


	<p>Economic Evaluation, Preliminary Design, Detailed Engineering Design and Preparation of Tender Documents of the Ubungo Intersection</p>	<p>Doc. no. : AES-P-DE-I-04 Rev. : 00 Date : June 2015 Page : i of 111</p>
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Economic Evaluation, Preliminary Design and Detailed Engineering Design of Ubungo Intersection

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LIST OF ABBREVIATIONS/ACRONYMS

BRT	Bus Rapid Transit
CBO	Community Based Organization
DART	Dar Rapid Transit Agency
DAWASA	Dar es Salaam Water Supply and Sewerage Authority
DAWASCO	Dar es Salaam Water Supply and Sewerage Company
DGRC	District Grievance Redress Committee
GoT	Government of the United Republic of Tanzania
IR / PR	Inception Report / Progress Report
KMC	Kinondoni Municipal Council
MEO	Mtaa Executive Officer
MGRC	Mtaa Grievances Redress Committee
MOW	Ministry of Works
PAP	Project Affected Person
RAP	Resettlement Action Plan
RoW	Right of Way
TANESCO	Tanzania Electric Supply Company
TANROADS	Tanzania National Roads Agency
TCRA	Tanzania Communication Regulatory Authority
ToR	Terms of Reference
TPDC	Tanzania Petroleum Development Corporation
TTCL	Tanzania Telecommunications Company Limited
WB	World Bank
WEO	Ward Executive Officer

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Last but not least, the team thanks the University (Chuo Kikuu) Mtaa and Ubungo Ward officials and local community (PAPs) for their cooperation at all stages of RAP Planning and Implementation.

CHAPTER ONE

1 INTRODUCTION

1.1 Project Background

Due to the major development and population growth in Dar es Salaam city which is estimated to be 4,364,541 million people as per 2012 National Census, the traffic congestion has become one of the major issues for citizen in the city. Nowadays it is approximated that more than 120,000 private vehicles move on the city's roads daily, and the traffic jams are becoming even more acute as they can also be noticed during weekends. The Centre for Economic Prosperity (CEP) recent study indicates that a motor vehicle often spends up to two hours to cover a 16- kilometer trip, a distance which could have spent only 15 minutes, if there was no traffic congestion.

During the colorful ceremony for foundation stone laying for the Phase 1 Construction of Dar es Salaam Bus Rapid Transit (BRT) infrastructure held on 19th September 2012 at Jangwani area, his Excellency Dr. Jakaya Mrisho Kikwete, the President of the United Republic of Tanzania was briefed about the current design at the Ubungo junction that; the design provides for at grade traffic crossing which is controlled by traffic lights. In order to give priority to BRT buses, the right turn is not allowed at the junction, instead the right turning vehicles have to turn first to the left and then make a "U" turn to the junction. This arrangement was noted to inconvenience significantly the mixed traffic movement and will create traffic congestion at the junction.

Following the briefing; the President supported the idea of constructing Grade Interchange at the junction and directed that, the World Bank should be requested immediately for financial support. In order to avoid disruption of the BRT operation in future, it is important for the construction of the Grade Separated Intersection to be done concurrently with the ongoing construction of the road.

In fulfillment of the above mentioned President's directive to improve the current design of the Ubungo Intersection and to explore and assess alternative options, the Government is undertaking economic evaluation study, preliminary design, detailed engineering design and preparation of tender document for a grade separated intersection at Ubungo.

On 20th January 2014 the TANROADS engaged Hamza Associates of Egypt in association with Advanced Engineering Solutions LTD of Tanzania to carry out the Economic Evaluation, Preliminary Design, Detailed Engineering Design and Preparation of Tender Documents of the Ubungo Intersection.

The Draft Environmental and Social Impact Assessment Report were submitted in July 2014 and the Client commented on the submitted reports. The Draft report has been

revised taking into account the comments raised by the Client. The comments have been addressed accordingly throughout the document.

1.2 Objective of the Project

The main objectives of the whole assignment include:

- (i) Conduct traffic analysis of Ubungo intersection considering effect of short, medium and long term transport development plans (roads, ports, railways, airports etc) and other land-use plans for Dar es Salaam in future.
- (ii) Review all previous studies of or related to the intersection and analyze/examine the findings in relation to the prevailing condition.
- (iii) Carry out preliminary design of the intersection including traffic modeling and proposal of at least three scenarios of possible infrastructure options and analysis of each for the purpose of providing free flow of traffic and reduce congestion including plans and profiles.
- (iv) Carry out economic evaluation study and preparatory study for various possible designs on this Intersection being critical for the implementation of the BRT Project in general.
- (v) Develop preliminary construction cost estimate for construction of the intersection and develop a storm water master plan for the study area.
- (vi) Depending on the results of the economic evaluation and preliminary design, the detailed engineering design of Ubungo Intersection including preparation of engineering cost estimates and tender documents will be undertaken for the most viable option.
- (vii) Development of Resettlement Action Plan.

1.3 Project Rationale

Ubungo intersection is one of many controlled intersections in Dar es Salaam that are experiencing very heavy congestion, in particular during peak morning and evening hours. Although heavy congestion is noted mostly during peak hours, the congestion is also noted during off peak hours during weekdays, as well during weekends and public holidays.

The Ubungo intersection in particular is operating at level of service “F” during both peak and off peak hours, thereby necessitating the need of constructing the grade separated intersection to alleviate the problem of the congestion along this junction. Therefore, for that reason discussed above, the intended project when undertaken will help to reduce the magnitude of traffic jam hence it’s rationale to be implemented.

1.4 Objective of Resettlement Action Plan

Considering the space required for construction of a grade separated intersection, properties and several utilities that are located within the Ubungo intersection proximity will have to be moved out to pave the way for the construction of the intersection. The main objective of this RAP is to develop a plan for addressing resettlement issues resulting from implementation of the proposed project.

1.5 Scope of Development of Resettlement Action Plan

Among others, the activities undertaken for developing Resettlement Action Plan include the followings:

- (i) Conducting a preliminary social assessment for the project including assessment of possible land acquisition/resettlement impacts for the proposed grade separated intersection in accordance with national policies and legislations and WB's Guidelines.
- (ii) Preparing and complete screening and impact categorization form for involuntary resettlement for the candidate grade separated intersection option.
- (iii) Defining categories for impact and eligibility of affected people for compensation and prepare a matrix of entitlements covering compensation and other assistance for all types of impacts to fully replace lost assets, income, and livelihood. Assessing whether the compensation standards for all types of assets are based on replacement cost, taking into consideration the market value and discuss in detail the valuation methodology used.
- (iv) Preparing income restoration plans, including the detailed implementation mechanism, to restore incomes of Project Affected People (PAPs).
- (v) Ensuring that the compensation standards are based on replacement value, taking into account the market value..
- (vi) Assisting Government officials to initiate and expand consultation with all stakeholders, including PAPs and preparing a consultation plan and a format for documenting consultation with affected people.
- (vii) Developing mechanisms for addressing Grievances in an easily accessible and timely manner.

1.6 Methodology

The Resettlement Action Plan (RAP) covers relocation and replacement (in kind, or cash) of the assets affected, the compensation and resettlement assistance required. The methodologies involved in developing this RAP, is based on data obtained from the socio – economic study, census, observation, consultation, inventory, and valuation. The data from Ubungo Intersection were collected by Engineers, environmental and social specialists, and valuers for preparation of RAP.

The preparation of RAP involved various activities. The philosophical underpinning of the plan preparation is the use of a participatory approach of major stakeholders including affected communities and PAPs. Among others, the methods and activities employed in the process of developing the RAP include:

(i) Conducting Field Visits

The field visit to project area was done from February to March also in May and June 2014. The field visits were essential to fully visualize the project site capture biophysical environment and the socio-economic conditions in the project area through interviews. In the field, among others, the project information was collected from various sources including TANROADS' Dar es Salaam Regional Office and affected communities. The field visits was conducted to identify the properties to be affected by the project. During the field visits, the following tasks were performed:-

- Observation of social and physical setting of the area;
- Identification of the structures that will fall within the RoW of Ubungo flyover and their distance from the proposed project centerline;
- Held interviews and discussions with officials from the project area and local government including Mtaa and Ward officials;
- Held interview with the affected people and other community members in the project area;
- Identify the livelihood activities of those affected; and
- Observed people's activities and learnt their perception on the proposed project.

(ii) Conducting Literature Review

The field visits were complemented by reviewing the existing literatures related to the resettlement and road development. The literature review involved the identification of the applicable legal and administrative frameworks and policies of the United Republic of Tanzania, and the World Bank Safeguard Policies on resettlement and compensation requirement and mechanism towards resettlement. The purpose of the review was to:-

- Gather knowledge and experience on compensation and resettlement;
- Harmonize differences in resettlement and compensation guidelines between the GoT policy and the World Bank Safeguard Policies;

In this respect, among others, the following documents were reviewed: Tanzania Constitution, Road Act (2007), Local Government Acts (1984), Land Act (1999) and other relevant National Policies and Laws. The review also covered the World Bank Safeguard Policies on involuntary resettlement.

(iii) Conducting Socio-economic Survey

The RAP was developed after conducting socio-economic survey; census and interviews in all settlements within the RoW for the proposed Ubungo Intersection. The purpose of the Socio-economic study was to collect baseline data within the project targeted areas thereby enabling the social assessment of the potential affected populations/communities. In addition, to get the view of the affected people and design the mitigation based on their view and demand. One of the most important reasons for doing Socio-economic survey/study was to get the view of the affected people on what to do to mitigate the adverse impact, including changing the design to reduce impacts. Furthermore, a comprehensive census was carried out to identify affected people.

The socio-economic survey focused on identification of stakeholders (demographic data), socio-economic data such as livelihood, education, social arrangements and the participation process. Also the survey involved identification of the affected people and their property and their production systems, the institutional setting and systems for monitoring and evaluation of resettlement issues.

(iv) Public Consultations

Public consultation and participation are essential because they enable potential displaced persons the opportunity to contribute to both the design and implementation of project activities. Public consultative process involved identification of relevant stakeholders, notification and involvement. This section provides a description of the stakeholder involvement process conducted for the RAP for the proposed Ubungo Intersection improvement project.

Public consultation was a major drive of this social safeguard assignment. Public consultation was used amongst other things to identify the population affected by the project. It also served the purpose of creating and enabling environment for PAPs and stakeholder participation and inclusion in project implementation. As part of the preparation of this RAP the principal outcome of the public consultation process was:

- Communication of the planned project and its objectives to the concerned communities, PAPs and stakeholders;
- The identification of the likelihood and nature of impacts,
- Identification of ownership of land for the project area
- Perception of the community regarding the planned intervention;
- Expression of concerns of the affected community;

- Community commitment and responsibilities towards project successful implementation and,
- Identification of indicators for measuring performance of the RAP

Consultation with affected households and other stakeholders is ongoing and will continue throughout the entire period of the resettlement program implementation. Below is a table showing a number of public and community consultations done indicating dates, places, people consulted and the number of people consulted.

Table 1.1: Public consultation and community participation

Date	Place	Who was consulted	Number of People
09/06/2014	Kinondoni Municipal Council	Kinondoni Municipal Council officials (Public Relations Officer, Municipal Trade Officer, Municipal Engineer and Municipal Economist and Municipal Cultural Officer).	5
	Ubungo Ward Offices	Ward Officials (WEO, Community Development Officer, Health and Environmental Officer)	4
11/06/2014	Ubungo Ward Offices	Ward Executive Officer (WEO) and Community Development Officer	2
19/06/2014	Kinondoni Municipal Council	Public Relations Officer and Municipal Trade Officer.	2
20/06/2014	Ubungo Intersection Site	Utilities Representatives (TPDC, DAWASA, DAWASCO)	6
23/06/2014	Ubungo Ward Office	Ward Officials, Mtaa leaders (Chuo Kikuu Mtaa, Ubungo NHC Mtaa) and Ubungo Ward Councilor)	6
24/06/2014	Ubungo Intersection Site	PAPs, Chuo Kikuu (University) Mtaa officials' i.e. Mtaa Executive Officer, Mtaa Chairperson and one Mtaa government representative).	19
15/02/2015	Ubungo Intersection Site	Business-tenants and Chuo Kikuu Mtaa officials, Mtaa Chairman Mtaa Executive Officer and two Mtaa government representatives.	70
18/02/2015	Ubungo Intersection Site	Three representatives of Business-tenants, Mtaa Executive Officer and one representative from Mtaa government.	5
21/02/2015	Ubungo Intersection Site	Business-tenants and Chuo Kikuu Mtaa officials.	64

18/03/2015	Ubungo Site	Intersection	Business tenants, residential tenants, house owners and Mtaa government officials.	51
14/04/2015	Ubungo Site	Intersection	Mobile vendors	65
15/04/2015	Ubungo Site	Intersection	Mobile vendors	35
16/04/2015	Ubungo Site	Intersection	Mobile vendors	41

The public consultations and community participation were conducted between June and July 2014 of which seven (7) meetings were held. Additional meetings were held between February and April 2015 where seven (7) meetings have conducted. Refer **Table 1.1** above for more details. The aim was to inform the public and stakeholders about the project and the anticipated impacts both positive and negative and how to mitigate these impacts. These consultations involved visiting and meeting Municipal Officials, Ward Officials and Mtaa Leaders. Moreover these consultations involved visiting the project area and Affected Persons at Ubungo Intersection site, where the consultant held two guided consultative meetings.

This Resettlement Action Plan report is an outcome of these public consultation meetings, various integrated formal and informal interviews with project Affected Persons, Community Leaders, Councilor, Local government departmental heads and other stakeholders such as representatives of Utilities.

In total, apart from the two guided consultative meetings discussed above and several others with Local Leaders of Municipality, Ward and Mtaa, a total of 451 households' interviews were conducted. The specific objectives of these consultations were:

- ❖ To create awareness of the proposed project.
- ❖ To consult the local residents especially and affected parties about the problems they anticipate with the project and how these can be mitigated.
- ❖ To consult and gather recommendations from local administration i.e. the Kinondoni Municipal Council, Ward Officials and Mtaa Leaders.
- ❖ To provide an opportunity to the community in the project area to raise issues and concerns pertaining to the project impacts, and allow the identification of alternatives and recommendations.

The views and concerns of PAPs raised during the consultative meetings is presented in the **Chapter 5, table 5.1**

1.7 Resettlement Action Plan Report Structure

This RAP is prepared and presented into the following fifteen sections:

1. Introduction
2. Project Description
3. Potential Impacts
4. Organizational Responsibility
5. Community Participation
6. Socio-economic Studies
7. Policy and Legal Framework
8. Mechanisms for Conflict Resolutions and Appeals
9. Institutional Frameworks
10. Eligibility
11. Valuation and Compensation for Losses
12. Implementation Schedules
13. Costs and Budgets
14. Monitoring and Evaluation
15. Conclusion and Recommendation

CHAPTER TWO

2 PROJECT DESCRIPTION

2.1 Project Location

The proposed project is located in Kinondoni District in Dare es salaam City as indicated in Figure 2.1 and 2.2 below:

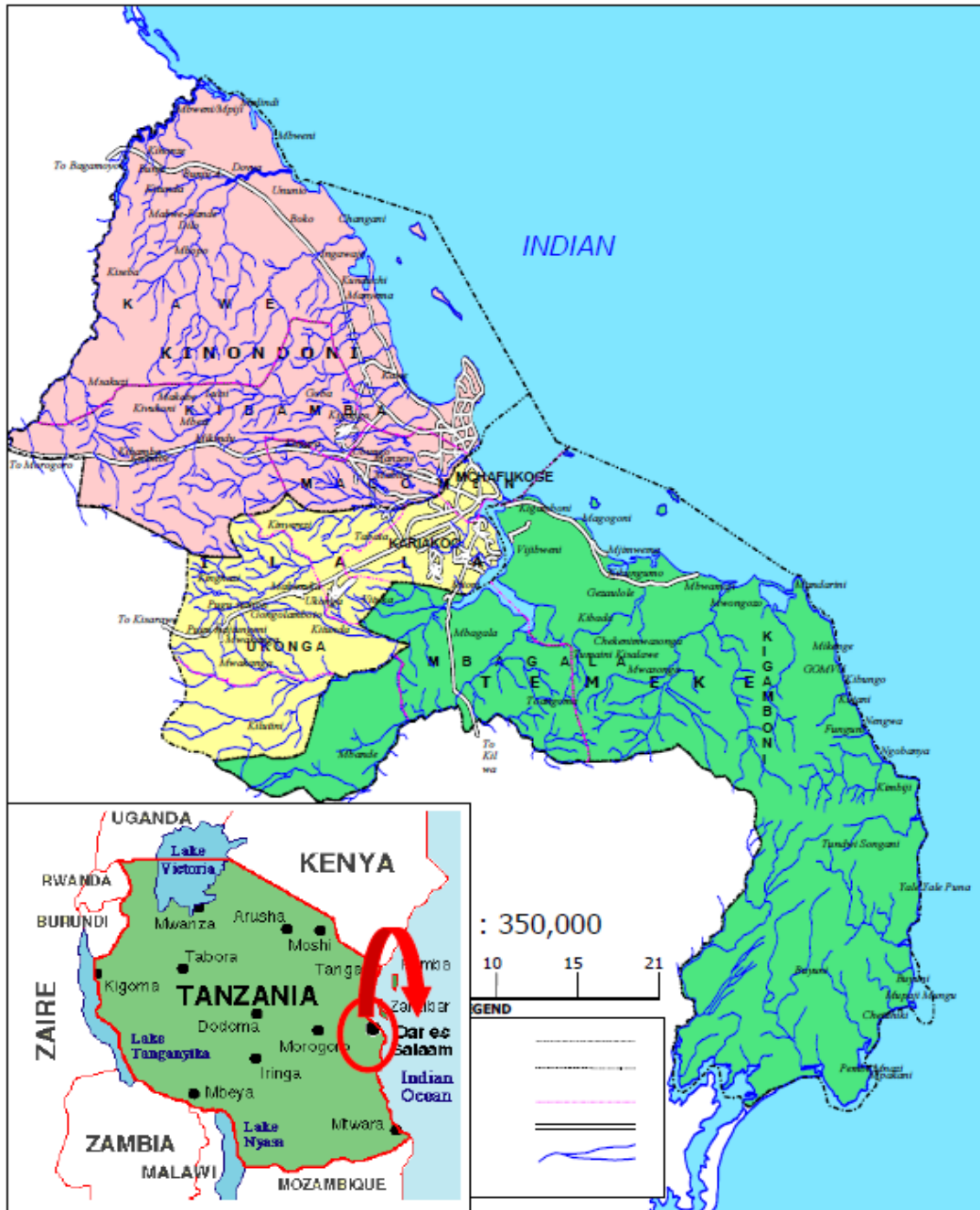


Figure 2.1: Tanzania Map indicating the Project Region (Dar es Salaam Region)

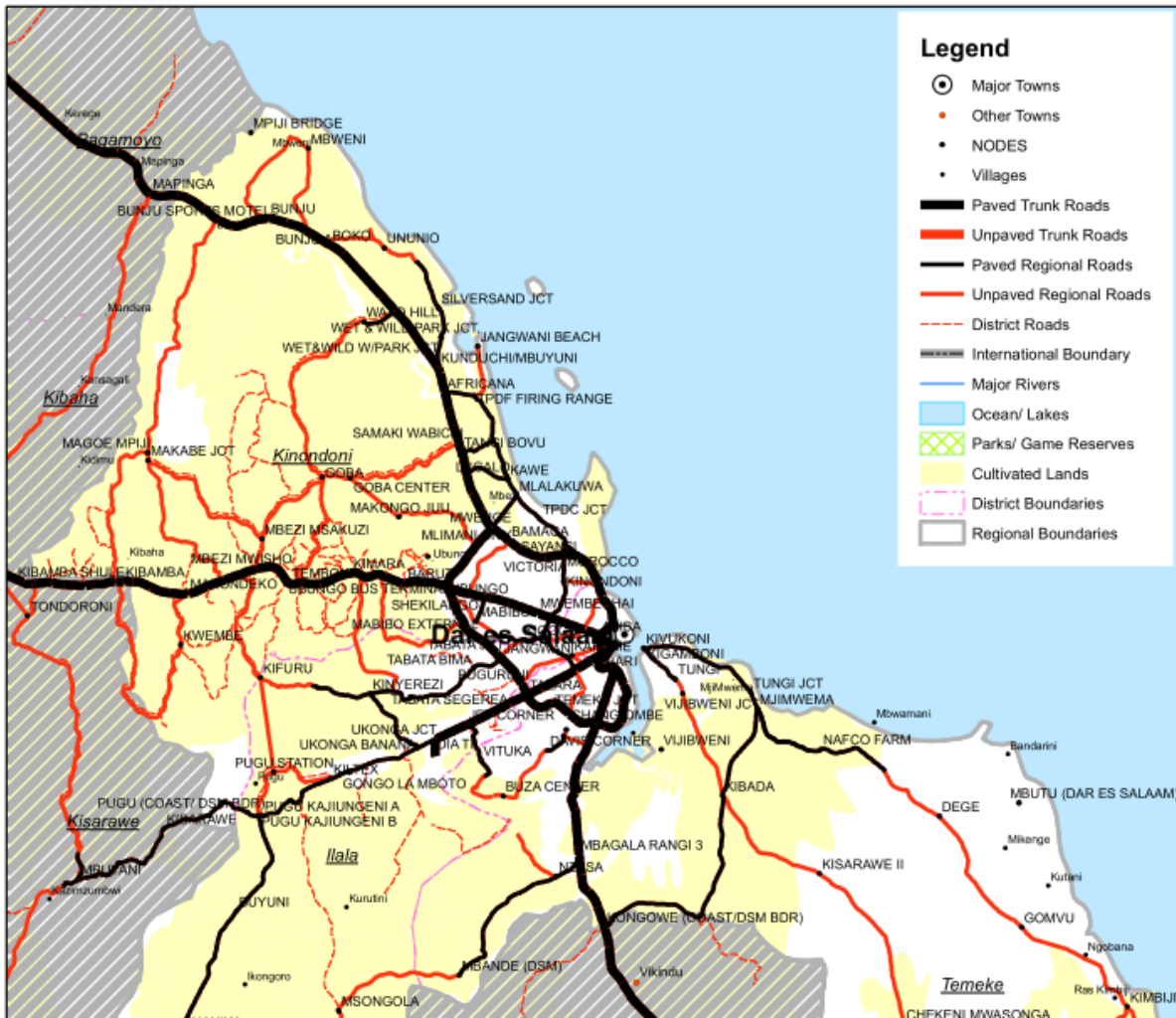


Figure 2.2: Dar es Salaam Map indication the Project Site (Location Map of Ubungo Intersection)

2.2 Project Design

Five design alternatives have been proposed for consideration. These are:

(i) Alternative I

This involves a double level flyover in the direction of Sam Nujoma Road serving mainly through traffic where directional movement are served through connecting ramps to Morogoro Road. It could be noted that the minimum curve radius on the main bridge is 165 meter while for connecting ramps smaller curves were implemented due to right of way restrictions and availability of land. The main bridge (level +14) length is 1258 meters and the other bridge (level +7) is 961 meters. Ramps length and horizontal alignment

characteristics are also presented. The proposed alternative requires an area of 51,677 m². The proposed alternative is as presented in Figure 6-1 and Figure 6-2 below.

