1.

³⁶ PAD, pp. 8-11.

season flows in the Great Ruaha River, considered critical for continued and expanded tourism in RUNAPA.

- **Component 4 – Project management, institutional strengthening, quality assurance and control, and monitoring and evaluation.** This finances supplemental support for Project execution.

1.3. Requests for Inspection

18. This subsection elaborates the allegations – in the two Requests – under investigation. The First Request was annexed to the [Panel’s Report and Recommendation](#). The Second Request is attached to this report as Annex 2.

19. **The First Request.** The First Request, submitted on June 20, 2023, stated that during the implementation of the project, communities living in RUNAPA “*have been pressured to leave their ancestral land.*” This Request claimed that on October 25, 2022, the Minister of Lands, Housing and Human Settlement Development announced that five villages and an additional 47 sub-villages will be evicted and will have their legal registration cancelled. The First Request alleged that no free, prior, and informed consultations had been conducted with the affected communities regarding these actions and that the Project had not taken the “*steps required by the World Bank*” including “*meaningful consultations with affected communities and [...] preparation [of] the Resettlement Action Plan (RAP).*” The First Request claimed this alleged omission “*could cause significant harm due to physical and economic displacement of the affected communities. The forced evictions, which were planned under severe retaliation threats, have created a sense of constant fear and are likely to inflict considerable harm to the affected community members.*” The First Request alleged that the Bank’s decision “*not to uphold the requirement*” of preparing a RAP is a “*blatant violation*” of its own safeguard policies.³⁷

20. The First Request also alleged that Government agencies and TANAPA rangers have seized cattle, sometimes violently, from local communities and either required the owners to pay large fines for their return or sell the cattle at auction. According to the Request, the seizure of cattle has severely affected the communities’ livelihood as pastoralists and forced them to find alternative livelihoods or leave the area.³⁸

21. The First Request stated that the Project provides direct material, policy, and institutional support to TANAPA for managing RUNAPA, including equipment used for patrols. It alleged that TANAPA rangers have practiced “*extreme cruelty*” while seizing cattle from pastoralists, have committed “*extrajudicial killings,*” and have caused the “*disappearance*” of community members. It added that the risks of “*severe retaliation threats have created a sense of constant fear among the community members.*”³⁹ The Request contended that TANAPA’s alleged abuses “*cannot be ignored merely by claiming that the project did not finance its weapons given [that] it does provide other important material support to those responsible for the abuses.*”⁴⁰

³⁷ [First Request for Inspection](#) (June 20, 2023).

³⁸ [First Request for Inspection](#), p. 2, Box 1.

³⁹ [First Request for Inspection](#), p. 2, Box 1.

⁴⁰ [First Request for Inspection](#), p. 4, Box 5.

22. The First Request described several incidents of alleged violence by Park rangers against community members. One such incident allegedly occurred in southern RUNAPA (May 6, 2023) when a helicopter carrying six armed TANAPA rangers “*made a surprise landing in [... a] village in the Mbarali district of Tanzania. Three Maasai women were brutally assaulted by the rangers,*” who burned a “*bush knife*” and beat them with it.⁴¹ In another alleged incident TANAPA rangers severely beat a pastoralist who objected to having his cattle seized. A separate time a pastoralist allegedly suffered a large cut on his head and required hospitalization. A Sukuma pastoralist alleged he was assaulted and tortured by rangers, and had his cattle seized. The Request also mentioned an incident in which RUNAPA rangers allegedly “*shot and killed*” a fisher and two herders (April 23, 2021).⁴²

23. The First Request stated that the Requesters have an “*extreme retaliation and reprisal fear* [sic] *for filing this complaint to the Inspection Panel.*”⁴³ They claimed no local civil society group or individual would represent them in the Panel process due to “*extreme fear of reprisals.*”⁴⁴

24. **The Second Request.** The Second Request, submitted on May 3, 2024, reiterated the involuntary resettlement claims raised in the First Request, adding that evictions from villages inside RUNAPA were imminent and that negative impacts will result from “*cruel livelihood restrictions.*”⁴⁵

25. The Second Request stated that GN-754, issued on October 20, 2023, modified the existing RUNAPA boundary, and included at least 23 legally registered villages forcing the eviction of more than 21,000 people. It claimed the escalating cattle and farm equipment seizures indicated household evictions were “*imminent.*” The Second Request added that GN-754 will seriously harm the impacted villages and alleged that the affected communities were not consulted, their consent was not sought on the boundary decision, and they have not been compensated.

1.4. The Management Responses

26. This subsection elaborates the two Management Responses received, respectively, on August 18, 2023, and June 27, 2024. The Second Management Response provided “*an adjustment of the Bank’s position, including correction of errors on some key issues*”⁴⁶ presented in the First Management Response. In its Second Response, the Bank acknowledged that the Project had certain weaknesses in design, implementation, and Bank supervision.⁴⁷ The First Management Response was annexed to the [Panel’s Report and Recommendation](#). The Second Management Response is attached to this report as Annex 3.

27. **Management Response to the First Request.** While recognizing the serious nature 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,

⁴¹ [First Request for Inspection](#), pp. 1 and 2, Box 1.

⁴² [First Request for Inspection](#), p. 1, Box 1.

⁴³ [First Request for Inspection](#), p. 5, Box 7.

⁴⁴ [First Request for Inspection](#), p. 5, Question No. 9.

⁴⁵ Second Request for Inspection. See Annex 2.

⁴⁶ Second Management Response, p. v, para. i. See Annex 3.

⁴⁷ Second Management Response, p. v, para. i. See Annex 3.

widespread, predated the Project, and occurred well beyond the Project area.⁴⁸ Management stated that during the design of the Project it was aware of such conflicts and the desire of pastoralist communities to settle and graze within Protected Areas, “*which the Government prohibited by law.*”⁴⁹

28. The First Management Response stated that the alleged cattle seizures by TANAPA rangers were unrelated to the Project as they are governed by the laws of Tanzania – in particular the Wildlife Conservation Act of 2009, which forbids livestock grazing in national parks and allows rangers to seize cattle in specific circumstances.⁵⁰ The First Response contended that the Project was designed to enhance park management, had not contributed to the issuance of regulations permitting an aggressive approach to infractions, and had not funded equipment that would encourage such an approach.⁵¹ Rather, according to Management, the Project had developed a Process Framework to help mitigate the occurrence and severity of conflicts, and to ease the tensions between TANAPA and the communities near the Park.⁵²

29. In its First Response, Management stated that upon learning from the Requesters’ Advisors in April 2023 about alleged extrajudicial killings and other abuses, it immediately met TANAPA and sent a team of social and environmental specialists to the Project sites.⁵³ Management’s review found no connection between the alleged abuses and the Project, or that these had resulted from Bank policy non-compliance.⁵⁴ Management added that the Bank was “*not responsible for the harms alleged, nor in a position to review or ascertain the veracity of the claims raised in the Request,*”⁵⁵ but it had nevertheless raised its concerns with the Government through official communications and requested that the alleged incidents be reviewed and addressed by the competent national authorities.⁵⁶ Management added that a Government investigation to evaluate TANAPA rangers’ conduct was underway.⁵⁷

30. The First Management Response stated that “*the Project does not require or support the physical relocation of communities.*” The Response noted that a Resettlement Policy Framework (RPF) had been prepared “*as a precautionary measure in the unlikely event*” resettlement would become necessary for Project construction activities. Management noted that the Government agreed the RPF would be applied to resettlement activities “*unsupported by the Project if such a resettlement occurred in the same geographical area as the Project*” and the Government would prepare a related Resettlement Action Plan (RAP) for Bank review. Management’s First Response also noted Management was not aware of communities having been resettled from the Project area since commencement of the Project, or of any specific plans for resettlement.⁵⁸

⁴⁸ [First Management Response](#), p. vi, para. vii.

⁴⁹ [First Management Response](#), p. vi, para. vii.

⁵⁰ [First Management Response](#), pp. 11 and 12, para. 31.

⁵¹ [First Management Response](#), p. 11, para. 30.

⁵² [First Management Response](#), p. 7, para. 15.

⁵³ [First Management Response](#), p. 11, para. 28.

⁵⁴ [First Management Response](#), p. 11, para. 28.

⁵⁵ [First Management Response](#), p. 8, para. 18.

⁵⁶ [First Management Response](#), p. 8, para. 18.

⁵⁷ [First Management Response](#), p. 11, para. 29.

⁵⁸ [First Management Response](#), p. 9, para. 25.

31. In the First Response, Management reported that it raised with the “*highest levels*” of Government the Requesters’ concern regarding reprisals and emphasized the absolute need to protect complainants, victims, and witnesses from any form of threat, intimidation, or reprisal.⁵⁹ The Bank has requested the Government to remind the Project’s implementing agencies and their partners the World Bank’s commitments against reprisals.⁶⁰ Management reiterated that the Bank tolerates no reprisals or retaliation against those who offer views on Bank-financed projects.⁶¹

32. In conclusion, Management’s Response to the First Request stated that the Bank had complied with all policies and procedures applicable to the matters raised by the Request.⁶² 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.⁶³

33. **The Second Management Response.** 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 some key issues that were presented in the First Management Response.⁶⁴ 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.⁶⁵

34. The Second Response stated that three key risks – resettlement, law enforcement and conflicts, and livelihood restrictions – were underappreciated during Project preparation and supervision.⁶⁶ The Second Management Response cited Management’s narrow interpretation of the Project’s scope – which focused on infrastructure and community support activities.⁶⁷ 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 Management Response acknowledged that potential resettlement risks “*should have been more seriously considered*,” allowing the Bank to discuss and oversee the implementation of appropriate measures with the Government.⁶⁸

35. The Second Response stated there was no clear basis for the Bank to assume during Project preparation and implementation that resettlement of villages from RUNAPA was unlikely throughout the life of the Project.⁶⁹ Management acknowledged that villages inside RUNAPA’s boundaries were not visited during Project preparation,⁷⁰ nor were plans regarding their

⁵⁹ [First Management Response](#), Annex 1 – Claims and Responses, p. 31, Table item No. 19.

⁶⁰ The World Bank (March 2020). [World Bank Commitments Against Reprisals](#).

⁶¹ [First Management Response](#), p. 14, para. 39.

⁶² [First Management Response](#), p. 15, para. 41, and pp. ix-x, para. xx.

⁶³ [First Management Response](#), p. 15, para. 41, and pp. ix-x, para. xx.

⁶⁴ Second Management Response, p. 5, para. 12. See Annex 3.

⁶⁵ Second Management Response, p. 21, para. 71. See Annex 3.

⁶⁶ Second Management Response, p. 5, para. 15. See Annex 3.

⁶⁷ Second Management Response, p. 6, para. 16. See Annex 3.

⁶⁸ Second Management Response, p. 6, para. 16. See Annex 3.

⁶⁹ Second Management Response, p. 7, para. 23. See Annex 3.

⁷⁰ Second Management Response, p. 8, para. 25. See Annex 3.

resettlement monitored during Bank supervision.⁷¹ The Second Response acknowledged that not until March 2024 did a Bank team visit one village and the sub-village of another inside RUNAPA.⁷²

36. The Second Response also acknowledged the reports of violence between TANAPA rangers and community members in RUNAPA.⁷³ Management expressed deep concern about the serious nature of these reports, but said many incidents could not be verified as the Project had not put in place adequate reporting systems. The Response also acknowledged the Government's criminal investigations and judicial processes.⁷⁴

37. 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.⁷⁵ 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.⁷⁶ The Second Response stated that “[h]ad the Project design better reflected the contextual conflict dimension and TANAPA's law enforcement mandate, a more systematic approach to review and mitigate the ensuing risks could have been put in place.”⁷⁷

38. 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.⁷⁸ The Response also acknowledged that the Project did not fully consider the potential impacts of improved park management on the livelihoods of communities in and near the Park, particularly in relation to Park access.⁷⁹

39. 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.⁸⁰

1.5. Focus and Design of the Investigation

40. In line with the May 31, 2024, Investigation Plan, the Panel focused on questions relating to (i) Project design and Bank due diligence on the potential risk of Involuntary Resettlement, (ii) Bank due diligence on TANAPA's operating procedures, processes, and capacity to ensure that law enforcement is not affecting the safety of community members, and that force used was

⁷¹ Second Management Response, p. vi, para. viii. See Annex 3.

⁷² Second Management Response, p. 10, para. 30. See Annex 3.

⁷³ Second Management Response, p. 5, para. 14. See Annex 3.

⁷⁴ Second Management Response, p. 5, para. 14. See Annex 3.

⁷⁵ Second Management Response, p. 6, para. 18. See Annex 3.

⁷⁶ Second Management Response, pp. 6 and 12, paras. 18 and 36. See Annex 3.

⁷⁷ Second Management Response, p. 15, para. 45. See Annex 3.

⁷⁸ Second Management Response, p. 16, para. 49. See Annex 3.

⁷⁹ Second Management Response, p. 15, paras. 48. See Annex 3.

⁸⁰ Second Management Response, pp. 20-21, para. 70. See Annex 3.

proportionate to the threat encountered, and (iii) Bank supervision of Project implementation.⁸¹ The Panel reviewed Project-related documents and considered actions taken by the Bank since receipt of the Request.

41. The Panel’s investigation team was led by Panel Chairperson Mark Goldsmith (Lead Inspector) and included Panel Members Ibrahim Pam and (now former Panel Member) Ramanie Kunanayagam until the end of her term (April 7, 2024) at which time Dr. Evelyn Dietsche became a Panel Member and joined the investigation team. They were supported by Senior Operations Officer Serge Selwan, Senior Environmental Specialist Richard Wyness, Research Analysts Rupes Dalai and Dion Romano, and three consultants: Dr. Cathryn MacCallum – expert on social risks and mitigation associated with natural resource governance including community relations, rural livelihoods, and gender issues; Mr. Marc Forget – expert on security and human rights, and Mr. William “Bongo” Woodley – expert on operational processes of paramilitary forces, and national park management (see biographies in Annex 4, below).

42. The investigation was conducted in two phases. During phase one, the Panel extensively examined relevant documentation and held individual interviews with Bank staff. The Panel then made a factfinding visit to Tanzania (March 18-30, 2024), to assess the First Request allegations eligible for investigation. During phase two, following the Board’s approval of the Panel’s recommendation regarding the Second Request, another round of examining documents and interviewing Bank staff took place, and a second factfinding visit to Tanzania was carried out (July 23-26, 2024).

43. During its investigation visits, the Panel team met with officials from the Ministry of Finance, Ministry of Natural Resources and Tourism, Ministry of Lands, Housing and Human Settlement Development, TANAPA, and Mbarali District Authorities, and with officials and instructors at the College of African Wildlife Management at Mweka. The Panel team also met with Bank staff at the Country Office. While the Panel met with the Requesters during its eligibility visit, they asked the Panel not to meet them during the investigation visits due to their fear of reprisals. The Panel nevertheless maintained virtual contact with the Requesters and their Advisor during the Panel process, including the investigation period.

44. The Panel team is grateful to all who shared their views and information. The Panel also thanks the staff of the World Bank’s Country Office in Dar es Salaam for assisting with logistical arrangements, and Bank Management and the Project team for providing information and updates.

45. This Report assesses whether the Bank complied with the following Operational Policies and Procedures:

- Environmental Assessment Policy (OP/BP 4.01),
- Involuntary Resettlement Policy (OP/BP 4.12), and
- Project Investment Finance Policy and its Directive.

⁸¹ Inspection Panel (December 2023), [Tanzania: Resilient Natural Resource Management for Tourism and Growth \(PI50523\) Investigation Plan \(issued on December 14, 2023, updated on May 31, 2024\)](#).

1.6. Report Structure

46. This Report explains the allegations and issues raised in the Requests, the Bank's response to each, and the Panel's analyses and findings. It is structured as follows:

- Chapter 1 (this chapter) described the Panel process, the Project, and its components, summarized the Requests for Inspection and the related Management Responses, and outlined the Panel's investigation methodology.
- Chapter 2 examines the context of the risk of involuntary resettlement and presents the Panel's observations on the Bank's assessment and understanding of the two aspects of alleged resettlement in relation to the Project – i.e., the physical resettlement of villages from within the Park, and restrictions of access to the Park and its impact on livelihoods, with a focus on the southern area of RUNAPA. It includes the Panel's findings on the alleged harm and related noncompliance.
- Chapter 3 includes relevant background information on TANAPA and its alleged use of excessive force. It considers TANAPA's organization and legal framework in the context of good, international practice of law enforcement. It describes the Bank's review and identification of risks related to TANAPA's capacity and park management operations. It includes the Panel's findings on the alleged harm and related noncompliance.
- Chapter 4 examines Management's supervision of the Project and the specific actions it took in response to the concerns raised in the Requests, focusing on the technical expertise made available and quality of supervision. It includes the Panel's findings on the alleged harm and related noncompliance.
- Chapter 5 presents the Panel's high-level observations from this investigation and the wider lessons to be learned.

Chapter 2 – Project Scope and Involuntary Resettlement

2.1. Introduction

47. This chapter examines the Bank assessment of the risk of resettlement of people living in and around the priority national parks, with a focus on the southern area of RUNAPA. It summarizes the main issues raised in the Requests, the Management Responses to them, and the relevant policy provisions. It provides background on the resettlement risks, with a focus on the Project area of influence. It describes the Panel’s observations on Project design and involuntary resettlement, both resulting from land take and from restriction of access, and states the Panel’s findings.

2.2. The Requests

48. The First Request alleged that “communities living near RUNAPA have been pressured to leave their ancestral land, through the threat of forced evictions, as well as extrajudicial killing, and livelihood restrictions.”⁸² It claimed these actions were inextricably linked to the Project and have been carried out by the Government “to force communities away from the area to expand RUNAPA’s boundaries.”⁸³

49. The First Request stated that, in October 2022, five villages and an additional 47 sub-villages were publicly notified they will be evicted, and that these villages would be delisted.⁸⁴ It stated that the Borrower had not followed World Bank policy and that no Resettlement Action Plan, subject to World Bank review and clearance, was prepared as required by the RPF.⁸⁵ The First Request alleged that Government agencies “have been seizing cattle in large numbers”⁸⁶ and “have forced pastoralists to find alternative livelihoods and leave the area entirely.”⁸⁷

50. The Second Request was submitted after the issuance of GN-754 (which changed the boundary of and reduced the area of RUNAPA in comparison with GN-28). It alleged that the modified Park boundary “will now encompass at least 23 legally registered villages forcing the eviction of over 21,000 people.”⁸⁸ This Request also alleged that affected people were not consulted on the GN-754 decision and have not been compensated.

2.3. The Management Responses

51. The First Management Response stated that the “Project does not require or support the physical relocation of communities” and that any physical displacement within RUNAPA would fall “outside the REGROW Project.”⁸⁹ Management also stated it was not aware of communities having been resettled from the Project area since commencement of the Project or of any specific

⁸² [First Request for Inspection](#), p. 1.

⁸³ [First Request for Inspection](#), p. 1.

⁸⁴ [First Request for Inspection](#), p. 1.

⁸⁵ [First Request for Inspection](#), p. 3.

⁸⁶ [First Request for Inspection](#), p. 2, Box 1, number 3.

⁸⁷ [First Request for Inspection](#), p. 2, Box 1, number 3.

⁸⁸ Second Request for Inspection. See Annex 2.

⁸⁹ [First Management Response](#), p. 9, para. 25.

plans for resettlement. Management added that a RPF had been prepared as a precautionary measure to be used in the “*unlikely event*” that resettlement would become necessary for construction activities under the Project. The First Response stated that the Government agreed with the Bank that the RPF would apply to resettlement activities unsupported by the Project if they were “*in the same geographical area as the Project.*”⁹⁰ Management stated that application of the RPF would trigger the need for a RAP for the Bank’s review.⁹¹

52. The Second Response stated that, based on additional information gathered through field visits and further consultation with the Government, Management adjusted its position concerning the resettlement of villages remaining within the new boundaries of RUNAPA. It acknowledged that the Bank was aware of registered villages within RUNAPA at the time of Project preparation and there was no reason to assume that resettlement was “*unlikely*” during the lifetime of the Project.⁹² It also noted that “*during preparation none of the villages completely inside the Park was visited.*”⁹³ The Second Response acknowledged that the communities that “*found themselves included inside RUNAPA*” as a result of GN-28 were at risk of resettlement and that Management failed to monitor and seriously consider their situation.⁹⁴

53. The Second Response acknowledged that Management failed to take prompt action when it learned from both the Requesters’ Advisor and MNRT as early as April 2023 about resettlement planning activities for five villages inside RUNAPA.⁹⁵ The Response stated that Management should have sought clarification from the Government and visited the five villages sooner.⁹⁶ It noted that the Project reminded the Government of their legal obligation to follow the Project RPF on three separate occasions – August and December 2023, and March 2024 – but it was not until a visit by Bank Management to the villages in March 2024 that the Bank saw evidence that resettlement planning had commenced. The Second Response states that the Government confirmed that “*a process of identification of assets in affected villages had begun.*” The Second Response noted that, at that time, the Government had not applied the RPF provisions to this process as required under the Financing Agreement.⁹⁷ In light of this, the Bank suspended disbursements under the Project as of April 18, 2024.⁹⁸

54. However, the Second Management Response also stated that the Government confirmed to Management in June 2024 that “*no resettlement from RUNAPA is currently planned for the foreseeable future, and that all resettlement activities have been stopped, including stock-taking, marking and valuation.*”⁹⁹ The Response added that the Government stated that “*no communities have been physically resettled so far*” and that “*if any resettlement were to occur in future, the Government would ensure that the RPF is adhered to.*”¹⁰⁰ The Government further committed to

⁹⁰ [First Management Response](#), p. 9, para. 25.

⁹¹ [First Management Response](#), p. 9, para. 25.

⁹² Second Management Response, p. 7, para. 23. See Annex 3.

⁹³ Second Management Response, p. 8, para. 25. See Annex 3.

⁹⁴ Second Management Response, p. 6, para. 15. See Annex 3.

⁹⁵ Second Management Response, p. 10, para. 28. See Annex 3.

⁹⁶ Second Management Response, p. 8, para. 26. See Annex 3.

⁹⁷ Second Management Response, p. 10, para. 30. See Annex 3.

⁹⁸ Second Management Response, p. 10, para. 31. See Annex 3.

⁹⁹ Second Management Response, p. 12, para. 35. See Annex 3.

¹⁰⁰ Second Management Response, p. 11, para. 33. See Annex 3.

*“publicly communicate its decision not to resettle to the residents inside RUNAPA, while clarifying what economic activities they may or may not carry out within the limits of their villages and the Park.”*¹⁰¹

55. Regarding livelihood restrictions, the Second Management Response stated that analysis during Project preparation indicated Project-supported measures could curtail the livelihood activities of communities who have relied on *“grazing cattle and fishing in and around the national parks for decades”*¹⁰² and that *“by focusing selectively on some Project areas, the Bank did not consider the potential impacts of improved park management on the livelihoods of all communities in and around the Project-supported parks.”*¹⁰³ According to Management, efforts to assess the situation focused on a subset of communities surrounding RUNAPA based on criteria that included whether they presented *“hot spots”* for poaching. The Response stated that support under Project Component 2 was limited to these communities, as was the Process Framework and the Grievance Redress Mechanism (GRM). It also noted that the Process Framework *“was silent on how enforcement activities could restrict communities’ livelihoods and potentially exacerbate tensions in all villages.”*¹⁰⁴

2.4. The Policies

56. The applicable policies include the Bank’s Environmental Assessment (EA) Policy (OP/BP 4.01) and its Involuntary Resettlement Policy (OP/BP 4.12). The EA Policy requires the Bank to consider the country’s overall policy framework, national legislation, and institutional capabilities related to the environment and social aspects.¹⁰⁵ This policy describes EA as a process where the breadth, depth, and type of analysis to be conducted depends on the nature, scale, and potential environmental impact in the Project’s area of influence. The definition of project area of influence includes *“areas used for livelihood activities (hunting, fishing, grazing, gathering, agriculture, etc.) or religious or ceremonial purposes of a customary nature.”*¹⁰⁶

57. The Bank’s Involuntary Resettlement Policy recognizes that, if unmitigated, involuntary resettlement can give rise to several economic, social, and environmental risks,¹⁰⁷ and can cause severe, long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.¹⁰⁸

58. The Involuntary Resettlement Policy covers the involuntary taking of land resulting in (i) relocation or loss of shelter, (ii) loss of assets or access thereto, or (iii) loss of income sources or means of livelihood, irrespective of whether the affected persons must resettle.¹⁰⁹ It also covers

¹⁰¹ Second Management Response, p. 12, para. 35. See Annex 3.

¹⁰² Second Management Response, p. 15, para. 48. See Annex 3.

¹⁰³ Second Management Response, p. 15, para. 48. See Annex 3.

¹⁰⁴ Second Management Response, p. 16, para. 51. See Annex 3.

¹⁰⁵ The World Bank (January 1999), [OP 4.01 Environmental Assessment](#), para. 3.

¹⁰⁶ The World Bank (January 1999), [OP 4.01 Environmental Assessment](#), Annex A, para. 6.

¹⁰⁷ The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 1.

¹⁰⁸ The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 2.

¹⁰⁹ The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 3(a).

the restriction of access to legally designated parks and protected areas resulting in adverse impacts on livelihoods of the displaced persons.¹¹⁰

59. To address the impact of resettlement resulting from the involuntary taking of land, the Borrower must prepare resettlement documents.¹¹¹ For involuntary resettlement resulting from restriction of access to legally designated parks and protected areas, the policy requires the Borrower to prepare a Process Framework.¹¹²

2.5. Panel Observations on Project Scope

60. Under the Project Development Objective (PDO) “*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*,”¹¹³ four priority PAs were selected for this Project.¹¹⁴ According to the PAD, these PAs face several challenges to develop sustainably the Southern Circuit to its full potential. These include limited infrastructure, insufficient linkages between tourism and development, poor management of upstream water resources, and climate change.¹¹⁵

61. The PAD stated that the “*project areas are the four priority PAs and their surroundings*.”¹¹⁶ 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.¹¹⁷ 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*.”¹¹⁸ It also included a map of the Priority Protected Areas and Districts sampled for development.¹¹⁹ The Panel notes that some Bank staff on the Project were of the view that the Project area of influence was limited to areas surrounding the specific infrastructure works supported by the Project.

62. The Panel notes that the PAD recognized the success of the tourism industry in the Northern Circuit, and Bank staff confirmed that Component 1 was conceived to increase tourism in the Tanzania Southern Circuit without compromising the natural asset base that attracts visitors. This would simultaneously reduce pressure on Tanzania’s most visited tourist destinations in the Northern Circuit. According to interviewed staff, to achieve this Component 1 was designed to address the limited infrastructure that inhibits the attractiveness and accessibility of the Southern Circuit and to strengthen the management of the four priority parks “*to significantly increase*

¹¹⁰ The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 3(b).

¹¹¹ The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 6.

¹¹² The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 7.

¹¹³ [PAD](#), p. 7, para. 19.

¹¹⁴ [PAD](#), p. 3, para. 9. The four PAs are RUNAPA, the Nyerere National Park, the Mikumi National Park, and the Udzungwa Mountains National Park.

