

SFG2706 V2

THE UNITED REPUBLIC OF TANZANIA

**PRESIDENT'S OFFICE - REGIONAL ADMINISTRATION AND LOCAL
GOVERNMENT**



**RESETTLEMENT ACTION PLAN FOR THE PROPOSED
CONSTRUCTION OF SANITARY LANDFILL FACILITY AT NEEMA
AREA IN TANGA CITY**

FINAL REPORT

NOVEMBER 2016

DEFINITION OF TERMS

Project Affected Person (PAP): A Project Affected Person (PAP) is one who, as a consequence of the project, sustains losses as a result of impact on a) land, b) structure, c) immovable asset and/or d) livelihood/incomes. The PAPs have been identified through census survey that forms the bases for this RAP.

PAP's under this project may broadly be classified under the following categories.

Those suffering loss of:-

- Land and/or assets used for commercial/residential or agriculture purposes
- Structures and/or assets used for residential or commercial purposes
- Income dependent on land, structures or assets affected

In addition, the same or additional groups of people will lose land or structures being used as common property, infrastructure, or cultural/religious sites. It was identified that some communities will lose social infrastructures such as religious sites, water facilities, etc.

At a later phase, another category would include people who, during the construction of the dumpsite, suffer damage to their property caused by construction teams. This could include, for instance, damage to cultivated fields, fruit trees and, possibly, infrastructure such as fences. For this category of PAPs the same compensation principles outlined in this RAP will apply.

Eligibility for Assistance: Three groups are entitled to compensation for loss of land or other assets, such as dwellings and crops taken for project purposes, and to resettlement assistance:

- individuals who have formal legal rights to land (including customary and traditional rights recognized under the laws of Tanzania),
- individuals who do not have formal legal rights to land, but have a claim to such land or assets (provided that such claims are recognized under Tanzanian laws or become recognized through a process identified in the resettlement plan),
- individuals who have no recognizable legal right or claim to the land they are occupying (i.e. squatter settlements, disputed ownership).

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse, community and traditional dispute settlement mechanisms.

Implementation schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and host communities and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and Budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Executive Summary

Tanga City Council through President's, Regional Administration and Local Government (PO-RALG) (formerly known as the Prime Minister's Office, Regional Administration and Local Government) of the United Republic of Tanzania (GoT) has applied for a credit from the International Development Association (IDA) for the implementation of the Tanzania Strategic Cities Project – Second Additional Financing (TSCP - AFII) sub-projects, which are selected based on a list of priority sub-projects.

Among the priority of the Tanga city is the construction of engineered landfill for solid waste disposal, including creation of cells, construction of inner and access roads, protection works, storm water drains, leachate discharge facilities and waste collection centres. At this stage it is estimated that the Sub-project will cost TShs 3,599,527,932.00 to accomplish the construction of Phase I of the Works. This project is being considered to be financed under TSCP AFII.

This RAP was prepared for the landfill to ensure that the development of the facility by Tanga City Council is done in accordance to the Bank safeguards policies, specifically principles of the RPF prepared for the TSCP AF.

In preparing the RAP, secondary documents of the project, including the RPF and, ESMF were reviewed. Also, the RAP team visited project site and conducted interview with the PAPs and did a census survey.

The RAP identified about 13 PAPs at the project area. The valuation of land, crops and trees was done to 13 PAPS and the total compensation cost amounts to TShs 307,659,015.00. The implementation of the Compensation plan shall cost about 82,000,000 TShs (excluding the costs for RAP Preparation).

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LIST OF ABBREVIATIONS/ACRONYMS

CDA	Capital Development Authority
CMT	Council Management Team
DC	District Commissioner
ESIA	Environmental and Social Impact Assessment
GRC	Grievance Redress Committee
GoT	Government of Tanzania
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
IDA	International Development Association
LGAs	Local Government Authorities
MEO	Municipal Education Officer
MLHHS	Ministry of Land, Housing and Human Settlement Development
NGO	Non-Governmental Organization
PAPs	Project Affected Persons
PMO-RALG	Prime Minister's Office, Regional Administration and Local Government
PO-RALG	President's Office –Regional Administration and Local Government
RAP	Resettlement Action Plan
RoW	Right of Way
RPF	Resettlement Policy Framework
TANESCO	Tanzania Electric Supply Company
TCC	Tanga City Council
TSCP – AF/ AF1	Tanzania Strategic Cities Project –Additional Financing
TSCP – AFII / AF2	Tanzania Strategic Cities Project – Second Additional Financing
UWASA	Urban Water and Sanitation Authority
WEO	Ward/Mtaa Executive Office
WB/OP	World Bank/Operational Policy

1.0 INTRODUCTION

1.1 Background to the project

The Government of Tanzania (GoT) is implementing the Tanzania Strategic Cities Project (TSCP, “the project”). The project development objective (PDO) is to improve the quality of and access to basic urban services in Participating Local Government Authorities (LGAs). This will be achieved through the rehabilitation and expansion of urban infrastructure and institutional strengthening activities aimed at improving the fiscal and management capacities of the Participating LGAs. The Project is being implemented in eight (8) urban LGAs, including Tanga City Council. The project consists of the following 3 components: Component 1: Core Urban Infrastructure and Services, Component 2: Institutional strengthening, and Component 3: Implementation Support and Preparation of Future Urban Projects. The project is implemented through the President’s Office, Regional Administration and Local Government (PO-RALG) (formerly known as the Prime Minister's Office, Regional Administration and Local Government).

During the initial TSCP phase, the participating LGAs/CDA had prioritized infrastructure sub-projects. Preliminary costs and all relevant documents, including Environmental and Social Impact Assessments (ESIAs), Environmental and Social Management Plans (ESMPs) and where necessary, Resettlement Action Plans (RAPs) were prepared for the prioritized sub-projects. At project appraisal, it was found that some of the sub-projects could not be incorporated in the final project portfolio due to funding constraints. It was then agreed that these would be considered later in case additional financing become available.

The first such additional financing (AF/AFI) became available in 2014 and the Second Additional Financing (AFII/AF2) is currently being prepared. Since detailed designs for new investments as well as required improvements were not complete prior to appraisal of AFI, an Environmental and Social Management Framework (ESMF) was prepared and publicly disclosed. The ESMF, which forms the basis for the preparation of this ESIA, provides guidelines on the required assessment and safeguards instruments to be prepared for each investment/subproject to be financed under AFI and AFII.

Among the priority of the Tanga city is the construction of engineered landfill for solid waste disposal, including creation of cells, construction of inner and access roads, protection works, storm water drains, leachate discharge facilities and waste collection centres. At this stage it is estimated that the Sub-project will cost TShs 3,599,527,932.00 to accomplish the construction of Phase I of the Works. This project is being considered to be financed under TSCP AFII. This RAP was prepared for the landfill to ensure that the development of the landfill by Tanga City Council is done in accordance to the Bank safeguards policies, specifically principles of the RPF prepared for the TSCP AF.

According to the ToR the consultant was contracted to conduct the following tasks:

- (a) **Designs** –design of a new Land fill facility. In its work, the consultant will take into account local conditions, regulations and requirements, and will work in close consultation with PO-RALG, Tanga City Council, the Ministry of Lands, Housing and Human Settlement Development (MoLHHSD), the National Environmental Management Council (NEMC) and other relevant stakeholders on existing regulations, guidelines, standards and levels of service expected from them under the assignment.
- (b) **ESIA, ESMP and RAP** for Neema - This task aims at preparing ESIA, ESMP and RAP for the proposed Neema dumpsite/landfill, in accordance to the existing safeguards framework documents. In the case of RAP in accordance in accordance with RPF developed for TSCP AF. Similarly, the ESIA and ESMP shall be prepared in accordance with the Environmental and Social Management Framework (ESMF) for the TSCP AF.
- (c) Development of Operation and Maintenance Plan for the upgraded portion of the waste disposal site to be used during intermediate period and the formal Sanitary Landfill that will be designed.

Since construction of the landfill as explained above will affect 13 PAPs, the UWP CONSULTING (T) LTD has been commissioned to prepare Resettlement Action Plan (RAP) for the proposed project in accordance to with the RPF.

1.2 Justification of the project

Records show that Tanga City has a population of 273,332 with a growth rate of 1.9 per annum and average household of 5 persons and; that 185tonnes of waste per day is produced out of which only 118t/day is collected for disposal. As part of infrastructure upgrading, a sanitary landfill to serve the city will be developed to replace the existing dump-site at Mwang'ombe where uncontrolled/crude dumping has taken place since 2006.

1.3 Resettlement Action Plan

1.3.1 Objective and Scope of the RAP

The RAP has been developed based on the principles of the RPF for TSCP AF which was prepared based on the Tanzanian Laws and the World Bank Involuntary Resettlement OP 4.12 to ensure that the project affected persons (PAPs) will not be negatively affected and if so, there are proper measures to mitigate those impacts. To this end the main objectives of this RAP in accordance with the RPF are:

- I. Minimize involuntarily taking of land and impacts on livelihoods through the modification of project design, to the extent possible; and*
- II. If there are some impacts, as it is the case of construction Neema landfill then put mechanisms in place under this RAP to assist the PAPs in their efforts to improve their*

livelihoods and standards of living or at least to restore them, in real terms, to pre-project level.

1.3.2 Rationale of Resettlement Action Plan

This project shall involve involuntary resettlement, and/or acquisition of land and resources issues. The World Bank Operational Policy 4.12, Involuntary Resettlement has been triggered because the project activity causes land acquisition, namely: a physical piece of land is needed and people may be affected because they may have buildings on that land. Cultivating on that land, or they otherwise access the land economically, or any other way which is not be possible during and after the project is implemented. Therefore, when the policy is triggered people are compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred

1.4 General overview

The consultant had prepared Resettlement plan document covering the following subjects and among other things, performed the following tasks.

- Lays down agreed principles that are applicable to the resettlement and/or compensation exercise;
- Identifies the people currently living within the proposed project area that will suffer losses to their livelihoods and living standards, including but not limited to income and land.
- Identifies people who do not live in the Project area but whose livelihoods depend on the Project area (e.g. farming).
- Describes the legal and institutional framework for dealing with displacement;
- Provides a socio-economic profile of the people living in the Project area;
- Estimates the nature and magnitude of displacement;
- It set out criteria used to determine eligibility for resettlement, compensation and/or other assistances and what entitlements are due to different categories of PAPs and for different categories of losses caused by the project implementation;
- Indicates how affected assets of individual PAPs are valued;
- Describes how resettlement and/or compensation entitlements will be delivered, including procedures, responsibilities and timing;
- Describes mechanisms for maximizing stakeholder participation and mechanism for addressing grievances;
- Provides an indication of the costs involved.
- Monitoring/evaluation of the impacts and development of monitoring indicators

1.5 Disclosure of the Resettlement Action Plan

The RAP shall be publicly disclosed on the Government of Tanzania's official website, as well as on the World Bank's external website. A summary of the RAP report (Swahili version) will also be disclosed at the municipal and ward level.

1.6 Principles governing the RAP

- ✓ Involuntary resettlement will be minimized as much as possible by employing technologies and locating project infrastructure in a manner that minimizes the need to acquire land and property and cause the least disturbance and disruption as possible;
- ✓ All possible measures will be used to ensure that no people are harmed in any way by construction activities and projects outcomes;
- ✓ Resettlement and compensation planning and implementation activities will be undertaken, PAPs and other relevant stakeholders will be continuously consulted throughout the process;
- ✓ PAPs will be informed about their options and rights pertaining to displacement, compensation and resettlement and about grievances mechanisms available to them;
- ✓ Only PAPs who meet eligibility criteria will be entitled to compensation and relocation measures;
- ✓ Lack of legal rights to land and assets occupied or used will not preclude a PAP from entitlement to resettlement and compensation measures;
- ✓ Compensation, resettlement and construction entitlements will be provided in accordance with Tanzania laws and procedures as well as OP 412, which are spelled out in the RAP;
- ✓ Where compensation in cash is provided for loss of assets (including housing and other structures), for loss of access to assets or for damage caused to assets, it will be provided on the basis of market value or replacement cost (whichever is the highest) and will include necessary additional costs incurred to achieve full restoration;
- ✓ Specific and additional assistance will be provided for particularly vulnerable people, i.e. female-headed households, orphans, people with HIV/AIDS, the aged, and persons with disabilities; and pre-construction and construction work on each particular affected site will not commence until PAPs have been satisfactorily compensated and/or relocated.

1.7 Project Affected Persons (PAPS)

A Project Affected Person (PAP) is a person who, as a consequence of the project sustains losses as a result of impact on either one of the following, or all of them;

- a) Land,
- b) Structure,
- c) Immovable asset and/or
- d) Livelihood/ incomes.

PAPs have been identified through census survey that forms the bases for this RAP. Table 1.1 below presents the summary of the PAPS for this project and how are they affected.