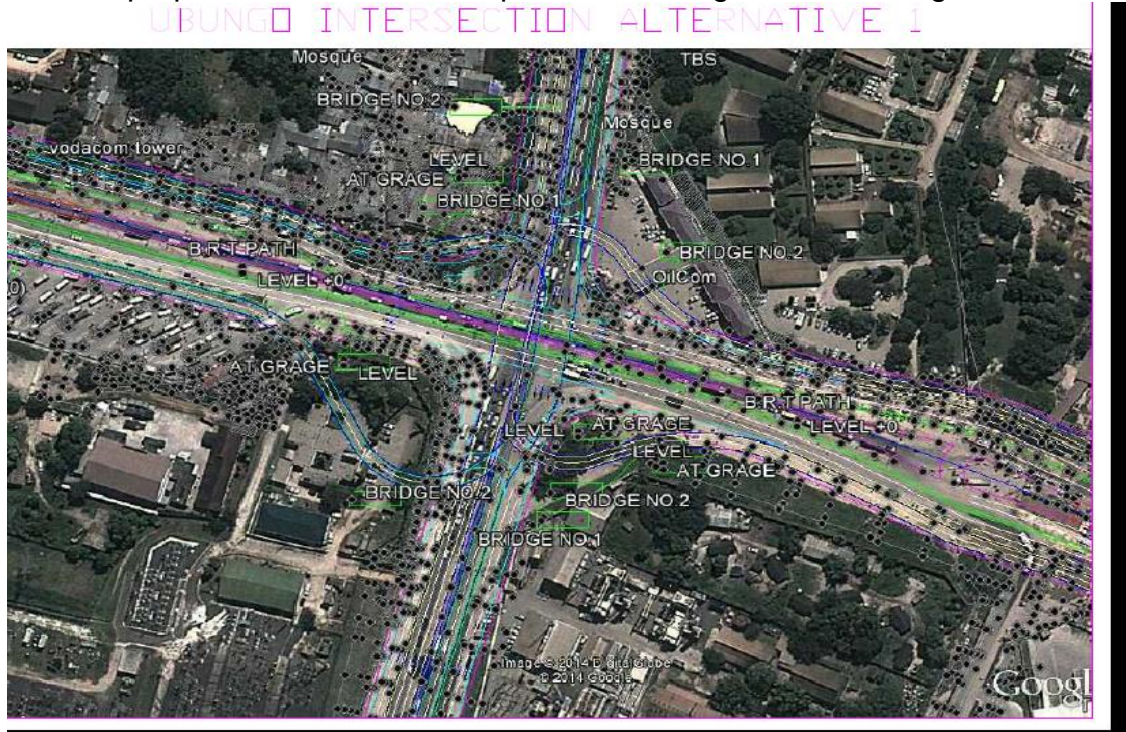


Figure 2.3: Proposed Design Superimposed on the Existing Features (Alternative I).

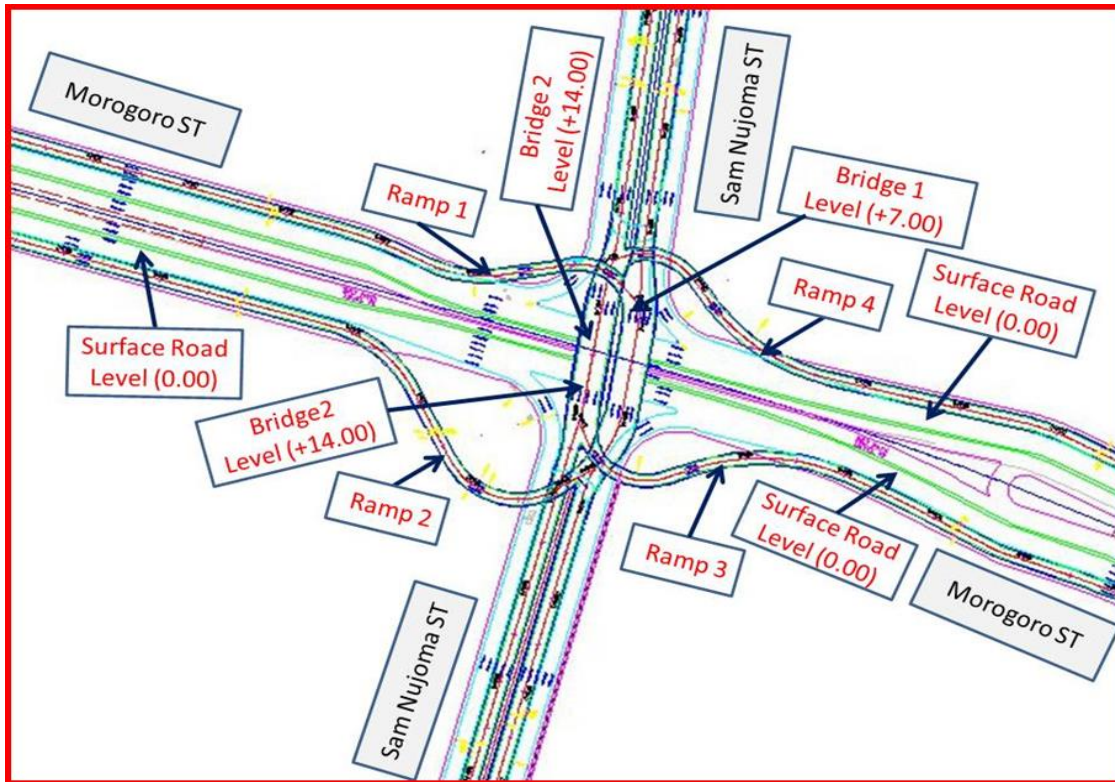


Figure 2.4: Proposed Design (Alternative I).

(ii) Alternative II

This involves a tunnel in the direction of Morogoro Road serving the Bus Rapid Transit (BRT) and the through traffic and a flyover in the direction of Sam Nujoma Road have been considered for design of Alternative no. 2. Directional movements are served at grade (level 0.0) where right and left turns for both roads are allowed. It could be noted that the minimum curve radius on the main bridge is 200 meter while for connecting ramps smaller curves were implemented due to right of way restrictions and availability of land. The flyover bridge (level +7) length is 817 meters and the tunnel (level -7) is 550 meters. The proposed alternative requires an area of 51,677 m². The proposed alternative is as presented in **Figure 2.5** and **Figure 2.6** below:

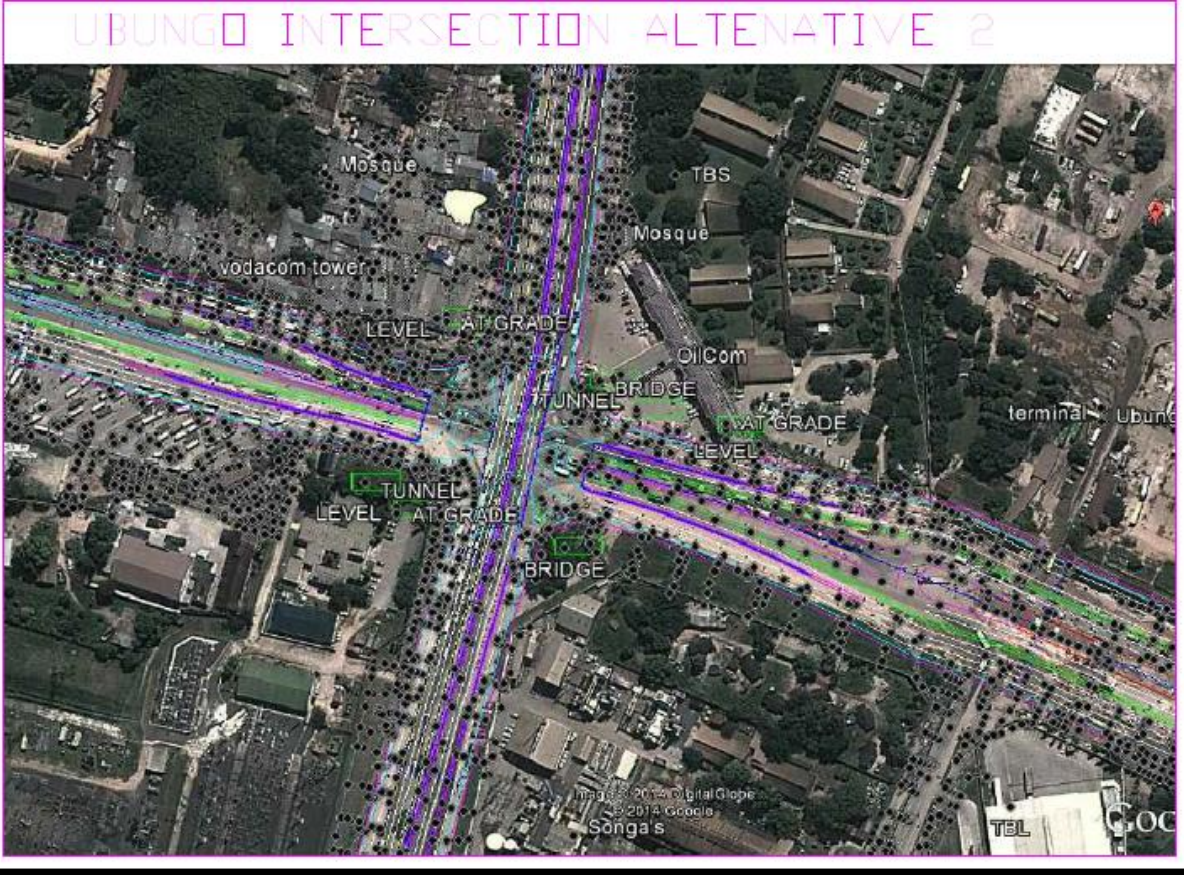


Figure 2.5: Proposed Design Superimposed on the Existing Features (Alternative II).

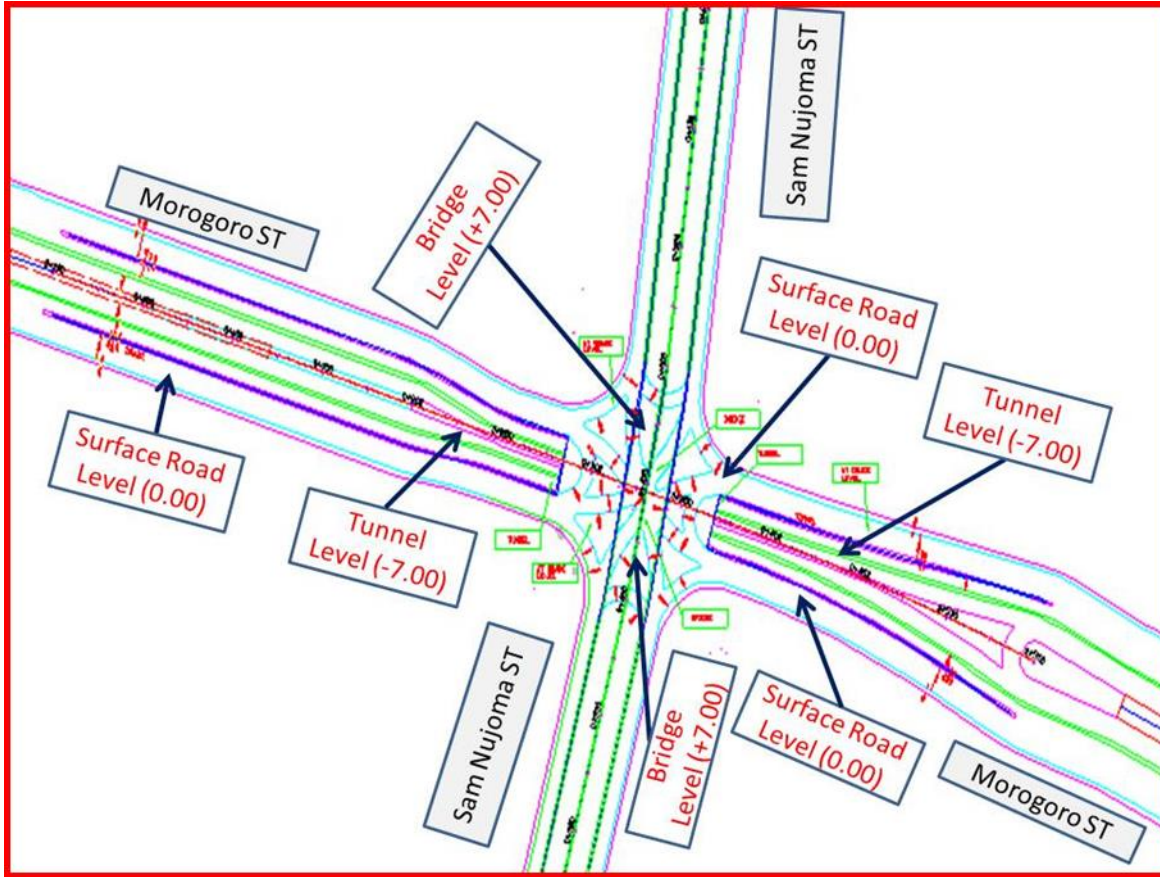


Figure 2.6: Proposed Design (Alternative II).

(i) Alternative III

Elevated Round –About (Rotary) was considered for design of alternative no. 3. The Round-About serves the through traffic of Sam Nujoma road in addition to the all other turning movements between Morogoro and Sam Nujoma Roads. It could be noted that the minimum curve radius on the main bridge is 45 meter of the Rotary while for connecting ramps different curves were implemented due to right of way restrictions and availability of land. Eight connecting ramps were implemented to transfer the traffic volume to and from the Round-About. The main Round-About (level +7) length is 282 meters and the length of other connecting ramps range between 265 and 453 meters depending on the existing pavement level in Morogoro and Sam Nujoma Roads. The proposed alternative requires an area of 50,468 m². The proposed alternative is as presented in **Figure 6.5** and **Figure 6.6** below:



Figure 2.7: Proposed Design Superimposed on the Existing Features (Alternative III).

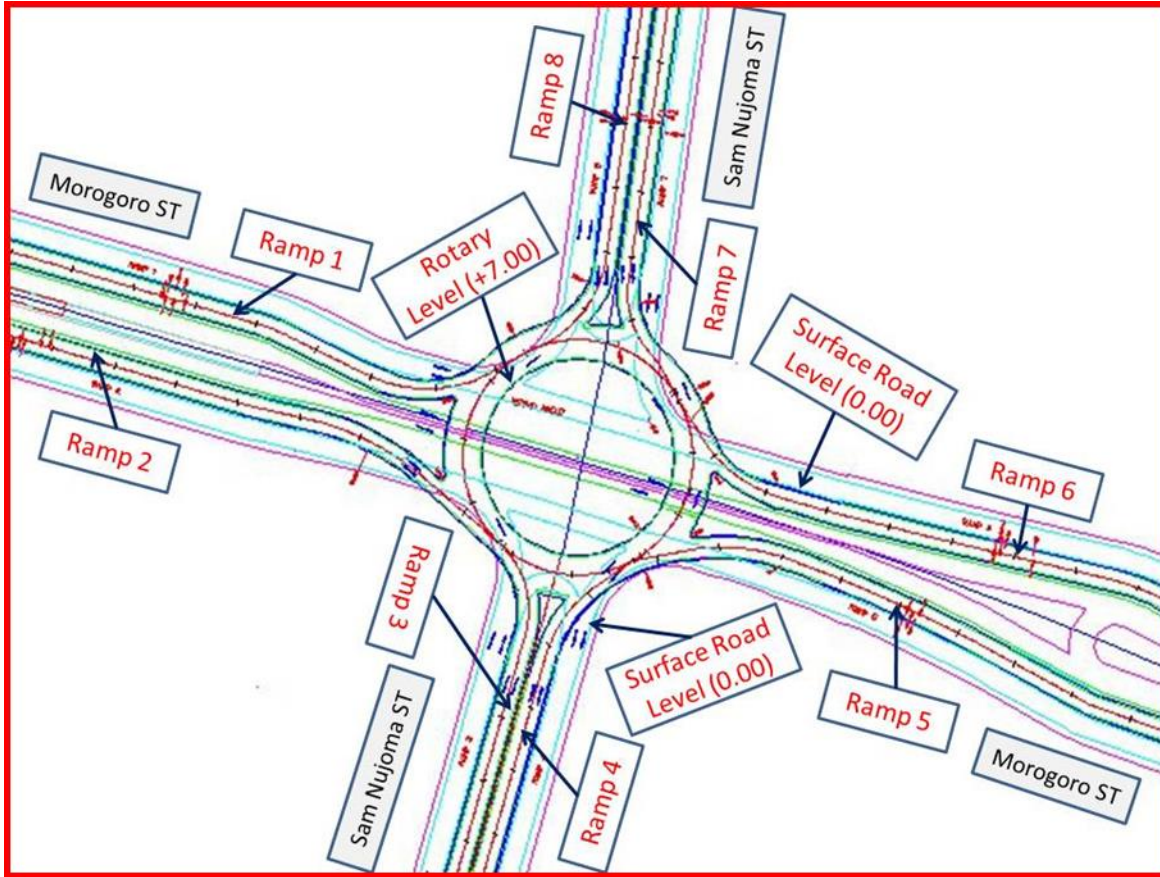


Figure 2.8: Proposed Design Superimposed on the Existing Features (Alternative III).