¹¹⁵ [PAD](#), pp. 3 and 4, para. 11.

¹¹⁶ [PAD](#), Annex 3: Implementation Arrangements, p. 59, para. 13.

¹¹⁷ [Resettlement Policy Framework](#), p. 3, table 2.1.

¹¹⁸ The World Bank (2017), [Process Framework \(PF\)](#), p. 2, Figure 1.1.

¹¹⁹ [Process Framework](#), p. 2, Figure 1.1.

conservation efforts and protection of wildlife.”¹²⁰ The activities carried out under Component 1, including providing patrolling and monitoring equipment, were expected to limit illegal activities and boost tourism in the Southern Circuit.

63. Component 2 was designed to address insufficient linkages between tourism and development and aims to offer targeted communities living near the PAs alternative livelihoods around the tourism industry.¹²¹ The Project recognized that despite the success of tourism, in the Northern Circuit, the local communities in proximity to PAs were some of the poorest in the country.¹²² Hence, the PAD noted that, in relation to Component 2, *“improved benefit-sharing instruments for local communities need to be reinforced”* and that *“sustainable and successful tourism development would need to rely on stronger connections with local economic activities.”*¹²³ According to the PAD, during Project preparation the Bank estimated as many as 300,000 inhabitants were *“living around the boundaries”* of the four Project PAs.¹²⁴ The Panel understands from Project documents and Bank staff interviews that Component 2 was conceived as the Project’s social component, to be implemented in *“priority villages”* adjacent to the four PAs where tourism potential was deemed highest and which are considered hotspots for illegal activities.

64. The criteria for selecting *“priority villages”* included whether villages (i) have already contributed village land and/or are otherwise engaged in Wildlife Management Areas, and other biodiversity and wildlife conservation initiatives, (ii) are hotspots for illegal activities, (iii) have high potential for conservation-friendly, livelihood activities, and (iv) have existing tourism attractions and facilities.¹²⁵ The process led to the targeting of 61 priority villages adjacent to but not located in the national parks. The Panel observes that the villages and sub-villages located within the southern boundary of RUNAPA were not considered for Component 2.

65. Component 3 was designed to improve management of water resources upstream of RUNAPA where formal and informal irrigation and associated encroachment of the Usangu Plains has led to water shortages inside RUNAPA. The emphasis was on short-term, infrastructure measures and the mitigation of climate change impacts, aligning all activities with the Rufiji Integrated Water Resources Management and Development Plan and the recommendations of the Government task force for the Great Ruaha River.¹²⁶

66. During Project preparation, staff noted that the Project’s first priority was finding structural solutions in RUNAPA to improve water availability during the dry season. The second 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

¹²⁰ PAD, p. 4, para. 11.

¹²¹ PAD, Annex 2: Detailed Project Description, p. 48, para. 16.

¹²² PAD, Annex 2: Detailed Project Description, p. 47, para. 12.

¹²³ PAD, p. 4, para. 11.

¹²⁴ PAD, p. 9, para. 28.

¹²⁵ Cardno Emerging Markets (June 20, 2017). Provision of Consultancy Services on Locally-Based Tourism Product Development and Socio-Economic Assessment of Communities Adjacent to Selected Protected Areas in Southern Tanzania. A report submitted to the Ministry of Natural Resources and Tourism and the World Bank.

¹²⁶ PAD, p. 10, para. 13.

upland water sources to demonstrate the benefits and methods for subsequent upscaling.¹²⁷ The PAD repeated the focus on watershed management by indicating that poor management of water resources upstream of RUNAPA led to water scarcity inside the Park. It added that the expansion of formal and informal irrigation schemes degraded the watershed's ecosystem services, and that it reduced the Great Ruaha River to a seasonal watercourse. It mentioned that tradeoffs in water use would require integrated planning and management of users at the watershed, landscape, and ecosystem levels.¹²⁸

67. The Panel observes, however, that the Project's focus moved away from watershed management and more towards park management. 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. The Panel believes this change resulted in the Project paying little attention to the villages within the Park and the livelihoods sustained by Park resources.

68. The Panel observes that the Project defined its area of influence as the four priority national parks and adjacent villages supported by Component 2. The Second Management Response recognized that Component 1 of the Project enhanced TANAPA's capacity to "*enforce existing park rules, and that such enforcement can sometimes involve violent confrontations between rangers and community members. Because of this connection, the Bank should have conducted further due diligence on TANAPA's capacity and activities to enforce park rules.*"¹²⁹ The Panel also observes that the Project's support for improving park management, including patrolling, was for all of RUNAPA and the other three national parks. However, based on staff interviews, the Panel notes that during Project implementation the Project team largely focused on a smaller geographical area – limited to specific infrastructure improvements within the national parks and the strengthening of alternative livelihoods for targeted communities adjacent to the four parks.

2.6. Panel Observations on Involuntary Resettlement

69. This section first provides contextual information related to resettlement risks linked to national parks in Tanzania. It then covers the Panel's observations on the involuntary resettlement of villages as well as the Panel's observations on the involuntary resettlement based on restriction of access.

2.6.1. Resettlement Risks to Communities

70. The contextual information below covers the country's land tenure system and its approach to park management.

71. **Land Tenure System.** Tanzania's land tenure system is based on the 1995 National Land Policy¹³⁰ which stipulates that "*all land in Tanzania is public land vested in the President as trustee*

¹²⁷ Aide-Mémoire – Preparation Mission (June 7-17, 2016).

¹²⁸ PAD, p. 4, para. 11.

¹²⁹ Second Management Response, p. 6, para. 18. See Annex 3.

¹³⁰ The United Republic of Tanzania (1995). [National Land Policy](#).

on behalf of all citizens.”¹³¹ In consequence, national laws and regulations provide land-users with “occupancy rights” rather than private property rights.¹³² The Land Act (1999) defines three categories of land governed and managed by different authorities:¹³³

- *Village land* is around 70 percent of all Tanzanian land, on which about 80 percent of the population live.¹³⁴ This land is governed by the Village Land Act,¹³⁵ under which local government and village authorities manage individual and communal user rights. The overseeing authority is the President’s Office – Regional Administration and Local Government.¹³⁶ Village land is crucial for rural communities and includes communal grazing areas.
- *Reserved land* is about 28 percent of all Tanzanian land. According to the Land Act, reserved land is set aside for special purposes, including all areas set aside for environmental and conservation. These areas encompass different types of Protected Areas (PAs), especially national parks, game and forest reserves, marine reserves, and wildlife conservation areas.¹³⁷ Many of these were established in the colonial era and augmented after the country gained independence in 1961.¹³⁸ In addition, reserved land also includes beaches, highways, land reserved for public utilities, and hazardous land. Reserved land is administered under different legislation and managed by different governmental authorities, including MNRT.
- *General land* is all land not classified as either village land or reserved land. It covers about two percent of all Tanzanian land.¹³⁹ This category holds economic importance because it includes urban land and large-scale agricultural projects under leasehold tenure, and it supports about 20 percent of the population.¹⁴⁰ General land is administered on behalf of the President by the Commissioner of Land who sits within Ministry of Lands, Housing, and Human Settlement Development (MLHSD).

72. **Approach to park management.** Under the National Park Act (2002) the President of Tanzania can issue Government Notices (GNs) to redraw the boundaries of national parks.¹⁴¹ The Panel observes that this prerogative was exercised through GN-28 (December 15, 2007) and GN-754 (October 20, 2023) and has resulted in villages and associated village land falling within the

¹³¹ The United Republic of Tanzania (1995). [National Land Policy](#), p. 9, para. 4.1.1(a).

¹³² Mramba S. J (2018). [Chapter 6: Land Rights and the Law in Tanzania: Institutional Issues and Challenges](#). Tanzania Institutional Diagnostic. Economic and Development Institutions. WPI8/TID06, p. 3.

¹³³ The United Republic of Tanzania. [Land Act \(1999\)](#).

¹³⁴ Mramba S. J (2018). [Chapter 6: Land Rights and the Law in Tanzania: Institutional Issues and Challenges](#). Tanzania Institutional Diagnostic. Economic and Development Institutions. WPI8/TID06, p. 8.

¹³⁵ The United Republic of Tanzania. [Village Land Act \(1999\)](#).

¹³⁶ Formerly, the Ministry of Regional and Local Government (MRLG).

¹³⁷ Mramba S. J (2018). [Chapter 6: Land Rights and the Law in Tanzania: Institutional Issues and Challenges](#). Tanzania Institutional Diagnostic. Economic and Development Institutions. WPI8/TID06, p. 3.

¹³⁸ Mramba S. J (2018). [Chapter 6: Land Rights and the Law in Tanzania: Institutional Issues and Challenges](#). Tanzania Institutional Diagnostic. Economic and Development Institutions. WPI8/TID06, pp. 5 and 6.

¹³⁹ Mramba S. J (2018). [Chapter 6: Land Rights and the Law in Tanzania: Institutional Issues and Challenges](#). Tanzania Institutional Diagnostic. Economic and Development Institutions. WPI8/TID06, p. 3.

¹⁴⁰ Mramba S. J (2018). [Chapter 6: Land Rights and the Law in Tanzania: Institutional Issues and Challenges](#). Tanzania Institutional Diagnostic. Economic and Development Institutions. WPI8/TID06, p. 8.

¹⁴¹ The United Republic of Tanzania (July 2002). [National Park Act](#), para. 4.

boundaries of RUNAPA. For the villages and the communities that have sustained their livelihoods based on resources located within the redrawn park boundaries, the boundary changes have meant that they have faced a resettlement risk. This is because, according to the National Park Act, it is illegal for people to live in or enter national parks for their livelihoods except under and in accordance with a permit.¹⁴² Specifically, the Act states that “*it shall not be lawful for any person other than—(a) the Trustees, and the officers and servants of the Trustees; or (b) a public officer on duty within the national park and his servants, to enter or be within a national park except under and in accordance with a permit in that behalf issued under regulations made under this Act. (2) Any person who contravenes the provisions of this section commits an offence against this Act.*”¹⁴³

73. Tanzania’s approach to park management, as stipulated in the National Park Act, has not only posed a resettlement risk to the villages that have found themselves within Park boundaries as a result of GN-28 and GN-754. It has also impacted pastoralists whose livelihoods have depended on accessing grazing land and other resources in the areas that are part of the southern RUNAPA. The Panel notes that the guiding philosophy to park management is rooted in the Arusha Manifesto of 1961 (see Chapter 3).¹⁴⁴

74. The Panel observes that, according to the International Working Group on Indigenous Affairs (IWGIA), some of the country’s 125 different ethnic communities are pastoralists who move with their livestock between different geographic areas and climatic zones, including on a seasonal basis.¹⁴⁵ These communities include the Maasai and Barabaig (also known as Datoga) who are estimated to number about 500,000 people across Tanzania. These groups have been recognised as vulnerable due to the risk of restrictions they face when accessing national parks and other PAs.¹⁴⁶ Tensions and conflicts concerning the pastoralist practices of these groups have been well documented across the country for decades.¹⁴⁷

75. In context of this Project and with the promulgation of GN-754 in the southern part of RUNAPA, the five villages (and sub-villages) that remain in the Park face a physical resettlement risk. In addition, pastoralists and other community members, who have been drawing on resources to sustain their livelihoods in the southern part of RUNAPA, have been facing a resettlement risk in the form of restriction of access to a legally designated park.

2.6.2. Involuntary Resettlement of Villages

76. The PAD stated that the Project was not intended to acquire land or implement any activity that would cause involuntary resettlement.¹⁴⁸ The PAD noted that the RUNAPA boundary, as defined by GN-28 on December 15, 2007, initiated an incomplete resettlement process which began relocating households from the villages in the Park because “*the laws of Tanzania do not*

¹⁴² The United Republic of Tanzania (July 2002). [National Park Act](#), para. 6.

¹⁴³ The United Republic of Tanzania (July 2002). [National Park Act](#), para. 21.

¹⁴⁴ [Tanzania National Park](#), “The Arusha Manifesto”

¹⁴⁵ IFAD/IWGIA (2022), [Country Technical Notes on Indigenous Peoples’ Issues](#), p. 8.

¹⁴⁶ IFAD/IWGIA (2022), [Country Technical Notes on Indigenous Peoples’ Issues](#), Summary, p. 4.

¹⁴⁷ IFAD/IWGIA (2022), [Country Technical Notes on Indigenous Peoples’ Issues](#).

¹⁴⁸ [PAD](#), p. 17, para. 53.

allow for people to live within national parks.”¹⁴⁹ The PAD noted that this led to conflict and nearly 2,000 complaints were lodged about the implementation of the Government resettlement process. This resulted in the Government halting resettlement.¹⁵⁰ The PAD stated that an unknown number of people still resided in villages and sub-villages inside RUNAPA.¹⁵¹

77. The ESMF stated that consultation in the Mbarali District in 2017 raised concerns about the “*removal of villages [...] reportedly without involvement of respective communities*” and that this created negativity, misperception and confusion by communities towards the Government and TANAPA, which residents regard “*as a foreign firm that partners with the government on grabbing peoples land [...] in the name of ‘conservation’.*”¹⁵² The Panel observes that the ESMF stated that the boundary tensions between RUNAPA and the communities are detrimental for tourism development and these conflicts needed to be addressed to avoid further conflicts “*in favor of conservation.*”¹⁵³

78. 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 2 below).¹⁵⁴ 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.

79. The PAD specified that, in the “*unlikely event*”¹⁵⁵ 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.¹⁵⁶ The PAD stated that if land acquisition was needed under the Project, the Project would work with local district authorities and communities to identify vacant land to mitigate negative impacts on individuals and households.¹⁵⁷ During the investigation, the Panel noted that local district authorities see themselves at the forefront of planning and implementing resettlement activities in accordance with national laws and regulations, such as the Land Acquisition Act.¹⁵⁸

80. The Panel notes that the PAD considered Project-related involuntary resettlement to be unlikely.¹⁵⁹ Nevertheless, Bank staff told the Panel they had some concerns about potential involuntary resettlement from within the Park, and therefore the Bank required that the Government prepare a RPF.¹⁶⁰ This was also highlighted in the First Management Response, which stated that the RPF was prepared “*as a precautionary measure in the unlikely event*” that

¹⁴⁹ [PAD](#), p. 73, para. 65.

¹⁵⁰ [PAD](#), p. 73, para. 66.

¹⁵¹ [PAD](#), p. 73, para. 67.

¹⁵² The World Bank (2017), [Environmental and Social Management Framework \(ESMF\)](#), p. 58, para. 235.

¹⁵³ [ESMF](#), p. 214, para. 272.

¹⁵⁴ The following villages remain in RUNAPA: Luhanga, Madundasi, Msanga, Iyala, and Kilambo.

¹⁵⁵ [PAD](#), p. 17, para. 53(g).

¹⁵⁶ [PAD](#), p. 17, para. 53(g).

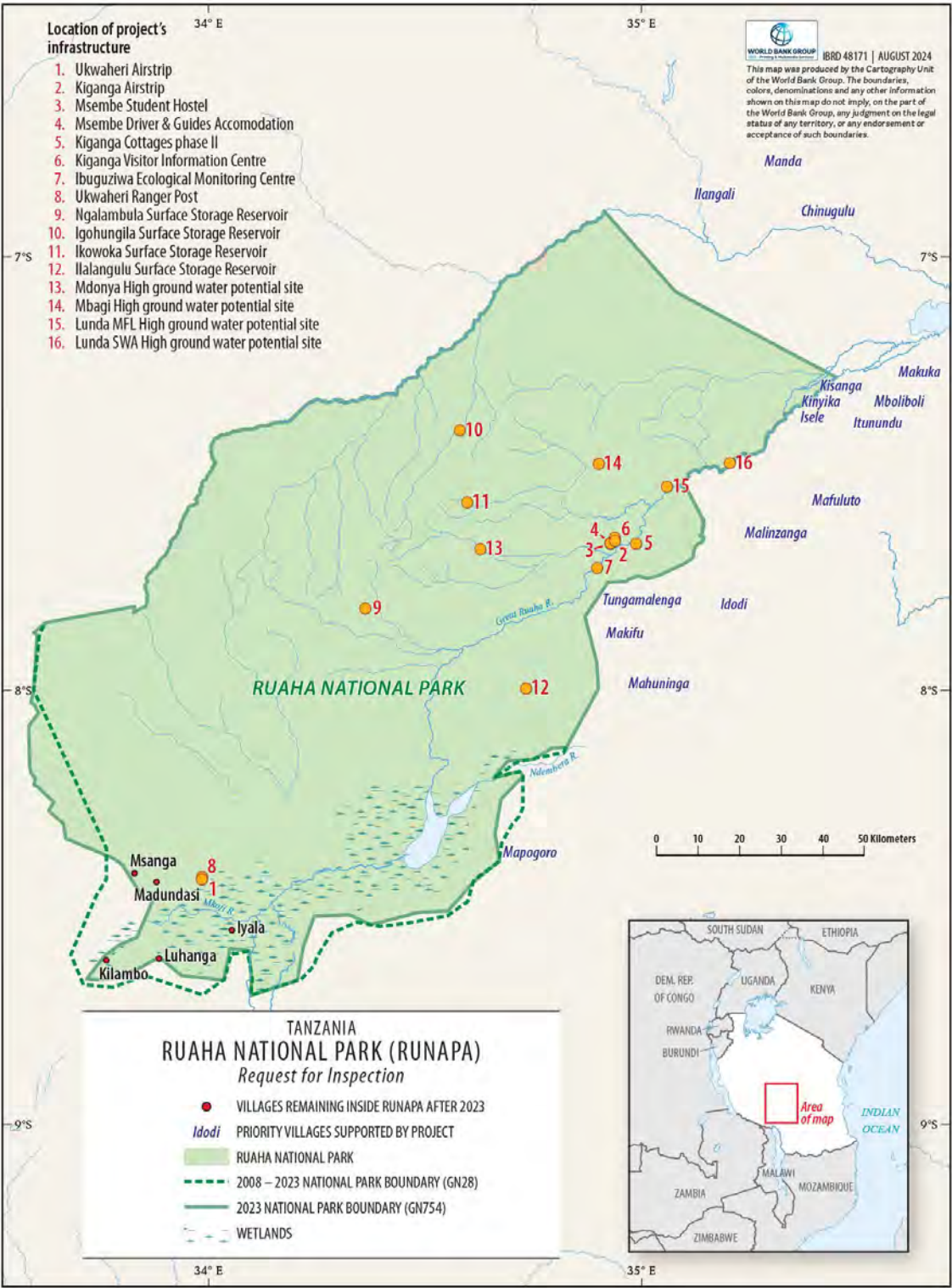
¹⁵⁷ [PAD](#), p. 22, para. 73.

¹⁵⁸ The United Republic of Tanzania (2019). [Land Acquisition Act Revised Edition](#).

¹⁵⁹ [PAD](#), p. 17, para. 53(g).

¹⁶⁰ [RPF](#) p. viii.

resettlement would become necessary for Project construction activities. 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.¹⁶¹



81. The RPF reiterated that Project-funded activities will not require land acquisition or cause any type of resettlement. It stated that *“in principle, none of REGROW activities will trigger OP 4.12.”* The Panel observes that the RPF acknowledged that Government-sponsored development or improvement activities implemented in the Project area may result in involuntary resettlement and/or loss of assets or access to assets and livelihoods.¹⁶² It stated that the implementing agencies’ own activities in the Project PAs *“may result in land acquisition, impact on assets, impact on economic livelihood, and/or relocation.”*¹⁶³ The RPF also stated *“the possibility of physical displacement of any settlements within the PA.”*¹⁶⁴ The PAD indicated that a Government Task Force *“not related or supported by the REGROW”*¹⁶⁵ 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.”*¹⁶⁶

82. The RPF stated the Bank requested MNRT to follow international best practice regarding land acquisition and resettlement in relation to the Project.¹⁶⁷ The RPF added the Government decided on a voluntary basis to apply the RPF in the Project area for activities that are unrelated to the Project.¹⁶⁸ The RPF stated that *“if 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).”*¹⁶⁹ The RAP would be submitted to the Bank for review and clearance before implementing any resettlement activities.

83. 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 saw some of these markings and notifications. The MLHHSD officials confirmed to the Panel that a valuation process of houses, structures, property, and land had commenced. The Panel observes that since the promulgation of GN-754 in October 2023 some of these communities now appear to be outside the Park boundary.

84. During the same visit, the Panel met with community members from four of the five villages that remain in the Park following GN-754. They told the Panel that the five villages are formally registered and have designated farming and grazing areas. They added that, even though they were under threat of resettlement, the Government was still supporting schools and a dispensary in the villages, which were connected to the national electricity grid, although new connections to houses had stopped in 2022. Some Bank staff confirmed to the Panel that they knew

¹⁶¹ [First Management Response](#), p. 9, para. 25.

¹⁶² [RPF](#), p. 7, para. 2.2.1

¹⁶³ [RPF](#), p. 38, para. 6.1.

¹⁶⁴ [RPF](#), Executive Summary, p. vi.

¹⁶⁵ [PAD](#), p. 73, para. 67.

¹⁶⁶ [PAD](#), p. 73, para. 67.

¹⁶⁷ [RPF](#), p. 38, para. 6.1.

¹⁶⁸ [RPF](#), p. 1, para. 1.2.

¹⁶⁹ [RPF](#), p. 38, para. 6.1.

people were living in RUNAPA, but they did not know the number of villages or people living within it or how they sustained their livelihoods. The Panel observes that it was not until March 2024 that Management first visited the villages in southern RUNAPA.

85. Contrary to Management’s First Response, Management’s Second Response recognized there are “*sizeable communities*”¹⁷⁰ inside RUNAPA at risk of resettlement during Project implementation. The Second Response stated that, in May 2023, Management learned of the Government’s initiation of asset identification processes within RUNAPA. It added that, in October 2023, Management was copied on correspondence from the Government communicating it had begun identifying houses and assets in those villages. Management recognized that it failed to take prompt action and ignored early indications of a resettlement process having been initiated in RUNAPA, such as the Requesters’ Advisor’s April 2023 letter to the Bank which referred to the MLHHSD Minister’s announced plan to pursue resettlement and a related statement by the Prime Minister on January 17, 2023.¹⁷¹ Management acknowledged that it only responded to resettlement planning activities following its visit to the five villages in March 2024.¹⁷²

86. In April 2024, Management sent the Board a notice concerning the “Suspension of Disbursement” regarding the Project. The notice stated that in light of noncompliance with the Financing Agreement’s safeguard requirements (including resettlement procedures and compensation), the Bank suspended disbursement for the Project. The corresponding and more detailed letter to the Government reiterated that the Project’s Financing Agreement required preparation of a RAP in accordance with the RPF for any involuntary resettlement in the Park, whether or not caused by the Project.¹⁷³

87. The Panel notes that it had reported to the Board following its eligibility visit in August-September 2023 that there was evidence of resettlement planning for communities living within RUNAPA. The Panel observes that, although the RPF had been prepared for the “*unlikely event*” that resettlement would happen, the RPF had not been followed for the valuation process of houses, structures, property, and land that was acknowledged by the Government. The Panel observes that throughout the Project’s cycle, Management failed to take action concerning the ongoing risk of resettlement.

88. During the Panel’s second investigation visit in July 2024, the Government stated that it had stopped the resettlement process and will not resettle the five villages inside southern RUNAPA in the “*foreseeable future*.” This was also stated in the Second Response.¹⁷⁴ The Government told the Panel that community members faced no land-use restrictions and would continue to be provided with public services.

89. The local district authorities told the Panel that community members were informed they could continue their lives as usual. The authorities stated that, in accordance with Tanzanian law, considerable effort had gone into consulting and communicating with the RUNAPA villages. They

¹⁷⁰ Second Management Response, p. 5, para. 15. See Annex 3.

¹⁷¹ Second Management Response, p. vii, para. ix. See Annex 3.

¹⁷² Second Management Response, p. 10, para. 28. See Annex 3.

¹⁷³ Letter of Suspension of Disbursement (April 17, 2024).

¹⁷⁴ Second Management Response, p. 11, para 33. See Annex 3.

also told the Panel that information on these consultations was recorded at the village level. However, the Requesters' Advisor claimed no consultations took place with the communities of the five villages that may be affected by resettlement. The Panel notes that local district authorities appeared unaware of the Government's commitment to implement any future resettlement activities during the life of the Project in the Project area in accordance with the Bank's Involuntary Resettlement Policy.

90. In relation to the Second Management Response, the Panel notes that the Bank has reminded "*the Government of its contractual obligation to adhere to the RPF, should the planning for involuntary resettlement of the villages inside RUNAPA resume.*"¹⁷⁵ However, the Government has yet to clarify to those residing inside RUNAPA "*what economic activities they may or may not carry out within the limits of their villages and the Park.*"¹⁷⁶ The Panel notes that, for the five villages, such clarification could trigger involuntary resettlement due to restricted access to RUNAPA affecting livelihoods. This type of involuntary resettlement is covered in detail in the following section.

2.6.3. Involuntary Resettlement based on Restriction of Access

91. According to the RPF, 20 percent of the area of Mbarali District located within the GN-28 boundary of RUNAPA was used for farming activities.¹⁷⁷ As described in the RPF, the southern boundary area of the Park includes inundated grassland, permanent swamps, scattered cropland, and cultivated land. In that area, more than 90 percent of land used for cultivation is devoted to rice paddies. Livestock feed on communal grazing lands and in village woodlands, and small-scale fishing and traditional beekeeping are conducted there.¹⁷⁸ The Panel observes the RPF contained limited analysis and management of the competing demands for land and water between different groups and their resource-related activities, e.g., farmers versus pastoralists.

92. The RPF included a gap analysis of national legislation and the Bank's Involuntary Resettlement Policy. According to that analysis, under Tanzanian law displaced persons cannot claim compensation payments as a result of restriction of access.¹⁷⁹ 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.¹⁸⁰ The Panel considers this relevant to livelihood restrictions imposed on communities "*that have lived in and around the national parks for decades*"¹⁸¹ 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.

93. The ESMF noted that, at the time of its development in 2017, limited patrol coverage was "*resulting in degradation of habitat (grazing) and/or declining wildlife populations (poaching)*

¹⁷⁵ Second Management Response, p. 12, para. 35. See Annex 3.

¹⁷⁶ Second Management Response, p. 12, para. 35. See Annex 3.

¹⁷⁷ RPF, p. 16.

¹⁷⁸ RPF, pp. 13 and 14

¹⁷⁹ RPF, Table 4-1. Comparison of Resettlement elements in OP/BP 4.12 and Tanzanian Legislation, p. 24.

¹⁸⁰ The World Bank (December 2001). [OP 4.12 Involuntary Resettlement](#), para. 7(c).