Table 1.1: Project Affected Persons

Loss Caused	Number of PAPS	Remarks
Land	13	All PAPs have formal legal rights to land

Structures	0	These are houses which are used by the PAPs for accommodation only
Immobile Asset	0	
Livelihood/Income	2	These are PAPs that use the land at the project site for farming which is the source of livelihood/income
Access	0	

Note: All PAPs have alternative agriculture land other than the land affected; likewise PAPs will receive compensation that will allow them to buy alternative land

1.8 Cut-off Dates

Cut-off dates determine eligibility of persons and their assets. Usual define actual date that the affected assets and infrastructure at a particular site were recorded. Assets like land, structures and others which will be created after the cut off dates, they will definitely be ineligible for compensation. Specifically for Neema Landfill project, the cut of date is 10th day of June 2015 when valuation exercise for the assets was done.

1.9 Approach and Methodology of the Study

In conducting this study, the team received various information from different sources at national, regional, districts, community/Mtaa and the PAPs themselves. The triangulation of various data collection techniques was necessary in order to elicit the information from the above sources. These methods included review of secondary data, in-depth interviews with key informers and land (farm) questionnaires.

1.9.1 Site Visits

Site visits were undertaken at various periods of the project, including at the time of conducting pre-feasibility and feasibility studies, Socio-economic, Environment Impact Assessment (EIA) and Rapid Environmental and Social Assessment (RESA). The field surveys began on 1st day of May 2015 when members of the Consultant's team visited the Project area (Proposed Landfill site). Field level observation continued during which time information was collected on the socio-economic and cultural composition of the broader Project area, and issues of importance in the formulation of the Resettlement Action Plan.

1.9.2 Public Consultation

A public consultation was held with PAPS at Neema. A meeting was also conducted at the ward level at Neema and Tanga city Council. A number of meetings were held with officials from the regional and district offices, ward and Mtaa governments, community members and other stakeholders.

1.9.3 Interviews

Key informant interviews were held with stakeholders involved in the Project, professionals and experts who have knowledge about the Project's environment, customary laws and traditions, gender issues, religious adherences, and the needs and aspirations of the community. In addition, interviews were held with different Regional, district and Ward level government officials.

1.9.4 Community Meetings

Community meetings were held with PAPs and other stakeholders in the development of the RAP, so as to maximize benefits and minimize adverse impacts by giving the groups the opportunity to participate in the planning and implementation processes of the RAP program.

One community meeting was conducted in the Neema Mtaa in the Project targeting those community members who are likely to be affected by the Project. The Consultant conducted the meeting with representatives of the ward/Mtaa government. It should be noted that a separate meeting was conducted only with PAPs.

The objectives of the meetings were:

- To disseminate information on Project activities and encourage community interest towards the Project;
- To create a sense of ownership for the Project, including towards resettlement activities;
- To encourage participation by inviting contributions towards the selection of resettlement sites;
- To gauge the concerns, fears and expectations of communities about the Project;
- To determine communities' contributions towards the implementation of the Project, including towards the long-term sustainability of the Project; and
- To involve communities in the preparation of the RAP;

At a later stage the discussion on the entitlements were discussed across all Mtaa affected by the Project. Minutes of meetings were prepared by the Consultant; for clarity and understanding of the meeting proceedings by the local community, minutes were prepared in Swahili. They were signed and stamped by the ward executive officer or the Mtaa chairperson, making the document official. (Refer Appendix 4 below for further clarification).

1.9.5 Socio-Economic Survey

A socio-economic survey was conducted through interviewing all affected people in the Project area, to determine how they may be affected physically, economically and socially. A land (farm) questionnaire was prepared, (Refer Appendix 6 below for further clarification).

Four local enumerators were recruited and trained to undertake the survey; recruitment considered gender balance to reduce possible bias in gathering information. The questionnaire was pre-tested, forming part of the enumerator training, and for revision of the instrument.

1.9.6 Census and Asset Inventory

To comply with Tanzanian laws and regulation requirements regarding resettlement plans, the Consultant conducted a census and asset inventory among potentially affected communities.

The Asset Inventory comprised a Valuation team carrying out an inventory of affected assets; the Consultant's valuers, with the support of Mtaa leaders. The Valuation Team walked affected areas to determine affected properties, measured affected properties, and confirmed ownership of the asset with the property owner. Information was recorded on a Census and Asset Inventory Form developed prior to the exercise. The Form was counter-checked and signed by the landholder, and representatives of the Mtaa leadership and the Consultant.

1.9.7 Asset Valuation

The asset valuation component of the assignment comprised determining the values of affected properties for compensation once they had been defined and inspected, and in order to compensate affected people before the implementation of the Project. The Consultant was guided by Tanzania Land Regulations and OP 4:12 to govern the process of valuation, hence the Replacement Cost Method of Valuation formed the basis of valuation. In this method the value of the property is determined by reference to the cost of replacing or reinstating the asset (as new) or that of its substitute. The total compensation costs were worked out based on the valued compensation rates and properties affected.

The asset survey and valuation exercise took place from 4th to 10^h May 2015 whereby properties were thus registered and compensation values were determined over this period. Results have been incorporated in a Payment Schedule, providing the principal sources of information on the number and location of affected properties, the name of the landholder, the nature and magnitude of loss, the methods used for valuing land, and loss of income and assessing compensation, and the amount of compensation to be paid. The full Payment Schedule is attached to this report in an Appendix, and a summary is presented in Appendix 1.

1.12 Challenges Encountered while Developing the RAP

- Respondents did not understand why the land acquisition process was also requesting for socio-economic data, this is not a common practice in the Country, the common practice is valuation data only. PAPs were informed that the Neema project requires both Tanzania Government procedures and those of the World Bank of which socio economic data is collected.
- Some members of the community not willing to provide required data particularly information related to income and expenditure in relation to their affected properties, health status (HIV/AIDS), land ownership.
- Poor recording of the information by village government. Most of the information were outdated.

2.0 PROJECT DESCRIPTION

2.1 Location

The project area is located in Neema area of the Tanga City in Tanga Region. Tanga Region is one of the 30 regions of Tanzania. The region is bordered to the north by Kenya and the Kilimanjaro Region, to the east by the Indian Ocean, to the south by the Pwani and Morogoro regions, and to the west by Manyara Region.

Tanga City is situated on the North East Coast of Tanzania along the Indian Ocean. Lying between longitudes 38.53' and 39.10' East and latitudes 5 and 5.10' South, the city covers an area of approximately 600 sq. kms. of which 62 sq. kms. is covered with water. It also extends 20 kms inland from the coast, between 0 – 17 meters above sea level. The City is located 360 km north of Dar es Salaam (the Country's major port, administrative and commercial centre). Tanga is well connected to Moshi (350km), Arusha (460km), and Morogoro (330km) by reliable road and railway. It is also connected to Mombasa (168km) by a gravel/tarmac road. The proposed site for the proposed landfill is located 12 km from Tanga City Centre along Tanga-Pangani trunk road. Neema area is within the Tangasisi ward (Figure 2.1).

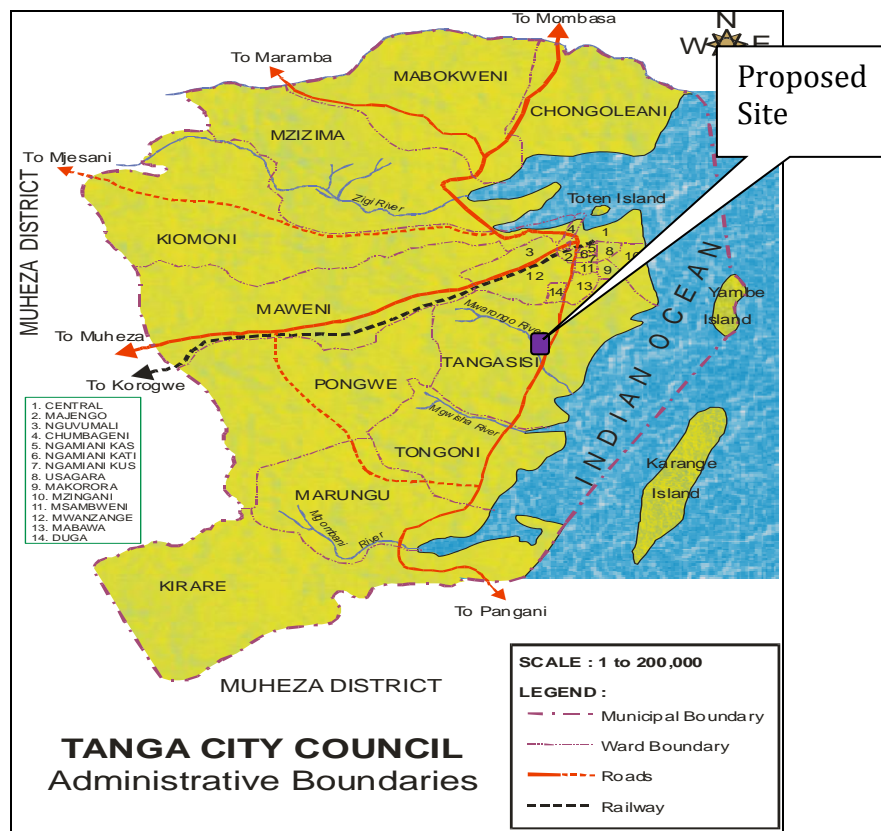


Figure 2.1: Map of Tanga City showing the project area

2.2 Project Components

The following are the major components of the proposed Neema Landfill;

- Bottom liner system - separates waste and subsequent leachate from groundwater
- Waste Cells - where the waste is stored within the landfill
- Storm water drainage system - collects rain water that falls on the landfill site
- Leachate collection system - collects water that has percolated through the landfill itself and contains contaminating substances (leachate)
- Leachate treatment facility – artificial and natural facilities so designed to reduce the concentration of leachate to allowable limits prior to disposal
- Groundwater Monitoring System- Three boreholes surrounding the landfill are shall be used as groundwater monitoring stations.
- Methane collection system - collects methane gas that is formed during the breakdown of trash
- Covering or cap - seals off the top of the landfill
- A Small Staff Office- A single storey building to be used as office and its associated facilities such as wash rooms, water tank, potable water tap, etc
- Boundary wall- to limit access.
- Car wash – a shaded facility for cleaning waste trucks and other equipment and tools
- Fixed Weighbridge – a structure with facility to weigh in coming trucks loaded with solid waste.
- Greenery – well cared natural and/or man-made gardens to provide immediate carbon sinks within the Landfill area.

2.3 Main activities

The undertaking involves various phases from the planning phase all the way to the construction and operation phase. Each specific phase has its own activities which are elaborated in following sections;

2.3.1 Construction phase

The project is essentially civil works in nature mainly consisting of;

- a. Clearing levelling, and/ excavation of the site
- b. Construction of dikes/bunds
- c. Construction of access and on-site roads
- d. Construction of surface run-on and run off drainage channels
- e. Lying down of liners
- f. Construction of leachate collection and retention systems
- g. Construction of leachate treatment facilities
- h. Construction of landfill gas ventilation/ collection system
- i. Setting up of monitoring facilities for ground/ surface water, air and noise pollution
- j. Construction/ provision of fences, gate, office, weighbridge, water and power supplies, sanitation facilities, garage and workshop for heavy equipments and vehicles, cover soil, stockyard and other facilities

2.3.2 Operation phase

Tanga City Council will also be responsible for ensuring that the solid waste disposal site is managed in environmentally sound manner. The following are activities will be performed during the operation phase:

- a. Placement of the waste in cells;
- b. Levelling, covering and compacting of solid waste
- c. Extension/Construction of on-site roads
- d. Environmental monitoring of – dust, noise, leachate, landfill gas, and groundwater quality.
- e. On/ Near site excavation / trenching of soil for cover material
- f. Estimate of traffic volume during the landfilling operation phase

3.0 POLICY AND LEGAL FRAMEWORK RELATING TO THE PROJECT

3.1 Overview of Policies and Laws Governing Land and Related Matters

Currently there is no specific “resettlement policy” in Tanzania. However, Tanzania has a good policy, legal and institutional framework for management of social issues related to urban development, land and property acquisition and requirements for full, fair and prompt compensation enshrined in the National Constitution, the Land Policy and Land Acts of 1999 as well as supporting laws and regulations – operating at various levels including local laws and by-laws.

3.1.1 Constitution of the United Republic of Tanzania 1977

Tanzania is made up of two formerly independent countries which united in 1964. Tanzania Mainland and Zanzibar have each a different set of laws and procedures related to land and property rights. Tanzania as used herein refers to the Mainland only.

Tanzania is a multi-party parliamentary democracy. The country is among the poorest nations in the World, but is rapidly developing and enjoying peace and a stable macro-economic status. The country has a central government, regional administrations and local governments. There are 21 regions, 169 districts (rural and urban), and 12,500. Tanzania has an area of 945,087 km² and a population of 40 million growing at around 2.5% p.a. with rapid urbanization taking place. Around 30% of the population is urban. Over 80% of the population depends on agriculture, but only 2% of rural land and 20% of urban land is registered. Poverty is still rampant despite macro-economic gains in the past decades.