(i) Alternative IV

This was proposal involved a roundabout at grade and ramp for left and right turning vehicles along Morogoro road and Sam Nujoma road. The proposed alternative requires an area of 49,681m². The proposed alternative is as presented in Figure 6-7 and **Figure 6.8** below:

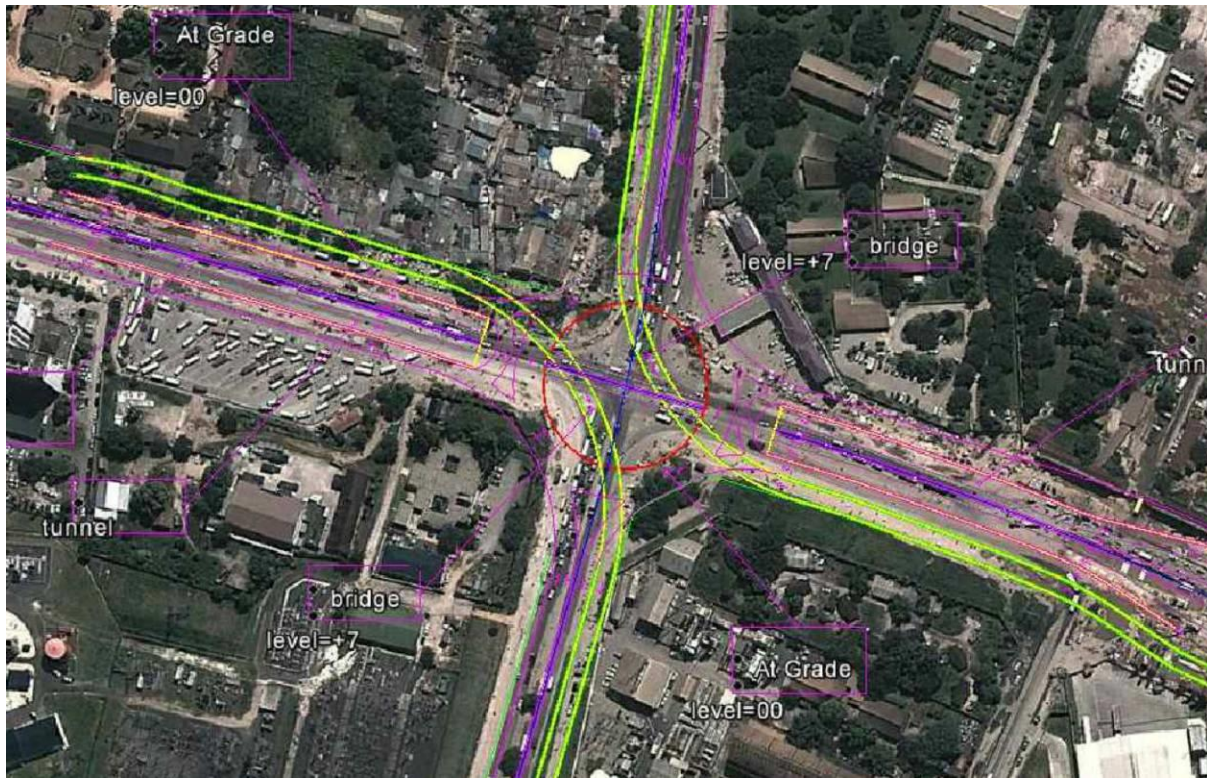


Figure 2.9: Proposed Design Superimposed on the Existing Features (Alternative IV)

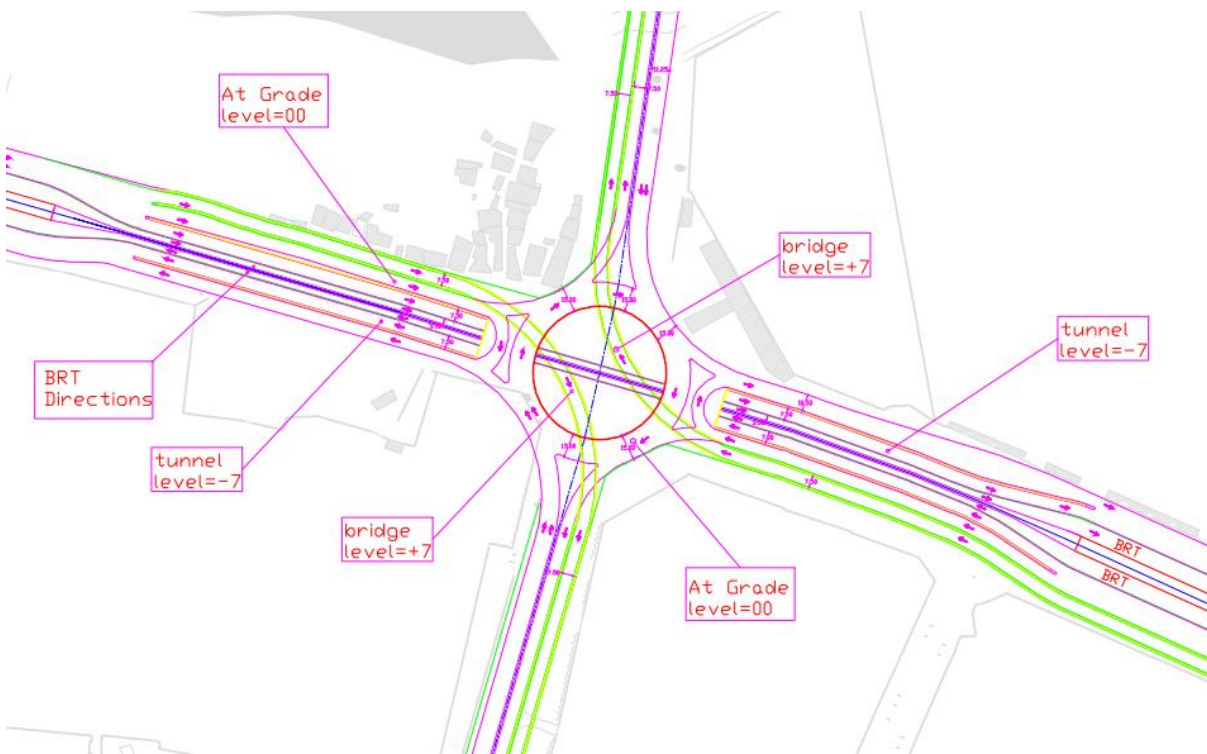


Figure 2.10: Proposed Design (Alternative IV).

(i) Adopted Alternative (Alternative II)

After assessment and analysis of the advantages and disadvantages of various alternatives, alternative II was adopted for detailed design but modified whereby instead of having an underground tunnel, a three stack intersection will be designed. The Right of Way for adopted alternative is about 95 m at the Ubungo intersection and the width of the road is about 49 m excluding 8 m of either side of the center line which has been evaluated for compensation for accommodating the utility such as telephone cables, electrical cable, water pipes and gas pipes. From social and resettlement impact all different designs were comparable. However, alternative II was selected due to technical issues. The adopted design is shown in **Figure 6-9** below:



Figure 2.11: The adopted design (Alternative II with modification)

CHAPTER THREE

3 POTENTIAL IMPACTS

3.1 Socio-economic Impacts

Social impacts are the impacts of developmental interventions on human environment. The impacts of development interventions take different forms as the consequences to human populations of any public or private actions that alter the ways in which people live, work, play, relate to one another, organize to meet their needs, and generally cope as members of society. Such impacts not only need to be identified and measured but also need to be managed in a way that the positive externalities are maximized and the negative externalities are minimized.

A balanced development planning takes into account environmental, social and biodiversity impacts of economic development. The multidimensional nature of development interventions call for identification of not only potential impacts but also potential social and environmental impacts.

Social impacts include changes in people's way of life, their culture, community, political systems, environment, health and wellbeing, their personal and property rights and their fears and aspirations.

The main types of social impacts that occur as a result of these development projects can be grouped into the following overlapping categories:

- **Lifestyle impacts** – on the way people behave and relate to family, friends and cohorts on day –to-day bases
- **Cultural impacts** – on shared customs, obligations, values, language, religious belief and other elements which make a social or ethnic group distinct
- **Economic impacts** –on land, properties and assets
- **Community impacts** – on infrastructure, services, voluntary organizations, activity networks and cohesion
- **Quality of life impacts** – on sense of place, aesthetics and heritage, perception of belonging, security and livability, and aspirations for the future
- **Health impacts** – on mental, physical and social wellbeing, although these aspects are also the subject of health impact assessment
- **Livelihood impacts** –on activities related to income generation

3.2 Social and economic impacts in the Project Affected Area

Social dislocation and displacement will occur due to land needed for the construction as relocation of the utilities. Approximately 451 households their livelihoods will be affected in one way or another. This number of households includes 141 mobile vendors who were surveyed using Rapid Social Assessment (RSA) method.

Table 3.1: Impact on affected properties

Property	category of impact	Number of PAPs & properties
Land and structures	23 Residential structures	<ul style="list-style-type: none"> • 23 households owners • 73 tenants households
	26 business buildings.	<ul style="list-style-type: none"> • 26 households of owned business structures • 150 business owners tenants
	2 Religious buildings	<ul style="list-style-type: none"> • 2 Mosques
	3 Boundary fences	<ul style="list-style-type: none"> • 1 Fence - Ministry of Water • 1 Fence – TANESCO • 1 Fence – Tanzania Bureaus of Standards (TBS)
	17 Kiosks	<ul style="list-style-type: none"> • 17 of Kiosk owners
	50 Stalls & tables	<ul style="list-style-type: none"> • 50 owners of Stall and Table
Trees/Crops	73 trees	<ul style="list-style-type: none"> • 23 households owning trees and crops owners
	8 trees	<ul style="list-style-type: none"> • 1 Religious institution owner of 8 trees
Mobile vendors	Mobile vendors	<ul style="list-style-type: none"> • Mobile vendors interviewed 141*

* on a given day about 200 mobile vendors are in the area. However, since many carry the merchandise in their hands and move the exact numbers are difficult to estimate.

In the project area there are about 451 households which fall into different categories and will be affected in various ways. Some of these will lose land, residential structures, business structures, kiosks, trees/crops and those doing businesses on tables, stalls, and who carry items in hands. PAPs who own business and residential structures in the project area will lose land and their structures at the same time. Also public and religious institutions who own land and structures will also be affected as shown below;

Loss of land: (i) Land for 23 residential structures;
(ii) Land for 26 business structures
(iii) Land for 2 mosques
(iv) Land for 3 institutions

Loss of structures: (i) 23 residential structures;
(ii) 26 business structures
(iii) 2 Muslim mosques
(iv) 3 institutional fences

Loss of trees/crops: (i) 73 trees of private households
(ii) 8 trees of one religious institution (Muslim)

Other categories which will be affected by the project are Kiosks, stall/table's business and mobile vendors. These three categories are recognized by the program and social assessment for them has been done to establish their needs and preferences and to mitigate any adverse impact on the livelihoods.

Recognizing their need to sustain their livelihoods, kiosk owners will be assisted by TANROADS to transport their affected movable structures to new sites such as Simu 2000 where they will continue doing their business. For vendors doing their businesses on tables and stalls will be assisted to access new business places in various new markets in Kinondoni Municipality. This will involve also mobile vendors who at the moment are doing their business at Ubungu intersection. Kinondoni Municipal Council and Regional commissioner's office are facilitating their relocation in various markets in Kinondoni district. Several meeting took place between them and Kinondoni Municipality on this issue.

Following is the list of affected people and properties

- 451 households with approximate 2370 members
- 23 residential houses
- 26 business houses

- 2 religious buildings (Mosques)
- 150 businesses (business tenants)
- 73 residential tenants
- Government institution fences (TBS, TANESCO and Water Ministry)
- 17 kiosks
- 50 stalls and tables
- 73 trees
- Approximately 200 mobile vendors without any table or stall (141 were consulted during the survey).
- 4 Utility categories
 - TANESCO – Electricity reticulation poles with all accessories
 - DAWASA/DAWASCO – Main distribution water supply pipes with all accessories
 - TPDC/SONGAS- 0.6 km Gas pipeline with all accessories
 - TTCL - Fiber cables, copper cables and associated accessories

The main public utilities which will be affected by the project is domestic water supply, which includes pipe lines across the road and power cables and electric reticulation poles, Songas' gas infrastructures, fiber cables and telephone lines. The negative impact due to disruption of these utilities will be major. The impact will be short term, and reversible and every care will be taken to make sure that such services are restored.

Some temporary employment will be created during construction period. The contractor will be advised to engage local skilled and unskilled labours based on gender balance; as it is recommended that the workforce at site should be at least 30% women. Many people will be involved in provision of different services at the site e.g. food vending specifically women, which will in turns raise their income.

Impacted properties

Loss of Assets

Impacted properties are defined in this report, particularly in this chapter, as any property that is owned by the government, a community, privately or occupied by encroachers/squatters, such as piece of land, infrastructure facilities, access, front walls of houses or business place, trees and any other natural or manmade features that would alter, rearrange or demolish to get required width for the proposed project

Most affected private properties are land, residential/business houses, crops and trees and kiosks. Moreover there are properties owned by different public and religious institutions. These include two (2) mosques and three (3) government institutions including Tanzania National Electricity Supply Corporation (TANESCO), Water Ministry and Tanzania Bureau of Standards (TBS). All three government institutions will lose their boundary fences. If the project needs to demolish these structures, it will pay replacement cost without depreciation and salvage value at the current market prices.

However there are several temporary privately owned sales outlets such as movable lottery stalls, vegetable stalls and fish stalls, these are available along the Road in the proposed project area. Most of them are made of wood. Those stalls will have to be shifted to alternative locations, when the project starts at these locations. The project and government will take action to assist them to shift the stalls to enable them to continue their business.

Loss of asset will include:

- **Loss of land-** Compensation for affected land will be at prevailing market rates. This will be paid to 49 individuals land owners, one religious land owner (Muslim) and three (3) Government institutions.
- **Loss of residential structures-** Compensation for the entire structure at replacement cost plus allowances for disturbance, loss of profit and transport. This will be paid to 23 owners of residential structures.
- **Loss of business structures-** Compensation for the entire structure at replacement cost plus allowances for disturbance, loss of profit and transport. This will be paid to 26 owners of business structures.
- **Loss of businesses –**These businesses are owned by tenants but structures where these businesses are conducted and land occupied by these structures belong to owners. Therefore compensation for land and structures will be paid to owners (26 owners of business structures and land). Business owners will be compensated for loss of profit, disturbance and transport allowances.

Type of businesses conducted in above mentioned 26 structures include;

- Shops wholesales and retails (20)
- Bars(3)
- Restaurants(11)
- Butcheries(1)
- Pharmaceuticals(5)
- Mobile phone shops(5)
- Household ware shops (2)
- Stores (3)
- Go down (1)
- Electronic money banking M-Pesa, Airtel Money, TigoPesa and Easy Money (20)
- Stationary (11)
- Saloon (7)
- Laboratory (1)
- Dental clinic (1)
- Offices(2)
- Furniture mats (4)
- Studios (1)
- Newspaper agents (2)

- Tailoring mats (2)
 - Tyres and tubes repairs (2)
 - Internet Cafe (1)
 - Motor vehicle Spare parts (11)
- **Loss of other structures such as fences** - Compensation for partially affected structures at replacement cost and disturbances allowances.
 - **Loss of Utilities** (such as Water supply pipes, Gas pipes, Electricity reticulation poles, Telephone cables and fibres.) - Compensation for the relocation of these utilities.
 - **Loss of religious structures** - Compensation for the entire structure at replacement cost plus allowances for disturbance, transport and accommodation.
 - **Trees and crops** - Compensation of the crops and Trees affected at prevailing market rate.
 - **Loss of Kiosks (17)** – fourteen (14) of these, are engaged in electronic money banking (M-Pesa, Airtel Money, TigoPesa and Easy money) , two (2) deal with sugar cane juice extraction and the last one (1) deal with Sim Card lines. TANROADS will assist Kiosks owners to transport them to new allocated areas for business such as Simu 2000.
 - **Loss of stalls and tables (50)**
These include; clothes, second hand shoes, bead sheets, soaps, ornaments, bags, fruit vendors, fish mongers, poultry and mobile phone accessories. These will be assisted by Kinondoni Municipal Council to get a place for doing business in new markets such as Simu 2000, Kijitonyama, and Makumbusho.
 - **Mobile vendors-** this category of project affected people it is difficult to ascertain their exact number because of the nature of their business of moving from one point to another looking for customers. Conservative estimates from the Kinondoni Municipal Council claim that the number can be more than 200 per day working in the project area. This group of people will be assisted by Kinondoni Municipal Council to access new areas of business such as Simu 2000, Makumbusho market, Mburahati, Magomeni and Tegeta.

The last three categories of affected persons i.e. owners of 17 kiosks, those who conduct their business on tables, on stalls and those who hang their items as well as mobile vendors the Financer is not responsible. The implementation of this RAP will make sure that they are being assisted to get new locations to continue with their businesses as a way of livelihood restoration.

Loss of Livelihood

According to Chambers & Conway, (1991) they define livelihood as “comprises the capabilities, assets (including both materials and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from

stress and shocks and maintain or enhance its capabilities and assets both now and in future, while not undermining the natural resource base”. The positive and negative impacts on any given livelihood will, in turn, impact others. This is particularly important consideration when planning livelihood assistance which is the major goal of this RAP.

Tenants who have been doing businesses in the structures to be affected will lose their businesses, customers and profits. And for those who have employees working in their businesses will lose their source of income. In addition to that, tenants residing in the structures to be affected by the project will lose residences forcing them to look for new residences in other places. Therefore special attention will be given to this issue (see entitlement matrix)

CHAPTER FOUR

4 ORGANIZATION AND RESPONSIBILITY

4.1 RAP implementation Organizations and Institutions

A number of organizations and institutions will be involved with development and implementation process of RAP at different levels as discussed below;

(a) Tanzania National Roads Agency (TANROADS)

As soon as the RAP is cleared and finalized, TANROADS will formally disclose it in the country and among the affected people. For this purpose, TANROADS will organize sessions for the affected PAPs and community at large. The sessions will be chaired by the RAP specialist from TANROADS and attended by the Kinondoni Municipal Council and Ward / Mtaa Government representatives. Adequate display materials will be utilized. TANROADS will sensitize the vendors on alternative business to improve their living. Socio-economic data on vendors is discussed later in **Chapter 6 including dates of consultation, their concerns and preferences.**

(b) The Ministry of Finance through TANROADS

The Ministry of Finance through TANROADS will disburse the compensation funds to TANROADS Regional office to pay the PAPs and Public Institutions eligible for compensation. After compensation, the communities will be given at least three months for resettlement. TANROADS will then authorize the Contractor to start demolition works.

(c) Ministry of Lands, Housing and Human Settlements and Urban Development

The Ministry of Lands and Human Settlements is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania. The Ministry administers the various Land Acts: Land Acquisition Act, the Land Act and the Village Land Act. Land use planning, management and land delivery activities are conducted by the Ministry.

The Commissioner of Lands administers most issues dealing with land allocation, acquisition, and registration and land management. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation must be referred to the Commissioner with regard to this RAP. The Ministry of Lands and Human settlement will be responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties and signing of valuation reports.

(d) Kinondoni Municipal Council

The Local Government (Kinondoni Municipal Council) in collaboration with TANROADS will dispatch the dislocation notices to the concerned Ubungo Junction affected PAPs whose land and properties will be affected by the project.

(e) Ward and Mtaa Level

The local Government system in Tanzania is based on the Decentralization Policy and is enshrined in the Local Government (District Authorities) Act No.7, 1982, the Local Government (Urban Authorities) Act No. 8, 1982, and the Regional Administration Act (1997). Local Government at Mtaa and Ward will be main focal points of the whole RAP implementation activities. This includes identification of PAPs as they are the ones who are familiar with them as well as familiar with the actual loss of the PAPs. The leaders of these authorities are the representative of the local government at their respective levels. Any complaints from the Project Affected People will be presented to the Mtaa office to be discussed in the Mtaa Grievance Redress Committee (GRM) .If not resolved, the MGRC will forward the complaint to the District Grievance Redress Committee for further action (more details about GRM in Chapter nine).

(f) Independent local NGO

A local independent NGO will be hired to assist in raising public awareness on resettlement and facilitate local community participation in RAP implementation. This NGO will be involved to witness the fairness and appropriateness of the whole process. It will also be involved in the monitoring of the resettlement process, establishing direct communication with the affected population and community leaders. Moreover the local NGO will be involved in support of affected community in Grievance Redress and Resettlement committee respectively.

Table 4.1 Institutional roles and responsibilities in RAP Implementation

Name of institution	Roles and responsibilities
TANROADS	<ul style="list-style-type: none"> • Disclosing of RAP to the community after its preparation. • Organize sessions for the affected PAPs and community at large • Authorize the Contractor to start demolition works. • Dispatch the dislocation notices to the concerned Ubungo Junction affected PAPs • Liaise different government institution in RAP implementation
Ministry of Finance	<ul style="list-style-type: none"> • To disburse the compensation funds to TANROADS Regional office to pay the PAPs and Public Institutions eligible for compensation.
Ministry of Lands	<ul style="list-style-type: none"> • .Responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties • Signing of valuation reports.

	<ul style="list-style-type: none"> • Administers the various Land Acts • Deals with land allocation, acquisition, and registration and land management
Ward and Mtaa Level	<ul style="list-style-type: none"> • Administrator at the local level • Identification of PAPs as they are the ones who are familiar with them • Receive and file grievances from the grieved affected party(PAP). • Hears and rules grievances through Mtaa Grievance Redress Committee (MGR) • Forwards unresolved grievances to District Grievance Redress Committee (DGRC) known as Social Service Committee (SSC).
Kinondoni Municipal Council	<ul style="list-style-type: none"> • Dispatch the dislocation notices to the concerned affected PAPs • To assist vendors to access new market areas for their businesses.
(Kinondoni District) District Grievance Redress Committee (DGRC)	<ul style="list-style-type: none"> • Receives unresolved grievances from MGRC • Hears and rules unresolved grievances forwarded from Mtaa Grievance Redress Committee (MGRC) • Forwards unresolved grievances to appropriate Court.
Independent local NGO	<ul style="list-style-type: none"> • To raise public awareness on resettlement process • To facilitate local community participation in RAP implementation. • Member of Grievance Redress committee to help PAPs on technical issues and create awareness on various matters.

4.2 Inter-Agency Coordination

The RAP activities and process require inter-Agency coordination among and between different institutions, Agencies and Organizations. The Ministry of Infrastructure will oversee that the Government Policies and regulations related to road development and its related acts are in place. TANROADS as a project owner has a responsibility of coordinating the project activities including monitoring and evaluation of the project implementation. The Agency will hire a local NGO to assist in raising public awareness on resettlement and facilitate local community participation in RAP implementation execute the on its behalf. However TANROADS has to monitor the activities of the hired NGO. The Agency has to liaise with other Government Institutions at different levels during Project Implementation. These include the local governments, Ministry of Lands, Housing and Urban Development as well as the Ward and Mtaa Government.

Three sub-committees shall be formed in implementing RAP and these are:

- Resettlement committee
- Compensation committee
- Grievances Redress committee

The Committees composition and responsibilities are outlined in **Table 4.1** below;

Table 4.1: Committees and Responsibilities for RAP Implementation

UNIT	RESPONSIBILITIES	MEMBERS 4.1.1
Resettlement Committee	<ul style="list-style-type: none"> -Oversight management and coordination of RAP implementation activities and teams -Liaison with municipalities, districts, government agencies and other stakeholders -Review of periodic progress report in accordance with RAP guidelines 	<ul style="list-style-type: none"> -Mayor (Chair) -Representative of TANROADS -Representative of Lands, Housing and Urban Development. -Representative of a Local NGO -Two representatives of PAPs(One from business tenants and One from residential tenants) -Representative from Local community -Representative from Ubungo ward
Compensation Committee	<ul style="list-style-type: none"> - Coordinate management of compensation process - Ensure compensation is consistent with RAP guidelines 	<ul style="list-style-type: none"> - Mayor (Chair) - Representative of TANROADS - Representative of Ministry of Lands, Housing and Urban Development. - Valuer -Two representatives of PAPs (One from business tenants and One from residential tenants)
Grievance Redress Committee	<ul style="list-style-type: none"> - Address entitlement issues and other disputes and concerns among PAPs and other stakeholders - Advice PAPs and other stakeholders on redress mechanisms which cannot be resolved - Liaise with other authorities and Resettlement Committee 	<ul style="list-style-type: none"> - Mayor (Chair) - Representative of TANROADS - Representative of Ministry of Lands, Housing and Urban Development. - Valuer - Two representatives of PAPs(business and residential) - Representative of a Local NGO

CHAPTER FIVE

5 COMMUNITY PARTICIPATION

5.1 Consultation and Community Participation

Effective resettlement planning requires regular consultation with wide range of project stakeholders. Broadly defined, stakeholders include any individual or group affected by, the project, either positively or negatively including the host community.