¹⁸¹ Second Management Response, p. 15, para. 48. See Annex 3.

especially elephants.”¹⁸² The ESMF stated that Project support would increase patrol activity and “*deter illegal activities including grazing, poaching and logging.*”¹⁸³ During the 2017 Project stakeholder consultation process, residents of Mbarali District stressed that some people living in the Park engage in pastoralism and agriculture activities.¹⁸⁴

94. The Panel notes that the ESMF highlighted access to sufficient grazing lands near the PAs and noted that “*assigned grazing areas are unproductive and thus pastoralists are forced to opt [sic] free-range grazing and encroachment.*”¹⁸⁵ 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.*”¹⁸⁶ To address these tensions, the ESMF indicated appropriate investment measures would be required “*to ensure adequate water supply for livestock and rangeland for grazing*” and to offer potential benefits to the communities “*from the sale of livestock products to the neighboring supply towns and tourism facilities of RUNAPA.*”¹⁸⁷

95. 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.*”¹⁸⁸ The PAD highlighted that the GN-28 boundary placed several villages within RUNAPA.¹⁸⁹ At the same time, 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.¹⁹⁰

96. 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.*”¹⁹¹ The Panel learned from its interviews with Bank staff that during Project implementation, Staff were concerned about restrictions on Park access for those communities around the PAs supported by Component 2, but did not consider other communities within and around the PAs that also rely on Park resources. The Second Management Response acknowledged that many villages had not been covered by the Process Framework.¹⁹²

97. Interviewed Bank staff indicated they knew it was illegal to live in and sustain livelihoods with the resources of Tanzanian national parks. However, Bank staff understood that Government authorities were not fully enforcing GN-28, and that affected people believed they held customary rights of occupancy for land use. The Panel observes that, despite the ESMF statement that

¹⁸² [ESMF](#), Table 3-24, p. 64.

¹⁸³ [ESMF](#), p. 70, para. 4.1 (ii).

¹⁸⁴ [ESMF](#), Appendix 1, p. 133.

¹⁸⁵ [ESMF](#), p. 61, para. 242.

¹⁸⁶ [ESMF](#), p. 60, para. 240.

¹⁸⁷ [ESMF](#), p. 58, para. 234.

¹⁸⁸ [PAD](#), p. 22, para. 72.

¹⁸⁹ [PAD](#), p. 73, para. 67.

¹⁹⁰ [PAD](#), p. 17, para. 53(g).

¹⁹¹ [PAD](#), p. 22, para. 72.

¹⁹² Second Management Response. p. 6, para. 16. See Annex 3.

patrolling would deter illegal activities such as grazing, the Project did not recognize that improved park management would increase enforcement of access restrictions in the southern part of RUNAPA, which in turn would impact livelihoods.

98. 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 in the Second Response stated 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. The Second Management Response stated that staff saw one of these temporary pens and local ranger accommodations during its April-May 2023 visit to RUNAPA.¹⁹³

99. The Panel notes that on May 23, 2024, the Requesters' Advisor alleged that cattle seizures continued amid the Panel's ongoing investigation. An email reported that on March 24, 2024, TANAPA rangers seized 549 head of cattle and three donkeys belonging to a Sukuma pastoralist in Iyala village which, according to the Advisor, is within the Park per GN-754.¹⁹⁴

100. The Panel observes that, notwithstanding the legality of cattle seizures and the allegations of use of force (further analyzed in the next chapter), 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 (see Section 3.5 below, Background – Excessive Use of Force).

101. 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. During its second investigation visit in July 2024, however, the Government informed the Panel that the GRM expansion would be limited to the five registered villages within RUNAPA.

2.7. Panel findings on Project Scope and Involuntary Resettlement

102. 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.**

103. **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**

¹⁹³ Second Management Response, p. 14, para. 41. See Annex 3.

¹⁹⁴ Oakland Institute (2024). [Setting the Record Straight About Evictions & Abuses to Expand Ruaha National Park.](#)

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.

104. 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 boundaries.

105. 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.

106. 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).

107. 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).**

Chapter 3 – Park Management and Law Enforcement

3.1. Introduction

108. This chapter considers the Bank’s assessment of the capacity of TANAPA, one of the implementing agencies, to implement the Project in the priority national parks in a manner that minimizes risks to communities. It describes park management operation along with the institutional set-up and legal framework under which it operates and its practice of law enforcement. It considers the Bank’s compliance policy requirements in relation to TANAPA’s operations and its law enforcement activities.

3.2. The Requests

109. The First Request for Inspection alleged that TANAPA rangers practiced “*extreme cruelty*” while seizing cattle from pastoralists and that TANAPA had conducted “*extrajudicial killings*” and caused the “*disappearance*” of community members.¹⁹⁵ The Request contended that since the Project was providing significant material assistance, TANAPA’s alleged actions “*cannot be ignored merely by claiming that the project did not finance its weapons given [that] it does provide other important material support to those responsible for the abuses.*”¹⁹⁶ The Second Request focused on alleged evictions and claimed TANAPA’s escalating seizures of cattle and farm equipment in villages inside RUNAPA indicated that “*evictions are imminent.*”¹⁹⁷

3.3. The Management Responses

110. The Management Response to the First Request stated that, upon hearing of alleged extrajudicial killings and other abuses by TANAPA in the Project area, Management “*immediately*” met with TANAPA in April 2023, requested additional information from both TANAPA and the Requesters’ Advisor, and visited the “*Project sites.*” Management’s First Response stated “[n]othing,” including the Bank’s own reviews, indicated the alleged abuses occurred because of the Project.¹⁹⁸ Management added that although the Bank was not responsible for the “*harms alleged,*” it nonetheless had raised its concerns with the Government and requested that the alleged incidents be reviewed and addressed by the competent national authorities.¹⁹⁹ Management added that a Government investigation of the conduct of TANAPA rangers was underway.²⁰⁰

111. Management’s First Response stated that the Project support and equipment provided to TANAPA to enhance its park management capacity “*cannot plausibly be linked to the alleged abuses*” as that equipment is limited to supporting basic park monitoring and patrolling.²⁰¹ The First Response added that the Project has not “*helped issue regulations permitting an aggressive*

¹⁹⁵ First [Request for Inspection](#).

¹⁹⁶ First [Request for Inspection](#), p. 4, Box 5.

¹⁹⁷ Second Request for Inspection. See Annex 2.

¹⁹⁸ [First Management Response](#), p. 11, para. 28.

¹⁹⁹ [First Management Response](#), p. 8, para. 18.

²⁰⁰ [First Management Response](#), p. 11, para. 29.

²⁰¹ [First Management Response](#), p. 11, para. 30.

approach to infractions”²⁰² and that seizures of livestock by TANAPA rangers are also unrelated to non-compliance with Bank policy since they result from the regular enforcement of Tanzania’s national laws.²⁰³

112. The Management Response to the Second Request for Inspection, however, showed a change in Management’s position. It recognized that under Tanzanian law, TANAPA is authorized to use force to protect park resources, its ecosystem, and wildlife²⁰⁴ and acknowledged that the Bank insufficiently considered the impact of TANAPA’s law enforcement mandate during Project preparation and throughout supervision. The Response stated that Management had “*erroneously concluded*” in the First Response that the actions of the rangers in the course of their duties were not connected to the Project.²⁰⁵

113. The Second Response acknowledged the reports of violence between TANAPA rangers and community members in RUNAPA and remained “*very concerned*” about the serious nature of these reports and the well-being of affected communities.²⁰⁶ It noted that the Project had neither developed criteria for reportable incidents nor required TANAPA to report such incidents to the Bank.²⁰⁷ Management acknowledged that, since the Project had not established an adequate reporting system, many incidents could not be verified.²⁰⁸

114. The Second Response also acknowledged that by strengthening TANAPA’s capacity to enforce existing park rules²⁰⁹ the Project may have contributed indirectly to an increase in tensions with community members.²¹⁰ Management noted that the Project lacked adequate mitigation measures to address the potential conflicts that could result from improved patrolling.²¹¹ Management recognized that the Project had not examined TANAPA’s role in enforcing park rules or considered its track record, nor had it learned lessons from past confrontations between rangers and communities.²¹² Management also acknowledged that, had Project design better reflected the “*contextual conflict dimension and TANAPA’s law enforcement mandate, a more systematic approach to review and mitigate the ensuing risks could have been put in place.*”²¹³

115. The Second Management Response stated that the Government is setting up a system for reporting incidents to the Bank.²¹⁴ It added that the Bank has asked the Government to update the Project’s Code of Conduct to include TANAPA rangers.²¹⁵

²⁰² [First Management Response](#), p. 11, para. 30.

²⁰³ [First Management Response](#), p. 11, para. 31.

²⁰⁴ Second Management Response, p. 12, para. 36. See Annex 3.

²⁰⁵ Second Management Response, p. 21, para. 71. See Annex 3.

²⁰⁶ Second Management Response, p. 5, para. 14. See Annex 3.

²⁰⁷ Second Management Response, p. 14, para. 42. See Annex 3.

²⁰⁸ Second Management Response, p. 5, para. 14. See Annex 3.

²⁰⁹ Second Management Response, p. 5, para. 13. See Annex 3.

²¹⁰ Second Management Response, p. 6, para. 15. See Annex 3.

²¹¹ Second Management Response, p. 12, para. 36. See Annex 3.

²¹² Second Management Response, p. 13, para. 37. See Annex 3.

²¹³ Second Management Response, p. 15, para. 45. See Annex 3.

²¹⁴ Second Management Response, p. 15, para. 46. See Annex 3.

²¹⁵ Second Management Response, p. 15, para. 47. See Annex 3.

3.4. The Policies

116. The Investment Project Financing Policy requires Bank assessment of a proposed project to consider “*technical, economic, fiduciary, environmental, and social considerations, and related risks.*”²¹⁶ The Bank assesses technical aspects of the project, including design issues, and the “*appropriateness of design to the needs and capacity of the Borrower and any Project implementation entity [...]*.”²¹⁷

117. The Bank’s Environmental Assessment Policy requires the evaluation of a project’s potential environmental risks and impacts in its area of influence.²¹⁸ It requires the Bank to take into account the human health and safety and social aspects of a project. EAs also consider the country’s overall policy framework, national legislation, and institutional capabilities related to the environment and social aspects.²¹⁹

3.5. Background – Excessive Use of Force

118. 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 and park management policies and legislation.

119. In its 2016 report entitled “*Tanzanian Pastoralist Threatened – Evictions, Human Rights Violations and Loss of Livelihoods,*” the International Work Group for Indigenous Affairs (IWGIA) highlighted serious incidents allegedly linked to the National Anti-Livestock Operation (NALO) in Tanzania dating back to May 2006.²²⁰ At that time, Tanzania launched NALO in the Usangu Game Reserve (UGR – which in 2008 became part of RUNAPA) to remove some 2,290 households and their livestock from eight villages.²²¹ The operation was implemented by TANAPA and two other law enforcement agencies under the supervision of the Mbeya Regional Commissioner. In November 2006, NALO was extended to the areas surrounding the wetlands outside the UGR. According to IWGIA, herds were then limited to 100 head of cattle, and special patrols were established to ensure that larger herds were removed. By February 2007, when NALO ended, 16 villages had been disbanded and about 218,000 livestock removed. According to the IWGIA Report, incidents of intimidation, harassment, mass livestock captures, torture, illegal detention, forced evictions, and extortion occurred, and the allegations were so serious in nature that a Presidential commission of inquiry was created.²²²

²¹⁶ The World Bank (2021). [Investment Project Financing Policy](#), p. 4, para. 4.

²¹⁷ The World Bank (2021). [Investment Project Financing Policy](#), p. 4, para. 5.

²¹⁸ The World Bank (1999). [OP 4.01 – Environmental Assessment](#), para. 2.

²¹⁹ The World Bank (1999). [OP 4.01 – Environmental Assessment](#), para. 3.

²²⁰ International Work Group for Indigenous Affairs Report (2016), [Tanzanian Pastoralists Threatened: Evictions, Human Rights and Loss of Livelihood](#), p. 30.

²²¹ International Work Group for Indigenous Affairs Report (2016), [Tanzanian Pastoralists Threatened: Evictions, Human Rights and Loss of Livelihood](#), p. 30.

²²² IWGIA Report (2016), p. 24, [Tanzanian Pastoralists Threatened: Evictions, Human Rights and Loss of Livelihood](#).

120. In 2011, the United States Department of State reported that indigenous pastoralists increasingly found it difficult to maintain their way of life, as competing interests and population pressures reduced their traditional grazing areas. It stated that TANAPA rangers near Katavi National Park killed 150 cattle that were drinking from the Kavuu River, which serves as the border between Katavi National Park and the pastoralists' village.²²³ The report noted that TANAPA denied the claim. It also stated that Maasai residents of the Loliondo Game Controlled Area near Arusha accused police, military, and a private tourist operator of intimidation, harassment, arbitrary arrest, and torture.²²⁴

121. A report published by Legal and Human Rights Center noted that in 2011-2013 there were violent, sometimes lethal, encounters between TANAPA and pastoralists in the vicinity of wildlife protection areas.²²⁵ TANAPA's alleged use of excessive force prompted a Parliamentary inquiry²²⁶ into Operation Tokomeza Ujangili ("Terminate Poaching" in Swahili), launched in October 2013. The inquiry examined reports of murder, rape, beatings, torture, and humiliation.²²⁷ The report concluded that while aiming to eliminate poaching, the operation resulted in major human rights violations.²²⁸ In 2011, a joint stakeholder report written by various organizations to the United Nations Office of the High Commissioner for Human Rights described "*arbitrary dispossession of pastoralists' lands by State authorities, including TANAPA, allegedly in the interest of investors.*"²²⁹

122. In 2017, the United States Department of State noted that TANAPA authorities allegedly "*destroyed 24 houses belonging to a Maasai community in Loliondo district.*"²³⁰ The Human Rights Watch 2024 World Report also said authorities had engaged in abusive and unlawful tactics to evict residents forcibly from Loliondo.²³¹

123. Also in 2017, USAID released a four-year roadmap for policy and legal reforms in Tanzania that raised serious concerns related to law enforcement for wildlife protection. In its report, USAID flagged the use of firearms by rangers whenever they believe an officer or any other person is in danger.²³² According to the report, such power is "*susceptible to abuse against innocent suspects unless there is [a] clear check mechanism.*"²³³ According to USAID, an even more extreme provision extends to rangers the "*power to shoot and kill suspects*" as conferred under other laws.²³⁴

124. In 2022, the United Nations High Commissioner for Human Rights conveyed to the President of Tanzania views expressed in the Human Rights Council's Universal Periodic Review

²²³ US Department of State (2011), [Country Reports on Human Rights Practices for 2011](#), p. 31.

²²⁴ US Department of State (2011), [Country Reports on Human Rights Practices for 2011](#), p. 31.

²²⁵ Legal and Human Rights Center (2016), [Tanzania Human Rights Report 2016](#), p. 101, Table 17.

²²⁶ Legal and Human Rights Center (2015), [Operesheni Tokomeza Ujangili Report 2014](#), p. 20.

²²⁷ Legal and Human Rights Center (2015), [Operesheni Tokomeza Ujangili Report 2014](#), p. 25.

²²⁸ Legal and Human Rights Center (2015), [Operesheni Tokomeza Ujangili Report 2014](#), p. 29.

²²⁹ UN-OHCHR (2011), [Joint Stakeholders Submission on Pastoralism and Hunter-Gatherers in Tanzania-Submission to the Human Rights Council](#), p. 4.

²³⁰ US Department of State (2017), [Country Reports on Human Rights Practices for 2017](#), p. 10.

²³¹ Human Rights Watch (2024), [World Report 2024 - Tanzania Events of 2023](#).

²³² USAID (2017), ["A Four-Year Roadmap for Policy and Legal Reform in Tanzania 2017-2020"](#), p. 41.

²³³ USAID (2017), ["A Four-Year Roadmap for Policy and Legal Reform in Tanzania 2017-2020"](#), p. 41.

²³⁴ USAID (2017), ["A Four-Year Roadmap for Policy and Legal Reform in Tanzania 2017-2020"](#), p. 41.

during its 49th session. These included concerns about alleged violence, forced evictions, and harassment of Maasai communities by law enforcement, as well as the failure to protect their rights to traditional lands and resources.²³⁵ More recently, the 2024 Freedom House Report noted the accusation against TANAPA’s use of “*extreme violence against members of communities, including torture, sexual assault, and murder.*”²³⁶

3.6. Panel Observations on Park Management and Law Enforcement

3.6.1. Institutional Set-up and Legal Framework

125. In 1961, President Mwalimu Julius Nyerere set out the guiding philosophy of conservation of wildlife in what became known as the “*Arusha Manifesto*”. President Nyerere proclaimed the “*trusteeship*” of wildlife on behalf of the global community and declared that “*we will do everything in our power*” to preserve this “*rich and precious inheritance.*” He added that conservation of wildlife and wild places calls for “*specialist knowledge*” and “*trained manpower.*”

126. In March 1994, the Tanzania National Parks National Policy Committee prepared “*National Policies for National Parks*”.²³⁷ Park management policies include:

- The Natural Resources Management section states that “*all agricultural activities and grazing activities by any type of domestic livestock will be prohibited within national parks.*”
- The Use of Parks section states that “*All human settlement (...) will be prohibited in all National Parks.*”
- The Law Enforcement section states that “*National Parks will employ, train, and equip law enforcement personnel to protect park resources.*”
- The Use of Parks section also states that “*TANAPA will promote and regulate the use of Parks, and will provide those services necessary to meet the basic needs of Park visitors and to achieve each park’s management objectives.*”

127. TANAPA is one of four law enforcement agencies mandated to conserve wildlife and protected areas.²³⁸ All four agencies report to the MNRT, which includes a coordination unit that oversees and directs law enforcement activities. At the time of Project preparation, one of the implementing agencies – Tanzania Wildlife Management Authority (TAWA) – was authorized to have a “*paramilitary force with the right to possess [and] use firearms for the purpose of conservation.*”²³⁹ 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.

128. TANAPA’s mandate is to enforce the provisions of the National Park Act in Tanzania’s national parks. As noted in Section 2.6.1. above (Resettlement Risks to Communities), this Act

²³⁵ UN Office of the High Commissioner on Human Rights (July 2022). [Letter by the High Commissioner to the Foreign Minister of Tanzania. Universal Period Review- United Republic of Tanzania \(Third Cycle\).](#)

²³⁶ Freedom House (2024) [Freedom in the World 2024- Tanzania](#), Section F3.

²³⁷ Tanzania National Parks National Policy Committee (March 1994). [National Policies for National Park in Tanzania](#), p. Policy Summary.

²³⁸ The other three are the Forest Services, the Ngorongoro Conservation Area Authority, and TAWA.

²³⁹ [Process Framework](#), Appendix 9, p. 32, Table 9.2.

stipulates that it is unlawful for anyone other than officers on duty within the national park to enter a park without a legally issued permit.²⁴⁰ The Act adds that any person who contravenes the provisions of this section commits an offence.²⁴¹ In discussions with TANAPA, the Panel was informed that the Wildlife Conservation Act (WCA) and the Wildlife and Forest Conservation Services (WFCS) General Orders (GO) are the authoritative documents underpinning the law enforcement activities that TANAPA and other rangers undertake. These documents prescribe how and when the rangers of all four law enforcement agencies mandated to conserve wildlife and protected areas may use force. Both documents are further described below.

129. *Wildlife Conservation Act (WCA)*. The WCA was decreed in 1974 and updated in 2013 and 2022. Section 13(3), which is identical in both updates, states an “*Authorised Officer*”²⁴² is allowed to use a firearm against another person who, having committed an offence, is (i) “*escaping or attempting to escape arrest*” or (ii) resisting the arrest, where that officer has “*reasonable grounds to believe that he cannot otherwise prevent the escape and has given a warning to such person that he is about to use such arm against him and such warning is unheeded.*”²⁴³ The Panel notes that Section 13(4) allows the use of a firearm against any person who forcibly prevents or attempts to prevent the lawful arrest of, or to rescue from lawful custody, any other person.²⁴⁴ The Panel notes that neither provision limits use of a firearm to when other, less violent means remain ineffective (proportionate force) or show no promise of achieving the intended result.

130. Section 13(5) of the WCA allows an authorized officer to use a firearm against any person when he or she “*has reasonable grounds to believe that the officer or any other person is in danger.*”²⁴⁵ This clause makes no reference to 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.

131. *Wildlife and Forest Conservation Services (WFCS) General Orders (GO) No. 27*. The Panel was told the WFCS GO is not a public document but was provided a copy for its review. The document (dated July 2, 2021) describes common working guidelines for four paramilitary services: the TAWA, the Tanzania Forest Service Agency, the Ngorongoro Conservation Area Authority, and TANAPA. The WFCS GO covers all aspects of TANAPA’s conduct as a paramilitary force, including the chain of command and rank structure, performance and conduct expectations, discipline and consequences, training, use of firearms, control of arms and ammunition, powers of arrest, and the treatment and processing of apprehended suspects. The GO defines how to protect national parks and conservation areas, how to address anti-poaching activities, and defines activities that are relevant to the Project objective of increasing patrolling and expanding tourism. The Panel observes that the GO contains language with respect to the use

²⁴⁰ United Republic of Tanzania (2002). [The National Park Act](#), p. 7, para. 21 (1.b).

²⁴¹ United Republic of Tanzania (2002). [The National Park Act](#), p. 7, para. 21 (2).

²⁴² The United Republic of Tanzania (2022). [The Wildlife Conservation Act](#), p. 25. Section 13(8) defines an authorized officer as “*a wildlife officer discharging duties in the Wildlife Division, the Tanzania National Parks, the Ngorongoro Conservation Area, a District Game Officer and include[s] any wildlife officer, warden and wildlife ranger discharging duties under the District Game Officer.*”

²⁴³ The United Republic of Tanzania (2002). [The Wildlife Conservation Act](#), p. 24, Section 13(3).

²⁴⁴ The United Republic of Tanzania (2022). [The Wildlife Conservation Act](#), p. 25, Section 13(4).

²⁴⁵ The United Republic of Tanzania (2022). [The Wildlife Conservation Act](#), p. 25, Section 13(5).

of force that may not be consistent with international standards, principles, or best practice in law enforcement.

132. *International Best Practice.* The Panel notes that at the time of design of this Project, the Bank did not have standards for the use of security forces or law enforcement entities it supports in the context of Bank-financed project. In this area, the recognized international best practice in relation to law enforcement are the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the “UN Basic Principles”) and the United Nations Code of Conduct for Law Enforcement Officials (the “UN Code of Conduct”). The Panel notes that whilst these international best practices are non-binding, they are widely accepted as the reference standard. The Panel notes that in the absence of relevant Bank policies, it would have been expected for the Bank to consider these international best practices during its due diligence, capacity and risk assessments, and implementation of such projects.

133. The Panel notes that Principle 9 of the UN Basic Principles states that law enforcement officials shall not use firearms against persons “*except in self-defence or defence of others against imminent threat of death or serious injury*” and that, in any event, “*intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life*.”²⁴⁶ According to this principle, the use of firearms against persons is only permissible to avoid imminent death or serious injury and when it is a strictly unavoidable means to protect life.

134. Article 3 of the UN Code of Conduct states that law enforcement officials may use force “*only when strictly necessary and to the extent required for the performance of their duty*.”²⁴⁷ An attached commentary states that the “*use of firearms is considered an extreme measure*”²⁴⁸ and every effort should be made to avoid it. It adds that firearms should not be used except when the lives of others are in jeopardy and when “*less extreme measures are not sufficient to restrain or apprehend the suspected offender*.”²⁴⁹ Similarly to the above-mentioned Principle 9, according to this article, use of firearms would only be permissible when strictly necessary and when less extreme measures are not sufficient to protect lives in jeopardy.

135. The Panel observes that the provisions governing the use of firearms against persons in Principle 9 of the UN Basic Principles or Article 3 of the UN Code of Conduct are more stringent than those in the WCA. Furthermore, the Panel notes that the GO allows for a disproportionate level of force under certain circumstances, such as resisting or escaping arrest or bearing lethal weapons.

²⁴⁶ United Nations Human Rights – Office of the High Commissioner (1990). [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#).

²⁴⁷ United Nations Human Rights – Office of the High Commissioner (1979). [Code of Conduct for Law Enforcement Officials, p. 1](#).

²⁴⁸ United Nations Human Rights – Office of the High Commissioner (1979). [Code of Conduct for Law Enforcement Officials](#), p. 2, Article 3(c).

²⁴⁹ United Nations Human Rights – Office of the High Commissioner (1979). [Code of Conduct for Law Enforcement Officials](#), p. 2, Article 3(c).

136. The Panel observes that international best practices set out in the UN Basic Principles, permit the use of firearms only if other means remain ineffective to achieve the intended result.²⁵⁰ In both the UN Basic Principles and the UN Code of Conduct, the use of firearms against persons is only permissible to avoid imminent death or serious injury, when it is strictly an unavoidable means to protect life, and when less extreme measures are insufficient to protect lives in jeopardy. The Panel observes that the GO makes no mention of imminent threat as a justification for the use of force.

137. TANAPA officials with whom the Panel met informed that rangers receive GO training and their firearms and ammunition are approved and supplied by the Tanzanian military. The Panel observed that the GO has a provision that is similar to Section 13 of the WCA, which covers the “*Right to possess and use firearms and ammunition.*”²⁵¹ The Panel observes a disconnect between the training on the use of force in the rangers’ courses at the College of African Wildlife Management – which is described later in this chapter, and seems consistent with the UN Basic Principles and the UN Code of Conduct – and what is outlined in TANAPA’s legal framework (the WCA and the GO) concerning the use of force.

138. 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 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*”).

3.6.2. Capacity Assessment of TANAPA

139. The Panel’s review of early Project preparation documents indicates Management considered elephant poaching the primary concern in the Southern Circuit and a key threat to the promotion and management of tourism there.²⁵² The PAD stated that the Project “*will directly support the National Strategy to Combat Poaching and Illegal Wildlife Trade in the four priority PAs.*”²⁵³ The importance of trade in illegal wildlife products to local populations was highlighted in the Project Concept Note (PCN). The PCN mentioned that the rising price of ivory provided a strong incentive to draw on natural resources including poaching.²⁵⁴ Poaching and other illegal activities, including illegal logging, illegal farming or grazing, and waste dumping, were emphasized in Project documentation as key deterrents to tourism.²⁵⁵ As the agency managing parks in Tanzania, TANAPA has the authority to enforce laws within national parks, including enforcing laws against illegal activities.

²⁵⁰ United Nations Human Rights – Office of the High Commissioner (1990). [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#). Principle 4: “*Law enforcement officials [...] may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.*”

²⁵¹ The United Republic of Tanzania (2022). [The Wildlife Conservation Act](#), p. 25, Section 13.

²⁵² [PAD](#), Annex 2: Detailed Project Description, p. 43, para. 3

²⁵³ [PAD](#), p. 6, para. 15.

²⁵⁴ Project Concept Note discussions.

²⁵⁵ [PAD](#), p. 22, para. 72.

140. Component 1 aimed to strengthen TANAPA’s park management capacity and upgrade patrolling equipment to monitor the PAs.²⁵⁶ It supports efforts to reduce wildlife poaching²⁵⁷ and improve the ability of patrols to “*detect illegal uses of resources (illegal tree logging, waste dumping, illegal farming or grazing etc.)*”²⁵⁸ In addition, infrastructure investments were designed to improve access to PAs, which has allowed TANAPA to significantly increase the area of the Park it can patrol.

