



## VOICES FROM TANZANIA

# case studies on Business and Human Rights (Volume 3)

# “HUMAN RIGHTS IMPACT OF LARGE-SCALE INFRASTRUCTURE PROJECTS”

*With contributions by*

*With the support of*



Project funded by the EUROPEAN UNION

# Editorial

## VOICES FROM TANZANIA -- case studies on Business and Human Rights (Volume 3)

Antwerp/Arusha/Moshi/Mwanza, February 2021

The edited volume *“Voices from Tanzania – case studies on Business and Human Rights (Volume 3)”* is a collaboration between Tanzanian civil society organisations, the Tanzanian Commission for Human Rights and Good Governance (CHRAGG), Business and Human Rights Tanzania (BHRT) and the International Peace Information Service (IPIS).

The “Voices from Tanzania” series supports local field-based studies into business and human rights topics in Tanzania. The publications do not represent IPIS’ research or views. They are based on the surveys and analyses conducted by Tanzanian civil society organisations and solely belong to them.

### About the Contributors

**Action of Justice in Society (AJISO)** is a non-governmental organization dedicated to promote Human Right, access to justice and socio-economic empowerment of poor and vulnerable women, children and men in Tanzania.

**Foundation of Environmental Management and Campaign against Poverty (FEMAPO)** is a non-governmental organization registered and operating in Tanzania since 2008. FEMAPO focusses on advocacy for the rights of marginalized communities, environmental justice, human rights, children’s rights and accountability issues.

**Governance Links Tanzania** is a Research and Policy analysis Non-Governmental Organization in Tanzania, focusing on the intersecting themes of Natural Resources, Trade and Health Governance.

**Pilot Light Development Organisation (PILIDO)** is a Tanzanian civil society organization founded in 2017 with a mission to promote social, political and legal empowerment of people. PILIDO is anchored in the Maasai districts of Arusha and Manyara regions.

**Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA)** was established in 1988 to link the private sector to the Government of Tanzania. Its mission is to facilitate Private Sector Development in Tanzania through the provision of demand driven advocacy, linkages, business development and other relevant services to its business member organisations in a more professional, resourceful and sustainable manner.

**Cover photo:** Rural energy supply infrastructure construction in Mwanza (courtesy of TCCIA)

**Layout:** Sakado

**Edited by IPIS** (Mieke Thierens)

D/2021/4320/03



This publication is part of the ‘Improving monitoring, research and dialogue on Business & Human Rights in Tanzania’ project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.

# VOICES FROM TANZANIA – Case studies on Business and Human Rights (Volume 3): “Human rights impact of large-scale infrastructure projects”

## Introduction

Since taking office in 2005, President Magufuli has considered **infrastructure development as a key element for achieving Tanzania’s industrialisation and development goals**. He declared that “*if you want to grow economically, you first invest in infrastructure that will stimulate growth*”<sup>1</sup>. As a result, many large-scale infrastructure projects are and have been ongoing in the country, to deliver road infrastructure, upgrade the country’s railway systems and airports, and to increase and diversify the country’s energy supply through natural gas and hydropower facilities, to name but a few<sup>2</sup>.

While infrastructure projects promise positive development, employment and economic growth, the sector’s rapid expansion also raises its potential for **adverse impacts on the communities and environments** in which projects are implemented or on those involved in the execution of the projects. In 2017, the Tanzanian Commission for Human Rights and Good Governance (CHRAGG), through its National Baseline Assessment of the current implementation of Business and Human Rights Frameworks in the United Republic of Tanzania<sup>3</sup>, already highlighted the need for human rights attention to the country’s rapidly growing construction sector. Since then, concerns on the impact of several prestigious infrastructure projects in Tanzania have been raised by non-profits<sup>4</sup>. A case study on the potential human rights issues during the construction of the East African Crude Oil Pipeline, published in the first series of “*Voices from Tanzania*”<sup>5</sup>, gives clear insights into the extent of how infrastructure works can touch upon the basic, universal rights of people. These include land rights, access to justice, conditions of work and employment, adequate standard of living, community participation, rights of indigenous groups and environmental rights.

Aspects of human rights are often overlooked in businesses’ operations<sup>6</sup>. To promote the protection of human rights by the corporate sector, the United Nations formulated **Guiding Principles on Business and Human Rights**, the UNGPs<sup>7</sup>. While the UNGPs clearly state that it is the State’s duty to *protect* citizens from corporate harm (UNGP Pillar I), they also indicate that businesses have a responsibility to *respect* human rights (UNGP Pillar II). This means that they have to act diligently in order to avoid infringing on human rights. **Human rights due diligence** processes– i.e. all the necessary steps to identify, prevent, mitigate and account for negative human rights impacts related to an activity<sup>8</sup> - are at present mostly voluntary processes by individual companies. However, world-wide the momentum is growing

---

1 Magufuli defends big infrastructure projects. The Citizen; 05.09.2020. <https://www.thecitizen.co.tz/news/Magufuli-defends-big-infrastructure-projects/1840340-5619578-w1hbgq/index.html>

2 An overview of recent infrastructure works in Tanzania can be found in the briefing series “Business and Human Rights in Tanzania”: <https://ipisresearch.be/briefings/tanzania-briefing/>

3 National Baseline Assessment (NBA) of current implementation of business and human rights frameworks in the United Republic of Tanzania. CHRAGG, DIHR & SOMO; November 2017. <https://globalnaps.org/country/tanzania/>

4 See e.g. [https://wwf.panda.org/wwf\\_news/press\\_releases/?340151/Tanzania-signs-contract-with-Egypt-to-build-controversial-hydroelectric-dam-in-UNESCO-World-Heritage-site-Selous](https://wwf.panda.org/wwf_news/press_releases/?340151/Tanzania-signs-contract-with-Egypt-to-build-controversial-hydroelectric-dam-in-UNESCO-World-Heritage-site-Selous) or <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621045/rr-empty-promises-down-line-101020-en.pdf?sequence=1&isAllowed=y>

5 <https://ipisresearch.be/publication/voices-tanzania-case-studies-business-human-rights-vol-1/>

6 See e.g. <https://www.corporatebenchmark.org/2020-results>

7 Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework. Office of the High Commission on Human Rights (OHCHR); 2011. [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

8 <https://www.ohchr.org/EN/Issues/Business/Pages/CorporateHRDueDiligence.aspx#:~:text=Human%20rights%20due%20diligence%20is,with%20which%20they%20are%20involved.&text=The%20prevention%20of%20adverse%20impacts,people%2C%20not%20risks%20to%20business.>

to make human rights due diligence mandatory in (certain) supply chains or industries<sup>9</sup>. In Tanzania, no specific legislative framework exists yet to oblige companies to implement specific due diligence on human rights. However, there are mandatory requirements to assess whether a business project has adequately and effectively addressed its (potential) environmental and social impacts and whether appropriate mitigation is in place<sup>10</sup>. Are these requirements sufficient to reveal all relevant human rights issues associated with the country's growing business activities? And what is the current status, nature and magnitude of corporate human rights violations and risks in relation to infrastructure developments? As information on these topics remains scarce while the sector continues to grow, large-scale infrastructure projects require urgent attention from a human rights perspective.

## The case studies

"Voices from Tanzania" studies are devised as small, field-based scoping studies, executed by Tanzanian civil society organizations, which aim to draw attention to pertinent issues on **business and human rights in Tanzania**. Through their presence and activities, businesses can play an important role in both promoting and harming human rights.

"Voices from Tanzania" studies combine **field data**, obtained through e.g. stakeholder interviews, observations or questionnaires, with secondary data sources such as (inter-)national legal frameworks, published reports or company (policy) documents. Their **analysis** presents previously undocumented information, provides new insights and allows the formulation of **clear recommendations** to the different stakeholders involved.

This series of "Voices from Tanzania" studies was conducted during the **Covid-19 pandemic**, which brought specific challenges regarding data gathering and access to stakeholders. To limit travel and in-person meetings, new data was mostly obtained remotely, through telephone interviews directly with stakeholders or via local contacts. Other studies are strongly based on previously gathered data that needed minor follow-up or updates.

The third volume of "Voices from Tanzania" presents **five cases studies that focus on the human rights impact of large-scale infrastructure projects**. The studies assessed the human rights impact of **3 energy supply projects** – the East African Crude Oil Pipeline (Manyara region), the Regional Rusumo Falls Hydroelectric Project (Kagera region) and rural energy supply projects (Mwanza region) – and **2 projects involving transport infrastructure** – the Tanzania Strategic Cities project (Arusha & Dodoma regions) and the Dar es Salaam – Moshi railway (Kilimanjaro region).

Central to these studies are questions of:

- 1. human rights due diligence** by implementing companies: what are companies doing to respect human rights, to prevent human rights harm and to mitigate negative effects?
- 2. community impacts** of specific infrastructure projects: what are the actual or potential impacts as experienced by communities, and how do they relate to any prevention/mitigation measures taken by implementing companies?
- 3. access to remedy** in case of harm: are there mechanisms and procedures in place for people to voice their grievances and get effective redress for negative impacts, in case they occur?
- community **consultation, participation and awareness**: how (much) were communities involved in the design, assessment, implementation and mitigation of infrastructure projects?

---

9 For an overview on Europe, see: <https://www.business-humanrights.org/en/latest-news/national-regional-movements-for-mandatory-human-rights-environmental-due-diligence-in-europe/>

10 E.g. Environmental and Social Impact Assessment (ESIA) obligations as per Environmental Management Act 2004



Overview of five studies covered in the "Voices from Tanzania – case studies on Business and Human Rights (Volume 3)" publication

**Pilot Light Development Organization (PILIDO)** presents an assessment of how the East African Crude Oil Pipeline (EACOP) project will impact human rights and livelihoods of agro-pastoral communities in Kiteto District, Manyara region. Pastoral/agro-pastoral communities, indigenous to this area, depend on land and natural resources for sustainable livelihoods. Unless adequately mitigated, the construction of a buried, heated pipeline in the area has the potential to increase pressure on already depleted resources and already threatened coping strategies to levels that will be unsustainable for these communities.

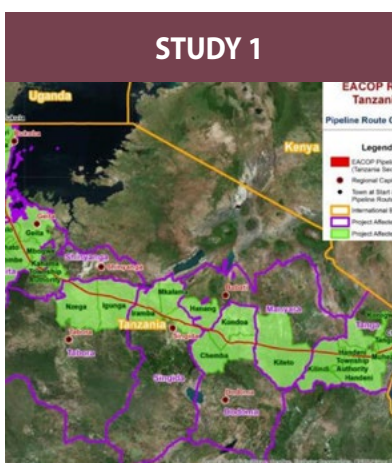
**Governance Links Tanzania** investigated to which extent the Tanzania section of the Regional Rusumo Falls Hydroelectric Project is meeting requirements of human rights due diligence. To increase energy production in the region, an 80-Megawatt power plant and associated infrastructure is constructed around the Rusumo falls in Ngara District, Kagera region. There, around 39,000 people are impacted by the project and the effect on their economic, environmental, social and cultural human rights therefore needs monitoring.

**The Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA)** has authored a study on the human rights impact of businesses implementing power supply infrastructures in two rural districts of Mwanza region (Misungwi and Kwimba Districts). There, the majority of households has not been connected to the power grid and access to electricity holds the promise of positive development. Besides an overview of the impacts, the study also sheds light on the human rights awareness of implementing companies, local authorities and members of the communities in which the infrastructure development took place.

The study by **Foundation for Environmental Management and Campaign against Poverty (FEMA-PO)** investigated the protection of human rights and citizen participation in the implementation of the

Tanzania Strategic Cities Project in 2 project cities, Arusha and Dodoma. The Tanzania Strategic Cities Project is a large-scale infrastructure development project funded by the World Bank that aimed at improving infrastructure and urban services in eight fast growing cities in Tanzania. While the project would bring much-needed development and safety to neighborhoods, human rights need to be considered in its implementation to ensure true positive change and improved conditions to communities.

As a fifth and final study in this third volume, **Action for Justice in Society (AJISO)** presents the case of the revival of the Dar es Salaam-Moshi railway and its impacts on communities from Mwanza and Moshi Districts, Kilimanjaro region. Like other infrastructure projects, the revival works could create both positive and negative effects on basic human rights such as workers' rights, the right to safe living and healthy conditions and environmental rights. AJISO therefore assessed to which extent this infrastructure project complied with human rights standards, and the United Nations Guiding Principles on Business and Human Rights specifically.



### **Impact of the East African Crude Oil Pipeline (EACOP) on Human Rights and Environment of Agro-Pastoral Communities in Kiteto District, Manyara, Tanzania (Pilot Light Development Organization)**

*This small scoping study of the East African Crude Oil Pipeline (EACOP) assesses the impacts of this large-scale infrastructure project on the rights and livelihoods of agro-pastoral communities in Kiteto District, Manyara region, north-east Tanzania.*

EACOP is an intergovernmental mega infrastructure project of Uganda and Tanzania, which will move 216,000 barrels of crude oil a day from 3 oilfields in Kabaale, Hoima district (western Uganda) to the Chogoleani Peninsula near Tanga port (eastern Tanzania). When completed, it will be the longest heated pipeline in the world (1,443 km).

In Tanzania the pipeline goes through 8 regions, 24 districts, 116 wards and 231 villages for a total distance of 1,147 km. The EACOP thereby crosses diverse ecological systems, rivers, highlands, arid / semi-arid lands and conservation areas, as well as many agro-pastoral communities. While the project will generate significant revenue for international project developers, operators and governments, impacts on livelihoods of agro-pastoral communities and on the environment are considerable.

In Kiteto District, EACOP will cover 113 km and will affect the 7 villages of Mutikira, Ndorkon, Ndaleta, Orpopong'i, Kimana, Amei, and Loolera. Four of these villages - Ndorkon, Amei, Orpopong'i and Loolera - are the focus of this study. Pastoral/agro-pastoral communities are indigenous to the area, and depend on land and natural resources for sustainable livelihoods. For over 40 years, the communities have experienced a loss of these crucial assets, particularly land, to investment schemes and climate change, thus putting at risk their right to a quality life. EACOP will potentially increase pressure on depleted resources and coping strategies of the pastoralists, thus increasing the threat to basic rights of pastoral communities to quality livelihoods. Hence, EACOP challenges to human and environmental rights need to be assessed.

This study aims to **assess the impact of the EACOP on the socio-economic, human and environmental rights in 4 villages of Kiteto district**, to raise awareness on the issues faced by agro-pastoral communities in large-scale infrastructure projects and to share recommendations on how to promote and protect human rights in affected villages. The study's **key questions** are therefore: (1) How are socio-economic, human and environmental rights potentially affected by EACOP project? and (2) What is done by EACOP to mitigate these risks and is this sufficient?

This study used data gathering methods including literature review, use of questionnaires and focused group discussions by phone, and expert observation.

**In this study, we found that** communities fear about loss of natural resources, grazing lands, pristine

habitats, homesteads, peace and prosperity, livelihoods, socio-cultural and spiritual traditions, health and family security. This fear is not fully captured in the EACOP risk assessment studies. While EACOP risk assessment and mitigation plans are an attempt to be comprehensive and address several issues identified in this study, two main shortcomings can be identified.

Firstly, there is a lack of in-depth knowledge about the study area, the communities and their livelihoods and traditions. This led to mitigation plans that were not relevant to the specific social and environmental reality of the affected communities. Without more tailored mitigation measures, based on the unique contexts of local communities, the EACOP will cause significant losses of livelihood assets upon which indigenous pastoral communities directly depend. Moreover, pastoralists cannot easily diversify livelihood strategies to adjust to this loss due to ecological variabilities such as climate, rainfall, vegetation and natural resources.

Secondly, stakeholder engagement, consultation and information-sharing seem insufficient. There has been no further official communication to update affected individuals and communities after initial meetings in 2017. People's understanding of EACOP seems inadequate and they neither have a comprehensive knowledge about pipeline construction, mitigation, compensation plans, nor how the project will impact their lives. This lack of information and consultation generated questions not officially addressed, a 'parallel' stream of information and serious concerns within communities. Overall, the lack of project implementation updates created distrust in the communities.

**The study concludes** that the EACOP has extensive generic and specific management plans addressing project impacts. These plans, however, should be contextualized and adapted to the local situation, and communicated in a transparent way to all stakeholders. Foreseeable difficulties and challenges with implementation, mitigation and monitoring are likely if broad community consultation and disclosure of information are not taken seriously, and if trust is not built with affected communities.

We therefore propose **the following recommendations** for the EACOP and similar large-scale infrastructure projects:

- Promotion and protection of land tenure security and land use planning is much needed, especially among agro-pastoralist communities. Land-related livelihoods should be considered during land acquisition and should be part of effective monitoring plans during implementation of investment projects.
- Adequate programming to address environment degradation and habitat loss should be in place. They should be context-specific and involve local communities fully at every phase.
- Social security and welfare of local communities should be guaranteed, with attention to traditional customs and spiritual sites.
- Compensation modalities for lost properties, resources and opportunities should be adequate and calculations should be updated.
- Public Consultation and Public Disclosure of information should be improved to ensure maximum community participation and awareness.
- Energy Supply projects should consider their impact on climate change. We recommend governments and private investors to invest in alternative, sustainable energy supply projects instead of those based on fossil fuels.

## STUDY 2



### **Business and Human Rights Footprint in the Construction of Regional Rusumo Falls Hydroelectric Project in Ngara District - NW Tanzania (Governance Links Tanzania)**

---

*Rusumo Falls is located on the Kagera River, on the border between Rwanda (Southeast) and Tanzania (Northwest), about 25 kilometers of the common border point between Burundi, Rwanda and Tanzania. There, the Regional Rusumo Falls Hydroelectric Project is being built to address the acute shortage of electricity experienced in Burundi, Tanzania and Rwanda. It comprises the construction of an 80-Megawatt power plant and three associated transmission lines that will directly connect the power plant to the national power grids. The project is located at Rusumo, an intersectional geographical location for the three countries. In Tanzania, most activities will take place in Ngara District, Kagera region.*

Ngara District (Kagera region, Tanzania) is a largely rural district with an estimated population of 401,900 people. Over 80% of the population are subsistence farmers. About 39,300 people (8,360) households are directly affected by the project (16,200 people in Rusumo village and 23,100 in Kasulo village).

The overall objective of this study is **to assess how the Tanzania section of the Regional Rusumo Falls Hydroelectric Project is complying with the United Nations Guiding Principles on Business and Human Rights (UNGPs), and specifically the requirement of human rights due diligence.** The study was conducted in two phases. Phase I consisted of a guided tour to the project site at Rusumo and the eight surrounding villages in early February 2020. Phase II was managed through remote communication between the research team and the various stakeholder groups in the field during June-July 2020. Adapted to COVID-19 preventive measures, this study presents a mixed-methods desk-based case study.

Overall, the project's human rights footprint was most significant on economic rights of communities, particularly related to land rights and livelihood opportunities. These impacts were overall well mitigated by the project and affected people considered the compensations received as sufficient. While the project was found to positively contribute to employment and business opportunities, negative footprints on health and environment seem insufficiently addressed.

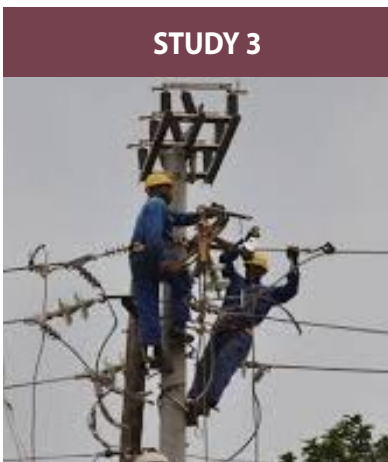
**Findings** from the study indicate that the construction of the Regional Rusumo Falls Hydroelectric Power Project went through the World Bank Environmental and Social Framework screening. In this way, the project also complied partly with processes to ensure human rights due diligence as recommended by the UN Guiding Principles on Business and Human Rights. The project identified several actual and potential rights impacts and took measures to prevent them. However, gaps are identified in terms of impact mitigation and reporting.

The Regional Rusumo Falls Hydroelectric Project provides a useful learning point for corporate responsibility in complying with the UNGPs. **Recommendations from the study are:**

1. The RRFH is an opportunity and living laboratory for the Commission for Human Rights and Good Governance (CHRAGG) and other regulatory institutions to accelerate popularization of the United Nations Guiding Principles on Business and Human Rights across stakeholders in Tanzania.
2. It is critical for CHRAGG as a frontline institution to provide methodological support to local government authorities to engage with multi-stakeholders in compliance monitoring.
3. A "whole government" approach is necessary for engaging corporate sector units involved in infrastructure projects to roll out proper due diligence procedures, in alignment with UNGPs on Business and Human Rights and compliance monitoring.
4. Despite the absence of a national framework for business compliance with Human Rights, corporate institutions and networks should adopt strategies for due diligence through effective implementation of codes of conduct and contractual provisions as primary entry points to alignment with the UN framework.



5. The surging investments in mega infrastructure projects calls for urgent consideration on establishment of a national framework on business and human rights aligned to the UN Guiding Principles on Business and Human Rights.



### STUDY 3

#### **The impact of large-infrastructure projects on Business and Human Rights: case of energy supply in Mwanza rural communities, Tanzania** (*Tanzania Chamber of Commerce, Industry and Agriculture*)

---

*This study assesses the impact of businesses implementing power supply infrastructures in two rural districts of Mwanza region, Tanzania (Misungwi and Kwimba Districts). It specifically addresses the impact of the rural energy supply project on the human rights of communities in Fella and Mapilinga villages, in Misungwi district, and Shilanona and Isagala villages, in Kwimba district. As data on human rights due diligence of infrastructure projects in Tanzania is limited, this study aims to contribute to the understanding of this topic, in order to raise voices for immediate action.*

The study seeks to achieve the objectives by answering these **key questions**: 1) To what extent have contracting companies conducted human rights due diligence while implementing their projects activities at the targeted villages in Misungwi and Kwimba district?; 2) To what extent are the communities of targeted villages in Misungwi and Kwimba district aware of human rights and at what level have these rights been violated by the contracting companies?; and 3) Which procedures for redress or remedy exist and to which extent are communities aware of them?

**The study found that:** 1) Human rights due diligence was not considered by any of the implementing companies during project design and implementation; 2) There are allegations of violations of human rights, including acts of bribery and corruption, labour rights violations and poor land compensations; 3) There is a significant lack of community awareness on issues pertaining to human rights and the extent of adverse effects of human rights violations by implementing company; and 4) An effective grievance mechanism is absent, limiting community members' right to access remedy in cases of harm due to the implementation of the rural energy supply project. Moreover, communities are not aware of their rights during business operations and do not know how to access remedy in case of corporate human rights harm.

Overall, **we conclude** that the lack of human rights due diligence by the implementing companies, combined with the lack of awareness on human rights in rural communities in Mwanza region (Misungwi and Kwimba district), is leaving communities vulnerable to harm.

Consistent with the conclusions, **the study recommendations include**: 1) Business and Government stakeholders are advised to ensure that the component of human rights is incorporated and streamlined in all infrastructure project contracts. 2) Awareness should be raised with business actors on how to comply with human rights due diligence, in order to fulfil their responsibility to respect human rights. 3) Legislation should be put in place to ensure human rights due diligence in the design, implementation and monitoring of all investment projects and business activities. It is desirable that it would be mandatory for business to comply with human rights due diligence in all business operations. This will greatly help to ensure that the rights of people are respected and protected. 4.) Community capacity building programs should be in place, to increase community awareness on matters related to business and human rights, including processes for submitting grievances and obtaining effective access to remedy.

## STUDY 4



### Human rights and citizen participation in the Tanzania Strategic Cities Project: case studies from Arusha and Dodoma (Foundation for Environmental Management and Campaign against Poverty)

---

*The “Tanzania Strategic Cities Project” (TSCP) is a large-scale infrastructure development project funded by the World Bank (WB) and implemented by the Government of Tanzania. The TSCP aimed at improving infrastructure and urban services in eight fast growing cities in Tanzania, which included Dodoma and Arusha. The project was important to the communities of Arusha and Dodoma Municipals, as it would bring much-needed development and safety to the neighborhoods where it was implemented. However, to ensure that*

*the TSCP effectively brings positive change and improved living conditions to its target communities, basic human rights need to be considered in its implementation. Therefore, in this study, FEMAPO aimed to investigate the protection of human rights and citizen participation in the implementation of TSCP project in 2 of its cities: Arusha and Dodoma.*

This study was trying to assess the following **three aspects**: (1) citizen participation and community consultation, (2) human rights impacts, and (3) access to remedy.

**Our findings** indicate that the TSCP project in Arusha and Dodoma observed a basic level of citizen participation and community consultations, protection of human rights and access to remedy, as required by the World bank guidelines and the Constitution of the United republic of Tanzania. However, efforts are still required to improve the process of citizen participation and consultation as a way to ensure human rights protection/ impact mitigation and effective access to remedy. As key issues, we have identified: (1) although consultation meetings were organized, insufficient consideration was shown for the inclusion of different stakeholder groups; (2) although no major human rights harm was reported, concerns were raised about fair compensation for property loss due to the TSCP construction works in Arusha; (3) although a grievance mechanism was set up, lack of awareness and easy access for community members hamper its effectiveness.

**Overall, our findings show** it is important to create awareness in the communities to understand their basic human rights and how to defend and preserve these rights. We conclude that citizen participation and human rights protection are key aspects in any infrastructure investment project.

Based on this study, **we recommend** the Government of Tanzania and its funding partners (e.g. the World Bank) to put Human Rights protection and Citizen Participation as priorities in the implementation of infrastructure projects. We also stress the need for creating awareness in the communities to understand and defend their basic human rights, and for the implementation of effective grievance mechanisms that are made easily accessible for community members to use in cases of harm due to the implementation of these projects.

The lesson we have learnt from the TSCP project should be used to improve the implementation of other similar projects in the future.

## STUDY 5



### Large-scale Infrastructure Projects in Tanzania and their Impacts on Human Rights: Case of the Dar es Salaam-Moshi Railway Renovation Project in Mwanza and Moshi Urban Districts, Kilimanjaro Region (Action for Justice in Society)

---

*Tanzania, like many developing countries, struggles to scale up its economic growth while also complying with the Sustainable Development Goals (SDG). Industrial development is seen as the driver for growth. As a result, many large-scale infrastructure projects are ongoing, such as upgrading the country’s railway systems.*

In undertaking such projects, aspects of Human Rights are often overlooked and compliance with international instruments such as the United Nations Guiding Principles on Business and Human Rights (UNGPR) of 2011 seems challenging. At present, there is limited awareness and detailed information on the nature and magnitude of corporate human rights violations in Tanzania, especially in relation to infrastructural developments. This study was designed to address this information gap.

In this study, **we study the revival of the Dar es Salaam-Moshi railway project as a case study for the impact of large-scale infrastructure projects on human rights in Tanzania.** The revival of the Dar es Salaam-Moshi railway is one of the large-scale infrastructure projects that has recently been carried out in Tanzania. Like similar projects potential negative implications for human rights are possible, affecting amongst others workers' rights, the right to safe living and healthy conditions, environmental rights, and gender-related rights.

The study aims to **assess to what extent the renewal project of the Dar es Salaam to Moshi railway complied with human rights standards and the United Nations Guiding Principles on Business and Human Rights specifically.** Key questions therefore were;

1. **What are the human rights violated in implementing the project?**
2. **What measures are taken by the Government for protecting the communities to ensure that human rights are not violated during the implementation of the project?**
3. **To what extent is the surrounding society aware of their rights and remedies available in case of violation?**

The study was carried out in Mwanga and Moshi Districts, Kilimanjaro region (NE Tanzania). A total of 40 persons (23 male, 17 female) were interviewed. Multiple research methods were applied, including phone-based/online interviews and one-to-one personal interviews, due to the COVID-19 pandemic and measures to prevent the spread of this disease.

**The study's findings** indicate that few human rights violations were reported in the renovation of the old railway. Some of the issues that were found include violation of labor rights such as poor working conditions, low wages and long working hours; occurrence of accidents that led to death and injuries of people and livestock; soil erosion; outbreak of communicable and sexual transmitted diseases and matrimonial conflicts such as marriage breakdowns and child pregnancies.

The project brought also positive effects, mainly in the form of economic and employment benefits. The benefits mentioned included reduction of transport costs, increase in trade possibilities, and increased employment opportunities for youth and women, increase in capital gain as well as increased diversification of economic activities.

Regarding access to remedy in case of rights violation, it was found out that only 15% of the respondents stated to be aware of their rights regarding compensations and remedies in case their rights are violated during construction projects or other development activities.

**Overall, this study has observed** that some measures were put in place to ensure that there is observation, respect and protection of Human Rights in investment projects. However, the actions taken proved not sufficient to make sure human rights violations were avoided during the implementation of the project.

Therefore, it is imperative that the Government and its partners increase their efforts for raising awareness about roles, rights and remedies available in case of rights violations during the implementation of investment projects. The United Nations Guiding Principles on Business and Human Rights can be a guiding tool for the way forward.

## Overall conclusions and recommendations

the five case studies presented in this third volume of “*Voices from Tanzania*” focused on the **human rights impact of large-scale infrastructure projects** that are ongoing or have recently been concluded in Kagera, Mwanza, Arusha, Kilimanjaro, Manyara and Dodoma regions of Tanzania. The studies focused on 2 types of infrastructure projects: those providing **energy supply** (the East African Crude Oil Pipeline, the Regional Rusumo Falls Hydroelectric Project and rural energy supply projects) and those delivering **transport infrastructure** (the Tanzania Strategic Cities project and the Dar es Salaam – Moshi railway).

Central to these studies were questions of (1) **human rights due diligence** by implementing companies, (2) **community impacts** of specific infrastructure projects, (3) **access to remedy** in case of harm, and (4) community **consultation, participation and awareness** related to infrastructure development and human rights.

One way to evaluate if and how business activities respect human rights, is through **due diligence processes**. Typically, identifying negative impacts and formulating adequate solutions to mitigate those impacts are part of a company’s risk assessment process. **In most of the case studies presented in this volume some form of risk/impact assessment was indeed conducted.** This was done either to comply with laws of Tanzania – e.g. Environmental and Social Impact Assessment (ESIA) requirements, as per Environmental Management Act 2004– or to adhere to specific requirements from funding bodies – e.g. the World Bank Environmental and Social Framework (ESF) screening. It is worth noting that none of these assessments approach due diligence through a “human rights lens”, as recommended by the United Nations Guiding Principles on Business and Human Rights<sup>11</sup>. **While most of these risk assessments and mitigation plans attempt to be comprehensive, shortcomings have been identified.** These mostly seem linked to a lack of in-depth knowledge of the often-complex and specific local contexts, insufficient stakeholder engagement and consultation, and incomplete due diligence processes. The fact that none of these assessments analyses potential adverse impacts in terms of human rights harm forms another significant limitation.

Incomplete understandings of local contexts can lead a community’s assets, whether traditional lands, property, livelihood / economic practices, cultural sites or societal roles, to be considered “easy-to-replace” and their losses “low impact”, while in reality they are significant. This is, for instance, the case for the East African Crude Oil Pipeline (EACOP) traverse of agro-pastoral communities in Kiteto District (Manyara). The study gives multiple examples of how **a more in-depth understanding of the context is needed to safeguard communities, their livelihoods and their traditions.** It also demonstrates that not all that is lost can be (easily) replaced or compensated, as perhaps too often assumed. In another example, the study on the renovation of the Dar es Salaam to Moshi railway in Kilimanjaro region, indicates that mitigation measures seem to have focused on safety issues only, ignoring other potential impacts such as environmental, health or labour issues. The study of the Regional Rusumo Falls Hydroelectric Project (RRFHP), implemented in Kagera region, shows that the RRFHP implementing parties did identify the most important impacts during their risk assessments. However, they failed to follow up on the effectiveness of their measures to mitigate those impacts. This has left communities to deal with negative project impacts, such as air or water pollution, after all.

