

SFG2705

THE UNITED REPUBLIC OF TANZANIA

**PRESIDENT'S OFFICE
REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT
(PO-RALG)**



Tanzania Strategic Cities Project (TSCP)

**UPDATED RESETTLEMENT POLICY FRAMEWORK
FOR THE PROPOSED
TSCP ADDITIONAL FINANCING II PROJECT**

NOVEMBER 2016

Table of Contents

LIST OF TABLES:.....	4
ACKNOWLEDGMENT	4
EXECUTIVE SUMMARY	7
1 BACKGROUND	9
1.1 Project Description and Overall Context	9
1.2 Project Organisation and Implementation Arrangements	10
1.2.1 Project implementation structure.....	11
1.3 Social Impacts related to land acquisition.....	11
1.3.1 Types of loss due to land acquisition	11
2 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT AND COMPENSATION PREPARATION AND IMPLEMENTATION	14
2.1 Rationale for Preparation of the Resettlement Framework	14
2.2 Conditions that Would Lead to Potential Resettlement	14
2.3 Potential for Adverse Social Impacts.....	15
2.4 Objectives of the Resettlement Framework	15
2.5 Resettlement Planning: Principles and Practices	15
3 LEGAL AND INSTITUTIONAL FRAMEWORK	17
3.1 OVERVIEW OF POLICIES AND LAWS GOVERNING LAND AND RELATED MATTERS..	17
3.1.1 Constitution of the United Republic of Tanzania 1977	17
3.1.2 Laws on Property, Compensation, Expropriation	17
3.1.3 Land Acquisition	18
3.1.4 Valuation	19
3.1.5 Compensation.....	21
3.2 Institutional Framework.....	24
3.2.1 Ministry of Lands, Housing and Human Settlement Development	24
□ Survey and Mapping Division.....	25
3.2.2 Local Government Authorities.....	25
3.2.3 Natural Resources and Social Management Agencies	26
3.3 World Bank Policy OP4.12 (Involuntary Resettlement).....	26
3.4 Comparison of the Tanzanian laws with the OP 4.12 and the gaps between the two.....	27
4 ORGANIZATION	33

4.1	RAP Preparation and Implementation Process	34
4.1.1	Screening	34
4.1.2	RAP Preparation.....	34
4.1.3	Organizational Procedures and Responsibilities for Delivery of Entitlements	35
4.1.4	Delivery of entitlement	35
4.1.5	Establishment of Cut-Off Date	36
4.1.6	Consultation and participatory approach	36
4.1.7	Disclosure and notification	36
4.1.8	Documentation and verification of land and other assets	36
4.1.9	Compensation and valuation.....	37
4.1.10	Community payments.....	44
4.2	Grievance Mechanism.....	44
5	OPERATIONAL PROCEDURES.....	48
5.1	Stakeholder Analysis	48
5.2	Subproject Compensation and Resettlement Management Structure	48
	Reviews and Audits	49
6	METHODS FOR VALUING ASSETS.....	50
6.1	Organization Procedures.....	50
6.2	Methods for Valuation	50
6.2.1	Methods for Valuing State Owned Land.....	50
6.2.2	Methods for valuing Assets held under Customary Rights on State Owned Land	51
6.2.3	Valuation of Various Categories of Assets and Relocation Assistance	51
6.2.4	Market value of the real property (i.e. value of un-exhausted improvement and land).....	51
6.2.5	Relocation allowances	52
6.2.6	Compensation for loss of income (rental accommodation, business profit):.....	52
6.2.7	Calculation of total compensation figure/ inflation premium for 6 months delay	53
6.2.8	Forms of compensation payments	53
	Compensation and Project (Civil Works) Schedule.....	53
7	BUDGET AND SOURCES OF FUNDING	56
8	CONSULTATION AND STAKEHOLDER PARTICIPATION.....	58
8.1	Involving Stakeholders	58
8.1.1	Data Collecting Phase	58
8.1.2	Implementation Phase	58
8.1.3	Monitoring and Evaluation Phase	58