141. The Panel notes that Bank staff recognized that TANAPA’s capacity had been insufficiently assessed during Project preparation. Interviewed Bank staff informed the Panel that the Bank did not conduct a capacity assessment of TANAPA and relied on an assessment commissioned in 2017 by MNRT,²⁵⁹ which the Bank deemed satisfactory. The Panel reviewed this capacity assessment, which covered MNRT, TANAPA, TAWA, the Tanzania Tourism Board, and relevant local authorities. However, the Panel noted that the assessment was limited to staffing, work facilities and equipment, procurement, monitoring and evaluation, and financial management.

142. The Panel notes that the PAD acknowledged TANAPA lacks extensive experience in implementing large projects and will require strengthening to guide coordination and supervision of the Project. The PAD added that key mitigation actions include: (i) provision of technical assistance and capacity building, (ii) training of key staff, and (iii) close monitoring of project implementation by the World Bank through continuous support.²⁶⁰

143. The Second Management Response acknowledged that the Bank conducted a limited review of TANAPA’s institutional capacity.²⁶¹ It added that the Bank did not develop appropriate mitigation measures at the Project level, such as training on appropriate conduct and methods of enforcing the law, sensitization training, an assessment of TANAPA’s capacity to engage with communities, a security risk assessment, security management measures, or inclusion of conflict-specific measures in the Process Framework to help reduce the likelihood of confrontations.²⁶²

144. The Panel notes that during Project implementation Management focused on TANAPA’s increased park management capacity and patrolling for its anti-poaching activities. The April 2022 Aide-Mémoire stated that the vehicles, equipment, and staff uniforms provided by the Project significantly increased TANAPA’s capacity and management presence and enhanced its effectiveness in park management. The geographical scope of the patrolled area increased more than 50% during fiscal year 2020/21 compared to previous years.²⁶³ As reported, this has resulted in reduction of illegal activities in the parks and arrests of poachers in RUNAPA increased.²⁶⁴ Six

²⁵⁶ PAD, p. 9, para. 25b.

²⁵⁷ PAD, Annex 2: Detailed Project Description, p. 44, para. 8.

²⁵⁸ PAD, p. 22, para. 72.

²⁵⁹ Ministry of Natural Resources and Tourism (June 18, 2017). Report on Institutional Capacity Assessment.

²⁶⁰ PAD, p. 17, para. 53 (e).

²⁶¹ Second Management Response, p. 12, para. 37. See Annex 3.

²⁶² Second Management Response, p. 12, para. 36. See Annex 3.

²⁶³ Aide-Mémoire – REGROW (April 2022).

²⁶⁴ Aide-Mémoire – REGROW (April 2022).

months later the Project reported that the area covered by patrols and associated park management activities had grown in 2021/22 to 96.04% of RUNAPA.²⁶⁵

145. The Panel notes that, in November 2018, TANAPA formally adopted a paramilitary system similar to TAWA, which had a paramilitary structure during Project preparation and was at that time a Project implementation entity. The Panel also notes that Process Framework recognized that TAWA was authorized to have a paramilitary force with the right to possess and use firearms for the purpose of conservation.²⁶⁶ TANAPA officials told the Panel that rangers had effectively been operating under a paramilitary system for many years, underwent military training, carried firearms, and had the authority to arrest people. The officials said the formal adoption of a paramilitary status brought no change in procedures, weapons handling, etc.

146. TANAPA officials explained to the Panel that the new system integrated TANAPA's civilian leadership and support roles – such as research, secretarial, information technology, engineering, plant operators, etc. – into a paramilitary structure. This meant all TANAPA personnel now wear military uniforms, undergo six months of paramilitary orientation training, and are subject to military, not civilian, discipline.

147. The Panel notes that Project preparation risk assessment would be expected to consider the record of a paramilitary organization. However, the Panel observed that little to no discussion occurred concerning TANAPA's adoption of a paramilitary system in November 2018. The Panel found no evidence in Project documentation that TANAPA's law enforcement operation was reviewed. Management's Second Response confirmed the Project had not considered TANAPA's law enforcement mandate²⁶⁷ and had not examined TANAPA's role in enforcing park rules during Project preparation or during Bank supervision.²⁶⁸

148. The Panel 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. The Panel also observes that such weaknesses could include lapses in command and control, poor or inadequate training, or lack of discipline by some elements.

3.6.3. TANAPA Law Enforcement and the Project

149. During its visits, the Panel team met with TANAPA officials on several occasions who responded to all Panel queries, except those considered to be of an operational security nature. More specifically, the following information was not shared with the Panel: an occurrence log (which documents all operational incidents and routine events), a patrol register (which records an area of operation, objectives, personnel, equipment, and results), an arms movement log (which accounts for arms and ammunition issued and returned, to whom, with timings), a communication log, and other documentation an armed unit would routinely have.

²⁶⁵ Aide-Mémoire – REGROW (November 2022).

²⁶⁶ [Process Framework](#), p. 36, Table 9.2.

²⁶⁷ Second Management Response, p. 15, para. 45. See Annex 3.

²⁶⁸ Second Management Response, p. 13, para. 37. See Annex 3.

150. *Project Support to TANAPA*. On April 23, 2019, the Management provided no objection to the patrolling equipment to be purchased under the Project.²⁶⁹ The Project provided TANAPA rangers with different types of equipment to strengthen their patrolling capacity in the Project area²⁷⁰ with a view to reducing or eliminating illegal activities.²⁷¹ Equipment included tents, sleeping bags, uniforms, boots, digital cameras, night vision goggles, patrolling vehicles, and bush knives. The 343 bush knives supplied to TANAPA rangers were described as military-grade, fighting, utility knives.²⁷² The Panel notes that the Project documentation did not describe the operational use of equipment supplied, especially in the context of law enforcement operations. The PAD noted that the patrolling equipment to be provided by the Project will “*not include weapons, firearms, or similar.*”²⁷³

151. TANAPA officials explained that bush knives are normally used for preparing food, cutting small branches to make a fire, etc., and are not considered lethal weapons. From interviews with Bank staff, the Panel notes that they also understood the bush knives served as survival and utility tools for rangers camping in the national parks for an extended period while patrolling remote, wildlife-inhabited areas and were not to be used as weapons. The Panel found no document describing the intended purpose of the bush knives.

152. The Panel notes that an incident in a Mbarali District village on May 6, 2023, described in the First Request – during which TANAPA rangers allegedly used a knife to burn a community member’s skin and to remove the clothes of two women – was confirmed via direct testimony by four of the victims during the Panel’s eligibility visit August 21-September 2, 2023. The Panel notes that it does not conduct criminal investigations, and it would therefore be unable to establish whether this incident involved a Project-supported bush knife. However, the Panel observes that, regardless of the classification of bush knives (as survival tools or weapons), a Project-supported bush knife could potentially have been used to burn or strip naked these individuals, as described in this incident.

153. *Selection and Training*. Based on interviews with TANAPA officials, the Panel notes that rangers appear to be carefully selected and screened prior to being offered a position. The screening process is lengthy, and applicants must provide references. After referees are contacted, promising applicants are interviewed. Those deemed suitable are sent for medical exam to assess their physical fitness. The applicants’ village leaders are then contacted, and family backgrounds are checked. The applicants are also vetted by the national police to ensure they have no criminal records. Successful applicants must then complete a course of study at a wildlife management college.

154. The staff the Panel met with at the College of African Wildlife Management in Mweka said their courses cover both knowledge and practical components. The syllabus includes documents from the International Ranger Federation, such as “*Anti-poaching In and Around*

²⁶⁹ Aide-Mémoire – REGROW (April-June 2019).

²⁷⁰ Aide-Mémoire – REGROW (November 2019).

²⁷¹ Aide-Mémoire – REGROW (June 2021).

²⁷² TANAPA (2018). Standard Tendering Documents – Procurement of Goods. Section VII: Technical Specifications.

²⁷³ [PAD](#), footnote 15, p. 9, para. 25 (b).

Protected Areas” and *“Developing Capacity for Protecting Wildlife.”* The instructors told the Panel their training is comprehensive and includes the use of force, respect for human rights, and firearms and patrol training. They said students are taught that “*reasonable*” force may be used if they encounter resistance when making an arrest, but that “*reasonable force means shooting to incapacitate, not to kill; not shooting a suspect running away.*”

155. Once graduated from the training course, applicants begin a six-month paramilitary training program with TANAPA. This focuses primarily on the GO. The training covers organizational structure, patrolling, security operations, arrest, use of force, use of firearms, investigations, and prosecution. Some of this instruction comes from the police, some from the legal profession, and a large part from the military. According to TANAPA officials, the police training also covers human rights (human dignity, categories of rights, human rights instruments, etc.). Final admittance to TANAPA is contingent on successfully completing the paramilitary training.

156. According to TANAPA, in addition to the above-mentioned training, rangers in the parks associated with REGROW must abide by the Project’s Code of Conduct (CoC). The Panel notes, that the CoC was first issued in October 2023 and Management reviewed it by December 2023, several months after receipt of the First Request. The CoC covers issues such as gender-based violence, protection of wildlife, occupational health and safety, community health, and child protection. The first version applied to the site infrastructure workforce – including TANAPA – rather than TANAPA’s patrolling activities across the four parks. Management’s Second Response noted that after review by the Bank, a separate CoC specific to TANAPA rangers would be developed.²⁷⁴

157. The Panel observes that although the CoC prohibits TANAPA rangers from resorting to force “*except when used for preventive and defensive purposes,*”²⁷⁵ 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)*”²⁷⁶ which, as described above, clearly allows the use of excessive force.

158. *Patrolling.* According to TANAPA officials, patrols are conducted on foot and in vehicles (land, air boats, and fixed-wing aircraft). More than 60 percent of RUNAPA is inaccessible by road and is typically patrolled by fixed-wing aircraft. TANAPA officials stated that by increasing the number of vehicles and ranger posts, REGROW has facilitated access and saved patrolling time.

159. The Panel was told TANAPA patrols are not tracked on a real-time basis; monitoring is recorded by handheld GPS software and downloaded when patrols return to base. The Panel notes that in national parks and other protected areas in neighboring countries (such as the Democratic

²⁷⁴ Second Management Response, p. 14, para. 40. See Annex 3.

²⁷⁵ The United Republic of Tanzania Ministry of Natural Resources and Tourism (2023). Codes of Conduct and Action Plan for Implementing ESHS, CHS and OHS Standards, and Preventing Gender Based Violence on Resilient Natural Resources Management for Tourism and Growth (REGROW).

²⁷⁶ The United Republic of Tanzania Ministry of Natural Resources and Tourism (2023). Codes of Conduct and Action Plan for Implementing ESHS, CHS and OHS Standards, and Preventing Gender Based Violence on Resilient Natural Resources Management for Tourism and Growth (REGROW).

Republic of Congo, Kenya, Malawi, Mozambique, Rwanda, and Zambia), rangers use real-time monitoring systems, which can collect, integrate, and display available and historical data (including collared wildlife, rangers, and infrastructure) and provide all in a single view. The Panel notes that such tools can deter the use of excessive force and are useful when allegations are investigated. However, the Panel notes that a real-time monitoring system, while an improvement, is no guarantee against the use of excessive force.

160. 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.*” The rangers with whom the Panel spoke considered their role challenging as they are asked to respect the human rights of poachers and cattle herders who sometimes carry more powerful firearms.

161. TANAPA officials with whom the Panel met said they follow specific procedures described in the GO for the arrest of people suspected of engaging in illegal activities such as poaching and cattle grazing in national parks. Some officials stated a person’s mere presence in a national park is considered poaching, if not authorized. Rangers added that poaching – in Tanzania generally and more specifically in RUNAPA – is not related to international illegal trade and is mostly for local consumption.²⁷⁷

162. During meetings with TANAPA, the Panel learned that rangers currently carry rifles; adding non-lethal weapons such as teargas, flashbangs (small projectiles that detonate with a loud noise), and pepper spray were being considered. According to TANAPA officials, in Tanzania poachers are generally equipped with bows and arrows, spears, a *rungu* (club), and throwing sticks. All poachers carry a blade such as a *panga* (*machete*) or a *simi* (the traditional Maasai double-edged sword) and some use a locally manufactured, rudimentary firearm known as a *gabore*. In addition, poachers typically carry snares, traps, torches, electric horns (to simulate bleating), poison for predators or scavengers, and matches for campfires. TANAPA rangers said cattle herders found inside the national parks with their livestock likewise carry bows and arrows, spears, a *rungu*, throwing sticks, and a *panga* or a *simi*.

163. Officials stated that TANAPA works to convince community members of the importance of the national parks and to change some of their practices, but that some people reject the concept of such parks. They provided the Panel with limited examples of circumstances when they did allow pastoralists access to the Park (e.g., for ceremonial purposes). The officials also stated that they ask communities and villages known to shelter poachers to leave surrendered weapons at specified locations for TANAPA to collect without arresting the owners.

164. The Panel inquired about TANAPA’s arrest procedures. TANAPA officials said alleged offenders in the national parks are first told to stop their activities. They indicated that it is often difficult for rangers to judge the level of threat posed by potential offenders, which can lead to a disproportionate response until the situation becomes clear. According to the officials, the primary hazard when encountering potential offenders “*is being fired upon.*” The risk of violence is particularly high when potential offenders outnumber the rangers on patrol. Therefore, according

²⁷⁷ According to the Panel’s expert, this situation is unlike the “*frontline parks*” in Kenya that are affected either by bandits from neighboring countries, or by local poachers who have small arms.

to TANAPA officials, when encountering potential offenders, rangers fire warning shots and there is much shouting, which typically results in the potential offenders surrendering or running off. If they run away, rangers pursue them while firing additional warning shots in the air. TANAPA officials told the Panel rangers cannot shoot fleeing potential offenders. The Panel observes, however, that the rules of engagement outlined in the WFCS GO allows the shooting of potential offenders who are running away in certain circumstances.

165. Rangers told the Panel that, once caught, potential offenders are handcuffed and taken to the nearest police station. Since these can be some distance away, the potential offenders are often kept in a TANAPA holding room in the PA for a short period before being taken to the police station to be processed through the judicial system. The Panel team was told that persons injured during arrest immediately receive first aid and, if necessary, are taken to the nearest hospital. The police are then notified, and they ensure the arrested individual does not escape custody. If the individual is from a local community, his or her village chief is notified.

166. TANAPA rangers informed the Panel that livestock seized in a national park is held in a TANAPA-secured paddock. The rangers told the Panel that they explain to the potential offenders the charges and the potential offenders are given the option of paying fines to get their livestock back (the fine depends on the number of animals seized). When the potential offenders deny the charges, the matter goes to court. TANAPA officials stated that cattle herders often challenge the charges. Hence, rangers gather as much evidence as possible, such as GPS coordinates, photos, etc.

167. Management's Second Response noted that the Process Framework developed for the Project should have anticipated conflicts relating to Park access and contained specific elements to support conflict mitigation.²⁷⁸ It added that the Process Framework should have included provisions to "*manage conflicts stemming from access to park resources and [to] guide interactions between Park authorities, communities, and other stakeholders.*"²⁷⁹

168. *Incident Reports.* According to TANAPA officials, rangers must log and report every law enforcement incident (including firearm discharges). The GO requires incident reports, investigation and prosecution reports, intelligence reports, fire reports, human-wildlife conflict reports, seizure reports, vehicle and equipment reports, training reports, firearms and ammunition return reports, loss reports, patrol reports, accident reports, and radio communication reports.

169. TANAPA officials stated that incident reports from individual rangers in RUNAPA are reviewed by the Park Senior Commissioner and then compiled and sent to the Southern Zonal Headquarters (encompassing RUNAPA, Katavi National Park, and Kitulo National Park) for processing. Various reports are compiled on a monthly, quarterly, and annual basis. Incident reports are reviewed by the Head Ranger in charge; critical incidents are reported directly to TANAPA national headquarters in Arusha. According to TANAPA officials, 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.

²⁷⁸ Second Management Response, p. 7, para. 21. See Annex 3.

²⁷⁹ Second Management Response, p. ix, para. xv. See Annex 3.

170. 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 incident reports should have been required given the public record, including a Parliamentary inquiry, suggesting TANAPA rangers committed acts of violence during law enforcement patrols. TANAPA told the Panel that reporting law enforcement activities to external parties such as the Bank is a breach of security protocols.

171. The Panel notes that, since the Bank had no requirement that TANAPA report incidents to Management and given TANAPA's position on protocols, Management remained unaware of serious incidents in the Project area and related investigations. The Panel observes that Management first learned of serious incidents in RUNAPA only following receipt of the Requesters' Advisor's letter in April 2023. The Second Management Response acknowledged that the limited information Management had on incidents is due *"to the fact that adequate system[s] to record and address incidents were not put in place for the Project, even though the risks of potential conflict had been flagged in Project preparation documents"*²⁸⁰ and Management *"requested the Government to report on cattle seizures as part of regular Project progress reporting."*²⁸¹ TANAPA officials informed the Panel that a reporting matrix is being developed.

172. Village Game Scouts and Law Enforcement. Village Game Scouts (VGS) are community volunteers tasked with identifying human-wildlife conflict in their village areas and supporting the protection of natural resources and wildlife in community-based Wildlife Management Areas which, by definition, lie outside national parks. The volunteers are selected by their communities. The VGS system has been part of wildlife management in Tanzania for many years and falls under the responsibility of the District Game Officer (DGO). The VGS reports to the Village Game Officer, who reports to the Ward Game Officer, who in turn reports to the DGO. VGS are certified by the Director of Wildlife after a three-month course at the Community-Based Conservation Training Centre at Likuyu. As a rule, VGS do not patrol inside the national parks including RUNAPA, i.e., in the Project area. However, TANAPA officials said VGS at times alerts rangers of ongoing incidents, and they sometimes conduct joint patrols.

173. Under Component 3, the Project finances training for VGS on protection-related issues,²⁸² and it supports participants with stipends and provides uniforms, boots, tents, and communication equipment.²⁸³ By December 2023, 354 VGS from 39 villages had been recruited and trained by the Project.²⁸⁴

174. The Panel notes that while VGS carry firearms during their activities and receive training in their use, it is considerably less extensive than the training required for rangers. According to TANAPA officials, a group of VGS is composed of five individuals and the DGO provides a firearm to only one VGS member *"as necessary."* The firearm is issued for the duration of a patrol and returned to DGO custody daily.

²⁸⁰ Second Management Response, p. 5, para. 14. See Annex 3.

²⁸¹ Second Management Response, p. 20, para. 66. See Annex 3.

²⁸² Aide-Mémoire (June 2016).

²⁸³ Aide-Mémoire (June 2016).

²⁸⁴ Aide-Mémoire (December 2023).

175. VGS are taught how to use various natural methods keep wildlife inside the national park and away from their villages. They educate community members on the use of such methods to protect their crops and dwellings, and they teach them what to do if wildlife enters their village. VGS report any animal found killed or wounded (even accidentally), as well as any suspected poaching activities or suspected poachers. According to Project documents, the Project directly supported the VGS to help communities strengthen the governance of and safeguard their natural resources and livelihoods.²⁸⁵

176. Upon completion of training and probation, VGS receive government identification cards and become authorized officers. The WCA's Section 3(e) defines an authorized officer as an "employee in a Wildlife Management Area of [sic] a designation of a village game scout."²⁸⁶ As authorized officers, VGS can use the level of force permitted by the WCA. The Panel notes that Project documents do not consider the risks in relation to the carrying and potential use of firearms by VGS.

177. *Overall Observations.* 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. This is especially concerning as the Project provided patrolling equipment and infrastructure to TANAPA who, under the WCA and GO, may use excessive force as part of the law enforcement activities they carry out in national parks.

178. The Panel observes that the Bank could have assessed TANAPA's law enforcement activities and their alignment to international best practices (see Box below). This is of particular importance since TANAPA personnel would, at some point, engage with community members who live in RUNAPA. The Panel also observes that such an assessment would have permitted Management to identify TANAPA's role in the restriction of access and its potential for using excessive force and to address these issues in the Project's early development stages.

²⁸⁵ Aide-Mémoire (November 25, 2022).

²⁸⁶ The United Republic of Tanzania (2022). The Wildlife Conservation Act, p. 9, para. 3(e).

Box: International Best Practice for Assessing Law Enforcement Agencies derived from the [Voluntary Principles on Security and Human Rights](#).*

To evaluate the capacity of law enforcement agencies and their ability to abide by or follow international best practice, an assessment should typically answer the follow kinds of questions:

- *How does the Law Enforcement Agency (LEA) address security and human rights in its policies, security management plans and standard operating procedures? Are the LEA's officers familiar with international standards in law enforcement and how to apply them?*
- *What is the LEA's track record in applying such standards? What are the challenges it faces in applying them and has it addressed these challenges in a manner that is consistent with international standards?*
- *What are the main security threats that can occur in the Project area? Can the LEA respond to them in a manner that is consistent with international law enforcement and human rights standards?*
- *Do the LEA's officers have the training and resources needed to operate at the level of international law enforcement and human rights standards? Are they aware of their responsibilities in relation to community engagement and human rights?*
- *Are the LEA officers trained in conflict management and are they capable of facing community unrest, protests, and direct confrontations with community members in a manner that respects human rights and upholds international law enforcement standards?*
- *What type of equipment do LEA officers have; do they carry firearms? Do they have less-than-lethal weapons? What are the standards and procedures for the use of force and firearms? Are these consistent with international law enforcement and human rights standards? Have LEA officers received training in international standards for the use of force and firearms?*
- *How are security incidents and allegations of abuses reported, recorded, and investigated? What disciplinary procedures does the LEA have in place?*

* These Voluntary Principles are supported by a global, multi-stakeholder initiative dedicated to sharing best practices and mutually supporting the implementation of the principles to guide security risk management and the protection of human rights.

179. The Panel notes that Management's Second Response stated that "[w]hile the terminology used ("excessive force") is inconsistent with good international practice, the General Orders, are nevertheless clear about the limited circumstances under which such force is allowed, which is only in proportion to the threat faced."²⁸⁷ The Panel observes that the Second Response does not consider Sections 3(2)(a), (b), and (c) of the WFCS GO,²⁸⁸ which imply that firearms may be used if a person in custody is escaping or attempting to escape. The Panel notes these sections fall short of international law enforcement principles and could result in violations of the right to life and the security of individuals. The Panel does not agree with Management's view in the Second Response that the WFCS GO requires any use of "excessive" force to be proportionate to the threat faced. The Panel observes that many aspects of WFCS GO Section 3 allow disproportionate uses of force – such as using firearms on an unarmed person escaping custody or on someone who simply possesses a lethal weapon, even if posing no imminent threat.

²⁸⁷ Second Management Response, p. 13, para. 39. See Annex 3.

²⁸⁸ Second Management Response, Annex 1. See Annex 3.

3.7. Panel Findings on Park Management and Law Enforcement

180. 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.

181. 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.

182. 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.**

183. 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.

184. 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.

Chapter 4 – Project Supervision

4.1. Introduction

185. This chapter reviews Bank supervision of the Project and its response to the allegations in the Requests. The analysis covers the frequency of supervision and the technical expertise engaged. It also examines the quality of the supervision and when and how the alleged impacts covered by this investigation were identified and addressed.

4.2. Bank Policies

186. The Bank Policy on Investment Project Financing requires the Bank to monitor during project implementation the Borrower's compliance with obligations set out in the legal agreements with the Bank. The Policy also requires the Bank to support the Borrower by reviewing information on the progress of implementation and progress towards achievement of the project's development objectives and related results, and by updating the risks and related management measures.²⁸⁹

187. The Bank Directive on Investment Project Financing states that, in providing implementation support, the Bank reviews the Borrower's monitoring of project performance and compliance with its contractual undertakings. It requires the Bank to assess the project periodically and review the Borrower's monitoring of results, risks, and implementation status, updating project information and identifying any follow-up actions needed.²⁹⁰

188. The Policy states that if the Borrower does not comply with its contractual obligations, which gives rise to a legal remedy under the agreements for the Investment Project Financing, the Bank consults with the Borrower and requires timely and appropriate corrective measures be taken. The Bank's legal remedies, in the case of Bank Loans, include suspension of disbursements and cancellation of unwithdrawn amounts of the Bank Loan.²⁹¹

4.3. Panel Observations on Project Supervision

189. The Bank's supervision of projects covers the implementation of project activities as designed as of project-approval. The Panel's analysis below focuses on the frequency of supervision activities and the expertise used for the Project. It also examines the quality of supervision and how Management identified and dealt with the claims related to resettlement – including restriction of access to legally designated parks – and the claims related to excessive use of force in RUNAPA by TANAPA rangers and whether ways to address these claims were suggested during project implementation.

²⁸⁹ The World Bank (2021). [Bank Policy on Investment Project](#), p. 7, para. 20.

²⁹⁰ The World Bank Directive (2023). [Bank Directive on Investment Project Financing](#), p. 9, para. 44.

²⁹¹ The World Bank (2021). [Bank Policy on Investment Project](#), p. 7, para. 27.

4.3.1. Frequency of Bank Supervision and Technical Expertise

190. **Frequency of Bank Supervision.** In determining whether Bank supervision took place at regular and adequate intervals, the Panel analyzed two separate periods: from Project approval to submission of the First Request for Inspection (September 2017 to June 2023) and after submission of the First Request (June 2023 to the drafting of this Report).

191. In accordance with Bank policy, Management regularly conducts implementation support missions, commonly called supervision missions. These typically occur every six months to review the progress of project implementation. In addition, Management may conduct interim technical missions. These occur outside the regular supervision schedule and review one or more aspects of project implementation. The following table shows the frequency of the Project's supervision missions.

Table 1: Number of Bank Supervision Missions

	Before First Request <i>September 2017 – June 2023</i> <i>(five years, nine months)</i>		After First Request <i>July 2023 – July 2024</i> <i>(one year)</i>		Total
	In-person	Virtual	In-person	Virtual	
Regular missions	7	5	1	–	13
Interim missions	1	2	2	–	5
Mid-Term Review	–	1	–	–	1
Total	16		3		19
Frequency	One every 4.3 months		One every four months		

192. *Before Submission of the First Request (September 2017 to June 2023).* Management conducted 16 missions between Project approval and submission of the First Request: 13 were regular, routine supervision missions, three were interim missions, and one a Mid-Term Review mission.²⁹² When aggregated, these supervision missions occurred at an average frequency of approximately one every 4.3 months.

193. The three interim supervision missions were conducted:

- In September 2018 a review of the overall project implementation progress was carried out. This included examination of how the Project's development objectives would be affected by the Rufiji Hydropower Dam being considered in the then Selous Game Reserve.²⁹³
- A February 2021 mission followed up on the August 2020 Mid-Term Review recommendations, including aligning the Project's geographical area with the new Nyerere National Park and transferring Project activities from TAWA to TANAPA.²⁹⁴

²⁹² Of these missions, eight were conducted virtually (between June 2020 and April 2022) in observance of COVID-19 restrictions. The Bank's in-person supervision of the Project resumed with the November 2022 mission.