The *Constitution* of the United Republic of Tanzania 1977 (as amended) in its preamble provides that Tanzania aims at building a democratic society founded on the principles of freedom, justice, fraternity and concord, in which the Executive is accountable to the Legislature composed of elected members and representatives of the people, and also a Judiciary which is independent and dispenses justice without fear or favour, thereby ensuring that all human rights are preserved and protected. The Constitution provides for legislative supremacy of Parliament and independence of the Judiciary. It also embraces the principles of rule of law, separation of powers and a pluralistic political system.

The *Constitution* of the United Republic of Tanzania provides for the rights of citizens to own property and rights for compensation.

Article 24 (1) says:

Every person is entitled to own property and has a right to the protection of his property held in accordance to the law.

3.1.2 Laws on Property, Compensation, Expropriation

The *National Land Policy* (1996) of Tanzania provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas etc.) and taking of land and other land based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for its entire citizen.

The following principles are the basis of the land policy which the Land laws seek to implement:

- All land in Tanzania is public land vested in the President as trustee on behalf of all citizen;
- Existing rights in and recognized long standing occupation or use of land are clarified and secured by the law
- The rights and interest of citizens in land shall not be taken without due process of law;
- Land has value;
- Full, fair and prompt compensation shall be paid when land is acquired (see subsection iv below on compensation).

The Policy creates a dual system of land tenure concerning public lands: (i) customary rights and

(ii) statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be covered by the following:

- Leasehold right of occupancy for varying periods e.g. 33, 66, or 99 years which must be confirmed by a certificate of occupancy; and
- Customary rights of occupancy that must be confirmed by a certificate of Customary Right of Occupancy (*Hati ya Ardhi ya Mila*) and have no term limit. Communities (Villages) are allowed to hold land and to manage it, although they do not formally own the land.

The *Land Act* and *Village Land Act* create three categories of land namely General Land, Village Land and Reserved Land. Besides, there is a category of hazard land.

General land is described as consisting of all land which is neither village land nor reserved land. All urban land falls under this category, except land which is covered by laws constituting reserved land, or that which is considered hazard land. General land is governed by the Land Act and, hence, is under the control and jurisdiction of the Commissioner for Lands. This ministerial key person has delegated much of the powers to local government land officers. Property rights can be created over general land in terms of

a granted Rights of Occupancy for a period of 33, 66 or 99 years confirmed by a Certificate of Title. Longstanding occupation of land except on government land) is recognized as conferring property rights. In the case of land acquisition all occupiers of land irrespective of whether they have a granted right of occupancy or not, are eligible to compensation. Granted rights of occupancy carry conditions including land development and the payment of land rent. Failure to abide with these conditions can lead to the loss of the right.

Village land: is defined as being the land falling under the jurisdiction and management of a registered village. As Tanzania consists of a vast countryside with only a few urban areas, most land in the country is village land. Village and is held under customary tenure and the government can issue customary certificates of tenure to individuals or communities where the village is surveyed and has a Certificate of Village Land. Customary tenure is akin to freehold.

Reserved land: is defined as land being reserved and governed for purposes subject to nine listed laws. It includes: environmental protection areas, such as national parks, forest reserves, wildlife reserves, and marine parks as well as areas intended and set aside for spatial planning and (future) infrastructure development.

The Commissioner for Lands can convert land from one category to the other. By far the majority of land occupiers have no certificates of title, in part because land has to be surveyed before it can be issued with a title. However, there is a lot of “*de facto*” recognition of property rights for the majority of land occupiers.

3.1.3 Land Acquisition

The *Land Acquisition Act* 1967 is the principal legislation governing the compulsory acquisition of land in Tanzania. Sections 3-18 of the Act empower the President to acquire land in any locality provided that such land is required for public purposes.

The Act provides the procedures to be followed when doing so including: the investigation of the land to see if it is suitable for the intended purpose; notification to the landowners to inform them of the decision to acquire their land before the President takes possession; and payment of compensation to those who will be adversely affected.

If land is required for public purpose the President is required to give a six weeks' notice to those with an interest in the land in question but, if the situation so demands, the notice can be shortened without the need to give explanation. After the expiration of the notice period the President is entitled to enter the land in question even before compensation is paid.

Land Act 1999 clarifies and adds certain aspects to be considered when determining the compensation package. Many other laws have provisions related to land acquisition, but they will always refer back to the *Land Acquisition Act* and the *Land Act*. Some of these laws are the *Village Land Act* (1999), the *Roads Act* 2007, *Urban Planning Act* 2007, *Land Use*

*Planning Act 2007, Graveyard Act, 1969(Act No. 9/1969); Mining Act 2010 and others*¹.

3.1.4 Valuation

The *Land Acquisition Act* (s.14) requires the following to be taken into account in assessing compensation

- (a) take into account the value of such land at the time of the publication of notice to acquire the land without regard to any improvement or work made or constructed thereon thereafter or to be made or constructed in the implementation of the purpose for which it is acquired;
- (b) when part only of the land belonging to any person is acquired, take into account any probable enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed on the part acquired;
- (c) take into account the damage, if any, sustained by the person having an estate or interest in the land by reason of the severance of such land from any other land or lands belonging to the same person or other injurious effect upon such other land or lands;
- (d) not take into account any probable enhancement in the value of the land in future;
- (e) not take into account the value of the land where a grant of public land has been made in lieu of the land acquired;

A practice developed that since land belonged to the public, the valuation for compensation excluded the value of bare land. However, among the clarifications made in the *Land Act 1999* were:

- (a) to take into account that an interest in land has value and that value is taken into consideration in any transaction affecting that interest; and,
- (b) that in assessing for compensation, the market value of the real property is taken into consideration.

Current practice is guided by the *Land (Assessment of the Value of Land for Compensation) Regulations, 2001*, and the *Village Land Regulations, 2001*, which provide that the basis for assessment of the value of any land and un-exhausted improvement for the purposes of compensation is the market value.

The full and fair compensation is only assessed by including all components of land quality. Presently in assessing the value of the un-exhausted improvements for compensation purposes, the law emphasizes that the value should be the price that which said

¹The *Constitution* of the United Republic of Tanzania of 1977 (as amended), the *National Land Act* (No. 4 of 1999), *Village Land Act* (No.5 of 1999), *Land Regulations 2001 Subsidiary Legislation*, *Land Acquisition Act* (1967), *Land Ordinance* (1923 Cap. 113) and *Town and Country Planning Ordinance* (1956 Cap. 378) contain provisions related to land tenure and ownership in Tanzania.

improvements can fetch if sold in the open market – market value. But this in normal circumstances is lower than the replacement value but higher than the initial construction cost of the said improvements.

The market value of any land and un-exhausted improvement is arrived at by the use of the comparative method evidenced by actual recent sales of similar properties, or by the use of the income approach or replacement cost method, where the property is of special nature and is not readily transacted in, in the market.

Agriculture and land acts provide for rights of individuals whose property may be acquired and to be compensated according to national laws. The laws set procedures for valuing crops and agricultural production and stipulates that the prices for cash crops will be determined as the average value over the previous year, corrected for inflation. The prices for subsistence crops will be determined as the highest value over the previous year, corrected for inflation. Crop values will be determined based on a combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.

Another way of valuing agricultural production is through the value of staple crops to be taken as the highest market price reached during the Year. This is based on three factors: (i) Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market; (ii) Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk. (iii) Averaging the highest price of staple foods yields a high per hectare value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

Assessment can only be carried out by a qualified valuer and where the government (national and local) is involved; such assessment must be verified by the Chief Valuer in the government.

A number of national laws have provisions requiring Environmental and Social Planning for investments that may cause adverse environmental impacts to the resource and mitigation measures for individuals affected by development activities. The National Environment Policy, 1997; and The Environment Management Act, 2004 (Act No. 20 /2004). Land-based natural resources that could be affected by land acquisition include agriculture resources (arable land), forests and contained biodiversity and beekeeping, non-renewable mineral resources (including construction materials such as gravel); surface and underground water resources. Each category is governed by one or a set of laws and regulations but all invariably have taken measures to ensure access to use and enjoyment of all Tanzania citizens. The *Local Government (District Authorities) Act No. 7, 1982* and *Local Government (Urban Authorities) Act No. 8, 1982* stipulate the functions of District/Urban councils. Issues of land are included as objectives of functions and therefore part of the mandates of local government in their respective areas.

3.1.5 Compensation

The principal of paying compensation for land that is compulsorily acquired exists in both the constitution and in the relevant land laws.

The *Constitution* disallows the deprivation of one's property held in accordance with the law, unless the owner is fairly and adequately compensated.

Article 24 Sub-article (2) of the *Constitution* 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 the law which makes provision for fair and adequate compensation.

Under the *land Acquisition Act, 1967*, the person whose land is acquired is entitled to be compensated if they so deserve as provided for under section 11 and 12 of the Act. The persons entitled to compensation are those interested or claiming to be interested in such land; or persons entitled to sell or convey the same or as the government may find out after reasonable inquiries.

Under the *Act*, the government is required to pay compensation for the land taken. The compensation may be as agreed upon, or as determined under the Act. The government may in addition to compensation and with agreement of the person entitled to compensation pay compensation as well as give alternative land. There are situation where the government is compelled to give alternative land (e.g. in cases where land was used as a cemetery) in lieu or in addition to compensation. The land granted must be of the same value and held under the same terms as the land acquired, and must be in the same local government authority area unless the person whose land is being acquired consents to be given land elsewhere.

The *Land Acquisition Act* does not provide for compensation where land is vacant. Besides, where land is inadequately developed, compensation is to be limited to the value of un-exhausted improvements of the land. The Act restricts compensation to un-exhausted improvements on the land excluding the land or such improvements as land clearing and fencing.

However, provisions in the *Land Act 1999* over-ride or clarify those in the *Land Acquisition Act*. In the case of compulsory acquisition, the government is required:

To pay full, fair, and 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, 1967*;

The question of documented legality is not a key consideration in entitlement to compensation. In practice at least in recent days, compensation has been paid in all cases of

people who claim to be landowners and who are adversely affected by the contemplated scheme. However, the definition of beneficiaries has been taken not to include tenants.

In assessing compensation for the land acquired in the manner provided for under this Act, the concept of opportunity cost shall be based on the following:

- (i) Market value of the real property
- (ii) Transport allowance
- (iii) Loss of profits or accommodation
- (iv) Cost of acquiring or getting the subject land
- (v) Disturbance allowance
- (vi) Any other cost, loss or capital expenditure incurred to the development of the subject land;
- (vii) Interest at market rate to be charged in case of delays in payment of compensation and any other costs incurred in relation to the acquisition.

The *Land (Assessment of the Value of Land for Compensation) Regulations, 2001* and the *Village Land Regulations, 2001*, provide for the amount of compensation to include the value of un-exhausted improvements, disturbance allowance, transport allowance, accommodation allowance and loss of profits.

Disturbance allowance This is calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12 months. The current average rate of the interest obtained on fixed deposits is 8.5%. Therefore the total compensation value, then obtain the 8.5% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance.

Transport allowance is the actual cost of transporting twelve tons of luggage by road or rail whichever is cheaper within twenty kilometres from the point of displacement.

Accommodation allowance is calculated by multiplying the monthly market rent for the acquired property by thirty six months.

Loss of profit in the case of business carried out on the acquired property will be assessed by calculating the net monthly profit evidenced by audited accounts where necessary and applicable, and multiplied by thirty six months.

Transport allowance, accommodation allowance and loss of profit do not apply where the land acquired is unoccupied at the date of loss of interest.

Compensation is to be paid promptly but if it is not paid within six months it will attract an interest equal to the average percentage rate of interest offered by commercial banks on fixed deposits.

In the case of agricultural land, compensation is intended to provide a farmer whose land is acquired and used for project purposes to cover the productive values of the land, labour, and crop loss. For this reason, and for transparency, "land" is defined as an area: (i) in cultivation; (ii) being prepared for cultivation; or (iii) cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his/her labour. A farmer works on his/her land most of the months of the year.

The major input for producing a crop is the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested times the amount of time spent preparing a plot equivalent to that taken. The market price of the crop lost is considered separately.

The other compensation rates cover the labour cost for preparing replacement land based on a calculated value that would cost a farmer to clear and create replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop. Labour costs will be paid in Tanzania shillings, at the prevailing market rates.

All agricultural labour activities are included for two reasons. First, all land labour will be compensated at the same rate. Second, it is difficult to forecast the growing season that would define acquisition of the land. The eventual consideration is when land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payment, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date. Often, the timing coincides with the time when the farmer no longer has enough time to prepare another land without additional labour. Assistance will be provided in the form of labour-intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that the compensation can cover the costs for sowing, weeding and harvesting.

Compensation for structures will be paid by replacing at cost, for example, huts, houses, farm-out-buildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure.

Compensation will be made for structures that are: (i) abandoned because of relocation or resettlement of an individual or household; and (ii) directly damaged by construction activities.

Replacement value is based on:

- The individual's household and all its related structures and support services;
- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.) For vulnerable groups identified in earlier section of this RAP replacement values will be based on actual replacement cost.
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/replacement land or building site; and
- Estimates of construction of new buildings including labour required;
- The cost of preparing land to similar levels;
- The cost of any registration and transfer taxes.