8.2	Documenting Consultation and Participation	59
9	MONITORING AND EVALUATION	60
9.1	Content of Monitoring and Evaluation Program.....	60
9.2	Mechanisms for Monitoring.....	60
9.3	Mechanisms for Evaluation (Internal and External)	61
	ANNEXES	63
	ANNEX 1: Annotated Outline for Preparing a Resettlement Action Plan (RAP).....	64
	ANNEX 3: Sample Grievance and Resolution Form	68
	ANNEX 4: Sample Table of Contents for Consultation Reports	69
	ANNEX 5: Glossary of Terms.....	70
	ANNEX 6: Relevant Laws.....	72

LIST OF TABLES:

Table 1 Anticipated Sub-projects types: TSCP (Additional Financing).....	10
Table 2 Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation	29
Table 3 Entitlement Matrix for TSCP-AF	38
Table 4 Indicative Outline of a RAP Budget	57
Table 5 Indicators of monitoring and evaluating RAP Impacts	61

ACKNOWLEDGMENT

This updated Resettlement Policy Framework (RPF) report has been prepared by The Government of Tanzania, President's Office- Regional Administration and Local Government (PO-RALG).

We appreciate the invaluable cooperation and assistance are acknowledged for the 4 cities of Mwanza, Tanga, Mbeya and Arusha; 4 Municipalities of Ilemela, Dodoma, Kigoma-Ujiji and Mtwara-Mikindani and the Capital Development Authority (CDA) and local leaders in these areas. Furthermore, special thanks go to government officials (Ministry of Lands, Housing and Human Settlement Development, Regional Secretariats and TSCP participating LGAs) who were met during field visits. Their inputs have been extensively used in the preparation of this RPF.

ABBREVIATIONS AND ACRONYMS

AIDS	-	Acquired Immune Deficiency Syndrome
CDA	-	Capital Development Authority
CDD	-	Community Driven Development
DPs	-	Displaced Persons
ESIA		Environmental and Social Impact Assessment
ESMPs		Environmental and Social Management Plans
GoT	-	Government of Tanzania
HIV	-	Human Immunodeficiency Virus
IBRD	-	International Bank for Reconstruction and Development
IDA	-	International Development Association
LGAs		Local Government Authorities
M&E	-	Monitoring and Evaluation
MEP	-	Monitoring and Evaluation Plan
MTR		Mid Term Review
NGO	-	Non-Governmental Organizations
OP/BP	-	Operational Policy/Bank Policy
PAPs	-	Project Affected Persons
PCDP	-	Public Consultation and Disclosure Procedures
PIUs	-	Project Implementing Units
PMO-RALG	-	Prime Minister's Office, Regional Administration and Local Government
		President's Office- Regional Administration and Local Government
PO-RALG	-	Government
RAP		Resettlement Action Plan
RPF	-	Resettlement Policy Framework
SDN	-	Sustainable Development Network
SEA	-	Strategic Environmental Assessment
TSCP	-	Tanzania Strategic Cities Project
WB OP	-	World Bank Operational Policy

EXECUTIVE SUMMARY

The Government of Tanzania (GoT) through the Prime Minister's Office Regional Administration and Local Government (PMO-RALG) now known as the President's Office-Regional Administrative and Local Government (PO-RALG), has been implementing the Tanzania Strategic Cities Project (TSCP) in selected urban Local Government Authorities (LGAs) financed by a World Bank (IDA) credit and a grant from the Government of the Kingdom of Denmark since 2010. Now, PO-RALG further intends to improve on completed infrastructure projects and invest in additional sub-projects with a Second Additional Financing (AFII) investment loan from the World Bank. The main objectives of TSCP AFII remains the same: to improve the quality of and access to basic urban services in the eight selected Local Government Authorities (LGAs) of *Mwanza, Tanga, Mbeya* and *Arusha* Cities as well as *Ilemela, Dodoma, Kigoma-Ujiji* and *Mtwara-Mikindani* Municipalities and the Capital Development Authority (CDA).