The overall goal of the consultation process was to disseminate project information and to incorporate the views of various stakeholders in the project design, implementation; mitigation measures, management plan and Resettlement Action Plan. To date, thirteen (13) consultative meetings were done with affected communities on 09th, 11th, 19th, 20th, 23rd and 24th June 2014. Other consultative meetings have been conducted on 15th, 18th, 21st February and 18th March 2015. The last meetings were held with **mobile vendors** on 14th, 15th and 16th April 2015. Refer **Table 1.1** in **Chapter One** under **Public Consultation**. A total of 375 persons including mobile vendors were consulted in those meetings discussed above. The socio-economic information about vendors is discussed later under section 6.13 in the next chapter.

Public consultation ensured that various groups' views are adequately taken into consideration in the decision making process. Consultation with the stakeholders aimed at positively conveying information about the planned project development, clear up misunderstandings, allow a better understanding of relevant issues and how they will be dealt with, and identify and deal with areas which are controversial while the project is still in its design stage.

5.2 Objective of Public participation and Consultation

The objectives of public participation and consultation were:

- To ensure transparency in all activities related to the resettlement and its potential impacts;
- To share fully the information about the proposed project, its components and activities;
- To obtain information about the needs and priorities of the various stakeholders, as well as information about their reactions;
- To improve project design and, thereby, minimize conflicts and delays in implementation in relation to resettlement;
- To involve public at large together with their responsible institutions and organizations in the project design and planning;
- Information dissemination to the people about the project and resettlement; and
- Understanding perceptions of local people towards the project

5.3 Identification of Stakeholders for Consultation

The preliminary site visits were carried out between 5th to 29th May 2014 in gathering adequate information on the site issues related to the Resettlement Action Plan, identification of spatial boundaries and pre identification of all stakeholders who will be affected by the project. The following stakeholders were identified and consulted:

a) Institutional stakeholders: Institutional stakeholders were defined as decisions that might affect the proposed development project. These are:

(i) Ministries

- Prime Minister's Office Regional Administration and Local Government (PMO-RALG)
- Lands, Housing and Human Settlement Development
- Water and Irrigation

(ii) Local governments

- Dar es Salaam City Council (DCC);
- Kinondoni Municipal Council (KMC);
- Ubungu Ward and
- Mtaa government officials (University Mtaa, Kisiwani, Ubungu National Housing Corporation (N.H.C) and Kibo)

(iii) Others

- Tanzania National Roads Agency (TANROADS)
- Dar es Salaam Water and Sewerage Authority (DAWASA)
- Dar es Salaam Water and Sewerage Corporation (DAWASCO)
- Tanzania National Electric Supply Company (TANESCO)
- Tanzania Communications Regulatory Authority (TCRA)
- Tanzania Petroleum Development Corporation (TPDC)
- SongoSongo Gas Development and Power Generation Project (SONGAS LIMITED)
- Tanzania Telecommunications Company Limited (TTCL)

▪ **Individual stakeholders:**

Individual stakeholders referred to those owning, living or working within the immediate impact area that will experience the highest level of impacts resulting from project implementation. They include:

- Affected Households within the project area
- Affected business tenants
- Affected residential tenants
- Mobile vendors
- Kiosks Owners
- Affected institutions
- Fruit vendors

- Second hand clothing owners
- Food vendors
- Motorcyclists and Tricyclists
- Taxi drivers
- Newspaper vendors
- Shoe shiners
- Seedlings Owners

5.4 Public Consultative and Participatory Meetings

5.4.1 Methods of stakeholder participation

Stakeholder's interviews and consultations were the main methods followed during the process of this Resettlement Action Plan. The team involved the key identified stakeholders in order to generate issues of concern in relation to project implementation.

In respect of the intended project activities, the stakeholders that were consulted raised concerns on a number of issues that need attention. Concerns raised vary from one type of stakeholders to another (from Ministerial and Municipal officials to Wards/Sub-wards concerns). Some of the issues raised were:

- Land acquisition
- Availability of space for doing business (**mobile vendors**)
- Will the new planned markets for relocation be able to accommodate all vendors.
- Loss of livelihood for **mobile vendors**
- Land and property compensation
- Employment
- Loss of tenant's business
- Time of project implementation
- Cost for relocation of utilities
- Space for relocation of utilities

5.4.2 Notification to stakeholders

Stakeholders were notified prior meeting with them. Notifications were through use of letters, telephone communication and physical visit.

5.4.3 Head of household interviews

The socio-economic survey in this RAP covered a total of 310 PAPs. These includes 49 house owners, 63 residential tenants out of total 73, 131 business owners out of total 150, 50 Stalls and Tables owners as well as 17 kiosk owners. The interview did not cover mobile vendors due to the nature of their businesses of being mobile. As it was not easy to make them settle and interview them to get their preferences and views in this RAP, the consultants also encountered many problems in getting their number. Although conservative estimate from various sources including **Chuo Kikuu Mtaa** and Kinondoni Municipal Council puts their numbers to be around 200 who conduct their business within the Project Area. Even though this category of PAPs are included in this RAP as people

who will need to be assisted to get new places where they can conduct their businesses in new markets such as Simu 2000, Kijitonyama and Sinza. A separate social survey of mobile vendors has been undertaken and appears as a **subsection (6.13) in Chapter Six**.

5.4.4 Official meetings with Ward/Mtaa leaders

Mtaa public meetings were conducted using checklist. Mtaa officials including Chairperson, Mtaa executive Officer (MEO) and committee members were invited and participated effectively.

5.4.5 Meetings with Municipal officials

The Kinondoni Municipal Council officials were notified and consulted. Checklist and open discussion were applied during meeting with them.

5.4.6 Consultations with other relevant stakeholders

Other relevant stakeholders included (DAWASA), DAWASCO, and relevant ministries such as Ministry of Water, Ministry of Lands, Housing and Human Settlements Development. The RAP team visited these stakeholders and undertook open discussion guided by checklist in order to capture adequate information.



Plate 5.1: Some of Utilities in the project area which need to be relocated



Plate 5.1: Consultative meeting with Ubungu Ward officials



Plate 5.2: One of the consultative meeting with PAPs at Ubungu Intersection.



Plate 5.3: Consultative meeting with Utility representatives



Plate 5.4: Vendors displaying their commodities at Ubungo Intersection area.

Table 5.2: Views and concerns of PAPs aired during consultative meetings

S/N	Concerns/comments	Remarks
01	Compensation should be done in time after valuation of person's properties. Majority PAPS preferred cash compensation instead of in-kind compensation.	Compensation will be implemented as soon as possible to avoid inflation.
02	Since most of the people will be displaced due to implementation of the project and many will lose properties, businesses and residences, how will they be compensated?	They will be given cash compensation to cover loss of land, houses, livelihood, businesses and residences.
03	Many people wanted to know if they will be allocated land after displacement.	There is no land already demarcated for people who will be affected by the project. Since land in Ubungo is a source of livelihood for the PAPs, compensation given to them has considered business potentials related to the land.
04	Some people had fear that their houses will be partly demolished during the implementation of the Ubungo project. In case this happens, how such houses will be compensated.	According to the RAP, all affected houses will be demolished in full. Therefore cash compensation will be given to the house owners to the houses' total value.

05	Tenants doing business in the affected houses in the project area, wanted to know if they will be considered for compensation?	Cash compensation allowances for disturbances, loss of profit for business tenants and transport will be provided.
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Views and concerns Cont...

06	Since most of houses in the project area were built some years ago when the cost of construction was low. Will valuation process consider them in current prices?	It's obvious that, valuation process will be done based on the current prices.
07	It was feared that the project will start soon. Many people recommended that PAPs should be given an ample time after compensation to find suitable places where they can build other houses before the affected house are demolished.	After compensation process, displaced PAPs will be given three months as a relief time, in accordance to Tanzanian laws, to find suitable places. This will be taken into consideration to avoid unnecessary disturbances.
08	The PAPs were happy with the Project and suggested the flyover to be constructed in time so as to reduce traffic congestions at Ubungo Intersection.	It is anticipated that the Project will be implemented as planned.
9	Some people wanted to know if the grave yards which are in the project area will be affected. And if so, will they be compensated?	Due to land disputes Graves will not be affected by the project.
10	Many mobile vendors wanted to know how the Government will assist them to make sure that they continue doing their businesses as it is the source of their livelihood.	The Government has earmarked some market places such as Simu 2000 where they will be relocated
11	Mobile vendors wanted to know if the new planned markets will be able to accommodate them.	They were assured that there are 24 already identified markets to accommodate them.

CHAPTER SIX

6 SOCIO-ECONOMIC STUDIES

6.1 Introduction and Overview of Project Affected Area

Dar es Salaam is the largest City in Tanzania. It is also the country's richest city and a regionally important economic centre. Dar es Salaam is actually an administrative region within Tanzania, and consists of three local government areas or administrative districts: Kinondoni to the North, Ilala in the centre of the region, and Temeke to the South. Dar-es-Salaam is estimated to have a population of 4,364, 541 as per 2012 National Population Census. Located on a harbor on the Indian Ocean, it is the main port for Tanzania, handling exports of minerals and crops. In addition it is the hub of Tanzanian's national transport system as major highways and all railways originate in or near the city.

The Ubungo Intersection is located in Ubungo Ward Kinondoni Municipality. According to the 2012 Population Census, the Municipality has a total area of 531 square kilometers with a population of **1,775,049** being the most populous local authority in the country, with the population growth rate of 5.0% per annum and 4 people per household. Due to rapid population growth, the KMC is estimated to have **1,863,801** people and hence the population density of 3,510 people/km² in 2013.

Kinondoni Municipal has four divisions namely: Magomeni, Kinondoni, Kibamba and Kawe. These divisions are then divided in 34 wards which in turn are subdivided into subwards commonly known as Mtaa (singular) or Mitaa (plural). There are 171 Mitaa. The Municipality also has 3 electoral constituencies namely: Ubungo, Kawe and Kinondoni. The Municipality executes its administrative duties through:

- The Municipal Council,
- Ward Development Committees under the Chairmanship of the Councilor and
- Sub-Ward (Mitaa) Development Committees

6.2 Social Services in the Project Area

Ubungo Ward has five Sub- Wards (Mitaa) namely: Kisiwani, Kibo, Ubungo NHC, University Mtaa and Msewe. The social services in the project area are as described below.

(a) Education Facilities

There are five (5) government primary schools namely: Mlimani, Msewe, Ubungo NHC, Urafiki and Kibo. Intermediate Colleges include Ubungo Water Institute, the Amazon Universities and University of Dar es Salaam

(b) Health

There are Msewe Dispensary, University of Dar es Salaam Health Center, Msewe Dispensary (Moyo Safi wa Bikira Maria), Arafa dispensary, Natural Therapy-Antipa.

(c) Water supply

Ubungo residents depend on water from DAWASA/DAWASCO.

(d) Waste Management

There are Mabibo and University of Dar es Salaam wastewater treatment ponds.

(e) Industries

There is Urafiki Textile Factory, Kibuku, Plastic Pipes Industry, Songas and Sundo Investment Industry

(f) Commerce and Trade

Commerce and Trade are among the major sources of livelihood for people within or near vicinity of the project area. Dar es Salaam City is the largest commercial centre in Tanzania where both local and imported goods and services are sold and bought.

(g) Agriculture and Livestock

Urban agriculture may function as an important strategy for poverty alleviation and social integration. Some people engage in urban agriculture mainly gardening and livestock keeping such as dairy cows, chicken dairy and swine.

(h) Transport and Communication

Tanzanian's national transport system as major highways and all railways originate in Dar es Salaam. The Ubungo Intersection is also a junction of the incoming and outgoing Tracks, cars and Buses.

6.3 Objective of Census and Socio-economic Survey

The census and socio-economic survey for PAPs is important for the planning of resettlement. The census and survey assist to know the social structures of the population and their distribution to inform resettlement planning. The main objective of conducting census and socio-economic studies includes:

- Collection of census data to identify PAPs on the individual and household levels
- Collection of census data to identify vulnerable and severely affected PAPs
- Identification of stakeholders; identify impacts of the proposed project area especially on the livelihood of the PAPs (i.e. properties, structures, income etc.)

- Identification of any concerns of PAPs
- Identify the resettlement preferences of the PAPs

6.4 Methodology for Undertaking PAP Census and Socio-Economic Profile

A socio-economic survey was undertaken using a questionnaire for household in carrying out of the census, questionnaires were administered to get specific information that define and characterize the affected persons' assets. This RAP considered all categories of PAPs including tenants residing in the affected houses (total 73), tenants doing business in the affected houses (150), PAPs who own Kiosks (17), PAPs who own land and affected structures (49), and those doing business in stalls and on tables (50).

A special mobile vendor's Rapid Social Assessment has been conducted where 141 mobile vendors were interviewed. More information about them has been presented in section 6.13.

6.5 Socio-economic situation for the PAPs

This section describes the socio-economic characteristics of the PAPs (310) that will be affected by the proposed construction of Flyover at Ubungo Intersection project in Dar es salaam City. The purpose was to obtain data on baseline socio-economic conditions namely demographic data, vulnerability, social-cultural characteristic, economic activities and social services that will enable doing resettlement planning. The study also enabled the consultant to get PAPs categories, preferences and their livelihoods. Categories of PAPs who will be affected by the project are indicated in Table 6.1 below.

Table 6.1: Categories of PAPs who will be affected by the project

No	Type of PAP	Number
1	Tenants residing in affected houses	73
2	Tenants doing business in affected buildings	150
3	Land owners and affected structures	49
4	Business on structures/kiosks	17
5	Those doing business in front of main affected structures	50
6	Those vending along road reserves/moving with items at the Intersection commonly known as (Machingas)	Approximate numbers 200, out of which 141 were interviewed

The Socio-economic survey of PAPs at the Ubungo Intersection was conducted between May and June 2014 using 310 household questionnaires for PAPs along the project area. During the analysis, all 310 household questionnaires almost 100% of the total population) of the sample excluding mobile vendors were analyzed from Chuo Kikuu Mtaa

(sub ward) in Ubungo Ward. This analysis was also based on specific issues such as gender issues, vulnerable groups i.e. elderly persons, disabled, widows and orphans, and long sickness people. Other information, the study wanted to get was level of education of the PAPs, their livelihoods, income to find out compensation options and locations where PAPs would like to settle after relocation process.

With regards to the 200 mobile vendors without a stall or table, 141 were interviewed separately when a rapid social assessment was conducted in March 2015. Their views and needs are reflected in this RAP. This brings the total numbers of those interviewed to 451.

From the surveyed sample, it was found that there is a high level of primary school leavers 58 % (180), secondary school 28% (87), and higher education 2% (5) while that of illiterate was 12% (38). It was found that most households are headed by males 75.8% (235) and only 24.2% (75) are female headed households.

The majority of the PAPs who own these houses depend on the income generated from the tenants who conduct business ranging from consumer goods, mobile phones/electronic appliances, money banking services (Tigo-Pesa, M-Pesa and Airtel Money), butcheries, pharmaceuticals (human and pets), Bars/restaurants, tea rooms and stationeries. All these businesses are conducted inside buildings which belong to the PAPs. There are two structures used as Bar/Restaurant owned by the PAPs, namely YENU and JUMUIYA.

There are 49 houses that will be affected in the project area out, of which 26 are commercial and the remaining 23 houses are residential. Compensation for twenty six (26) commercial houses will cover structures plus allowances such as loss of profit, disturbance and transport allowance. Compensation for the remaining 23 residential houses will cover structures plus allowances for accommodation, disturbance and transport.

Apart from PAPs who own buildings/land, there are vending businesses and petty trades conducted outdoors and along the road reserve areas. Such businesses range from food vending (mostly done by women), wood and metal works (keys/locks making), and selling of second hand items such as clothes, bags, shoes, toys, DVDs and CDs. Also, there are shoe shiners/repairers, motor cycle riders (*bodaboda*), Tricycle riders (*bajaj*) and taxi drivers. There are people who sell live chicken (poultry); some are engaged in cane juice extraction, tree seedling selling and mobile vendors who sell various items in the project areas.

Education level of the PAPs

The majority of heads of PAPs in the project area have primary education (58.0%), 28.0% have secondary education, 2% have higher education and the remaining 12% are illiterate.

Table 6.2: Education Level of Heads of Households in the Project Area

Education level	No. HHs	Percent
Higher education	5	2.0%
Secondary education	87	28.0%
Primary school	180	58.0%
Illiterate	38	12.0%
Total	310	100%

Source: Socio-economic Household Survey May –June 2014 and March 2015

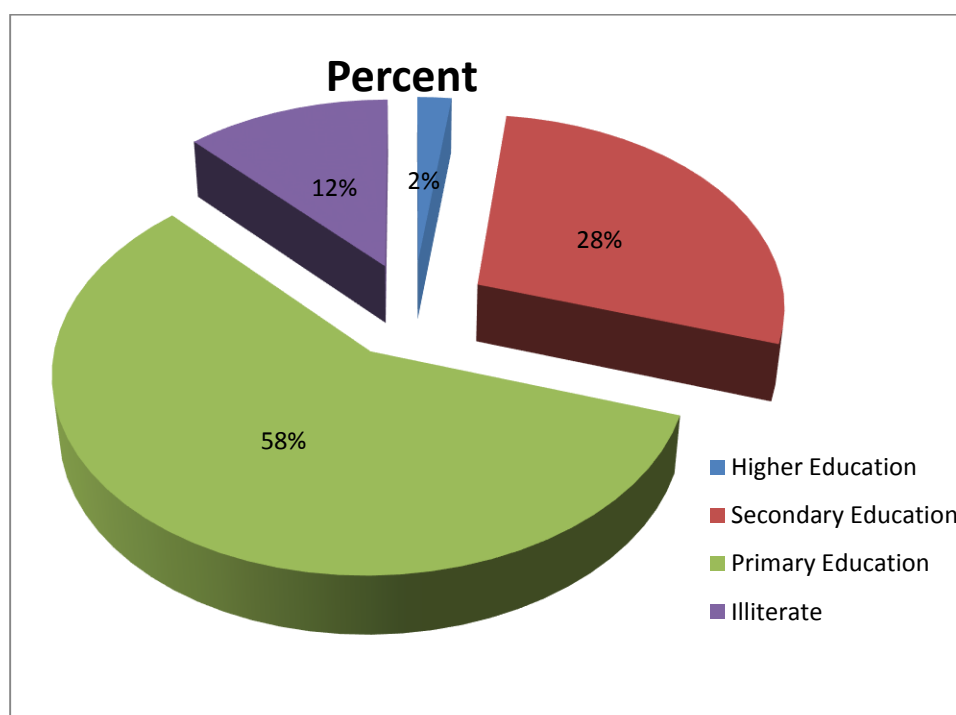


Figure 6.1: Education Level of Heads of Households in the Project Area

6.6 Location of residence of the PAPs in the surveyed households

Most of the PAPs 43.5% (135) live within the project area, 45.8% (142) live outside the *mtaa* but within Kinondoni District, these normally come and conduct their daily business. There are PAPs who live outside the District and outside the Region; they constitute about 10.7% (16) of the heads of households. Refer **table 6.3** and **Figure 6.2** below:

Table 6.3: Place of Residence of the PAPs

Place of Residence	No. of Heads of Households	Percent
Within the Mtaa (subward)	135	43.5%
Outside the Mtaa but within the District	142	45.8%
Outside the Region	16	10.7%
Total	131	100%

Source: Socio-economic Survey May –June 2014 and March 2015

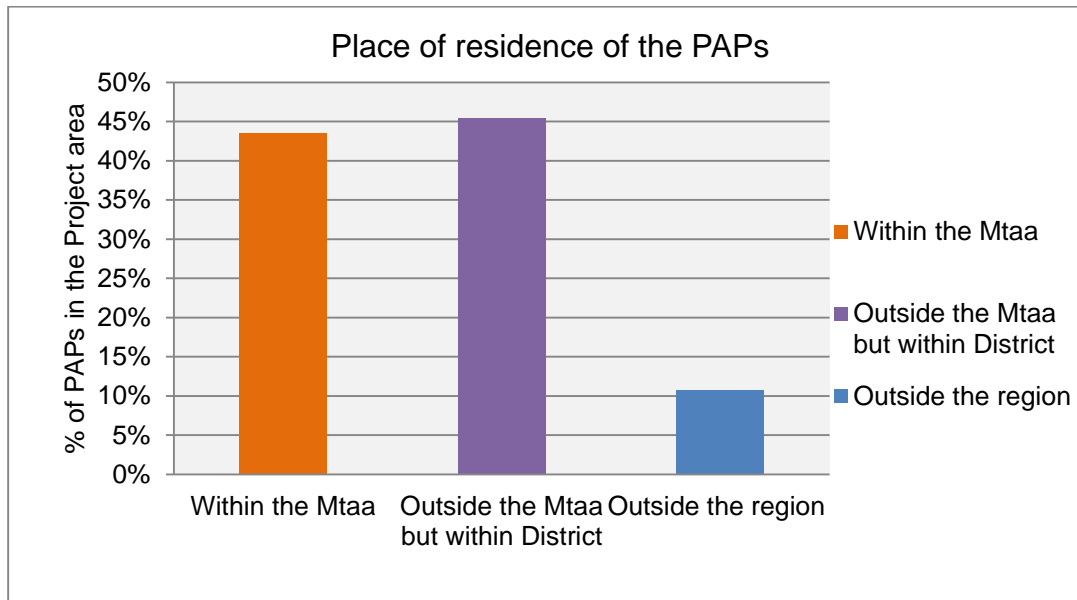


Figure 6.2: Location of residence of the PAPs in the project area

Compensation preference

According to the socio-economic survey conducted in the project area all 310 PAPs interviewed preferred cash compensation instead of in-kind compensation.