3.2 Institutional Framework

Tanzania has no policy on involuntary resettlement, but acts stipulate the various actors in land and natural resources administration and management including acquisition of land, access, use and management of public resources. Taking this and requirement of the World Bank OP 4.12 into consideration, two institutional frameworks comes into play in the development and implementation of the RAP - Central Government Ministries, Department and Agencies and Local Government Authorities:

3.2.1 Ministry of Lands, Housing and Human Settlement Development

The Ministry of Lands, Housing and Human Settlement Development is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania and administers the various land acts: Land Acquisition Act, the Land Act and the Village Land Act. The Ministry is responsible for land use planning, management and land delivery activities specifically surveying and demarcating land/parcel/farms, and provision of land ownership and tenancy in both rural and urban areas.

- Minister Responsible for Lands / Land Use Planning:

Established under the Land Policy and the Land Act (Section 8) as the sole authority over all for land matters. The Land Act poses to Minister the duty of policy formulation and implementation of Land Policy and Act. The Minister is directed to perform a number of functions (delegated to the Commissioner for Lands) including issuing permit for using land (other than village or reserved land). Under the Urban Planning Act (Section 5) the Minister ensure incorporation of principles of urban planning in planning processes and use and development of land. The Minister is empowered to designate any Body or Organ as a planning authority (Section 7 (4)) and to declare any area of land to be a planning area (Section 8(1)).

- Commissioner for Lands

Established under the Land Policy and Land Act as sole authority responsible for land administration. Land Act (Section 9-11) impose the Commissioner for land as the principal administrative officer and professional officer and advisor to the government in land matters (land allocation, acquisition, registration and land management in general) at all levels. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation have to be referred to the Commissioner. The Commissioner may appoint officers at the appropriate levels of government to administer land other than village land. Has power to delegate the powers to officers at Local Authority or public organization all who work and comply to directives of the Commissioners.

- National Land Use Planning Commission

Established under Section 6 &7 of the Land Use Planning Act, as the principal advisory organ of the Government on all matters related to land use. The Commission is comprised of various environmental stakeholder to ensure oversee the best use of land use planning.

- Survey and Mapping Division

The Surveys and Mapping Division also provides land survey services to government agencies, maintains geodetic survey control networks, prepares and maintains cadastral and topographic maps for the entire country. The Director of Surveys is responsible for coordinating all public sector mapping activities and for maintaining records of all maps, plans and land surveys which are conducted by government agencies.

- Director of Urban Planning

Established under the Urban Planning Act (Section 6) to advise to Minister, issue guidelines, set standards, coordinate and approval of matters related to urban planning.

- National Land Advisory Council

Established under the Land Act (Section 17) to advice Minister on Land Policy and institutional framework and organizational structure for land matters.

- Land Allocations Committee

Under the Land Act (Section 12) Land Allocation Committees are to be established at central, urban and district authorities to perform duties related to advise of application of Rights of Occupancy.

- Chief Valuer

Land (Assessment of the Value of Land for Compensation) Regulations, 2001 (Regulation 6) directs that every assessment of the value of land and un-exhausted improvement is verified by the Chief Valuer of the Government or Representative.

- Qualified Valuer

Land (Assessment of the Value of Land for Compensation) Regulations, 2001 (Regulation 5) directs that every assessment of the value of land and un-exhausted improvement is done by a qualified Valuer. The Valuers are government employees of individuals or companies

registered as service providers in the lands sector and conduct surveys, property valuation etc.

3.2.2 Local Government Authorities

○ The Local Government system in Tanzania is based on the decentralization policy and is enshrined in the Regional Administration Act (1997), Local Government (District Authorities) Act No. 7, 1982, and the Local Government (Urban Authorities) Act No. 8, 1982. Relevant to this RAP is the later, governing urban authorities.

○ Administratively Tanzania is divided into three levels of Local Governments whereby each level has statutory functions with respect to development planning. The three levels with respect to urban authorities are: City / Municipal Councils; Town Councils and Ward; and "Mtaa" (sub-ward) Councils. A City is divided into Municipalities; a Municipal Councils subdivided into Municipal Wards and this into sub-wards or "Mtaa" as the lowest administration unit in urban areas.

The City Councils and Municipal Councils are body Corporate responsible for planning, financing and implementing development programmes within their areas of jurisdiction.

- Municipal Land Department with sections /units for physical planning, surveying, valuation;
- District functional departments including Community Development (communities mobilization and sensitization); Environmental Management Offices (acts as appendages of national environmental authorities);
- Land Tribunals (Municipal, Ward levels) for handling and resolving land-related disputes and grievances;
- Various multi-disciplinary, multi-sectoral technical teams and committees of Councillors responsible for social issues at local government levels.
- Local governments are not replicated at the regional level. Regional authorities provide technical advice and support and exercise supervision to the Municipal councils. Regional and District Commissioners are responsible for co-ordinating and managing central government affairs.

3.3.3 Natural Resources and Social Management Agencies

Vice President's Office (National Environment Management Council (NEMC) and Division of Environment (DoE)

NEMC is vested with overall responsibility for screening (allocating the appropriate level of the impact assessment) and reviewing big investments and projects of national significance. NEMC constitutes multi-disciplinary, multi-sectoral Technical Review Committees to review adequacies of environmental impact statements (incl. Environmental Social Management Plans/ Environmental Social Monitoring Plans). NEMC issues recommendations to the government for approval of the project. DoE issue approval (EIA Certificates) for the project

to proceed. Mitigation of impacts arising from land acquisition and fulfilment of compensation procedures constitute key project approval criteria.

Units within Sector Ministries/ Institutions

These have been established to oversee social matters including supervision and monitoring of implementation of project social management plans, and gender issues.

3.3 World Bank Policy OP4.12 on Involuntary Resettlement

The overall objectives of the World Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The Policy covers direct economic and social impacts that are caused by the involuntary taking of land resulting in relocation, loss of shelter, loss of assets or access to assets; or loss of income sources or means of livelihood.

The Policy clearly distinguishes legal tenure from occupancy without legal title (often termed encroachment or squatting). Legal tenure covers both ownership through legal title (or lease) or occupation or use based on customary and traditional rights that are or can be legally recognized. For people with legal tenure, the policy states that they are eligible to receive compensation for the land that they lose, and other assistance (see World Bank OP 4.12 para 6 for a description of additional assistance measures), while people without legal rights to land are provided resettlement assistance in lieu of compensation for the land they occupy.

To achieve the objectives of the Policy, different planning instruments are used, depending on the type of project. A resettlement action plan (RAP) or abbreviated resettlement plan is required for all operations that entail involuntary resettlement and a resettlement policy framework (RPF) is required for operations where there are multiple subprojects or where the project location is unknown.

In Tanzania, there are no explicit requirements for a RPF or RAP. Regarding compensation, the Tanzania laws requires that only the rightful land or property owner (statutory or customary rights of occupancy) should be compensated, while the WB OP 4.12 require that any person (whether is rightful owner or not) who lose or is denied or restricted access to economic resources – including tenants, encroachers, squatters - should be compensated as described above.

For the purposes of this Project, the World Bank's Operational Policy on Involuntary Resettlement will prevail over Tanzanian law, as the Policy provide a higher level of protection to PAPs.

3.4 Comparison of the Tanzanian laws with the OP 4.12 and the gaps between the two

The World Bank Operational Policy 4.12, Involuntary Resettlement is triggered because the project will cause land acquisition, namely: a physical piece of land is needed and people may be affected because they may have buildings on that land, and in semi-urban setups they may be cultivating on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, when the policy is triggered people are compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred.

The objectives of the policy on involuntary resettlement (OP 4.12) are the following;

- To avoid or minimize involuntary resettlement and land acquisition where feasible, exploring all viable alternatives of project location and designs.

Where involuntary resettlement and acquisition of land or other assets is unavoidable -

- To conceive and execute compensation as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits.
- To consult with displaced and compensated persons and provide them opportunities to participate in planning and implementing resettlement and compensation programs.
- To assist displaced and compensated persons - regardless of the legality of land tenure - in their efforts to improve their livelihoods and standards of living (income earnings capacity and production levels) or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.

Laws on land administration in Tanzania are comprehensive but differ in several ways with the Bank's OP 4.12 (Table 3.1). For example, entitlements for payment of compensation are essentially based on the right of ownership, which limits the rights of non-formal occupants

like slum dwellers and tenants which the Bank's OP 4.12 policy recognizes. The provision that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a specified cut-off date is not explicit in Tanzanian laws although in practice these are compensated. Where there is a difference between Tanzanian law and OP 4.12, the latter shall prevail.

Table 3.1: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation			
Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
Land Owners	<p>The <i>Land Acquisition Act</i>, the <i>Land Act</i> 1999 and the <i>Village Land Act</i> 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 allowance, accommodation allowance and loss of profit if they were in actual occupation of the acquired property.</p> <p>Lost assets are limited to “un-exhausted improvements”, that is the land and developments on the land.</p> <p>The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process</p>	<p>Displaced persons are classified into three groups:</p> <p>(a) those who have formal legal rights including customary and traditional rights;</p> <p>(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</p> <p>(c) those who have no legal rights to the land they are occupying</p> <p>Land owners under categories (a) and (b) above, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance.</p> <p>Socio-economic impacts to PAPs are taken into consideration in preparing the RAP</p>	<p>There is no gap between Tanzania and OP 4.12 as far as those with formal legal rights and those with recognized customary or land use rights (category a and b). However, for category c, the Tanzanian laws are not recognizing any rights for compensation</p> <p>WB OP 4.12 recognises a wider spectrum of PAPs compared to Tanzanian law including tenants and squatters who do not have legal rights to the land they are occupying.</p> <p>WB OP 4.12 includes squatters among the PAPs who are entitled to resettlement assistance in lieu of the land they occupy, as well as other assistance and compensation for assets other than land.</p> <p>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 standard of living and seeks to improve them or at least to restore them to pre-displacement levels</p> <p>For this Project, OP 4.12 standard will apply.</p>
Land Tenants/Squatters	<p>Tanzanian law does not recognize tenants as being entitled to compensation</p> <p>Squatters may be paid compensation on the whims of the government.</p> <p>In some cases however they are not paid. This include those who construct on road reserves</p>	<p>Tenants should be provided resettlement assistance to be able to restore their lives at least to the level before the project.</p> <p>Squatters may fit category (c) above and are provided resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance.</p>	<p>WB OP 4.12 recognises a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants</p> <p>WB OP 4.12 includes squatters among the PAPs who are entitled to resettlement assistance in lieu of the land they occupy,</p>

Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
Land Users	Tanzania law on compulsory acquisition and compensation is limited to those who can prove de jure or de facto land ownership and land use rights. If they encroach in the land illegally or do not have recognizable land use rights they are encroachers or squatters	WB OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying	as well as other assistance. If the affected person has land use right then there is no difference. However, if the land users are doing it illegally then under Tanzanian laws they are not entitled to any compensation. Under the OP 4.12 any affected person is entitled to some form of compensation or assistance. For this RAP the WB op 4.12 would have been used if there were any encroachers; All PAPs are owners of the affected land
Owners of non-permanent buildings Owners of permanent buildings	Tanzanian law makes no differentiation between owners of permanent and non-permanent buildings. As long as ownership can be proved compensation is payable. Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost approach is used, meaning that PAPs do not get the full replacement cost of the lost assets.	Under the WB OP 4.12 permanent and non-permanent buildings need to be compensated. Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.	The gap between Tanzania and WB OP 4.12 is about eligibility, which is hinged upon formal or informal ownership. While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, WB OP 4.12 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost based on market value. Under this RAP OP 4.12 was observed, no depreciation of PAPs properties.
Encroachers	Person who encroaches on the area are not entitled to compensation or any form of resettlement assistance. Encroaches have to demolish their asset without any compensation, if refuse the authority concern will demolish at their cost. It is strictly prohibited to especially to build a house or to plant permanent trees and 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.
Timing of compensation payments	Tanzanian law requires that compensation be full, fair and prompt. Prompt means it should be paid within six months, failure to do which attracts an interest rate equivalent to the average rate	WB OP 4.12 displaced persons are provided prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project before	In terms of timing, both Tanzanian laws and WB OP 4.12 require that compensation be paid promptly prior to commencement of civil works.

Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
	<p>offered by commercial banks on fixed deposits.</p> <p>Legally, compensation for the acquired land does not have to be paid before possession can be taken, but in current practice it is usually paid before existing occupiers are displaced.</p> <p>In practice, compensation is not paid promptly most of the time, and delays are not rectified paying the interest rate as required by the law</p>	<p>any civil work starts</p>	
<p>Calculation of compensation and valuation</p>	<p>According to the <i>Land Assessment of the value of Land for Compensation) Regulations, 2001</i>, as well as the <i>Village Land Regulations, 2001</i>, compensation for loss of any interest inland shall include the value of un-exhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits.</p> <p>The basis for assessment any land and un-exhausted improvement for purposes of compensation is the market value of such land.</p> <p>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 the income approach, or replacement cost method, where the property is of special nature and not saleable.</p> <p>In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for un-exhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</p>	<p>WB OP 4.12 requires that the displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project.</p> <p>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.</p> <p>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>Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and un-exhausted improvements, plus a disturbance, accommodation, and accommodation allowance, and loss of profits where applicable.</p> <p>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.</p> <p>Tanzania laws are restricted to land and developments on land, and loss of profits whereas WB) OP 4.12 considers all types of losses, including livelihoods and access, and provision of alternative compensation measures.</p>
<p>Relocation and Resettlement</p>	<p>Tanzanian laws do not provide for relocation and resettlement. However, there are a few cases where the government has provided both compensation and alternative land, but this has been done at its discretion. In general however,</p>	<p>WB OP 4.12 stipulate that where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as moving allowance)</p>	<p>Tanzanian law provides for transport allowance for 12 tons of luggage for up to 12 kilometres from the acquired land, provided the displaced person was living on that land.</p>

Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
	the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced persons to resettle and re-establish themselves elsewhere.	during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages lost.	In lieu of housing accommodation allowance is made in the form of rent for 36 months. Occasionally, in a discretionary manner alternative land is awarded.
Completion of resettlement and compensation	<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.</p> <p>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>	WB OP 4.12 stipulates that it is necessary to 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 been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.	<p>Current land Act of 1999 which is the current practice endeavors to pay compensation before taking possession of the land unlike the <i>Land Acquisition Act, 1967</i>, allows the government to take possession of the acquired land before paying compensation.</p> <p>For this RAP all PAPs will be compensated before the taking of land for the landfill or buffer zone.</p>
Livelihood restoration and assistance	<p>There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods.</p> <p>Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities.</p> <p>Moreover there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples</p>	WB OP 4.12 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a 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 provided for under Tanzanian law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. The Tanzanian law does not make provisions requiring the government to pay special attention to vulnerable groups in the administration of compensation
Consultation and disclosure	<p>There scanty provisions related to consultation and disclosure in Tanzanian law.</p> <p>The notice, under the <i>Land Acquisition Act</i>, informs land owners about the President's need to acquire their land, and their right to give objections. The Land Act allows displaced persons to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth.</p>	WB OP 4.12 requires that displaced persons are (i) informed about their options and rights pertaining to resettlement; and, (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.	The provisions in WB OP 4.12 requiring consultation and disclosure have no equivalent in Tanzanian law and practice. The OP 4.12 requirement will be adhered i.e the RAP will be disclosed on various forums

Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
	<p>Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</p>		
<p>Grievance mechanism and dispute resolution</p>	<p>Under s. 13 of the <i>Land Acquisition Act</i>, where there is a dispute or disagreement relating to any of the following matters:</p> <ul style="list-style-type: none"> (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 the determination of the dispute. <p>In practice the government tries to resolve grievances through public meetings of the affected persons.</p>	<p>WB OP 4r.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 mechanisms must be established for these groups</p>	<p>The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases. This RAP has established GRM in accordance with the OP 4.12</p>

Source: RPF (COWI March, 2014)

4.0 SITE DESCRIPTION

4.1 Physical Features

4.1.1 Topography

The general topography of the proposed project site is relatively flat with some sections which have gentle slopes. It is characterized by gullies due to the fact that it was previously used as a borrow pit during construction of Tanga -Pangani trunk road.



Figure 4.1: The Topography at the proposed site

4.1.2 Drainage

There is a stream called Neema that passes on western side adjacent to the project site. It is a seasonal stream which carries water only during rainy season.



Figure 4.2: Seasonal stream near Neema area

4.1.3 Climate

The City experiences dry season from January to mid March. This period is followed by three rainy spells, the long rains, normally experienced from March to May, resulting to an average of 1000 mm to 1400 mm of rainfall. The light rains, normally experienced from June to August resulting to average of 100 mm of rainfall. The short rains, normally start in October and ending in December, resulting to an average of 500 mm to 800 mm of rainfall. Due to her location along the coast the City experiences humid tropical climate with temperatures ranging from 24°C to 33°C.

4.1.4 Soil

The big part of the site is covered by grayish clay soil and blackish clay soil (black cotton soil)



Figure 4.3: Typical soil at the project site

4.1.5 Structures/Buildings

The proposed project area has got neither buildings nor structures; it is empty without any development so far.

4.1.6 Infrastructure/ Utilities

The site has a potential of having some necessary infrastructures. The REA electricity line is passing adjacent to the proposed site. Tanga-Pangani trunk road is about 200m from the proposed site.



Figure 4.4: Tanga-Pangani trunk road and Electric transmission near the site

4.1.7 Neighbouring area

The proposed site is surrounded by residential houses (about 5m) whereas the remaining part is covered by grasses and shrubs. Neema seasonal stream is about 200 from the project site.



Figure 4.5: Neighboring near Neema area

4.1.8 Biological Features

The whole site is covered by grasses and patches of tree bushes. Generally there are no vegetation of ecological or economical importance and furthermore there are neither wildlife nor domestic animals at the project site.



Figure 4.6: Typical vegetation at the project site

5.0 SOCIO-ECONOMIC INFORMATION

The socio-economic survey that took part during field study was accomplished with the aid of representative leader the Ward Executive Officer and Mtaa chairperson. The local government Authorities had previously informed local communities of the intended RAP activities. The survey team thus compiled a detailed inventory of the types, sizes and conditions of the household/land, and determined the value of compensation to be paid to each PAP for affected household/land. The results of survey and valuation exercise has been presented to PO-RALG in a valuation report, thereby providing principal information on the number and location of affected properties, the nature and magnitudes of losses and displacement, the methods used for valuing household/land, and assessing compensation and the amount of compensation to be paid. Valuation was conducted as per this RAP and accommodating some of the feedback from PAPs such as for example determining price of land in the area. Parallel to the valuation exercise, a sociologist with a support of 2 enumerators conducted a socio-economic survey–PAP profile. A census of the affected people was also done.

5.1 Population characteristics and Economic status of the Affected People

5.1.1 Affected Properties

In total there are 13 PAPs, out of them 9 are men and 4 are women. All PAPs are heads of the family. All the 13 PAPs, land has been affected by the project, while only 2 PAPs use the Land which was used for farming (Source of livelihood). Table 5.1 below show the affected properties and the number of PAPs. All PAPs are owners of their land. It should be noted that though 10 PAPs depend on farming as their source of income, their land that is used for farming will not be affected by this project.

Under this RAP four women are PAPs head of household with affected properties, this RAP implementation will ensure that the affected women receive their compensation and if they require any further assistance such as to restore their livelihoods, the TCC will provide such assistance. During valuation exercise it was also ensured that the women name appear in the compensation schedule and therefore they are the once who will be entitled to receive the compensation.

Table 5.1: PAPS and the affected properties

Property /Asset Affected	PAPs
Land Only	11
Land and Crops	2
Structures	None
Access	None
Total	13

Source: Socio-economic survey of the affected area-2015

5.1.2 Size of Land

The land parcels (belonging to each PAP) that shall be affected range from 450sqm to 11,350sqm. Most PAPs (about 46%) own land between 1,000sqm and 3,000sqm. The total land to be gained from the PAPs is 44,156sqm

Table 5.2: Land required for compensation

Area required (Sqm)	Number of PAPs
<1,000	3
1,000-3,000	6
3,000- 5,000	1
>5,000	3

Source: Socio-economic survey of the affected area-2015

5.1.3 Source of Income

The socio-economic survey reveals that the main source of income for the affected people found at the project area is crop farming and small business. Refer Figure 5.3 below; It should be noted that the data on table 5.1 is specific for PAPs affected properties while data on table 5.3 elaborates the PAPs source of income of which this does not necessarily mean the sources of income were affected.

Table 5.3: Source of income of the affected people

Source of Income	No of PAPs
Business only	4
Farming only	6
Business and Farming	3

Source: Socio-economic survey of the affected area-2015

5.1.3 Income Levels

The issue of income among the PAPs is highly necessary if we wish to establishment a baseline indicator of the economic situation of the affected area. The frequency of income show that most PAPs earn between TSH 100,000 and 200,000 per month.

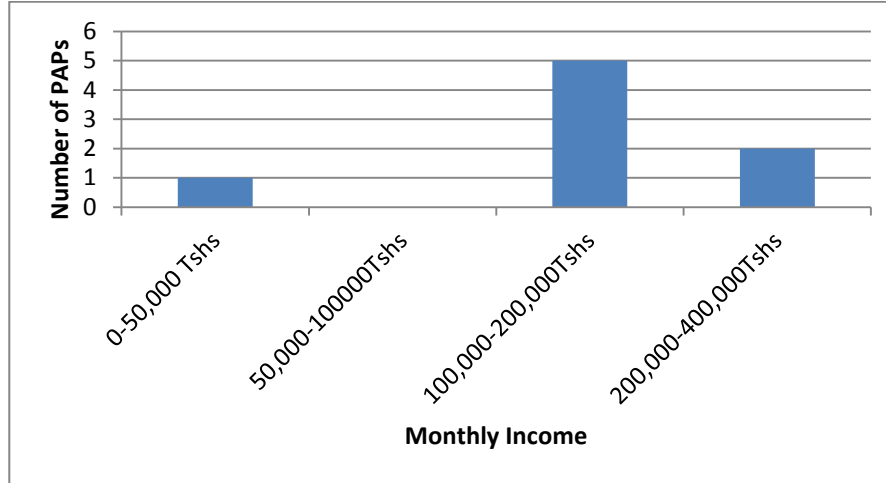


Figure 5.1: Frequency of income of the affected people
Source: Socio-economic survey of the affected area, 2015

5.1.4 Land Tenure

During socioeconomic survey it was observed that most PAPs bought the land parcels from other persons as shown in Table 5.4 below.

Table 5.4: Land Tenure

Way land was obtained	No of PAPs
Allocated by village government	2
Bought	7
Inherited	4
Total	13

5.1.5 PAPs who use the land for farming

As described in the previous sections, there are only 2 PAPs who use the land for farming (source of livelihood). All PAPs who use the land parcel (to be compensated) for farming use the land for throughout the year for horticulture. The vegetables harvested range from 80kg to 100kg per PAP per month. Small portion of vegetables harvested is used as food for the family while large portion (more that 90%) is sold to the community. According to the PAPs, they estimate the earnings from the vegetables to be between Tsh 3,000,000 and 4million annually. The remaining plots are used as residential or land left by PAP for future use.

5.1.6 Expectations of PAPs on the Project

All PAPs interviewed had the opinion that the project shall improve solid waste management in Tanga city which is currently a major problem. They also expect that

the project shall provide employment to the local people. On top of that PAPs expect to be paid their compensation before commencement of the project and that compensation shall be fair.

5.1.7 Compensation Preference

During socio economic data collects with individual PAPs, they were asked if they prefer cash or in kind compensation for the affected properties. All PAPs prefer cash compensation for the loss of their land and livelihood. The Tanga City Council will provide assistance to PAPs who will require assistance in obtaining alternative land within the area.

6.0 COMMUNITY PARTICIPATION

6.1 Community Participation Approach

Community participated through public consultations that were held with all PAPs and on issues of their compensation. Survey of affected people was initiated to collect data and at the same time to inform PAPs about the project. A compensation valuation was also conducted to all affected properties. The objectives of the consultations were to introduce the project, explaining the need for land acquisition, compensation principle to be applied as well as of soliciting feedback.

A number of meetings were held with officials from stakeholders, municipal office, ward and Mtaa governments, and community members. Meetings with people from the President's Office-Regional Administration and Local Government (PO-RALG) were held with the aim of obtaining a common understanding of the RoW and the targeted PAPs.

Meetings were also held with city officials with the purpose of understanding land value, availability of alternative land to resettle PAPs if necessary.

With ward and Mtaa officials the meetings helped in assessing and understanding, the feeling of the affected people and their concerns, identification of the land (farms) with or without trees/permanent crops, and mobilization of community members to attend and participate effectively in the socio-economic survey. Also, they were responsible in verifying the appropriateness of information collected and act as witnesses to the owners.

Stakeholders meetings were held with the aim to inform them on the importance of providing required information in order to allow for the accurate analysis and realistic RAP to be developed.

The minutes of the meetings were prepared and signed by the ward executive officer and Mtaa government Chairmen/persons. The minutes were also stamped by ward executive officer to make it more official document. For clarity and understanding of the meeting proceedings by the local community, the minutes were prepared in Kiswahili. The minutes of the meetings are attached to this report as Appendix 3 (Minutes of Consultation Meetings) together with the list of attendee and their signatures. Appendix 4 (People Consulted) gives a list of persons consulted.



Figure 6.1: Meetings with PAPs at Neema Mtaa in Tangasisi ward
Source: Socio-economic survey of the affected people, 2015

6.2 Objectives of Public Consultation

During RAP preparation, the consultant held consultations with potentially affected people. The consultation examined among other things:

- Acceptable alternatives
- Conditions under which the resettlement will be socially adequate
- Measures required to guarantee that the affected people will enhance or at least restore their livelihoods and living standards
- Preferences regarding forms of compensation and resettlement assistance
- Measures to mitigate impacts of resettlement and arrangements for addressing conflicts that might occur during that period.
- Institutional and organizational arrangements by which displaced people can communicate their concerns to project authorities and participate throughout planning, implementation and monitoring of the RAP.