The specific locations, components and activities of infrastructure development or improvements – some of whom are likely to involve involuntary resettlement, and/or acquisition of land and restriction of access to assets and resources - are not all known at this stage. The preparation of the RPF is one of the requirements by the World Bank to be fulfilled by the Government of Tanzania before the loan for the proposed TSCP AFII is approved. The RPF is strategic (programmatic), providing broad principles and directives to guide the project implementing urban authorities (Local Government Authorities and CDA) where necessary for more detailed assessments of activities that are likely to have resettlement / land acquisition issues, and preparation of site-specific Resettlement Action Plans (RAPs).

Since an ESMF and a RPF were prepared under the first Additional Financing (AFI) to TSCP, to guide preparation of similar sub-projects as proposed in AFII, these instruments have been updated to be applicable to the AFII activities with minor updates. Specifically, the following approach will be adopted for the proposed AFII activities, and completed by appraisal: The PO-RALG will update and re-disclose the TSCP AFII ESMF and RPF reports for the project as a whole.

The preparation of the document involved a review of the relevant literature and a thorough process of consultations with sample urban Local Government Authorities stakeholders. The disclosure of the RPF will be both in Tanzania where it can be accessed by the public and at the Info-shop of the World Bank and the date for disclosure must precede the date for appraisal of the project.

Consistent with the World Bank Operation Policy 4.12 on Involuntary Resettlement this resettlement policy framework establishes the resettlement and compensation principles and objectives governing resettlement of affected people which will be applied in all TSCP funded sub-projects and activities. The OP 4.12 principles will be applied in conjunction with Tanzania national laws and regulation guiding compensation and resettlement. In cases where the WB policy and the Tanzania laws are not in full accord, the higher standard and more stringent of the two will prevail as it satisfies the requirements of the lesser standards.

Once impact location is known, the nine Participating urban authorities (LGAs and CDA) will be fully responsible for preparation of individual sub-project Resettlement Action Plans (RAPs) with support of respective ward and *Mtaa* leaders and committees and other stakeholders. The PO-RALG will approve the individual sub-projects and RAP and ensure compliance to requirements of this RPF. Involuntary resettlement planning and implementation will be mainstreamed in the programme of technical assistance and capacity building planned for the TSCP-AFII.

Prior to implementation of any sub-project likely to have resettlement / land acquisition issues the Participating urban authority will prepare and implement individual sub-project RAP during which the RAP team will establish assets and categories of people and groups that will be affected and their entitlement to compensation. Two general methodologies will be applied to value land and unexhausted improvements: estimation of the market value and/or estimation of the replacement costs. Method for estimating various kinds of allowances will be in accordance with OP 4.12 in conjunction with the Tanzania Land (Assessment of the Value of Land for Compensation) Regulations, 2001. Forms of payments will be in cash, in kind, and/or through assistance. This RPF recommend compensation at full replacement value added with allowances paid to all affected groups - regardless of the legality of land tenure - according to PAPs preference. Mechanisms available to affected people for complaints about aspects of their resettlement treatment will be through mediation and if unsuccessful, affected people will seek recourse/appeal through land tribunals and the court of law system.

The urban LGA will deliver compensation following entitlements and procedures that takes full consideration of public participation, formal/informal notification and documentation. The taking of land and civil works activities will be affected only after compensation has been paid. The LGAs will finance the resettlement related costs from own source. The exact cost estimates will only be possible when locations are identified.

Consultations with, and participation of displaced persons in planning, implementation, and monitoring will be on-going throughout the process of preparing RAPs. Local government system shall be main channel of activities.

Evaluation and monitoring shall be fundamental components of the RAP preparation and implementation built into the overall monitoring framework of the entire TSCP; and involving the Ministry of Lands and Human Settlement Development, various stakeholders and independent monitoring by a mandated national agency e.g. NEMC.