Stakeholder engagement and consultation are essential elements of due diligence processes and can be a powerful tool to ensure adequate risk identification, prevention and mitigation. **In all five case studies, some degree of community consultation took place,** mostly prior to the execution of the infrastructure works. The scope, frequency and extent of these meetings varied, from *ad hoc* involvement of village leaders in implementation matters, to community safety awareness meetings or regular consultations between project implementers, local government officials and affected community members. However, most studies conclude that **these engagements did not suffice to ensure true community consultation and participation.** They indicate an implementation gap between companies’ plans and practices regarding community participation. Key observations are that follow-up engagement with

---

11 Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework. Office of the High Commission on Human Rights (OHCHR); 2011. [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

(community) stakeholders seems mostly absent and both **knowledge and awareness on how infrastructure projects might impact communities and their rights remains very limited**. This lack of awareness leaves people vulnerable to harm.

The **human rights impact of the five infrastructure projects** presented here is found most significant in terms of economic rights (e.g. livelihood opportunities), labour rights (e.g. working conditions), health (e.g. outbreak of diseases), socio-cultural aspects (e.g. community traditions) and environmental rights (e.g. pollution, soil erosion, access to ecosystems). **While some impacts are clearly negative, not all are**. Projects such as the RRFHP, the Tanzania Strategic Cities Project (TSCP) or the renovation of the Dar es Salaam – Moshi railway have brought employment and business opportunities to communities, besides improved infrastructure. Several studies highlight the relation between infrastructure projects and land rights<sup>12</sup>, not in the least regarding issues with unfair compensation for land and resources lost to facilitate infrastructure development.

Compensation is one of the most widely known forms of redress. **Corporate respect for human rights also requires access to effective remedy**, i.e. the presence of mechanisms and procedures which allow people to voice their grievances and get effective redress for negative impacts. **Several of the infrastructure projects studied in this volume include a grievance mechanism**. The EACOP, RRFHP and TSCP projects have the most advanced procedures for dealing with affected people's grievances. However, despite the presence of grievance desks, liaison offices and conflict resolution or community project management committees, **community members are either dissatisfied, distrustful or unaware of the options available to them**. As one respondent from Kiteto District clarified *"the one who gave us the grievance process is the one against whom we are complaining"*<sup>13</sup>. Other testimonies mention a lack of timely or transparent response to grievances filed, unfair compensation agreements, complex bureaucracy, a lack of cooperation at the local level for filing grievances or simply a complete unawareness of procedures and rights. **The availability of effective grievance mechanisms therefore seems at present rather limited**. Indeed, as indicated by the United Nations<sup>14</sup>, an effective company-based grievance mechanism should be legitimate, accessible, predictable, transparent, equitable, rights-compatible, a source of continuous learning and based on engagement and dialogue.

Finally, the cases studies in this volume of *"Voices from Tanzania"*, stress **the crucial importance of awareness raising, stakeholder engagement and consultation processes** as essential elements of upholding human rights and corporate accountability. These should be more than "tick box exercises" and instead form the cornerstones of meaningful due diligence processes. Analyses of business activities in a human rights framework would also signify significant progress. However, at present human rights centered processes remain voluntary initiatives in most sectors and countries. Large-scale development projects, such as the mega infrastructure projects studied in this volume, will inevitably impact the basic rights of many. **Making human rights due diligence a mandatory business practice, instead of a voluntary one**, would be a strong option to ensure that human rights are adequately considered in companies' activities and progress is made on the corporate respect for human rights.

*The Kiswahili version of this introductory summary – including executive summaries of all four studies – can be found at <https://ipisresearch.be/home/capacity-enhancement/voices-from-the-south/voices-from-tanzania/>*

---

12 More studies discussing issues of land rights and human rights, can be found in the second volume of "Voices from Tanzania": <https://ipisresearch.be/publication/voices-tanzania-case-studies-business-human-rights-vol-2-land-rights-environment/>

13 See study by Pilot Light Development Organisation.

14 Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework. Office of the High Commission on Human Rights (OHCHR); 2011. [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

# Voices from Tanzania (vol. 3) – Reports of the five case studies

## **Study 1:**

Impact of the East African Crude Oil Pipeline (EACOP) on Human Rights and Environment of Agro-Pastoral Communities in Kiteto District, Manyara, Tanzania  
**(Pilot Light Development Organization)** ..... pg 15

## **Study 2:**

Business and Human Rights Footprint in the Construction of Regional Rusumo Falls Hydroelectric Project in Ngara District - NW Tanzania  
**(Governance Links Tanzania)** ..... pg 37

## **Study 3:**

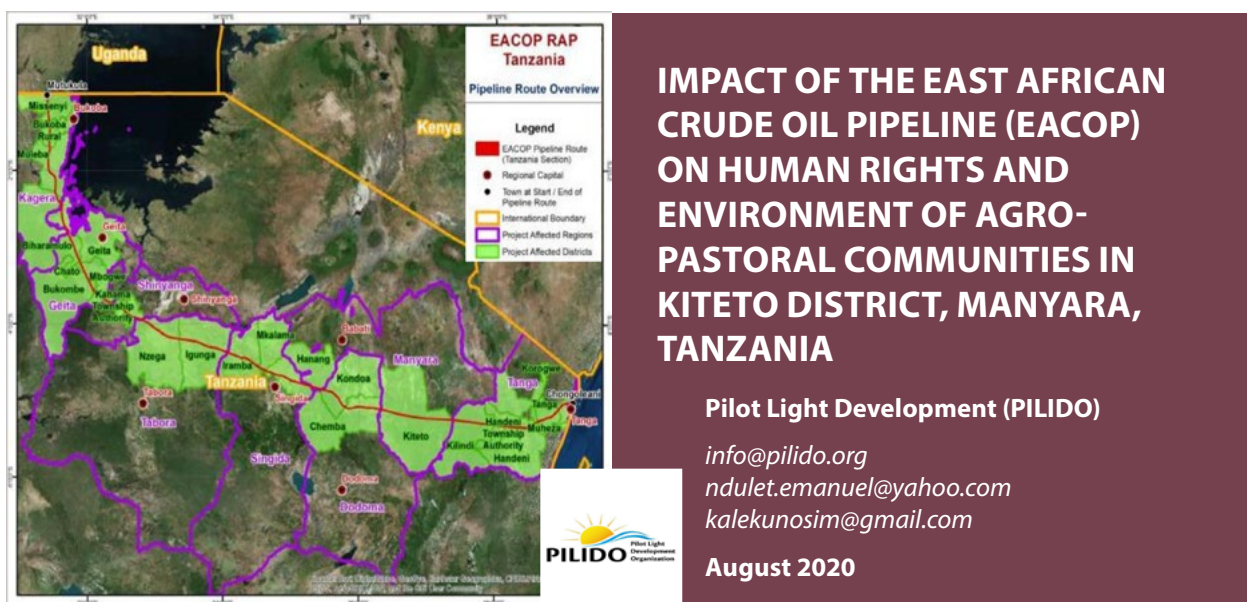
The impact of large-infrastructure projects on Business and Human Rights: case of energy supply in Mwanza rural communities, Tanzania  
**(Tanzania Chamber of Commerce, Industry and Agriculture)** ..... pg 55

## **Study 4:**

Human rights and citizen participation in the Tanzania Strategic Cities Project: case studies from Arusha and Dodoma  
**(Foundation for Environmental Management and Campaign against Poverty)** ..... pg 71

## **Study 5:**

Large-scale Infrastructure Projects in Tanzania and their Impacts on Human Rights: Case of the Dar es Salaam-Moshi Railway Renovation Project in Mwanga and Moshi Urban Districts, Kilimanjaro Region **(Action for Justice in Society)** ..... pg 85



## IMPACT OF THE EAST AFRICAN CRUDE OIL PIPELINE (EACOP) ON HUMAN RIGHTS AND ENVIRONMENT OF AGRO-PASTORAL COMMUNITIES IN KITETO DISTRICT, MANYARA, TANZANIA

Pilot Light Development (PILIDO)

[info@pilido.org](mailto:info@pilido.org)

[ndulet.emanuel@yahoo.com](mailto:ndulet.emanuel@yahoo.com)

[kalekunosim@gmail.com](mailto:kalekunosim@gmail.com)

August 2020

## Acknowledgements

This study report is a result of work done by many individuals and groups. Without their valuable contributions, this report would not have been achieved in this form and quality. We would like to express our gratitude to the village leaders from Loolera, Indorkon, Orpopong'i and Amei Villages, to women groups and their leaders, members of village governments, village chairpersons and village executive secretaries for their cooperation and insights.

We appreciate and acknowledge the direction and vision of the PILIDO Board of Directors for their valuable contributions at different stages of the research work. Senior management of PILIDO coordinated the research project at different levels: international, national and district levels. We thank Kiteto District and Manyara Regional authorities for their collaboration and sharing their experience.

We are grateful to IPIS, Belgium for the invitation to do this small scoping study of EACOP in the four villages of Kiteto. PILIDO appreciates this opportunity to gain valuable knowledge about the impact of this mega international project on the grass-roots communities where PILIDO is active. We acknowledge the financial support from the European Union without which this scoping study could not be possible. Special mention and acknowledgement goes to Ms. Mieke Thierens, the IPIS Project Coordinator in Belgium, for her advice and challenges offered to sharpen the study. Our appreciation goes to Mr. Elard Mawala, IPIS Focal Point in Tanzania, for his patience and availability to answer our questions with sound guidance, and the important training he gave on how to conduct the study. Moreover, we gratefully recognize and appreciate the valuable information received from the respondents of Amei, Indorkon, Loolera and Orpopong'i Villages. Although phone conversations were a study constraint, cooperation of the women and men of these villages, their leaders and ward councilors enabled smooth implementation of the EACOP impact study on their communities.

We thank all those who gave recommendations for valuable references and desk study.

Finally, we give thanks to all those not mentioned above, but either directly or indirectly contributed to the success of this study. We thank you all for your valuable contributions and sincere encouragement. Mistakes and omissions are the sole responsibility of the PILIDO Study Team.

Pilot Light Development Organization (PILIDO) is a civil organization founded in 2017 and registered with the Tanzania Government in 2019. The mission of PILIDO is to promote social, political and legal empowerment of people to control their own development and destiny. The PILIDO Team are hard working professionals with decades of experience in social development. The core staff of PILIDO are from the Maasai districts of Arusha and Manyara Regions.

Publication prepared in the publication series "Voices from Tanzania". This series is part of the 'Improving monitoring, research and dialogue on Business & Human Rights in Tanzania' project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.

# Table of contents

<b>Acknowledgements</b> .....	<b>15</b>
<b>List of Abbreviations</b> .....	<b>17</b>
<b>Executive Summary</b> .....	<b>18</b>
<b>1. Introduction</b> .....	<b>20</b>
1.1. Background Information .....	20
1.2. Problem Statement .....	21
1.3. Description of Study Area .....	22
1.4. Objectives of the Study.....	24
<b>2. Methodology</b> .....	<b>24</b>
<b>3. Findings and Analysis</b> .....	<b>25</b>
3.1. Socio-economic, environmental and human rights impact of EACOP .....	25
3.1.1. <i>Environment, Land and Natural Resources</i> .....	26
3.1.2. <i>Socio - Cultural Impacts</i> .....	27
3.1.3. <i>Health and Safety</i> .....	27
3.2. EACOP risk assessment and mitigation plans .....	28
3.2.1. <i>Stakeholder engagement</i> .....	28
3.2.2. <i>Mitigating socio-economic, environmental and human rights impact</i> .....	29
3.2.3. <i>Compensation</i> .....	30
<b>4. Conclusions</b> .....	<b>32</b>
<b>5. Recommendations</b> .....	<b>32</b>
<b>6. References</b> .....	<b>34</b>
<b>7. Additional Reading</b> .....	<b>35</b>



## List of Abbreviations

EACOP	East African Crude Oil Pipeline
ENDEMA	Wildlife Management Area of Makami
ESIA	Environmental and Social Impact Analysis
FAO	Food and Agriculture Organization
GoT	Government of Tanzania
GCA	Game Controlled Area
GRA	Game Reserved Area
IPIS	International Peace Information Service
MC	Main Camp
NEMC	National Environment Management Council
OA	Open Area
PILIDO	Pilot Light Development Organization
PRS	Pressure Reduction Station
SLF	Sustainable Livelihood Framework
SPILL	Strategic Plan for Implementation of Land Laws
TZS	Tanzanian Shilling
UN	United Nations
UNGP	United Nation Guiding Principles
WMA	Wildlife Management Area

## Executive Summary

This small scoping study of the East African Crude Oil Pipeline (EACOP) assesses the impacts of this large-scale infrastructure project on the rights and livelihoods of agro-pastoral communities in Kiteto District, Manyara region, north-east Tanzania. EACOP is an intergovernmental mega infrastructure project of Uganda and Tanzania, which will move 216,000 barrels of crude oil a day from 3 oilfields in Kabaale, Hoima district (western Uganda) to the Chogoleani Peninsula near Tanga port (eastern Tanzania). When completed, it will be the longest heated pipeline in the world (1,443 km).

In Tanzania the pipeline goes through 8 regions, 24 districts, 116 wards and 231 villages for a total distance of 1,147 km. The EACOP thereby crosses diverse ecological systems, rivers, highlands, arid / semi-arid lands and conservation areas, as well as many agro-pastoral communities. While the project will generate significant revenue for international project developers, operators and governments, impacts on livelihoods of agro-pastoral communities and on the environment are considerable.

In Kiteto District, EACOP will cover 113 km and will affect the 7 villages of Mutikira, Ndorkon, Ndaleta, Orpopong'i, Kimana, Amei, and Loolera. Four of these villages - Ndorkon, Amei, Orpopong'i and Loolera - are the focus of this study. Pastoral/agro-pastoral communities are indigenous to the area, and depend on land and natural resources for sustainable livelihoods. For over 40 years, the communities have experienced a loss of these crucial assets, particularly land, to investment schemes and climate change, thus putting at risk their right to a quality life. EACOP will potentially increase pressure on depleted resources and coping strategies of the pastoralists, thus increasing the threat to basic rights of pastoral communities to quality livelihoods. Hence, EACOP challenges to human and environmental rights need to be assessed.

This study aims to assess the impact of the EACOP on the socio-economic, human and environmental rights in 4 villages of Kiteto district, to raise awareness on the issues faced by agro-pastoral communities in large-scale infrastructure projects and to share recommendations on how to promote and protect human rights in affected villages. The study's key questions are therefore: (1) How are socio-economic, human and environmental rights potentially affected by EACOP project? and (2) What is done by EACOP to mitigate these risks and is this sufficient?

This study used data gathering methods including literature review, use of questionnaires and focused group discussions by phone, and expert observation.

In this study, we found that communities fear about loss of natural resources, grazing lands, pristine habitats, homesteads, peace and prosperity, livelihoods, socio-cultural and spiritual traditions, health and family security. This fear is not fully captured in the EACOP risk assessment studies. While EACOP risk assessment and mitigation plans are an attempt to be comprehensive and address several issues identified in this study, two main shortcomings can be identified.

Firstly, there is a lack of in-depth knowledge about the study area, the communities and their livelihoods and traditions. This led to mitigation plans that were not relevant to the specific social and environmental reality of the affected communities. Without more tailored mitigation measures, based on the unique contexts of local communities, the EACOP will cause significant losses of livelihood assets upon which indigenous pastoral communities directly depend. Moreover, pastoralists cannot easily diversify livelihood strategies to adjust to this loss due to ecological variabilities such as climate, rainfall, vegetation and natural resources.

Secondly, stakeholder engagement, consultation and information-sharing seem insufficient. There has been no further official communication to update affected individuals and communities after initial meetings in 2017. People's understanding of EACOP seems inadequate and they neither have a comprehensive knowledge about pipeline construction, mitigation, compensation plans, nor how the project will impact their lives. This lack of information and consultation generated questions not officially addressed, a 'parallel' stream of information and serious concerns within communities. Overall, the lack of project implementation updates created distrust in the communities.

The study concludes that the EACOP has extensive generic and specific management plans addressing project impacts. These plans, however, should be contextualized and adapted to the local situation, and communicated in a transparent way to all stakeholders. Foreseeable difficulties and challenges with implementation, mitigation and monitoring are likely if broad community consultation and disclosure of information are not taken seriously, and if trust is not built with affected communities.

We therefore propose the following recommendations for the EACOP and similar large-scale infrastructure projects:

- Promotion and protection of land tenure security and land use planning is much needed, especially among agro-pastoralist communities. Land-related livelihoods should be considered during land acquisition and should be part of effective monitoring plans during implementation of investment projects.
- Adequate programming to address environment degradation and habitat loss should be in place. They should be context-specific and involve local communities fully at every phase.
- Social security and welfare of local communities should be guaranteed, with attention to traditional customs and spiritual sites.
- Compensation modalities for lost properties, resources and opportunities should be adequate and calculations should be updated.
- Public Consultation and Public Disclosure of information should be improved to ensure maximum community participation and awareness.
- Energy Supply projects should consider their impact on climate change. We recommend governments and private investors to invest in alternative, sustainable energy supply projects instead of those based on fossil fuels.

# 1. Introduction

## 1.1. Background Information

The East African Crude Oil Pipeline, EACOP, is an intergovernmental investment scheme and infrastructure project of Tanzania and Uganda. It is a crude oil export project, including a pipeline, that originates in 3 oilfields in Kabaale (Hoima District), near Lake Albert in western Uganda. The pipeline will run south and enter Tanzania at the border town of Mutukula. It travels through a seismic region within 30 km of the Lake Victoria basin, across 230 rivers, and across 8 regions, 24 districts, 116 wards and 231 villages of northern Tanzania to end at Chogoleani, Tanga District on the Indian Ocean coast of Tanzania<sup>1</sup>.

The pipeline covers a total of 1,443 km of which 296 km is in Uganda and 1,147 km. (ca. 75%) in Tanzania. EACOP is the longest electrically-heated pipeline in the world, with over 80 control stations along the way, and a 30-meter-wide corridor for the 24-inch diameter buried pipeline. The pipeline will transport approximately 216,000 barrels of oil a day. 70% to 80% of this oil is for export to world markets. EACOP will cost approximately USD \$3.5 billion. In May 2020, the Tanzanian Minister of Energy announced that the start of the pipeline construction is now planned for early 2021<sup>2</sup>. The construction is expected to be completed in 3 years<sup>3</sup>.

Kiteto District in Manyara Region, NE Tanzania is one of the 25 districts in Tanzania affected by the EACOP project. The pipeline will traverse the entire expanse of 113 km of the District and will cross 7 villages in Kiteto. Four (4) of those are the focus of this study: Ndorkon Village in the west, Orpopong'i and Amei midway and Loolera Village in the east, where the pipeline passes into Tanga District (Figure 1).

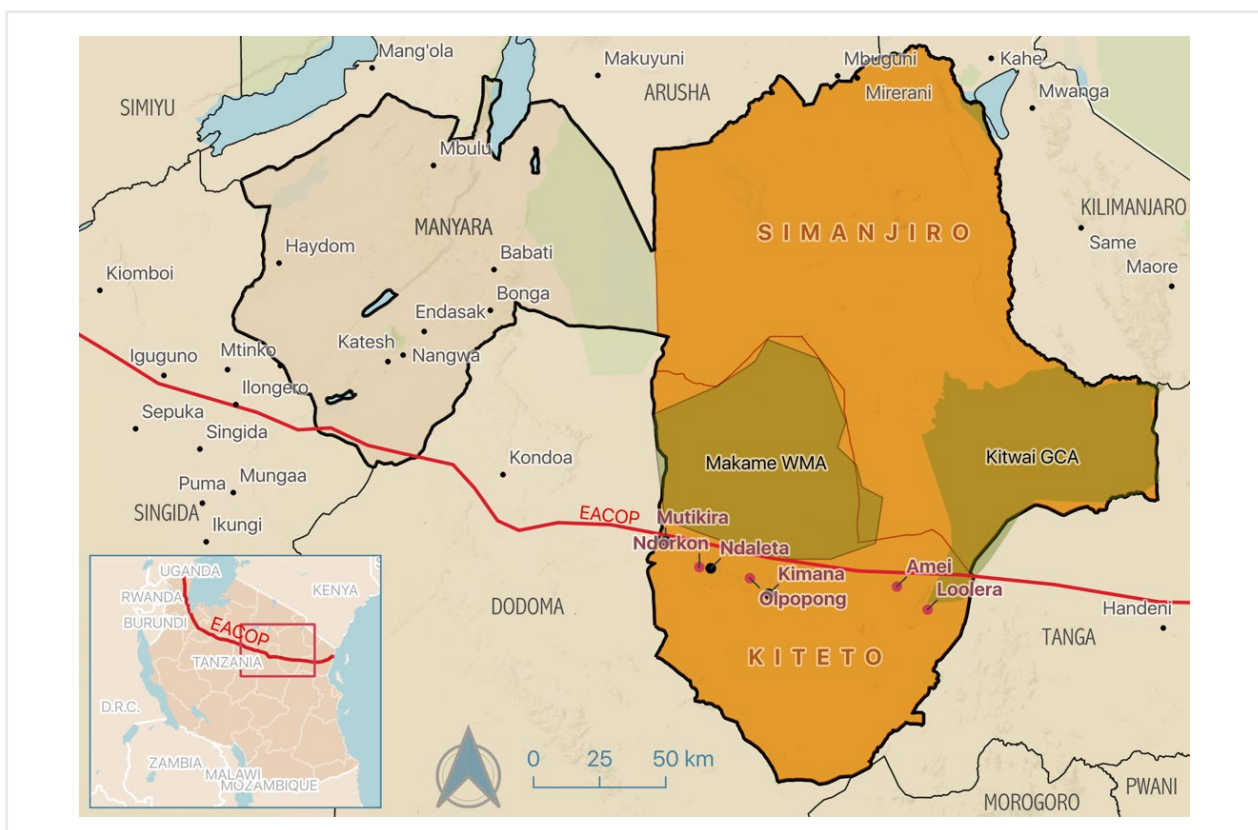


Figure 1 Localisation of the route of the EACOP pipeline in northern Tanzania. The 7 villages affected in Kiteto District and this study's 4 focal villages (Ndorkon, Orpopong'i, Amei and Loolera ; in red ) are indicated.

- 1 EACOP website <https://eacop.com/about-us/overview/>
- 2 Taarifa kwa Umma, Kurejea Kwa Shughuli za Mradi wa Bomba la Mafuta Ghafi la Afrika Mashariki (EACOP), Shirika La Maendeleo ya Petroli Tanzania, 26 June 2020. (Report to the Public about Resuming the East African Crude Oil Pipeline Interventions (EACOP), Tanzanian Petrol Development Company (TPDC) 26 June, 2020)
- 3 EACOP ESIA Tanzania, Cost Benefit Analysis, Section 11, 11.3.1, p. 11-6. <https://eacop.com/publication/cost-benefit-analysis-tz-esia/>

The EACOP project will potentially contribute billions of dollars to the governments of Uganda and Tanzania, international developers and shareholders. It also has the potential to increase temporary employment and create economic opportunities for local communities in Tanzania. However, several human rights challenges have been identified, including socio-economic and environmental impacts<sup>4</sup>. As identified by Governance Links Tanzania in 2018-2019, key human rights issues to watch for communities in Kiteto District include access to just compensation, adequate standard of living, communal participation in all phases of the project, right to a clean, healthy and safe environment and rights of indigenous groups to a sustainable livelihood<sup>5</sup>.

## 1.2. Problem Statement

The Government of Tanzania (GoT) is committed to the protection of human rights through its constitution, legislation, regulation and action plans (e.g., National Human Rights Action Plan 2013-2017). It is also committed to implementing the “UN Guiding Principles on Business and Human Rights” (UNGPR)<sup>6</sup>, which details the responsibilities and duties of both government and business actors to protect and respect human rights during business activities.

The Republic of Tanzania is encouraging private investment in mega development/infrastructure projects, such as EACOP, as these projects can positively affect the national economy. However, it also recognizes that if these projects do not assess risks properly and risk mitigation plans are not well developed and monitored, negative impacts are significant for human rights of local people<sup>7</sup>. The GoT’s Environmental Management Act (No. 20, 2004) and the Environmental Impact Assessment and Audit Regulations G.N. 349 (2005), amended 2018, amongst other legislation, contain obligations to companies to ensure impacts of investment projects are well assessed.

In line with Tanzanian legal obligations, the EACOP project partners conducted an Environmental and Social Impact Analysis (ESIA) approved by the National Environment Management Council (NEMC) in 2020<sup>8</sup>. The aim of the ESIA was to i) identify, describe and assess the potential stresses the project will have on local communities and the environment, and ii) to propose project mitigation plans. The report, as published by EACOP on its website<sup>9</sup>, describes the route of the pipeline in Tanzania and the assessment process. ESIA categories of impacts and planned mitigation are: ground and surface water, waste management, air quality, noise and vibration, community health, community safety, security and welfare, land use, socio-economics, archeology and cultural heritage, biodiversity and marine environment.

The EACOP Environmental Impact Statement of August 2019<sup>10</sup> also mentions some potential risks for Kiteto District. These include a loss of breeding and forage habitat to animals of conservation importance in the Talamai Open Area (p.28); permanent loss of grazing land, private land and physical structures due to project land acquisition (p.30); permanent loss of access to artisanal mining sites in Zongomera and Kimana villages. (p.30); transmission of communicable diseases between the project workforce and affected communities (p.32); new disputes and intensification of existing conflicts around land and property (p.31). Considering the context of Kiteto, these risks could have long-lasting implications.

Kiteto District is mostly inhabited by pastoral and agro-pastoral communities, who are indigenous to the area. These communities depend on land and natural resources for their livelihood production and

- 
- 4 E.g., Oxfam International, 2020. Empty promises down the line? A Human Rights Impact Assessment of the East Africa Crude Oil Pipeline. <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621045/rr-empty-promises-down-line-101020-en.pdf?sequence=1&isAllowed=y>
  - 5 Governance Links Tanzania, 2019. Voices from Tanzania – Case studies on Business and Human Rights, Study 1: Human rights issues to watch in the construction of the Tanzania section of East African Crude Oil Pipeline project. <https://ipisresearch.be/publication/voices-tanzania-case-studies-business-human-rights-vol-1/>
  - 6 United Nations OHCHR, 2011. Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework. [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)
  - 7 United Republic of Tanzania, National Human Rights Action Plan 2013-2017, p 50
  - 8 EACOP, Tanzania EIA reception brief 2020. [http://eacop.com/wp-content/uploads/2020/02/ESIA-CERT.EACOP\\_ENG-FINAL-CLEAN.pdf](http://eacop.com/wp-content/uploads/2020/02/ESIA-CERT.EACOP_ENG-FINAL-CLEAN.pdf)
  - 9 EACOP, Tanzania ESIA report. <https://eacop.com/esia-tanzania/>
  - 10 EACOP, Tanzania Environmental Impact Statement, non-technical summary. [http://eacop.com/wp-content/uploads/2020/01/EACOP\\_NTS\\_English.pdf](http://eacop.com/wp-content/uploads/2020/01/EACOP_NTS_English.pdf)

standard of living and for coping with external stress such as climate change. However, for the past four decades, the pastoralists have sustained a relentless loss of land and other crucial assets for their survival. Factors that challenge the pastoralists' livelihoods include: investment schemes, climate change, inadequate social services and poor livestock infrastructure.

The implementation of the EACOP project in Kiteto has the potential to increase stress on natural resources that are already depleted, to endanger coping mechanisms of pastoralists, and risk further loss of human and environmental rights of these already vulnerable communities. Hence, challenges to the sustainable livelihoods<sup>11</sup> and human rights of agro-pastoral communities due to the EACOP project need to be properly assessed.

### 1.3. Description of Study Area

Based on information from Village and District Councils and from Land Use Plans of Ndorkon, Olpopong'i, Amei and Loolera Villages.

#### **District background information:**

Kiteto is one of the 5 districts in Manyara Region and located in the southeastern part of the Region (Figure 1). It has a total area of 16,685 sq km, approximately 34.1% of the Region. Administratively, Kiteto has 7 divisions, 23 wards and 63 villages. Estimated current population is 228,462 people of which 114,459 are men and 114,003 are women. There are 45,692 households and an average population growth rate of 5.2%.

District economic activities: 90% of residents in Kiteto are pastoralists/agro-pastoralists. Farming activities contribute to their main source of livelihood. Livestock keeping is a major production system in the District with 303,820 cattle, 229,210 goats, 38,356 sheep, 46,000 poultry and 7,384 donkeys. Farming activities contribute to this livelihood.

District land distribution and coverage: Rangeland is found in the entire District accounting for approximately 11,111 km<sup>2</sup>; arable land for farming is 3,800 km<sup>2</sup>; forest covers 1,674 km<sup>2</sup>.

#### **Village background information:**

This study's 4 target villages of Ndorkon (11,425 hectares), Olpopong'i (21,908 hectares), Amei (76,107 hectares) and Loolera (40,313 hectares) are among the villages affected by the pipeline in Kiteto district. All 4 villages have been officially registered under the Local Government Act 1982. Only Loolera Village has secured a certificate of land and complied with registration of village land in accordance with Land Act No 4 and Village Land Act No 5 of 1999 enacted in 2001.



Figure 2 Livestock trekking in Orpopong'i

**Village socio-economic background:** The 4 villages are predominately pastoralist/agro-pastoralists whose livestock keeping is the key means of production. Although agriculture is an adaptation to consistent land pressure, livestock trekking is the identity of the pastoralist community. Other diverse groups in the villages engage in subsistence farming and large-scale agriculture. Pastoralists' Maasai settlements (*ingang'itie*) are scattered within village land and are generally found in clusters. A single settlement (*engan'g*)

11 The Sustainable Livelihood Framework (SLF) is a framework used in this study. It sees livelihoods as sustainable when communities can both cope with and recover from stresses and shock, and maintain the current standard of living, without undermining the natural resource base. (FAO Policy Learning Programme, Module 3: Session 7)

may contain 2 to 32 households. Social relationships are built on the age-group and livestock-keeping production systems.

Village economic activities: Food security is based on livestock with its milk and meat products. Local cow markets are conducted once a month for sale of livestock.

Health and education services: Loolera, Amei, Olpopong'i Villages have primary schools. There are no secondary schools in the study area. Only Loolera has a dispensary.

Road infrastructure: In all target villages, there is a lack of secondary roads and these are impassable in the rainy season, which can be 4-5 months a year. No primary roads exist

### **Natural resource bases:**

Eco-Systems: The study area is mainly in the Maasai Steppe, one of 4 agro-ecological zones crossing both Kiteto and Simanjiro districts. The Steppe is semi-arid and characterized by flat plains covered by natural grasslands, dense shrubs and thorny bushes. It has no lakes or permanent rivers, but there are many seasonal rivers, dams and traditional wells that provide most reliable sources of water for pastoralists. The Steppe is an integrated ecosystem with natural resources that provide sustenance to pastoralists, their livestock and to indigenous wildlife such as: zerba, gazelle, lions, leopards, elephant, buffalo, kudu, oryx, cheetah, eland, wildebeest, etc. In the southern end of the Steppe lies a range of mountains bordering the focus villages of Ndorkon, Orpopong'i, Amei and Loolera. The Kitwai GCA and the Talamai Open Area are located within this southern area, and used by the pastoralists of the study villages for temporary homesteads (*ronjo*) and dry season grazing areas.

Natural vegetation: Natural vegetation is not fixed in one area, rather covers the land areas of all 4 study areas with various species of grasses, shrubs and forests. Residents have traditional knowledge of medicinal trees, plants and herbs to treat humans and livestock. E.g., the roots and bark of Olmesera (baobab tree) is used for medicine, and its fruits are nutritious to eat.

Water resources: Target villages have extreme shortages of water for domestic and livestock uses. Bore holes, shallow wells, dams and seasonal rivers are key sources of water, sustaining communities, livestock and wild life during long periods of dry season. These seasonal periods are now unpredictable due to climate change.

Conservation of natural resources: Pastoralists have traditionally practiced a natural conservation of resources based on skills and extensive knowledge of the land, its use and resources.

Conservation areas: ENDEMA is a Wildlife Management Area (WMA) in Kiteto consisting of 5 villages of Ngabolo, Katikati, Irkiushi, Ndedo and Makami. Three of these villages (Katikati, Ngabolo, Ndedo) border the 4 focus villages of this study. Ormemei is a sub-village of Ndorkon with a grazing area used by the pastoralists of Ndorkon, Ndaleta and Olpopong'i villages. Oloyapasei dam waters are used for livestock of the ENDEMA villages and Olpopong'i. ENDEMA and neighboring villages, as well as the wildlife of the WMA, form an interdependent system where resources of water, grazing areas and livestock routes are shared. ENDEMA also supports a unique collection of endangered bird species (e.g., hooded vulture, grey crowned crane, white-backed vulture, steppe eagle).