6.3 Concerns and Views from PAPs

The concerns and views expressed and the results of the consultations are summarized here below;

6.3.1 Compensation

All of PAPs consulted raised the concern of compensation. PAPs were very interested to know if they would be compensated and if so, when they should expect the compensation. According to the survey conducted before attending RAP field survey, it was discovered that there was only affected Land (farms) with trees/permanent crops (no Structures).

Affected people requested for owners of project to consider their properties i.e land, farms (trees/permanent crops) since those properties are used as household's source of income. Therefore, it is expected that there will be a discussion between the affected people and the owners of the project on the issue of compensation.

In response to the issue of compensation, the consultants responded that the issue of compensation will be considered very carefully and that everyone will be compensated in accordance to this RAP regardless of land ownership. Those who own land will be compensated for Land and all assets and those who have encroached or using land will be compensated for their assets and the investment they made on the land regardless of their ownership. The PAPs were told that entitlement matrix has these very clearly.

6.3.2 The issue of Resettlement

Communities wanted to be clear whether the survey leads to the resettlement. They were told that the project leads to resettlement since there are crops, etc. PAPs were told to continue with their daily activities until further notice through their Ward/Mtaa leaderships.

PAPs went on asking who shall be responsible for paying them the compensation. The survey team responded that it is the implementing agency (The Government of Tanzania) that shall pay the compensation for the project. Furthermore, PAPs were told by the survey team that the project will commence once the fund for construction will be obtained.

7.0 COMPENSATION MATRIX AND VALUATION PROPERTIES

The Consultation team of this RAP had to inspect the affected properties and provide value of properties to be affected under this Project. Objective of valuation of the properties were to determine the replacement values of the land, properties and assets, taking into consideration the 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. Ward/Mtaa Executive Officer (WEO) 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 type, size and condition of the household/land and determined the value of compensation to be paid to each person for the affected household/land;
- Assigning Reference Number to each of the identified case and recording it on a piece of paper and then handing it to each PAP;
-
- Taking notes of the identified properties (household/land) on a pre-prepared inspection sheet;
- Taking measurements of the land with help of the land surveying team and;
- 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. (note this form cannot be disclosed but rather summarized in the valuation report.

7.1 Basis for Evaluation

7.1.1 Law relating to Land Acquisition and Compensation in Tanzania

Land acquisition in Tanzania is governed by The Land Acquisition Act, Cap 118 R.E 2002. A provision related to land acquisition in the Town and Country Planning Act is subservient to the provision in Land Acquisition Act.

The Land Acquisition Act is the main law used in Tanzania and is the 'mother Act' when it comes to land acquisition. However, The Land Act, Cap 113 R.E 2002 on part II, elaborates the provision on assessment. Section 3 (1) (g) of the Land Act provides for the full payment, 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 deals with mainly land tenure and land rights. It also addresses issues of compulsory acquisition, mortgages and regularization of unplanned areas.

Article 24 (1) of The Constitution of the United Republic of Tanzania 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) of the above mentioned Constitution 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 evaluation 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 loss. Matrixes have been 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 evaluation of all the expected losses and of their replacement cost was calculated. For the details, refer the valuation report.

7.2 Assessment of Compensation

7.2.1 Field Surveys and Procedure

In carrying out field surveys, the Valuer was at all times accompanied by a local leader who identified the household/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;

- Survey team also compiled a detailed inventory of the types, sizes and conditions of the land and determined the value of compensation to be paid to each person for affected land.
- Assigning Reference Number to each of the identified case on a piece of paper;
- Taking notes of the identified properties (land) on a pre-prepared inspection sheet;
- Taking measurements of the land 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.

7.3 Computation of Various Allowances

7.3.1 Disturbance Allowance

This is calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12months. The current average rate of the interest obtained on fixed deposits is 8.5%. Therefore the total compensation value, then obtain the 8.5% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance

7.3.2 Loss of Profit

In accordance with section 9 of the Land Regulations of 2001, 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.

7.3.3 Partial Loss

In the case of partial loss, the consultant considered that the entire asset is affected and requires compensation. This means that where PAPs are partially affected, inventory and valuations were based on the PAP's entire asset holdings.

8.0 ENTITLEMENT FRAMEWORK AND RESETTLEMENT MEASURES

Resettlement entitlement matrix has been prepared that shows a clear view of each different categories of:

- Impacts of the Project,
- Affected populations/entities,
- Compensation measures,
- Complementary measures.

8.1 Identification of PAP and Eligibility Determination

The following are different categories of packages (As per Entitlement Matrix for TSCP-AF) for the resettlement measures to the affected properties;-

- For PAPs who have only structures/house compensation will be cash, based on the replacement cost, taking into consideration the market value.
- For PAPs who have only land; compensation will be cash, based on the replacement cost, taking into consideration the market value.
- For permanent crops impacted; compensation will be Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
- For Trees Impacted; Cash compensation based on type, age and productive value of affected trees plus 10% premium

Prior to receiving compensation, Tanga City Council will consult PAPs to ensure if they have Bank accounts, for those who don't have, the council will facilitate opening of an account with a bank that is within the area. Other resettlement assistance will include finding alternative land (for those who will request).

8.2 Land Purchase

PAPs having formal or customary right over land as well as encroachers willing to purchase land will be compensated to purchase alternative land. During the public consultations the PAPs admitted that land for purchase is available in the wards, districts but prices are very high and it ranges from place to place and locations. Land closer to the road is more expensive while hinterland is relatively cheaper. For instance, the estimated value of the land per acre by MGTs in 2 years back was Tshs 2,000,000/-, but according to the existing situation, the price ranges between TSHS. 4,000,000/- and 8,000,000/-

8.3 Land Currently Being Used or Occupied: Agricultural/Residential

Whenever possible, affected villagers should be given sufficient time to harvest their present crops and should not be forced to abandon them. Efforts will be to ensure that no standing crops are abandoned or destroyed. However, wherever any damage to standing crops is inevitable, it will be eligible to compensation. The loss of existing fruit trees or trees of any economic value will be compensated as per entitlement matrix of this RAP.

8.4 Permanent/Annual Crops

Social survey revealed that there are permanent, seasonal or annual crops at the proposed site. These crops include maize, beans, sweet potatoes, groundnuts etc. Some of these crops are permanent while others not; the Tanzanian laws do provide for compensation for permanent crops. However, the owners of the temporal crops should be allowed to harvest their produce before the implementation of the Project. For Standing crops the compensation shall be cash equivalent to average of last 3 years market value for the mature and harvested crop.

8.5 Vegetable Garden

Existing vegetable gardens as well as flower gardens will also be treated as annual crops meaning that garden owners will be allowed to harvest their vegetables before the construction. Since these vegetables are temporary, the owner is not eligible for compensation and will not be allowed to garden in the project area.

8.6 Damage Caused during Construction Work

Reconstruction activities may also cause some additional temporary or permanent damage to land and assets that cannot be identified or quantified during RAP preparation. An example might be construction workers destroy crops or vegetables while accessing particular construction sites. Thus, wherever possible, the construction team/contractor will repair the damage to the satisfaction of the affected person. Affected persons with a claim should be required to complete a compensation claim form and submit it to the construction team/contractor. The construction team/contractor will then negotiate the required compensation measures, which may include repairing the damage or payment of compensation in cash or kind. Payment of compensation should be effected within one month of submission of the claim form.

8.10 Participation and Consultation

Finalization of the entitlement packages and the construction measures shall be done in a participatory manner, with active involvement of the affected communities and local institutions. Regular consultations shall be held with the local community at the time of implementation of the resettlement plan. The implementation process shall be monitored and evaluated by independent agencies and a grievance mechanism be established to identify problems and take appropriate corrective actions.

8.11 Entitlement for Compensation

The Table 11.1 below provides different entitlements of PAPs based on RPF for TSCP-AF.

Table 8.1: Entitlement Matrix

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Land under cultivation Less than 20% of land holding affected Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value, taking into consideration the market price.
		Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost Land does not become economically viable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice, taking into consideration the market price. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		Tenant/Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Commercial Land	Land used for business partially affected/ Limited loss	Title holder/ business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. 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)
		Business person is lease holder	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) Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Title holder	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance)
		Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee and additional compensation as deemed necessary after a 3 month assessment to determine if living standards have been restored. Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected Remaining structures viable for	Owner	Cash compensation for affected building and other fixed assets based on the replacement cost while taking into consideration the market value.

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	continued use		Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. If cash compensation, replacement value, taking into consideration the market price Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Construction assistance if required (assistance with job placement, skills training)
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs, and additional compensation as deemed necessary after a 4 month assessment to determine if living standards have been restored). Assistance to help find alternative rental arrangements Construction assistance if required (assistance with job placement, skills training)
		Non-legal rights holder (i.e. squatter; informal dweller)	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + assistance to find

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>alternative secure accommodation preferably in the community of residence through involvement of the project</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Construction assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>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.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAPs (whether owner, tenant, or squatter)	Fair cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Fair cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAPs (whether owner, tenant, or squatter)	Fair cash compensation for any assets affected (e. g. boundary wall demolished, trees removed), but will not necessitate to relocation of PAPs to new plots.

9.0 COST AND BUDGET/IMPLEMENTATION SCHEDULE FOR RAP

9.1 Implementation of RAP

The Prime Minister's Office-Regional Administration and Local Government (PO-RALG) will have the overall responsibility for implementing and monitoring the resettlement process.

The RAP will be implemented using systems that are already in place, rather than creating new committees or reporting lines. The PO-RALG will consult the District who already has in place standing Social Services Committees, which have experience with regard to compensation issues. The committees are chaired by the District Officers.

Therefore, the District Social Service Committees, with assistance from the Ward Executive Committees and the Mtaa Executive Committees, are logically the right parties to take on the responsibility for the coordination, management and monitoring of the practical day-to-day implementation of the resettlement activities, including the disbursement of compensation.

At the local level, the MEOs and the WEOs will be critical in the implementation and overseeing of the RAP.

The summary of institutions responsible for RAP implementation is provided in table 9.3: RAP Implementation Indicative Budget summaries

9.2 Delivery of Entitlements

The responsibility for the payment of compensation and the resettlement process lies with Tanga City Council, the Council which will be receiving monthly reports from respective Ward Executive Officer on weekly basis will be reporting to PO-RALG on monthly basis on the progress of the RAP implementation.

During the PAP survey, the names and details pertaining to the entire project affected people were documented. The list of PAPs was confirmed by the relevant ward authority of Neema. Discussions were also held with the relevant ward authority in order to ensure their participation during the RAP implementation process.

Compensation may be paid in cash directly to the individual PAPs. Payments will be made to each PAP by the PO-RALG with assistance from the District Social Services Committees, in the presence of the District Lands Officers, District Community Development Officers, MEO, WEO, and the PAP's spouse or next of kin.

9.3 Costs and Budget

An indicative estimate of the various components of RAP is provided here. The cost of implementation will comprise of compensation for the affected properties, allowances of the staff engaged in RAP implementation, expenses related to public consultation and information dissemination to respective office overheads. All these should be completed within 6 months. The PAP census undertaken by the Consultant has been used as the baseline information for budget resources.

The compensation amount is based on each individual's entitlement option, calculated on the basis of estimates made during census. Table 9.1 contains the detailed budget for Compensation of PAPs.

Table 9.1: PAP Compensation Package

SUMMARY OF PAYMENT FOR COMPANSATION

S/No	Description	No of PAPs	Amount (TShs)
1	Crops	5	6,113,000
2	Land/Farms	13	264,936,000
3	Disturbance Allowance	13	34,184,335
4	Transport Allowance	-	N/A
5	Accommodation Allowance	-	N/A -
6	Loss of Profit	-	N/A -
7	Total Compensation	13	307,659,015

Note: some of the PAPs own more than one property e.g. a PAP could own land and crops while other land only

The Consultant has described the different steps and activities that shall be conducted to carry out the full resettlement plan from preparation through implementation. In carrying out compensation process, the following measures will be considered;

- If necessary, updating of the census and identifying absentees land owners;
- Disclosure and validation of the list of persons deemed eligible for compensation;
- Identification of land and clearing;
- Negotiation for each individual record with the affected land;
- Payment of cash compensation;

- Assistance to DPs notably to vulnerable groups.

The consultant has described the mechanisms and arrangements for monitoring the resettlement activities.

Table 9.2 below provides for an implementation schedule for the RAP while Table 9.3 provide the budget for the implementation of the RAP which includes cost of monitoring and evaluation derived from the cost for an independent consultant to carry out external evaluation and internal evaluation. It also indicates activities to be undertaken during the project cycle. During preparation of this implementation schedule, budget constraint is not considered and it is assumed that other inputs to facilitate the plan are adequately available timely. The estimated time for the plan is about one year.