1 BACKGROUND

1.1 Project Description and Overall Context

TSCP's project development objective is to improve the quality of and access to basic urban services in the selected Local Government Authorities (LGAs). The proposed AFII objective remains the same and it is envisaged to support similar investments or upscale activities similar in nature as those financed under the parent and AFI, so as to maximize development impacts and sustainability, in accordance with the parameters of OP/BP 10.00. The AFII will support the same set of Local Government Authorities (LGAs) as in the parent and AFI project. Most activities proposed for scale-up under the AFII were appraised when the parent project or AFI were prepared. These activities will be re-appraised to ensure that they are still priority investments and that their costs can be covered under AFII.

The participating eight LGAs are Arusha, Tanga, Mwanza, Ilemela, Mbeya, Dodoma, Kigoma, Mtwara, and a ninth Capital Development Authority (CDA) of Dodoma. It is to be noted that as a result of the change in the administrative boundaries of one of the LGAs in the original project (Mwanza City Council split into Mwanza City Council and Ilemela Municipal Council), Ilemela MC officially became an additional Project LGA during AFI and for AFII, Ilemela will implement its own sub-projects.

These proposed AFII activities will increase access and quality of urban services; improve quality of life and local economic development; strengthen municipal finances and urban management; and ultimately, support participating LGAs' urbanization and economic development agenda. The AFII will scale-up project activities and bring direct positive outcomes in the areas of Accessibility and Connectivity, Urban Resilience, Environmental Sanitation, Urban Management and Urban Planning and Municipal Finance

During the design and preparation of TSCP, the participating LGAs/CDA prioritized infrastructure sub-projects that would substantially enable the project objectives to be achieved. At the project appraisal of the parent project and later in AFI, it was determined that due to cost estimates being far above the available funds under the credit, only a limited number of the prioritized projects in the list were to be financed under the project and the remaining sub-projects would be considered in future in case additional financing becomes available. Notably, there was no Resettlement Policy Framework (RPF) prepared for the original project.

The Government of Tanzania (GoT) through the President's Office Regional Administration and Local Government (PO-RALG) is currently implementing TSCP-AF and at the same time preparing a new credit under the TSCP Second Additional Financing (TSCP-AFII) from the World Bank to fund the sub-projects that were either not financed and thus not implemented or were financed but not completed during initial TSCP financing. The project structure for TSCP AFII will not change, and the same three components will remain.

The three types of sub-projects implemented under Component 1: Core Urban Infrastructure and Services of TSCP-AF are:

- **Type 1 subprojects** entailing additional works to improve completed infrastructure. This category of infrastructure will include some areas of the completed infrastructure that have been identified where improvements need to be made. Anticipated sub-projects types range from minor finishing works to small scale works on completed roads and drainage infrastructure such as expansion and /or extensions (by a few meters to less than ten kilometres) of access road or storm water discharge drains from completed facilities, addition of road furniture, access/cuts across drains to houses/property, pedestrian walkways, street lighting). Other additional works will entail rehabilitation / construction of parking areas for various vehicle types and associated facilities such as sheds, shelters, storage etc. sports grounds and additional of cells at solid waste sanitary landfills.
- **Type 2 subprojects** which were prepared under TSCP but not implemented.
- **Type 3 subprojects** which are new proposals constituting infrastructure important for functionality of existing sub-projects will all be new investments entailing upgrading / rehabilitation of urban roads and drainage, including associated structures; solid waste management infrastructure and transport and local infrastructure.

The same three types of sub-projects are applicable in AFII. It is likely that investments in any of the 3 categories of sub-projects Type 1, 2, and 3 (**Table 1**) may trigger involuntary resettlement and related issues through acquisition of land albeit for small to medium scale infrastructure construction which will need to be managed.