²⁹³ Aide-Mémoire (September 17-28, 2018)

²⁹⁴ Aide-Mémoire – Restructuring Mission (February 8-12, 2021).

- In April 2022, due to the accumulated delays in implementation, a mission to ensure continued, expedited Project implementation took place.²⁹⁵

194. The June 2023 supervision mission reported that the Government requested from the Bank team a “quiet period” without Bank missions during April-June 2023.²⁹⁶ The Panel notes that on April 5, 2023, the Requesters’ Advisor sent the Bank a letter that relayed some of the concerns of the Requesters. According to Bank staff, the quiet period related to Tanzania’s annual budget preparation and approval cycle.

195. *After Submission of the First Request (June 2023 to the drafting of this Report).* After the Requesters submitted their First Request for Inspection and throughout the drafting of this report (which includes the period following submission of the Second Request), Management conducted three supervision missions. The December 2023 mission was a regular mission, while the March 2024 and April-May 2024 interim missions included a high-level, Bank Management team.

196. According to the March 2024 Aide-Mémoire, the March mission intended to follow up on the issues raised by the Requesters such as alleged security incidents involving violence in and around RUNAPA, and the resettlement of five villages which were not consistent with the legal agreement between the Bank and the Government.²⁹⁷ The Aide-Mémoire reported that the mission had identified potential resettlement in one of the five villages. The Panel observes that the Aide-Mémoire made no specific mention of restricted access to RUNAPA or the impact of such a restriction.

197. The Bank issued a “Suspension of Disbursement” letter effective April 18, 2024, for noncompliance with the Financing Agreement’s safeguards requirements such as resettlement procedures and compensation, and grievance monitoring and reporting.²⁹⁸ According to the April-May 2024 Aide-Mémoire, that mission was to discuss with the Government the conditions needed to lift the suspension.

198. In summary, 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.

199. **Technical Expertise Involved in Bank Supervision.** The Panel analyzed the composition of supervision missions before and after submission of the First Request. The Panel notes that there are no Bank criteria for the number of participants or the types of expertise involved in such missions. The Panel also notes that common practice is to include expertise commensurate with the complexity, risks, and challenges of a project.

200. Between Project approval and submission of the First Request (September 2017 to June 2023), the Panel notes that Bank mission teams consistently included environmental and social

²⁹⁵ Aide-Mémoire (November 15-17, 2021).

²⁹⁶ Virtual Sessions and Technical Follow-Up Progress Report as of June 10, 2023.

²⁹⁷ Aide-Mémoire (March 25-29, 2024).

²⁹⁸ Tanzania Suspension of Disbursement, IDA/SecM2024-0085, dated April 17, 2024.

specialists. Despite the involvement of such specialists, the scope of supervision omitted the southern part of RUNAPA where restriction of access negatively impacted livelihoods and excessive force was used, and where as a result of GN-754 five villages remain located within the Park. The Panel notes the composition of Project supervision team expertise did not change, despite the Bank's receipt of the Requesters' Advisor's letter in April 2023, which raised concerns about use of excessive force by TANAPA rangers.

201. Since submission of the First Request (June 2023 to the drafting of this Report), three Bank supervision missions have been conducted – in December 2023, March 2024, and April-May 2024. The Panel observes that, even though the Request alleged human rights abuses and use of excessive force against local community members by TANAPA rangers, the Project did not include specialist expertise in security and law enforcement.

202. Management's Second Response acknowledged that initially the Bank did not deem the reported violent incidents to be related to the Project.²⁹⁹ The Second Response also acknowledged that the Bank's supervision had focused on civil works and livelihood support activities related to the Project implemented outside of the four national parks, and it did not focus on Project elements that financed improved park management.³⁰⁰

203. 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 Bank did not recognize the significant resettlement risk associated with southern RUNAPA until December 2023. Prior to that mission, the team's social specialists narrowly focused on the implementation of Component 2 – the strengthening of alternative livelihoods in the priority villages adjacent to the national parks – and did not consider the early signs of the resettlement that was taking place or the impacts of park management on the livelihoods of the communities residing in southern RUNAPA. Hence, 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.

204. In relation to the risks associated with the alleged use of excessive force by TANAPA rangers in RUNAPA, as noted above, the Panel found no evidence indicating the inclusion of expertise in security and management of law enforcement nor that, until April 2024, these risks were linked to TANAPA's mandate of restricting access to national parks. 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.

4.3.2. Quality of Bank Supervision

205. This section reviews the quality of supervision related to the resettlement claims, including restricted access to grazing land, and the claims of use of excessive force. It provides information concerning the delays in Project implementation and analyzes the Bank's supervision efforts and reaction to the allegations once it became aware of them.

²⁹⁹ Second Management Response, p. 6, para. 18.

³⁰⁰ Second Management Response, p. 14, para. 42.

206. The Project became effective on June 6, 2018, eight months after approval. The Panel notes that further Project implementation delays meant that supervision between June 2018 and November 2019 was focused on the Rufiji Hydropower Dam under construction in the Selous Game Reserve, and the impact the dam would have on delivery of the Project’s objectives. Following the transformation of part of the Selous Game Reserve into a national park (Nyerere National Park), Project activities at Nyerere National Park transferred from TAWA to TANAPA.³⁰¹

207. After Project restructuring in February 2021, Management reporting on Project implementation showed steady progress without any notable issues or challenges appearing in Bank supervision documents. However, as outlined in Table 2, the Requesters alleged several incidents in the Project area during this period. The Panel observes that Requesters’ Advisor directly informed the Bank of these serious allegations on April 5, 2023.

Table 2 – Alleged Incidents and Events within RUNAPA based on the Requests³⁰²

Date or Period	Serious Incidents or Events Alleged in the Requests
April 23, 2021	Rangers reportedly shot and killed a fisher and two herders aged 14 and 25.
September 2022	RUNAPA’s Assistant Conservation Commissioner stated they have captured 12,758 cattle in the Park in year 2021/22.
September 14-24, 2022	Rangers allegedly seized 3,492 cattle for grazing within the Ihefu wetlands.
October 25, 2022	The Minister of Lands, Housing and Human Settlement Development announced that five villages and 47 sub-villages of 14 villages inside RUNAPA would be relocated.
November 22, 2022	Rangers allegedly seized 172 cattle.
December 2, 2022	Rangers allegedly seized 93 cattle.
December 7, 2022	Rangers allegedly seized 293 cattle.
December 19, 2022	Rangers allegedly seized 140 cattle.
May 6, 2023	Rangers allegedly seized 250 cattle and brutally assaulted three Maasai women in a village in Mbarali District.
May 6, 2023	A villager resisting seizure of his cattle allegedly suffered a severe beating and large cuts on his head that required hospitalization.
May 11, 2023	A Member of Parliament from Mbarali District described the violence and cattle seizures during a Parliamentary session.
October 20, 2023	Promulgation of GN-754, which redefined RUNAPA’s boundary.

208. According to the First Management Response, upon learning of the alleged violence, Management sent a team of social and environmental specialists to the “*Project sites*” April 21-30, 2023. That mission included discussions with TANAPA to gather information.³⁰³ Management added that nothing, including the Bank’s own reviews, indicated the alleged abuses occurred because of the Project or resulted from non-compliance with Bank policy.³⁰⁴

³⁰¹ Aide-Mémoire – MTR (August 2020).

³⁰² [First Request for Investigation](#) (2023).

³⁰³ [First Management Response](#), p. 11, para. 28.

³⁰⁴ [First Management Response](#), p. 11, para. 28.

209. The Panel observes that in December 2023, six months after registration of the First Request, the Project’s overall rating for the environmental and social safeguards performance was raised from “moderately satisfactory” (June 2023)³⁰⁵ to “satisfactory”³⁰⁶ despite the gravity of the allegations in the Request.

210. The Panel observes that the supervision documents from when the Project was approved lack any substantial information about resettlement. The Panel notes the safeguards section of the ISR during this period consistently indicated that the Project was not expected to cause physical or economic displacement. However, the December 2023 mission acknowledged the possibility of resettlement and stated that all resettlement activities that may take place due to the enforcement of GN-754 should be conducted in accordance with the RPF.³⁰⁷

211. Supervision documents indicate the Bank consistently rated safeguard management “*moderately satisfactory*.” The Panel observes that none of the incidents listed above – including the announcement on resettlement of villages in October 2022 and the violence and cattle seizures described to Parliament in May 2023 – were mentioned in supervision documents until the March 2024 mission. The Panel observed that not until June 2024 did the Bank downgrade the rating for environmental and social safeguard management to “*moderately unsatisfactory*” and increase the risk rating category for the environmental and social component to “*high*.”³⁰⁸

212. The March 2024 mission included senior Bank management staff who visited one of the five villages still within RUNAPA after the GN-754 boundary change. The March 2024 Aide-Mémoire confirmed that initial resettlement activities were taking place, including the marking of the new boundary and indications of a recent asset valuation in RUNAPA villages.³⁰⁹ The April-May 2024 Aide-Mémoire also noted that Bank staff saw evidence of these early-stage resettlement activities during that subsequent mission; it noted that the process of housing and asset identification was underway in the villages.³¹⁰

213. In the same Aide-Mémoire, Management determined that the use of excessive force reported by the Requesters could be related to the Project, but stated that each incident needed further investigation.³¹¹ It also noted that, after the mission, the Bank received from various sources – including government and newspapers – additional reports about “*violent incidents*” allegedly involving rangers including an incident that had resulted in the deaths of six people – a TANAPA ranger, a VGS, and four community members – and the disappearance of three others.³¹² Management determined that since the Project supported activities to help rangers enforce park management rules, they may have contributed to tensions and confrontations with community members.³¹³

³⁰⁵ Implementation Status and Results Report (ISR) – June 2023.

³⁰⁶ Aide-Mémoire (December 2023).

³⁰⁷ Aide-Mémoire (December 2023).

³⁰⁸ ISR Sequence 14.

³⁰⁹ Aide-Mémoire (March 2024).

³¹⁰ Aide-Mémoire (April 2024).

³¹¹ Aide-Mémoire (March 2024).

³¹² Aide-Mémoire (March 2024).

³¹³ Aide-Mémoire (March 2024).

214. Management noted that serious incidents should have been reported to the Bank and clarified in earlier supervision missions.³¹⁴ Although Management recognized that TANAPA has a reporting system within its hierarchy, this system does not have a mechanism that would enable reporting incidents to the Bank.³¹⁵ 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.³¹⁶ According to that Aide-Mémoire, the Government and the Bank agreed to develop a reporting system with set criteria. Management's Second Response also mentioned the need for a system to report serious incidents in the Project area to the Bank during Project preparation and supervision. The Panel notes that it was not until the Second Response that the Bank reported that a system has been agreed by the Bank and Government and is being established.³¹⁷

215. On April 17, 2024, Management informed the Board that, effective the next day, Management suspended the Project due to non-compliance with the Financing Agreement's safeguards requirements – namely, resettlement procedures and compensation, and grievance monitoring and reporting.³¹⁸ In the Suspension of Disbursement letter, Management noted that, in 2023, the Government began a process of de-gazetting an area of the Park, leaving five villages within RUNAPA.³¹⁹ It added that a resettlement process had been initiated in several villages inside RUNAPA even though the Government had not informed the Bank of any plans to prepare a RAP.³²⁰

216. The April-May 2024 Aide-Mémoire noted that the Government and Bank Management had agreed on a series of actions addressing issues raised in the March 2024 mission. The Suspension of Disbursement letter had set certain conditions for the Government for lifting the suspension: (i) document the status of resettlement in the five villages, including information related to consultations, valuation, and prospective relocation, (ii) update the GRM based on the results of consultation and the updated Environmental and Social Management Framework, (iii) document the anti-retaliation and whistleblower protection actions taken by agencies involved, (iv) establish a system of reporting previous and future violent incidents in the Project area to the Bank, and (v) capture all changes in formal Project documents.³²¹

217. The Panel notes that further to these conditions for lifting the suspension, the Government and the Bank agreed to additional actions. These include training TANAPA staff on engaging with local communities, developing Standard Operating Procedures binding on officers and rangers operating in the Project area, and extending the work of outreach officers to address social issues in the Park effectively.³²²

³¹⁴ Aide-Mémoire (March 2024).

³¹⁵ Aide-Mémoire (March 2024).

³¹⁶ Aide-Mémoire (March 2024).

³¹⁷ Second Management Response.

³¹⁸ Tanzania Suspension of Disbursement, IDA/SecM2024-0085, dated April 17, 2024.

³¹⁹ Letter of Suspension of Disbursement, dated "*April 17, 2023 (sic)*[2024]".

³²⁰ Letter of Suspension of Disbursement, dated "*April 17, 2023 (sic)*[2024]".

³²¹ Aide-Mémoire (April 2024).

³²² Aide-Mémoire (April 2024).

218. 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. The shortcomings that are not fully addressed include: (i) the physical resettlement of the five villages that is currently suspended for the “*foreseeable future*”³²³ and where the Panel believes this may still occur in the near future; (ii) continued restriction of 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.

4.4. Panel Findings on Project Supervision

219. 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.**

220. 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.

³²³ Second Management Response, p. 12, para. 35. See Annex 3.

Chapter 5 - Conclusions

221. This Inspection Panel investigation differs from most others in that this case comprised two Requests for Inspection and two Management Responses. Management's Second Response reassessed incorrect assumptions made in the First Response and acknowledged weaknesses in Project design and implementation. Management also recognized that the Project's earlier assumptions reflected insufficient appreciation of key risks and errors in interpreting the Project's scope.

222. The Panel finds it worth reiterating that the Park now covers more than 20,000 km² – 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.

223. 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.

224. 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.

225. 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.

226. 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*"³²⁴ and where the Panel believes this may still occur in the near future; (ii) continued restricted access to resources for livelihoods

³²⁴ Second Management Response, p. 12, para. 35. See Annex 3.

sustained by the Park; and, (iii) a continued engagement, including patrolling, by TANAPA while legally authorized by the GO to use excessive force.

227. 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.

228. 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.

229. 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.

230. 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:³²⁵ (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

³²⁵ The Inspection Panel (April 2016). [Emerging Lessons No. 1: Involuntary Resettlement](#).

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.

231. 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.

Annex 1 – Table of Findings

Issue Area	Panel Observations and Findings
Chapter 2 – Involuntary Resettlement	
Identification of Project's Area of Influence	The Environmental Assessment 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.
Environmental Assessment and Consideration of Social Aspects.	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.
Involuntary Resettlement from Land Take	<p>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 boundaries.</p> <p>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.</p>

	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).
Involuntary Resettlement – Restriction of Access to Legally Designated Parks	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).
Chapter 3 – Park Management and Law Enforcement	
Assessment the of Implementing Entity's Capacity and Consideration of Human Health and Safety; and Social Aspects as a result of Project Activities	<p>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.</p> <p>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.</p> <p>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</p>

	<p>requires a project to take into account human health and safety and the institutional capabilities related to the environmental and social aspects.</p> <p>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.</p>
Assessment of Project-related Risks Resulting from Park Management and Law Enforcement	<p>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.</p>
Chapter 4 – Project Supervision	
Bank’s Supervision of the Project	<p>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</p>

	<p>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.</p>
Bank's Exercise of Remedy in Relation to Borrower's Contractual Obligations	<p>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.</p>

Second Request for Inspection (Redacted)

[REDACTED]

From: [REDACTED]
Sent: Friday, May 3, 2024 3:22 PM
To: Mark Edward Goldsmith; Ibrahim James Pam; Serge Selwan; Dion Lorenz Lipa Romano; Richard Alexander Wyness; Rupes Kumar Dalai
Cc: [REDACTED]
Subject: Re: URGENT - GN 754 Ruaha National Park Border Expansion Triggers Evictions
Follow Up Flag: Follow up
Flag Status: Flagged

[External]

Dear Mark, Ibrahim, Serge, Rupes and Evelyn,

Thank you for the call this morning. I am forwarding our email from February 21, 2024 where we reiterated our demand for the Inspection Panel to investigate evictions in the REGROW project area in light of GN 754.

Once again, we urge the Panel to include resettlement within the scope of the ongoing investigation.

I do not have Evelyn's email address. Please forward to her.

Sincerely,

From: [REDACTED]
[REDACTED] February 21, 2024 at 12:50 PM
To: Mark Edward Goldsmith <mgoldsmith1@worldbank.org>, Ramanie Kunanayagam <rkunanayagam@worldbank.org>, Ibrahim James Pam <ipam@worldbank.org>, Serge Selwan <sselwan@worldbank.org>, Dion Lorenz Lipa Romano <dromano@worldbank.org>, Richard Alexander Wyness <rwyness@worldbank.org>, Rupes Kumar Dalai <rdalai@worldbank.org>
Cc: [REDACTED]

Subject: URGENT - GN 754 Ruaha National Park Border Expansion Triggers Evictions

Dear Mark, Ramanie, Ibrahim, Serge and Rupes,

We are following up to urgently reiterate the need for the Inspection Panel to investigate evictions in the REGROW project area. During our last discussion on February 16, 2024, we conveyed [REDACTED] frustration that the looming evictions would not be included within the scope of the Panel's investigation. This omission was made despite the Panel observing houses and structures marked for demolition, fields left unsowed, new power grid connections halted and cruel livelihood restrictions; all intended to drive people from the area.

After our call, we were stunned to learn that a new Government Notice (GN) had in fact already been issued by the Tanzanian government. On October 20, 2023, the government [officially declared](#) it was modifying the existing boundaries of Ruaha National Park (RUNAPA) through GN 754 of 2023. As stated in court documents referenced below, the [new boundaries](#) will now encompass at least 23 legally registered villages* – forcing the eviction of over 21,000 people who did not provide their Free, Prior, and Informed Consent to the decision and have not been compensated. Thousands of additional people living in sub-villages are now considered within RUNAPA and will be evicted as a result as well.

On December 19, 2023, 855 residents from 23 villages facing eviction in Mbarali District filed a case (**Reference 45 of 2023**) in the East African Court of Justice against the Attorney General of Tanzania to nullify GN 754. The case was brought to the regional court as [past attempts](#) to stop the expansion of RUNAPA in Tanzanian courts have failed to provide justice. The lawsuit details how GN 754 is in flagrant violation of both Tanzanian law and international human rights standards. Sworn affidavits from the impacted villagers reveal that they were not consulted regarding the decision that will upend their lives.

The Panel's investigation recommendation report from September 2023 explicitly states: "until such time, as there is a signed General Notice, which may trigger resettlement, it is not possible for the Panel to determine whether there is a plausible link between the alleged harm or potential harm resulting from resettlement and the Project." In light of GN 754 – which will trigger evictions and serious harms to the impacted villages – what course of action will the Inspection Panel take and when?

The Panel's recommendation report documented a clear commitment from Bank's Management that "if any resettlement occurs in the future, Management will ensure that the [Resettlement Policy Framework] RPF is followed and sites specific [Resettlement Action Plans] RAPs are prepared." It also specified that "RPF would be applied to resettlement activities that are not supported by the Project if such resettlement occurred in the same geographical area as the Project." Will the Panel confirm if these steps are being followed?

Through GN 754 of 2023, the government has shattered every promise it has made to the World Bank and Panel that no resettlement would occur without due process, confirming our earlier warnings. The escalating cattle and farm equipment seizures by TANAPA in January 2024 took place in the villages that will be wiped away by GN 754, indicating that evictions are imminent.

We look forward to learning the next steps the Panel will take to act on this information and remain available to answer questions.

Sincerely,

**Legally registered villages in Mbarali District that facing eviction from GN 754 include:*

Mahango, Mkunywa, Iheha, Nyangadete, Magigwe, Vikaye, Igunda, Ivalanji, Ikanutwa, Nyeregete, Mwanavala, Ibumila, Songwe, Warumba, Ukwavila, Kapunga, Iyala, Luhanga, Madundasi, Msango, Simike, Kilambo, and Udindilwa.

***A review RUNAPA's new boundaries from GN 754 reveal that dozens of additional sub-villages will also now be located within the park, leading to the eviction of thousands of more people.*

GN 754 in the October 20, 2023 Government Gazette: https://www.utumishi.go.tz/uploads/documents/sw-1698314727-GAZETI%20LA%20TAREHE%2020%20OKTOBA,%20%202023_compressed.pdf

Subsidiary legislation with new coordinates: <https://oagmis.agctz.go.tz/portal/legislation/2582>



Second Management Response

**MANAGEMENT RESPONSE TO
THE SECOND REQUEST FOR INSPECTION PANEL REVIEW OF THE
TANZANIA: RESILIENT NATURAL RESOURCES MANAGEMENT FOR TOURISM
AND GROWTH (P150523)**

Management has reviewed the Second Request for Inspection of the Tanzania: Resilient Natural Resources Management for Tourism and Growth (P150523), received by the Inspection Panel on May 3, 2024, and added to the ongoing investigation of the First Request (IPN Case No. 165) following Board approval on May 24, 2024.

Management has prepared the following response to the Second Request.

6/27/2024

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Maps

Map 1.	IBRD No. 48170 – Tanzania REGROW Project: Ruaha National Park and the areas that were incorporated in the Park during the 2008 Park expansion
Map 2.	IBRD No. 48171 – Tanzania REGROW Project: Project-supported infrastructure and Component 2 beneficiary villages.
Map 3.	IBRD No. 48172 – Tanzania REGROW Project: Location of violent incidents and cattle seizures as reported by the Government

Annexes

Annex 1.	TANAPA General Orders (extract)
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ABBREVIATIONS AND ACRONYMS

AM	Accountability Mechanism
AMS	AM Secretary
ESMF	Environmental and Social Management Framework
GN	Government Notice
GRM	Grievance Redress Mechanism
IDA	International Development Association
IPN	Inspection Panel
MLHHSD	Ministry of Lands, Housing and Human Settlement Development
MNRT	Ministry of Natural Resources and Tourism
PAD	Project Appraisal Document
REGROW	Tanzania: Resilient Natural Resources Management for Tourism and Growth Project
RPF	Resettlement Policy Framework
RUNAPA	Ruaha National Park
SCDP	Stakeholder Consultation and Disclosure Plan
SOP	Standard Operating Procedure
TANAPA	Tanzania National Parks
US\$	United States dollar

EXECUTIVE SUMMARY

i. ***This Management Response responds to the Second Request for Inspection of the Tanzania: Resilient Natural Resources Management for Tourism and Growth Project (REGROW).*** It also reflects a reassessment of the Project and the incidents that led to the Request for Inspection, and an adjustment of the Bank's position, including correction of errors on some key issues that were presented in Management's August 18, 2023, Response to the First Request for Inspection. Through more comprehensive field visits and consultations with the Government, the Bank has also obtained additional information about resettlement and violent confrontations in Ruaha National Park (RUNAPA). This has revealed weaknesses in Project design and implementation, as well as Bank supervision. The Bank is committed to working with the Government, the Inspection Panel, and stakeholders to address shortcomings, and fully assessing and mitigating adverse impacts. Given the risks associated with natural resources protection in national parks, the Bank will distill and apply the lessons to other Bank-financed operations.

ii. ***The REGROW Project supports the improved management of natural resources and tourism assets in four national parks in Tanzania, including RUNAPA, which covers approximately 20,000 km².*** The Project supports construction and upgrading of selected infrastructure in parts of RUNAPA. It provides increased access to alternative livelihood activities for select communities around the Park. The Project also specifically includes support to Tanzania National Parks (TANAPA), the agency overseeing Tanzania's national parks, to help improve its capacity to manage the entire Park, which includes patrolling to enforce existing park rules.

iii. ***Since April 2023 the Bank has been receiving reports about specific instances of violent confrontations between TANAPA rangers and community members in RUNAPA, involving violence and injuries, loss of life and assets, through civil society organizations and the media.*** The Bank has limited information on some of these incidents, and many could not be verified, due in part to the fact that adequate systems to receive, record and address incident reports were not put in place for the Project, even though the risks for potential conflict had been flagged in Project preparation documents. The Bank remains deeply concerned about the serious nature of the reports and the well-being of affected communities. The Bank is committed to doing everything possible, working with the Government, to secure systematic monitoring of the occurrence of such incidents, understand their causes, and implement mitigation measures under the Project to help address factors that may contribute to such confrontations. The Bank acknowledges the Government's criminal investigations and judicial processes.

iv. ***Management has carefully reviewed the Project and the issues raised in the Request and believes that three key risks were not fully appreciated during Project preparation and supervision, which meant that Project design and implementation did not provide for the appropriate risk mitigation measures.*** This caused the Bank to overlook critical information it received. The three key risks that were underappreciated are the following:

- ***Resettlement:*** Sizeable communities found themselves included inside RUNAPA as a result of a Government expansion of the Park in 2008. Consequently, they were at risk of resettlement during Project implementation. While Management identified this risk at preparation, it could have done more, especially during implementation, to monitor the situation;

- ***Law enforcement and conflicts:*** Management has reassessed the connection between some of the violent incidents in and around the Project area and the Project. It has determined that Component 1 of the Project enhanced TANAPA's capacity to enforce existing park rules, and that such enforcement can sometimes involve violent confrontations between rangers and community members.
- ***Livelihood restrictions:*** Enhancing the enforcement of park rules likely had an adverse socio-economic impact on community members in and around RUNAPA who relied on park resources for their livelihoods (e.g., grazing, hunting, fishing).

v. ***Despite the Project's broad objectives and geographical scope, the Bank's interpretation of Project risks and impacts during preparation but mostly implementation focused narrowly on the Project's infrastructure and community support activities in limited sections of the Project area.*** Specifically, inadequate appreciation of TANAPA's law enforcement role and mandate, exclusion of a large number of villages from the Process Framework and the Grievance Redress Mechanism (GRM), and failure to monitor the situation of villages susceptible to potential resettlement, posed risks that should have been more seriously considered. This would have allowed the Bank to discuss and oversee implementation of appropriate mitigation measures with the Government of Tanzania.

vi. ***A number of statements Management made in the initial Management Response were based on these same assumptions, which are rooted in an insufficient appreciation of key risks and errors in interpretation of the Project's scope.*** As stated above, this Management Response therefore also seeks to correct those statements that were found to be inaccurate following Management's re-assessment of the Project and the relation of its activities to resettlement, livelihood restrictions and confrontations. It also reflects developments subsequent to the initial Management Response and draws on more comprehensive field-visits and analysis.