### **Resource-based conflicts:**

Pastoralists/agro-pastoralists depend on livestock keeping for their livelihoods. Rainfall, vegetation and climate are thereby variables. Mobility of livestock is a practical strategy to cope with these variables, and optimize utilization of key pastoral resources. Insecurity of resource tenure is a major challenge. In the past, lands in high potential



Figure 3 Traditional meeting of elders in Amei village, resolving conflicts

areas, especially reserved for dry season grazing, were taken by immigrant farmers from other districts and by large-scale agriculture. Other areas have been given to investors for infrastructure development or hunting tourism.

Various policies encouraged further land alienation from local communities, for mining and for the development or extension of game reserves. For instance, Mkungunero Game Reserve Area in Kondoa District was enlarged by the GoT into the WMA of ENDEMA. In contrast to a Game Controlled Area (GCA)<sup>12</sup> or a Wildlife Management Area (WMA)<sup>13</sup>, where pastoralists are permitted to graze livestock, pastoral communities do not have grazing rights in a Game Reserve Area (GRA)<sup>14</sup>. Therefore, the expansion of Mkungunero GRA has the implication that village grazing rights of ENDEMA will be prohibited.

#### 1.4. Objectives of the Study

The overall objective of this study is to assess the impact of the EACOP infrastructure project on socio-economic, human and environmental rights of agro-pastoral communities in 4 villages of Kiteto District (Manyara region) affected by the project.

The key study questions therefore are:

- How are socio-economic, human and environmental rights potentially affected by the EACOP project?
- What is done to mitigate these risks and is this sufficient?

With this study, we aim to raise awareness on livelihoods and human rights issues of agro-pastoral communities in Kiteto district, affected by the EACOP. We will propose recommendations in order to promote human rights in vulnerable communities affected by large-scale infrastructure projects.



*Figure 4 Gathering of women leaders in Loolera village*

## 2. Methodology

To assess the projected impact of EACOP in Kiteto District, the PILIDO study team did a small qualitative scoping study to ascertain effects on socio-economic rights, human rights and the environment, as perceived by key respondents from 4 study villages (Ndorkon, Amei, Olopong'i and Loolera).

Telephone interviews were conducted in both Kiswahili, the national language, and Kimaasai, the local language of the respondents from the 4 focus communities. Using a gender sensitive, uniform questionnaire, the team interviewed affected individuals, government and traditional leaders, and women's group leaders representing their members. The majority of the respondents were women because they were more available than men who travel for work. Women have solidarity in self-organized groups with leaders who represent their voices. Moreover, with their family responsibilities increasing, women are increasingly vulnerable to pressures on livelihood resources.

12 United Republic of Tanzania, 2009. Wildlife Conservation Act – 2009, Part IV, p. 187

13 United Republic of Tanzania, 2009. Wildlife Conservation Act – 2009, Part V, p. 194

14 United Republic of Tanzania, 2009. Wildlife Conservation Act – 2009, Part IV, p. 186



On-site physical observation and interviews were not possible due to Covid-19 and preventive measures taken in this respect. However, the study team used remote data collection and secondary data acquired through past activities and existing strong networks within the target communities.

Informants were questioned about the status of their official title of land occupancy, land conflicts, investment schemes and their knowledge and concerns about the pending impact of EACOP on their livelihood, culture and environment. Informants were also questioned about their involvement in EACOP consultations and their awareness of grievance mechanisms and options for remediation of harm (e.g., compensations).

Between 5 and 15 July 2020, data was collected from a total of 45 respondents representing the 4 study villages. Data came predominately from village chairpersons and executive secretaries (8) and a retired chairman (1); ward secretary (1); women's group members (27); traditional and youth group leaders (2); primary school teacher (1), and members of (5) homesteads representing those who will directly lose assets. The team estimated 125 homesteads (ingkang'itie) in the 4 target villages will be affected by the pipeline. Each homestead has approximately 7 households (engan'g) or approximately 70 to 400 people. The Kiteto District Commissioner and District Administrator were consulted. The representative of EACOP was not available.

Relevant desk study and literature review were used for background information, synthesis and analysis of the data, the formulation of conclusions and recommendations.

During the course of the study, the team encountered the following limitations:

1. Some government and other dignitaries were not available for interviews because of general elections which started at the level of political party primaries.
2. Availability and clarity of internet and phone networks was unpredictable.
3. Impossibility of on-site visits and face-to-face interviews due to Covid-19.
4. The team was not able to interview the EACOP representative in Kiteto. Official details about the project implementation in the 4 study villages are therefore limited.

## 3. Findings and Analysis

### 3.1. Socio-economic, environmental and human rights impact of EACOP

During the official sensitization of 2017, respondents were generally informed about the pipeline route in their village. However, they did not have clarity about the entire route and its implications for their livelihoods. Respondents were informed about some projected activities of EACOP, including site clearing, digging pipeline trenches and building access roads. However, other information, such as the installation of water storage, pipeline stations or the construction of workers' camps, came from people talking to each other, or spreading news received through people with connections to project officials. Because of a lack of official follow-up to the 2017 seminars, villagers tried to fill in the gaps through informal conversations. In some cases, unofficial information such as the station and main camp in the Talamai area of Loolera, was recently verified by the ward councilor.

Based on available information, several livelihood assets are identified that will be impacted by EACOP, including environment, land and natural resources, social, cultural and spiritual assets. Moreover, impacts on health and safety are expected.

### 3.1.1. Environment, Land and Natural Resources

Without adequate mitigation strategies, significant impacts on environment, land and natural resources seem most likely.

Firstly, respondents fear **the impact of loss of land and natural resources** on their livelihoods, the environment and the state of the climate. People fear that land acquisitions for the project would destroy wet and dry season grazing areas, vegetation that prevents soil erosion, and open space areas. Cutting down medicinal trees and decreasing forest cover would have long-term impacts on environment and the climate.



Figure 5 Example of a pipeline in its trenches

Literature studies report the installation of a permanent pressure reduction station (PRS) and a main camp / pipe yard (MC) in the Talamai Open Area of the Kitwai Game Controlled Area<sup>15</sup>. Although plans specific to the study area do not seem available in EACOP documents (e.g., naming particular locations in villages of project activities), leaders of Loolera village report the PRS will be built in Losikito, and the main camp / pipeyard (MC) complex will be located in Nadosoito. Both areas are in the Talamai Open Area of Loolera Village. As these lands are important locations for seasonal grazing and Maasai homesteads, the installation of a main camp/ pipe-yard, a permanent PRS and attendant road system in Talamai/ Loolera has the potential of endangering this land, its natural resources, the homesteads and livelihoods of pastoralists who use it.

According to those interviewed, the pipeline will pass close to *Napilukunya*, where the Akie (indigenous hunter-gathering people) traditionally reside. *Napilukunya* is a narrow, high free-standing mountain near Amei and Olpopong'i villages. EACOP plans to bury the pipeline and an insulated high-voltage cable at the foot of this mountain<sup>16</sup>. Pastoralists are concerned with the impact of heavy rain rushing down the mountain and wonder about the possibility of electric short circuits and fire due to flooding of this infrastructure. Wetlands beneath Napilikunya are used all year round as a grazing area by pastoralists from all 4 study villages, and people predict permanent disruption to this important grazing area.

The route of the EACOP pipeline is planned to go through the ENDEMA WMA and the focus villages of Ndorkon and Olpopong'i. According to respondents, EACOP will pass through the Ormemei grazing area and close to the Oloyapasei dam. EACOP operations risk to disrupt the use of these vital natural resources by pastoralists of this WMA and the neighboring villages.

Although not from official sources, leaders from the study villages estimate that 19,760 acres of their 4 villages will be acquired by EACOP. This is land allocated for grazing purposes and homesteads. It is not clear to village leaders or their communities how and when this land will be replaced.

Overall, in the study area, the EACOP will transverse village land, protected land and village communal lands which support grazing areas in all 4 study villages. For the past 40 years, Kiteto District has experienced increasing stress on all categories of land from small farmers, large agriculture schemes and investors, leading to accelerated loss of pastoralists' land and land conflicts<sup>17</sup>. As land resources are increasingly scarce and disputed in Kiteto (see Section 1.3), implementation of EACOP will only increase this land pressure.

Secondly, our findings show a concern of respondents about **pollution of soils, traditional wells and water sources** when oil, chemicals or solid water is spilled/dumped. The study area is rich in wetlands, which are used as a source of water and wild foods for people, livestock and wildlife. These wild foods, including berries, roots and honey, are critical for food security during dry season. Environmental pollution will potentially impact this crucial source of food security of local communities, livestock and

15 EACOP Environment Impact Statement, Non-Technical, by Total East Africa Midstream B.V. August 2019, p.28

16 EACOP Tanzania ESIA Vol 1 Section 2: Project Description p. 2-14

17 Benedict ole Nangoro. Branding of Land (pg 61), in F. Horn,1997, Economic, Social and Cultural Rights of the Maasai

wildlife. During sensitization, people were told to be wary of large groups of workers who will move into their villages. This is causing concern about material and human waste. Respondents from Ndorkon, Amei and Olpopong'i reported: *"We Maasai don't use paper or have food waste. Where will waste go? Into our traditional wells (olmoti), forests, grazing areas and wetlands like Kimana?"* Besides this, respondents are concerned about workers cutting trees for firewood and charcoal, adding to forest destruction, soil erosion and climate change.

People of the study area are also worried about **air pollution** due to dust and truck emissions. This would occur in an environment which, according to the EACOP ESIA Summary Report<sup>18</sup>, currently has good air quality and few sources of air emissions.

From all these findings we conclude that in the target villages, and in the district as a whole, land and natural resources – i.e., key assets for sustainable livelihoods - will be constrained and in some cases degraded by the EACOP project. This means that the pastoralists will be restricted in their mobility (a critical strategy for tracking resources in a variable ecology) and their livelihood strategies, which impacts their socio-economic human rights.

### 3.1.2. Socio - Cultural Impacts

Although village youth will be hired by EACOP, others from outside Kiteto will move into the villages for work and possibly stay after project completion. Respondents expressed fear about the loss of communal solidarity and well-being (peace). With increased stress on land (see section 3.1.1), erosion of traditional values and roles are expected to increase.

Women from Amei, Loolera and Ndorkon, who are heads of households, reported: *"Maasai women who traditionally stay 'at home' are now responsible for the family. And young men (moran), who have traditional roles of communal security and seasonable moving of livestock, will search for work on the pipeline"*. Hence, the EACOP could significantly alter the roles of youth and women in these societies, which would cause notable socio-cultural impacts.

The natural resources of Maasailand provide sites for sacred ceremonies such as rites of passage and prayers for reconciliation. For example, women encircle a sacred Oretete tree praying for rain, or they bathe their young daughters in a natural pool of water asking for purification and forgiveness (*Emanata Ereteti*). Young men to be circumcised seek out a traditional water source (*Engipaata*) where they receive instructions from the elders. These sites are usually located in forests or open areas, and pastoralists return to these areas for ceremonies integral to their culture. EACOP may acquire some of these natural sites for the project, and the Maasai will move to an alternative tree or pool of water. However, because of a relationship established with sacred places, pastoralists risk a continual experience of alienation from their traditional spirituality associated with nature.

### 3.1.3. Health and Safety

Findings show a concern about security and protection of women and children. Women and men from Loolera and Ndorkon worried that *"our children could fall into the pipeline trenches"*. There is particular concern that the influx of outsiders could create problems for women, a potential increase in communicable and infectious diseases and other social problems such as drug abuse, gender-based violence, theft and other forms of crime. During sensitization seminars of 2017, given by EACOP and government officials, respondents reported they were advised *"to be careful of outsiders and protect your young women and children"*. Other than members of homesteads taking responsibility for these issues themselves, it is not clear who is addressing these rights to protection, security and well-being of affected communities.

---

18 EACOP, Tanzania Environmental Impact Statement, non-technical summary pg 14. [http://eacop.com/wp-content/uploads/2020/01/EACOP\\_NTS\\_English.pdf](http://eacop.com/wp-content/uploads/2020/01/EACOP_NTS_English.pdf)

In the study area, there is only one dispensary, at Loolera village. Those interviewed did not know how medical help for an increased village population will be addressed. Moreover, as forests are cut down, land is acquired and livelihood assets limited, people worry that their own source of traditional medicines will be destroyed.

Construction of a buried pipeline installed with a high voltage electric cable in communities where there is no electrification is alarming. Potential risks from the heated pipeline, e.g., fires, mishandling of flammable materials and pollution from crude oil burning engines pose concerns for those interviewed. There have been initial seminars and discussions with affected communities 3 years ago. However, there have neither been any planned follow-up seminars, nor efforts to sensitize and educate target communities to the dangers of the pipeline or measures to prevent accidents or sabotage.

## 3.2. EACOP risk assessment and mitigation plans

The environment and social risk assessment (ESIA) submitted by the EACOP project acknowledges several of the impacts that were identified in this study. EACOP addresses project impacts identified in the 4 study areas around land, socio-cultural issues and health and safety of the communities. Detailed environmental, social management and monitoring plans have been designed with indication of the accompanying roles and responsibilities of implementing parties. Overall, these plans are extensive, comply with GoT regulations and have generic and specific mitigation measures. However, several shortcomings can be identified.

### 3.2.1. Stakeholder engagement

As indicated in the ESIA, the EACOP project manager is responsible for monitoring project activities on site and planning and undertaking stakeholder engagement throughout the project lifetime<sup>19</sup>. The ESIA report values stakeholder engagement which is described as *“an integral part of the project to date. Stakeholders are persons or groups who are directly or indirectly affected by a project, as well as those who may have either interest in a project or the ability to influence its outcome, either positively or negatively”*<sup>20</sup>. EACOP did engage the focus communities in the project through the initial seminars of 2017. However, lack of seminar follow-up, ‘gaps’ in official information, the absence of any structure enabling communities to participate, voice their concerns and be taken seriously, and the circulation of ‘parallel’ information shows the need of EACOP to greatly improve ‘on-the-ground’ engagement with affected individuals and communities.

In 2017, the respondents reported a series of 3-month seminars given in Kiteto by a team of EACOP personnel and district officials. This sensitization was given initially to village leaders and communities affected by the pipeline, and then to village assemblies. Seminar content consisted of the general route of pipeline from Uganda to Tanga; opportunities for temporary employment; EACOP’s contribution to national interest; land policies and land ownership in Tanzania. Those whose land will be acquired by the pipeline were briefed about evaluation of affected land and compensation modalities were calculated (See 3.2.3. for details of compensation). People shared their concerns and questions. They were told about a district ‘grievance desk,’ and the phone number of the Kiteto EACOP representative was made available.

This initial introduction briefing was generally considered informative. However, since then there has been no official follow-up to these first seminars. People’s understanding of EACOP therefore seems inadequate to truly understand how the project will impact their livelihood as pastoralists. People in the study villages have limited knowledge, and understood little about the entire route of the pipeline passing through Tanzania; that the oil, which is ‘crude’ not ‘ready-to-use-petrol’, would be sold on international markets; issues of land tenure; how much and when compensation - both individual and communal - will be paid; etc.

19 EACOP. ESIA, “Stakeholder Engagement,” Table 10.6 5

20 EACOP. ESIA, “Stakeholder Engagement, No. 7, p. 7-1

Mitigation plans also value community participation. However, since sensitization seminars 3 years ago, affected communities in Kiteto and their leaders report there has been no official communication with EACOP. Although there was an announcement from the Tanzania Ministry of Energy saying that the potential start of pipeline construction is mid 2021, the studied communities have not received official news from EACOP informing them about pipeline construction, compensation, mitigation, or monitoring plans that are proposed. There seems to be an implementation gap between EACOP's plans and practice regarding community participation. There also seems to be a communication gap between affected communities and project officials about the pipeline activities (see also next section).

Overall, PILIDO's study team concludes that there is a significant lack of community participation in the project. EACOP's initial seminars seems to have given the community general information, but there has been no on-going consultation, or follow-up information relevant to people's concerns and fears. People are not fully informed, consulted or engaged with this mega infrastructure project and its substantial impact on their lives.

### 3.2.2. Mitigating socio-economic, environmental and human rights impact

#### **Environment, Land and Natural Resources**

The ESIA seems to acknowledge that some of the areas along the pipeline route are valuable, but already vulnerable. For instance, one of the issues described in the ESIA concerns the ongoing depletion of pastoralists land and wildlife in Kitwai Game Control Area (GCA) –Talamai Open Area (OA). The report mentions that *"a holder of a hunting concession within the Kitwai GCA no longer trades due to a decrease of game. Within the last 2 years, the area surrounding the site of PRS1 has seen an increase of farming and its attendant temporary housing in Talamai"*<sup>21</sup>. Increased farming activities threaten both pastoralists practices and wildlife conservation, putting pressure on these conservation areas.

At the same time, there seems to be an assumption in the ESIA that there is an abundance of land and natural resources in the areas where land will be acquired by the project. Moreover, implementing parties seem to assume that resources lost can be easily replaced. The report states that *"the proportion of habitat to be removed compared to the overall resource, and the fact that all habitat will be reinstated, cause potential impacts of medium magnitude"*<sup>22</sup>. In the context of ongoing depletion of valuable land and natural resources to communities in the study villages, and Kiteto District as a whole, this assessment of 'medium' impact needs to be revisited. The Talamai Open Area (OA), used by pastoralists for grazing and temporary homesteads, is a case in point. A permanent pressure reduction station (PRS), construction of roads, a main camp and pipe yards are planned in the OA<sup>23</sup>. The ESIA recognizes that Talamai OA supports pastoralists and their livestock. The report states *"although the OA is designated as open access, the dense thicket and shrubland mean that physical access is mainly restricted to Maasai grazing routes and roads"*. It further recognizes that a permanent PRS and its access roads may become the focus of development with long-term and significant impact<sup>24</sup>.

Generic management plans on biodiversity, reinstatement of land used for project activities, decommissioning of 'closed' work camps building of permanent access roads, and labor management plans, amongst others, are outlined in the ESIA<sup>25</sup>. They offer temporary mitigation to the Talamai OA. However, long-term loss of pastoralists' rangeland, traditional water springs, natural habitat and wildlife due to the EACOP require more than generic solutions. Without more tailored mitigation measures, based on the realities and specific contexts of the local communities, the EACOP will cause significant losses of livelihood assets in indigenous communities that depend heavily on these natural resources and lands

21 EACOP. Tanzania ESIA Vol 1, August,2019, p. 8-53

22 EACOP. Tanzania ESIA Vol 1, August,2019, p. 8-13

23 EACOP. Tanzania ESIA Vol 1, August,2019, Section 8, p. 8-52: *"Main camp MC is 100 m within Talamai, pipe yard 13 is only 500 m from the OA boundary, PRS1 is within the OA and includes a permanent access road"*.

24 EACOP. Tanzania ESIA Vol 1, August,2019, p. 8-54.

25 Tanzania Environmental Impact Statement, Non-technical Summary, August, 2019, p.28 – 32

and who cannot easily diversify their livelihood strategies. According to respondents of Loolera and Amei village, they have not been consulted by EACOP about land acquisition needed for PRS1, main camps and pipe yards, nor where they questioned or informed about the permanent risks to their communities.

### **Socio - Cultural Impacts**

According to EACOP mitigation plans, there will be a relocation of cultural sites and this will be done in consultation with local communities. Compensation will be paid for grave removals, and awareness programs will be given to project employees about the importance of respecting local cultural practices<sup>26</sup>. Mitigation mostly seems to target the 'relocation' of cultural sites<sup>27</sup> and the economic rather than spiritual value of natural resources<sup>28</sup>. The sacred sites of pastoral people are associated with natural resources and cannot be moved. They have a spiritual value as well as economic value. The study team concluded that EACOP has not undertaken an in-depth study with the community to identify their sacred places. Mitigation plans seem more relevant to the fixed sites of agricultural communities than those of the pastoralists of Kiteto.

Moreover, it seems EACOP does not address potential changes the project will have on the traditional roles of pastoral women and youth, and the long-term implications of this for community welfare.

### **Health and Safety**

Several of the issues identified in this study, are incorporated in various sections of the EACOP ESIA. Pollution Prevention and Waste Management Plans, e.g., include blast management; selection, safe management, use and disposal of chemicals; and requirements for waste collection, segregation, treatment, storage and transportation of waste.<sup>29</sup> Mitigation measures to deal with the consequences of a migrating workforce<sup>30</sup> and Community Health, Safety and Security, including the management of sexual and communicable diseases<sup>31</sup>, are also mentioned. Resettlement action plans and monitoring and reporting plans are in place to address new and already existing conflicts, and socio-cultural and health concerns of those in the study area.

The proposed mitigation measures seem sufficient to address the health and safety concerns of the study communities. However, this assessment by PILIDO's study team does not include feedback from the communities who are neither informed about general nor specific mitigation measures for their health and safety. The proposed mitigation measures seem to be known only to EACOP personnel and its teams responsible for Kiteto District. Mitigation and monitoring plans seem centralized in EACOP management structures. Local communities, so far, have not been informed. This communication gap needs to be addressed by EACOP.

### **3.2.3. Compensation**

In line with government regulations, EACOP will compensate individuals, households and the village communities for loss of resources, in the form of money, replacement housing and land. Schools, roads, dispensaries and water dams are also said to be built for communal use.<sup>32</sup>

An implication of the lack of follow-up to the 2017 seminars is that the status and assurance of compensation seems confusing to those interviewed. Initially those affected were told by government officials they were not to use their land acquired by EACOP. However, after two years, there was a sign posted at Loolera Village

26 EACOP, ESIA Summary Tanzania 2020, pg 9

27 Ibid

28 EACOP, Resettlement Policy Framework, Tanzania Section, May 2018, p. 15

29 EACOP, ESIA. Environmental and Social Management Plan and Environmental and Social Monitoring Plan Matrices," 10.7.1.2. MP02, 10.7.1.3. MP03, 10-8, 10-9

30 Ibid, 10.7.1.11 MP11, p.10-11

31 Ibid, 10.7.1.14, p.10-12

32 EACOP. 6.3.1 'Cash and Like-for-like Compensation,' EACOP Social and Resettlement Services for the EACOP Tanzania Section, May, 2018, Chapter 6, p. 20-22.

that the project is 'on hold' until 2021, and EACOP will not acquire the land immediately, so villagers are free to use land until further notice. This notice was not clarified or widely communicated, and sent confusing messages about compensation for land acquisition to the affected communities.

In the sensitization seminars, property and assets lost were valued and estimates agreed upon. Specific land laws and regulations were followed. The Village Land Act No. 4 and the Village Land Regulation – Part III describe how compensation will be calculated and paid. EACOP recognizes customary ownership/ rights of occupancy of land set forth in Section 3 (1)(g) of the Land Act and section 3(1)(h) of the Village Land Act. This means that any villager with customary right of occupancy, including an unregistered right, is entitled to compensation<sup>33</sup>. Official forms were completed by the communities of the 4 study areas. These were the Valuation and Valuers Registration Act No. 7, 2016 (Regulation 62), and the Land Act No 4, 1999, Compensation Claim Notice (Regulation 6, 2001). PILIDO's team reported that affected people were required to sign these forms, assenting to the amount of compensation they will receive. Village and district officials signed forms for compensation of communal land (e.g., grazing lands) and facilities (e.g., schools and village offices) that would be replaced by the project.

People interviewed strongly request that estimated figures for compensation be reviewed, as by now the value of assets is appreciated differently. Due to delays in the EACOP project, land has not yet been acquired and compensations have not yet been paid. The amount of money agreed upon for land or assets in 2017-2018 (e.g., 2,000,000 TZS) does not have the same value in 2020, 2021 or whenever compensation will actually be received. The Village Land Regulation (Part III) states that the basis of compensation is to be the value of the land itself together with unexhausted improvement as determined by its current open market value.

It seems that not all compensation options are feasible in reality. Each of the 4 study villages has an official Land Use Plan, which identifies all areas in the village and their specific use, including stock routes, waterways, grazing lands, private properties. According to these plans, there are no free open spaces without some communal use in the study villages. Hence, in Olpopong'i village, a woman answered - when asked if her family chose to be compensated with land rather than money - "*where would we go as there is no more land in the village*".

Moreover, this study has identified an issue not considered in the EACOP compensation framework, but of concern to local communities affected by the investment project. One of the respondents from Amei village asked "how do we benefit from income made from all the years that oil flows through the pipeline?" Since the pipeline is an investment scheme under contract with the GoT, EACOP has no responsibility to address on-going income to villages beyond initial compensation. A 'stream of income' needs to be addressed on the level of GoT and village governments.

Respondents reported they were informed about a 'grievance desk' at the village and district level for redress or complaints, and the phone number of the EACOP district representative was made available. At the time of interviews, affected communities were satisfied with this information. However, respondents do not believe their complaints will be addressed, because "*the one who gave us the grievance process is the one against whom we are complaining*". To date it is not known if villagers of the study area have used these grievance measures.

---

33 EACOP. Resettlement Policy Framework," EACOP Social and Resettlement Services, September, 2018, p.11

## 4. Conclusions

In this study we aimed to assess the impact of the EACOP infrastructure project on socio-economic, human and environmental rights of agro-pastoral communities in 4 villages of Kiteto District (Manyara region) affected by the project.

The study identified a consistent apprehension among focus communities and their leaders. There was fear about loss of natural resources, grazing lands, homesteads, peace and prosperity, livelihoods, socio-cultural and spiritual traditions, health and family security. While EACOP risk assessment and mitigation plans are an attempt to be comprehensive, several shortcomings can be identified.

Firstly, there is **a lack of in-depth knowledge about the study area, the communities and their livelihoods and traditions**. This leads to mitigation plans that, on some issues, are too generic, too short-term or not fit for the area. One key issue is the replacement and compensation for loss of land and natural resources. Without more tailored mitigation measures, based on the realities and specific contexts of the local communities, the EACOP will cause significant losses of livelihood assets in indigenous communities that depend heavily on these natural resources and lands and who cannot easily diversify their livelihood strategies.

Secondly, **stakeholder engagement, consultation and information-sharing seem insufficient**. People of the study area were officially informed about the EACOP project 3 years ago (2017). There has been no official communication to update affected individuals and communities about pipeline construction, mitigation or compensation plans. People's understanding of EACOP therefore seems inadequate to truly understand how the project will impact their livelihood as pastoralists. This lack of the right information generated questions not officially addressed, and in turn generated assumptions, 'parallel' information and serious concerns within communities. Specifically, answers to questions about compensation are still pending. Due to delays in the EACOP project, compensations have not yet been paid, although they were agreed during initial project meetings in 2017. Village communities were informed and have the opportunity to use the grievance procedures set out by EACOP, but may not use them due to issues of distrust.

The study concludes that the EACOP has extensive generic and specific management plans addressing project impacts. These plans, if more adapted to the local context and communicated in a transparent way to all stakeholders involved, could be adequate to address impacts to and fears of the affected communities. However, there could be foreseeable difficulties in implementation, mitigation and monitoring if community participation and consultation is not taken seriously and some level of community trust is not built.

## 5. Recommendations

Following the study findings and conclusions, the following recommendations are presented:

### ***Security of land tenure and land use***

Land tenure security should be promoted, especially in rural communities and amongst agro-pastoralists. Land-related livelihoods should be considered when land acquisition for public interest needs to happen. Moreover, replacing land or land-based resources in a context of continued land stress (like in Kiteto District), needs to be re-evaluated. Stakeholders should play their roles to enhance security of land tenure through Strategic Plans for implementation of land laws (SPILL). The monitoring plan of EACOP should ensure that mobility - a pastoral coping strategy - and other traditional livelihood strategies related to land are protected and promoted.

### ***Environment - Loss of Habitat***



EACOP plans to mitigate pollution and environmental damage need to be implemented with communal consultations at every phase, respecting and incorporating local knowledge and priorities. Village communities need to reactivate and maintain an environmental committee who would participate fully in the project mitigation and monitoring.

### ***Social Security and well-fare of local communities***

Dialogues between local and migrant (workforce) communities need to be facilitated so the well-being of all is guaranteed and joint solutions are sought. Village committees for health and social welfare need to be strengthened to both monitor the social impact of, and dialogue with, the migrant workforce.

### ***Compensation***

A just compensation should be based on the value of individual and communal property and natural resources at the time compensation is given, rather than a 3-year-old calculation. We also recommend the GoT to consider returning a percentage of income, which has been generated throughout the life of the EACOP project, back to all the affected villages.

### ***Public Consultation and Public Disclosure***

It is strongly recommended that full community participation and consultation be initiated by EACOP, and be continued throughout all phases of the project. Structures and plans should be designed by EACOP to ensure local communities are well-informed and intentionally involved in management, monitoring and compensation plans throughout the lifetime of the project.

### ***Climate change and energy supply***

The PILIDO team wishes to highlight the global context in which the EACOP will be implemented and the negative impact of fuel emissions on global warming and climate change. In this context, the implementation of a mega crude oil infrastructure project, such as the EACOP, seems contrary to what is needed to curb climate change. We recommend governments and private investors to invest in alternative, sustainable energy supply projects instead.