6.7 Formal and Informal engagements

Formal businesses	Number of PAPs
Business tenants	150
Land/house owners	49
Tenants residing in the affected structures	30
Total	210
Informal businesses	
Vendors in stalls /tables	50
Kiosk owners	17
Residential tenants	73
Mobile vendors	200 * (estimation)
Total	340

Table 6.5: Classification of mobile vendors and methods used for doing their business

Classification of vendors	Method of doing their business
Food vendors	Provision of food on the pavement
Fruit vendors	Displaying fruits on tables ,racks and sometimes on the ground
Locks/key making	Displaying on tables
Second hand clothes(T-shirts, trousers, gowns, jeans, shirts, bed covers/sheet and curtains)	Hanging on ropes, displaying on tables also on the ground.
Second hand shoes	Displaying on the ground
Shoe shiners (repairers)/ gobblers	Displaying on the ground
Cane Juice extraction	Use kiosks
Tree seedling	On the ground in the road reserve
Mobile phone voucher	Displaying on tables
Mobile phone banking	Use kiosks
Second hand toys	Displaying on the ground
DVD/CD sellers	Displaying on tables and on the ground
Watch sellers	Displaying on the ground
Books sellers	Displaying on both tables and ground
Newspapers vendors	Displaying on the racks
Selling bottled water/juice	Displaying on tables
Belts sellers	Displaying on the ground

Second hand bags	Hanging on rope and displaying on the ground
Fried fish/Sardines	Displaying on tables
Bread sellers	Displaying on tables
Mobile phone covers and headphones	Displaying on rags
Selling toilet soaps and detergents	Displaying on tables and on the ground

Estimating mobile vendors' number is not easy due to the nature of their operation. Their numbers vary depending on time of day or season of the year. Some vendors only sell in the morning, afternoon, evening, while some sell only on the weekends; and others sell only during certain seasons. This poses a challenge of estimating the vendors that operate in any city or country but according to the Kinondoni Municipal Council there are about 2000 street vendors in the Municipality out of that 200 operates along Ubungo Intersection.

Efforts to relocate these mobile vendors away from Ubungo junction, the KMC has made some efforts to accommodate this group to do their business without interference and harassment. Therefore there are 25 markets intended for use by mobile vendors not only from Ubungo Intersection but also from other places where vending is practiced within Kinondoni Municipality. These markets include Simu 2000 market (0.5km), Makumbusho (7km), Magomeni (8km), Tandale (4.5km), Mtambani (5km), Msasani Bonde la Mpunga (8km) and Tegeta (12km). Other markets are Shekilango (3km), Manzese (4km), Sinza (1km), Sinza II (1.1km), Mburahati (10km), Mabibo (5km) and Kawe (4km). Moreover, Mwenge market (3.9km), Mikocheni (7.5km), Msufini (8km), Mkunguni (14km), Kapera (10km) and Babati (20km) also have been added to be allocated for new vendors. Kisiwani market (9km), Kimara (1km), Kagera (8km), Urafiki (.5km), Ndizi (1km) and Msasani Samaki (9km) are to be used for the same purpose. The distance in brackets is from Ubungo Intersection Project area.



Plate 6.1: A female vendor selling fried fish to a customer at Ubungo Intersection. Such a vendor and others will be relocated to other places like Simu 2000 to conduct their business.



Plate 6.2: One of the mobile Kiosks in the project area to be relocated to the new market areas such as Simu 2000.



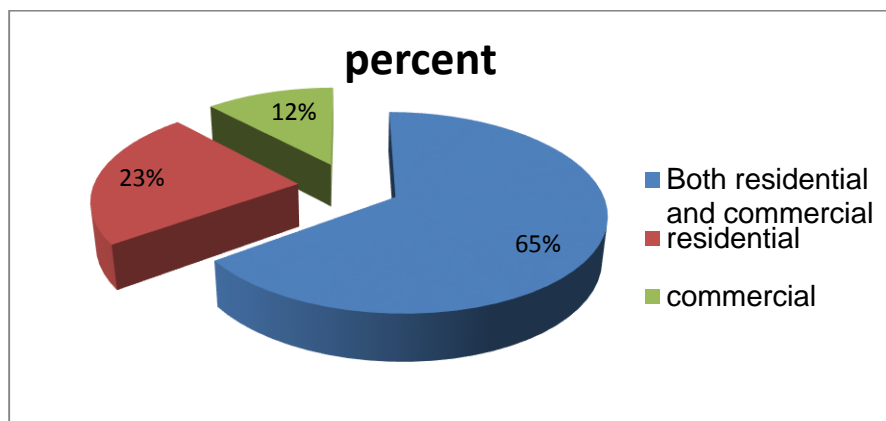
Plate 6.3: Front view of the new constructed Simu2000 market in Sinza.

6.8 Uses of project affected houses

From the survey, it was found that out of 310 PAPs, only 49 PAPs (15.8%) own houses. The remaining 261 PAPs (84.2%) do not own houses. Out of 49 PAPs who own houses about 32 (65%) houses were used for both residential and commercial while 11 houses (23%) were used only as residential and the remaining 6 (11%) were used only for commercial purposes. There are also two religious houses which will be affected. These are used as mosques for Muslims. Refer **Table 6.7**.

Table 6.7: Uses of project affected houses

USE OF BUIDINGS	NO. OF HOUSES	PERCENT
Both Residential and Commercial	32	65%
Residential	11	23%
Commercial	6	12%
Total	49	100%



6.9 Buildings materials of affected houses

According to the survey conducted, it was revealed that the materials for the buildings to be affected (49) are made of the following; materials used for walling are mainly cement blocks 100%, roofing 81.6% which is corrugated iron sheets, 18.4% of the houses are roofed with tiles. About 88% of the houses are of cement floor while 12% is of tiles. There are two mosques which belongs to Muslims which will be affected by the project, these houses are built with sand cement and roofed with iron sheets. The type of building materials, floor and walling of the PAPs 'houses are as indicated in **Table 6.6** below:

Table 6.6: Building Materials for the PAPs Houses

(a) Floor	No. of houses	Percent
Cement	43	88%
Mud	Nil	0%
Tiles	6	12%
Total	49	100
(b) Walling		
Mud bricks/poles	Nil	0%
Burnt bricks	Nil	0%
Cement blocks	49	100%
Total	49	100
(c) Roofing		
Corrugated iron sheets	40	81.6%
Tiles	9	18.4%
Total	49	100%

Source: Socio-economic Survey, May – June 2014

6.10 Land Ownership and means of acquiring

According to the survey, out of 451 affected PAPs in the project area, only 49 individual PAPs which is equivalent to 15.8% (49) own land while 42.3% (150) are business tenants conducting business on land(shops) which is owned by 26 land owners. About 21.6% (67) conducts business in Kiosks, tables and stalls in the road reserve which is owned by Government and the remaining 20.3% (73) do conduct business instead are residential tenants. It was also revealed that most of the individual PAPs who owned land to be affected acquired it through buying 44(89.5%) while 5 (10.5%) inherited from parents or relatives. Refer **Table 6.8** below:

Table 6.8: PAPs who own land and means used to acquire it.

Means of Acquiring land by PAPs	No. of PAPs who own land	Percent
Buying	44	89.5%.
Inherit from parents/relative	5	10.5%
Total	49	100%

Source: Socio-economic survey, May – June 2014

6.11 Gender Issues in Relation to Land and Property Ownership

Land is one of the most fundamental resources to women's living conditions, economic empowerment and, to some extent, their struggle for equity and equality. However due to economic, legal, social and cultural factors their rights to access, control and transfer land are weaker compared to those of men.

The majority of Tanzanian women have no right to own land. Another problem according to land rights experts has been inadequate analysis of the gender aspect of the changing of the land tenure system in the customary land law.

Women have been caught between cultural and traditional restrictions which deny them independent land ownership rights. Like all other Tanzanian citizens, women have the legal right to own land under the 1999 Land Act. However, due to lack of independent financial resources and traditional gender role women rarely buy land either independently or jointly with their husbands. Household land is commonly titled only in the name of the male head of the household. Women living in household that own land, often access to land but rarely have legal ownership to that land.

According to the socio-economic survey results out of the 310 PAPs of the affected households, only 49 PAPs own land. Out of 49 PAPs, only 13 (26%) are female headed households while 36 (73.5%) of PAPs with land are male headed households. Moreover, low level of education, lack of ownership of property, limited decision-making powers in the households, pre-occupation with household chores are among the indicators of women low socio-economic status in the households and families.

In order to make sure that women are not left out behind especially illiterate ones under the RAP such women will be assisted by their literate relatives. In addition, an NGO will be hired to take the responsibility of conducting seminars and sensitizing the PAPs on the good way of using the compensation money by involving their spouses. Also since, according to the socio-economic study done for the RAP the control over earning and property ownership in most of the families is still a problem to women. TANROADS will make sure that the NGO to be hired assists women in interpretation of the payment schedule and opening of bank accounts. Moreover, future consultation meetings of this RAP one of the agendas to be discussed will involve women's participation and representation in the implementation process.

6.12 Categories of Properties and Utilities to be affected

Based on the Census survey of PAPs it shows that some properties to be affected belong to 5 public institutions and 49 buildings belong to individuals. The properties to be affected are as follows:

- (i) **Business by the vendors at the intersection:** There are a lot of vendors ranging from merchandise to food vendors. Mobile vendors, some tables and make shift stalls are in the Right of Way. This hinders the movement of pedestrians along the shoulders. These businesses reach their peak at midday and evening hours.
- (ii) **TANESCO Infrastructures:** Near the intersection there are electric infrastructures belonging to Tanzania National Electric Company. Some electricity reticulation poles are likely to be moved/relocated to accommodate the construction of flyover project.
- (iii) **SONGAS/TPDC Infrastructures:** Only the gas pipe lines will be moved/relocated to allow the project implementation.
- (iv) **DAWASA/DAWASCO Infrastructures:** Main distribution Water supply Pipelines, Control Valves/Chambers, and Tunnel Bulk Meter. Also, customer/ lateral water pipelines at the intersection will be required to be relocated.
- (v) **TTCL Telephone poles and underground cables:** The existing telephone poles and cables will also be relocated.
- (vi) **TCRA Fiber cables:** The fiber cable will also be affected and requires relocation.
- (vii) **Individual houses:** 49 houses (residential and business) near the intersection will be affected.
- (viii) **Muslim mosques (2)**
- (ix) **Tanzania Bureau of Standards (TBS):** part of fence will be affected
- (x) **Ministry of water :** part of fence will be affected
- (xi) **TANESCO:** Part of its fence will be affected

The utilities and properties to be affected and neighboring properties along the project are as indicated in **Figure 6.4** below:

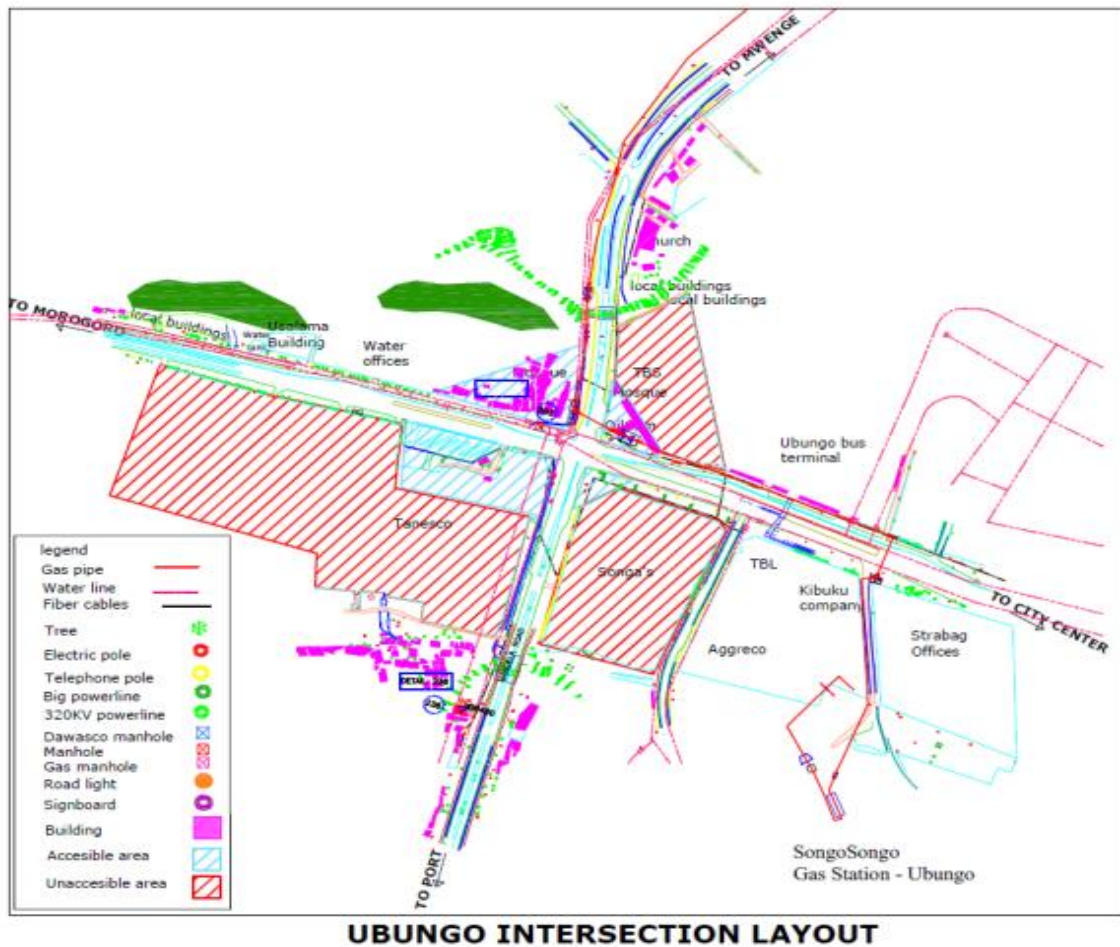


Figure 6.4: A project Layout showing Utilities and Properties within the construction corridor

6.13 Socio-economic information of mobile vendors

Overview

Rapid Social Assessment process is a way to investigate complicated situations in which issues are not well defined and where there is no sufficient time or other resources for long term. Rapid Social Assessment survey is one randomly within a targeted community context.

6.13.1 Objective of conducting Rapid Social Assessment for mobile Vendors

A special mobile vendor's Rapid Social Assessment (RSA) has been conducted in order to (i) get their views about the project, (ii) know their livelihoods, (iii) know their needs after project starts, (iv) ascertain if they are willing to move to the market Simu 2000. If they are not willing what the alternative is for them and for those who have fixed or heavy Kiosks, we wanted to get their views they will need from the Government in order to facilitate them to move to the new market.

6.13.2 Methodologies for undertaking RSA

Several methods were employed in undertaking RSA. These include; Interview of randomly selected mobile vendors, Focus Group interview of the nominated mobile vendors, key informants interview and direct observation of targeted area.

The number of mobile vendors interviewed through RSA methodology is 141 out of the estimated 200. The exercise was conducted from 14th to 16th April 2015. Before conducting the exercise; the consultant held three group meetings of the mobile vendors in the project area in order to inform them about the project and get their voices/views and concerns.



Figure 6.5 A group of mobile vendors being interviewed by the Consultant at Ubungo Intersection (**Source:** Rapid Social Assessment, April 2015)

6.13.2 Types of business conducted by mobile vendors interviewed

Table 6.9: Types of business conducted by mobile vendors interviewed

Business items	Number of mobile vendors
Second hand cloth	5
Shoes	7
Households utensils	10
Second hand bags	7
Soft drinks	22
Baked maize	3
Phone accessories	4
Mobile vouchers	3
Cassava and Banana	5
CD/DVD	22
Sandals	5
Belts	5
Bed sheets	6
Biscuits and Confectionaries /Cashew nuts	13
Books / newspapers	7
Hand watches	3
Cap ,Wallet and Earphones	5
Tents	9
Total	141

Source: Rapid Social Assessment, April 2015

6.13.3 Age groups of interviewed mobile vendors

According to the survey in the project area, it was revealed that, most of mobile vendors were in an age group of 18 – 30 years (62%) followed by those with age group between 31 - 40 years (32%). Six mobile vendors belong to the age group of 41 - 50 years (4%) and the remaining 4 (3%) were less than 18 years old. This indicates that majority of mobile vendors are in the age of 18 – 30 and 31 – 40 respectively who are termed as young people. Refers to **Table 6.10** below:

Table 6.10: Age groups of mobile vendors in the project area

Age interval (years)	Number of Business Vendors	Percentage
Less than 18	4	3%
18 - 30	87	62%
31 - 40	44	32%
41 - 50	6	4%
Total	141	100%

(Source: Rapid Social Assessment, April 2015)

6..13.4 Level of education of mobile vendors interviewed

According to the RSA study, the majority of mobile vendors in the project area were found to have attained primary education about 74 % (105), 25% (35) have Ordinary secondary education and the remaining 1% (1) has Diploma education. Refer **Figure 6.7** below:

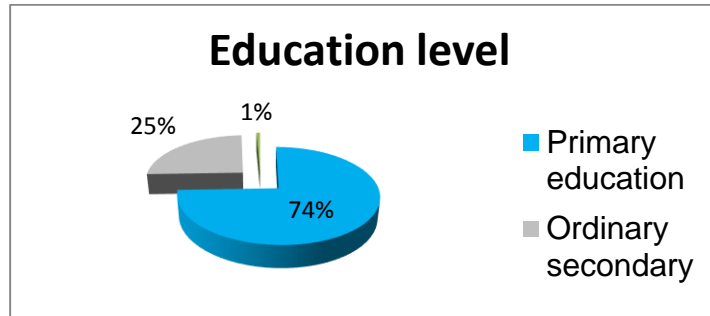


Figure 6.6: Level of education of Mobile vendors at Ubungo Intersection
(Source: Rapid Social Assessment April 2015)

6.13.5: Marital status of mobile vendors at Ubungo intersection

According to RSA conducted at Ubungo intersection, it was found that 60% (85) are married and the remaining 40% (56) are unmarried. Refer **figure 6.7** below;

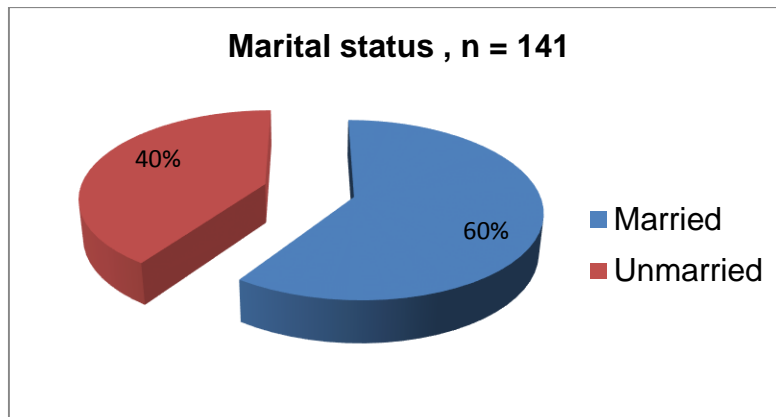


Figure 6.7: Marital status of mobile vendors at Ubungo Intersection
(Source: Rapid Social Assessment April 2015)

6.13.6: Mobile vendors at Ubungo intersection by Gender

The gender distribution of mobile vendors at Ubungo intersection was found to be 93% (131) males and only 7% (10) females. This indicates that vending is male dominated activity. **Figure 6.8** below:

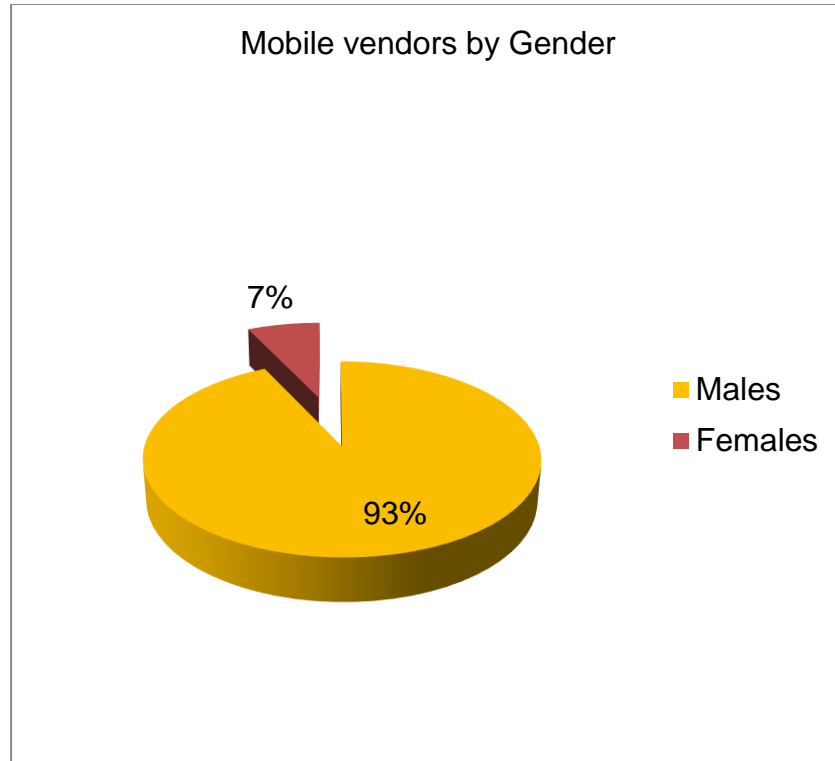


Figure 6.8: Mobile vendors by gender at Ubungo Intersection
(Source: Rapid Social Assessment April 2015)

6.13.7: Livelihood and income

Livelihood

Street vendors are identified as self-employed workers in the informal sector who offer their labour to sell goods and services on the streets without having any permanent built-up structure. The existence of mobile vendors is not only about a section of poor people trying to earn a livelihood in the informal sector but also about the provision of valuable services to the urban population. According to the study conducted in the project area (Ubungo Intersection) mobile vendors' livelihood depends on vending as the main economic activity as indicated in **Plate 6.2** below:



Plate 6.5: Some of the mobile vendors who hang clothes at Ubungo intersection
(Source: Rapid Social Assessment April 2015)

Income of mobile vendors per day

From the surveyed sample of 141 mobile vendors, it shows that 62 mobile vendors earn between 25,000/= to 50,000/= Tsh per day, thirty five (35) earn between 51,000/= to 100,000/= Tsh per day, thirty three (33) earn between 4,000/= to 24,000/= Tsh per day, nine (9) earn between 101,000/= to 200,000/=Tsh per day and two (2) earn between 201,000/= to 400,000/= Tsh per day.