Resettlement

vii. ***The Bank assumed that the resettlement of villages from within RUNAPA was unlikely to occur during the life of the Project even though there was no clear basis for this assumption.*** In 2008, the Government expanded RUNAPA in a way that caused several legally registered villages to become located within the boundaries of the Park. During Project preparation in 2017, the Bank identified that these villages might be relocated in the future but assumed that such resettlement was unlikely to occur during the life of the Project. This view was based on indications given by the Government, as well as the fact that pre-Project attempts to resettle communities located inside the extended 2008 boundaries had stalled. The Bank did not visit any of the villages entirely inside the Park's boundaries during preparation with a view to assessing their situation. However, Management agreed with the Government that the Government would follow the Project Resettlement Policy Framework (RPF) as a mitigation measure to guide any potential future resettlement of these communities.

viii. ***During implementation, the Bank did not adequately monitor the status of these villages or the Government's evolving plans regarding their resettlement. This meant that it missed the Government's early steps in a process to move communities outside the Park.*** The Bank received information on the Government's preparatory steps to resettle communities only when the Oakland

Institute wrote to the Bank in April 2023 expressing concerns about imminent relocation of villages inside RUNAPA. The Bank followed up with a field mission but did not visit the communities mentioned in the letter at that time even though, during the mission, it received indications that some preparatory activities for resettlement may have been initiated. It was only in March 2024, nearly a year later, that a Bank team visited the communities slated for resettlement for the first time. Management acknowledges that through regular supervision of resettlement aspects of the Project in the entire Project area, the Bank would have likely identified the ongoing process related to resettlement much sooner. This would have helped the Bank ensure that the Government applied the RPF to the resettlement process, which would have included extensive consultations with affected people, and agreement with the Bank on the timeline for the preparation and disclosure of resettlement action plans (RAPs).

ix. ***Specific Government plans became clear in October 2023, when the Government completed adjustments to RUNAPA's boundaries by issuing Government Notice 754 (GN 754).*** Following the 2008 expansion, the Government faced legal disputes from residents who found themselves inside the Park. In part to address these concerns, in October 2023, the Government issued another revision to RUNAPA's boundaries, which removed 27 villages from the Park but kept within it five full villages and settlements of eighteen other villages. That same month, Management was copied on correspondence from the Government, which communicated that it had begun identifying houses and assets in those villages. The Bank failed to take prompt action. Letters from Oakland Institute, an announcement from the Ministry of Lands, Housing and Human Settlement Development (MLHHSD) in October 2022, a verbal statement of the Prime Minister of Tanzania on January 17, 2023, and government counterpart statements during the April 2023 mission, were early indications that resettlement of these communities was planned. In addition, in February 2024, the Bank was informed of a lawsuit challenging GN 754 initiated before the East African Court of Justice by a group of residents from the villages remaining within RUNAPA. Despite requesting a copy, the Bank was not able to obtain Government's submission to the Court. It was only in March-April 2024 that a Bank mission visited the location of the five villages and found that early planning activities preparing for resettlement had commenced, consistent with the October 2023 letter, and that the Government had not applied the provisions of the RPF, as required under the Financing Agreement. Up until that point, despite these early warnings, the Bank did not take action besides reminding the Government in August and December 2023, of its legal obligation to follow the RPF should resettlement commence.

x. ***Following the Bank mission in March-April 2024 to two of the villages, the Bank suspended disbursements under the Project on April 18, 2024, and requested the Government to clarify its plans regarding resettlement.*** The Government on June 18 and June 26, 2024, through the Minister of Finance communicated to the Bank in writing that the Government has no intention of resettling the people living in the registered villages inside RUNAPA for the foreseeable future. It also stated that no communities had been resettled so far and agreed to publicly communicate this decision to the residents inside RUNAPA.

Law enforcement and conflicts

xi. ***Management acknowledges that Project preparation and supervision did not sufficiently consider the implications of supporting TANAPA, a government agency with a law enforcement mandate, which includes the use of force in limited circumstances.*** The Project financed

resources for TANAPA's patrols, including communications equipment, road maintenance equipment, a patrol boat, ranger posts, vehicles, uniforms, boots, bush knives, night vision equipment, and binoculars. Consistent with Bank policy, the Project did not finance firearms or ammunition. Under Tanzanian law, TANAPA is mandated with the enforcement of rules and is authorized to use force in some limited circumstances to protect resources in the country's national parks. This includes guarding against poachers and individuals who bring their livestock into the parks and thereby threaten the ecosystem and wildlife. This enforcement role entails potential encounters and confrontations between rangers and individuals who make unauthorized use of park resources. Despite this significant risk, the Project did not include adequate mitigation measures to address the conflict potential that could result from patrolling, even though it was flagged in various Project assessments carried out during preparation and implementation. The Project should have recognized that enhancing TANAPA's capacity to manage the Park could potentially increase the likelihood of conflict with communities trying to access the Park, and should have identified measures to help prevent, promptly report, and mitigate such conflict. Such measures should have included enhancing TANAPA's capacity to liaise with communities, conducting sensitization training, carrying out a security risk assessment, and preparing conflict prevention measures. In addition, the Process Framework—one of the safeguard instruments under the Project intended to address the potential curtailment of economic activities that result from restrictions of access to national parks—should have provided for conflict-specific measures, to help reduce the likelihood of confrontations.

xii. ***Prior to the Project, TANAPA already had a law enforcement mandate and a paramilitary structure.*** Then, in 2018, TANAPA was included in the new Tanzanian Wildlife Forest Service, together with other Government agencies. The Bank did not undertake an assessment of the new organization and the resulting changes for TANAPA's operating procedures and practice. This was another missed opportunity to address a gap in Project preparation. After violent incidents were reported to the Bank, it should have undertaken an assessment of TANAPA's capacity and operating procedures and identified where its Code of Conduct and other instruments needed strengthening. This assessment is now underway.

Livelihood restrictions

xiii. ***The Project also aimed at improving park management, which can result in restricting communities' access to park resources.*** TANAPA's mandate to guard against unauthorized use of park resources includes preventing illegal grazing by cattle, which compete with wildlife for forage. However, grazing cattle and fishing are also essential livelihood activities for some communities that have lived in and around areas that are now part of national parks. Such access to park resources may be important to them, particularly during times of drought or scarcity.

xiv. ***The Bank did not consider the potential impacts of improved park management and protection on the livelihoods of many communities in and around the Project-supported parks.*** Analysis during Project preparation did indicate that the economic activities of some communities could be curtailed by the improved park management measures supported by the Project. The Project undertook significant efforts to assess the situation of a subset of communities surrounding the Project-supported parks to gauge the impact of the enforcement of access restrictions on them and to address those through targeted livelihood support. To address this potential impact, the Project allocated US\$17 million to benefit 61 villages around the Project-supported parks, which

were identified based on several criteria, including being “hot spots” for poaching. However, the support was limited to selected beneficiary villages and did not extend to communities living inside the Park and many communities living all around the Park. At a minimum, the Process Framework that was prepared during Project preparation and the Project’s Grievance Redress Mechanism (GRM) should have covered these communities as well.

xv. ***The tension between park protection and livelihood activities is particularly apparent in the case of cattle.*** Cattle illegally grazing inside the Park is a major conservation challenge and such cattle are typically impounded by TANAPA, as required by law. This has caused confrontations that have led to injuries and even fatalities among community members and rangers. Since the first Management Response, the Bank has learned of several cases of violence between herders and rangers. This source of conflict was not sufficiently considered during Project preparation, or during supervision. The Process Framework developed for the Project should have included specific provisions to manage conflicts stemming from access to park resources and guide interactions between Park authorities, communities, and other stakeholders.

Next Steps

xvi. ***Management is working with the Government on specific measures to help address the current situation.*** Management has significantly increased its attention to this Project and mobilized additional staff and resources to address the issues discussed in this Response. The Government has now provided to the Bank assurances through the Minister of Finance that it has no intention to continue the early preparatory process of resettling communities from RUNAPA for the foreseeable future and also confirmed that no communities have been physically resettled so far. The Government has agreed to publicly communicate this to all stakeholders. The Government also reaffirmed its commitment reflected in the Financing Agreement and the RPF to follow the RPF for any resettlement occurring in the future in the Project area. Management has proposed to the Government the following steps:

- ***Supporting conflict prevention.*** The Bank has urged the Government to fill relevant gaps in TANAPA’s training and procedures, has offered its support, and is awaiting confirmation from the Government. This support includes adopting additional measures in a Code of Conduct applicable to TANAPA rangers that is specific to the Project, ranger training on de-escalation of violence, and an enhanced role for Project outreach workers.
- ***Reporting of violent incidents.*** The Government has committed to reporting to the Bank all incidents from the start of the Project to date, and any future ones. The Bank is awaiting confirmation that the agreed reporting protocol has been included in the Project Implementation Manual. The Bank will work with the Government to review all reportable incidents in all four parks and agree on mitigation measures.
- ***Resettlement.*** The Bank has requested and the Government has agreed to publicly communicate its decision not to resettle residents from inside RUNAPA, and to clarify what economic activities they may and may not carry out within the limits of their villages and the Park. The Bank is also supporting the Government’s efforts to strengthen the RPF by linking it more directly to communities inside RUNAPA.

- **Process Framework.** The Bank has requested the Government to update and strengthen the Process Framework and has offered its support. Specifically, it should consider how park access restrictions may have affected the livelihoods of communities inside and around the Park and provide clarity on ways to sustain their livelihoods.
- **Grievance Redress Mechanism (GRM).** The Bank has requested the Government to expand the GRM to the entire Project area (including the villages and hamlets within RUNAPA) and to all adjacent villages that depend on park resources.

xvii. ***Based on its review, the Bank has drawn some preliminary lessons about projects of this type.*** These lessons will be further examined and discussed, also reflecting the outcome of the Panel investigation, to ensure that proper staff guidance and training is put in place for the appropriate preparation and supervision of similar projects: the lessons specifically relate to the kind of due diligence necessary when projects involve a government agency with a law enforcement mandate; the need for a robust reporting system that permits the Bank to review these incidents, understand their causes, and put in place measures to reduce the risk of their recurrence as required; and the ability to quickly react to incidents. If there are situations with potential or uncertain resettlement in the Project area, these need to be monitored regularly. There is also a need for intensive supervision of all project components and not only those involving significant investments. When projects cover a large geographical area, teams should ensure clear demarcation and consider additional support for implementation, such as a third-party monitoring.

Conclusion

xviii. ***Management regrets that Project preparation and supervision did not fully appreciate key risks related to resettlement, confrontations, and livelihood restrictions in and around RUNAPA, and hence those were not sufficiently assessed or addressed.*** The interpretation of adverse impacts and supervision of the Project focused too narrowly on infrastructure and community support components, and not sufficiently on other Project activities. Management also erroneously concluded that the actions of the rangers in the course of their duties were not connected to the Project. During implementation, various opportunities to address the impacts from these risks were missed, even when they were brought to the Bank's attention, for example through reports of violent incidents, information received from government counterparts, in the RUNAPA Environmental and Social Impact Assessment and in letters to the Bank from the Oakland Institute.

xix. ***As indicated above, the Bank is committed to support the Government of Tanzania to address relevant issues relating to resettlement, livelihood restrictions and confrontations. The Bank will also undertake efforts to better assess past and future Project-related impacts that need to be addressed through the Project, and work with the Government to address these important issues.***

I. INTRODUCTION

1. On May 3, 2024, the Inspection Panel received a second Request for Inspection of the Tanzania: Resilient Natural Resources Management for Tourism and Growth Project (P150523) (the Second Request).
2. Following submission of the Management Response to the First Request on August 18, 2023, the Panel recommended an investigation, which the Board approved on November 15, 2023. In line with the Panel and the World Bank Accountability Mechanism (AM) Resolutions, after Board approval of the Panel's investigation recommendation, on November 16, 2023, the AM Secretary (AMS) offered the Requesters and the Borrower the option of dispute resolution. On December 11, 2023, the AMS informed the Board and the Panel that there was no agreement from either party to enter dispute resolution. On December 14, 2023, the Panel published its investigation plan on its website and commenced its investigation, which is ongoing.
3. The Panel recommended to the Board that the allegations raised in the Second Request be investigated within the context of the ongoing investigation of the first Request regarding the same Project (IPN Case No. 165) (the First Request). The Board approved the Panel's recommendation on May 24, 2024.
4. Following the Panel's receipt of the Second Request, the AMS offered the Requesters and the Borrower the option of dispute resolution. On May 31, 2024, the AMS informed the Board and the Panel that there was no agreement from the parties to enter dispute resolution for this Second Request, which is now part of the Panel's ongoing investigation.
5. ***Structure of the Text.*** The document contains the following sections: Following this introduction, Section II presents the Request, Section III provides background on the Project and Section IV contains Management's response. Annex 1 presents the Requesters' claims, together with Management's responses, in table format.

II. THE REQUEST

6. The Second Request for Inspection was submitted by the same individuals who submitted the First Request (the Requesters) and live in the area of the Ruaha National Park (RUNAPA, or the Park). The Requesters asked at the time of the First Request for confidentiality and designated the Oakland Institute, a US-based civil society organization, as their advisors.
7. The Second Request stated that a new Government Notice (GN) issued on October 20, 2023 (GN 754), modified the boundaries of RUNAPA. The Second Request stated that the boundary modification (encompassing at least "23 legally registered villages and 47 sub-villages") and the escalating cattle and farm equipment seizures, indicated that the eviction of households was imminent. It added that GN 754 would trigger evictions and cause serious harm to the affected villages.

III. PROJECT BACKGROUND

8. ***The Project.*** The Tanzania: Resilient Natural Resources Management for Tourism and Growth Project (REGROW, or the Project) was approved by the Board of the International Development Association (IDA) on September 28, 2017, for a US\$150 million Credit. The Closing Date is February 28, 2025. The Project is 87.5 percent disbursed. The two main implementing agencies are the Ministry of Natural Resources and Tourism (MNRT), and Tanzania National Parks (TANAPA).

9. ***Context in which the Project was prepared.*** Wildlife-based tourism is a major component of Tanzania's economy, contributing more than one quarter of the country's foreign exchange earnings in 2019. The network of parks in the southern part of the country was underused for tourism, and wildlife poaching was widespread, contributing to environmental degradation. Furthermore, people living near the parks were not benefiting sufficiently from tourism. The Project aimed to help the Government tackle those interrelated issues.

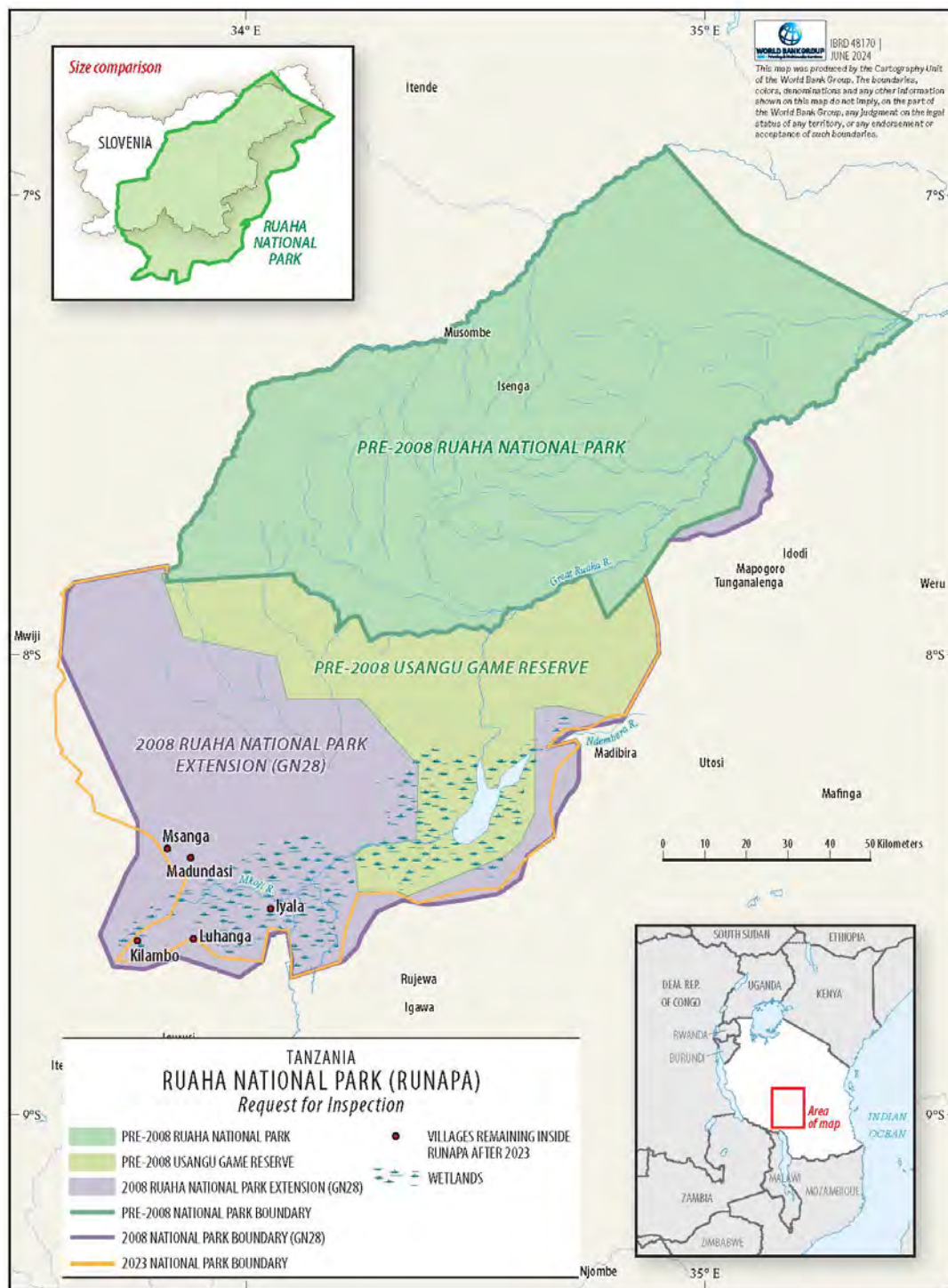
10. ***Project Objectives.*** The Project Development Objective is to improve management of natural resources and tourism assets in priority areas of southern Tanzania, and to increase access to alternative livelihood activities for communities in selected areas.

11. ***Project Components.*** The Project has four components:

- ***Component 1 – Strengthen management and improve infrastructure in priority Protected Areas (US\$97 million).*** The objective of Component 1 is to improve the management and sustainability of natural resources inside the four priority protected areas in southern Tanzania, namely Ruaha National Park, Nyerere National Park, Udzungwa Mountains National Park, and Mikumi National Park. This is achieved through infrastructure investments, policy and regulatory support, and capacity/skills development grouped under three sub-components: 1.1 – Improve protected area infrastructure; 1.2 – Strengthen management capacity and infrastructure maintenance of protected areas; and 1.3 – Strengthen “Destination Southern Tanzania.”
- ***Component 2 – Strengthen alternative livelihoods for targeted communities in proximity to the priority Protected Areas (US\$17 million).*** The overall objective of this component is to provide access to improved economic opportunities to enhance livelihoods, reduce vulnerability to climate shocks, and reduce pressure on natural resources and wildlife. There are three sub-components: 2.1 – Improve the governance framework of conservation-related community-based initiatives; 2.2 – Enhance alternative community livelihoods by improving economic opportunities and linking them with conservation of wildlife and landscapes; and 2.3 – Skills development for local access to jobs in tourism and conservation.
- ***Component 3 – Strengthen landscape management and infrastructure investments in and upstream of RUNAPA (US\$27 million).*** The component focuses on short-term infrastructure measures for the restoration of dry season flows in the Great Ruaha River, which are critical for continued and expanded tourism in RUNAPA. As a secondary focus, the component lays the groundwork for mitigating future degradation of RUNAPA

resulting from climate change impacts, excessive abstraction of water upstream of the Park, deteriorated water quality, and increased sediment in inflowing rivers, through water controlling structures and water sources protection. The sub-components are: 3.1 – Assess and implement infrastructure measures to augment dry-season flows to RUNAPA; 3.2 – Improve efficiency of irrigation systems; 3.3 – Catchment conservation activities in selected sub-basins; and 3.4 – Support the consensus-building process for land and water management and climate change adaptation in the Usangu plains.

- ***Component 4 – Project management, institutional strengthening, quality assurance and control, and monitoring and evaluation (US\$9 million).*** This component finances supplemental support for Project management, to ensure coordinated and timely execution of infrastructure and other Project activities. It includes Project oversight and coordination; establishment and operation of a Project Coordination Unit; fiduciary management, including external/internal audits and accounting; quality control and assurance systems; environmental and social safeguards management; development and implementation of a communications and stakeholder engagement plan; and short-term training on Project management. The component will also finance a monitoring and evaluation system.



Map 1: Ruaha National Park and the areas that were incorporated in the Park during the 2008 Park expansion. (The villages' exact boundaries are not shown in the map due to unavailability of confirmed cartographic sources)

IV. MANAGEMENT'S RESPONSE

12. ***This Management Response responds to the Second Request for Inspection of the Tanzania REGROW Project.*** It reflects a reassessment of the Project and the incidents that led to the Requests for Inspection, and an adjustment of the Bank's position, including correction of errors on some key issues that were presented in Management's Response to the First Request for Inspection of August 18, 2023. Through more comprehensive field visits and consultations with the Government, as well as through developments subsequent to the initial Management Response, the Bank has obtained additional information about resettlement and violent confrontations in the Park. This has revealed weaknesses in Project design and implementation, as well as Bank supervision. The Bank is committed to working with the Government and stakeholders to address these weaknesses, and fully assessing and mitigating adverse impacts. It will also apply the lessons to other Bank-financed operations.

13. ***The REGROW Project supports the improved management of natural resources and tourism assets in four national parks in Tanzania, including RUNAPA.*** The Project supports construction and upgrading of selected infrastructure in parts of RUNAPA. It provides increased access to alternative livelihood activities for select communities around the Park. The Project also specifically includes support to TANAPA, the agency overseeing Tanzania's national parks, to help improve its capacity to manage the entire Park, which includes patrolling to enforce existing park rules.

14. ***Since April 2023, the Bank has been receiving reports about specific instances of violent confrontations between TANAPA rangers and community members in RUNAPA, involving injuries, deaths and seized assets, through civil society organizations and the media.*** The Bank has limited information on some of these incidents, and many could not be verified, due in part to the fact that adequate systems to record and address incidents were not put in place for the Project, even though the risks for potential conflict had been flagged in Project preparation documents. The Bank remains very concerned about the serious nature of the reports and the well-being of affected communities. The Bank is committed to doing everything possible, working with the Government, to secure systematic monitoring of the occurrence of such incidents, understand their causes, and implement mitigation measures under the Project to help address factors that may contribute to such confrontations. The Bank acknowledges the Government's criminal investigations and judicial processes.

15. ***Management has carefully reviewed the Project and the issues raised in the Request and believes that three key risks were not fully appreciated during Project preparation and supervision, which meant that Project design and implementation did not provide for the appropriate risk mitigation measures.*** This caused the Bank to overlook critical information it received that it incorrectly believed was not relevant for the Project. The three key risks that were underappreciated are the following:

- ***Resettlement:*** Sizeable communities found themselves included inside RUNAPA as a result of a Government expansion of the Park in 2008. Consequently, they were at risk of resettlement during Project implementation;

- **Law enforcement and conflicts:** TANAPA, one of the implementing agencies, is responsible for enforcing existing national park rules, including through force in some limited circumstances. By strengthening TANAPA's park management capacity, the Project may have contributed indirectly to an increase in tensions with community members;
- **Livelihood restrictions:** Enhancing the enforcement of park rules likely had an adverse socio-economic impact on community members in and around RUNAPA who relied on park resources for their livelihoods (e.g., grazing, hunting, fishing).

16. ***Despite the Project's broad objectives and immense geographical scope, the Bank's interpretation of Project risks and impacts during preparation and implementation focused narrowly on the Project's infrastructure and community support activities in limited sections of the Project area.*** Specifically, inadequate appreciation of TANAPA's law enforcement role and mandate, exclusion of a large number of villages from the Process Framework, and failure to monitor the situation of villages susceptible to potential resettlement, posed risks that should have been more seriously considered. This would have allowed the Bank to discuss and oversee implementation of appropriate mitigation measures with the Government of Tanzania.

Corrections to the First Management Response of August 18, 2023

17. ***Several statements made in the initial Management Response were based on the same assumptions, which are rooted in an insufficient appreciation of key risks and an error in interpretation of the Project's scope.*** As stated above, this Management Response therefore also seeks to correct those statements that pertain to the Project activities' relation to resettlement, livelihood restrictions and confrontations, also reflecting on developments subsequent to the initial Management Response and drawing on more comprehensive field visits and analysis.

18. The initial Response stated that the incidents reported in the Request were not related to the Project, and that the Request raised issues that were not related to compliance with Bank policy under the Project. As described above, Management has reassessed the connection between some of the violent incidents in and around the Project area and the Project. It has determined that Component 1 of the Project enhanced TANAPA's capacity to enforce existing park rules, and that such enforcement can sometimes involve violent confrontations between rangers and community members. Because of this connection, the Bank should have conducted further due diligence on TANAPA's capacity and activities to enforce park rules.

19. The initial Response stated that the Project had a functioning grievance redress mechanism (GRM) for receiving Project-related complaints, which was "known to the communities." While the GRM has been operational near the sites of the Project-financed civil works and in the beneficiary villages under Component 2 of the Project, the GRM was not accessible to other communities in and around the Project area. Enhancements of the GRM to address this gap have been discussed with the Government and will be pursued for implementation as described in paragraph 53.

20. The initial Response explained that the Project did not support the development, application, or enforcement of national laws that led to cattle seizures inside RUNAPA. While it is correct that the Project did not support the development of these laws, it has been contributing to TANAPA's ability to enforce these laws through Component 1 of the Project, which is partially focused on enhancing TANAPA's patrolling abilities.

21. The initial Response stated that a Process Framework was prepared for the Project to help mitigate the occurrence and severity of conflicts stemming from TANAPA's enforcement of park rules. While a Process Framework was indeed adopted under the Project, it did not contain the specific elements that were needed to help address issues related to access restrictions and conflict mitigation. The Process Framework is being updated now as described in paragraph 54.

22. The initial Response referred to a desire by communities to "settle and graze" within protected areas. It also referred to communities that have settled inside RUNAPA's boundaries as designated through GN28. It should have made clear that, in the case of RUNAPA, many of the communities currently located inside RUNAPA lived there before their villages became part of the Park through the 2008 expansion.

Resettlement

23. ***The Bank assumed that the resettlement of villages from within RUNAPA was unlikely to occur during the life of the Project even though there was no clear basis for this assumption.*** In 2008, the Government had expanded RUNAPA in a way that caused several legally registered villages to become located within the boundaries of the Park. The Project was not intended to resettle those villages or to support the Park's extension, and to the Bank's knowledge no physical resettlement has taken place to date. However, the villages' potential removal from the Park following the Park extension was never ruled out by the Government, and hence has remained a possibility throughout the Project's life. During Project preparation in 2017, the Bank identified that these villages might be relocated in the future but assumed that such resettlement was unlikely to occur during the life of the Project. This view was based on indications given by the Government, as well as the fact that pre-Project attempts to resettle communities located inside the extended 2008 boundaries had stalled.

24. ***Given the potential for resettlement, the Bank required the Government, through the Project Financing Agreement and Resettlement Policy Framework (RPF), to follow the RPF for any future resettlement of communities in the Project area.*** The due diligence for the Project assessed the history and status of resettlement of villages within the Park. At the time of Project preparation, the park boundaries were set by GN 28, which was issued in 2008.¹ A preparation mission in 2016 indicated that the number of people living inside the Park was not known, and that the Government had not fully determined whether they would need to relocate at all, and, if they did, when that might take place. The Project Appraisal Document (PAD) stated that the Government might choose to resettle some households living within the Park. If that were to

¹ The villages within RUNAPA (as defined by GN 28) at the time of Project approval were Nsonyanga, Udindilwa, Nyamakuyu, Magulula, Nyakazombe, Mpolo, Mlungu, Miyombweni, Mbalino, Mpogoro, Wimba, Mahango, Igava, Simike, Kapunga, Ukwavila, Waruma, Imalilosongwe, Azimio, Ibumila, Mahango, Mkunywa, Lualaje, Vikaye, Mwanamvala, Iwalanje Ikanutwa and Igunda.