## 6. References

- “Branding the Land: Maasai Responses to Pastoral Land Tenure Insecurity and Social Change”; B. Ole Nangoro; In F. Horn, 1997; Economic, Social and Cultural Rights of the Maasai; pp 15-93; Northern Institute of Environmental and Minority Law; University of Lapland Roelke-Parker; 1994.
- East African Crude Oil Pipeline, Tanzania Environmental Impact Statement Non-Technical Summary; by RSK, Spring Lodge, 172 Chester Road, Helsby, WA6 OAR, UK, submitted by Total East Africa Midstream B.V. % Total Tanzania Limited, 1720 Haile Selasie Road, Msasani Peninsula, PO Box 1503, Dar es Salaam, August 2019. [www.eacop.gov.tz](http://www.eacop.gov.tz)
- East African Crude Oil Pipeline, Social and Resettlement Services for the East African Crude Oil Pipeline Tanzanian Section; by Jan Perold, Digby Wells Environmental; Final RPF issued for disclosure following GoT comments, September, 2018 [www.eacop.gov.tz](http://www.eacop.gov.tz)
- East African Crude Oil Pipeline (EACOP) Project; Tanzania EIA Certificate Reception Brief; February 6, 2020. [www.eacop.gov.tz](http://www.eacop.gov.tz)
- Human Rights issues to Watch in the construction of the Tanzanian section of the East African Crude Oil Pipeline Project (Government Links Tanzania); Voices of Tanzania – Case studies on Business and Human Rights (Volume 1); 2019.
- Mpango wa Matumizi Bora ya Ardhi Vijiji vya Loolera na Amei, Kata ya Loolera, Tarafa ya Kijungu, Wilaya ya Kiteto, Mkoa wa Manyara; Halamashauri ya Wilaya ya Kiteto, S.L.P 98 Kibaya na National Land Use Plan Commission NLUPC; August 2018. [dg@nlupc.org.tz](mailto:dg@nlupc.org.tz)
- Mpango wa Matumizi Bora ya Ardhi Vijiji vya Indorkon na Olpopng’i, Kata ya Njoro, Tarafa la Oboloti, Wilaya ya Kiteto, Mkoa wa Manyara; Halamashauri ya Wilaya ya Kiteto, S.L.P. 98 Kibaya na National Land Use Plan Commission NLUPC; September 2019. [dg@nlupc.org.tz](mailto:dg@nlupc.org.tz)
- The Management of Common Property Natural Resources: Some Conceptual and Operational Fallacies;” D. Bromley and M. Cernea; World Bank Discussion Paper 57, The World Bank, Washington, D.C. 1989.
- Sustainable Livelihood Framework, UN Food and Agriculture Organisations (FAO). [fao.org/docs/up/easypol/581/3-7-social%20analysis%20session\\_167en.pdf](http://fao.org/docs/up/easypol/581/3-7-social%20analysis%20session_167en.pdf)
- Taarifa Kwa Umma Kurejea kwa Shughuli za Mradi wa Bomba la Mafuta Ghafi la Afrika Mashariki (EACOP); Shirika La Maendeleo ya Petroli Tanzania TPDC, Wizara ya Nidhati; June 26 2020.
- Tanzania Land Act, 1999, [www.jp.tzembassy.go.tz](http://www.jp.tzembassy.go.tz).>Tanzania\_Land\_Act\_1998
- Uboreshaji wa Ufuatiliaji, tafiti na mazungumzo juu ya Biashara & Haki za Binadamu Tanzania; International Peace Information Service IPIS; <http://ipisresearch.be/>
- United Republic of Tanzania National Human Rights Action Plan; Ministry of Constitutional and Legal Affairs; December 2013. [https://www.ohchr.org/Documents/Issues/Education/Training/actions-plans/Excerpts/Tanzania\\_en%202013-2017.pdf](https://www.ohchr.org/Documents/Issues/Education/Training/actions-plans/Excerpts/Tanzania_en%202013-2017.pdf)
- United Republic of Tanzania, Wildlife Conservation Act, 2009
- Universal Declaration of Human Rights; <http://ohchr.org/EN/UDHR/Documents/UDHR>
- UN Guiding Principles on Business and Human Rights - “Protect, Respect and Remedy” Framework; United Nations Human Rights, Office of High Commissioner; 2011. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)

## 7. Additional Reading

- “A Major Oil Pipeline Project Strikes Deep at the Heart of Africa;” Fred Pearce, Yale Environment 360; Published at the Yale School of the Environment, May21, 2020.
- “Community Benefits Through Wildlife Resources” Evaluation Report for TANAPA’s CCS Programme; N. Kipuri and B. Ole Nangoro; Netherlands Embassy, Dar es Salaam; 1996.
- Construction of the East African crude oil pipeline EACOP to start in April 2021; ECOFIN Agency, Public Management, Yaounde, Cotonou, Dakar, Abidjan, Geneve; June 3, 2020. [eia.nl/en/projects/7228](https://eia.nl/en/projects/7228)
- Court Case against Total in France dismissed; Business and Human Rights Resource Center; The Independent; February 4, 2020. [business-humanrights.org/en/6-ngos-file-lawsuit-against-total-over-alleged-failure-to-respect-french-duty-of-vigilance](https://business-humanrights.org/en/6-ngos-file-lawsuit-against-total-over-alleged-failure-to-respect-french-duty-of-vigilance)
- EACOP Campaign; Global Catholic Movement; Prince Papa, Program Coordinator Africa and Lead on EACOP Campaign and Christina Leano, Nairobi, 2020. [hello@catholicclimatemovement.global7228](mailto:hello@catholicclimatemovement.global7228).
- Environmental and Social Impact Study for the Boundary Hill Lodge Project, Manyara Region Tanzania; Raphael B.B. Mwaloosi and Benedict N. Ole Nangoro; Report for International Finance Cooperation Institute of Resource Assessment, University of Dar es Salaam; March, 2000.
- French Court declares itself incompetent in favor of Commercial Court in case against Total over alleged failure to respect French Duty of Vigilance law in its operations in Uganda; Friends of the Earth International; January 31 2020. [www.business-humanrights.org](http://www.business-humanrights.org)
- Governing the Commons: The Evolution of Institutions for Collective Action; E. Ostrom; Cambridge University Press; 1990.
- Independent review of the EACOP ESIA; by Netherlands Commission for environment studies; ESAI EACOP Oil Development- Uganda; ESIA Scoping Report EACOP, Tilenga, Uganda; July 16, 2019. [eia.nl/en/projects/](https://eia.nl/en/projects/)
- “Integrated Ecosystems in Kiteto District, Manyara Region,” Pastoral Research and Development Programme, PARDEP, 1998
- “Uganda refinery too costly, likely to lower value of regional pipeline - CPI,” The East African, December 12 – December, 18, 2020, [www.theeastafrican.co.ke](http://www.theeastafrican.co.ke)





## BUSINESS AND HUMAN RIGHTS FOOTPRINT IN THE CONSTRUCTION OF REGIONAL RUSUMO FALLS HYDROELECTRIC PROJECT IN NGARA DISTRICT - NW TANZANIA

**Governance Links Tanzania**

*[governance.links@gmail.com](mailto:governance.links@gmail.com)*

**August 2020**



## Acknowledgement

This case study report has been prepared with the generous support of the European Union under the European Instrument for Democracy and Human Rights through The International Peace Information Service (IPIS).

The team at Governance Links Tanzania gratefully acknowledges the support of IPIS Research team for the methodological guidance throughout the documentation process. We are deeply grateful to IPIS researcher Mieke Thierens for her insights, mentorship, and unwavering enthusiasm through collaboration with Tanzania's Commission for Human Rights and Good Governance (CHRAGG) and Business and Human Rights Tanzania (BHRT).

The team at Governance links Tanzania would like to thank the Nile Basin Initiative management at Entebbe-Uganda and NELSAP office in Kigali for the guided tour of the project in January 2020 before the onset of COVID-19, and the continued access to multiple studies, consultation reports, teleconferences and e-mail exchanges through the field teams at Rusumo.

Profound thanks are also due to the employees and interns at the Rusumo Power Company Limited (RPCL) and Jiangxi Water & Hydropower Construction Company (JWHC) China for their unwavering support in providing technical and administrative updates since the beginning.

The team wishes to thank colleagues at RPCL 's Community Liaison Office for the valuable, insightful details on community engagement in Ngara District.

We acknowledge the outstanding contributions by non-governmental organizations in Ngara District, particularly CODISO for facilitating linkages to communities to capture their case stories and keeping the research team updated on routine community issues in the project.

We acknowledge the women and men in Kasange, Kasharazi, Kasulo, Mshikamano, Ntobeye, Nyakiziba, Rusumo and Rwakalemela villages for their willingness to share their accounts on engagement with both the project and local government authorities in Ngara District since the inception of the project amidst the social and economic disruptions caused by COVID-19. Their vision and dedication have been essential in generating all the findings reported in this case study report

Publication prepared in the publication series "Voices from Tanzania". This series is part of the 'Improving monitoring, research and dialogue on Business & Human Rights in Tanzania' project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.

## Table of contents

<b>Acknowledgement</b> .....	<b>37</b>
<b>List of Abbreviations</b> .....	<b>39</b>
<b>Executive summary</b> .....	<b>40</b>
<b>1. Introduction</b> .....	<b>41</b>
1.1. Background information .....	41
1.2. Problem statement .....	42
1.3. Description of the study area.....	42
1.4. Objective of this study .....	44
<b>2. Methodology</b> .....	<b>44</b>
<b>3. Limitations</b> .....	<b>45</b>
<b>4. Findings and analysis</b> .....	<b>45</b>
4.1. Human rights impact of the RRFHP in Ngara District.....	45
4.1.1. <i>RRFHP footprint on economic rights</i> .....	45
4.1.2. <i>RRFHP footprint on environmental rights</i> .....	47
4.1.3. <i>RRFHP footprint on social and cultural rights</i> .....	49
4.2. Human rights due diligence in the RRFHP .....	51
4.2.1. <i>Compliance with human rights due diligence</i> .....	51
4.2.2. <i>Stakeholder consultations, grievance mechanism and remedial procedures</i> .....	51
<b>5. Conclusions</b> .....	<b>52</b>
<b>6. Recommendations</b> .....	<b>53</b>
<b>7. References</b> .....	<b>54</b>

## List of Abbreviations

BHRT	Business and Human Rights Tanzania
CSO	Civil Society Organization
CODISO	Community Development Initiative Support Organization
CES	Cultural Ecosystem Services
CHRAGG	Commission for Human Rights and Good Governance
CoST	The Infrastructure Transparency Initiative
ESF	Environmental and Social Framework
ESIA	Environment and Social Impact Assessment
EHS	Environmental, Health and Safety Guidelines
HIV	Human Immune deficiency Virus
HESG	Hydropower Environmental and Social Governance
IPIS	International Peace Information Service
LADP	Local Area Development Plan
MW	Mega Watt
NELSAP	Nile Equatorial Lakes Subsidiary Action Program
NEMC	National Environmental Management Council
NBI	Nile Basin Initiative
NBD	Nile Basin Discourse
PAP	project-affected people
RPCL	Rusumo Power Company Limited
RRFHP	Regional Rusumo Falls Hydroelectric Project
SDG	Sustainable Development Goal
STI	Sexually Transmitted Infection
UNGPs	United Nations Guiding Principles on Business and Human Rights
USD	United States Dollar

## Executive summary

Rusumo Falls is located on the Kagera River, on the border between Rwanda (Southeast) and Tanzania (Northwest), about 25 kilometers of the common border point between Burundi, Rwanda and Tanzania. There, the Regional Rusumo Falls Hydroelectric Project is being built to address the acute shortage of electricity experienced in Burundi, Tanzania and Rwanda. It comprises the construction of an 80-Megawatt power plant and three associated transmission lines that will directly connect the power plant to the national power grids. The project is located at Rusumo, an intersectional geographical location for the three countries. In Tanzania, most activities will take place in Ngara District, Kagera region.

Ngara District (Kagera region, Tanzania) is a largely rural district with an estimated population of 401,900 people. Over 80% of the population are subsistence farmers. About 39,300 people (8,360) households are directly affected by the project (16,200 people in Rusumo village and 23,100 in Kasulo village).

The overall objective of this study is to assess how the Tanzania section of the Regional Rusumo Falls Hydroelectric Project is complying with the United Nations Guiding Principles on Business and Human Rights (UNGPs), and specifically the requirement of human rights due diligence. The study was conducted in two phases. Phase I consisted of a guided tour to the project site at Rusumo and the eight surrounding villages in early February 2020. Phase II was managed through remote communication between the research team and the various stakeholder groups in the field during June-July 2020. Adapted to COVID-19 preventive measures, this study presents a mixed-methods desk-based case study.

Overall, the project's human rights footprint was most significant on economic rights of communities, particularly related to land rights and livelihood opportunities. These impacts were overall well mitigated by the project and affected people considered the compensations received as sufficient. While the project was found to positively contribute to employment and business opportunities, negative footprints on health and environment seem insufficiently addressed.

Findings from the study indicate that the construction of the Regional Rusumo Falls Hydroelectric Power Project went through the World Bank Environmental and Social Framework screening. In this way, the project also complied partly with processes to ensure human rights due diligence as recommended by the UN Guiding Principles on Business and Human Rights. The project identified several actual and potential rights impacts and took measures to prevent them. However, gaps are identified in terms of impact mitigation and reporting.

The Regional Rusumo Falls Hydroelectric Project provides a useful learning point for corporate responsibility in complying with the UNGPs. Recommendations from the study are:

1. The RRFH is an opportunity and living laboratory for the Commission for Human Rights and Good Governance (CHRAGG) and other regulatory institutions to accelerate popularization of the United Nations Guiding Principles on Business and Human Rights across stakeholders in Tanzania.
2. It is critical for CHRAGG as a frontline institution to provide methodological support to local government authorities to engage with multi-stakeholders in compliance monitoring.
3. A "whole government" approach is necessary for engaging corporate sector units involved in infrastructure projects to roll out proper due diligence procedures, in alignment with UNGPs on Business and Human Rights and compliance monitoring.
4. Despite the absence of a national framework for business compliance with Human Rights, corporate institutions and networks should adopt strategies for due diligence through effective implementation of codes of conduct and contractual provisions as primary entry points to alignment with the UN framework.
5. The surging investments in mega infrastructure projects calls for urgent consideration on establishment of a national framework on business and human rights aligned to the UN Guiding Principles on Business and Human Rights.



# 1. Introduction

## 1.1. Background information

Achieving the Sustainable Development Goals (SDGs) is in line with efforts to comply with the United Nations Guiding Principles on Business and Human Rights (UNGPs) that were endorsed in 2011. The UNGPs focus on the human rights impact of business activities and provide an opportunity for corporations to redefine the purpose of business and to scale up their contribution to the SDGs. However, there is limited understanding of how business is embedded in society and, especially in developing countries, capacities to take full advantage of emerging business opportunities are often constraint (*JICA, 2019*).

In Tanzania, the Commission for Human Rights and Good Governance (CHRAGG), through its National Baseline Assessment of current implementation of Business and Human Rights Frameworks in the United Republic of Tanzania (*URT, 2017*), highlighted the need for attention to the rapidly growing construction sector. The sector's rapid expansion brings huge potential for employment, revenue and economic growth. At the same time, it can also pose great treats to the communities and environments in which projects are implemented or those involved in the execution of the projects. Therefore, the infrastructure sector also requires urgent attention from a human rights perspective.

The Regional Rusumo Hydroelectric Power Project (RRFHP) is an energy-supply infrastructure project executed by the Governments of the Republic of Burundi, Republic of Rwanda and the United Republic of Tanzania, with funding by the World Bank. The RRFHP is championed by the Nile Basin Initiative (NBI), the intergovernmental partnership of 10 Nile Basin countries including Burundi, Rwanda and Tanzania, and its investment arm, the Nile Equatorial Lakes Subsidiary Action Program Coordination Unit (NELSAP-CU). The project's overall objective is to increase the supply of electricity to the national grids of these three countries. It comprises of the construction of an 80 Mega Watt (MW) power plant, including three associated transmission lines to connect the power plant with national electricity grids. The generated electricity will be equally shared among the three countries each benefitting about 27 MW. In Tanzania, the RRFHP will address acute electricity shortages experienced by communities in western Tanzania, which negatively affect local economies and livelihoods. Constructions on the RRFHP started in March 2017 and is planned to be completed in early 2021. To fast-track the implementation of the project, the Rusumo Power Company Limited (RPCL) was registered in Rwanda and Tanzania. Ultimately, RPCL is the substantive owner of the RRFHP.

Hydropower projects, by their very nature, are executed in relatively remote, natural areas. Therefore, their development affects both the environment and remote communities. All projects funded by the World Bank, including the RRFHP, are subject to its environmental and social standards, as outlined in the World Bank's Environmental and Social Framework (ESF). With this framework, the World Bank wants to promote greater transparency and more effective community involvement in its development projects (*SDC, 2016*). Moreover, in line with Tanzanian law, an Environmental and Social Impact Assessment (ESIA) was conducted and approved by Tanzania's National Environmental Management Council (NEMC). While these frameworks aim to limit adverse environmental and social impacts, they do not explicitly assess the human rights impact of projects.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) (*United Nations, 2011*) are the global authoritative standards to prevent, mitigate and remediate business-related adverse human rights impacts. Governments are legally bound by international law to respect and fulfill human rights, and to protect individuals and groups from rights violations by businesses, among other actors. States' duty to protect the human rights of their citizens is the first pillar of the UNGPs. Pillar 2 of the principles stresses the responsibility of business enterprises to respect human rights by avoiding negative human rights impacts and addressing adverse human rights impacts with which they are involved. The third pillar of the UNGPs requires effective access to remedy in case of harm.

The RRFHP makes an interesting case study for how infrastructure projects affect human rights in Tanzania, as it combines human rights due diligence, diversity of institutional actors and the diverse expectations of communities impacted by the Tanzanian sector of the infrastructure development.

## 1.2. Problem statement

The infrastructure sector in Tanzania employs thousands of people annually and implements activities in a wide range of rural and urban contexts. The recent surge of mega infrastructure projects in extractives, energy, roads and water calls for attention on tracking their human rights footprints. Currently, there is a lack of documentation on how human rights impacts are being tracked in the sector and how they relate to the United Nations Guiding Principles on Business and Human Rights (UNGPs).

This study aims to contribute to filling this gap through analysis of the human rights footprint of the RRF-HP, providing an evidence base and future guidance to government, businesses, trade unions and civil society to navigate due diligence in mega infrastructure projects in Tanzania.

## 1.3. Description of the study area

The Rusumo Falls are located on the Kagera River on the border between Rwanda (Southeast) and Tanzania (Northwest), about 25 kilometers from the common border point between Burundi, Rwanda and Tanzania (Figure 1, 2). The falls are approximately 15 meters high and 40 meters wide. The Kagera river basin, a sub-basin of the River Nile system, covers an area of about 60,000 square kilometers. The entire Kagera river watershed and the Tanzanian share of the RRFHP site fall within Ngara District, Kagera Region (NW Tanzania). Lying at the international border region of Burundi, Rwanda and Tanzania, Ngara District is largely rural with an estimated population of 401,900 people. Over 80% of the population are subsistence farmers. Infrastructure, such as roads or power lines, in the area is limited. The Kagera watershed in the project area is composed of mainly sparse forest in valley bottoms, agricultural land in lowlands and human settlements.

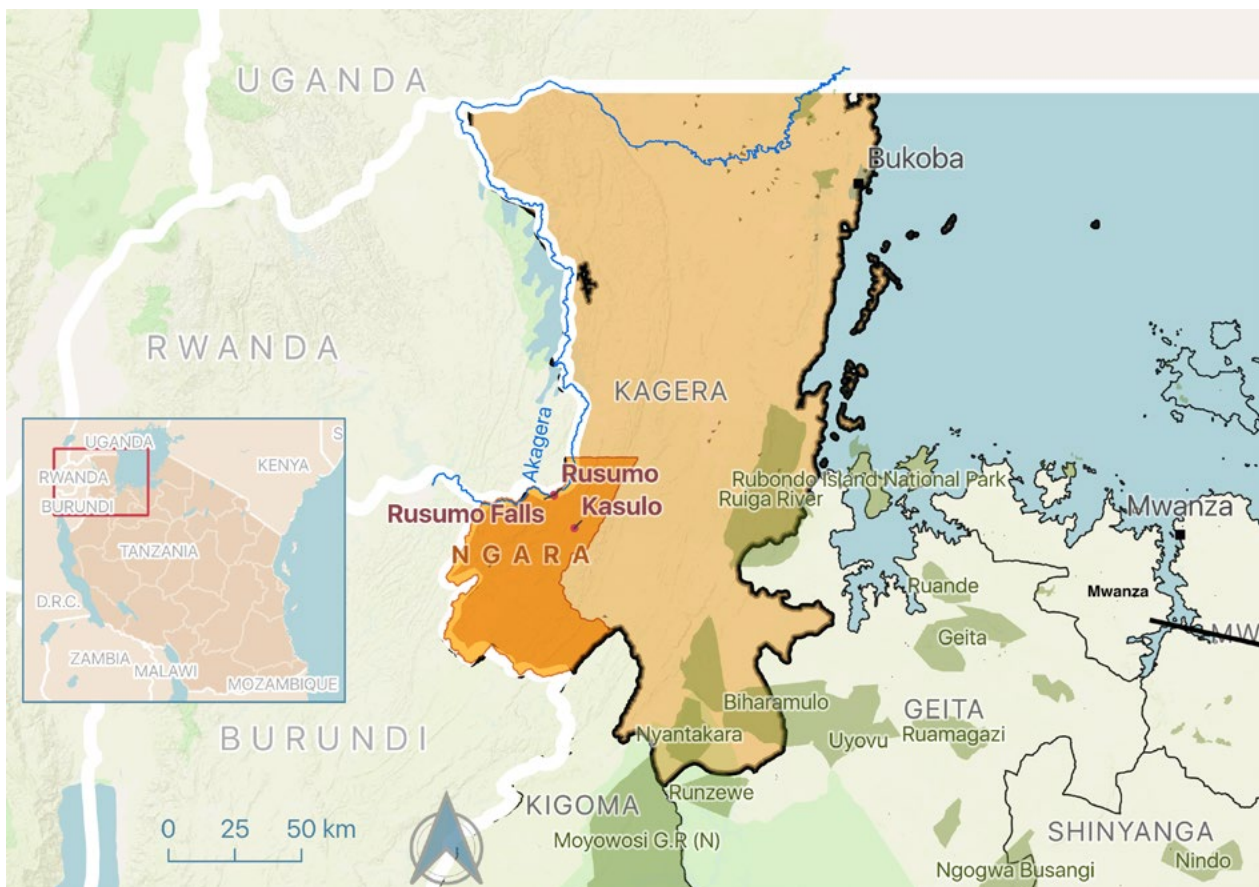


Figure 1: Localisation map of study sites in Ngara District, Kagera Region, Tanzania

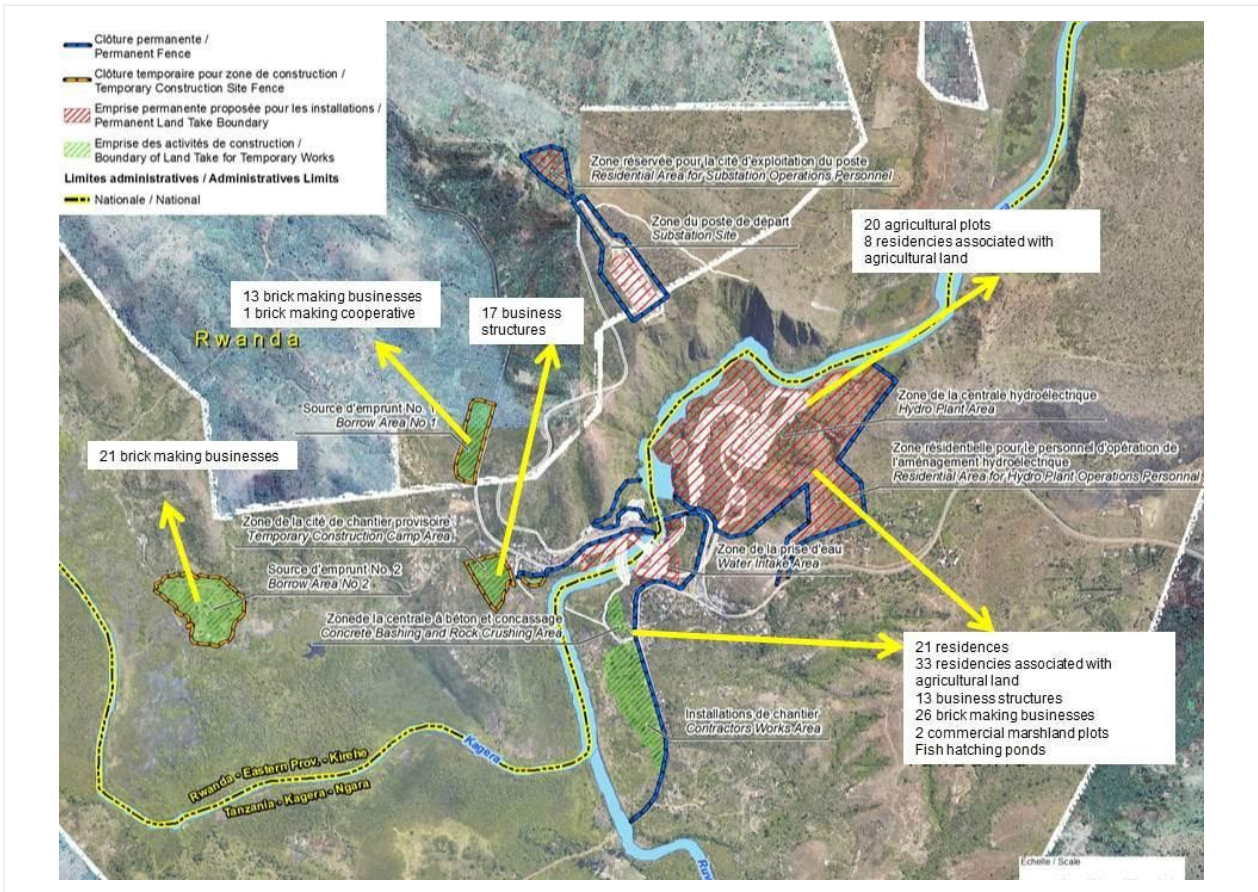


Figure 2: Map showing the location of the RRFHP

In Ngara district, around 39,300 people in 8,360 households were directly affected by the RRFHP (16,200 people in Rusumo village and 23,100 in Kasulo village). In Rusumo village, households were relocated to allow space for the installation of a power generation turbine system. In Kasulo village, households and farms were earmarked for excavation of access structures to the site and establishment of a camp site for workers. Communities in Kasange, Kasharazi, Mshikamano, Ntobeye, Nyakiziba and Rwakalemela villages have been indirectly affected by the project, as their areas provide access roads to the core site (Figure 2,3). In this study, we focus on the directly affected villages of Rusumo and Kasulo (Figure 1).

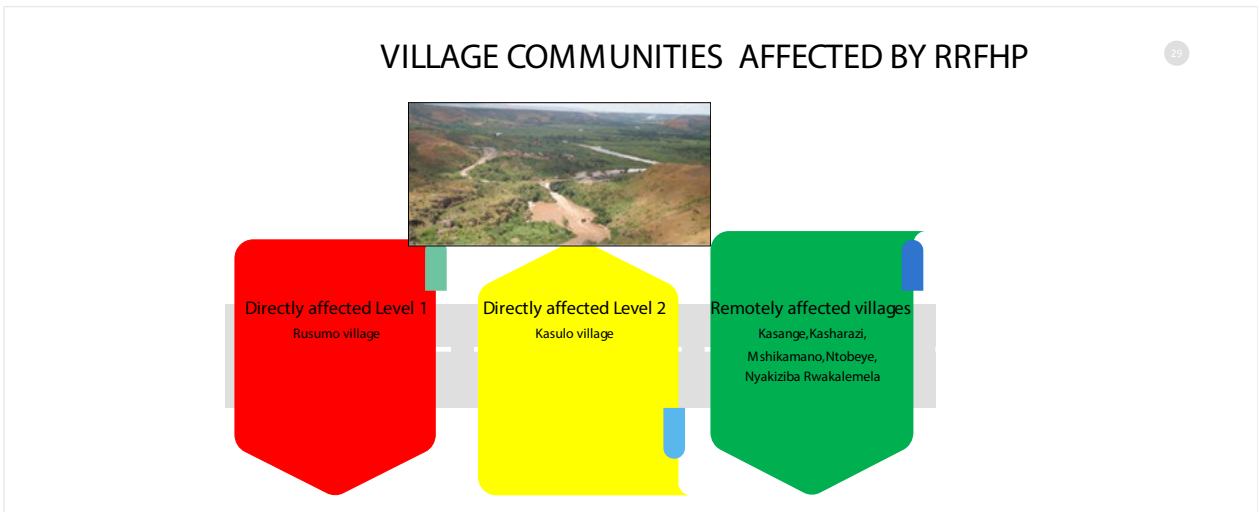


Figure3: Clustering of villages affected by the RRFHP

## 1.4. Objective of this study

The overall objective of the study is to assess how the Tanzanian section of the Regional Rusumo Falls Hydroelectric Project (RRFHP) is complying with the United Nations Guiding Principles on Business and Human Rights (UNGPs). Specifically, it focusses on the requirement for business actors to adequately conduct human rights due diligence in order to ensure that their operations respect human rights. Due diligence is the process of identifying the actual or potential human rights impacts of a business' activities and those linked to activities of third parties. It also includes analysis of and steps to prevent, mitigate and account for negative human rights impacts, the monitoring of measures (and adaption where needed) and regular reporting, both internally and externally, on impacts and measures (UN,2011).

Specific study questions are:

1. What are the economic, environmental, social and cultural human rights issues present in the communities of Rusumo and Kasulo villages (Ngara District), affected by the Regional Rusumo Falls Hydroelectric Project?
2. How was human rights due diligence implemented in the RRFHP, and how does this comply with the UNGPs?
3. What lessons and recommendations can be drawn from the Regional Rusumo Falls Hydroelectric Project to inform further implementation of UN Guiding Principles on Business and Human Rights, and the fulfilment of due diligence specifically, in the construction sector in Tanzania?

## 2. Methodology

The study was conducted in two phases. Phase I consisted of a guided tour to the Regional Rusumo Falls Hydroelectric Project site organized by management in early February 2020. Phase II (June-July 2020) was managed through remote communication between the research team and the various stakeholder groups in the field, including the site management of RRFHP Liaison Office at Rusumo, departmental heads in Ngara District Council and leaders of local Non-Governmental Organizations.

This study conducted a mixed-methods desk-based case study that required adapting to the COVID-19 pandemic. Both quantitative and qualitative data were collected and analysed. Literature on UNGPs, World Bank Safeguards and project background materials were accessed through Internet search. In parallel to the online literature search, access to primary information was enabled through remote communication with the following groups of stakeholders:

- Mobile phone interviews with 45 community members (25 females and 20 males) in the eight villages in Ngara District affected by the RRFHP. Informants were identified through collaboration with Community Development Initiative Support Organization (CODISO, a local NGO in the district). Community representatives were interviewed on their knowledge of the project, how they were engaged in consultations and the compensation processes for those who were relocated.
- E-mail consultations with Nile Basin Initiative management at Entebbe (Uganda), the technical team at Rusumo Power Company Limited (RPCL) and Civil Society Organizations in Ngara District. The RPCL was registered as an independent company in Tanzania to fast-track the implementation of the RRFHP as well as to negotiate funding with potential development partners, notably the World Bank. These respondents were interviewed on the perceived social, economic, environmental and cultural impacts of the project in their localities.
- Key informant interviews at district level with heads of Lands, Community Development and Environment Departments and members of the District Commission for Redress and the Conflict Resolution Committee. These respondents were interviewed on how the government was working

with both the project management and communities to identify and address emerging human rights issues at RRFHP.

- Telephone interviews with representatives of the Tanzania Electricity Supply Company (TANESCO) at Rusumo centre, small enterprise owners at Rusumo border post and RRFHP Community Liaison Officers based at Rusumo. TANESCO is the national power supply company that will manage the distribution of power once the project is completed. These respondents were interviewed on the utility's framework for identifying and addressing human rights issues at the RRFHP.

### 3. Limitations

To comply with COVID-19 preventive measures, travel and field visits had to be restricted during the second phase of this project (June -July 2020). A key limitation during this study, therefore, was the restricted physical connectivity of the researchers to the project in Ngara District during phase II of data collection. Nevertheless, the remote communication tools and periodic updates from RRFPP technical team and civil society organizations enabled rigorous collection, triangulation and analysis of data.

## 4. Findings and analysis

In this chapter, we present the assessment on (1) the actual and potential human rights impact of the project on communities in Ngara District and (2) the due diligence process executed by the RRFHP to identify and address negative impacts of the project and its alignment with the UNGPs.

### 4.1. Human rights impact of the RRFHP in Ngara District

Based on the interviews conducted and literature consulted, this study identified a set of actual and potential issues regarding economic, environmental, social and cultural rights. Based on the feedback from village communities and local authorities, the most pertinent issues were thereby found on land, local livelihoods, labour, local business and supply chains, environment, health, gender relations, local security and rights of vulnerable groups.

#### 4.1.1. RRFHP footprint on economic rights

##### *Impacts on land and local livelihoods*

Land is the backbone of rural livelihoods for communities in Ngara District. As a result of the RRFHP, 39,300 people in 8,360 households in Rusumo and Kasulo villages were relocated from their ancestral land to other areas to allow constructions associated with the dam, particularly road passages and material storage sites. Communities in Rusumo village, having closest interface with the core dam, experienced the most direct impact due to wholesome relocation (16,2000 people). Communities in Kasulo village (23,1000 people) were less impacted as they could give up part of their ancestral land but keep buildings and surrounding plots, albeit with limited access to land for livelihood activities.

To mitigate the loss of livelihoods, land and property, a Local Area Development Plan (LADP) was designed through collaboration of RPCL and the Ngara District Council. The LADP aims to address capacity building for land use diversification, sustainable use of livelihood assets and the establishment of alternative livelihood strategies alongside micro-credit schemes covering all villages affected by the power project. The interventions targeted agriculture enhancement, improved livestock keeping, access to income generating activities and training programs on the sustainable use of cash compensation. The LADP restoration interventions were funded by the World Bank (15.5 Million US Dollars) and all payments were disbursed through RPLC under supervision of the Ngara District Council between October 2019 and February 2020. The livelihood restoration interventions implemented included (i) the rehabilitation of

water systems in Mshikamano, Kasharazi, Kasulo and Rwakalemela villages, (ii) the construction of water supply systems in Rusumo village, (iii) upgrading Remela Folk Development College at Rwakalemela to a Vocational Training Centre, (iv) livestock intensification for milk production, (v) improving bee keeping activities and (vi) improving agricultural production of cassava, sunflower, banana and horticultural crops. Further, the construction of a dam on the edge of Kagera River was intended to improve capture fishery. The traditional fishing community at Kasharazi reported increased catches, which contribute to boosting the local economy and improving nutritional security.