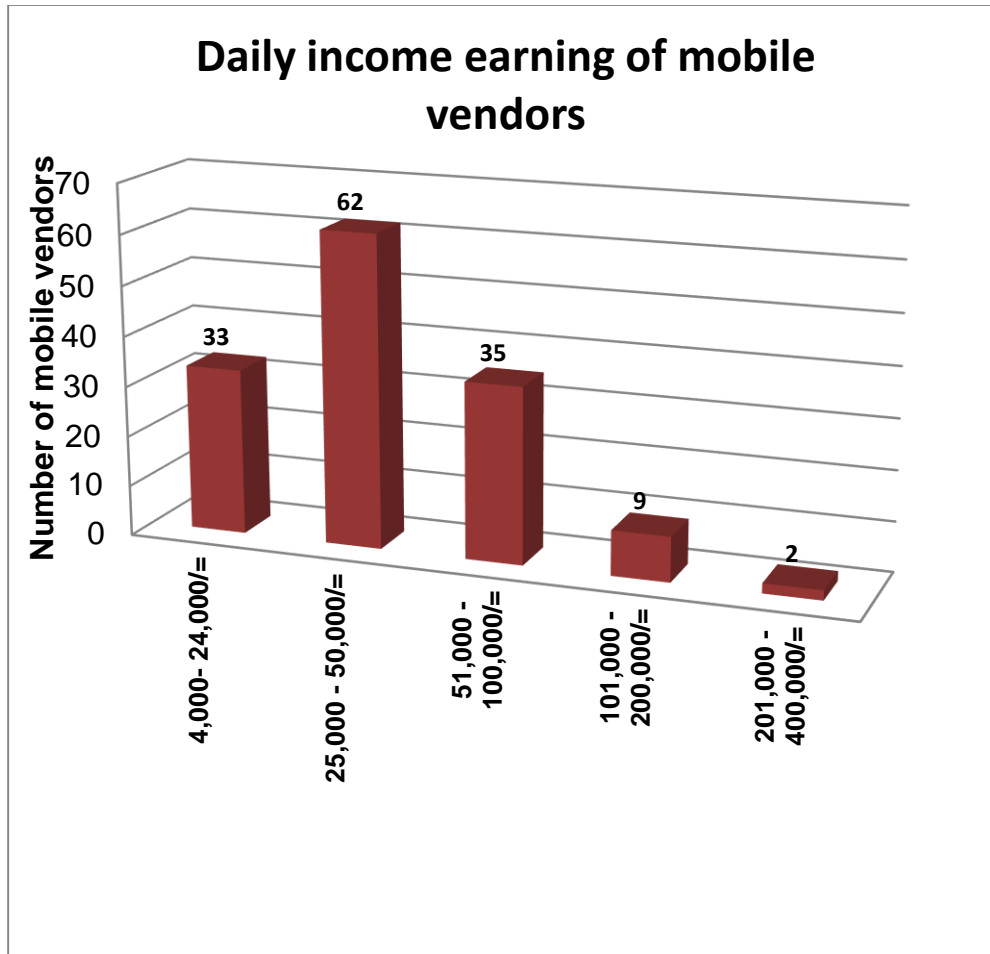


Figure 6.9: Income earning of mobile vendors at Ubungo Intersection
 (Source: Rapid Social Assessment April 2015)

6.13.8: Mobile vendors’ Preferences to new markets

Findings of RSA survey at Ubungo Intersection shows that majority (88) of the interviewed mobile vendors preferred to move to Simu 2000. One of the reasons given is that, it’s very near from where they are now. Another reason for choosing that area, the area is crowded with people and becoming congested with vehicles. Thirteen (13) mobile vendors preferred to move to Mwenge market while few of them preferred different markets as indicated in the **Table 6.10** below. The last group of eleven (11) mobile vendors had no choice but was willing to be moved to any market depending to Government decision.

Table 6.11: Mobile vendors’ Preferences to move to new markets

S/N	Name of market	Number of business vendors
1	Simu 2000	88
2	Tegeta	2
3	Mwenge	13
4	Kimara	2
5	Kariakoo	3
6	Tandale	3
7	Magomeni	7
8	Kinondoni	2
9	Buguruni	5
10	Mabibo	1
11	Manzese	4
12	Undecided	11
	Total	141

(Source: Rapid Social Assessment April 2015)

6.13.9 Mobile vendors' awareness about the project

The study shows that 68.8% (97) of mobile vendors interviewed were aware about the project while 31.2% (44) had no any information about the project. Furthermore those interviewed in this study were happy about the project and anticipated that the project will solve traffic congestion at Ubungo intersection. Refer **Table 6.12** below:

Table 6.12: Mobile vendors' awareness about the project

Project awareness	Frequency	Percentage
Aware	97	68.8%
Not aware	44	31.2%
Total	141	100%

(Source: Rapid Social Assessment April 2015)

Table 6.13: Views and concerns raised by mobile vendors

S/N	Concerns /comments	Remarks
01	Many mobile vendors wanted to know how the Government will assist them to make sure that they continue doing their businesses as it is the source of their livelihood.	The Government has earmarked some market places such as Simu 2000 where they will be relocated
02	Mobile vendors wanted to know if the new planned markets will be able to accommodate them.	The Government has prepared about 6130 spaces for mobile vendors to conduct business in 25 markets as a way of restoration of their livelihood.
03	Many mobile vendors wanted to know if they will be assisted by the Government to find other place to conduct their business	They were assured that there are 25 already identified markets to accommodate them.
04	Some mobile vendors who own kiosks wanted to know if they will be assisted to transport their structures to new market places when the project starts	TANROADS will assist them to transport their movable structures to new locations.

CHAPTER SEVEN

7 POLICY AND LEGAL FRAMEWORK

7.1 Introduction

Currently there is no specific policy as “Resettlement Policy” in Tanzania. However, the resettlement in the country is guided by the National Policies and Laws related to land issues. Also the Ministry of Works prepared the Road Sector Compensation and Resettlement Guidelines which are adhered to during the implementation of road projects. Prior to the enactment of a framework legislation to govern land issues in Tanzania, there existed various statutes that dealt with land matters. With such multiplicity of statutes, the responsibility for enforcing them were spread over a number of sectoral institutions ranging from national to local authority level. In 1995, the government of Tanzania developed a national land policy to streamline the system of land administration.

For those projects funded by development partners, the resettlements are also implemented in accordance with the requirements of respective Development Partner.

7.2 Policy

7.2.1 The National Land Policy (1995)

The National Land Policy (1995) provided that a dual system of tenure, which recognizes both customary and statutory right of occupancy as being equal in law be established. The policy further establishes that the land has value, and that land rights and interests of citizens owning land shall not be taken without due process of law and with full, fair and prompt compensation once land is acquired. In principle the Minister responsible for land matters is the sole authority in land issues. But the policy involves the public and private institutions whose functions are associated with land i.e. local authorities, communities, nongovernmental organizations and community based development organizations to participate and co-operate with the minister at different levels during the implementation of the policy and utilization of land.

The land policy stipulates that all land is public land, vested in the president as a trustee, and that this should be entrenched in the constitutions. According to the policy, administration of village land is vested in the village councils. Village councils have to consent before any alienation of village land is affected. In case of land allocations, village councils shall report to respective village assemblies. To address the problem of multiple land allocation, and its resultant disputes, the Commissioner for Lands, is the delegated sole authority for administration of land. He may appoint officers to administer on behalf.

7.2.2 National Human Settlements Development Policy (2000)

The overall goal of the policy is to promote development of sustainable human settlement and to facilitate provision of adequate affordable shelter to all people, including the poor. The policy outlines a number of objectives including the environmental protection within human settlement and protect natural ecosystem against pollution, degradation and destruction with the aim of attaining sustainable development.

The policy recognizes the provision and improvement of service delivery infrastructures like roads for improvement of livelihoods and human settlements. The inadequacy of shelter deliver system to cater for urban population has led to an extensive development of squatters and unplanned settlements.

7.2.3 The World Bank Involuntary Resettlement Policy (OP 4.12)

The World Bank Operational Directive (OD) 4:30 on Involuntary Resettlement and the World Bank Operational Policy (OP) 4.12 on Involuntary Resettlement were consulted while preparing this RAP document.

The main features of the World Bank Operational Directive (OD) 4.30 and World Bank Operational Policy 4.12 that have been accommodated in this RAP include the following:

- Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs
- Where displacement is unavoidable, resettlement plans should be developed.

The Displaced Persons should be:

- (i) Compensated for their losses at full replacement cost prior to the actual move;
- (ii) Assisted with the move and supported during the transition period in the resettlement site;
- (iii) Assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled;
- (iv) Community participation in planning and implementing resettlement should be Encouraged;
- (v) Re-settlers should be integrated socially and economically into host communities so that adverse impacts on host communities are minimized; and
- (vi) Land, housing, infrastructure, and other compensation should be provided to the adversely affected population, indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project. The absence of legal title to land by such groups should not be a bar to compensation.

7.3 Legislation

7.3.1 Land Act [1999]

Essentially, the land Act, No 4 of 1999 regulates the urban land. For the Tanzania Mainland, the Land Act (1999), Land Regulations of 2001 and government standing Order on expropriation for public utilities prescribes that holders of occupancy rights on land pre-empted for the public works must be compensated and assisted in relocating their assets to the nearest suitable place. Most expropriation disputes, on similar public works, are due to disagreement on the value at which an estate and its improvements are to be compensated. The compulsory resettlement of buildings, farms and businesses premises must ensure at least equal compensation values. Accordingly the expropriated owner must be compensated with a price equal to the value that the “un exhausted improvement” (buildings, infrastructure, plantations etc) would fetch if sold on the open market. That value is defined as the cost of acquiring a similar estate and putting up such improvement as those existing when evaluated .Allowance is made for the age, state of repair and economic obsolescence. According to Tanzania law, the compensation should cover:

(a) Real Property (Buildings)

The compensation of real property like building will include:

- (i) Market value of the real property (i.e. value of un-exhausted improvement and land)
- (ii) Accommodation allowance (i.e. market rent of the affected building per month multiplied by 36 months)
- (iii) Loss of profit allowance which is assessed by establishing net profit per months evidenced by audit accounts multiplied by 36 months
- (iv) Disturbance allowance which is calculated by the value of the land by average percentage rate of interests offered by commercial banks on 12 months fixed deposits at the time of loss of interests in land
- (v) Transport allowance that is the actual cost of transporting 12 tons of luggage rail or road (whichever is cheaper) within 20 km from the point of displacement.

(b) Real Estate Compensation Rule

According to the current applicable legislation in Tanzania, land has a value. The land owners with either a title deed or customary ownership must be compensated in cash for losing the land for other development. The government will simply provide the resettled owner with alternative plots of the same size in the nearest suitable location for both residential and business purposes. The resettled individuals have to buy the alternative plot for resettlement.

(c) Farmland Compensation Rule

Since the project area is located in the urban area no farmland will be affected. In this regard the farmland compensation rule will not be applicable.

7.3.2 Land Acquisition Act No. 47 of 1967

The Land Acquisition Act of 1967 stipulates the power and the procedures for acquiring land and the required degree of compensation. Section 3 & 4 of the acts provide that, the president may acquire any land for any estate or term provided such land is required for public purposes such as for exclusive government use, general public use, any government scheme, development of social services or commercial development of any kind including declamation. According to Section 5, if the President's considers the land in a certain locality to be appropriate, it should be examined for possible acquisition by any persons authorized by the Minister, who may do the following:

- Enter upon and survey any land in such locality;
- Dig or drill under the subsoil; and
- Clearly, set and mark the boundaries of the land proposed to be required.

The law forbids entrance into any buildings or closed garden attached to dwelling house without first giving three days' notice. Any damage that results from activities of the authorized person must be compensated. In case of a dispute on the amount of compensation, the Regional Commissioner will make a decision.

Section 6 requires the Minister to give a notice to all interested persons or those claiming to be interested in such land. Section 7 & 8 of the same Act provides for publication of a notice in the gazette to interested persons requiring them to yield up possession of such land and section 9 forbids a party from being compelled to sell or convey part of a house if he is willing to yield the whole house or building in the process of acquisition.

Section 11 (1) provides for compensation by the government to the person whose land is acquired. The president's, with consent of the person entitled to compensation, and may grant public land not exceeding in value of the land acquired, for an estate not exceeding the state acquired and upon the same terms and condition of the land acquired instead of or in addition to any compensation.

7.3.3 Compensation Disputes Section 13(1)

This deals with issues where any land is acquired and dispute over compensation arises in any of the following matters:

- The amount of compensation;
- The right to acquire the land;
- The identity of person persons entitled to compensation.
- The application of section 12 to the Act;
- Any right, privilege or liability conferred or imposed by this Act; and
- Appointment of compensation between the person entitled to the same and such dispute or the parties concerned do not settle a disagreement within six

weeks from the publication of notice that the land is required for public purposes.

According to the section, the Minister or any person claiming interest in land may institute a suit in the court for the determination of dispute.

7.3.4 Urban Planning Act, 2007

The urban Planning Act, 2007, has repealed the Town and Country Planning Act, Cap 378. Under Section 67, the Urban Planning Act, 2007, states that, compensation shall be paid as provided under the Land Act, Cap 113 and Village Land Act, Cap 114.

Section 63 of the Act provides that the value of any land within a planning area for the purpose of determining the amount of compensation payable should be calculated in accordance with the provisions of the land act, Cap 113. This includes temporally development of any land within the planning area unless planning authority gives a planning consent on condition that the value of such temporally development shall not be taken into account for the purposes of assessing any compensation payable to the landholder of such land.

7.3.5 Land Use Planning Act, 2007

The provisions on compensation in this Act are to a large extent similar to those of the Urban Planning Act, 2007. Section 39 of the Act provides that the compensation to land required will be determined and paid according to the Land Act, Cap 113 and Village Land Act, Cap 114

7.3.6 The Road Act 2007

Part III, Section 16 of the Act addressed the issue of compensation for acquired land for road development. The Section emphasized that, where it become necessary for the road authority to acquire a land owned by any person for the purpose of this act, the owners of such land shall be entitled to compensation for any development on such land in accordance with the Land Acquisition Act (1967), Land and Village Land Acts (1999) and any other written law.

7.3.7 Road Sector Compensation and Resettlement Guidelines

Road construction projects often necessitate the acquisition of land for the purpose s of the road corridor and the road reserve. This may result into the encroachment of land and property, damage to the sites of cultural or personal importance, disruption of sources of income and in the displacement of people. In most cases, the disruption occurs against the wishes of those affected or without their informed consent, despite their status as project beneficiaries.

The purpose of the guidelines is to provide a consistent approach in the development and implementation of compensation and resettlement Plan in the road projects implementation. The use of the guidelines is one of the strategies to integrate compensation and resettlement process from the planning phase of the road projects.

7.4 Gap Analysis of National Laws vis-à-vis World Bank Policy

The Consultant reviewed the implications of legal rights to property and/or title to the implementation of any possible involuntary resettlement, including compensation packages and eligibility criteria. Tanzania's policies and legislation vis-à-vis World Bank's OP4.12 on involuntary resettlement was reviewed

Any Resettlement Action Plan has to be consistency with Tanzanian laws and World Bank OP 4.12, whichever is more stringent. A gap analysis has been undertaken in order to measure the difference between Tanzanian laws and the World Bank OP 4.12 requirements Table 7.1 below provides a summary comparison of legal and international requirements and variances with Tanzanian legislation. Where there is a difference between the two, the higher standard will prevail:

Table 7.1: Comparison of Tanzania and World Bank policies on Resettlement and compensation

Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
Land Owners	The Land Acquisition Act 1967, the Land Act 1999 and the Village Land Act 1999 have it clearly that land owners, with or without formal legal rights are entitled to full, fair and prompt compensation. They also get disturbance allowance, transport and loss of profit if they were in actual occupation of the acquired property. Loss of assets are limited to “unexhausted improvements”, that is the and developments on the land. The law does not cover economic and social impacts of relocation.	PAPs are classified into 03 groups (a) those who have formal legal rights including customary and traditional rights; (b) those who do not have formal legal rights to the land but have a claim to such land or assets provided that such claims are recognized under the law of the country; and (c) those who have no legal rights to the land they are occupying Land owners of (a) and (b) above, are among PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance. Socio-economic impacts to PAPs are taken into consideration in preparing the RAP.	There is no gap between Tanzania laws and OP4.12 as far as those with formal legal rights and those without formal legal rights are concerned. However, the lost assets in Tanzania are restricted to land and developments on land, and where relevant, loss of profits. The lost assets under OP 4.12 are much wider than land, and include loss of access to livelihoods and standards of living. It seeks to improve them or at least to restore them to pre-displacement levels.

Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
Land tenants/Squatters	Tanzania laws do not recognize tenants as being entitled to compensation.	Renters and tenants of residential properties are eligible for relocation assistance Renters of business are also eligible for relocation and other assistance. In addition	OP 4.12 recognizes a wider spectrum of PAPs, including tenants. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants.

		compensation for the loss of income during transition.	
	Squatters may be paid compensation on the whims of the government. In those cases however they are not paid. This includes those who construct on road reserves.	Squatters may fit category (c) above and are provided in resettlement assistance in lieu of the compensation for the land they occupy as well as other relocation assistance	OP 4.12 includes squatters among PAPs who are entitled to resettlement assistance in lieu of the land they occupy as well as other assistance to restore their livelihoods. This is different from the Tanzania situation where such people are not entitled to any assistance.

Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
Land Users	Tanzania law on compulsory acquisition and compensation is limited to those who can prove de jure or de facto land ownership and those who have land use rights or customary rights. Illegal users are not covered under Tanzania laws	OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying.	All affected persons should be entitled to some form of compensation whether or not they have legal title.
Encroachers	Persons who encroach on the area are not entitled to compensation or any form of resettlement assistance. Encroachers have to demolish their assets without any compensation, if refuse the authority concerned will demolish at their cost. It is strictly prohibited to especially build houses or to plan permanent crops within the unauthorized areas.	Person who encroaches on the area after the cut-off date are not entitled to compensation or any form of resettlement assistance.	Those who encroaches the area after cut-off date are not compensated. Those who have been in the land before the cutoff date has the same.

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Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
Timing of Compensation Payment	Tanzania law requires that compensation be full, fair and prompt. Prompt means it should be paid within 06 months after the valuation, failure to do which attracts an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. Legally, compensation for the acquired land does not have to be paid before possession can be taken, but in current practices it is usually paid before existing occupiers are displaced. In practice compensation is not paid promptly most of time, and delays are not rectified paying the interest rate as required by the law.	Displaced person and provided prompt and effective at the full replacement cost for losses of assets directly attributable to the project.	In terms of timing, both Tanzanian laws and OP 4.12 require that compensation be paid promptly and before any activities are started in the affected land. This however, rarely happens in practice as can be testified from projects that have involved large scale land acquisition.

Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
Calculation	According to the land Assessment of the value of Land for Compensation	OP 4.12 requires that displaced persons be provided with	Tanzania law provides for the calculation of compensation

<p>of Compensation and Valuation</p>	<p>Regulations 2001 as well as the Village Land Regulations 2001 compensation for loss of any interest in land shall include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits. The basis for assessment any land unexhausted improvement for purpose of compensation is the market value of such land. The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties; or by the use of income approach or replacement cost method, where the property is of special nature and not saleable. In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvement in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used.</p>	<p>prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be taken into account when applying this method. For losses that cannot easily be valued or compensated in monetary terms (e.g. access to public services, customers and suppliers, or to fishing, grazing or forest areas) attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</p>	<p>on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, accommodation and accommodation allowance, and loss of profits where applicable. Since depreciation is applied, the amount paid does not in most cases amount to that required to replace the lost assets. Besides, other types of assets (besides land) are not taken into consideration. Tanzania laws are restricted to land and developments on land, and loss of profits whereas WB OP 4.12 consider all types of losses and provision of alternative compensation measures.</p>
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Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
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<p>Relocation and resettlement</p>	<p>Tanzanian laws do not provide for relocation and resettlement. However there are the few cases where the government has provided both compensation and alternative land, but this has been done at its discretion. In general, however the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced person to resettle and re-establish themselves elsewhere.</p>	<p>OP 4.12 stipulates that where project impacts include physical relocation, measures should be taken to ensure that the PAPs are:(i) provided with assistance during relocation, and (ii) provided with residential housing , or housing sites, or ,as required ,agriculture sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages lost.</p>	<p>Tanzanian law provides for the transport allowance for 12 tons of luggage for up to 12km from the acquired land, provided the displaced person was living on that land. In lieu of housing accommodation allowance is made is made in the form of rent for rent for 36 months. Occasionally, in a discretionary manner alternative land is awarded.</p>
<p>Completion of resettlement and compensation</p>	<p>The government can under the law, take possession of the acquired land at the end of the notice to acquire period, before paying compensation. Current practice however is such that possession is usually after the payment of compensation whereby the displaced persons are given time to vacate the land, which is usually as soon as possible.</p>	<p>It is necessary ensure that displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has paid, where applicable, resettlement sites and moving allowance have been provide to the displaced persons.</p>	<p>The land acquisition Act 1967, allows the government to take possession of the acquired land before paying compensation. Current practice endeavors to pay compensation before taking possession of the land.</p>

Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
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Livelihood restoration and assistance	There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods. Indeed compensation is not payable in case of restrictions to access to areas of livelihood opportunities. Moreover there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples	Resettlement plan or policy include measures to ensure that the displaced persons are:(i) offered support after displacement for transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living, and (ii) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.	There are no transitional measures provide for under Tanzanian law and practice, nor are there provisions for compensation as a result of restriction to access livelihood. The Tanzanian law does not make provisions requiring government to pay special attention to vulnerable groups in the administration of compensation.
Consultation and disclosure	There scanty provisions related to consultation and disclosure in Tanzania law. The notice, under the Land Acquisition Act, informs land owners about the President's need to acquire their land, and their right to give objections. The Land Act allows displaced to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth. Since resettlement is not provided legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.	OP 4.12 requires consultation of PAPs, the host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning , implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms	The provisions in OP 4.12 requiring consultation and disclosure have no equivalent in Tanzania law and practice.

Content	Tanzania Legislation	World Bank OP 4.12	Gaps/Measures
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<p>Grievance mechanism and dispute resolution</p>	<p>Under Land Acquisition Act, where there is a dispute or disagreement relating to:(a) the amount of compensation, (b) the right to acquire the land; (c) the identity of persons entitled to compensation; (d) the application of section 12 to the land; (e) any right privilege or liability conferred or imposed by this Act; (f) the apportionment of compensation between the persons entitled to the same and such dispute or disagreement is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose the Minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for determination of the dispute. In practice the Government tries to resolve grievances through public meetings of the affected persons.</p>	<p>OP4.12 provides that displaced persons and their communities, and any host communities receiving them are provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning implementing and monitoring resettlement. Appropriate and accessible grievance mechanism must be established for these groups.</p>	<p>The Tanzanian Law does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</p>
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CHAPTER EIGHT

8 INSTITUTIONAL FRAMEWORK

A number of organizations and institutions will be involved with RAP implementation processes at different levels and times.

This section provides a list of all agencies and institutions involved in each step of the resettlement process (preparation, appeals, implementation and monitoring). The experience of the majority of the actors involved seems adequate to the tasks to be carried out and therefore no particular capacity building measures are required. As soon as the RAP is cleared and finalized, TANROADS will formally disclose it to the affected people. For this purpose, TANROADS will organize a number of sessions to PAPs. The sessions will be chaired by the RAP specialist of TANROADS and attended by representatives of the higher territorial hierarchies (Districts and Ward/Mtaa). Adequate display materials will be utilized. TANROADS will prepare the list of the occupants dispossessed by the project, specifying their rights of occupancy and the assessed value.

TANROADS in collaboration with the Local Government (i.e. District Councils) will dispatch the dislocation notices to the concerned PAPs. The Ministry of Finance through TANROADS will disburse the compensation funds to the TANROADS Regional office to pay the communities eligible for compensation. After the implementation of compensation and resettlement, the communities will be given at least six months for resettlement. TANROADS will then authorize the Contractor to start demolition works.

The NGO will assist in raising public awareness on resettlement and facilitate local community participation in RAP implementation. Many times, the communities preferred cash compensation since they feel that it will be some sort of improvement in their social welfare. This is through the experience acquired where compensation have been implemented in Tanzania. The overall coordination of RAP activities will be under TANROADS and other institutions and organizations that have the legal obligations to carry out functions related to resettlement and or compensation including various local authorities.

- TANROADS will support sensitization of stakeholders on RAP, preparation and monitoring of RAP;
- Local Government Authorities will sensitize communities on RAP, provide technical support in preparation of RAP, screen and appraise and monitor the implementation of RAP;
- Communities, from Mtaa, Wards, affected groups as the final owner of land, landed properties and assets to be acquired or affected will be the participants in the process;
- Independent NGOs /CBOs and other stakeholders will be engaged to witness the fairness and appropriateness of the whole process. The NGOs will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, TANROADS to facilitate the completion of RAP;

- External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:
 - Resettlement conditions where relevant;
 - Consultation on compensation options, process and procedures;
 - Adequacy of compensation; and
 - Adequacy of specific measures targeting vulnerable people.

TANROADS shall set up Resettlement Committee comprising representatives of key Ministries and a local NGO involved in similar projects. The following committees shall be established at district levels with representation from the PAPS /Wards:

- Resettlement Committee;
 - Chair – Mayor of Kinondoni Municipality
 - Member – TANROADS, Dar es Salaam
 - Member – TANROADS, Headquarter
 - Member – Ministry of Lands
 - Member – Member – Consultant
 - Member – Representative of a Local NGO
 - Member – Representative of PAPs
- Compensation Committee; and
 - Chair – TANROADS, Dar es Salaam
 - Member – Ministry of Lands
 - Member – Consultant
 - Member – Two representative of PAP (one representing households and one represent business tenants)
 - Member – Valuer
- Dispute Resolution Committee.
 - Chair – District Commissioner
 - Member – TANROADS, Dar es Salaam
 - Member – TANROADS, Headquarter
 - Member – Ministry of Lands
 - Member – Valuer
 - Member – Representative of a Local NGO
 - Member –Two representative of PAPs(one representing households and one represent business tenants)
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CHAPTER NINE

9 MECHANISMS FOR CONFLICT RESOLUTIONS AND APPEALS

9.1 Grievances Procedures

The RAP will be made available to the public, the appeal structures at various levels, specifying the responsible parties and their response time. Before starting with the grievance sequence and where appropriate (i.e. in case of complaints of minor entity), aggrieved parties will take their complaints to the community or traditional meetings for dispute resolution. The local NGOs will be involved to facilitate the process for grieved persons and attempts will be taken to resolve the complaint before they enter the legal and administrative appeals hierarchy.

Land Acquisition Act details procedures for dispute resolution with respect to compensation. Local authorities could handle the disputes and grievances in the first place. In summary those seeking redress will have to notify local government and ward offices. If this fails, disputes can be referred to district level. Resolution of disputes should be speedy, just and fair and local NGOs that are conversant with these issues could be engaged by the project. If all failed the PAP with a complaint will be informed about his or her right to start a court case in accordance to the Tanzanian laws.

First stop, the Mtaa Grievance Redress Committee (MGRC), has one week to resolve the dispute. If a given dispute is not resolved in one week it will go to the District Grievance Redress Committee (DGRC), which has two weeks to resolve the dispute. Unresolved disputes can be referred to appropriate level of land courts established by law. If local courts are unable to resolve the disputes application can be made to the High Court of Appeal of Tanzania, this is the highest appellate judge in the system and its decision will be final.

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation programme are often related to the following issues:

- Inventory mistakes made during census survey as well as inadequate valuation of properties;
- Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- Disagreements on plot /asset valuation (e.g. inadequate compensation);
- Seizure of assets without compensation;
- Divorces, successor and the family issues resulting into ownership dispute or dispute share between in heirs or family;
- Disputed ownership of given Assets (two or more affected individual(s) claim on the same);
- Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (unsuitable location of the resettlement site); and
- Problems related to the time and manner of compensation payment.

9.2 Proposed Grievance Management and Redress Mechanism

The mechanisms for grievance management and redressed mechanisms are to be “affordable and accessible,” and third parties independent of the implementers should be available at the appropriate point in the process. The grievance procedure will be simple, administered in the first instance at the local level to facilitate access, flexibility and open to various proofs taking into account the need for speedy, just and fair resolution of their grievances. The process suggested for resolving individual grievances is presented in **Figure 9.1** below.

9.3 Grievance Redress Committees

There are two committees which will be involved in redressing grievances arising from the PAPs in the project area;

- ❖ Mtaa Grievance Redress Committee (MGRC) and,
- ❖ District Grievance Redress Committee(DGRC) known as Social Service Committee(SSC)

Composition of MGRC

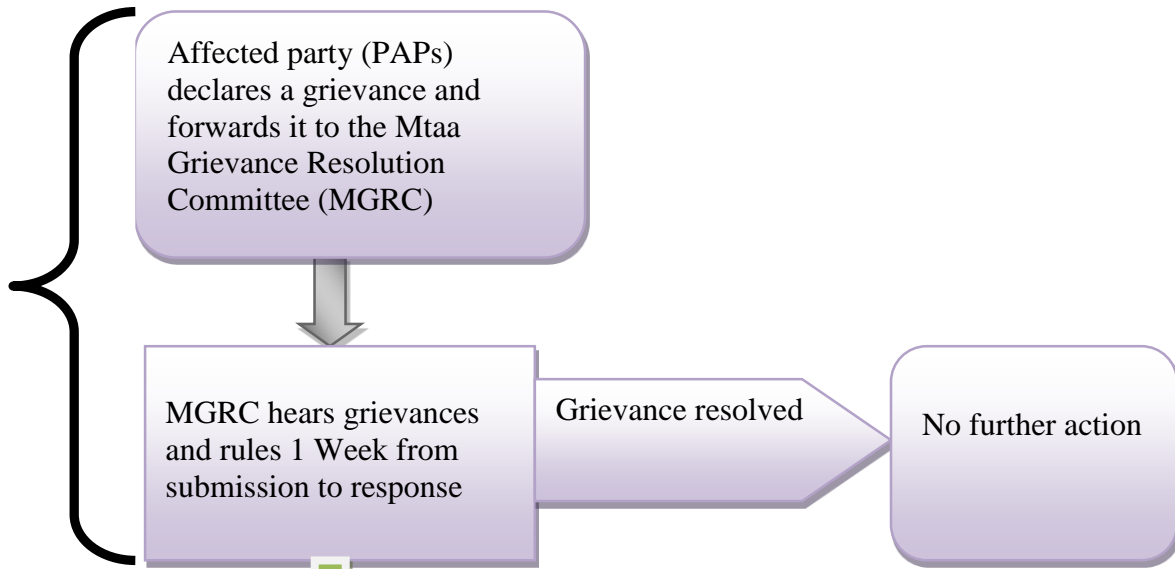
- Mtaa Chairperson,
- Mtaa Executive Officer (MEO),
- Representative from the PAPs,
- Community Development Officer from the Ward,
- Representative from NGO to be identified

Composition of DGRC

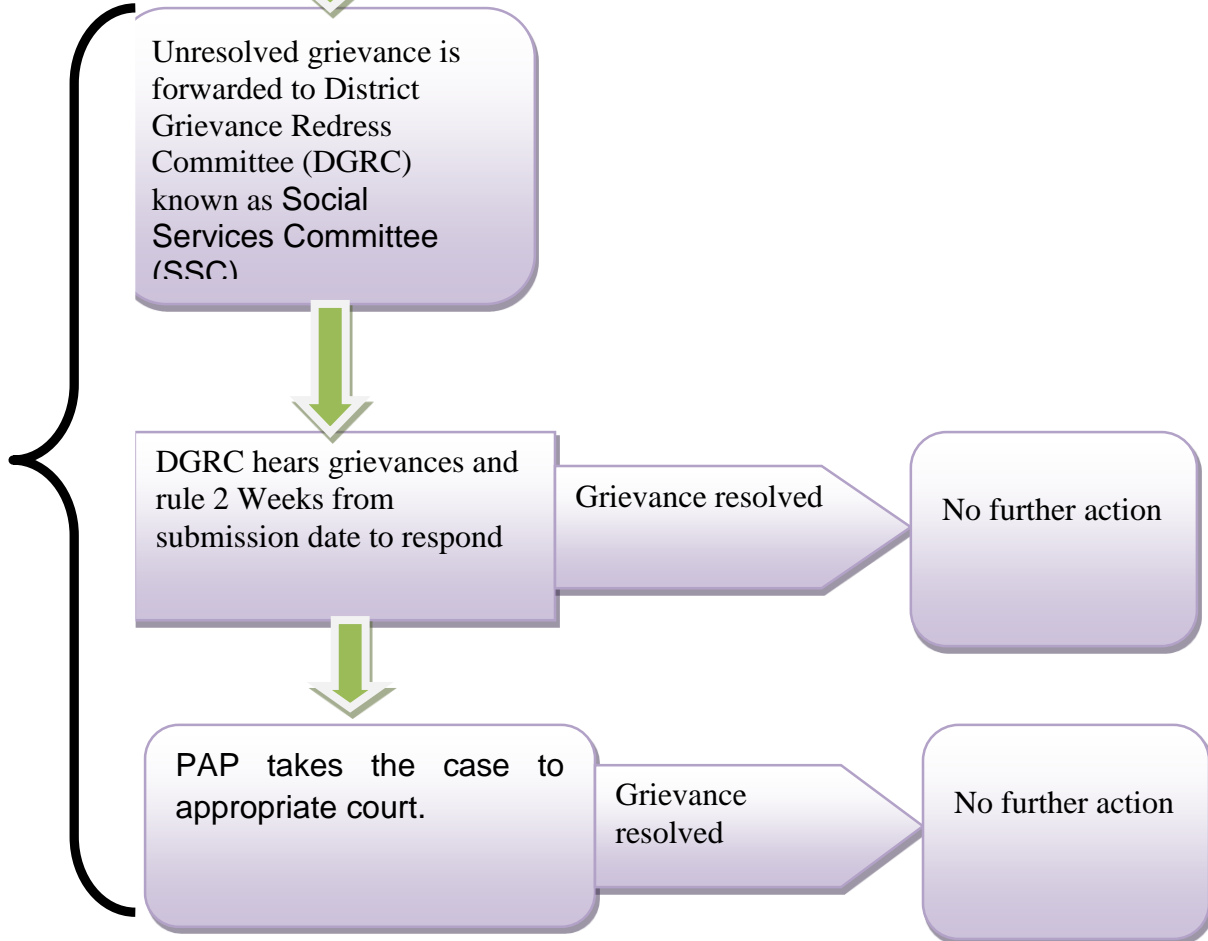
- District Commissioner – Chairman
- District Land office- Member,
- District Valuer
- RAP Implementing Agency – Member
- PAP representative/ local NGO- Member
- Representative of TANROADS- Member

Figure 9.1: Grievances Redress Mechanism

Stage 1



Stage 2



CHAPTER TEN

10 ELIGIBILITY

10.1 Definition

The eligible individual(s) are those who are directly affected socially and economically through the road project caused by:

- a) The compulsory taking of land and other assets resulting in the following:
 - i) Relocation or loss of shelter;
 - ii) Loss of assets or access to assets; and
 - iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location.
- b) The forceful denial to access legally designated social economic services, with adverse impacts on livelihood of the displaced individuals

In this RAP all the affected categories have been identified and their associated entitlement as follows; 56 house and land owners, 2 mosques, 3 boundary fences, tenants residing in affected houses (73), tenants doing business in affected buildings (150) and business on structures/kiosks (17). Those doing business in front of main affected structures (50), trees (73); those vending along road (200), 50 motorcycle riders (*bodaboda*), 40 tricycle (*Baja*) riders and 30 taxis drivers.

There also four (4) utility categories to be affected by the project. These include;

- ✓ TANESCO – Electricity reticulation poles with all accessories
- ✓ DAWASA/DAWASCO – Main distribution water supply pipes with all accessories
- ✓ TPDC/SONGAS- 0.6 km Gas pipeline with all accessories
- ✓ TTCL - Fiber cables, copper cables and associated accessories

The PAPs were considered irrespective of their tenure status, with respect to land that they own, occupy or use provided they own, occupy or use the affected land prior to the cut-off-date. Cut-off date for eligibility to resettlement entitlements for the project was when the survey and valuation of affected properties was completed (i.e. 24th June 2014).

Assets that are eligible for compensation are buildings, land, and development made on the land such as crops, trees, bore holes etc. The affected public social services such as power supply will be enumerated for costing, replacement and construction at suitable sites.

For Public utilities such as gas pipes, water main distribution pipes/customer pipes, control valves with chambers, tunnel bulk meter, electric reticulation poles, fiber cables and telephone cables are being valued separately.

These categories are used to determine which PAPs are considered eligible for compensation and other resettlement assistance, in accordance with Tanzania Laws and World Bank Safeguard Policies.

For purposes of compensation, cut-off date takes into account only for properties which existed before the enumeration of properties and assets in the project area.

10.2 Identification of Project Affected Groups /Individuals

According to the above laws and policies the affected person(s) (group(s) /individual(s)) are those who lose assets or are denied access to legally designated social economic services as a result of proposed project activities, whatever the extent of loss, lost assets may be land, structures, trees etc. These categories of project affected individuals/groups were identified through socio-economic study and census.

This RAP has taken into account all the project affected persons including those with no legal status such as vendors doing business in the project area. This category of people will be allocated places in market areas such as Simu 2000, Makumbusho, Mburahati, Sinza I and Sinza II.

10.3 Categories of Affected People

In line with the Tanzania Law, categories of affected people include: property owners with either legally recognized documents such as certificate of right of occupancy or customary rights.

The World Bank OP 4.12 categorizes affected group(s) individual(s) /persons as:

- a) Those who have formal legal rights (including customary and traditional rights) recognized under the laws of Government of Tanzania;
- b) Those who do not have formal legal rights to land at the time of conducting census, but have a claim to such land or assets provided that such claims are recognized under the laws of Government of Tanzania; and
- c) Those who have no recognized legal rights or claims to land they are occupying.

Persons who encroach into the project area after the cut-off date as stated above are not entitled to compensation. People who consider themselves to be eligible and are not identified at the time of census will have the right to appeal to district authorities.

10.4 Entitlement Matrix

The principle adopted from the Tanzania Laws establishes the eligibility and provisions for all types of losses (land, structures, businesses, loss of accommodation, disturbance, crops, transport costs resulting from displacement and trees). All affected persons will be compensated at full replacement costs and other allowances.

Following the apparent gap in Tanzania laws on involuntary policy and that of the World Bank, this RAP will be aligned with the World Bank Operation Policy which indicates best practices for rehabilitation of livelihoods of people affected by the implementation of the project. The Bank's policy will be applicable because:

- (1) they are involved in the funding of the project and,
- (2) Its policy best fulfil the pro-poor objectives of the projects, ensuring that the conditions of PAPs are preferably improved or at least restored to pre-displacement levels as well as offers special considerations for vulnerable and landless PAPs.

Table 10.1 Entitlement Matrix

Entitlement Matrix			
Land and Assets	Types of Impact	PAP	Compensation
Commercial Land	Assets used for business affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner (26)	<ul style="list-style-type: none"> ✓ Compensation in cash according to PAP's choice, based on replacement cost, taking into consideration the market value, including the value of the business conducted in the land. ✓ Relocation assistance (costs of shifting + allowance). ✓ Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates). If there is no tax record then the income of comparable business in the same area to be calculated to reach the opportunity cost.
Residential Land	Land and assets used for residence affected	Title holder/ residential (23)	<ul style="list-style-type: none"> ✓ Replacement value for the house based on the market price. ✓ They receive cash compensation equivalent to 3 months of lease/ rental fee. ✓ Assistance in rental/ lease of alternative land/ property. ✓ Relocation assistance (costs of shifting + allowance)
Institutional land	land and assets used by the institutions (TBS, Ministry of Water and TANESCO)	Title holder-3 institutions	<ul style="list-style-type: none"> ✓ Refund of any lease/ rental fees paid for time/ use after date of removal. ✓ Cash compensation equivalent to 3 months of lease/ rental fee. ✓ Relocation assistance (costs of shifting + allowance)

Religious land	Land and assets used for religious purposes severely affected	Title holder -2 mosques	<ul style="list-style-type: none"> ✓ Cash compensation for the land and assets for replacement of the mosques, taking into consideration the market and value of the land. ✓ Cash compensation equivalent to 3 months of lease/ rental fee till the mosques can be replaced. ✓ Assistance in rental/ lease of alternative land/ property. ✓ Relocation assistance (costs of shifting + allowance)
Place of worships (2 mosques' structures)	Entire structures are affected	The Mosques owners	<ul style="list-style-type: none"> ✓ The removal of these assets and objects should be done with full participation of those impacted. Any expenses for moving or preserving these assets should be included.
Buildings and structures	Entire structures are affected or partially affected	Owner (49)	<ul style="list-style-type: none"> ✓ Cash compensation for entire structure and other fixed assets without depreciation and taking into account the market value, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. ✓ Right to salvage materials without deduction from compensation. ✓ Relocation assistance (costs of shifting + allowance (disturbance accommodation and loss of profit). <ul style="list-style-type: none"> ○ (Transport allowance) = 12 tons x actual cost/ton/Km x 20Km ○ Disturbance allowance = Land value x Average interest rate on the Land offered by Commercial Banks on 12 Months fixed deposits. ○ Loss of rental profit = Net profit/p.m x 36 months

			<ul style="list-style-type: none"> ○ Accommodation allowance = <i>Rent/p.m x 36 Months</i>
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Entitlement Matrix			
Land and Assets	Types of Impact	PAP	Compensation
	Entire structures are affected or partially affected	Business tenants (150)	<ul style="list-style-type: none"> ✓ Cash compensation for disturbance allowances ✓ Cash compensation for Transport allowances which is computed on the bases of prevailing market rates within an area. Transport allowance is given as the actual cost of transporting 12 tons of luggage by rail or Road within 20 km from the point of displacement: <ul style="list-style-type: none"> ○ <i>Transport allowance = 12 tons x actual cost/ton/Km x 20Km</i> ✓ Cash compensation for loss of profit which is assessed by establishing Net profit per month evidenced by audited accounts multiplied by 36 months. <ul style="list-style-type: none"> ○ <i>Loss of profit = Net profit/p.m x 36 months</i>
		Residential tenants (73)	<ul style="list-style-type: none"> ✓ Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). ○ Cost of shifting = <i>12 tons x actual cost/ton/Km x 20Km</i> ○ Accommodation allowance = <i>Rent/p.m x 36 Months</i>
	Street vendors		<ul style="list-style-type: none"> ✓ Assistance to help find alternative rental arrangements. ✓ Rehabilitation assistance if required (assistance with job placement, skills training).