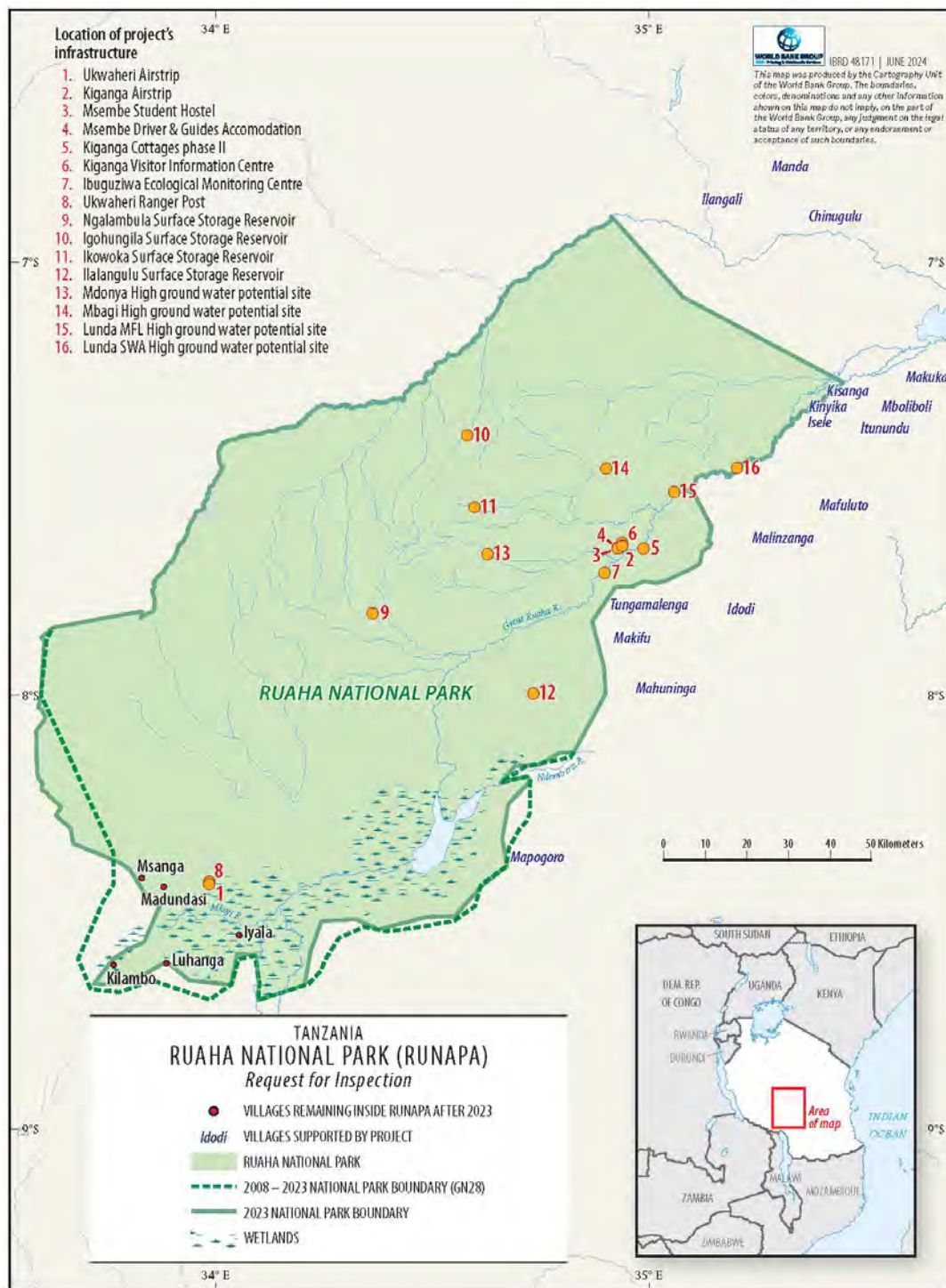
happen, the Bank and Government agreed that the Government would follow the Project's RPF, whose provisions are consistent with the Bank's Operational Policy 4.12 on Involuntary Resettlement.

25. ***Field work during preparation did not include villages inside the Park. The four parks under the Project cover a huge geographic area comparable to the size of Croatia.*** The Bank team conducted field visits to at least 90 villages around all four parks supported by the Project as part of the appraisal of the Project's technical design, and in order to prepare the different safeguard documents.² These visits included 22 villages around RUNAPA, one of which (Iwalanje) had boundaries that partially overlapped with the Park at the time. However, during preparation none of the villages completely inside the Park was visited.

26. ***Through Oakland Institute's April 2023 letter to the Bank, Management learned that the Minister of Lands, Housing and Human Settlements Development (MLHHSD) in a public speech in October 2022 conveyed a plan to resettle the remaining communities from RUNAPA.*** During a field mission in April 2023, the Bank was told by Government counterparts from MNRT about resettlement planning activities being initiated by MLHHSD for the five villages inside the Park. However, the Bank's response to Oakland Institute dated May 18, 2023, did not include a reference to any resettlement activities having been initiated for the five villages. On August 18, 2023, the Bank wrote to the Government, reminding it of its obligations to follow the RPF if any resettlement were to start and asking it to engage with the Bank as early as possible in the process. The Management Response dated August 18, 2023, mentions the Government's plans to issue a Government Notice to revise Park boundaries, but it did not relay Government reports of the initiation of resettlement planning activities. Upon receiving reports of initiation of resettlement planning in April 2023, the Bank should have sought clarification sooner from the Government and visited the five villages.

27. ***In October 2023, the Government further adjusted the boundaries of RUNAPA through GN 754.*** This revision to the boundaries of RUNAPA removed 27 villages from the Park. GN 754 reduced the overall size of the Park from approx. 20,300 km² to 19,822 km², lowering the number of people to be potentially relocated compared to the previous park boundaries. GN 754 was an effort by the Government to reduce disputes arising out of the earlier extension of RUNAPA under GN 28 in 2008, when communities had resisted resettlement efforts by the land agency. Yet the revised boundaries of RUNAPA under GN 754 still left within the Park five villages and sub-villages of eighteen other villages that partially overlapped with the Park, all of which would need to be relocated if those newly confirmed boundaries were enforced. After the issuance of GN754, the Bank again reminded the Government of its legal obligation to follow the RPF in a letter on December 19, 2023.

² E.g., the Stakeholder Consultation and Disclosure Plan (SCDP), the Vulnerable Peoples Rapid Social Assessment, the Process Framework, the RPF, Environmental and Social Management Framework (ESMF) and the Social Assessment.



Map 2: Project-supported infrastructure and Component 2 beneficiary villages

28. ***Management should have taken notice of some incipient resettlement activity as early as April 2023, when the Oakland Institute's letter to the Bank referred to the MLHSD Minister's October 2022 speech indicating a plan to pursue resettlement in the Project area. Management was on further notice in May 2023, when the Bank learned of the Government's initiation of asset identification processes within the Park.*** Moreover, in October 2023, the Bank was copied on a letter from the Government for Tanzania stating that it had begun identifying houses and assets in the five villages as one of the early steps of a resettlement process. At that point it became even clearer that the Government intended to begin preparatory activities to resettle communities from inside RUNAPA based on the new official park boundaries. The letter also said that a valuation process was underway to compensate villagers in those villages and that the Government had set aside land for them to be re-allocated. The Bank failed to take prompt action. The Bank's December 2023 supervision mission again reminded the Government of its legal obligation to follow the RPF, without making any reference to the Government's letter.

29. ***In February 2024, the Bank was informed of a legal challenge to GN 754 initiated against Tanzania before the East African Court of Justice by a group of residents from the villages remaining within RUNAPA.*** On March 7, 2024, the Bank wrote to the Government requesting clarity on the status of the villages inside the Park and requesting to be informed if any relocations were planned. In the same letter, the Bank expressed willingness to work with the Government's teams to ensure that the work and all related communications followed the agreed procedures. The Government responded on March 22, 2024, that any resettlement was on hold due to the legal proceedings in the East African Court of Justice. The Bank was not able to obtain the Government's submission to the court, despite requests made to the Government.

30. ***In response to the conflicting information that the Bank received, a Bank team in March 2024 visited one village and a sub-village of a second village that remain inside RUNAPA.*** The remote locations, difficult access and large footprints of the villages meant that it was not possible to visit all five villages in the time available. The Bank team, however, saw evidence, confirmed by Government officials, that official meetings and a process of identification of assets in affected villages had begun. The Bank was also informed by Government officials that resettlement planning had re-commenced early in 2022 after it had previously stalled. However, the Government had not applied the provisions of the RPF in these preparatory steps as required under the Financing Agreement and RPF.

31. ***In light of this new information, on April 18, 2024, the Bank invoked its contractual remedies under the Project's Financing Agreement and suspended disbursements.*** The main reason for suspension was that the Government initiated preparatory activities for resettlement without following the requirements of the RPF. This is even though the Bank had reminded the Government about the RPF during missions and in letters, first in August 2023, then in December 2023 and March 2024. The suspension letter also noted shortcomings in the establishment of an adequate GRM. In addition, the Bank noted the need for a system to report on previous and future violent incidents in the Project area. The Bank required all three issues to be resolved before disbursements could resume. This suspension was followed by a high-level Bank mission to Tanzania in April-May 2024, where Management met with representatives of the Ministry of Finance, MLHSD, MNRT, Mbeya Region and Mbarali District, to discuss the Government's resettlement plans and incident reporting systems, among all other issues.

32. ***To determine whether the issuance of GN 754 would automatically necessitate the resettlement of villages within RUNAPA, such that resettlement planning activities would need to resume, the Bank requested a legal opinion from the Government on this matter.*** On May 23, 2024, the Government informed the Bank that there was no legal decision to resettle the five villages from the Park and that residents could remain in their villages legally. Moreover, the same legal opinion from the Attorney General's Office stated that GN 754, by itself, did not affect the villagers' rights and that no process of de-registering the villages had begun.³

33. ***The Bank then sent the Government a letter seeking to clarify its intent regarding future resettlement activities. The Government replied, in a letter dated June 18, 2024, signed by the Minister of Finance, that it had no intentions to resettle communities in the foreseeable future.*** The letter clarified that the Government of Tanzania currently has no intention to continue the process of resettling communities from RUNAPA in the foreseeable future, and that no communities have been physically resettled so far. The letter further stated that if any resettlement were to occur in future, the Government would ensure that the RPF is adhered to, in accordance with the Financing Agreement. In a subsequent letter dated June 26, 2024, the Government confirmed again that all resettlement activities have been stopped, including stock-taking, marking and valuation, and further committed to make its position public, including clarifying the scope of economic activity that can be carried out by villagers. A Bank team visited the remaining villages within RUNAPA on June 18–20, 2024, and met with groups of 50 to 300 villagers in each village, including village leadership and hamlet heads. It did not observe any ongoing resettlement activities on the ground. The villagers consulted said that no one has been relocated or forcibly evicted, that only notification and asset identification activities had been initiated, and that they were continuing with their livelihood activities. In two villages, some residents stated TANAPA was unclear on the location of the boundaries between the village land and the Park, though Management has not been able to confirm this further. Schools and public services also appeared to be functioning normally, and power lines and cellphone towers were in place.⁴ The Project GRM will be strengthened to also cover any complaints related to potential resettlement-related impacts.

Resettlement: Conclusion and next steps

34. ***The RPF was intended to provide for the unclear resettlement situation in the Park, which pre-dated the Project.*** However, important details were not obtained at preparation, such as the number of people potentially affected by resettlement from within the Park. During implementation, the narrow focus in supervision on civil works and livelihood support activities

³ Bank Policy OP 4.12 on Involuntary Resettlement covers the following: (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) lost of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

⁴ The mission team visited one primary school in Luhanga that was functional and one health clinic in Madundasi. In Madundasi the mission team met with the medical officer, and in Luhanga with the head of the primary school. In all villages visited, the villagers confirmed that these services were still operational. The villagers mentioned that the investment in service expansion had stalled, but district officials responded that this was due to budget constraints and mentioned that village infrastructure investment was ongoing under the Tanzania Social Action Fund. In Luhanga village, residents stated that the process of issuing Certificates of Customary Right of Occupancy had stopped.

meant the Bank did not monitor the villages inside the Park, or the Government's evolving plans regarding resettlement and thus missed the Government's early steps in a process to move communities outside the Park. Management acknowledges that by regular supervision of resettlement aspects in the entire Project area, and ongoing dialogue with MLHSD, the Bank would likely have identified the ongoing process related to resettlement much sooner. This would have helped the Bank ensure that the Government applied the RPF to the resettlement process, which would have included extensive consultations with affected people, preparation and disclosure of Resettlement Action Plans (RAPs), and access to adequate GRMs.

35. ***The Bank received letters from the Government dated June 18 and June 26, 2024, through the Minister of Finance confirming that no resettlement from RUNAPA is currently planned for the foreseeable future, and that all resettlement activities have been stopped, including stock-taking, marking and valuation.*** The Bank will continue to actively monitor the situation on the ground and remind the Government of its contractual obligation to adhere to the RPF, should the planning for involuntary resettlement of the villages inside RUNAPA resume. The Bank has requested, and the Government has agreed to publicly communicate its decision not to resettle to the residents inside RUNAPA, while clarifying what economic activities they may and may not carry out within the limits of their villages and the Park. The Bank is also working with the Government to strengthen the RPF by linking it more directly to communities inside RUNAPA.

Law enforcement and conflicts

36. ***Management regrets that Project preparation and supervision did not sufficiently consider the impact of TANAPA's law enforcement mandate, which includes the use of force in some limited circumstances.*** Under Tanzanian law, TANAPA is mandated with the enforcement of park rules and is authorized to use force in some circumstances to protect park resources, including guarding against poachers and herders who bring their livestock into the parks and thereby threaten the ecosystem and wildlife. This enforcement role entails encounters and confrontations between rangers and individuals who use park resources. The Project financed resources for TANAPA's patrols, including communications equipment, road maintenance equipment, a patrol boat, ranger posts, vehicles, uniforms, boots, bush knives, night vision equipment and binoculars. As a matter of policy, the Bank does not finance weapons and ammunition in the projects it supports. However, it did not include adequate mitigation measures to address the conflict potential that could result from improved patrolling. As a result, it did not develop appropriate mitigation measures at the Project level, such as training about appropriate conduct and methods in enforcing the law, sensitization training, an assessment of TANAPA's capacity to engage with communities, a security risk assessment, security management measures, as well as inclusion of conflict-specific measures in the Process Framework, to help reduce the likelihood of confrontations.

37. ***During Project preparation, the Bank conducted a limited review of TANAPA and other implementing partners, through an institutional assessment.*** The assessment states that "rangers are staff who protect wildlife, biodiversity and ecosystems in the park" and stresses that they are trained and capable although the manpower is not sufficient. The assessment recommended

additional outreach workers to improve relations between TANAPA and local communities. This recommendation was implemented, and four outreach workers were hired to liaise with villagers in and around RUNAPA. The Project Stakeholder Consultation and Disclosure Plan (SCDP) listed roles and responsibilities for TANAPA but did not examine TANAPA's role in enforcing park rules or consider its track record, or lessons learned from past confrontations between rangers and communities.

38. ***Prior to the start of the Project, TANAPA already had a law enforcement mandate and a paramilitary structure.***⁵ ***It was included in the new Tanzanian Wildlife and Forest Conservation Service on November 17, 2018, together with other existing Government agencies.***⁶ ***The Bank did not undertake an assessment of the new organization and the resulting changes for TANAPA's operating procedures and practice.*** During implementation, but before Project-financed works began, Environmental Impact Assessments were prepared for each park to identify and mitigate risks associated with Project-financed activities. The *Environmental and Social Impact Assessment* for RUNAPA was produced in November 2022.⁷ It stated that if the rangers were not sensitized appropriately in community relations and awareness of human rights, situations could result in unrest or violence and conflict. It mentioned that TANAPA should develop policies to help rangers conduct community relations responsibly, with responses proportional to the threat. However, this recommendation was made in relation to security incidents on Project-financed construction sites, rather than incidents relating to the enforcement of park rules. Nevertheless, these recommendations were not implemented.

39. ***The Bank reviewed TANAPA's General Orders in March 2024 which spell out when rangers may lawfully use force.***⁸ The Bank has now retained an expert advisor on managing community-based conflicts with wildlife rangers. A preliminary assessment of the provisions by the expert advisor indicates that, while there are gaps and areas for improvement, TANAPA's General Orders are in line with the regulations for rangers in other countries in the region. While the terminology used ("excessive force") is inconsistent with good international practice, the General Orders, are nevertheless clear about the limited circumstances under which such force is allowed, which is only in proportion to the threat faced.⁹ The Bank intends to help review and, as necessary, clarify these provisions as part of the Standard Operating Procedure as described in paragraph 47, as part of a new institutional assessment of TANAPA.

40. In December 2022, the Government produced a "*Code of Conduct and Action Plan for Implementing Environmental, Social, Health and Safety, Community Health and Safety and Occupational Health and Safety Standards, and preventing Gender Based Violence*" for Project workers. The Bank and Government intended in December 2023 for it to apply also to TANAPA

⁵ Many National Park Agencies in Africa have a paramilitary status or capabilities. These include *Kenya Wildlife Service (KWS)*, *Uganda Wildlife Authority (UWA)*, and *South African National Parks (SANParks)*.

⁶ Ngorongoro Conservation Authority; Tanzania National Parks (TANAPA); Tanzania Wildlife Management Authority (TAWA); Tanzania Forest Service Agency

⁷ This timing is consistent with the Project's ESMF since the RUNAPA environmental and social impact assessment was developed ahead of the start of Project-supported civil works.

⁸ See relevant section of the General Orders in Annex 2.

⁹ A ranger may use lethal force (inappropriately worded as "*excessive force*") in only three circumstances: (i) where it is essential to arrest an individual armed with a lethal weapon, (ii) when it is essential to defend against the risk of serious illness or death by an armed assailant, or (iii) when essential for self-defense. And even then, such force may not be used with the aim of killing or inflicting a serious injury.

rangers working on the Project, and 90 rangers from all four parks were trained in the Code of Conduct. However, the Bank and the Government decided in February 2024, after a review with Bank experts, that it would be more appropriate to develop a *separate* Code of Conduct specific to TANAPA staff and rangers because the issues relating to them are significantly different from those relating to construction workers for the Project-financed infrastructure.

41. ***Cattle grazing in the Park is a significant conservation challenge. The seizures of such cattle by TANAPA is a major source of conflict yet was not sufficiently considered to be so during Project preparation.*** This was due to a focus on addressing wildlife poaching, which was rife at the time. In addition, the issue of herders entering the Park was not identified in Project safeguard documents. Since then, the focus of attention has changed. TANAPA has reported incidents in which sometimes large numbers of cattle were found illegally grazing in the Park and seized in accordance with applicable law. Attempts by herders to later recapture the impounded cattle reportedly include attacks on the rangers in remote parts of the Park, where cattle are kept in temporary pens awaiting a court decision about how their owners may be fined or the cattle auctioned. A Bank team saw one of these temporary pens and local ranger accommodations during its April-May 2023 visit to RUNAPA. Such encounters between herders and rangers have escalated to confrontations that reportedly have led to violence both against and from the rangers, resulting in injuries and even fatalities on both sides.

42. ***The Bank did not originally consider law enforcement-related incidents in the Park to be linked to the Project.*** The Bank's primary focus in supervision was on the civil works and livelihood support activities under the Project. Thus, implementation support did not focus on the parts of the Project that financed enhanced park management broadly, and neither the Bank nor the Government considered incidents involving TANAPA officers in the course of their regular duties to be related to the Project. Therefore, the Bank did not develop criteria for reportable incidents unrelated to civil works, nor did it ask TANAPA to report those incidents to the Bank or to adopt mitigation measures to seek to prevent their recurrence.

43. ***The Government and others have reported several incidents to the Bank starting in 2023.*** At the Bank's request, the Government sent detailed information about cattle seizures and violent incidents that occurred between July 2023 and January 2024. Several additional incidents have been reported or alleged. While remaining mindful of the Bank's inability to conduct criminal investigations, it has worked with the Government to review the incidents and upon receiving reports about each incident, determine whether additional measures under the Project could help to mitigate their recurrence.

44. ***The level of detail about the incidents varies, and obtaining confirmation of facts is challenging.*** For many incidents, the Government showed the Bank during the April-May 2024 mission GPS locations reported by rangers, photographic evidence, and a more detailed account of what happened. For other incidents, the Bank has very little or no additional or corroborating information, to the point that the Bank is unable to verify whether the incidents occurred as reported. The Bank has logged each incident in accordance with applicable Bank requirements and has put in place systems to ensure that the implementation of any agreed ensuing mitigation actions is monitored. The reported incidents (alleged and confirmed) involve violence towards community members, as well as towards rangers. The Bank has opted not to speak directly with affected people, for now, because of concerns about their safety but has conducted a media and social media

search on each of the alleged events and plans to reach out to community members at the appropriate time while guarding against the risk of retaliation.

Law enforcement and conflicts: Conclusion and next steps

45. ***Had the Project design better reflected the contextual conflict dimension and TANAPA's law enforcement mandate, a more systematic approach to review and mitigate the ensuing risks could have been put in place.*** The possibility of confrontation, including the application of force, may be unavoidable when conservation rules are to be enforced. However, an analysis of past practice and conflicts would have highlighted the pertinent risks and helped to consider how those risks could be adequately managed within the Project.

46. ***The Government is setting up a system for reporting incidents to the Bank.*** While the Government had internal systems to track incidents related to park management, it did not have a system for reporting serious incidents to the Bank beyond those related to Project-financed civil works. The Bank and the Government have since agreed on a system for the Government to report such incidents to the Bank, including criteria for reportable incidents and the information that should be reported against key timelines. This system is being established, and no new cases have yet been reported to the Bank through this mechanism. The effectiveness of this new mechanism will be assessed continuously as part of the supervision efforts going forward.

47. ***The Bank has requested the Government to update the Project Code of Conduct to include TANAPA rangers and has offered its support.*** This would include adopting additional measures specific to the Project, including ranger training on de-escalation of violence, an enhanced role for Project outreach workers, and a binding *Standard Operating Procedure (SOP)* that will apply to all rangers working on Project-supported parks to complement the General Orders. The Government has assured the Bank that all rangers active in the Project area are undergoing periodic and targeted training. Furthermore, the Bank has hired international experts to further advise on the need for additional training, and on the SOP.

Livelihood restrictions

48. ***The Project also aimed at improving park management, which can result in restricted access to park resources.*** While TANAPA's mandate covers guarding against unauthorized use of park resources, grazing cattle and fishing are also basic livelihood activities for some communities that have lived in and around the national parks for decades. By focusing selectively on some Project areas, the Bank did not consider the potential impacts of improved park management on the livelihoods of all communities in and around the Project-supported parks, although these might be equally affected by restrictions.

49. ***Analysis during Project preparation did indicate that the economic activities of some communities could be curtailed by the improved park management measures supported by the Project.*** The Project undertook significant efforts to assess the situation of a subset of communities surrounding RUNAPA to gauge the impact of the enforcement of access restrictions on them and to address those through targeted livelihood support. To address this potential impact, the Project's Component 2 allocated US\$17 million to benefit 61 villages around the Project-supported parks,

which were identified based on several criteria, including being “hot spots” for poaching. While the support under Component 2 was limited to these selected beneficiary villages, a Process Framework governing resource access should have covered all other communities in and around RUNAPA, as well as the GRM.

50. ***Component 2 of the Project was designed to strengthen alternative livelihoods for communities in proximity to the four parks supported by the Project, so that they could benefit from living near the parks and have less incentive to use park resources illegally.*** A secondary objective was to also mitigate the ancillary impacts resulting from TANAPA’s curbing of illegal livelihood activities inside the parks under Component 1. Component 2 of the Project includes financing for education, training, small businesses and recruitment of village members to be Village Game Scouts who help prevent poaching and human-wildlife conflict. The Component has been implemented successfully. The targeted communities therefore have significant incentives to not encroach or illegally use park resources.

51. ***During preparation, the Project did not sufficiently consider the full implications of successful implementation of Component 1, which would help curtail the illegal use of park resources – including for local communities who previously may have depended on those resources.*** The PAD, the ESMF and the Process Framework all indicated that the Project would enhance TANAPA’s ability to enforce park rules and reduce the illegal use of park resources, including grazing. The PAD stated that a Process Framework would be applied as a precautionary measure to the extent that surveillance activities would “marginally contribute” to increasing existing restrictions of access, with a focus on communities where illegal activities were prevalent. However, the Process Framework did not cover any villages outside of Component 2 and was silent on how enforcement activities could restrict communities’ livelihoods and potentially exacerbate tensions in all villages. The ESMF noted tensions between villages inside the Park and TANAPA. Other analysis pointed to community members’ complaints about periodic raids by park rangers, cattle seizures, contested boundaries and rangers firing warning shots during confrontations with herders. These issues should have been addressed in the Process Framework.

Livelihood restrictions: Conclusion and next steps

52. ***Although the Project provided meaningful livelihood support to the villages covered by Component 2, the potential impacts on other communities located in and around the Parks that might be equally affected by improved enforcement of park regulations were not addressed.*** Access to the Project GRM, as well as a Process Framework covering all relevant villages adjacent to all four Project-supported parks to establish resource management parameters between them, TANAPA, and other stakeholders in the Project area, should have been put in place.

53. ***Management has requested the Government to expand the GRM beyond the villages directly supported by the Project.*** In Management’s view, all relevant villages adjacent to the four parks and the five villages that remain within RUNAPA boundaries need access to an appropriate GRM. This would allow them to lodge grievances related to the improvement in park management and enforcement of park rules supported by the Project through Component 1 in relation to their livelihood activities.

54. *The Bank has recommended to the Government to update and expand the Project's Process Framework to cover villages inside RUNAPA and relevant villages adjacent to the Project-supported parks.* This revision would include the issues of access restrictions and conflict.

Progress on Previous Commitments and Agreed Additional Actions

55. To address issues raised in the First and Second Requests for Inspection, the Bank and Government have agreed on the following set of actions. The Bank team had started to implement the actions committed to in the first Management Response. However, following the change in the Bank's analysis of the Project situation after the missions in April and May 2024, it determined that the ongoing work needed to be adjusted.