Table 1 Anticipated Sub-projects types: TSCP Second Additional Financing

Sub-project type	Infrastructure Works
Road and Drainage Infrastructure	<ul style="list-style-type: none"> ○ Roads (rehabilitation by grading, gravelling, brick paving or tarmac/asphalt) and associated side drains (de-silting, sand traps, stone pitching, gabions, concrete pipes) ○ Drainage channels (new construction to facilitate functioning of completed / existing facilities) ○ Pedestrian crossing slabs, pedestrian walkways, speed humps, rumble strips, road shoulders, etc ○ Culverts and bridges ○ Road furniture installation: street lights, signage
Urban transport	<ul style="list-style-type: none"> ○ Bus stands / bus stops (entrance / exit lanes, fencing wall, security guard shelter, passenger waiting sheds, toilet) ○ Public car parking area, taxi stands, truck stands (new / upgrading by grading, gravelling, brick paving) ○ Loading / off-loading bays
Other works	<ul style="list-style-type: none"> ○ Workshop (store) ○ Playgrounds/public parks, sports ground: tennis court, basket/netball courts ○ Markets and other community facilities ○ Utility: electricity supply system, water supply system, water storage
Solid / Liquid Waste Management	<ul style="list-style-type: none"> ○ Sanitary Land fill (rehabilitation/new) ○ Community waste collection points (skip pads) ○ Rehabilitation of evaporation pond

1.2 Project Organisation and Implementation Arrangements

Project coordination and implementation arrangements are such that TSCP AFII will be implemented through current arrangements of TSCP at both central and local government levels. The current arrangement is such that the PO-RALG through the World Bank Working Group

(WBWG) in the Division of the Urban Development is the executor of the TSCP, and is overall responsible for implementation of the project. PO-RALG's primary role is the coordination of all participants responsible for the preparation, review, approval and implementation of the sub-projects including ensuring that the requirements of the RPF / RAPs are implemented. Now with Ilemela, eight LGAs and CDA in Dodoma are responsible for prioritizing projects which are implemented, participate fully in the execution and management of the infrastructure / sub-projects including safeguards management. Project implementation is mainstreamed at PO-RALG and within existing LGA/CDA departments (utilizing existing staffing structures and government system) to promote ownership and sustainability. TSCP is also working with a number of public and private institutions and Civil Society Organizations.

The arrangement is designed to guarantee execution of works and development of sustainable urban infrastructure development and management and will be adopted for the TSCP – AF2.

1.2.1 Project implementation structure

Steering Committee and Technical Committee: guide the work of the PO-RALG Project Team with the Project Coordinator at PO-RALG report directly to the Permanent Secretary.

Central MDAs role will continue to be steering the TSCP with respect to policy and institutional issues with the Vice President's Office and Ministry of Lands, Housing and Human Settlement Development (MLHSD) representatives to the Inter-Ministerial Steering Committee and while the National Environment Management Council (NEMC) as a member of the Technical Committee.

LGAs and CDA Project Team will be composed of seconded LGA staff supported by consultants supervising major works. LGA Councils / CDA Board and Council Directors / CDA Director General will endorse LGA Annual Work Programmes of detailed activities for funding by PO-RALG.

Subproject compensation and resettlement management structure are detailed under chapter 5 of this RPF.

1.3 Social Impacts related to land acquisition

Most sub-projects under AFII have minimal resettlement impact as the majority of the activities (roads) were designed within the original right-of-ways. Within the context of the above prevailing conditions at the Participating LGAs, below are anticipated direct social and economic impacts relating to subprojects / activities that may require land take, acquiring land and other assets or restricting access:

1.3.1 Types of loss due to land acquisition

Impacts of the TSCP financed sub-projects will vary in nature and degree depending on the situation at the site. Site screening could encounter various types of potential impacts/loss including social, economic, and administrative or effects on environmental equilibrium as a result of land acquisition. Likely categories of impacts/loss are indicated in the entitlement matrix.