During initial consultations between project management, local government authorities and communities during preliminary preparations of the project, Project Affected People (PAP) were presented with options for compensations for loss of property, and most of them preferred cash over material compensations. Compensation of PAPs under the LADP involved 133 households as well as Magezeza School, New Vision School and Lukulazo Dispensary in Rusumo ward, to a total cost of USD 3.1 million. The table below presents an overview of the affected households in Rusumo and Kasulo villages (Table 1). Compensations for losses of land and livelihoods were also decided under the LADP programme, based on international rates. The recipients in Rusumo and Kasulo confirmed that the compensations were higher and much more favourable compared to those based on national rates. All compensations were completed and no pending claims are registered by either RPLC or Ngara District Council.

Resettlement of households identified for relocation was arranged through collaboration between RPLC, Ngara District Council and Lower Local government leaders to ensure transparency and observance of the recently introduced Hydropower Environmental and Social and Governance (HESG) Gap Analysis Tool. Overall, resettlement of displaced households was effectively and efficiently completed. Compensation was paid to all eligible recipients and the process was witnessed by local government officials.

**Table 1: Households directly affected in Rusumo and Kasulo villages**

Overview on affected households	Number
Households affected by loss of agricultural land and loss of residency	41
Households affected by loss of residency: owners	21
Households affected by loss of agricultural land	10
Households affected by loss of arable marshland	2
Households affected by loss of business: commercial structures	13
Households affected by loss of residential structures (as annexes to affected Business structures)	0
Households affected by loss of business premises as part of affected business structures (tenants)	0
Households affected by loss of business: brick making/sand digging structures	26
Households affected by loss of business: fish hatching pond	6
Households affected by temporary loss of access to resources: fishermen	14
<b>Total</b>	<b>133</b>

### **Impacts on labour rights**

Before project implementation, it was estimated that about 1,000 people in total would be employed by the RRFHP during and after construction. Employment opportunities were foreseen for managers, engineers, technicians, administrative staff, carpenters, structural steel fitters, cement workers, crane workers, welders, electricians and mechanics. According to RPCL management, foreigners would occupy 10% of these positions, while nationals will occupy 90%. The high percentage of national employment is required to comply with Tanzania's Local Content regulations (2018). By June 2020, the total number of Tanzanians employed by contractors to RPLC at the project was 290, about 87% of the country's share. Most of them are employed as casual labourers and technicians. Respondents working directly in the project described that the RPLC and its contractors are engaging their employees in labour rights

dialogues and conduct participatory monitoring of codes of conducts. Adequate regulatory procedures have been implemented to ensure that the local people benefit from the project either through direct employment opportunities or induced and indirect employments with attention to the country's local content regulations. Therefore, it is evident that RRFHP made a positive contribution to labour rights of local communities.

### **Impacts on local business and supply chains**

Infrastructure projects are usually crowded by “fly in- fly out” suppliers of goods and services. It was expected that suppliers from outside the district would strongly reduce the participation of local businesses in supply chains. Overall, there have been no disruptions reported related to business operations and supply chains within the area affected by the project. The only inconveniences mentioned were those resulting from border closures due to the COVID-19 pandemic.

Workers at RRFHP from within Ngara District indicated that there were multiple and diverse services provided by local business networks to support the workforce including catering, cleaning, security guards, transport, repair work, provision of goods and petty businesses and communication. All these support services are significant to enhance the economy at villages interfacing the project site. The project therefore remarkably contributed to increase the participation of local people in businesses and commodity value chains.



*Figure 4: Petty businesses at Rusumo border post*

New businesses were created, including restaurants, recreational facilities and rental housing to cater for the increasing migrant workforce from the three project partner countries. Established businesses indicated valuable opportunities to grow and innovate. Local sub-contractors continued to provide supplies and logistics to the main contractors. Purchases of local construction supplies such as cement, wood, sand and rental equipment were reported to continue uninterrupted and even increased. Further, it was noted that Rusumo Power Company Limited (RPCL) has created a new hub for new local economic development through the newly formed water reservoir (i.e. fish cages). In the future, RPCL plans to provide tourism opportunities to the power plant, in association with the Rusumo falls.

#### **4.1.2. RRFHP footprint on environmental rights**

### **Impacts on communities**

Attention to the environment requires that an impact assessment is conducted at the preparation stage of a project, specifying the key environmental issues and how these will be addressed. A Social and Environmental Impact Assessment (ESIA) was conducted at the inception of the project, which was approved

by the National Environmental Management Council (NEMC). According to the National Environmental Management Act (2004), approval of the ESIA is a legal requirement in Tanzania before investment operations can start. This requirement closely aligns with the World Bank’s Environmental and Social Framework requirements.

Despite the project demonstrating high levels of compliance to National Environmental Management Regulations, negative environmental impacts were reported to prevail, notably noise pollution, air pollution and earth vibrations in the construction of the core power plant. Construction activities include heavy truck movements, machine operations and underground rock blasting. Noises and dust generated were directly affecting local residents of nearby villages. During the operational phase, noise will be expected from turbines and the power plant, from maintenance activities and warning sirens of cranes. The use of blasting explosives has been reported to causes cracks in buildings in Rusumo village, some of which end up collapsing. Most air pollution is expected to come from excavation and tunneling activities during the construction phase.

Overall, community respondents from Rusumo village are worried of continued air and noise pollution and whether there are sufficient measures to address the challenge. Engineers at the site indicated that the aforementioned environmental impacts were technically considered to be low. The current measure mitigating the dust was pouring and mopping up the ground with water, while modification of blasting was acknowledged to reduce noise. However, the concerns from communities suggest that more attention is required to limit the impacts.

*“There are many cases reported to the project regarding cracks and buildings collapsing. We do not see any mitigation measures or compensation”.*  
 Japhet, Rusumo Village leader



Figure 5: Underground Blasting to Create a river diversion (L). Channel and Turbines (R), causing enormous vibrations that are felt a long way from the site

*“The heavy-duty trucks are generating dust through frequent movements. We have been reporting the matter, requesting the pouring of water on the roads they use. The last time they poured water on the road was last month and no more”.*  
 Evelyn, a Rusumo community member





Figure 6: Cement manufacturing batch plant and trucks emitting dust

### Impacts on ecosystems

The project's Environmental and Social Impact Assessment reports indicate that water quality assessments recognize the complexity of the Kagera ecosystem and its interacting components of air, land, water and living organisms. The ESIA acknowledged that there would be substantial impact on flora and fauna due to the construction of a dam on the Kagera river and the diversion of the Kagera River to bypass the Rusumo Falls (after which it rejoins its course further downstream). Ecological impact is particularly expected due to disturbance of a forest to make way for the dam. The forest cover used to host monkeys and a diversity of birds that are of great aesthetic value.

In addition, although the project experts indicated that there will be no significant changes in water quality, communities reported that river water was darkening. Inadequate worksite management and accidental pollution during the construction phase at the dam site and the river downstream were found to significantly affect water quality of the Kagera River. Point source pollution of the Kagera River at the project site can have possible detrimental impacts on the environment and on public health. The major sources of soil or water pollution are large volumes of gasoline, lubricant products and chemicals wasted, inappropriate sanitation systems, wastewater treatment and solid waste pollution, either from domestic use or the RRFHP's construction stage.

#### 4.1.3. RRFHP footprint on social and cultural rights

### Impacts on Health

As cited in the ESIA Report of the project, environmental pollution is found to affect communities' and ecosystems' health. Further, the RRFHP study on Environmental and Social Safeguards identified high prevalence rates of infectious diseases and Sexually Transmitted Infections (STIs), such as HIV/AIDS and tuberculosis, in the project area even before the construction started. An increase in prevalence appeared imminent (RPLC, 2019). The inflow of migrant workers and truck drivers is recognized as one of the factors that can lead to an increased spread of diseases in the areas. Further, the reservoir that is expected to hold excess water, is feared to create a habitat that will be favourable for the growth of vectors of waterborne disease such as *Malaria*, *Onchocerciasis*, and *Schistosomiasis*. Although the RPCL management explained that the modification to seasonal flooding of the marshland would not contribute to an increase of habitat for the vectors, the heightened risk of the prevalence of such diseases cannot be ruled out. Therefore, continuous monitoring of prevention measures is highly recommended by residents of Rusumo and Kasulo villages.

### ***Impacts on Cultural Ecosystem Services***

Cultural ecosystem services (CES) relate to the often-intangible benefits people receive from their interactions with the natural environment. CES contribute to individual and collective human wellbeing, including a sense of place, aesthetic pleasure and cultural identity. The RRFHP project is located on a section of the Kagera River away from settlements and with no physical cultural heritage sites identified in the project area, therefore implying no significant impact on cultural rights.

### ***Impacts on gender issues /relations***

The RPCL and its contractors demonstrated appreciable levels of gender perspective in the execution of the project. Women employees of Jiangxi Water & Hydropower Construction Company (JWHC) China, Joint Venture of Andritz Hydro Germany and Andritz Hydro India indicated that they were being treated fairly and free from discrimination, harassment and violence. They also reported to have independent access to management and local government grievance mechanisms and remedies, in case violations should occur. Joint Venture of Andritz Hydro Germany and Andritz Hydro India provided evidence for providing support to female workers including flexible working schedules and whistle blowing arrangements for sexual harassment. They also reported to use their leverage to ensure that all their business partners apply the gender frameworks and guidance in their operations, in order to respect women’s human rights.

Further, project implementation plans allow for spouses of the affected households to participate independently in livelihood restoration programs. Participation of women in these programs includes gender-sensitive engagement and training methods, through gender-specific activities in agriculture and income-generating activities.



Figure 7: Gender training for Livelihood Projects

### ***Impacts on vulnerable groups***

In the RRFHP project area, three households were identified to be hosting people with disabilities at Kasulo village. The households were provided special resettlement packages besides the rated compensation. The RPCL Liaison Office provided evidence of communication on continuous monitoring of the households hosting people with disabilities to ensure that their needs for adapting to changes are consistently met. Although the study team could not access this group, lower local governance leaders at Kasulo village confirmed the frequent monitoring of needs of people with disabilities in resettled households.

## 4.2. Human rights due diligence in the RRFHP

### 4.2.1. Compliance with human rights due diligence

The World Bank's Environmental and Social Framework (ESF) directs projects to use an updated risk- and impact-based approach to better protect people and environment and to promote improved and lasting development outcomes (*World Bank, 2016*). This assessment, based on environmental and social impact assessment, environmental audit, hazard or risk assessment, and social and conflict analysis, results in the identification of Environmental and Social Safeguards for a project. From the World Bank's perspective, the Environmental and Social Safeguards of the RRFHP were evaluated as high risk, because the negative impacts can be significant. Therefore, contractors were jointly obliged to develop a detailed Environmental, Social, Health and Safety Management Plan (ESHS-MP), to detail and outline mitigation measures and monitor impacts. Similarly, the project's ESIA, approved by Tanzania's National Environmental Management Council (NEMC), also assessed risks and proposed mitigation measures. It concluded that *"all adequate mitigation and compensation measures are applied, the Resettlement Action Plan is fully implemented and the implementation is professionally monitored according to international standards"* (NELSAP-CU, 2014).

In this study the potential impacts of the project have been analysed in a human-rights framework, as proposed by the UNGPs. In this way, the findings from this study shed light on the alignment between the UNGPs, the World Bank safeguards and voluntary initiatives in mega infrastructural projects. In the case of the RRFHP, voluntary initiatives include the protection of water sources and rehabilitation of the Lemela Vocation Training Centre and infrastructure in villages and centres away from the project.

To conduct proper human rights due diligence, four sequential steps are needed. When we evaluate the implementation of human rights due diligence in the RRFHP we find that there has been substantial rigour in the first two steps of (i) identification and assessment of actual and potential human rights impacts, and (ii) integrating the findings into internal functions and processes of the implementing company, RPCL. As the data in Section 4.1 show, impacts on economic rights were either positive (e.g. labour) or well-mitigated (e.g. land). Socio-cultural rights were only minimally impacted and where impacted, sufficiently considered. However, while due diligence processes were conducted, implementation of mitigation measures on health and environmental issues fall short of expected effectiveness.

More gaps in the due diligence process were noted in step (iii) tracking the effectiveness of risk management and mitigation of effects, and (iv) accounting for how impacts are addressed through external reporting. Although the RPLC management indicated that they monitored their operations and those of their third parties, it was noted that there were opportunities for improvement through accounting for impacts by ensuring measures taken are effective and the progressive steps taken are communicated.

Equally important, scheduled external reporting to local stakeholders through local government structures will enable local authorities to respond to concerns requiring follow-up (such as redress) more transparently and timely.

### 4.2.2. Stakeholder consultations, grievance mechanism and remedial procedures

Stakeholder consultations through free, prior informed consent and the presence of transparent grievance mechanisms form a crucial basis for on-going, accessible and constructive dialogues in the implementation of infrastructure projects, while also offering effective access to redress, in accordance with national and international good practices, in cases of harm.

In case of the RRFHP, communities in Rusumo and Kasulo villages have been involved in community consultations on dam safety. Records of at least five joint meetings were shared by both the liaison office and Village authorities.

Moreover, a focal point exists within RPCL, the Community Liaison Office. This Liaison Office is respon-

sible for engagement between RPCL and interested stakeholders. The RPCL routinely collaborates with two structures set up as state grievances mechanism: The Conflict Resolution Committee at District level and a Commission for Redress at regional level. Despite the two structures working synergistically to act on grievances, the Commission for Redress is at regional level and therefore the final body to dialogue with the Liaison office.

The twin arrangement of community engagement either through the Liaison Office or through both the Conflict Resolution Committee and Commission for Redress provide broad avenues of choices for stakeholders. It was observed that grievances by community members were being submitted directly to the Liaison office, as the office is within easy reach of villagers. In addition, the RRFHP project allocated resources for the affected parties to access courts of law in accordance with the Tanzanian legal frameworks. From the community and civil society's perspectives, however, and despite the presence of the committees, there is general dissatisfaction with how the project implementing companies are responding to local complaints like the noise and air pollution. Responses are experienced as neither timely nor transparent.



Figure 8: Community Liaison Office and Community consultations

## 5. Conclusions

Findings from this study indicated that the construction of the Regional Rusumo Falls Hydroelectric Power project, a power-generating large-scale infrastructure project on the Kagera River (NW Tanzania), complied with the World Bank's Environmental and Social Framework screening. This screening aims to safeguard people and environment and mitigate negative impacts from development projects funded by the World Bank. In this way, the project also complied partly with processes to ensure human rights due diligence as recommended by the UN Guiding Principles on Business and Human Rights. The project identified several actual and potential rights impacts and took measures to prevent them. However, gaps are identified in terms of impact mitigation and reporting.

Several impacts on the human rights of communities in Ngara District (Kagera Region) were identified in this study. Overall, the project's human rights footprint was most significant on economic rights of communities, particularly on land and livelihoods. Communities in Rusumo village experienced the most direct impact due to forced relocations, while those in Kasulo village suffered from limited access to their land. These impacts were compensated by the Regional Rusumo Falls Hydroelectric Power project. Affected people considered these compensations sufficient to enable them to resettle with stability. The project is also found to positively contribute to employment and business opportunities. Impacts on socio-cultural rights seem limited and, where present, considered sufficiently. However, greater attention needs to be paid to health and environmental mitigation measures, which – at present – do not suffice considering the impact of the project. Further, strengthening the impact monitoring of project activities and ensuring transparent communication will greatly add value to demonstration of accountability in this large-scale infrastructure project.

As the Government of Tanzania is stimulating the roll-out of many mega infrastructure projects, including hydropower projects, crude oil pipelines and standard gauge railway lines, establishment of a human rights framework as a statutory requirement should be considered a priority. This is especially needed considering that most infrastructural projects are located in rural areas where communities are less exposed to governance systems and have limited access to information.

The Regional Rusumo Falls Hydroelectric Power project provides a useful learning point for both corporate responsibility in complying with the UN Guiding Principles on Business and Human Rights and the government's duty to effectively protect human rights and to ensure access to remedy.

## 6. Recommendations

Based on the findings of the study, the following recommendations were drawn:

1. The RRFHP is an opportunity and living laboratory for Tanzania's Commission for Human Rights and Good Governance (CHRAGG) and other regulatory institutions to accelerate popularization of the United Nations Guiding Principles on Business and Human Rights across local government authorities, business actors, trade unions, civil society, media, and the Tanzanian citizens in general.
2. The absence of a framework to guide proactive and routine collaboration between CHRAGG and regulatory institutions to track human rights due diligence processes in large-scale infrastructure projects, limits monitoring of compliance. It is therefore critical for CHRAGG as a frontline institution to provide methodological support to local government authorities to engage with multi-stakeholders in compliance monitoring.
3. The complexity of frameworks to ensure due diligence, each with a different focus (e.g. environmental, social, human rights, ...) and different guidelines, could be overwhelming for a local government with little or no experience engaging with multinational corporations in mega infrastructure projects. A "whole government" approach is necessary for engaging corporate sector actors involved in infrastructure projects to roll out proper due diligence procedures, in alignment with the UNGPs-compliance monitoring. This could be done through their networks like the Infrastructure Transparency Initiative (CoST).
4. Despite the absence of a national framework for business compliance on Human Rights, corporate institutions and networks should adopt strategies for human rights due diligence through effective implementation of codes of conduct and contractual provisions as primary entry points to alignment with the UNGPs.
5. The surging investments in mega infrastructure projects calls for urgent consideration on establishment of a national framework on business and human rights, aligned with the UN Guiding Principles on Business and Human Rights.

## 7. References

- Japan International Cooperation Agency. 2019. *Scaling Up Business Impact on the SDGs*
- NELSAP-CU.2014.*Environmental and Social Impact assessment Summary, RRHPP*
- Rusumo Power Company Limited. 2019.*The Regional Rusumo Falls Hydroelectric Power Project Update, November 2019*
- Swiss Development Co-operation. 2016.*Information of the Swiss Agency for Development and Cooperation SDC and of the State Secretariat for Economic Affairs SECO,2016*
- United Nations Environment Program. 2019. *United Nations Environment Programme, Policy Brief 1, Making Infrastructure Resource Efficient, 2019)*
- United Republic of Tanzania .2017. *National Baseline Assessment of Current Implementation of Business and Human Rights in The United Republic of Tanzania*
- United Nations. 2011. *Guiding Principles on Business and Human Rights-Implementing the UN Protect, Respect and Remedy Framework, 2011*
- World Bank.2016. World Bank Safeguards consultations page: <http://consultations.worldbank.org/consultation/review-and-update-world-bank-safeguard-policies>
- World Bank. 2018. *Environmental and Social Standards*. <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>



## The IMPACT OF LARGE INFRASTRUCTURE PROJECTS ON BUSINESS AND HUMAN RIGHTS: CASE OF ENERGY SUPPLY IN MWANZA RURAL COMMUNITIES, TANZANIA

Tanzania chamber of commerce industry and agriculture (TCCIA)

*mwanza@tccia.com*

**August 2020**



## Acknowledgements

Tanzania Chamber of Commerce Industry and Agriculture (TCCIA), through its Board of Directors, the Management and all the staff at Mwanza regional office recognises the efforts and contribution in attaining this Business and Human Right study in Mwanza rural communities. The chamber sends its gratitude to IPIS for funding the study. Special thanks should get to Mr Elard Mawala, IPIS Local Coordinator for Tanzania office, for coordination and provision of Business and Human Rights awareness and preparatory workshop, Miss Mieke Thierens, IPIS International office, and the Tanzania team - Miss Rose Ugulumu, Miss Jovina Muchunguzi, and Mr. Philemon Thomas - for evaluation of and feedback on drafts of our study. The Chamber also acknowledge Mr. Julien Marquet IPIS Logistics and Partnership office for facilitating the signing of an MoU and effecting transfer of funds to carry out this study. Special thanks should go to TANESCO and the representative for Rural Energy Agency (REA) Mwanza region for positively responding to our interview questions and provision of necessary information on power supply in the region. Vote of thanks also goes to Misungwi District Community Development Officer (DCDO) and Kwimba District Trade Officer (DTO) for their invitation and providing access to both Misungwi and Kwimba Village Executives (VEO) for one-on-one interviews. Same vote of thanks applies to the VOs who made arrangements for telephone interviews to each individual within their locations. Generally, the Chamber would like to send special thanks to all the top leaders and staff working with IPIS whose names are not mentioned in this list, who either direct or indirect participated in making this study possible. Business and Human Rights Tanzania (BHRT), the Commission for Human Rights and Good Governance (CHRAGG), Governance Links Tanzania, the Legal and Human Rights Centre (LHRC) and IPIS' project manager in Tanzania.

Publication prepared in the publication series "Voices from Tanzania". This series is part of the 'Improving monitoring, research and dialogue on Business & Human Rights in Tanzania' project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.

## Table of contents

<b>Acknowledgements</b> .....	<b>55</b>
<b>List of Abbreviations</b> .....	<b>57</b>
<b>Executive summary</b> .....	<b>58</b>
<b>1. Introduction</b> .....	<b>59</b>
1.1. Background Information .....	59
1.2. Problem Statement .....	60
1.3. Description of the Study Area.....	60
1.4. Objective of this study .....	63
<b>2. Methodology</b> .....	<b>63</b>
<b>3. Findings and analysis</b> .....	<b>63</b>
3.1. Human Rights Due Diligence.....	64
3.2. Human Rights in Misungwi and Kwimba Districts .....	64
3.2.1. <i>Corruption and Bribery</i> .....	64
3.2.2. <i>Employment</i> .....	65
3.2.3. <i>Land rights</i> .....	65
3.3. Community Awareness on Human Rights In Misungwi and Kwimba Districts.....	66
3.4. Access to Remedy .....	67
<b>4. Conclusions</b> .....	<b>67</b>
<b>5. Recommendations</b> .....	<b>68</b>
<b>6. References</b> .....	<b>69</b>



## List of Abbreviations

BSR	Business for a Social Responsibility
CHRAGG	Commission for Human Rights and Good Governance
CHRB	Corporate Human Rights Benchmark
DC	District Commissioner
ETDCO	Electrical Transmission and Distribution Company
HRDD	Human Rights Due Diligence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ILO	International Labour Organization
IPIS	International Peace Information Services
LA	Legal Association
LV	Large Voltage
MV	Medium Voltage
NBA	National Baseline Assessment
NHRAP	National Human Rights Action Plan, United Republic of Tanzania,
REA	Rural Energy Agency
TANESCO	Tanzania Electric Supply Corporation
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNGP	United Nations Guiding Principles on Business and Human Rights
URT	United Republic of Tanzania
TPDC	Tanzania Petroleum Development Cooperation
LNG	Liquified Natural Gas

## Executive summary

This study assesses the impact of businesses implementing power supply infrastructures in two rural districts of Mwanza region, Tanzania (Misungwi and Kwimba Districts). It specifically addresses the impact of the **rural energy supply project** on the human rights of communities in Fella and Mapilinga villages, in Misungwi district, and Shilanona and Isagala villages, in Kwimba district. As data on human rights due diligence of infrastructure projects in Tanzania is limited, this study aims to contribute to the understanding of this topic, in order to raise voices for immediate action.

The study seeks to achieve the objectives by answering these **key questions**: 1) To what extent have contracting companies conducted human rights due diligence while implementing their projects activities at the targeted villages in Misungwi and Kwimba district?; 2) To what extent are the communities of targeted villages in Misungwi and Kwimba district aware of human rights and at what level have these rights been violated by the contracting companies?; and 3) Which procedures for redress or remedy exist and to which extent are communities aware of them?

The **study found** that: 1) Human rights due diligence was not considered by any of the implementing companies during project design and implementation; 2) There are allegations of violations of human rights, including acts of bribery and corruption, labour rights violations and poor land compensations; 3) There is a significant lack of community awareness on issues pertaining to human rights and the extent of adverse effects of human rights violations by implementing company; and 4) An effective grievance mechanism is absent, limiting community members' right to access remedy in cases of harm due to the implementation of the rural energy supply project. Moreover, communities are not aware of their rights during business operations and do not know how to access remedy in case of corporate human rights harm.

Overall, we **conclude** that the lack of human rights due diligence by the implementing companies, combined with the lack of awareness on human rights in rural communities in Mwanza region (Misungwi and Kwimba district), is leaving communities vulnerable to harm.

Consistent with the conclusions, **the study recommendations** include; 1) Business and Government stakeholders are advised to ensure that the component of human rights is incorporated and streamlined in all infrastructure project contracts. 2) Awareness should be raised with business actors on how to comply with human rights due diligence, in order to fulfil their responsibility to respect human rights. 3) Legislation should be put in place to ensure human rights due diligence in the design, implementation and monitoring of all investment projects and business activities. It is desirable that it would be mandatory for business to comply with human rights due diligence in all business operations. This will greatly help to ensure that the rights of people are respected and protected. 4.) Community capacity building programs should be in place, to increase community awareness on matters related to business and human rights, including processes for submitting grievances and obtaining effective access to remedy.

# 1. Introduction

## 1.1. Background Information

As the world population exploded over the last century from 1.65 billion to over 6 billion people, demands for water and energy have increased exponentially. Tanzania has about 58 million inhabitants<sup>1</sup>, of which only 18 percent have access to electricity. At the same time, the country's economy is diversifying and shifting away from its agricultural base. This has added considerable pressure to energy consumption, making the low access rate and other supply limitations an obstacle to economic growth. In addressing these challenges, the country launched long-term visions and national strategies with the objective of meeting the demands for water and energy by 2025 (Aird, 2001; URT, 2017; URT, 1995). This policy decision triggered a massive investment in infrastructural projects in the country, including infrastructure development for rural energy supply.

While infrastructure projects promise positive development for the nation and local communities, the companies implementing these projects should be aware of their potential adverse impacts on human rights. The United Nations Guiding Principles on Business and Human Rights (UNGPs) offer the international standards to identify, prevent, mitigate and remediate business-related human rights impacts. In this framework the states have the duty to protect from human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. Corporations have the responsibility to respect human rights as guided by human rights due diligence (HRDD) processes. A third UNGP pillar is the need for both states and corporate actors to guarantee access to effective remedy should adverse human rights impacts occur due to business activities (United Nations, 2011).

Studies have revealed that at present few business enterprises comply with due diligence principles. The 2019 report by the Corporate Human Rights Benchmark (CHRB) revealed that, of the 200 companies assessed, a large majority failed to meet any of the five basic criteria for human rights due diligence (HRDD) with little indication that companies are implementing any HRDD (CHRB, 2019; BHRT, CHRAGG, IPIS & LHRC, 2019). In Tanzania, the National Baseline Assessment (NBA) on business and human rights also identified several gaps in addressing the corporate impact on human rights, including in sectors/ areas of extractives, agriculture, tourism, infrastructure, labour, land, property, occupational safety and health, environment and rights to effective remedy (CHRAGG, DIHR & SOMO, 2017). In those sectors/ areas' improvement on adherence to human rights and HRDD at times of implementing investment projects is much needed.

Conversely, a lack of human rights awareness in the communities affected by business operations puts them at increased risk for human rights violations during the implementation of these projects. This has raised conflicts between communities and investors, for instance, during the implementation of the Liquefied Natural Gas project (LNG) in Lindi region. As reported by a local newspaper, residents of Mbanja ward in Lindi region, the site of the LNG project, expressed their dissatisfaction with the funding levels provided by the Petroleum Development Corporation (TPDC) as compensation for relocating. *"Contrary to the expectations of many citizens, the relocated people cannot build with the income they have earned and buy land. I do not think they can buy other farms"*, said Mussa Mwaya, a resident of Likongo Village (Nipashe, 08.06.2020).

As data on human rights due diligence of companies in Tanzania is limited, more research is needed to understand the extent of this problem, in order to propose recommendations for change.

---

1 World Bank. Population Total Tanzania, 2019. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TZ>

## 1.2. Problem Statement

Access to sustainable energy has high potential for transforming lives, promoting economic and social development and empowerment of women in rural communities. Large infrastructure projects, such as power supply projects, are necessary to promoting human wellbeing. However, if poorly planned, these projects can trigger not only adverse effects on the human rights but also retard the national goal for economic growth lead by profanation of rural industrialization.

In Tanzania, rural energy supply projects are part of the **National Development Plan**, since the majority of rural Tanzanians had poor access to modern energy services. The Government maintains that rural Tanzania cannot be transformed into a modern economy, and that rural Tanzanians' livelihoods cannot be improved significantly without a dramatic improvement in their access to modern energy services. The **National Energy Policy 2003** sets national energy objectives to ensure availability of reliable and affordable energy supplies, and to promote efficient energy use in order to support national development goals. The policy sets an entirely new approach to modern energy in rural areas of Tanzania and the government has committed itself to develop and implement the new strategy to address modern energy needs to over 85 percent of Tanzanians living in rural areas.

An improved energy supply in the rural areas, through public and private sector participation, will contribute significantly to improving the livelihoods of the rural population and attaining sustainable economic growth. For these reasons, the Rural Energy Board (REB), the Rural Energy Agency (REA), and the Rural Energy Fund (REF) were established and entrusted with the role of promoting, stimulating and facilitating improved access to modern energy services in rural areas<sup>2</sup>. To this aim, the REA manages all energy infrastructure supply projects. It also implements such projects by commissioning activities to national and international companies. It is from this background that allegations about adverse effects of human rights in energy investment projects have evolved, as the result of insufficient practices by implementing companies.

As compliance with human rights due diligence during project design and implementation of infrastructure works is often limited in Tanzania, this study will investigate the practices of rural energy supply infrastructure works in the light of the protection of and respect for human rights.

## 1.3. Description of the Study Area

This study investigates aspects of business and human rights in the rural energy supply infrastructure developments in Mwanza region, Tanzania. The study covers 4 villages in Mwanza's Misungwi and Kwimba districts where REA has been implementing rural energy supply projects (See Figure 1).

---

2 <http://rea.go.tz/AboutUs/AboutREA/tabid/144/Default.aspx>



Figure 1: localisation map of the study area

Misungwi and Kwimba are 2 of the 6 districts composing Mwanza region. The districts consist of 113 and 119 villages, respectively. Not all the villages are touched by power supply and since their establishments (Misungwi in 1995 and Kwimba in 1973) were not connected to the electric grid. In the year 2017, some of the villages in Misungwi and Kwimba districts have been included in the list of 227 villages under REA III phase one for power supply.

Misungwi district is dominated by sukuma tribes with a population amounting to 351,607 people. The main economic activities of the place are agriculture - main crops include cotton and rice -, fishing and animal keeping. The district covers 2,553 square meters, temperature ranges between 25°C and 30°C and rain fall ranges between 500mm – 700mm<sup>3</sup>.

The study was conducted at Fella and Mapilinga villages. Both villages have common social services like a primary school and health care centre/ village dispensary although not necessarily located in each village (See Figure 2).

3 <http://www.misungwidc.go.tz/history>



*Figure 2: Fella village chairman (middle) in conversation with TCCIA (left)*

Kwimba district is also predominantly inhabited by sukuma tribes with a population amounting to 462,663 people. The main economic activities of the place are agriculture - main crops include cotton and rice - and animal keeping. The district covers 3,903 square meters, temperature ranges between 25°C and 33°C and rain fall ranges between 700mm-1200mm<sup>4</sup>.

The study was conducted at Shilanona and Isagala villages. According to 2019 population projections, Shilanona ward was estimated to possess 5614 people and Isagala ward had 3605 inhabitants. Like in Misungwi district, both villages have common social services. These include a primary school and health care centre/village dispensary although not necessarily located in each village but at ward level.



*Figure 3: Mapilinga chairman and district community development officer in front of houses typical for the study villages*

4 <http://www.kwimbadc.go.tz/history>

## 1.4. Objective of this study

This paper asks the question as to what extent contracted enterprises in the rural energy supply project have been considering business and human rights aspects during project implementation and whether communities in Mwanza region (Misungwi and Kwimba district) are aware of their rights and know how to access remedy in case of corporate human rights harm. The following are the specific study questions:

1. To what extent have contracting companies conducted human rights due diligence while implementing their projects activities at the targeted villages in Misungwi and Kwimba district?
2. To what extent are the communities of targeted villages in Misungwi and Kwimba district aware of human rights and at what level have these rights been violated by the contracting companies?
3. Which procedures for redress or remedy exist and to which extent are communities aware of them?

## 2. Methodology

data collections involved the use of both primary and secondary data. Primary data was collected through telephone interviews with community members of two villages in Misungwi district (Fella and Mapilinga) and two villages in Kwimba district (Shilanona and Isagala), Mwanza region. A total of 22 respondents were interviewed. Interviews were stratified to capture 3 high value institutional officials from Business, 2 Community Development Officers, 4 Community leaders, 1 civil society organisation and 12 community members.