As part of preparation for the RAP implementation, the RAP team will be trained specifically but not limited to the following aspects

- Grievance Handling mechanism
- Stakeholders consultation during RAP implementation and
- Assistance of vulnerable groups

Table 9.2: RAP Implementation Schedule

No	Action	Time frame											
		Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	Jun 2017	Jul 2017	Aug 2017	Sep 2017	Oct 2017	Nov 2017	Dec 2017
1	RAP Implementation												
1.1	Awareness raising meeting												
1.2	Mobilization that includes training of the RAP team												
1.3	Preparation of plots for resettlement												
1.4	Confirmation of PAPs and affected properties												
1.5	Compensation payments												
1.6	Addressing Grievances and Dispute Resolution												
1.7	Monitoring of RAP implementation												
1.8	Evaluation of RAP implementation												
2	Procurement of Contractor												
2.1	Tender award for supervision and construction												
2.2	Mobilisation of contractor												
3	Construction Works												

Table 9.3: RAP Implementation Indicative Budget

S/N	Task	Responsible Agency	Cost per activity (Tshs)
1	Preparation of RAP	➤ UWP CONSULTING (T) LTD/ PMO RALG	
2	Review of RAP report	➤ PO-RALG/ WB	
3	Approval of Draft RAP	➤ Ministry of Lands	
4	Communication and Disclosure of RAP	➤ Mwanza City Council	5,000,000/=
5	Training of RAP team and others in RAP implementers	➤ Consultant ➤ PO-RALG ➤ Tanga City Council	Payment to trainers and trainees allowances 5,000,000/=
6	PAP/Community consultation (ongoing)	➤ Community liaison team ➤ Tanga City Council	(Consultant, transport, Stationeries) 1,000,000/=
7	Notification of entitlements	➤ Community liaison team ➤ Tanga City Council	2,000,000/=
8	Payment of Compensation	➤ Tanga City Council	Allowances and transport for paying team 5,000,000/=
9	Notification to RAP to vacate the area	➤ Community liaison team ➤ Project Coordinating team	2,000,000/=
10	Grievance mechanisms and procedures	➤ Grievances redressing Group	Transport and allowances 7,000,000/=
11	Performance monitoring	➤ PO-RALG/ WB ➤ Tanga City Council ➤ Independent Consultant	30,000,000/=
12	External evaluation (bi-annual for 3 years)	➤ Independent Evaluator	30,000,000/=
Total			87,000,000/=
NOTE: This table is only for RAP implementation not compensation costs			

10.0 GRIEVANCES MECHANISM

10.1 Introduction

The RAP will be made available to all concerned people, 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. Local NGOs will be contracted and involved to hear complaints and attempt to affect a resolution before they enter the legal and administrative appeals hierarchy.

10.2 Dispute Resolution Mechanism

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.

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.

10.3 Potential Grievance /Disputes

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 (eg 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.

10.4 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 Table 10.1.

Table 10.1: Process of Addressing Grievances

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
1	PAP shall submit grievance in writing to the Sub ward Government and receives an acknowledgement from Village or Street Government as proof. If the PAP is unable to write, the RAP Implementing Agency (RIA) or the Village or Street Government shall record the same on behalf of PAP.	<ol style="list-style-type: none"> 1. Sub ward/Ward Government 2. Representative of RAP Implementing Agency 	Upon receipt of grievance, the Sub ward Government with the help of RAP implementing agency shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.	If the grievance is resolved and the PAP is satisfied with Sub ward Government's decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to City for record, case closed.	If the grievance is not resolved, go to Step 2.
2	If PAP is not satisfied with Step 1 decision, the case shall be forwarded to Ward Council with a preliminary report prepared by RIA. The report should have the details of grievance, preliminary assessment of RIA & local government, hearing date and decision of local government.	<p>The members of this committee shall be:</p> <ol style="list-style-type: none"> 1. Members of Sub ward and Ward Council 2. Representative of RIA 3. PAP Representative 4. Representative of Tanga City Council 	Upon receipt of grievance, the Sub ward and Ward Council if desired may direct RIA to collect further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 10 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 5 days in advance by RIA.	If the grievance is resolved and the PAP is satisfied with Sub ward and Ward Council decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to Tanga City Council for record, case closed.	If the grievance is not resolved, go to Step 3.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
3	If PAP is not satisfied with Step 2 decision, the case shall be forwarded to Social Services Committee (SSC) at the District level. This committee shall function as Grievance Redress Committee (GRC) at the district level. The grievance shall be forwarded with all the paper details of case till date to SSC.	<ol style="list-style-type: none"> 1. District Commissioner – Chairman 2. Member, Land office 3. Member , Valuer 4. Member, RAP Implementing Agency 5. Member, PAP representative/ local NGO 6. Member, Representative of Tanga City Council 	Upon receipt of grievance, the GRC if desired may direct RIA to collect further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by RIA.	If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared by RIA. A copy of report shall be handover to PAP for record and a copy to be submitted to Tanga City Council for record, case closed.	If the grievance is not resolved, go to Step 4.

Step	Reporting Officer /Committee	Officer /Committee members	Time Frame to Redress	Grievance Redressed	Grievance not redressed
4	It is assumed that all the cases shall be solved at GRC level. It may be possible that there are cases which might still remain unresolved at GRC level. For such cases, the PAP shall have option to refer his /her case to Regional Secretariat for final amicable solution or to refer the case to Judiciary.	1. Regional Secretariat 2. District Commissioner 3. Member, Representative of Tanga City Council	If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45 days from the date of case referred. The PAP shall be intimated 10 days in advance about the date, time and venue of the hearing.	If the grievance is resolved and the PAP is satisfied with RS's decision, a report of the same shall be prepared by RIA. A copy of report shall be given to the PAP for record and a copy to be submitted to Tanga City Council for record, case closed.	If the grievance is not resolved, the PAP may take the case to appropriate court.
5	PAP takes the case to appropriate court.	-	-	-	-

11.0 MONITORING AND EVALUATION PARAMETERS, BUDGET AND RESPONSIBILITIES FOR RAP IMPLEMENTATION

Internal and external monitoring will be undertaken for this project. Internal monitoring for RAP implementation will be the responsibility of the M & E unit. This M & E unit will regularly report to the Community Liaison Officer who in turn will report to the Project Manager. The M & E unit will prepare simple formats for monitoring social plans. These formats will be duly filled every month by the Field Officers, the implementing agency and the resettlement working group and the report will be collated by the M & E cell.

11.1 Performance Monitoring

Performance monitoring will be carried out as an internal management function. In this case the participation of the affected people in performance monitoring is necessary. The PAPs will elect their representative to participate in the monitoring of the implementation of the RAP. They will also be involved in the identification of indicators for monitoring purposes.

Where possible, cash compensation will be paid directly to the PAPs. The District Social Services Committees, with assistance from the Mtaa and Ward Executive Officers, Mtaa Chairman, will monitor the resettlement process and will be responsible for ensuring that the PAPs are using the compensation fund for the specified purpose.

A simple means of conducting performance monitoring is by measuring progress against a list of required actions and milestones. For example, each month the Mtaa or Ward Executive Officers should document the following indicators:

- The number of meetings held with the PAPs, content of the discussions meetings, and agreements reached.
- Grievance redress: the number of complaints lodged, how many complaints are being addressed/ action taken, how many have been resolved and how the grievance redress mechanism is functioning;
- The number of compensation payments made, and the number of pending payments;
- The number of pieces of land acquired, and the number pending;
- Progress in relation to targets and delivery of entitlements including compensation awarded for household/land with or without tree/permanent crops.

The Social Services Committees will need to present monthly reports to the PO-RALG to report on the progress of the RAP.

13.2 Evaluation

There will be a mid-term and an ex-post evaluation of the implementation of the RAP. On both occasions, a comprehensive socio-economic survey of the PAPs will be conducted. The results of these surveys will be compared to the baseline information obtained from the census survey to gauge the effectiveness of the resettlement process over time. Socio-economic surveys will verify, among others:

- Effectiveness of the Construction assistance
- Income and living standards of PAPs (before and after construction)
- Effectiveness of various institutional arrangements made for the project
- Quality of interaction between PO-RALG and affected people
- Opinions and perception of local communities regarding the project and resettlement
- Issues such as change in quality of life among affected PAPS, disruption in lifestyles, etc
- General issues related to the adequacy of the compensation and resettlement exercise

13.3 External Monitoring and Evaluation

The external monitoring of the process will be conducted by an independent agency to be determined under procurement process. The agency, besides reviewing some of the issues being covered under the internal monitoring will also assess/evaluate:

- Adequacy of compensation
- Adequacy of project staff and training programs
- Effectiveness of the grievance mechanisms.
- Transparency of entire process
- Consultation and participation with stakeholders
- Employment opportunities created and availed of
- Changes in livelihoods and incomes among PAPs

During the external evaluation, a social survey will have to be conducted. The information collected on the socio-economic conditions of the affected population at the beginning of the project, before displacement (the baseline information) will be compared with that collected during the evaluation. Thus, any adverse or beneficial socio-economic impacts due to the resettlement process may be determined, such as the impact on income levels, changes in land use, changes in occupation patterns, changes in settlement patterns, etc.

The PAPs will have to be actively involved in impact monitoring, particularly in the identification of indicators. Participatory meetings with the PAPs will be necessary. The cooperation of the Mtaa Executive Officers and Ward Executive Officers is also crucial during these evaluations.

Impact monitoring should be first carried out approximately 6 months after the implementation of RAP, and thereafter annually for a period of at least 2 years. At the end of each evaluation, a report should be submitted to PO-RALG giving details of the evaluation and its findings.

11.4 Monitoring Indicators

Performance monitoring indicators to measure outputs and outcomes of activities have been developed and summarized in the Table 11.1 below;

For each indicator, data to be collected, instrument, time required for follow up and responsible unit is indicated in the Table 11.1

Table 13.1: Monitoring Indicators for Socio-Economic Changes during RAP and Post Project Implementation

No.	Component	Socio-Economic Impact	Indicator		Means of Monitoring	Frequency / Timing	Responsible Team
			Quantitative	Qualitative			
1	Compensation	Timely and adequate compensation of the affected properties	All the PAPs are compensated adequately	Less grievances / complaints	Check the list of PAPs and verify that PAPs are compensated	Intensive monitoring will be done on daily and monthly bases until the completion of compensation payment for all the PAPs	PO-RALG and TCC
2	Training	Adequacy of project staff and training programmes	-Number of training carried out. -Number of project employees recruited and employed	Effective Project performance	Monitoring methods will be done basing on the data of the number of training carried out, number of employees recruited	Every month 3	TCC and Consultant

No.	Component	Socio-Economic Impact	Indicator		Means of Monitoring	Frequency / Timing	Responsible Team
			Quantitative	Qualitative			
3	Grievances	Effectiveness of the grievance mechanisms	-Less grievances reported to the project office -Reported and solved grievances -Less land tribunal cases reported	Satisfaction of the PAPs	Project reports on reported and resolved grievances	The first three months after payment of affected properties	TCC/ PO RALG
4	Stakeholders participation	Consultation and participation with stakeholders	-Number of participants attending meetings in the project area -Number of meetings carried out in the project area	-	Check the project records on the meeting minutes	Every month	TCC/ Ward Executive Officer
5	People impoverishment	Loss of income sources or productive assets (land with trees/permanent crops)	-Decreased / increased levels of poverty in the area -Number of income sources / productive assets moved or affected -Number of people who lost	Ownership of asset (land with trees/permanent crops)	MGT development report	Half yearly	-TCC -PO-RALG -Consultant

No.	Component	Socio-Economic Impact	Indicator		Means of Monitoring	Frequency / Timing	Responsible Team
			Quantitative	Qualitative			
			productive assets and managed to establish new ones -New economic ventures established in the Mtaa				
6	Community cohesion and relations	Community fabrics	Number of community fabrics disrupted / disintegrated	Destruction of community relations and ties	development report	Half yearly	-Consultant -TCC
7	Land resource	Change in land use within the Project area	--Number of new plots of land obtained	-Escalating prices of land	-Annual survey reports on assets owned -MGT development report	Once a year	-Municipal Office -PO-RALG -Consultant -MGT
8	Property and livelihood	-Loss of properties:	-Number of alternative employment opportunities created and the number of PAPs employed in formal / informal sector	-people's improved livelihood -Living standards of people whose properties have been lost and the coping mechanism	-Annual survey reports on assets owned -MGT development report	Half yearly	-TCC -PO-RALG -Consultant

No.	Component	Socio-Economic Impact	Indicator		Means of Monitoring	Frequency / Timing	Responsible Team
			Quantitative	Qualitative			
			-Number of properties lost; and those put in place				
9	Grievances	Grievances recognized as legitimate out of all complaints lodged	Number of legitimate grievances rectified	All legitimate grievances rectified	-Half yearly Interviews -MGT development reports	Half yearly	-Municipal Office -PO-RALG -Consultant -MGT
10	Agricultural Products	Pre-Project production versus present production for crop land	Amount of agricultural production prior to the Project and the present one	Increased / decreased agriculture production per household	-Annual report on agricultural production in the area -VGT development reports	Half yearly	-Municipal Office -PO-RALG -Consultant -MGT

12.0 CONCLUSION AND RECOMMENDATION

In concluding this report, the survey team has come up with the summary of conclusion in as far as the prepared RAP Report is concerned;

- The project would lead to acquisition of land and resettlement of those people whose land will be affected to a large extent.
- Modalities for land acquisition, compensation including values of property and resettlement need to be clearly communicated and adequately understood by the PAPs, who should be involved right from the start.
- The affected people should be adequately consulted and assisted. Awareness creation should thus be conducted before and during project implementation.
- Public involvement in land acquisition and resettlement process as well as fair and prompt compensations to the PAPs should be prioritized, while giving adequate notices in advance as required by the Land Act.
- Employment opportunities to local communities should be given priority including women and youth.