(i) *Relocation or Loss of Shelter (homes)*

Loss of home result in displacement or relocation of persons occupying the dwelling (owner; tenant; squatter/informal dweller). Rehabilitation and upgrading works will happen on existing road ways or infrastructure sites with or without well demarcated right of ways/legally designated areas. In most areas these way leave or open spaces are built with homes or extensions of homes and other forms of shelters.

(ii) *Loss of Assets or Access to Assets*

Loss of land and/or property are the most likely impacts at location where the Participating LGA will acquire land as the land in question will be under use of some sort, communally, or individually. Thus, upon the involuntary removal from the proposed project sites people will suffer loss of rights to pieces of land, and/or un-exhausted improvements on the land i.e. built structures and crops.

- Loss of land

Mainly residential land or commercial land though because urban agriculture and livestock keeping are widely practised affected land could also be agricultural land or grazing ground. Land could belong to private individuals, local institutions, or community/ public land. The land could either be grown with crops, or built with structures or open land used for recreation or not developed/used. Ownership could mainly be under either statutory rights of occupancy or customary rights of occupancy and the affected people will lose these land rights (owner; lease holder; informal user of the land).

- Loss of house structures

The built structures could be residential houses /dwelling, residential cum commercial houses, house annexed structures (e.g. kitchens, boundary wall / live fences, pit latrines, house foundations, stores, cottage industries, livestock pens/sheds etc.) or commercial structures (shop, stall); or house supply structures: water source/supply (well, pump, water line), electricity supply (underground, overhead etc.). Loss of buildings and structures will affect (owner; tenant; informal user of the structure) individual, institution or community.

- Loss of Structures only (not land)

Encroachers may suffer loss of fixed structures but not land on which they are built as they do not legally own the affected land.

- Relocation of movable assets and property

These include privately own machinery, mobile structures, graves

- Loss of agricultural assets

Farm properties mainly constitute standing crops permanent crops, trees, seasonal crops and vegetable gardens.

- Loss of community infrastructure:

Water line, electricity supply infrastructure, communication line

- Public services and recreational grounds

These include areas used by people permanently or periodically for activities that do not require built structures.

(iii) *Loss of income sources or means of livelihood of persons using the land or assets*

The person affected could be title holder/owner; tenant/lease holder; squatter/informal dweller.

- Loss of income sources

Through loss of business premise or cash crops

- Loss of means of livelihood

Through loss of farming, grazing area

- Loss of rental accommodation or loss of business premises

Residential or business tenants will incur loss of rental accommodation or loss of business premises as in many places people rent premises for business or residential purposes

2 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT AND COMPENSATION PREPARATION AND IMPLEMENTATION

2.1 Rationale for Preparation of the Resettlement Framework

Most of the potential project locations are known but for the sub-projects, the final designs and other details have not been completed at this stage, it is however envisaged that some investments through TSCP–Additional Financing II are likely to involve involuntary resettlement, and/or acquisition of land and restriction of access to assets and resources issues. The World Bank Operational Policy 4.12, Involuntary Resettlement may be 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, 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.

2.2 Conditions that Would Lead to Potential Resettlement

Subprojects / activities that may require land take, acquiring land and other assets or restricting access include:

1. Land acquisition or land-take due to changing route of existing roads or drainage channels into new land in order to avoid /minimize extensive resettlement: rehabilitation/upgrading of existing infrastructure at some points will necessitate diversion of a route into new land in order to avoid sensitive / important natural or social / cultural or economic features thus directly triggering resettlement through acquisition of the land at the point of diversion.
2. Acquisition of additional land for construction of new structures not existing before: in some areas, land-take for construction of new structures meant to facilitate functioning of completed facilities (i.e. drainage) will require acquisition of additional land.
3. Acquisition of additional land expansion or extension existing roads and drainage channels to achieve required construction standards: in some cases expansion of diameters or extension of lengths of existing roads and drainage channels will increase the size of the way leave extending into other land uses.
4. Land take on temporary terms: taking of land temporarily for diversion of traffic during construction phase, stock piling building materials, excavated soils and overburden (cleared soils and vegetation).
5. Buffer Zone establishments: All landfills are required to establish a buffer zone of 100 meters distance around the land fill to ensure environmental and social sustainability of the operations of the landfills.
6. Restrictions to access: other causes of resettlement issues include construction of drainage channels without addition of access/cuts across drains to houses/property causing restrictions or access to homes, business or services; and restrictions at points of extraction

of construction materials, water and other local resources leading to restrictions to other local resource users.