One-on-one interviews were made to 3 high value officials: a TANESCO Zonal Engineer, a TANESCO Regional Manager and a REA representative. In this study, face-to-face interviews were limited due to the Covid-19 pandemic. Other respondents were interviewed through cell phones of the community development officers.

The study villages were chosen for their remoteness, for being newly allocated with power supply projects and for the contention about human rights issues raised in those communities. In addition, the indication that the community's awareness and access to effective remedy has been limited, have been among the driving factors for this scoping study.

Considering the sensitivity of the study, a mix of structured and informal questions were asked to the respondents. In this way, an environment suited for detailed conversation and harmonious working with community members and the officials was created.

Several secondary materials were consulted. These include the United Nations Guiding Principles on Business and Human Rights (UNGPs), the Corporate Benchmarks report, human rights studies conducted locally and reports conducted by the United Nations. The study also involved a review of Government, Ministry and REA institutional policies, acts, strategies and project reports. The documents assisted in the analysis of the national status for matters concerning business and human rights in Tanzania.

## 3. Findings and analysis

the study realized that the local contracted company, NIPO GROUP Co Ltd, was terminated from the assignment as a result of lack of capacity to execute the project within the specified 2 years' timeframe (July 2017 to June 2019). A one-year extension was given to NIPO (until June 2020), which they failed as well. NIPO only serviced 92 villages (40%) out of 227 villages they were supposed to cover. The 4 target villages in this study, in Misungwi and Kwimba district (Mwanza region), were serviced by NIPO. In the meantime, the contract has been awarded to Electrical and Distribution Company (ETD Co. Ltd) which

is a subsidiary company to Tanzania Electrical Supply Company Ltd (TANESCO), which is a Government Corporation.

This change of implementor has implications for the responsibilities of both companies in the areas under investigation here. In normal circumstances, TANESCO fulfils the role of conducting risk assessments and awareness raising, while NIPO holds the responsibility for implementing and executing the work. However, in this situation, NIPO Co Ltd was supposed to conduct human rights due diligence and remediation in case of violated rights.

### 3.1. Human Rights Due Diligence

Human rights due diligence (HRDD) is a process that includes all the necessary steps to identify, prevent, mitigate and account for negative human rights impacts related to an activity<sup>5</sup>.

In Tanzania, an Environmental and Social Impact Assessment (ESIA) is a mandatory requirement before undertaking an investment project that will affect its surroundings. ESIA is administered by the Vice President's office and the National Environment Management Council (NEMC). The objective of an ESIA is to establish whether a project has adequately and effectively addressed its (potential) environmental and social impacts and whether appropriate mitigation is in place (Yhdego and Lema, 2016). Although assessing 'human rights' is not an obligatory part of the ESIA process, its execution should reveal key human rights issues (e.g., freedom from forced evictions, right to health, water, just and favorable working conditions, etc.).

According to TANESCO officials, prior to any project implementation, the company holds community meetings and conducts a survey study to identify village power capacity needs. The study is conducted by TANESCO and the report is handed over to REA. The assessment covers requirements for Medium Voltage (MV) lines, Large Voltage (LV) lines, number and sizes for transformers, number of villages and village population. The report also contains details about the current and expected number of business activities and agricultural activities in the area. This procedure is conducted three times: before, during and at the end of project implementation. TANESCO also confirms that an ESIA was conducted, identifying risks and impacts of the project.

While according to TANESCO officials, surveys and impact assessments were conducted, some of the village officials are unaware of this. They indicate that there was no full participation or involvement of some of the community villages leaders and meetings were held inconsistently. For instance, village leaders were unaware of any meetings held at Mapilinga village. According to them, by not involving them, the implementers missed important information to consider while implementing the project, which raises questions on how well impacts were assessed. As TANESCO project reports are internal only, the extent to which impacts were assessed and human rights were considered remains unclear. During our consultations, we could not find any indication that an assessment of human rights was incorporated in TANESCO's studies, or any other study by other contracting companies (e.g., NIPO).

### 3.2. Human Rights in Misungwi and Kwimba Districts

Several issues are reported from Misungwi and Kwimba district.

#### 3.2.1. Corruption and Bribery

In the study areas, the demand for power connections was very high. In fact, interviews with village officials at both Misungwi and Kwimba district revealed that energy demands are still high in the district.

5 <https://www.business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/human-rights-due-diligence>



For instance, at Misungwi district many households still miss power supply connections. In the 5 sub-villages of Fella village, only one sub-village got partial power supply connection. In Mapilinga village only 4 out of 7 sub-villages received power supply during the implementation of the rural energy supply project. The supply that is present usually covers only an area close to the main road, which means that more distant villages and some of the social institutions (e.g., Raising Star and Fella Primary Schools) still lack a connection to power supply.

According to village officials, Fella village alone had 100 applications registered for power connections on top of the current connections made. The struggle to be connected has triggered a scramble for power line connections between community members, as each household was in need for power. Community members complained about bribery and corruption by the contractor's servicemen. It appears those servicemen have been accepting unofficial payments from community members to ensure quick household connections. Those who paid bribes appear to have received the service even though the entitlement was not for them at that particular moment. In Tanzania, corruption and bribery activities are 100 percent forbidden. Such acts are liable to court for an offence of the Prevention and Combating of Corruption Act 2007 (Article 16,17,18). In addition, according to United Nations, corruption and bribery profoundly impact vulnerable communities, either by misdirecting funds that could be spent on healthcare, education or public goods or by preventing participation in democratic process (UN, 2017; UN, 1948 Article 7,21). In the study villages, acts of bribery have clearly caused unequal access to basic services such as power.

### 3.2.2. Employment

The energy infrastructure sector has historically been a male-dominated industry, sometimes resulting in unfair hiring practices, workplace harassment, and favorable treatment for majority groups in promotion and professional development. Respecting employees' rights means securing equal opportunities for every member of their diverse workforce (UN,2017; UN ,1948 Article 2; UN-ILO,1951 C 100, C111; URT, 2004).

According to interviews conducted with TANESCO Officials, cost minimization strategies by NIPO resulted in hiring less manpower to conduct the works than originally estimated. Only 2 teams were hired per village, instead of 5. According to TANESCO officials, NIPO underpaid its casual laborers due to budget deficits. In some cases, wages were not paid on time. Since only a few teams were allocated to perform the work of many, overburdened and long working hours for casual labors seem to have prevailed. This claim was supported by local community leaders. Village Executive Leaders from Mapilinga village pointed out that *"the company was suspected for not paying wages and bills for food vendors on time"*. He added that *"no local manpower was hired from the villages, which means that the infrastructure project did not offer employment opportunities to local people"* In addition, there are also some reported cases and complaints at the regional commissioner's office of the complaint in nature. From these statements it can be concluded that basic elements of Tanzanian labor laws were not respected during the implementation of the power connection works, and the right to just and favorable working conditions was not fully respected. Our findings cannot confirm employment discrimination, although it seems the rural energy supply project did not contribute to local employment in the village communities.

### 3.2.3. Land rights

Power and utility infrastructure projects may require land acquisition and, hence, cause resettlement. This carries the risk that local communities may not be adequately consulted or compensated for their losses. Individual communities are particularly vulnerable to those impacts, and companies are expected to adhere to the principles of "free, prior, and informed consent" when carrying out projects on indigenous lands (UN, 2017; URT, 2002).

In the studied villages, no cases of resettlement were reported. However, we learned about issues with land

acquisition. One particular situation happened in Mwajombo Mapilinga sub-village. There, the contracting company wanted to install power line poles on villagers' land. The farmers complained about crop compensation, as the construction of the powerline involved some destruction on farm crop somehow. The community leaders commented that *"poor negotiations were held between farmers and the company officials and that until the time the project was implemented the company officials had no clue about the need for land compensations"*. The contractor allegedly did not respond to community members' complaints. Instead, he decided to shift the power line construction to the next village, without any discussion with the community members or leaders. This practice seems to infringe on the rights of communities, who had no access to a fair negotiation process and, in the end, didn't receive energy supply either.



*Figure 4: wood poles beside Mwajombo village pathway*

Most village leaders claim not to be involved in the process of installing power supply in the village. They indicate that they just see things happening without being informed or acknowledged. Opposite to that, there are also some good cases where the involvement of village leaders and communities have provided positive results regarding land acquisition. For instance, in Fella, Shilanona, and Isagala villages, communities agreed to receive no land compensations and to allow that their land was taken for free for the installation of the power infrastructure. In these villages, village and sub-village leaders participated in consultations with the implementers, before project implementation. Clearly, this created a certain understanding of the project, leading to this outcome. It is worth noting that, in Tanzania, land compensation is a right to every citizen (URT, 1967). Hence, obtaining land for free in one case should not be taken as a reference for all cases. Despite the fact that communities may consent to giving (part of) their land for free for infrastructure construction, it needs to be guaranteed that such negotiations are held fair and free, to avoid human rights violations.

### 3.3. Community Awareness on Human Rights In Misungwi and Kwimba Districts

Human rights education (HRE) plays a crucial role in creating a world of sustainable development and social justice. According to the 2018 Tanzania Human Rights report by the Legal and Human Rights Center (LHRC), the level of human rights awareness in Tanzania is low. Moreover, there is no specific policy or programme that focusses on human rights education in the country (LHRC, 2018; Mushi, 2018).

During our interviews with communities in Misungwi and Kwimba districts and their leaderships, it was indeed noted that awareness on human rights is very limited. In the villages of this study, people failed to directly define and identify human rights and the extent of the violation by implementing companies. Respondents generally did not know what "human rights" involved. For instance, when we asked a Mapilinga assistant village chairman, *"did the contractor misbehave in considering your land affairs or*

*employment opportunities to young men in the village?*”, the answer would be yes. When we asked the same person to list the human rights violated by the rural energy supply project, he said *“no human right was violated”*. Community members were also unaware of their rights during infrastructure projects like the rural energy supply project. This lack of awareness, which seems to be a result of a lack of human rights education even at superficial level, leaves people vulnerable and companies powerful.

### 3.4. Access to Remedy

Effective grievance mechanisms are an essential part of a company’s due diligence responsibility to ensure respect for human rights. These mechanisms intend to offer remedy when negative impacts cannot be avoided (UN,2011; UN, 1948 Article 8; UN, 1966 Article 2). According to community leaders, the only procedure for filing complaints was submitting the allegations to the village chairman office and, in this way, directly to TANESCO office. We could not find evidence that the contractor, who conducted the works, received the complaints. This was the case at Fella village where the village chairman explained that *“a list of more than 100 households without power connection was submitted to TANESCO’s Mwanza regional office”*. At the time of writing, we did not receive news that something was done with this list submitted to TANESCO. It is possible that this complaint was wrongly submitted to TANESCO. However, this shows that most village leaders and their communities were unsure how to file complaints. As the village leaders were not effectively participating in consultations and project organization at village level, they had not known the formal procedures for submitting the complaints.

Overall, it seems that the contractor was unaware about how to install a grievance mechanism and what the best procedure for complaint handling could be. In this way, no real grievance mechanism was put in place, resulting in weak access to remedy in case of violations. We conclude that the lack of awareness on human rights with the implementing companies led to little consideration of human rights aspects during project design. This is not only the case of energy supply companies as many companies are unaware of human rights and how it applies to them.

## 4. Conclusions

This paper investigates the impact of large infrastructure projects on the human rights of communities in the area of implementation. It considers the case of energy supply projects in Mwanza rural communities, Tanzania. Specifically, the project covers 4 villages, 2 in Mwanza’s Misungwi district (Fella and Mapilinga villages) and 2 in Kwimba district (Shilanona and Usagala villages). The study concludes that in the power distribution sector hereby referring the case of Misungwi and Kwimba districts power project implementing companies such as NIPO Co Ltd, human rights due diligence factors have not been in place hence causing adverse effects in violating human rights at times of project implementation. As contractors do not respond and not taking care of human rights, therefore, this act of abandon has some effect to disrupting government reputation to its citizens despite the fact its done with a good faith and for local economic development.

This study revealed the following:

1. The incomplete execution of the rural energy supply project in Mwanza region has left many communities without access to electricity, needed for economic and social development.
2. Human rights due diligence was not in place. We could not find evidence that the preliminary project survey took into account human rights due diligence factors and there is an assumption that these pillars were not part of the main contract with the implementing companies.
3. There are allegations of violations of human rights, including acts of bribery and corruption, labour rights violations and poor land compensations. Acts of bribery and corruption directly deprived the

communities of fair access to basic services. Employment issues included underpayment, delay in making payments on time and work overburden as a result of hiring only a few people to cover a large volume of work. Issues with land compensation, in some cases, led to the infrastructure being moved to other areas where people did not voice concerns.

4. Overall, community awareness on human rights is very limited, leaving them vulnerable to violations.
5. The lack of consideration of human rights aspects during the design of this infrastructure project has resulted in the absence of an effective grievance mechanism, limiting the right to access remedy in cases of harm. Communities in Mwanza region (Misungwi and Kwimba district) are not aware of their rights and do not know how to access remedy in case of corporate human rights harm.

## 5. Recommendations

The following are the recommendation out of the findings of this study:

1. Business and government stakeholders are advised to ensure that the component of human rights is incorporated and streamlined in all infrastructure project contracts.
2. Awareness should be raised with business actors on how to comply with human rights due diligence, in order to fulfil their responsibility to respect human rights.
3. Legislation should be put in place to ensure human rights due diligence in the design, implementation and monitoring of all investment projects and business activities. It is desirable that it would be mandatory for business to comply with human rights due diligence in all business operations. This will greatly help to ensure that the rights of people are respected and protected.
4. Community capacity building programs should be in place, to increase community awareness on matters related to business and human rights, including processes for submitting grievances and obtaining effective access to remedy.

## 6. References

- Tanzania Development Vision 2015, United Republic of Tanzania, United Republic of Tanzania (URT), (1995).
- Renewables Readiness Assessment, International Renewable Energy Agency (IRENA). United Republic of Tanzania, URT, (2017).
- Land Acquisition Act, Ministry of Land and Human Settlements, United Republic of Tanzania URT, (1967)
- China's Three Gorges: The Impact of Dam Construction on Emerging Human Rights, Sarah C. Aird (2001), Washington College of Law and a staff writer for the Human Rights Brief.
- Tanzania Human Rights Report, Legal and Human Rights Centre (LHRC), (2018)
- The State of Human Rights Education in Tanzania Issues and Challenges, Philemon A.K. Mushi (2018), School of Education, University of Dar es Salaam;
- Environmental and Social Impact Assessment of The Upstream Exploration of Oil and Gas Industry in Tanzania. A Critical Analysis Yhdego, Michael & Lema, Rapheal, 2016. Also available at; [https://www.researchgate.net/publication/311847437\\_environmental\\_and\\_social\\_impact\\_assessment\\_of\\_the\\_upstream\\_exploration\\_of\\_oil\\_and\\_gas\\_industry\\_in\\_tanzania\\_a\\_critical\\_analysis](https://www.researchgate.net/publication/311847437_environmental_and_social_impact_assessment_of_the_upstream_exploration_of_oil_and_gas_industry_in_tanzania_a_critical_analysis)
- Guiding Principles on Business and Human Rights, United Nations, UNGP, 2011. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)
- Cry for small compensation for gas project, NIPASHE newspaper, 08.06.2020
- Corporate Human Rights Benchmark, World Benchmarking Alliance (WBA), CHRB; 2019. <https://www.corporatebenchmark.org/sites/default/files/2019-11/CHRB2019KeyFindingsReport.pdf>
- Voices from Tanzania – Case studies on Business and Human Rights; BHRT, CHRAGG, Governance Links, IPIS & LHRC; 2019. <http://ipisresearch.be/publication/voices-tanzania-case-studies-business-human-rights-vol-1/>
- International Labour Organisation–Equal Remuneration Convention, United Nations ILO C100, UN, 2015. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C100](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100)
- National Baseline Assessment on Business and Human Rights Framework, United Republic of Tanzania, CHRAGG, 2017. [https://www.chragg.go.tz/images/publications/REPORTS/Tanzania-BHR-NBA\\_FINAL\\_Nov2017.pdf](https://www.chragg.go.tz/images/publications/REPORTS/Tanzania-BHR-NBA_FINAL_Nov2017.pdf)
- International Covenant on Civil and Political Rights (ICCPR)-, United Nations, UN, 1966. <https://ccla.org/summary-international-covenant-on-civil-and-political-rights-iccpr/>
- Universal Declaration on Human Rights (UDHR)- United Nations; UN, 1948 <https://www.un.org/en/universal-declaration-human-rights/>
- National Human Rights Action Plan, United Republic of Tanzania, NHRAP. URT,2013 [https://www.ohchr.org/Documents/Issues/Education/Training/actions-plans/Excerpts/Tanzania\\_en%202013-2017.pdf](https://www.ohchr.org/Documents/Issues/Education/Training/actions-plans/Excerpts/Tanzania_en%202013-2017.pdf)
- Land Acquisition Act LAA (Cap 118, 2002), United Republic of Tanzania, URT, 2002. <http://lands.go.tz/uploads/documents/en/1456413954-The%20Land%20Acquisition%20Act%20Cap%20118.pdf>
- Employment and Labour Relations Act (ELRA) of 2004, United Republic of Tanzania, URT,2004. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68319/104204/F-894240970/TZA68319.pdf>
- Village Land Act (VLA) No. 5 of 1999, United Republic of Tanzania, URT, 1999. <http://lands.go.tz/uploads/documents/sw/1456410415-The%20Village%20Land%20Act%201999.%20Cap%20114.pdf>
- 10 Human Right Priorities in the Power and Utility Sectors- Business for a Social Responsibility (BSR). Universal Declaration on Human Rights (UDHR), (1948 Article 1, 2); <https://www.bsr.org/en/our-insights/primers/10-human-rights-priorities-power-and-utilities-sector>
- International Covenant on Economic, Social and Cultural Rights (ICESCR), United Nations UN,1966. <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>





## HUMAN RIGHTS AND CITIZEN PARTICIPATION IN THE TANZANIA STRATEGIC CITIES PROJECT: CASE STUDIES FROM ARUSHA AND DODOMA

Foundation for  
Environmental Management  
and Campaign against  
Poverty (FEMAPO)

*Info@femapo.org*

August 2020



## Acknowledgements

FEMAPO would like to take this opportunity to thank all key stakeholders who made this study possible. Without the financial contribution from International Peace Information Services (IPIS), this study would have not been published and reached a larger audience. So FEMAPO would like to thank IPIS for the significant contribution they made. FEMAPO also would like to thank The Municipal Authority of Dodoma and Arusha for collaborating with FEMAPO and giving us access to reach the local leaders and community members for interviews to gather the information that made this study possible. Last but not least, I would like to thank all volunteers at FEMAPO who gave their precious time to collect data that was used for this study.

FEMAPO is a Non-governmental Organization registered and operating in Tanzania under the Non-governmental Act of 2002. FEMAPO started its operation in 2008 after its registration in April, 2007. Since then FEMAPO has worked tirelessly advocating for the rights of marginalized communities, Environmental Justice, Human Rights, Children's Rights and Accountability issues.

Publication prepared in the publication series "Voices from Tanzania". This series is part of the 'Improving monitoring, research and dialogue on Business & Human Rights in Tanzania' project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.

## Table of contents

<b>Acknowledgements .....</b>	<b>71</b>
<b>List of abbreviations .....</b>	<b>73</b>
<b>Executive Summary.....</b>	<b>74</b>
<b>1. Introduction.....</b>	<b>75</b>
1.1. Background information .....	75
1.2. Study area .....	76
1.3. Study Objective .....	77
<b>2. Methodology .....</b>	<b>78</b>
<b>3. Findings and Analysis .....</b>	<b>79</b>
3.1. Citizen participation and community consultation .....	79
3.2. Human rights violations .....	80
3.3. Access to remedy .....	82
<b>4. Conclusions.....</b>	<b>82</b>
<b>5. Recommendations .....</b>	<b>83</b>
<b>6. References.....</b>	<b>84</b>



## List of Abbreviations

CE	CITIZEN ENGAGEMENT
CEF	CITIZEN ENGAGEMENT FRAMEWORK
CBO	COMMUNITY-BASED ORGANISATION
CSO	CIVIL SOCIETY ORGANISATION
ESF	ENVIRONMENTAL AND SOCIAL FRAMEWORK
ESIA	ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT
FBO	FAITH-BASED ORGANISATION
TSCP	TANZANIA STRATEGIC CITIES PROJECT
TZS	TANZANIAN SHILLING
UN	UNITED NATIONS
UNGP	UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS
WB	WORLD BANK

## Executive Summary

The “Tanzania Strategic Cities Project” (TSCP) is a large-scale infrastructure development project funded by the World Bank (WB) and implemented by the Government of Tanzania. The TSCP aimed at improving infrastructure and urban services in eight fast growing cities in Tanzania, which included Dodoma and Arusha. The project was important to the communities of Arusha and Dodoma Municipals, as it would bring much-needed development and safety to the neighborhoods where it was implemented. However, to ensure that the TSCP effectively brings positive change and improved living conditions to its target communities, basic human rights need to be considered in its implementation. Therefore, in this study, FEMAPO aimed to investigate the protection of human rights and citizen participation in the implementation of TSCP project in 2 of its cities: Arusha and Dodoma.

This study was trying to assess the following three aspects: (1) citizen participation and community consultation, (2) human rights impacts, and (3) access to remedy.

Our findings indicate that the TSCP project in Arusha and Dodoma observed a basic level of citizen participation and community consultations, protection of human rights and access to remedy, as required by the World bank guidelines and the Constitution of the United republic of Tanzania. However, efforts are still required to improve the process of citizen participation and consultation as a way to ensure human rights protection/ impact mitigation and effective access to remedy. As key issues, we have identified: (1) although consultation meetings were organized, insufficient consideration was shown for the inclusion of different stakeholder groups; (2) although no major human rights harm was reported, concerns were raised about fair compensation for property loss due to the TSCP construction works in Arusha; (3) although a grievance mechanism was set up, lack of awareness and easy access for community members hamper its effectiveness.

Overall, our findings show it is important to create awareness in the communities to understand their basic human rights and how to defend and preserve these rights. We conclude that citizen participation and human rights protection are key aspects in any infrastructure investment project.

Based on this study, we recommend the Government of Tanzania and its funding partners (e.g. the World Bank) to put Human Rights protection and Citizen Participation as priorities in the implementation of infrastructure projects. We also stress the need for creating awareness in the communities to understand and defend their basic human rights, and for the implementation of effective grievance mechanisms that are made easily accessible for community members to use in cases of harm due to the implementation of these projects.

The lesson we have learnt from the TSCP project should be used to improve the implementation of other similar projects in the future.

# 1. Introduction

## 1.1. Background information

The “Tanzania Strategic Cities Project” (TSCP) is a large-scale infrastructure development project funded by the World Bank (WB) and implemented by the Government of Tanzania. Eight strategically important, medium-sized cities were chosen for this project: Tanga, Arusha, Mwanza, Kigoma, Dodoma, Illemela, Mbeya and Mtwara <sup>1</sup>. The TSCP project aims to enable these cities to keep up with the pace of rapid urbanization by improving the quality of and access to basic urban services. The TSCP Second Additional Financing project <sup>2</sup> has been under implementation since September 2016 and is focused on three components; namely: (i) Core urban infrastructure and services; (ii) institutional strengthening; and (iii) Implementation support. This study focuses on the first component of the TSCP project (urban infrastructure development and services), as implemented in Arusha and Dodoma. There, several roads were constructed in lower-income neighborhoods as part of the project, as well as infrastructure for business, transport, sanitation and education.

To ensure that the TSCP effectively brings positive change and improved living conditions to its target communities, basic human rights need to be considered in the implementation of this (and any) investment project. At the international level, the United Nations (UN) Guiding Principles on Business and Human Rights (UNGP)<sup>3</sup> offer a framework for the protection of Human Rights in the context of business activities (private and public). The UNGP are grounded in the recognition of (1) the obligations of the State to respect, protect and fulfil Human Rights and fundamental freedoms of its citizens, (2) the role of business enterprises to comply with all applicable laws and respect Human Rights, and (3) the need for the rights and obligations to be matched with appropriate and effective remedies when breached. The UNGP serve as a shield to communities where multinational corporations and International Financial Institutions (like the World Bank) are implementing / financing projects that can potentially cause violations of human rights. The UNGP also stress the necessity to provide appropriate remedy and access to remedy when rights are breached. In Tanzania, the Constitution of Tanzania of 1977 guarantees Human Rights and protection of citizens and their properties. Under the Land Act of 1999 and The Village land act of 1999, citizens of Tanzania have the right to appropriate remedies when their properties, such as land or other immovable properties, are affected by development projects <sup>4</sup>.

Moreover, the TSCP project is implemented under the Environmental and Social Framework (ESF) of the World Bank. The ESF provides compliance standards for implementation of all projects funded by the World Bank. These standards include the Environmental and Social Standards 1 (ESS1) and Environmental and Social Standards 10 (ESS10) which focuses on the assessment and management of social and environmental risks which are caused by the implementation of projects funded by the World Bank. The ESS1 and ESS10 requires the Borrower/Government to avoid if not reduce risks that could lead to social and environmental harm of the affected communities. Though there is no direct mentioning of the term Human Rights in these standards, adherence to these standards is safeguarding mechanism to violation of Human Rights. The ESF puts emphasis on stakeholders’ participation as a means of upholding human rights and accountability. As a WB-funded project, the TSCP project is expected to follow the implementation standards provided in the ESF, including those on Citizen/Stakeholders participation. The Citizen Engagement Framework (CE) of the World Bank also provides a mandatory framework for citizen participation for all WB-funded projects. Citizen Engagement aims to strengthen engagement processes between governments and the private sector and citizens at the national, regional, local, or sectoral level, as applicable. As such, it plays a significant role in making public and private institutions more transparent, accountable and effective to respond to the needs of the people.

1 <https://projects.worldbank.org/en/projects-operations/document-detail/P159489>

2 This is the follow-up project and funding to the first project phase that was implemented by the WB in 2010-2015

3 [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

4 <http://extwprlegs1.fao.org/docs/pdf/tan23795.pdf>

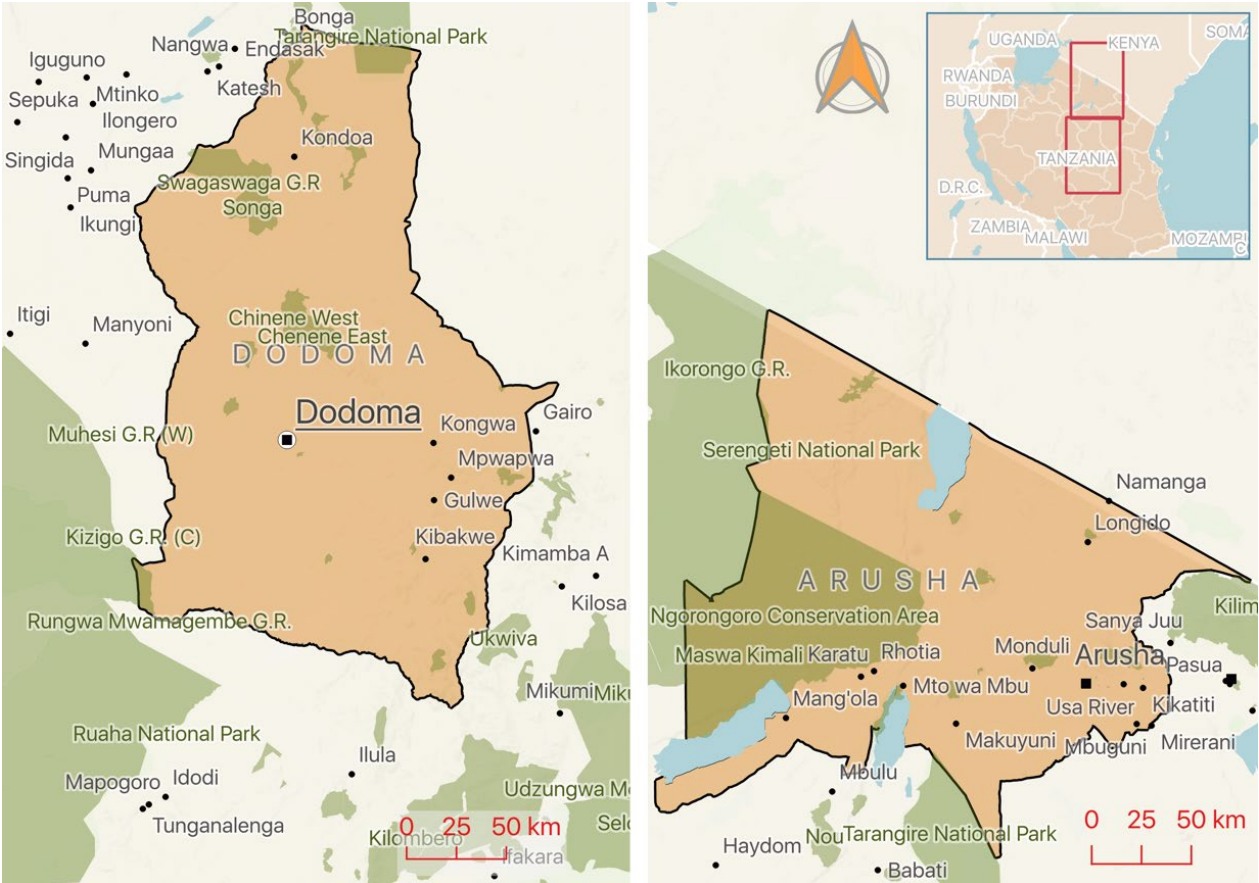
These frameworks and their objectives are all the more relevant considering the context of the TSCP. The project areas in Dodoma and Arusha targeted by this study are dominated by lower-income citizens, whose voices and rights are often ignored in the implementation of investment projects. An assessment of the protection of their human rights and the amplification of their voices in this matter is therefore much-needed.

### 1.2. Study area

In this study, we focus on selected infrastructure constructions in Dodoma and Arusha by the TSCP (Figure 1).

In the capital city of **Dodoma** (central Tanzania), the TSCP project carried out eight (8) infrastructure projects: six (6) road projects, one (1) construction of a Bus Terminal and one (1) of a Central Market place. Ndovu Road, Swala Road, Zuzu Road, Boma Road, Biringi Avenue/Faharini Road, Ilazo Ipagala Road, a Regional Bus Terminal at Nzuguni area main central market were constructed. In this study, we focused on the Ilazo Ipagala Road and the construction of a Regional Central Bus Terminal and a Central Market in Dodoma. The works started in January, 2016 and ended in June, 2020.

The TSCP Second Additional Projects in Dodoma were implemented in planned areas without tarmac roads and street lights. The Ilazo Road project in Dodoma was executed in an area without street lights and tarmac roads which had security concerns during late hours. The introduction of this road and other roads under the TSCP project, and the street lights, aimed to make the area safer. The inhabitants in the areas of Ilazo, Boma and Zuzu where the projects are implemented are mostly employed by the Government, while others are business owners in town who leave early in the morning and return home late at night. The Central Market and the Bus Station projects were built on public land that did not require compensation or resettlement of people. The land had been allocated by the Dodoma Municipal for these purposes.