Resettlement

56. *Action in the First Management Response: Upon release of the upcoming Government Notice, which will set the revised boundaries of RUNAPA and specify whether any resettlement from RUNAPA is indeed envisaged, the Bank will re-confirm with the Government the applicable process prescribed under the Resettlement Policy Framework, including the Government's agreement to produce site-specific Resettlement Action Plans for the Bank's review and clearance.*

57. *Update:* As described in paragraph 27, Government Notice 754 was issued on October 20, 2023. That same month, the Bank was copied on a letter stating that it had begun identifying houses and assets in the five villages as one of the early steps of a resettlement process. In December 2023 and March 2024, the Bank reminded the Government of its obligation to follow the RPF for any resettlement related to the enforcement of these revised park boundaries. As described in paragraph 31, the Bank suspended Project disbursements on April 18, 2024, based on the March 2024 mission, which found that early planning activities for resettlement had been initiated without applying the RPF. The Bank also received confirmation from the Government on June 18, 2024, that it does not intend to resettle communities inside RUNAPA for the foreseeable future, but without committing to communicating this decision to the communities concerned.

Further Action [MR2]: The Bank and Government are pursuing the following measures:

- The Government has committed to communicating to the villages its intention to not resettle communities from RUNAPA in the foreseeable future, and to clarify what activities they may and may not pursue inside village boundaries and in RUNAPA.
- The Bank has committed to assist the Government in revising the RPF by linking it more directly to communities inside RUNAPA.
- The Bank will arrange for monitoring of any re-initiation of resettlement activities inside RUNAPA that would require compliance with the RPF and will ask the Government to publicize the availability of the Project GRM to address potential resettlement issues.

GRM

58. **Action in First Management Response:** *The Bank will review the GRM's performance and help ensure that communities are aware of the possibility of raising concerns of a confidential nature. Management will require the Borrower to make adjustments, as recommended by the review. In addition, Management will set up a dedicated hotline through which community members can contact the Bank team directly, if they so wish.*

59. **Update:** As per the first Management Response, the Bank team started to review the existing GRM, identify gaps and recommend changes. The Bank also conducted a training of trainers for the Project Coordination Unit. Since that time, the Bank has also established a hotline to contact the Bank office in Tanzania directly. The Bank has asked the Government to disseminate this contact information to communities in the Project area. In the April-May 2024 mission, Management realized that the GRM would also need to be expanded to cover all villages in the Project area of influence in all four parks as the current GRM only covers the 61 villages (including 16 around RUNAPA) that are included in Component 2.

Further Action [MR2]: The Bank and Government are pursuing the following measures:

- The Bank is awaiting Government confirmation that it will complete the following actions: (i) hotlines covering the villages and sub-villages within the Park established and active, (ii) outreach material designed and printed and distributed to those five villages and sub-villages, and (iii) all relevant district personnel relating to those villages and sub-villages informed of their role in reporting grievances to the Project GRM and disseminating information about the GRM to the village governments; and (iv) all agreed anti-retaliation measures completed.
- On non-retaliation, Management has requested the Government to complete several measures, including public statements and procedures to receive confidential complaints in the GRM. In addition, as noted above, the Bank has established a hotline for communities to contact the Bank directly and asked the Government to make it known in the Project area.

Violent Incidents

60. **Action in First Management Response:** *The Bank has requested the Borrower to review the alleged incidents of abuse and excessive force to determine if misconduct by park rangers has occurred that requires disciplinary or judicial action. If any cases are found to be related to the Project, the Bank will take immediate action to address them.*

61. **Update:** As explained in paragraph 18, Management now realizes that the activities in Component 1 of the Project may have indirectly contributed to tensions in the Project area as a result of the enforcement of park rules. Since the first Management Response, the Government and Management have taken the following steps:

- The Government has committed to reporting all incidents from the start of the Project to date and any future ones to the Bank. A reporting protocol for future

incidents was discussed during the April-May 2023 mission.

- The Bank has been keeping track of confirmed and alleged incidents that have been reported through various sources (Government, Oakland Institute, local press, anonymous sources) and is obtaining available details about the incidents.
- The Bank will complement the review of TANAPA's General Orders with an updated institutional assessment specific to TANAPA.

Further Action [MR2]: The Bank is awaiting confirmation from the Government that the agreed reporting protocol has been included in the Project Implementation Manual. Once the Bank receives the reports requested from the Government it will review them to discuss with the Government whether additional mitigation measures are required.

Code of Conduct

62. **Action in the First Management Response:** *The Bank will review the Code of Conduct applicable to RUNAPA rangers and request the Borrower to adopt additional measures if necessary. The Bank will also require that the Borrower ensure that rangers active in the Project area undergo periodic and targeted training based on the Code of Conduct.*

63. **Update:** As per the first Management Response, the Bank team reviewed and recommended revisions to the Project Code of Conduct covering occupational health and safety and gender-based violence issues. The Bank facilitated training for TANAPA rangers in January 2024 on that Code of Conduct. However, the Bank then realized that a different Code of Conduct covering additional issues was required for all TANAPA officers working in the entire Project area. In April 2024, the Bank reviewed the General Orders issued under the Wildlife Conservation Act, which apply to TANAPA, and identified areas for improvement. As part of the April-May 2024 mission, the Government and the Bank discussed addressing these issues through a Standard Operating Procedure under the General Orders.

Further Action [MR2]: The Bank has committed to work with the Government on the following measures:

- Development, adoption, and implementation of the Standard Operating Procedure applicable to TANAPA officers in the Project area.
- Enhanced training for TANAPA on community-oriented conflict resolution.

Cattle Seizures

64. **Action in First Management Response:** *The Bank has requested clarification from the Government regarding the lawful application of the provisions that govern cattle seizures, and also whether robust provisions are in place to avoid potential abuse by individual rangers.*

65. **Update:** During the April-May 2024 mission, the Bank requested and received from the Government information about the legal provisions that govern cattle seizures, TANAPA's

procedures, and details about several past cattle seizures. In particular, the Government showed to the Bank team ranger-captured photographs and GPS coordinates for the incidents and evidence that the seizures had been referred to the police and courts for processing, as well as a list of recent impoundments of cattle and agricultural equipment in RUNAPA. In the same mission, the Government assured the Bank that it takes appropriate disciplinary action where TANAPA officers' conduct violates applicable rules.

66. **Further Action [MR2]:** The Bank has requested the Government to report on cattle seizures as part of regular Project progress reporting, which the Bank will review. Moreover, the Government would need to report immediately to the Bank any future seizure that involves a violent altercation as per the protocol referred to in paragraph 46.

Process Framework

67. **Action in First Management Response:** *The Bank will review the Project's Process Framework and require the Borrower to update its provisions as may be found necessary, including by considering the concerns raised in the Requests.*

68. **Update:** In December 2023, the Bank reviewed the Process Framework and provided preliminary comments and recommendations for improvement. However, the Process Framework does not cover all the villages facing access restriction, nor does it cover security issues, and therefore needs to be further revised.

69. **Further Action [MR2]:** The Bank has requested the Government to further revise the Process Framework to ensure it covers villages affected by restrictions of access to all four Project-supported parks, as well as security issues. In addition, the Bank will explore with the Government a mechanism to address livelihood restrictions and other adverse impacts related to the Project.

Preliminary lessons

70. **Based on its review, the Bank has drawn some preliminary lessons about projects of this type. These lessons will be further examined and discussed, also reflecting the outcome of the Panel investigation, to ensure that appropriate staff guidance and training is put in place to support preparation and supervision of similar projects:**

- 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*. The possibility of confrontation, including the application of force, may be unavoidable if conservation rules are to be enforced. This can present significant risks that need to be considered and assessed in project preparation, to help make an informed *decision* on whether and how those risks can be adequately managed within the project.
- When supporting these types of projects, the Bank should not shy away from discussing security-related issues with the borrower. To the contrary, these issues must be fully

considered and addressed as part of the project design, which may include the review and discussion of legacy disputes.

- 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. This will also allow the Bank to raise incidents with the borrower and decide whether additional risk mitigation measures should be implemented.
- These types of projects require *additional* institutional assessments of the implementing entities, focusing on security risks. If the Bank decides to support such an operation, security-related mitigation measures need to be prepared and implemented as part of the project, potentially including security management plans.
- As for existing projects, the Bank is currently reviewing similar projects in the Region to confirm that sufficient due diligence was undertaken around risks related to enforcement in protected areas, and to integrate appropriate lessons from REGROW as may be required.
- In Bank-financed projects with the potential for resettlement, the Bank should discuss these matters with the agency responsible for such resettlement and ensure they are appropriately included in project design.
- When projects have a large geographical area, teams should ensure clear demarcation of boundaries of project activities. Where such boundaries are especially expansive, teams should consider carefully their appropriateness and build into the project appropriate support for implementation, such as a third-party monitoring, remote supervision techniques and media and social media monitoring.

Conclusion

71. ***Though significant risks were identified at preparation, the analysis was weak and hence those risks were not sufficiently assessed and addressed, leading to inadequate mitigation measures.*** The analysis of impacts and supervision of the Project focused too narrowly on infrastructure and community support components, and not sufficiently on other Project activities that may have a connection to confrontations and livelihood restrictions. Management also erroneously concluded that the actions of the rangers in the course of their duties were not connected to the Project. During implementation, various opportunities to address the impacts from these risks were missed, even when they were brought to the Bank's attention, for example in the Project ESIA and in letters to the Bank from the Oakland Institute.

72. ***Additional mitigation measures could have helped reduce the risk, scale and impact of violence, even if Project-level interventions alone may not have been able to prevent or resolve all such conflicts and violent confrontations.*** The risk of possible application of force would remain, as it would for any national park project that entails enforcement of existing park rules, which is why it is essential to carry out additional due diligence and put enhanced mitigation

measures in place, including a Process Framework. The actions proposed to the Government seek to help address the drivers of confrontations.

73. ***The Bank will work with the Government of Tanzania to address the Project-related issues identified, specifically those relating to resettlement, livelihood restrictions and confrontations.*** The Bank will also undertake efforts to better assess Project-related impacts that need to be addressed, and work with the Government to address these important issues.

Annex 1: TANAPA General Orders (extract)

Wildlife and Forest Conservation Service General Orders

GN.No. 590 (Contd.)

WFCS. Order No. 27

Control of Arms and Ammunition

General

1.-(1) For the sensitivity of the use of arms and ammunition, every Officer and Ranger shall be conversant and adhere to this order.

(2) Commanding Officer of a work station shall ensure that Officers and Rangers are regularly examined on the use of arms and ammunition.

(3) All firearms and ammunitions shall be held on charge against the Officers or Rangers in accordance with the scale of issue laid down in the arms and ammunition register.

(4) Variation of these scales shall not be permitted without the written approval of the Commanding Officer of the work station.

Use of firearms
and
ammunition

2.-(1) Officers and Rangers shall be authorized to carry and use firearms upon successfully completion of military training.

(2) Service arms and ammunitions may only be used in the lawful execution of duty, official training and range practices and shall not be used for any unauthorized or private purpose.

(3) Only firearms, magazines and ammunitions owned by the Service shall be used in the performance of duty.

Use of fire arms to
effect suspect arrest

3.-(1) Officer and Ranger issued with arms and ammunition shall ensure that such arms and ammunition are properly handled in accordance with the laid down procedures.

(2) An Officer or Ranger may use a firearm-

(a) against any person in lawful custody charged with offence punishable under the wildlife, forest and beekeeping conservation laws when such a person is escaping or attempting to escape;

(b) against any person who prevents or attempts to rescue any other person from lawful custody;

(c) against any person who rescues or attempts to prevent the lawful arrest of himself or any other person;

(d) against any person who is armed with a lethal weapon contravening the wildlife, forest and beekeeping conservation laws in any place; and

(e) in the course of animal population control and management and also for the protection of persons and property against any animal, bird or reptile intending to cause destruction to human life or property or crops.

(3) An Officer or Ranger may use the firearm in circumstances mentioned above if-

(a) he has a reasonable ground to believe that there is no other way by which he can prevent such person to escape arrest;

Wildlife and Forest Conservation Service General Orders

GN. No. 590 (Contd.)

(b) he has given a warning to such person on his intended use of firearm against him and the warning is unheeded;

(4) An Officer or Ranger can use excessive force in the following circumstances:

(a) when it is essential for effecting an arrest of a person who is armed with a lethal weapon;

(b) when it is essential for defense of another person who may be seriously injured or killed by an assailant armed;

(c) when it is essential for self-defense.

(5) In the cases mentioned under subparagraph (4), when firearms are used they shall not be used with the aim of killing or inflicting a serious injury.

Range shooting exercise

4.-(1) There shall be range exercise conducted by all members of the Service at least twice a year in a reasonable interval.

(2) During range shooting exercise members of the Service shall be trained on proper handling and use of arms and ammunition.

(3) Every member of the Service shall shoot a minimum of eight rounds in four different range shooting positions.

(4) The rounds and shooting position shall be in the following manner: -

(a) eight rounds -standing position;

(b) eight rounds-kneeling position;

(c) eight rounds -lying position; and

(d) eight rounds-seating positions.

(5) The range shooting exercise shall be supervised by the Officer in charge of protection and security section, other security organs such as TPDF and Police may be invited to participate in the range shooting exercise.

(6) The range shooting exercise performance shall be recorded in the form prescribed in **Appendix 27.1**.

(7) The range shooting in each exercise shall be reported to the Conservation Commissioner.

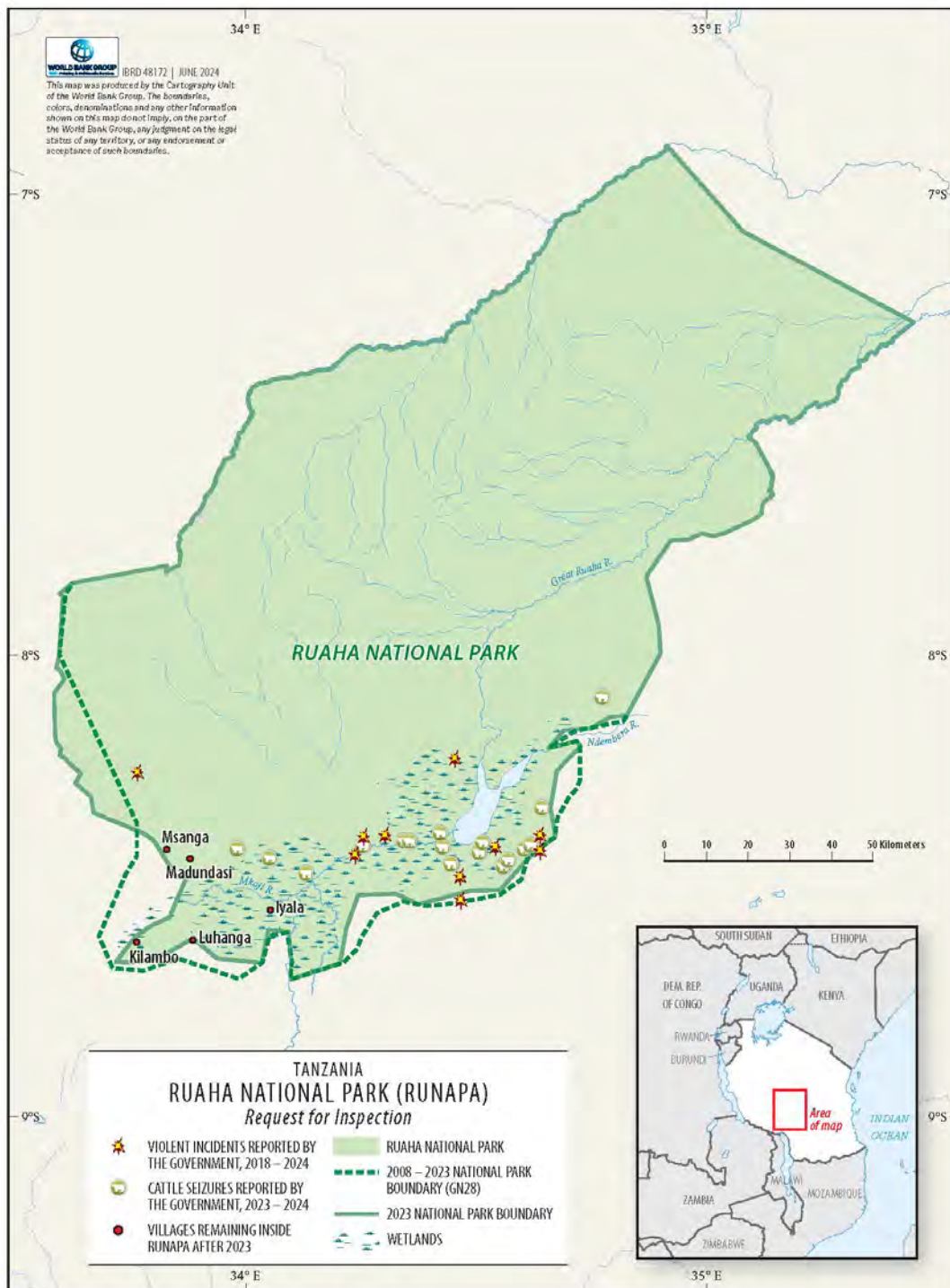
Issue of pistols

5.-(1) Pistols may be issued to the Commanding Officer of work station or Officer in-charge of a section and members of the Service carrying out investigation, intelligence and prosecution duties.

(2) Officer referred to in subparagraph (1) shall be issued pistols after attending and attaining required competencies in using them.

(3) The Conservation Commissioner may authorize the issue of pistols to other Conservation Officers when deemed necessary.

(4) Scale of ammunition issued shall be in accordance with armory regulations.



Map 3: Location of violent incidents and cattle seizures reported by the Government (2018-2024)

Annex 4 – Biographies

Panel Members

Mark Goldsmith, Panel Chairperson

Mr. Goldsmith, a United Kingdom citizen, was appointed to the Inspection Panel on November 17, 2019. He assumed the Chairperson of the Inspection Panel on December 15, 2023. Mr. Goldsmith brings to the Panel more than 25 years of experience managing complex projects and teams across the financial services, development, strategy consulting and energy sectors. His leadership extends to both the public and private sectors where he has demonstrated an ability to manage multi-stakeholders, understand complex issues, and lead the implementation of industry-wide and sector-leading solutions. Through his work in both emerging and developed economies, Mr. Goldsmith has dealt with a wide portfolio of complex and sensitive matters including environmental, social, sustainability, safety, risk management, and governance issues – experience that provides great value to the Panel. Before creating his sustainability consultancy “FiveOak” in 2015, Mr. Goldsmith was Director, Responsible Investment for Actis for more than 10 years. During that time, he was a leader in environmental and social governance (ESG) thinking in the emerging markets. In this capacity he developed and promoted worldclass standards in business integrity, health and safety, social, environmental and climate change areas across all investment areas and companies, and implemented robust corporate governance standards and transparent practices. From 2014 to 2019, Mr. Goldsmith was a non-executive director of ENEO, the power company of Cameroon, and chaired its board subcommittee on ESG for four of those years. Mr. Goldsmith has led several assignments, including developing environmental and social training for CDC Group (the UK's developmental finance institute) on the International Finance Corporation's Performance Standards and providing ESG expert advice to an East Africa private equity fund and its portfolio companies. He has a Bachelor's degree in manufacturing engineering from the University of Nottingham and a Master's degree, with distinction, in environmental pollution control from the University of Leeds. His appointment on the Panel as Chairperson runs through November 16, 2024.

Ibrahim James Pam, Panel Member

Mr. Ibrahim Pam is an accomplished international lawyer, analyst, and investigator with strong leadership experience, specialization in investigating mass crimes, human rights abuses, as well as fraud and financial crimes, and expertise in internal oversight and accountability of international institutions. His most recent position is as Head *ad interim* of the Independent Redress Mechanism at the Green Climate Fund, and just before that as pioneer Head of the Independent Integrity Unit at the Green Climate Fund since 2016. He previously worked as an Analyst and Investigator in the Office of the Prosecutor at the International Criminal Court (ICC) 2005-2012, and then as Chief Investigator in the Integrity and Anti-Corruption Department of the African Development Bank (AfDB) 2012-2015. He was Team Leader and Resident Investigator at the United Nations Office of Internal Oversight Services for the UN Mission in South Sudan (UNMISS), with concurrent responsibility for the United Nations Interim Security Force for Abyei (UNISFA), and additional assignments to the UN Multidimensional Integrated Stabilization

Mission in the Central African Republic (MINUSCA) 2015-2016. In 2000-2001, Mr. Pam worked as Special Legal Assistant to the Nigerian Truth Commission, which amongst other things dealt with environmental and human rights issues in the Niger Delta. From 2001 to 2005, he served as Chief Legal Officer in the Nigerian Anti-Corruption Commission, in which role as Lead Expert delegate for Nigeria, he participated in the drafting of the African Union Convention on Combating and Preventing Corruption, as well as of the UN Convention Against Corruption. He also helped develop the General Principles for Review of Investigative Offices of the Conference of International Investigators (CII). In 2018, on behalf of the host organization (the Green Climate Fund), he chaired the Conference of International Investigators, a forum for investigators of international organizations. He is also concurrently a Member of the Independent External Oversight Advisory Committee of the Joint United Nations Programme on HIV/AIDS (UNAIDS), and Chair of the *Ad Hoc* External Panel on Workplace Culture for the Office of the Prosecutor of the International Criminal Court (ICC). In addition, he serves as a Member of the Advisory Board of the African Association of International Law (AAIL). Mr. Pam holds a Bachelor of Laws (LLB. Hons) degree from the University of Jos, and a Master of Science (MSc) degree in Criminal Justice Policy from the London School of Economics and Political Science. He is called to the Bar as a Barrister and Solicitor of the Supreme Court of Nigeria. His appointment with the Inspection Panel is for a term of five years effective January 1, 2023.

Dr. Evelyn Dietsche, Panel Member

Dr. Dietsche joined the Panel for a five-year term from April 8, 2024. She is a German citizen resident in Switzerland with nearly 30 years of operational and strategic-managerial experience in the multinational corporate sector and the international advisory and consultancy business. A recognized international expert, Dr. Dietsche holds extensive practical knowledge on natural resource governance, while also having regularly taught as well as supervised, published, and peer-reviewed research on this and related topics, including with the Centre of Energy, Petroleum and Mineral Law and Policy at University of Dundee, the International Affairs think tank Chatham House, the Centre for Social Responsibility in Mining at Queensland University, and the United Nations University World Institute for Development Economics Research (UNU-WIDER). Following an advisory position with the Namibian Ministry of Finance, Dr Dietsche served the development consultancy Oxford Policy Management Ltd, based in the United Kingdom, as a fiduciary risk and public policy analyst for a variety of assignments mainly across Sub-Saharan Africa, the Caribbean and the Middle East, alongside providing thought leadership for a multi-year initiative on leveraging and mitigating the impacts of the mining sector on developing countries, funded by the International Council on Mining and Metals (ICMM) in collaboration with the Commonwealth Secretariat and the World Bank. In 2009, she joined the social performance team of BG Group (now part of Shell) as sustainable development manager before setting up her own company in 2013 and continuing to provide BG Group and other extractive industry companies with hands-on operational and strategic advice on the macroeconomic and social impacts of their investments. Alongside, she also advised several multinational and bilateral development agencies on policies for the management of cumulative sector impacts and on local content and skills development, as well as on the impacts of climate policies. In 2020 she joined swisspeace, a peace and conflict research and practice institute affiliated with the University of Basel, Switzerland, to lead and develop its business & peace and resources & conflict programs, which included delivering mandates and commissioned research

and providing training on responsible business conduct and conflict sensitivity with focus on fragile and conflict-affected situations. Dr. Dietsche holds a Doctorate in Resources Sector Governance from the Centre for Energy, Petroleum and Mineral Law and Policy (University of Dundee, Scotland), an MSc in Development Economics from the School of Oriental and African Studies (University of London), and an MA in Public Policy and Management from Konstanz University (Germany).

Expert Consultants

Marc Forget

Mr. Marc Forget specializes in business and human rights, security and human rights, and human rights education and training. He has more than 35 years of experience working on human rights issues in various aspects of international development, from remote indigenous communities to large industrial projects, academic institutions, and intergovernmental institutions such as the UN and the World Bank. Mr. Forget advises companies, international organizations, and governments on human rights due diligence, and compliance with international human rights standards such as the UNGP, the VPSHR, the EU's CS3D as well as with national legislation on modern slavery and human rights in supply chains such as those of the UK, Australia, Canada, France, Germany, the Netherlands, and others. He also develops and delivers human rights training programs for industry and international organizations. He has spoken at numerous universities and conferences and is the author of publications on topics ranging from corporate social responsibility to human rights and sustainability. Mr. Forget has worked in more than 50 countries around the world.

Cathryn MacCallum

Dr. Cathryn MacCallum is a leading expert in social performance and sustainable livelihoods, with more than 30 years of international experience. As a Director of Sazani Associates, she spearheads ESG initiatives, specializing in the critical application of international standards in due diligence audits for international investments, mergers, acquisitions, and strategic sustainable development initiatives. Holding a PhD in Sustainable Livelihoods and Adaptive Capabilities from University of London, UK and an MSc in Social Development Planning and Management from Swansea University, UK, Dr. MacCallum is an Accredited Assessor for the International Hydropower Association, a Fellow of the Institute of Minerals Mining and Metals, a Chartered Scientist, and Chartered Environmentalist. Her work – which centers around gender equity, sustainable livelihood, and educational practices – spans multiple continents, leading transformative public and private sector projects for entities ranging from UNEP in Sudan to the Government of Belize. Dr. MacCallum's academic research and liaisons focus on integrating ethical Environmental and Social Governance practices across the natural resource sector and leveraging global education to foster informed, deliberative citizenship, with institutions including the University of London, Catholic University of Valparaiso, Helmholtz-Zentrum Dresden Rossendorf and the University of British Columbia. Her contributions have earned her prestigious accolades such as the Acquisition International ESG Specialist of the Year 2024 and the Institute of Materials, Minerals and Mining Outstanding Contribution Award for Equity, Diversity, and

Inclusion in 2024, underscoring her influence on policies that promote environmental and social justice.

William “Bongo” Woodley

Mr. William “Bongo” Woodley has a wildlife conservation and management background with 17 years working for the Kenya Wildlife Service (KWS). For most of this period he was the Senior Warden in charge of Mount Kenya National Park, and provided support to many other parks and wilderness areas throughout the country. On transitioning from KWS, he worked as a security contractor for two years in Afghanistan and later two-and-a-half years in aviation management in Iraq. He has 20 years of experience in security/risk management and investigations, mostly in Sub-Saharan Africa (SSA). He spent six years in a corporate security and investigations role for a multinational with responsibility for internal fraud and investigating serious internal misconduct. This included allegations of bribery and corruption (globally subject to the US Foreign Corrupt Practices Act and the United Kingdom Bribery Act), internal and external fraud, and cyber threats. His investigations included digital forensic reviews, subject-of-interest and witness interviews, and documentary evidence reviews totaling 60 cases. He has also conducted pharma-crime operations, personal security, and executive protection in SSA. More recently Bongo was an investigations consultant for the International Office for Migration with 11 cases jointly investigated in Uganda and Nigeria relating to corruption, asset misappropriation, and sexual exploitation and abuse. Currently he works as a patrol pilot for a conservation NGO supporting the monitoring and protection of endangered species in Tsavo National Park, and as a security and investigations consultant.