2.3 Potential for Adverse Social Impacts

Loss of structures, residential or business premises may occur in instances where people have intentionally or unknowingly built on land designated or used for infrastructure development. However, most of the sub projects under TSCP are located in areas with appropriate land use plan or other types of physical plans, thus the resulting impacts will be minimal as the area for upgrading/improvements are already well determined in the plan, set aside and known to most if not all stakeholders. However, in most urban areas in Tanzania, there are no concerted efforts for monitoring land use plans, thus most planned areas are encroached upon by small business and by landless squatters and in semi-urban setups by farmers, livestock grazers etc. Thus in the event land is taken up all these uses will be impacted.

Given the fact that the exact nature of the works (or their location) is not currently known, the application of this Resettlement Policy Framework (RPF) will guide participating urban authorities in managing land acquisition and mitigation of resulting impacts. Detailed RAPs, as needed, will be carried out for all project activities that trigger them.

2.4 Objectives of the Resettlement Framework

The objectives of the Resettlement Policy Framework (RPF) are to:

- a) Establish the TSCP Additional Financing II Project resettlement and compensation principles and implementation arrangements;
- b) Describe the legal and institutional framework underlying Tanzanian approaches for resettlement, compensation and rehabilitation;
- c) Compare the Tanzanian laws and the World Bank Operational Policy for Resettlement (OP 4.12) and identify the gaps.
- d) Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements; considering Tanzanian laws and the World Bank OP 4.12
- e) Describe the process for RAP preparation;
- f) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- g) Provide procedures for filing grievances and resolving disputes.

2.5 Resettlement Planning: Principles and Practices

The policy framework sets out a number of principles to guide the resettlement of affected people:

- The RPF will apply to all sub-projects to receive funds under the core urban infrastructure and services component of TSCP (Additional Financing II) located at various areas to be demarcated within nine participating urban authorities: Arusha City Council, Dodoma Municipal Council, Capital Development Authority, Kigoma-Ujiji Municipal Council, Mbeya City Council, Mtwara–Mikindani Municipal Council, Mwanza City Council, Ilemela Municipal Council and Tanga City Council.
- The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E).
- When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP).
- The RPF and subsequent RAPs where necessary follow the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Item 1.
- The RPF ensures that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:
 - Avoiding displacement of people without a well-designed compensation and relocation process;
 - Minimizing the number of PAPs, to the extent possible;
 - Compensating for losses incurred and displaced incomes and livelihoods; and
 - Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing;
 - Addressing the needs of the vulnerable project affected peoples which will be more detailed in the site specific RAPs where applicable.

3 LEGAL AND INSTITUTIONAL FRAMEWORK

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.

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 sub-section 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 land 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 others¹.

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,

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.

(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 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 unexhausted 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 unexhausted 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 unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance and loss of profits.

Disturbance allowance is calculated by multiplying the total valuation by an average percentage rate of interest offered by commercial banks on fixed deposits for twelve months at the time of preparing the Compensation schedule.

Transport allowance is the actual cost of transporting twelve tons of luggage by road or rail whichever is cheaper within 20kms 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.

It should be noted that transport allowance, accommodation allowance and loss of profit allowances 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 values base on:

- Drawings of 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 RPF 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.

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 RPF - 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 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 unexhausted 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 unexhausted improvement is done by a qualified Valuer. 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 RPF 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.