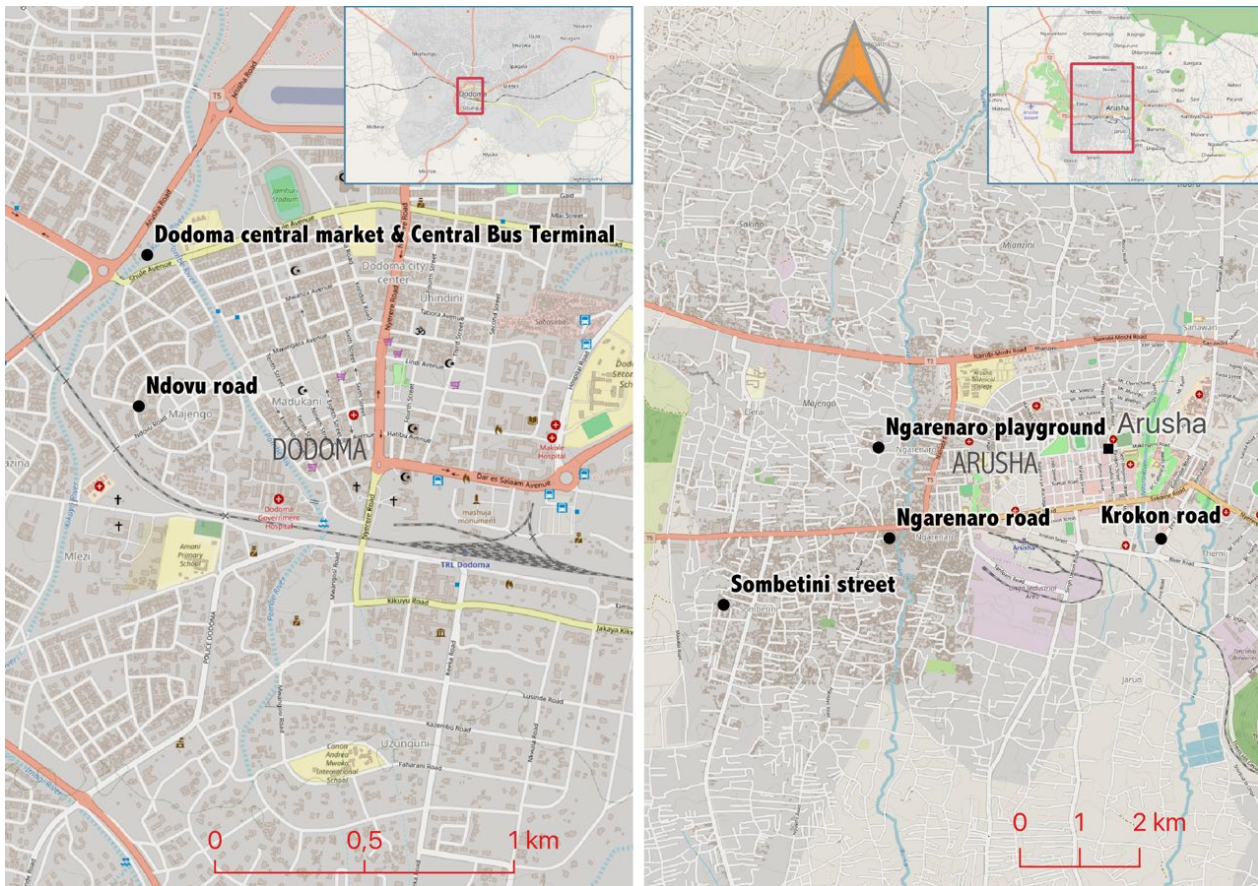


Figure 1: Localisation of study areas within Dodoma and Arusha municipalities.

In **Arusha** the TSCP project constructed Oljoro-Muriet Road, an extension of Njiro Road, Ngarenaro Roads, Krokon Road and Sombetini-FFU Road. It also included the improvement of Garenaro primary school playground, the study and design of a storm water drainage system and the preparation of a drainage and sanitation plan for Arusha City. In this study, we focused on Sombetini-FFU Road, Krokon Road, Ngarenaro roads and the improvement of Ngarenaro School Playground. The works took place between 2016 and 2020.

The areas in which these infrastructure works took place in Arusha are squatter areas (i.e. unplanned areas). In Arusha City, the road projects in Unga Limited, Sinoni and Sombetini are in areas with unplanned settlements which were also lacking basic infrastructure such as roads and street lights. This posed security concerns in these areas, as they had high criminal rates which have now dropped. Most of the inhabitants in the areas where the TSCP projects are implemented are small business owners who use the road sides in the evening for conducting their business activities, such as selling clothes or fast food. Besides safety issues, these communities had challenges in accessing important social services, especially during emergencies, because of the lack of roads. For instance, in case of fire, it was difficult for fire fighters to access these areas. The TSCP project has therefore improved the safety of people in these neighborhoods, including the safety of children. The improvement of Ngarenaro School Playground aimed to provide basic playing infrastructure to Ngarenaro Secondary and Primary School.

### 1.3. Study Objective

This study aims to assess whether the implementation of the TSCP project in Arusha and Dodoma respected and protected human rights and included citizen participation, as described in the UN Guiding

Principles on Business and Human Rights (UNGP), the World Bank's Citizen Engagement Framework (CEF) and Environmental and Social Frameworks (ESF). Study questions are focussed on three key elements:

### ***Citizen participation and community consultation***

- Were community consultations held prior to the implementation of the project?
- How were women and persons with disabilities included in the consultations for the proposed TSCP project?

### ***Human rights violations***

- What impact did the TSCP have on human rights?
- Were human rights violated by the implementation of the project, and if so, which grievances are there?

### ***Access to remedy***

- How is access to effective remedy ensured by the TSCP?
- Are community members aware of a grievance redress mechanism for the project?
- Have grievances been submitted by community members? If so, how have they been dealt with?

## **2. Methodology**

This report presents the results of an initial study by FEMAPO, conducted in 2018/2019, and recent follow-ups (2020).

In 2018/2019, FEMAPO conducted a case study to monitor the adherence of the Government of Tanzania and the World Bank to the commitments of protecting human rights and citizen participation in the implementation of the Tanzania Strategic Cities Project (TSCP) project in Arusha and Dodoma regions. The collection of primary data for this study was done through one-on-one interviews, focus group discussions, and interviews with key informants. These include TSCP Coordinators in Dodoma and Arusha Municipal Authorities and local leaders in the specific project areas where the infrastructure works are conducted. Local leaders at ward and street level were consulted as they are part of the ESF citizen participation strategy. FEMAPO also interviewed some of the community representatives in the project areas to get their direct opinion on how the project impacted them. A total of 55 respondents were consulted in this study: 5 from Municipal Authorities, 15 local leaders and 35 community members. We specifically interviewed vulnerable groups such as women, people with disability and children above 13 years of age. The ESF gives emphasis to vulnerable groups who risk to be mostly impacted negatively during implementation of infrastructure projects.

A concise follow-up study was conducted in July 2020, focused on the impact of the project on human rights since the implementation of the TSCP project in Dodoma and Arusha was completed. Due to Covid-19, all follow up interviews were done remotely, through telephone conversations with key informants. These include Local leaders in areas of key road infrastructure in Dodoma and Arusha, TSCP Coordinators in Dodoma Municipal, and some community members in Dodoma and Arusha who have been impacted by the project. The follow-up study gave FEMAPO an understanding of how the implementation of the TSCP project have positively and negatively impacted the communities in Arusha and Dodoma Municipals.

FEMAPO also consulted secondary data, including the United Nations Guiding Principles on Business and Human Rights (UNGP) and the World Bank's Social and Environmental Safeguards (ESF). These documents provide a thorough framework of how to assess the impacts of development projects on human rights and citizen participation.

## 3. Findings and Analysis

### 3.1. Citizen participation and community consultation

The TSCP project in Dodoma and Arusha was implemented under the guidelines of World Bank's Citizen Engagement Framework (CEF) and the New Social and Environmental and Social Framework (ESF). With these frameworks, the WB wants to ensure that citizens are engaged and are able to express their concerns or development aspirations for consideration prior, during and after implementation of the project.

According to the World Bank guidelines, the TSCP implementers are supposed to conduct community consultation meetings in every locality that will be impacted by the project. In this regard, in Dodoma meetings were conducted in Zunguzi, Ilazo, Zuzu, Boma and Impagala. In Arusha, consultation meetings were conducted in Sombetini, Sinoni, Unga Limited, Ngarenaro and Krokoni. All these areas were impacted by the project. The meetings were open to all interested stakeholders. During these meetings, community members were introduced to the project and how the community will benefit from the implementation of this project.

During the interviews we conducted with respondents in the Ilazo and Nzuguni areas of Dodoma, it was confirmed that citizens were consulted through 5 street meetings that were organized by local government in collaboration with TSCP project coordinators. The consultation meetings were held prior to the implementation of the project, as required by WB guidelines. The consultation meetings are big community meetings that involve the entire community that will be impacted by the project. Besides general information on the project and its benefits, participants were also informed of the grievance redress mechanisms for community members who have complaints or concerns about the project. Community members who would be directly affected by the project were also informed on how they can access their remedies through the Municipal Authority. As World Bank funds cannot be used for compensation, it's the Government that has to compensate people who will be affected negatively by the project.

Community members during these meetings were allowed to provide their inputs on any matter or concern. During the interviews, Mr. Msinta, a Ward Counselor at Majengo area (Dodoma) where construction of roads for TSCP project will be done, said: *"We have experience with road construction from the first phase of TSCP projects. They destroyed the water infrastructures completely which caused serious problems of access to water. Therefore, for us the consultations meetings are important so as to clear expectations, as we do not want them to cause water access problems to the communities by cutting water pipes"*.

Through these meetings, the government, who is the implementor of the TSCP project, acquired a social license to operate from the community members from the start. However, concerns are raised on the limited scope of the citizen participation. Several groups that are also part of the affected communities, besides local inhabitants, were not consulted. For instance, civil society organisations (CSOs), community-based organisations (CBOs), faith-based organisations (FBOs), children and people with disabilities were not included. This seems to be the result of the limited stakeholder analysis by the project and the means of inviting stakeholders to participate in the consultation meetings. In general, local leaders extended invitations to their community members through announcements that were conducted through Public Addressing Speakers. However, general invitation through public announcements at local level was not enough to reach all key stakeholders. There was a need for using different ways of communication to reach out to CSOs and other stakeholders, besides local inhabitants, who could have contributed meaningfully in the consultation process.

In Arusha, the TSCP project was implemented in the areas of Sinoni, Sombetini, Krokoni and Ngarenaro. Because of the planned road projects in these areas, a significant number of people were to lose their properties to give way for the new roads. Therefore, community consultations in these areas were mandatory for the success of the project. Also in Arusha, the scope of consultations was limited to community members that were directly going to be affected by the project. As was the case in Dodoma, these consultation meetings were conducted prior to the start of the construction works and offered participants

the opportunity to voice questions and concerns. For example, in Arusha Municipal at Krokoni the road passes through a market place. The community members, who are mostly small business men and women at Krokoni clothes market, raised a concern on how dust from the road construction will be managed so that they can continue to do their business during road construction. The Arusha TSCP Coordinator assured the community members at Krokoni that they will make sure they water the road two times a day to manage and contain the dust. *“When they came here to talk to us we raised our concern that the road construction here will cause dust. We are doing clothes business here. It is not compatible with dust. The officer promised that they will be able to manage the dust, so we are waiting for them to fulfill the promise when they start construction. This road will be important for us as it will attract customers to our market when it is completed”*, Mr. Odero said, a small business owner at Krokoni market.

Infrastructure works and forced displacement affect different groups of people in a different way, but only a limited community participation was considered by the TSCP. Also in Arusha, no invitations were directed to CSOs, CBOs and vulnerable groups. Women also felt left out of the consultation process. Most of the small business holders in these areas are women who use the roads for their business activities, such as selling roasted maize, cassava, fishes and vegetables. In Sombetini ward and Sinoni Street, women raised their concern that they were not specifically considered in the consultation meetings. Although women were among the community members invited to the consultation meeting, their opinions and concerns were not taken into account. For example, the Krokoni road in Arusha was constructed through a second-hand clothes market where 70% of the people doing business are women. It was important for women to fully participate in the consultations to provide their opinion on how they wanted the Krokoni road project to be constructed.

Lack of women consultations also caused a challenge in the construction of the Dodoma Central Market. It resulted in the situation where most women were not considered in the distribution of business spaces in the central market after the completion of the project. However, women were able to raise their concerns afterwards and the Dodoma Municipal intervened to provide business spaces to women.

Overall, we can conclude that, although participation and community engagement was set up, it did not ensure true consultation and representation of all groups. CSOs and vulnerable groups such as people with disability, children were not considered as key stakeholders in the consultation process and therefore, they were not invited to participate and not meaningfully consulted.

Access to information is another key element to ensure citizens can participate in decision-making on the implementation of investment projects. Getting access to information on the TSCP proved not straightforward. As FEMAPO experienced, official permission from municipal executive directors in Arusha and Dodoma was required in order to talk to local leaders and beneficiaries of the project. Without this, local stakeholders were not allowed to disclose any information to CSOs or other interested parties. Though the Citizen Engagement framework of the World Bank guarantees access to information, in reality the bureaucracy involved is a significant obstacle to local communities who want to be informed.

### 3.2. Human rights violations

While, per Constitution, it is the Government’s duty to protect the human rights of its citizens, as implementor of the TSCP it is also obliged to follow the guidelines provided by the World Bank. This means that the Government of Tanzania through its implementing agencies - the Arusha and Dodoma Municipal authorities - had the obligation to observe the risks associated to the violation of human rights, such as involuntary resettlement and land acquisition for project implementation. Such actions could potentially result in the violation of economic rights of the people.

The process of community consultation is one way in which the government of Tanzania attempted to mitigate the potential harm to Human Rights. It also conducted an Environmental and Social Impact Assessment (ESIA) of the project. The Environmental and Social Impact Assessment of Arusha TSCP proj-



ect<sup>5</sup> identified some of the negative environmental and social impacts that could result in loss of lives, including the spread of HIV/AIDS and air pollution which can result into tracheal infections especially to workers. The Government of Tanzania also had a Resettlement Plan Framework in place for the purpose of safeguarding individuals and groups that will potentially be impacted by the project implementation. The Physical Cultural Resource Plan was also put in place to deal with situations where Physical Cultural Resources (e.g. grave sites) were to be harmed in the cause of implementation of this project.

During the interviews, FEMAPO realized that most of the community members were not aware of their basic human rights. Hence, for them it was not easy to establish the linkage between the implementation of the TSCP projects in the area and the violation of their rights. Besides complaints about representation during consultation (see Section 3.1), respondents did not mention any serious harm or negative effects due to the TSCP. What was most evident to local communities were the perceived benefits of the infrastructure built in their areas.

In Arusha, one major complaint we noticed was on compensation issues. In the Unga Limited-Murriet Road 198, people lost their houses and properties to make way for new roads and in the establishment of the Murriet landfill buffer zone. A total of 44 properties were affected and compensated. Community members whose properties were destroyed complained that they were not being paid a fair compensation. Because their properties were in prime areas (in the city and near roads), they thought they will be highly compensated as per the market value. However, the Arusha City Council were compensating them according to the land laws of Tanzania which only compensate what you have developed on the land and not the value of the land per current market. This difference in people's expectations on compensation and the actual compensation paid is a direct result of the land laws of Tanzania. In Tanzania, there is no private ownership of land. All land is public, vested in the President on behalf of its citizens (Land Act, 1999). Therefore, if the government wants to repurpose land for public interest, it only compensates what was developed on the land, not the value of the land itself. Therefore, fair compensation in the eye of those whose land is taken is rarely the same as fair compensation by the terms of the government.

According to the World Bank policy, compensation funds are not part of the World Bank obligations in the TSCP project, so the Government of Tanzania is the one responsible for compensation. In implementing any infrastructure project that will require people to be resettled or properties to be destroyed, the Government is obliged by law to compensate all community members that will be negatively impacted by the project. Therefore, the Government in Arusha conducted a valuation of properties that will be affected by the TSCP project and put a plan in place to compensate the affected community members. According to the TSCP Coordinator in Arusha Municipal, more than 700 million Tanzanian Shilling (TZS; ca. 250,000 euro) were paid to individuals to compensate property losses. For individuals to be compensated they needed to have a proof of ownership of the properties, either a title deed or any other document that verifies ownership.

In Dodoma there were no complaints on compensation because no properties were lost during the TSCP infrastructure works. However, there was a case raised over the loss of family cemeteries in Ilazo road. As the road was passing through a family cemetery, the family that was affected wanted to be compensated and supported by the government to relocate the graves to another place. According to our interviews, their concerns were heard by authorities and the family was compensated 8,000,000 TZS (ca. 3000 euro). This supported them to relocate their family graves elsewhere.

Overall, we conclude that no major violations of human rights were reported during the TSCP project. The human rights that were affected in the TSCP project are the freedom of expression and the right to fair compensation for people's properties.

---

5 <https://www.tamisemi.go.tz/tscp>

### 3.3. Access to remedy

Access to remedy in case harm occurs, is a pillar of the UN Guiding Principles on Business and Human Rights. Governments and businesses have to make sure that those harmed can express their grievance and that they have a fair chance of getting effective redress.

TSCP officials and local government leaders said that the TSCP project has a complaint and grievance redress mechanism from the lower level of the project to the national level. In case community members have concerns about the project, there are several community project management committees which are responsible for receiving community concerns and submitting them to the TSCP coordinator at the district level. One of the key responsibilities of the government during community consultations is to inform the community members on how their grievances can be heard and solved. Indeed, during the community consultations in Dodoma and Arusha, community members were introduced to the grievance redress mechanisms of the TSCP project.

However, during the interviews with community members in the project area we noticed that a significant number of community members were not aware of the grievance redress mechanisms. Only a few, who are part of the local government in the project areas, were aware and were able to explain how they can use the available grievance redress mechanism.

Some of the community members who have tried to use the mechanism complained of the bureaucracy involved. Others have mentioned that leaders at the local level do not collaborate well with people who are complaining about the project. Sometimes they are being called “anti-development” for complaining about this investment project. In Sombetini area (Arusha), there were people who were complaining about the amount of money they were paid as a compensation for the loss of their properties, which according to them it was not fair. They indicate that, when they wanted to access the grievance mechanism, they were not given cooperation at the local level.

Overall, despite the complaints of unfair compensation from some of the affected individuals, the government of Tanzania through the Arusha City Council was able to comply with the obligation of compensating the community members whose their properties were damaged to pave a way for the TSCP project in Arusha municipal. Hence enabling the affected communities to have access to remedy for the harm caused by the TSCP project.

## 4. Conclusions

The “Tanzania Strategic Cities Project” (TSCP) is a large-scale infrastructure development project, funded by the World Bank and implemented by the Government of Tanzania, to bring core urban infrastructure and services to eight strategically important, medium-sized cities in Tanzania. In this study, we aimed to assess whether the TSCP project, as implemented in Arusha and Dodoma, respected and protected human rights and included citizen participation.

The TSCP project has shown a significant level of adhering to the commitments of **citizen participation** in its implementation in Arusha and Dodoma. In Dodoma and Arusha, community consultations were held prior, to project implementation, where community members were given information and a chance to raise questions and concerns to the TSCP implementers. In line with guidelines by the World Bank, these meetings aim to make large investment projects more accountable and effective to respond to the needs of the people. However, for consultation meetings to be truly representative and inclusive, more stakeholders should be invited to participate. Vulnerable groups, including women, children and people with disabilities, and community-based organizations are vital stakeholders in any development agenda. The TSCP project as implemented in Dodoma and Arusha has not shown significant consideration for these special groups of stakeholders. This has led to certain shortcomings and grievances during the execution of the project. Access to information, another key element to ensure citizens can fully participate, also proved not straightforward in the TSCP project.

Infrastructure projects can pose a significant threat to **human rights**. The government conducted ESIA and other World Bank requirements to identify the potential environmental and social impacts of the TSCP project and devised mitigation measures to prevent the possible negative impacts on human rights.

In this study, we found that community members were not aware of the possible human rights that could have been violated by the implementation of this project. In general, no significant violations or harm were reported. Community members in Arusha did raise concerns about fair compensation for property loss due to the TSCP construction works. In our analysis, especially the right to free expression, the right to fair compensation and access to remedy for community members could be improved. An effective **grievance mechanism** is one that is transparent and respected, community members are aware of it and have easy and fair access to it in case they have complaints about the project. This seems not to have been the case for the TSCP.

Overall, our findings show it is important to create awareness in the communities to understand their basic human rights and how to defend and preserve these rights.

FEMAPO would also like to emphasize the need to provide clear guidelines on respecting human rights and citizen participation in the implementation of large-scale infrastructure projects in Tanzania.

## 5. Recommendations

FEMAPO would like to put forth the following recommendations as far as the implementation of the TSCP in Arusha and Dodoma is concerned:

1. There is a need for **creating awareness** in the communities to understand their basic human rights. This is essential to enable communities to ensure their human rights are protected and respected during development projects conducted by public or private entities.
2. **Prior consultations of the community** before projects are implemented are critical to acquire a social license for smooth implementation of the project and as part of human rights due diligence. Stakeholders should make this a priority. Continued consultations throughout the implementation of large-scale infrastructure projects is also recommended.
3. Citizen participation and consultation should involve **a wide range of stakeholders**, to ensure that the voices of all are incorporated and all rights are considered. CSOs and CBOs can play a significant role in representing community interests and as an agent of change in the society. It is therefore also important for CSOs/CBOs to be engaged in the consultations.
4. **Access to information** should be more easily available to the public, if citizens are truly allowed to participate in infrastructure projects and have their rights respected. There is a need for more transparency.
5. Effective **corporate grievance mechanisms** for infrastructure projects should be made easily accessible for community members to use in cases of harm due to the implementation of these projects.

## 6. References

- Strategic Framework for Citizen Engagement; World Bank Group (2013)
- The New Environmental and Social Framework; World Bank (2018)
- The UN-Guiding Principles on Business and Human Rights; United Nations (2011)
- Tanzania Stakeholders Engagement Plan; United Republic of Tanzania (2016)
- Constitution; United Republic of Tanzania, 1977
- Land Act; United Republic of Tanzania, 1999
- Village Land Act; United Republic of Tanzania, 1999
- *Environmental and Social Framework*; World Bank, September, 2020 - <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>
- <https://www.tamisemi.go.tz/tscp>
- *Environmental and Social Impact Assessment for proposed additional investment sub-projects in Arusha city*; United Republic of Tanzania, September 2016. <https://www.tamisemi.go.tz/storage/app/media/uploaded-files/FINAL-ESIA-ARUSHA-AF.pdf>
- *Environmental and Social Impact Assessment for additional landfill cells, roads, street lights and drainage sub-projects in Dodoma Municipality*; United Republic of Tanzania, September 2016. <https://www.tamisemi.go.tz/storage/app/media/uploaded-files/FINAL-ESIA-Dodoma-MC-AND-CDA-AF1.pdf>



## LARGE-SCALE INFRASTRUCTURE PROJECTS IN TANZANIA AND THEIR IMPACTS ON HUMAN RIGHTS: CASE OF THE DAR ES SALAAM-MOSHI RAILWAY RENOVATION PROJECT IN MWANGA AND MOSHI URBAN DISTRICTS, KILIMANJARO REGION.

Action for Justice in Society  
(AJISO)

*ajisotz@yahoo.com*

August 2020



## Acknowledgements

This study was supported by the European Union (Grant Maker) through the International Peace Information Service (IPIS) in collaboration with the Tanzanian Commission for Human Rights and Good Governance (CHRAGG) and Business and Human Rights Tanzania (BHRT). This study is part of the third “Voices from Tanzania” publication of the project “Improving monitoring, research and dialogue on Business and Human Rights in Tanzania”. We extend our sincere gratitude for the financial support provided by the European Union and the technical support offered by the three grantees for making AJISO part of the study team for this study and report.

We are grateful for the huge support we obtained from the Government of Tanzania through the District Councils of Mwanza and Moshi Municipality. Such authorities, among other things, granted us with the permits to carry out this study. The Local Government Authorities at the village and street levels connected us to community members who offered us with useful data from their vicinities.

Furthermore, we would like to extend our sincere appreciation to all stakeholders who took their time and share their knowledge with us over the subject through various forms of interviews we conducted including filling out questionnaires.

Publication prepared in the publication series “Voices from Tanzania”. This series is part of the ‘Improving monitoring, research and dialogue on Business & Human Rights in Tanzania’ project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.

## Table of contents

<b>Acknowledgements .....</b>	<b>85</b>
<b>List of Abbreviations .....</b>	<b>87</b>
<b>Executive Summary.....</b>	<b>88</b>
<b>1. Introduction.....</b>	<b>89</b>
1.1. Background information .....	89
1.2. Problem Statement .....	89
1.3. Description of the study area.....	90
1.4. Objective of this study .....	91
<b>2. Methodology .....</b>	<b>92</b>
<b>3. Findings and Analysis .....</b>	<b>92</b>
3.1. Respondent profiles.....	92
3.2. Government Measures.....	93
3.3. Human rights impact of the railway project.....	95
3.3.1. <i>Positive impacts of the railway project</i> .....	95
3.3.2. <i>Negative impacts of the railway project</i> .....	96
3.4. Access to remedy .....	97
<b>4. Conclusions.....</b>	<b>98</b>
<b>5. Recommendations .....</b>	<b>99</b>
<b>6. References.....</b>	<b>100</b>

## List of Abbreviations

AJISO	Action for Justice in Society
BHRT	Business and Human Rights Tanzania
CHRAGG	Commission for Human Rights and Good Governance
EIA	Environmental Impact Assessment
HR	Human Rights
HRIA	Human Rights Impact Assessment
IPIS	International Peace Information Service
SDGs	Sustainable Development Goals
SGR	Standard Gauge Railway
TRC	Tanzania Railways Corporation
UNGP	United Nations Guiding Principles on Business and Human Rights.

## Executive Summary

Tanzania, like many developing countries, struggles to scale up its economic growth while also complying with the Sustainable Development Goals (SDG). Industrial development is seen as the driver for growth. As a result, many large-scale infrastructure projects are ongoing, such as upgrading the country's railway systems.

In undertaking such projects, aspects of Human Rights are often overlooked and compliance with international instruments such as the United Nations Guiding Principles on Business and Human Rights (UNGPR) of 2011 seems challenging. At present, there is limited awareness and detailed information on the nature and magnitude of corporate human rights violations in Tanzania, especially in relation to infrastructural developments. This study was designed to address this information gap.

In this study, we study the revival of the Dar es Salaam-Moshi railway project as a case study for the impact of large-scale infrastructure projects on human rights in Tanzania. The revival of the Dar es Salaam-Moshi railway is one of the large-scale infrastructure projects that has recently been carried out in Tanzania. Like similar projects potential negative implications for human rights are possible, affecting amongst others workers' rights, the right to safe living and healthy conditions, environmental rights, and gender-related rights.

The study aims to assess to what extent the renewal project of the Dar es Salaam to Moshi railway complied with human rights standards and the United Nations Guiding Principles on Business and Human Rights specifically. Key questions therefore were;

- i) What are the human rights violated in implementing the project?
- ii) What measures are taken by the Government for protecting the communities to ensure that human rights are not violated during the implementation of the project?
- iii) To what extent is the surrounding society aware of their rights and remedies available in case of violation?

The study was carried out in Mwanga and Moshi Districts, Kilimanjaro region (NE Tanzania). A total of 40 persons (23 male, 17 female) were interviewed. Multiple research methods were applied, including phone-based/online interviews and one-to-one personal interviews, due to the COVID-19 pandemic and measures to prevent the spread of this disease.

The study's findings indicate that few human rights violations were reported in the renovation of the old railway. Some of the issues that were found include violation of labor rights such as poor working conditions, low wages and long working hours; occurrence of accidents that led to death and injuries of people and livestock; soil erosion; outbreak of communicable and sexual transmitted diseases and matrimonial conflicts such as marriage breakdowns and child pregnancies.

The project brought also positive effects, mainly in the form of economic and employment benefits. The benefits mentioned included reduction of transport costs, increase in trade possibilities, and increased employment opportunities for youth and women, increase in capital gain as well as increased diversification of economic activities.

Regarding access to remedy in case of rights violation, it was found out that only 15% of the respondents stated to be aware of their rights regarding compensations and remedies in case their rights are violated during construction projects or other development activities.

Overall, this study has observed that some measures were put in place to ensure that there is observation, respect and protection of Human Rights in investment projects. However, the actions taken proved not sufficient to make sure human rights violations were avoided during the implementation of the project.

Therefore, it is imperative that the Government and its partners increase their efforts for raising awareness about roles, rights and remedies available in case of rights violations during the implementation of investment projects. The United Nations Guiding Principles on Business and Human Rights can be a guiding tool for the way forward.



# 1. Introduction

## 1.1. Background information

Tanzania is implementing different economic plans with a view of scaling up its economic growth, while also complying with regional and international development initiatives including the Sustainable Development Goals (SDG). The country's economic agenda is ushered by a number of public policies, including the Tanzania Development Vision 2025<sup>1</sup>, and the National Five-Year Development Plan 2016/17-2020/21<sup>2</sup>. The Five-Year Development Plan articulates that the country envisages moving to a middle-income economy, whereby industrial development is mentioned to be a driving force. To achieve this, the country is launching and implementing several mega infrastructural projects to, among other things, improve accessibility of production sites and markets, as well as raising the livelihoods of its people. Some of the ongoing mega projects in Tanzania are the Standard Gauge Railway (SGR), Stiegler's Gorge Hydropower Project, flyover (interchange) roads, modern airports and ports.

In Kilimanjaro, where this study was conducted, one of the recently implemented mega infrastructure projects is the revival of the railway between Kilimanjaro (NE Tanzania) and Dar es Salaam (E Tanzania). This railway was dormant for over 25 years. The railway, also known as the Tanga Line, was first built by Germans in the year 1893 to 1911, between Tanga and Moshi-Kilimanjaro. It was later extended to Dar es Salaam and Arusha. From 1988 onwards, more and more parts of the railway ceased to operate, until it was fully closed in 2009-2010 due to heavy rains. In 2019 -2020 the railway was revived through the Tanzania Railways Corporation (TRC), a state-owned enterprise in charge of rail transport services, infrastructure and its safety and security in Tanzania Mainland<sup>3</sup>. The Dar es Salaam – Moshi railway revival project consisted of replacement of old parts of the railway, digging out old railway tracks and clearing the railway area (i.e. removing herbs, weeds and debris along the railway line). The railway is currently operating between Dar es salaam and Moshi and efforts are being taken to ensure that the part from Moshi to Arusha is also completed<sup>4</sup>.

As many other investment projects, the railway project was greeted with excitement from residents all along its tracks. Communities had expectations of local benefits that would originate from the project, including new jobs for local inhabitants, increased economic activities, a broader tax base for local revenue, easing transportation and movements of people and goods etc.

## 1.2. Problem Statement

The revival of the Dar es salaam-Moshi railway involved employing local people for the construction work and it also involved crossing residential areas. Most local people had no idea of the existence and operations of the railway since it had been dormant for about 25 years. The lack of understanding by the surrounding communities on railway activities and functioning, and overall limited awareness on rights and obligations during investment projects, are creating an environment where violations of rights could occur if no specific attention is being paid.

The implementation of the project potentially touched upon multiple human rights issues, including workers' rights, the right to safe living and health and the right to effective remedies in case violations of rights occurred. Therefore, there is a need for an assessment to find out to what extent this project did comply with human rights standards and the United Nations Guiding Principles on Business and Human Rights of 2011 (UNGP)<sup>5</sup>. The United Republic of Tanzania is one of many countries who committed to implement the UNGP<sup>6</sup>.

1 United Republic of Tanzania Planning Commission (1999);

2 Ministry of Finance and Planning (June, 2016)

3 <https://www.devex.com/organizations/tanzania-railways-corporation-trc-143732>

4 Tanzania Railways Corporation TV; [www.youtube.com](http://www.youtube.com)

5 United Nations (2011). Guiding Principles on Business and Human Rights. Implementing the United Nations "Protect, Respect and Remedy" Framework. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf)

6 See e.g. National Baseline Assessment of Current Implementation of Business and Human Rights Frameworks in the United Republic of Tanzania (2017). [https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba\\_final\\_nov2017.pdf](https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba_final_nov2017.pdf)

The United Nations Guiding Principles on Business and Human Rights of 2011 (UNGPs) apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure. They are used to enhance standards and practices with regard to business and human rights so as to achieve tangible results for affected individuals and communities, and thereby also contribute to a socially sustainable globalization. The UNGPs are grounded in recognition of: (a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms of its citizens; (b) The role of business enterprises in society, required to comply with all applicable laws and with the responsibility to respect human rights during their activities; (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

### 1.3. Description of the study area

Kilimanjaro Region is one of the Tanzania's administrative regions, situated in the north east of the country. The region is bordered to the north and east by Kenya, to the south by Tanga Region, to the southwest by Manyara Region and to the west by Arusha Region.

The regional capital is Moshi Municipality. According to the 2012 national census<sup>7</sup>, the region had a population of 1,640,087 inhabitants. It is the eighth most densely populated region in Tanzania, with 124 people per square kilometer.