		<p>Street vendor (informal without title or lease to the stall or shop)</p> <ul style="list-style-type: none"> ○ Mobile Vendors (200) ○ Stalls / Tables (50) ○ Mobile Kiosks (17) 	<ul style="list-style-type: none"> ✓ Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. ✓ Relocation assistance (costs of shifting).TANROADS will provide transport for movable Kiosks to new sites. ✓ Assistance to obtain alternative site to re- establish the business. Kinondoni Municipality have earmarked 25 markets to accommodate street mobile vendors as alternative sites for conducting their business. ✓
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Entitlement Matrix cont...			
Land and Assets	Types of Impact	PAP	Compensation
Trees	Trees lost	Title holder	✓ Cash compensation based on type, age and productive value of affected trees plus 10% premium. The amount to be compensated for 73 affected trees is 10,202,901 Tanzanian shillings.
Utilities	Reticulated Electrical poles with all accessories	Tanzania National Electricity Supply Company (TANESCO)	✓ Cash compensation for the relocation of these utilities amounting 25,146,536,332.30 Tanzanian Shillings.
	Fiber cables, Copper cables and associated accessories	Tanzania Telecommunication Company Limited (TTCL)	✓ Cash compensation for the relocation of these utilities amounting 670,440,464.20 Tanzanian Shillings
	Main water distribution pipes with all accessories	Dar es Salaam Water and Sewerage Authority (DAWASA)	✓ Cash compensation for the relocation of these utilities amounting 2,000,000,000.00 Tanzanian shillings.
	Gas pipes with all the accessories	Tanzania Petroleum Development Corporation (TPDC)	✓ Cash compensation for the relocation of these utilities amounting 316,787,654.96 Tanzanian shillings.
Boundary walls	Partial	TBS	✓ Cash compensation for the relocation of these utilities amounting 6,800,000.00 Tanzanian shillings.
		Ministry of Water	✓ Cash compensation for the relocation of these utilities amounting 14,080,000.00 Tanzanian shillings.
		TANESCO	✓ Cash compensation for the relocation of these utilities amounting 13,848,000.00 Tanzanian shillings.

10.5 Organizational Procedures for the Delivery of Entitlements

The delivery of entitlement will involve a number of agencies and the key issues in entitlement delivery include:

- (i) Public Participation- PAPs are to be involved in this process from the beginning of the project;
- (ii) Notification of Land Resource Holders- these are notified formally and informally;
- (iii) Documentation of Holdings and Assets: Meetings with PAPs were arranged to discuss compensation and PAPs filled forms in the presence of local leaders;
- (iv) Agreement on compensation and preparation for contract. Compensation is explained to individual PAPs, contract is prepared and read in the presence of local leaders before signing and
- (v) Compensation Payment: Handing over property shall be done in the presence of local leaders and compensation through the bank.

The institutions responsible for various activities for preparation and implementation of RAP are listed in **Table 10.2**. Consultations, socio-economic surveys, valuation, and levels of awards are to be suggested by the Consultants, while demolition of structures to be done by the civil works Contractor. The payment will be made by TANROADS with the involvement, the district administrations, the Consultants. Monitoring and evaluation of RAP implementation will be done with the help of NGOs and external agencies. The institutions responsible for development and implementation of RAP is as indicated in **Table 10-2** below

Table 10.2: Institutions Responsible for Preparation and Implementation of RAP

S/N	RAP Item /Activity	Institutions Responsible
1	Public Consultations	Consultants
2	Identification of Affected People and Properties	Consultants
3	Baseline Socio-economic Survey	Consultants
4	Inventory of Assets	Consultants
5	Valuation of Assets	Consultants
6	Determination of Eligibility and Levels of Awards	Consultants

7	Demolition	Contractor
8	Cash Payments for Compensation or Resettlement Assistance	TANROADS, District Administration, Consultant
9	Monitoring	NGO or External Agency
10	Evaluation	External Agency

CHAPTER ELEVEN

11 VALUATION AND COMPENSATION FOR LOSSES

11.1 Properties Survey

The Consultant of this RAP have inspected the affected properties and provided values of the properties to be affected under this Project. Objective of valuation of the properties were to determine market value for compensation purposes.

Local government authorities informed local communities of the intended RAP activities and the possibility of relocating residents.

In carrying out field surveys, the Valuer was at all times accompanied by a local leader i.e. Mtaa Executive Officer (MEO) and/or Mtaa Chairperson who identified the property owners, confirm the boundaries shown by the owner and certified on the field sheets of the count of property. In brief, the following was done:-

- Identification of assets affected by the project and their respective owners;
- Survey team also compiled a detailed inventory of the types, sizes and conditions of the land and assets of each affected households, business or entity and determined the value of compensation to be paid to each household for affected land, assets and loss of income sources;
- Assigning Reference Number to each of the identified individual.
- Taking notes, measurements and photographs of the identified properties (buildings) and the owners of assets on a pre-prepared inspection sheet;
- Taking measurements of the land and inspection of the buildings with help of the land surveying team;
- Ensuring that all entries on the inspection sheets are counter checked and signed by the local leaders and the property owners in the respective location.

Results of survey and valuation exercise were presented to TANROADS in valuation report, therefore, provided the principal sources of information on the number and location of affected properties, the number and categories of the affected households, the nature and magnitudes of losses and displacement, the methods used for valuing land, assets and loss of income and assessing compensation and the amount of compensation to be paid.

11.2 Basis for Valuation

11.2.1 Land Acquisition and Compensation in Tanzania

Land acquisition in Tanzania is governed by *Act No.47, the Land Acquisition Act (1967)*. A provision related to land acquisition in the Town and Country Planning Ordinance Cap 378 is subservient to the provision in *Act No.47*. The new *Land Act (1999)* has not amended any of the land acquisition provisions in *Act No.47*.

Act No.47 is the main law used in Tanzania and is the 'mother Act' when it comes to land acquisition. However, the new *Land Act*, part II, elaborates the provision on assessment. Section 3 (1) paragraph "g" of *the Land Act No.4 (1999)* which provides: "To pay full, fair prompt compensation to any person whose right of occupancy or recognized long standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the state under this Act or is acquired under *the Land Acquisition Act*." Also, *the Land Act (1999)* deals with mainly land tenure and land rights. It also addresses issues of compulsory acquisition, mortgages and regularization of unplanned areas.

Article 24 (1): states that, subject to provisions of the relevant laws of the land, every person is entitled to own property, and has a right to the protection of his property held in accordance with law. Moreover, Article 24 (2): provides that, it shall be unlawful for any person to be deprived of property for the purposes of nationalization or any other purposes without the authority of law which makes provision for fair and adequate compensation.

The Consultant has planned out the methodology for valuation of all the losses and determined their replacement cost. The description of the compensations and other resettlement measures to assist each category of eligible persons is also given. The measures are compatible with the cultural preferences of the PAPs. These measures were identified through consulting PAPs. The consultant has described the types and levels of compensation for each type of losses. Matrixes will be used by the team in charge of the implementation of the resettlement plan, and all of them must be user friendly in order to give clear and full answers to the following questions:-

- Which type of compensation for a given loss?
- What rate for that specific compensation?

Based on the results of the census, the valuation of all the expected losses total or partial, permanent or temporary and of their replacement cost was calculated. For the details, refer the value's report. The report will be available separately after the approval of Chief Government Valuer.

11.2.2 Assessment of Compensation

In carrying out field surveys, the Valuer was at all times accompanied by a local leader who identified the landowner, confirm the boundaries shown by the owner and certified on the field sheets of the cost of property. In brief, the following were done:-

- Identification of assets affected by the Project and their respective owners;
- Assigning reference number to each of the identified case and a pink card;
- Taking notes of the identified properties (buildings) and other assets on a pre-prepared inspection sheet;
- Taking measurements of the land and inspection of the buildings with help of the land surveying team;
- Ensuring that all entries on the inspection sheets are counter checked and signed by the local leaders and the property owners in the respective location.

11.2.3 Computation of Various Allowances

(i) Disturbance Allowance

Disturbance allowance is payable as a percentage of real property value in compliance to the provisions of *Land Act No.4 (1999)*. The percentage is the average commercial bank rates offered on fixed deposits. Data obtained from the various financial institutions in Tanzania shows that the average rate on fixed deposits is 4% per annum.

(ii) Transport Cost

In accordance with section 11 of *the Regulations of Land Act No.4 (1999)*, transport allowance is computed on the basis of obtaining average transport rates within the area. That is average cost of transporting 12 tons over a distance of 20km. Data available from Regional Works office (MOW) indicates an average of Tshs 200,000/= per ton.

(iii) Loss of Profit

In accordance with section 9 of *the 2001 Regulations of Land Act No.4 (1999)*, the net monthly profit obtained from the business associated with the affected properties is assessed (for high incomes), evidenced by audited accounts where necessary and applicable, and multiplied by 36 months in order to arrive at the loss of profit payable. This calculation applies also for such businesses that are only temporarily affected during the Project's construction phase. However, for the purpose of this Project, since nobody managed to provide audited accounts, the Valuer established what is known as social market survey (SMS) to compensate the loss of profit. The social market survey established based on village economic profile whereby you interview several business people on their income per month and you establish average rate for each month multiply by 36 month in order to arrive at loss of profit payable to affected people with business along the road project.

(iv) Loss of Accommodation

Laws of Tanzania requires an accommodation allowance equal to the amount payable for a similar property of the same value (as the value of the damaged property) to be paid to the claimants to support them in paying rent for an alternative accommodation during the period of construction of an alternative accommodation. In accordance with section 8 of *the 2001 Regulations of Land Act No.4 (1999)*, accommodation allowance is calculated on the basis of monthly rent of the acquired property per month over a 36 month period.

(v) Partial Loss

In the case of partial loss, the consultant considered the extent of demolition of the property/asset is affected and require compensation. This means that where PAPs are partially affected, the inventory and valuations were made on PAP's entire asset holdings.

CHAPTER TWELVE

12 IMPLEMENTATION SCHEDULE

Implementation of RAP consists of several resettlement activities. Efficient implementation of RAP activities requires several measures to be taken prior to startup of implementation. These include setting up of relevant committees at district level, hiring of NGO or consultant etc. In principle project civil works may not start until all PAPs determined to be entitled to compensation are compensated. Therefore land acquisition and assets may take place after compensation has been paid and other assistance required for relocation prior to displacement. The time frame of 12 months on the implementation schedule ensures that no PAP or affected household will be displaced due to civil works activity before compensation is paid and is undertaken when all necessary approvals have been obtained.

The following are key RAP implementation activities and are shown in **Table 12.1**:

- Surveys; PAPs identification and inventory of assets
- Consultation with PAPs
- Valuation of affected properties and establishment of cut-off date for eligibility
- Bank account opening
- Actual payment of compensation and delivery of other entitlements;
- Payment within 6 months of giving notices;
- Dispute /grievances resolution;
- Owners can remove all affected structures at fixed date (advised at the time of compensation payment) provided in writing; and
- Monitoring and evaluation

Table 10.1 RAP Implementation schedule

Task	Months of Year 2014							Months of Year 2015						
	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July
Identification of affected land and other assets.														
Preparation and conducting of household surveys of PAP s and Establishment of cut-off-date.														
Consultations with PAPS communities and stakeholders														
Identification of categories of affected assets, ownership/use status.														
Finalization of draft RAP report														
Response to feedback to draft RAP and RAP finalization														
Submission of final RAP and budget														
Approval of budget for relocating utility														
RAP disclosure and circulation														
Grievance Redress mechanism in place at Mtaa and District levels.														
Revision and approvals of compensation schedules														
Mobilization of Compensation Money-Ministry of Finance														
Opening Bank Accounts with Bank														
Certified List of names with Bank Accounts sent to TANROADS by Bank														
Compensation to PAPs-payment through banks (for those getting or equal to 400,000 Tsh)														
PAPs informed by TANROADS/or consultant that funds have been deposited into their accounts														
TANROADS prepares open checks for PAPs getting less than TShs 400,000														
TANROADS prepares record form for PAPs to sign upon receiving the check														
Preparing relocation-Local Government														
Land acquisition-Notice of COI clearance														
Commencement of Works														

CHAPTER THIRTEEN

13 COST AND BUDGETING

The budget for implementing this RAP is presented in the **table 13.1** below which are based on the number of PAPs presented in the Final Valuer's Report April, 2015. This happened because preparation of Ubungo Intersection Resettlement Action Plan was done by using the Valuer's Report of November 2014 which did not include Business tenants and Residential tenants.

Table 13.1: Resettlement Budget

Component		Resettlement cost (Tzs)
56PAPs:	Compensation for Structures	1,637,104,945.00/=
	Compensation for loss of Land	4,754,185,000.00/=
	Disturbances allowances	619,780,480.00/=
	Loss of profits	1,277,560,000.00/=
	Transport allowances	11,200,000.00/=
	Accommodation allowances	803,520,000.00/=
	65 Trees	9,627,602.00/=
150 Business Tenants	Disturbances allowances	7,001,400.00/=
	Loss of profits	49,920,000.00/=
	Accommodation allowances	49,920,000.00/=
	Transport allowances	30,000,000.00/=
73 Residential Tenants	Disturbances allowances	1,226,400.00/=
	Accommodation allowances	17,520,000.00/=
	Transport allowances	14,600,000.00/=
2 Mosques	Compensation for structures	255,685,350.00/=
	Disturbances allowances	20,500,852.00/=
	Accommodation allowances	23,040,000.00/=

	Transport allowances	400,000.00/=
	8 Trees	575,299.00/=
DAWASA – Utilities: Main Distribution pipes, Control Valves, Chambers, Tunnel Bulk Meter		2,000,000,000.00/=
TPDC – Utilities: Gas pipes		316,787,654.96/=
TANESCO – Utilities: Electricity reticulation poles		25,146,536,332.30/=
TTCL – Utilities: Cables		670,440,464.20/=
Other costs		
Cost for hiring NGO		180,000,000.00/=
Expenses for three committees (Sitting and Transport allowances)		30,000,000.00/=
Sub total		37,927,707,078.46/=
Contingency 10%		3,792,770,707.85/=
Grand Total		41,720,477,786.31/=

CHAPTER FOURTEEN

14 MONITORING AND EVALUATION

14.1 General Objectives of Monitoring and Evaluation

RAP implementation is one of the central components of this project its monitoring is critical to solve challenges or obstacles in the areas of mobilization, compensation, relocation etc.

The monitoring and evaluation procedures will include external and internal evaluation of the compliance of the actual implementation with objectives and methods as agreed, and monitoring of specific situations.

14.2 Internal Monitoring

Project implementation unit and NGO will be responsible for internal monitoring while the Consultants may provide technical assistance in implementing RAP.

Monitoring will ensure the following:

- Verification of land acquisition, property valuation, and economic rehabilitation whether these have been carried out as planned;
- Information dissemination has been carried out;
- Status of land acquisition and payments on land compensation;
- Value of entitlements received is equal to the original structure or land acquired;
- Use of entitlements and its misuse;
- Compensation of affected structures and other assets;
- Relocation of PAPs if applicable;
- Payments for loss of incomes;
- Implementation of rehabilitation measures;
- Effective operation of grievances Committee;
- Funds for implementing land acquisition and economic rehabilitation activities are available in timely manner, are sufficient for the purpose and spent according to Plan;
- The Consultants shall submit reports on monthly basis documenting the RAP progress implementation;
- Project Unit shall be responsible for monitoring day to day resettlement activities;
- Performance data sheet shall be developed to monitor at the field level; and
- The Consultants shall be responsible for overall project level monitoring.

The following verifiable indicators in Table 14-1 below will be used to monitor and evaluate the implementation of resettlement and compensation plans.

Table 14.1: Indicator for Monitoring and Evaluation of RAP Implementation

	Issue /Impact	Monitoring Indicator
1	Physical loss of utilities, building, land, plot, crops	- Number of PAPs compensated - Number of Bank Accounts opened - Number of Buildings demolished - Number of PAPs able to establish pre-displacement activities, land, crops - Number of community properties relocated - Number of trees cleared
2	Financial loss of business	- Number of PAPs compensated - Number of PAPs resuming business at pre-displacement level or better
3	Loss of social services	- Number of community properties relocated
4	Psychological loss	- Number of PAPs paid relevant allowances
5	Sociological loss	- Number of vulnerable individuals supported
6	Grievances	- Number of grievances received - Number of grievance resolved
7	Consultation	- Number of consultations held

14.3 External Monitoring

External monitoring shall be engaged by TANROADS to carry out independent bi-annual review of RAP implementation and project evaluation. External monitoring and evaluation can be done by independent researcher, consulting agency, university department or an NGO. External monitoring will focus on the following:

- Verifying whether the objectives of enhancing or at least restoring the income levels and standard of living of PAPs have been met;
- Suggest modification in land acquisition and economic rehabilitation where necessary to achieve objectives;
- Assess if all resettlement and land acquisition have been completed;
- Verification of internal monitoring;

- Demographic baseline and bi-annual household survey to monitor progress from pre-project, pre-settlement benchmarks;
- Evaluation of delivery and impacts of entitlements to determine if they are as per approved RAP;
- Evaluation of consultation and grievances procedures especially at the level of public awareness of grievances procedures; access by PAPs and households to information and rapid conflict resolution;
- Evaluation of actual operation of grievances committee in assisting PAPs as required and acting as observers; and
- Declaration of successful implementation of RAP.

14.4 Evaluation

The following are the objectives of the evaluation:

- General assessment of the compliance of the implementation of the Resettlement Action Plan with general objectives and methods as set in this document;
- Assessment of the compliance of the implementation of the Resettlement Action Plan with laws, regulations and safeguard policies;
- Assessment of the consultation procedures that took place at individual and community level, together with the Central Government and Local Government levels in Tanzania;
- Assessment of fair, adequate and prompt compensation as they have been implemented;
- Evaluation of the impact of the compensation on income and standard of living;
- Identification of actions as part of the on-going monitoring to improve the positive impact of the programme and mitigate its possible negative impact if any.

14.5 Reporting Requirements

The following are the suggested reporting requirements:

- The Consultants shall prepare monthly and quarterly reports on RAP progress implementation to TANROADS;
- The Consultants responsible for supervision and implementing RAP will prepare monthly progress report on resettlement progress activities;
- TANROADS shall also monitor RAP implementation and submit quarterly reports to Ministry of Works

External monitoring agency submits bi-annual reports directly to TANROADS and determines whether or not RAP goals have been achieved and livelihoods have been restored and suggest suitable recommendations for improvement

CHAPTER FIFTEEN

15 CONCLUSION AND RECOMMENDATIONS

This resettlement Action Plan will be implemented by compensating Public Institutions and individuals to be affected by the proposed flyover construction activities. It is planned that, this will be implemented before the construction activities start. The compensation for PAPs in the surveyed area of impact will be carried out by the Kinondoni Municipal Council after the compensation packages have been prepared.

Major resettlement for improvement of Ubungo Intersection is relocation of the utilities. There is minor resettlement for individual buildings. It is therefore recommended that TANROADS should spearhead collaborating with utility authorities to complete estimate costs of relocating their utilities as soon as possible to avoid delays in implementation of the project.

In order to raise awareness on the implementation of RAP, the Resettlement Action Plan must be widely disclosed. Methods that can be used to disclose the document include (but not limited to):

- Distribution of as many copies as possible to different institutions and community levels for comments and suggestions;
- Distribution to Persons Affected by the Project (PAP);
- Distribution to individuals and representative persons like Members of Parliament (MPs), District Commissioners (DCs), District Executive Director (DED)/Municipal Director, Ward Councilor and Mtaa officials;
- Conducting meetings and workshops for discussion of the plan. The meeting and workshops will be conducted at various places including the place where the resettlement will take place; and
- Through inter-net for the internal and external disclosure of the plan.

It should be noted that, this RAP documents must be disclosed before the implementation of compensation.

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