In preparing this report, the consultant has tried to elaborate relevant information necessary for this RAP. This includes descriptions about the project; the project area; different polices, Legal & Institutional Framework for Resettlement; census and survey of PAPs; Resettlement measures; Valuation, compensation process and implementation schedule; and the Budget & Monitoring. All these were in accordance with the objectives of RAP as per the terms of reference.

Another part of this study involved detailed consultation of all stakeholders; with the involvement of beneficiaries and community participation; where members of community freely aired their concerns and thus bringing into consideration their preferred alternatives on compensation and re-settlement of affected people.

Thus, all groups were specially considered in this study and attention was given to factors such compensation arrangement and preferences on resettlement. The consultant also made a census and socio economic survey for PAPs, where a thorough description of impacted area, population and ethnicity, language was determined.

Information has also been given on the main occupation of the affected people; land tenure; details of their livelihoods which includes business engagement; sources of income and income gender base.

Also, the affected persons received an opportunity of airing their preferred compensation option since there are various forms of compensations. We have also looked at the best way of minimizing all negative impacts during relocation. Also, grievance procedures, mechanisms, monitoring and evaluation both internal and external plus indicators have been suggested. The President's Office- Regional Administration and Local Government (PO-RALG) will facilitate the arrangement of each PAP payment.

13.0 BIBLIOGRAPHY

Tanga City Council Profile

MOW Environmental Unit; Socio-Economic and Environmental Impact Assessment

United Republic of Tanzania; The Constitution, as amended from time to time,

United Republic of Tanzania; National HIV/AIDS Policy 2001 (E)

United republic of Tanzania (URT) 2004 & 2002

United Republic of Tanzania ESIA and Audit Regulations (2005),

United Republic of Tanzania, ESIA Guidelines (Draft) 2007

United Republic of Tanzania; Environmental Management Act 2004 (E)

United Republic of Tanzania; Land Act 1999 (E)

United Republic of Tanzania; Land Regulations 2001 (H)

United Republic of Tanzania; Village Land Act 1999 (E)

World Bank Operational Policy on Involuntary Resettlement (OP 4.12) 2001

United Republic of Tanzania, Resettlement Policy Framework for TSCP AF

APPENDICES

APPENDIX 1: SUMMARY OF PAYMENT FOR COMPENSATION

SUMMARY OF PAYMENT FOR COMPANSATION

S/No	Description	No of PAPs	Amount (TShs)
1	Crops	5	6,113,000
2	Land/Farms	13	264,936,000
3	Disturbance Allowance	13	34,184,335
4	Transport Allowance	-	-
5	Accommodation Allowance	-	-
6	Loss of Profit	-	-
7	Total Compensation	13	307,659,015

Note some of the PAPs own more than one property

APPENDIX 2: LIST OF AFFECTED PEOPLE

SN	Mtaa	First Name	Middle name	Surname	Property Affected	Use of the property
1.	Neema	Abdala		Tuwa	farm	Farming
2.	Neema	Jabir		Omar	farm	Farming
3.	Neema	Mariam	Hemed	Juma	farm	Farming
4.	Neema	Hatibu	Mwanjovu	Kibwana	farm	Farming
5.	Neema	Said	Mbwara	Mrigambwa	farm	Farming
6.	Neema	Fatuma		Mbwana	farm	Farming
7.	Neema	Mwajuma	Issa	Abdalah	farm	Farming
8.	Neema	Said		Abrahaman	farm	Farming
9.	Neema	Juma	Elim	Sekamba	farm	Farming
10.	Neema	Omar	Husein	Chumo	farm	Farming
11.	Neema	Editha		Aloyce	farm	Farming
12.	Neema	Said		Tayasar	farm	Farming
13.	Neema	Ally	Mohamed	Mrinduchi	farm	Farming

APPENDIX 3: MINUTES OF CONSULTATIVE MEETINGS

17/4/2015

MUHAFASARI WA KIKAO CHA WAJUMBE
M/KUU NA WAJUMBE WA SERIKALI YA MIAA
MAHODHURIO - YAMEAMBATANISHWA

AGENDA

1. KUFUNGA KIKAO
2. MAHOJIANO
3. KUFUNGA KIKAO

AGENDA NO 1/2015 KUFUNGA KIKAO

Mtendaji kate alitangaza kikao kwa kuwa-
tambulisho wageni aliofika nao na kuwaletza
wao wenyewe watawauliza maswali yao na
pia aliwatambulisha wajumbe wote.

AGENDA NO 2/2015 - MAHOJIANO

Mtaalam alijitambulisha na kuwauliza wajumbe
je Uradi Mautambus - wajumbe walijibu ndio
wanautambus. Mmekubaliana nao ndio walijibu
khalidiza - Je hakutakuwa na athari yoyote
kwa sisi tuliozunguka.
Mtaalam alijibu hakuna athari yoyote kwani
litakuwa dampo la kisasa halina harufu
wa vidudu kwani wakisha mwaga takatake
jw wana weke udongo.

MALIMASHAURI YA JIJI TANGA
AFISA MTENDAJI MIAA NEEMA

Wajumbe walikubaliana na maelezo hayo
na waliombsa zoezi likianze ajira ziboke
katika Mtaa wao kwa vijana wao.

Afisa ajira alijibu hilo wanalitambua
na atahakikishe kazi ndogondogo za pale
watapele vijana wa hapo.

Pis waliombsa Malipo yaendae na bei ya
soko la viwanga ~~hilo~~ litakalo kuwepo wakati
wa fidia

AGENDA NO 3/2015 KUFUNGA KIKAO

Mtandaji alishukuru kwa Mapokezi Ma-
zuri na alifunga kikao.

Sahihi Paulo

Mtandaji
MWENYEKITI WANTA NEEMA
KATA YA TANGASIGI
HALMASHAURI YA JIJI-TANGA


AFISA MTAJI MTAJI NEEMA
Tibu

TAREHE

17/4/2015

MUHIASARI WA KIKAO CHA WALIOTATHMINI WA
KATIKA SEHEMU YA SHINDO LA WENZI WA DUMPO 25/6/2015

MKUSHTURIO YAMBA MBATANISHWA

AGENDA

01. KUFUNGA KIKAO.
02. KUJABILI WENZI WA DUMPO NA WALIOTATHMINI WA
03. KUFUNGA KIKAO.

01. MUHI. NO. 1/2015

KUFUNGA KIKAO

Mkiti wa mtaka wa Neema alifunga kikao mnamo
Saa 7:00. Kamili mchana

02. MUHI. NO. 2/2015

KUJABILI DUMPO

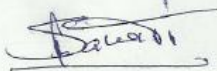
Mtakamu wa mazingira Ndg. Pawa alitoa utata
kuwa kuhusu suala zina le mazingira kabla sehemu
inagotabiwa kuweka dump le sehemu kutaka kukubwa
wa waliothaminiwa kuo ya huo mungu mungu ili kumpo
ta walezo walioathiri walikubaliwa wa sehemu
hilo bila tatizo la lote wa kumiza malipo ya
ya dodoso kupelele ni kubali ku dodoso
hilo le mtu mungu mungu.

03. MUHI. NO. 3/2015

KUFUNGA KIKAO

Mkiti alifunga kikao mnamo Saa 7:40 za mchana
wa kuo kuo kumiza waliothaminiwa kuo ya dodoso

MKITI



MKUSHTURIO KATA
MBAKATA

KATIBU



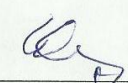

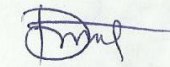
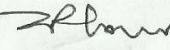
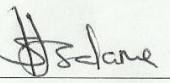
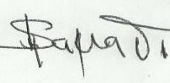
MAHIDHURIO YA WAASIRIKA
WA D A M P O - N E E M A L E O T A R E H E 25/6/2015

1. SAUMU KASIMU 0656044567 - S.K.
 2. FATUMA MBWANA 0654404281 FATUMA
 3. MWAJUMA ISSA 0712545839 *Mt.*
 4. SAIDI BAKARI, M.KIJI 0712861092 *Fauzi*
 5. SAIDI MBWARA 0652864500 - *Mwaa*
 6. HAIBU M. KIBWANA 0718291086 *HM*
 7. MARIAM MEMEDI 0672821358 *Mt.*
 8. ABDALA TUWA - 0715224481 - *Mt.*
 9. JABIRI OMARI MGANGA 0715334148 *Mt.*
 10. MVUMBO WSHANGA - MED - *Mt.*
 11. SHERIA SALAME - WED - *Mt.*
WASIOHUBHURIA
1. DAUDI HUSEIN DAUDI NJIKU
SEKUMBA
 2. ALI MOHAMED
 3. ALY TAYASARI *Mt.* SAHIA. A. MWINDARI *Mt.* SYAHAYA
MIAALAMU
1. Paula Gospeler - Environmentalist - UWP Consulting





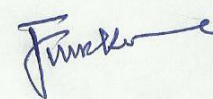
MAKASHAURI YA JIJANGA
AFISA MENDAJI KATA
NEEMA

AFISA MENDAJI KATA
KATA
MAKASHAURI YA JIJANGA

APPENDIX 4: LIST OF CONSULTED STAKEHOLDERS

LIST OF STAKEHOLDERS CONSULTED						
S/N	DATE	NAME	INSTITUTION	POSITION	PHONE NO.	SIGNATURE
1	16/04/2015	WILFRED LATAAEO	TANGA CITY COUNCIL	ACTING DIRECTOR	0763-578 549	
2	16/04/2015	KEZITO L. NKWABI	TANGA CITY COUNCIL	CITY ENVIRONMENTAL HEALTH OFFICER	0655 890 552	
3	16/04/2015	Eng. Anani F Nyekole	— —	Water Engineer	0782-235897	
4	17/4/2015	Ramadhani Passi	— —	Economist	0763639797	
5	17/4/2015	SHERIA SALAME	WED TANGASISI	WED	0713988828	
6	11	SIDI BAKORI	NEEMA	m/kiiri	0712861092	

LIST OF STAKEHOLDERS CONSULTED

S/N	DATE	NAME	INSTITUTION	POSITION	PHONE NO.	SIGNATURE
6	17/4/2015	MALINDADI GAO	NEEMA	MALINDANCHI	0718397879	
7	A "	ABDUAH TUWA	"	MJUMBE	0715224481	
8	"	MARIAMU HEMED	"	"	067281358	
9	"	MVUMBO UHANGA	"	MEO.	0768772212	
10.	"	JWERTH & MIMBATH	Tanga City Council	ENV. HEALTH OFFICER	0713 909290	

WENYEKITI WAMTAA NEEMA
 KATA YA TANGASIBI
 HALMASHAURI YA JIJI-TANGA

APPENDIX 6: LAND/HOUSEHOLD FORM QUESTIONNAIRE

LAND (FARM) OWNER'S QUESTIONNAIRE

Questionnaire Number.....
Interviewee name.....
Name if the interviewer.....
Village name.....
Ward.....
District.....
Date of interview.....
Position of the property from the centre of the road.....

Particulars of the property owner

Name of the property owner
Gender of the property owner
Tribe of the property owner.....
Age of the property owner.....

1. What is the source of income of your household?
.....
2. Does your household currently have access to arable land that is used, for cultivation and which is within the sub-project? (Circle the answer)
Yes
No
3. How did you access the land you own?
Inherited
Bought
Allocated by village government
Rented
Given freely by a friend
Borrowed
Others (specify)
4. When did you access the land you own?
.....
5. What is the size of the farm you own?
.....acres
6. What is the size of your farm cultivated per season?
.....acres

7. How many seasons do you cultivate your farm?
 Once per year
 Twice yearly
 Throughout the year by irrigation
 Others (specify)
8. Which kind of crops do you cultivate normally?
 Beans
 Maize
 Rice
 Others (specify)
9. Amount of crops produced (in sacks -100kgs)?

10. Are the crops cultivated used for.....?
 Food
 Business
 Food and business
11. How much do you earn per seasonal from farm products?

12. What proportional of crops you expect to loose from the land within the RoW (in sacks of 100 Kg)

13. What improvement would you like to see after completion of Mapembasi sub-project (Positive impact of introducing sub-project)

14. What are negative impacts do you think will affect your living by losing that portion of land?

15. Do you prefer compensation for the lose of your land?
 Yes
 No
16. If yes, what is your preference for compensation? a) Cash b) in kind
17. If you were given a chance to select another place for the project, what could be your suggestion?

18. If you were given an opportunity to sell your land, what could be the value of that land?
.....
.....

19. Do you own livestock?

Yes

No

20. What type?

Poultry

Cows

Goats

Pig

Others (specify)

21. How many livestock do you have per category? (Indicate above)

22. If is for business, how much do you earn per month?
.....

23. Any other comments
.....
.....
.....