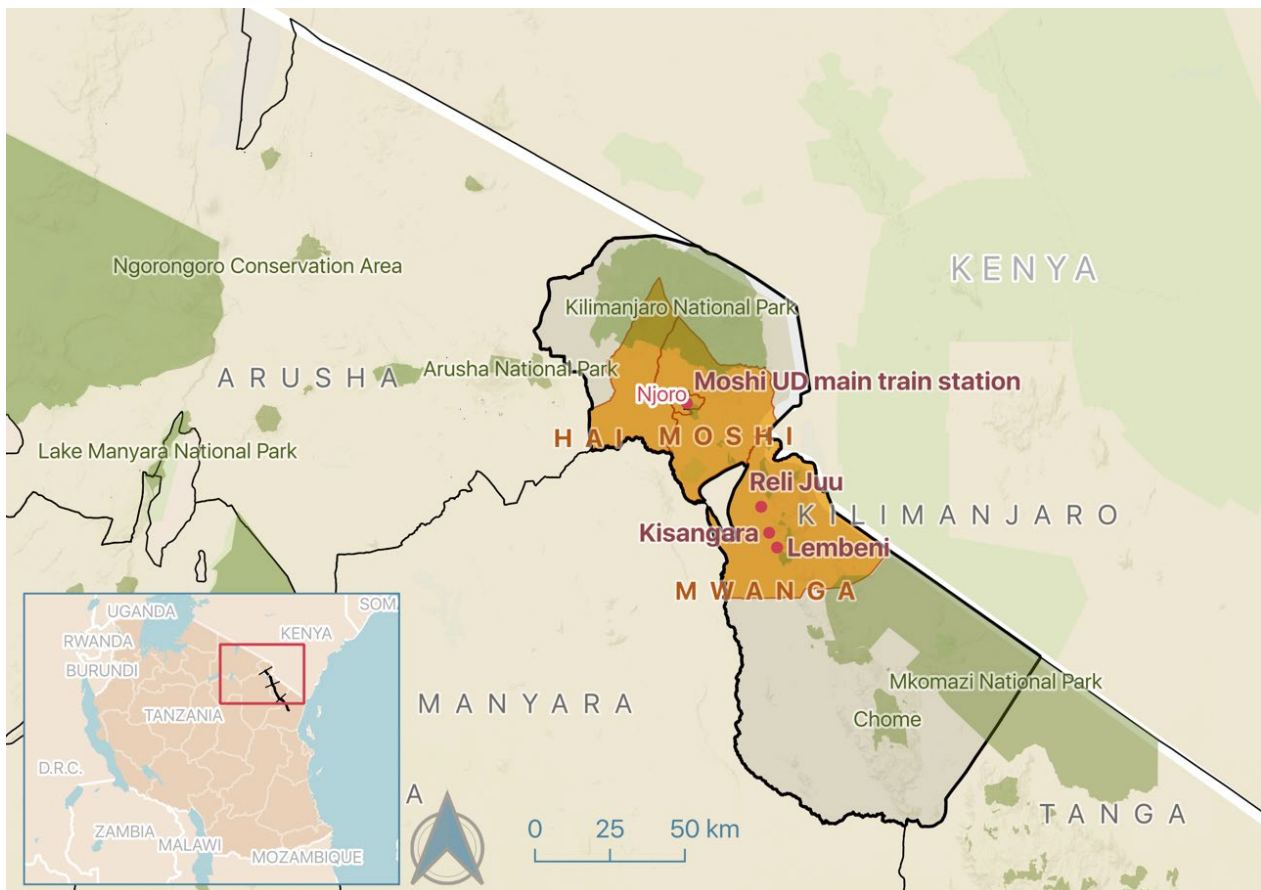


Figure 1: The map of Kilimanjaro region showing the districts (in orange) and locations (in red) where the project was carried out. The route of the Dar es Salaam – Moshi railway is indicated in black (inset map).

Businesses and services are concentrated in Moshi town and the District headquarters, as well as along the tarmac main road which runs from Moshi to Dar es Salaam.

7 National Bureau of Statistics (2013)

The largest part of the region is mountainous, surrounded by the Pare Mountains that range from the base of Mount Kilimanjaro. This zone has increasingly become, and has always been, the most densely populated – even up to an altitude of 2,400 m above sea level. Due to the steep hills, land has become very scarce in the region, which forced inhabitants to move to other regions in Tanzania. A smaller part of the lowlands in the west comprises of marshland, along the Pangani River. Contrary to the dry Maasai plains, this part of the lowlands can be cultivated. In the mountain areas, farming is based on the cropping of banana, sugarcane, coffee, potatoes and yams. In the lowlands, the majority of the populations, including the nomadic Maasai, are cattle-keepers.

In Kilimanjaro, the Moshi-Dar es Salaam railway revival project has involved 5 districts including Same, Mwanga, part of Moshi Municipal, part of Moshi Rural as well as Hai District where the project is still on going so as to reach Arusha Region.

This study has been carried out in two of the five districts, namely Mwanga district (at Kisangara and Reli Juu villages) and Moshi Municipal district (at Njoro Street). In these two districts, villages are very close to the railway line with many people living close to or along the railway track. Many people are also conducting different business activities along the railway area. One such area is Njoro Street (Moshi Municipal district) where there is a big railway station where many people undertake their activities, making it a very busy spot.

#### 1.4. Objective of this study

The study focused on identifying the extent to which the revival of the railway from Dar-es Salaam to Moshi complies with human rights standards as set out by the United Nations Guiding Principles on Business and Human Rights (UNGPR). Specifically, we aim to assess the extent to which the government complies with its duty to protect human rights, how far the project implementers have been able to respect human rights as well as how the surrounding communities can access effective remedies in case of human rights violations.

Specific study questions were:

1. What measures is the Government of Tanzania taking to protect the human rights of surrounding communities of the railway project?
2. What is the impact of the railway project on human rights of the surrounding communities in Mwanga and Moshi?
3. To what extent is the Government safeguarding measures that allow access to remedy in case of human rights violations?
4. To what extent are the communities in the surrounding areas of the project aware of their rights and the remedies that exist in case of violations of human rights?

## 2. Methodology

AJISO used both secondary and primary data collection methods. The secondary data method involved a review of relevant documents, including reports from the government and empirical studies on railway projects in Tanzania<sup>8</sup>, national and international laws, policies and regulations on human rights, labour, environment and investment as well as documents from scholars<sup>9</sup> and the Tanzania Railways Corporation<sup>10</sup>.

The primary data collection was affected by the outbreak of Corona Virus Disease (COVID-19) in Tanzania. Preventive measures were adhered to, including limiting travel and gatherings and encouraging social distancing. Therefore, the study applied as data collection tools:

- 1. Phone Interviews:** AJISO works with different stakeholders including state and non-state actors. As for state actors, AJISO conducted 3 phone interviews with the Ward Executive Officers of Mwanga and Lembeni wards (Mwanga District) and Njoro ward (Moshi District) on how they were involved as local leaders in the process of the revival of the railway.
- 2. One-on-One Interviews:** AJISO conducted 3 site visits to the project areas where a total of 33 (19 Male, 14 Female) people were involved in one-on-one interviews. This includes 15 community members (5 from each study village), 11 business owners along the railway project, 4 railway workers that is 3 who participated in the revival activity and 1 retired railway worker, and 3 government officials including 2 Village Executive officers and 1 street chairman.
- 3. Use of E-Questionnaires:** AJISO distributed 4 e-questionnaires to 4 (3 Male, 1 Female) Tanzania Railways Corporation (TRC) employed workers of Moshi railway station. TRC is the company responsible for executing the railway revival project.

The demographic data collected from the respondents were processed and cleaned in the SPSS version 20. The analysis of collected data is descriptively performed. Frequency and percentages as well as measure of central tendency are used to summarize quantitative findings. These findings are presented in tables and graphs (bar charts and pie charts), where relevant.

## 3. Findings and Analysis

### 3.1. Respondent profiles

A total of 40 respondents participated in this study (3 phone interviews, 33 one-on-one and 4 e-questionnaires). The results (in Table 1) show that over fifty percent of respondents were male (57.5%, 23) while the majority of participants were aged above 25 years (90%, 36).

As detailed in Section 2, respondents included Ward Executive Officers (3), Village and street leaders (3), business owners along the railway project (11), railway workers (4), Tanzania Railways Corporation (TRC) employees (4) and community members from each of the study villages (15).

8 The open University of Tanzania research// repository.out.ac.tz

9 Mzumbe university research // Scholar.mzumbe.ac.tz

10 TRC website and youtube channel

**Table 1. Demographic Information (n=40; f= frequency)**

Variable	f	%
<b>Gender</b>		
Male	23	57.5
Female	17	42.5
<b>Age group of participants</b>		
Below 25 years	4	10
25-35 years	15	37.5
36-45 years	7	17.5
46-50 years	11	27.5
Above 50 years	3	7.5

### 3.2. Government Measures

The United Nations Guiding Principles on Business and Human Rights (UNGP) clearly state that States have an obligation to respect, protect and fulfil human rights and fundamental freedoms by taking appropriate steps to prevent, investigate, punish and redress such abuses through effective policies, legislation, regulations and adjudication. Moreover, as the project is implemented through the supervision of Tanzania Railway Limited, which is a state-owned enterprise, the government has a double stake in ensuring human rights are respected and protected during infrastructure works on the Moshi- Dar es Salaam railway.

Among 40 respondents in the study, 60% (24) declared that the government was taking some measures regarding human rights. Most measures focused on raising awareness on safety in communities near the railway, including:

1. Community trainings that were held before the reopening of the railway for leaders of the respective villages and street who were tasked to raise awareness on safety in railway authorized areas. The trainings were organized by TRC especially in villages close to the railway, such as the project selected villages of Lembeni and Reli juu in Mwanza District and Relini Street at Njoro ward in Moshi District. There, a lot of people are living near the railway areas and have been using the railway area daily as the railway had not been functioning for over 25 years. Community police were trained on security measures to be taken to assist people daily. Officers that were trained are the ones that are within the community most of the time and those that guard the areas surrounding the railway. (Figure 2);
2. After the operations started, TRC conducted public campaigns in the surrounding communities on how to stay safe during the ongoing construction work. This was done through dedicated community meetings and through notices that were distributed randomly to the community members (Figure
3. 32.5% of the respondents mentioned that they had been educated on railway crossing and the consequences of tampering with railway property. Respondents stated that the latter can result in massive punishment, to about 100 years imprisonment.

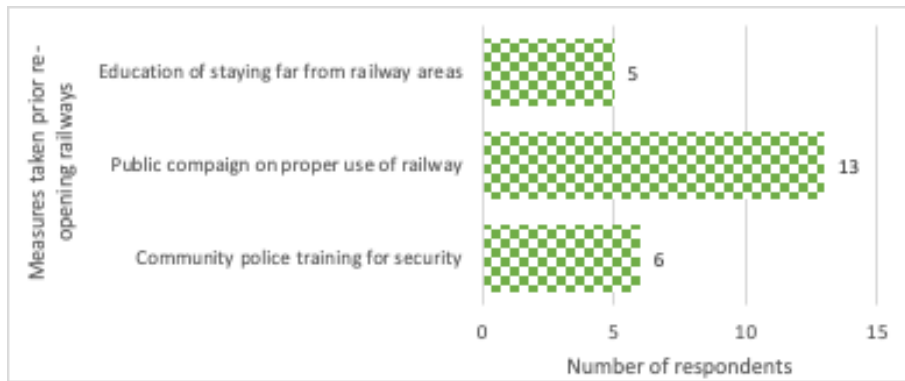


Figure 2: Measures taken by the Government in the implementation of the Railway Project (answers of 40 respondents).

**SHIRIKA LA RELI TANZANIA**

Simu: 2133990  
Telegramu: Railways  
Nukushi: 2133428



Ofisi ya Uhusiano TRC  
S.L.P 76569  
Dar es Salaam

---

**TAARIFA KWA UMMA**

**KAMPENI YA USALAMA WA RELI KWA KUZUIA AJALI, UHARIBIFU NA HUJUMA**

**Dare es Salaam, Januari 28, 2020**

Shirika la reli Tanzania – TRC limeandaa kampeni maalum ya kutoa elimu ya uelewa kuhusu usalama katika reli ili kuepusha ajali, uharibifu na hujuma katika miundombinu na kusababisha vifo, majeruhi, na hasara itakayotokana na ulazima wa kutengeneza treni na njia ya reli.

TRC leo tunazindua kampeni ya usalama katika reli ambapo TRC inawaomba wanachi, taasisi zisizo za Ki-Serikali, viongozi wa Serikali kutoka ngazi ya vijiji mpaka Mkoa na Taifa pamoja na wana-Siasa, kwa pamoja tunaguswa na madhara ya kukosekana kwa usalama katika reli kwani ajali ikitokea itakuhusu wewe binafsi, ndugu, rafiki ama m-Tanzania mwenzio.

Ili tuweze kuimarisha usalama katika reli inapasa kila mwananchi na mdau kwa nafasi yake awe mmstari wa mibele kuhakikisha kwamba yafuatayo yanafanyika;

- Madereva wa magari, pikipiki na baiskeli wawe waangalifu wanapo elekea kukatisha vivuko vya reli
- Muhimu kuheshimu alama zote zilizowekwa kwenye makutano ya barabara na reli
- Kulinda vifaa vya miundombinu ya reli kwa kujiepusha na wizi pamoja na kutoa taarifa ya viashiria vya mtu yeyote anayehujumu au kuiba kifaa chochote cha reli.
- Kujiepusha na uharibifu wa mazingira unaopelekea miundombinu ya reli kuharibiwa na maji ya mvua. Wananchi wajiepusha kufanya shughuli za kijamii pembezoni mwa reli, kwenye hifadhi yote ya ardhi ya reli ya mita 60 njiani, kwenye mipaka ya stesheni pamoja na karibu na kingo za mito.
- Kutoa taarifa ya viashiria vyovyote vinavyo weza pelekea kuathiri USALAMA WA RELI vilivyoelewa hapo juu.

Tunatoa rai kwa wananchi, madereva wote wa vyombo vitembeavyo barabarani, wanaoishi kando kando ama kusafiri katika ushoroba wa maeneo ambako reli ya TRC inapita na kuna vivuko vya reli, katika mikoa yote Tanzania kwa kuzingatia usalama wa reli.

Pamoja na mikoa mingine, naomba kusisitiza kuwa baada ya TRC kuanza kupeleka treni za abiria na mizigo Moshi, wananchi na madereva wanaosafiri katika mikoa ya Tanga, Kilimanjaro, na Arusha wawe makini zaidi kwa kuwa njia hiyo iliacha kutumika kwa muda mrefu na kupeleka wananchi kutofuata taratibu na sheria hasa katika makutano ya barabara na reli.

Mara kadhaa kumekuwa na matukio ya baadhi ya wananchi wasio raia wema wanajaribu kuiba ama kufanya hujuma kwa kutega vyuma relini. Serikali inatambua katika maeneo hayo wanako jaribu kuhujumu ama kutega treni, wapo raia wema. Ili kujiepusha na adha itakayotokana na utekelezaji za kuwasaka wahalifu hao, ni vyema raia wema wote ushirikiano kwa kutoa taarifa kwenye vyombo vya usalama ama viongozi wa Serikali kuanzia na ngazi ya vijiji.

Aidha elimu hii inayotolewa, tushirikiane kutoa elimu hii kwa jamii inayotuzunguka, ili kulinusuru taifa na majanga ya ajali relini pamoja na uharibifu na hujuma kwenye miundombinu ya reli maana reli hii ni mali ya watanzania na imefuliwa kwa fedha za walipa kodi watanzania.

TRC tunaamini mlenzi namba moja wa nchi ni mwananchi hivyo, hima tushiriki kwa kuzingatia usalama pamoja na kuepusha uharibifu na hujuma kwenye reli.

kupitia fursa hii napenda kutambulisha mawasiliano ya simu ya Namba YA BURE ambayo raia yeyote mwema ataweza kuitumia kutoa taarifa bila kubughudiwa;

**NAMBA YA BURE NI: 0800110042**

**RELI YETU, MAENDELEO YETU, TAIFA LETU**

---

  
**Imeandaliwa na Mkuu wa Kitengo cha Uhusiano TRC**  
**Jamila Mbarouk**

Figure 3: Letter released by the Tanzania Railways Corporation to warn the people living near and using railway transport to be cautious during construction works to reduce accidents.

Some respondents also mentioned the construction of safety infrastructure (fences) along the railway to prevent community members from unknowingly entering into the railway area, which could lead to their involvement in accidents that can harm them or even cause death. This was termed to be usefully to the community members since it alerted them on the presence of the railway and reminded them to take precautions to avoid harm by the now functioning railway.

These actions show that “safety” is considered to be one of the main potential impacts of the revival works on the railway by the government.

However, as will be illustrated in Section 3.3, the railway revival caused other impacts, besides safety issues. In this study, we could not find any indications that measures were taken regarding other potential issues, such as environmental, health or labor issues.

### 3.3. Human rights impact of the railway project

#### 3.3.1. Positive impacts of the railway project

70% of the respondents said there were economic and employment benefits brought by the revitalization of the railway in their areas. The benefits mentioned include (Figure 4):

1. 75% of respondents said that the railway re-opening caused reduction of transport costs as they stopped depending on the buses which are expensive. Even the transportation of goods has been made cheaper, fast and reliable compared to use of buses and lorries.
2. 12.5% stated that there was an increase in trade possibilities since the trains are used to transport high quantities of goods with less expenses compared to other means of transports that were used before the revival of the railway.
3. 20% talked about increased employment opportunities for youth and women. The interviewees stated that the revival of the railway has paved a way for youth employment, especially the ones who operate motorcycle taxis known as “Boda Boda” near the railway stations. Women have obtained more opportunities to carry out food business along the railway stations. Also the revitalization work itself promoted local employment as it involved large numbers of local youth who were taken as laborers. Not only from the study villages, but also from nearby regions, people were recruited as employees to undertake the railway revival work.
4. 25% stated that the project led to an increase in capital gain for women food vendors, who cook for the railway workers.
5. 25% talked about increased diversification of economic activities, which leads to economic growth and the growth of surrounding cities such as Moshi and Korogwe where there are main railway stations.

A delegate from Njoro (Moshi Municipal District) said:

*“Many women in the railway street and neighboring streets of Njoro have been able to increase their daily income as they have been able to find affordable booths for their food vendor’s business and other retail businesses at the Moshi station areas. As for the Boda Boda (motor taxi) drivers, they have been able to earn more especially during the arrival and departure of the train due to a lot of passengers be taken to and from the railway station”.*

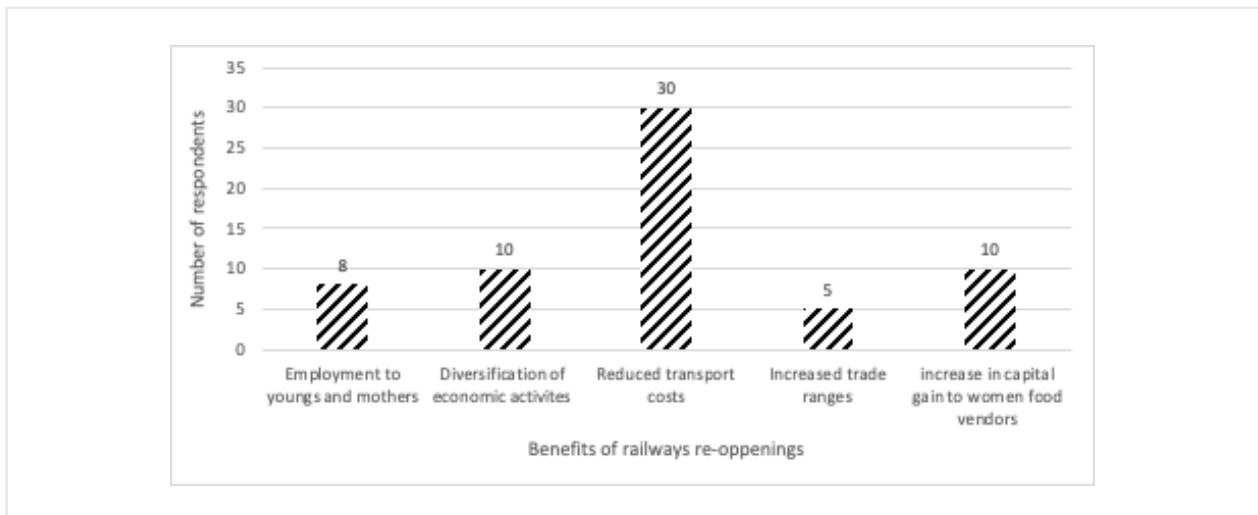


Figure 4: Identified benefits brought by the re-opening of the railway (40 respondents)

### 3.3.2. Negative impacts of the railway project

Several negative effects were reported, mostly on worker rights, accidents, environmental issues, health and women rights (Figure 5).

3 of the respondents were hired by TRC to work on the railway revival project. They were involved in excavating the steel rails of the railway and replacing the damaged ones, and in clearing the areas and grounds along the railway. They reported two main issues they faced regarding **worker's rights**: the right to fair and timely payments, and the right to healthy and safe working environments.

One of the laborers stated that *"We were taken to work as laborers and even have been sent to work in the bush and stay there for three months. When it came to getting paid we were not paid in time, and sometimes we used to be paid less than what we deserved to be paid for the work done and for overtime hours. Sometimes we used to work up to 15 hours a day"*.

Some of these observations are in violation of existing labor laws in Tanzania. For instance, working hours are by law limited to nine hours a day with limited overtime allowed (Section 19(1) (c) of the Employment and Labor Relation Act (2004)).

The members from the community and the laborers that got the chance of working with the railway revival team stated that they worked in hard and unsafe environments. They were not provided with safety tools while working. Fortunately, the revival was completed and operations commenced before the outbreak of Covid-19, so preventive measures against Covid-19 were not required.

One of the laborers was quoted stating the following: *"We worked in very difficult conditions. Sometimes we worked regardless of rain or sun but we didn't even have raincoats or boots. Gloves were also hard to find. We also did not get masks although there was a lot of dust that was caused by excavating the grounds. We were given the tools only when the leaders or inspectors visited"*.

The majority of respondents (60%) reported the occurrence of **accidents** that led to deaths and injuries to people and livestock despite the awareness meetings. Most of the accidents were caused by railway trolleys and passing trains as people failed to observe safety measures while crossing the railway areas (e.g. students crossing the rails where school areas are near the railway). For example, at Kisangara village (Mwanga District), an accident was reported that resulted in the death of a Primary School child of about 9 years. On the part of livestock, at Reli juu village (Mwanga District) it was reported that during the construction of the railway many livestock were hit when crossing the railway areas, with some of them injured and others dead.



There was no loss of property reported by the respondents. As the railway already existed, land ownership was not affected by the revival project.

**Soil erosion**, due to the removal of plants or soil excavations, is another negative aspect of the railway renewal project. Erosion occurred that led to increase of floods and the destruction of near-by farms and roads during rainy season. 22.5% of the respondents testified to this issue and declared that this occurred during the rainy season of March to May 2020. In Mwanga District, at Lembeni Village, community members' farms were flooded by water flowing from holes dug during the rehabilitation of the railway. Also, some pedestrian paths were blocked by floods. The issue was reported to the village authority who presented the issue to the relevant railway authorities. When no any action was taken, members of Lembeni village decided to act themselves by digging out drainages for directing the water to stop the floods.

Outbreaks **of communicable and sexual transmitted diseases** like Cholera and HIV/AIDS, were mentioned by 12.5% percent of the respondents. The railway workers reported the outbreak of cholera in the project areas during the first days of the project. Cases of HIV/AIDS were reported by the community members who link them with the presence of railway workers who for more than 90% came from different areas than the project areas.

**Matrimonial conflicts**, such as marriage breakdowns, and **child pregnancies** were also linked to the presence of the railway project. According to 27.5% of the respondents in this study, the railway workers engaged in sexual relations with married women and students.

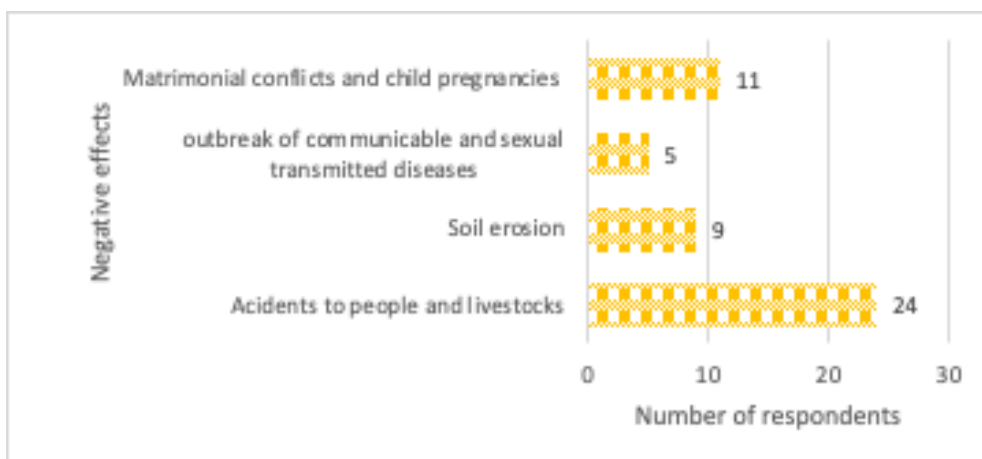


Figure 5: Identified negative effects of the railway reconstruction project (40 Respondents)

### 3.4. Access to remedy

The United Nations Guiding Principles on Business and Human Rights clearly state that as part of States' duty to protect against business-related human rights abuse, States must take appropriate steps to ensure that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy. This can be through judicial, administrative, legislative or other appropriate means, including non-judicial avenues. For instance, Tanzania has a National Human Rights Institution (the Commission for Human Rights and Good Governance) with the mandate to investigate and follow-up on human rights violations. The Tanzania Railway Corporation Act<sup>11</sup> provides for compensation that will be paid by the railway company in undertaking their activities as provided for under Part X from Section 83 to 92.

11 Act No 11 of 1977

For the stated project, no specific measures were set up and no specific communication was organized to inform people about ways to seek remedy in case of complaints or harm. As a result, very few respondents in this study (15%, 6/40) were aware of mechanisms of remediation in case of harm (Table 2). Respondents, who are aware, mostly know compensations as a way to seek redress, with a minor group also aware of legal services (Table 2).

Respondents reported mostly cases of workers and laborers who were injured during their work on the railway revitalization. These cases were reported to TRC as the project implementers whom only assisted the workers in obtaining treatments.

People also complained about injuries to community people and livestock, including the death of a little girl. For all these complaints no compensation was provided since it is believed it was negligence on the part of the people and not something caused by the company.

As mentioned in Section 3.3, when environmental issues were reported to the railway authorities, no timely response was obtained. Villagers were left to find their own solutions.

**Table 2: Remedies Awareness**

Level of awareness	Frequency	%
<b>Awareness of the remedies (N=40)</b>		
Yes	6	15
No	34	85
<b>Kind of awareness reported (N=6)</b>		
Compensations	4	66.7
Legal services	2	33.3

## 4. Conclusions

This study aimed to assess to what extent the railway renewal project on the Dar es Salaam to Moshi railway complied with human rights standards, such as the United Nations Guiding Principles on Business and Human Rights.

The study's findings indicate that few human rights violations were reported in the renovation of the old railway. Some of the issues that were found include violation of labor rights such as poor working conditions, low wages and long working hours; occurrence of accidents that led to death and injuries of people and livestock; soil erosion; outbreak of communicable and sexual transmitted diseases and matrimonial conflicts such as marriage breakdowns and child pregnancies.

The project brought also positive effects, mainly in the form of economic and employment benefits. The benefits mentioned included reduction of transport costs, increase in trade possibilities, and increased employment opportunities for youth and women, increase in capital gain as well as increased diversification of economic activities.

On the issue of measures taken by the Government of Tanzania to protect the human rights of surrounding communities of the railway project, this study found that the government only focused on raising awareness on safety measures to observe by communities in the railway areas.

Regarding access to remedy in case of rights violation, it was found out that only 15% of the respondents stated to be aware of their rights regarding compensations and remedies in case their rights are violated during construction projects or other development activities. When issues were reported, respondents indicate that they are left without solutions.

Overall, this study has observed that the Government has put some measures in place to ensure that

there is observation, respect and protection of Human Rights in investment projects, by setting laws to guide implementation of large scale projects. In the case of the Dar es Salaam – Moshi railway, the Government has also invested in raising awareness on safety to the community. However, this proved not to be sufficient to make sure human rights violations were avoided during the implementation of the project.

Therefore, this study’s findings should provide valuable insights to other implementers of large-scale infrastructure projects all over the country on how to observe human rights standards, as stated in the United Nations Guiding Principles on Business and Human Rights, in their operations.

## 5. Recommendations

We recommend the government and its partners to increase efforts to educate people living in the vicinity of large-scale infrastructure projects to ensure they are aware of the risks, rights and obligations associated with those projects. The government should work together with civil society and community-based organizations to provide needed education and awareness raising to communities to avoid violations of human rights during the implementation of large-scale investment projects.

The government should ensure that the people are aware of and have access to remedies and procedures to be followed to obtain these remedies in case of violation of human rights during implementation of large-scale investment projects.

We also recommend awareness raising with and monitoring of implementing companies/contractors so that they observe the guidelines and Human rights standards in implementing the projects to avoid human right violations during implementations.

## 6. References

- Alphonse M.A. Urio & Janeth Furaha Urio, (2011): The Law on Employment and Labour Relations in Tanzania, Moshi.
- Chriss Maina Peter, (1997): Human Rights in Tanzania, Dar es Salaam.
- <https://www.devex.com/organizations/tanzania-railways-corporation-trc-143732>
- Legal and Human Rights Center, (2010): A booklet on Corporate Social Responsibility in Tanzania, Dar es Salaam.
- Legal and Human Rights Center, (2013): Human Rights and Business Report in Tanzania, Dar es Salaam.
- Ministry of finance and planning (June 2016) ; the National five-year Development plan 2016/17-2020/21.
- Mzumbe University Research // Scholar.mzumbe.ac.tz
- National bureau of statistics (2013), 2012 national census
- Tanzania Railways Corporation: website [www.trc.co.tz](http://www.trc.co.tz)
- Tanzania Railways Corporation TV; [www.youtube.com](http://www.youtube.com)
- Tanzania Railway Corporation Act No. 11 of 1977.
- The open University of Tanzania research// repository.out.ac.tz
- United Nations Human Rights Office of the High Commissioner, (2011): Guiding principles on Business and Human Rights, New York and Geneva.
- United Republic of Tanzania, (1977): Constitution of the united Republic of Tanzania, Government printers, Dar es Salaam.
- United republic of Tanzania planning commission (1999); Tanzania development vision 2025.
- United Republic of Tanzania, (2004): The Employment and Labour Relations National Baseline Assessment of Current Implementation of Business and Human Rights Frameworks in the United Republic of Tanzania (2017). [https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba\\_final\\_nov2017.pdf](https://globalnaps.org/wp-content/uploads/2017/11/tanzania-bhr-nba_final_nov2017.pdf)
- [www.kilimanjaro.go.tz](http://www.kilimanjaro.go.tz)







*“Voices from Tanzania” is a collaboration between Tanzanian civil society organisations, the Tanzanian Commission for Human Rights and Good Governance (CHRAGG), Business and Human Rights Tanzania (BHRT) and the International Peace Information Service (IPIS). This publication is part of the ‘Improving monitoring, research and dialogue on Business & Human Rights in Tanzania’ project implemented by CHRAGG, BHRT and IPIS, with the financial support of the European Instrument for Democracy and Human Rights.*

*This third volume of “Voices from Tanzania” presents studies with a focus on “the human rights impact of large-scale infrastructure projects”, as conducted by Pilot Light Development Organization (PILIDO), Governance Links Tanzania, Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA), Foundation for Environmental Management and Campaign against Poverty (FEMAPO) and Action for Justice in Society (AJISO).*

**Contact: [bizhumanrightsTanzania@gmail.com](mailto:bizhumanrightsTanzania@gmail.com)**

With contributions by



Project  
funded by the  
EUROPEAN UNION

With the support of