3.2.3 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 (Involuntary Resettlement)

The overall objectives of the OP4.12 (Annex 1) on involuntary resettlement are:

- 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.

This 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,

WB Involuntary Resettlement Policy OP 4.12 requires that all projects screened for potential environmental and social impacts be supported/guided by a RPF that identifies involuntary resettlements under the planned project, identifies impacts i.e. severe economic, social and environmental risks and based on this defines the scope of the resettlement assistant programme (i.e. RAP) for affected persons. However, in Tanzania, there are no explicit requirements for a RPF or RAP. As regards 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 loose or is denied or restricted access to economic resources – including tenants, encroachers, squatters - should be compensated. Although there are no significant discrepancies between WB requirements and Tanzania government’s requirements regarding compensation and resettlement of Project Affected People (PAP), as far as this RPF for TSCP-AF II infrastructure projects are concerned, the World Bank’s safeguard policy will prevail.

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 may be 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, 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 2*). 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 2 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	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, 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	Displaced persons are classified into three groups: (a) those who have formal legal rights including customary and traditional rights; (b) those who do not have formal legal rights to the land but have a claim to such land or assets provided that such claims are recognized under the law of the country (c) those who have no legal rights to the land they are occupying Land owners under categories (a) and (b) above, are among the PAPs who are entitled to full, fair and prompt compensation for land as well as other relocation assistance. Socio-economic impacts to PAPs are taken into consideration in preparing the RAP	There is no gap between Tanzania and OP 4.12 as far as those with formal legal rights are concerned 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. 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. 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
Land Tenants/Squatters/Encroachers	Tanzanian law does not recognize tenants as being entitled to compensation Squatters may be paid compensation on the whims of the government. E.g include those who construct on road reserves are not paid	Tenants would be under category (b) above and are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance 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 and compensation for lost assets.	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 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. This is different from the Tanzanian situation where people who do not have legal right of the affected land are not entitled to any assistance.
Land Users	Tanzania law on compulsory acquisition and compensation is limited to those who can prove <i>de jure</i> or <i>de facto</i> land ownership. Users are not	WB OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying	

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
	covered		
Owners of non-permanent buildings Owners of permanent buildings	<p>Tanzanian law makes no differentiation between owners of permanent and non- As long as ownership can be proved compensation is payable.</p> <p>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.</p>	<p>Under the WB OP 4.12 permanent and non-permanent buildings need to be compensated.</p> <p>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 and compensation for assets..</p> <p>Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets without depreciation.</p>	<p>The gap between Tanzania and WB OP 4.12 is about eligibility, which is hinged upon formal</p> <p>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.</p>
Timing of compensation payments	<p>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 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.</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>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 any civil work starts</p>	<p>In terms of timing, both Tanzanian laws and WB OP 4.12 require that compensation be paid promptly.</p> <p>This however, rarely happens in practice as can be testified from many projects that have involved large scale land acquisition.</p> <p>OP 4.12 requires payment of compensation and other assistance prior to displacement. This will be followed.</p>
Calculation of compensation and valuation	<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 unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance,</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</p>	<p>Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, accommodation, and accommodation allowance, and loss of profits where applicable.</p> <p>Since depreciation is applied,</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
	<p>and loss of profits.</p> <p>The basis for assessment any land and unexhausted 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 unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</p>	<p>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>the amount paid does not in most cases amount to that required to replace the lost assets. Tanzania laws are restricted to land and developments on land, and loss of profits whereas WB OP 4.12 considers all types of losses and provision of alternative compensation measures.</p> <p>Replacement cost without depreciation will apply.</p>
Relocation and Resettlement	<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, 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.</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) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages lost.</p>	<p>Tanzanian law provides for 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. In lieu of housing accommodation allowance is made in the form of rent for 36 months.</p> <p>Occasionally, in a discretionary manner alternative land is awarded.</p>
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</p>	<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,</p>	<p>The <i>Land Acquisition Act</i>, 1967, allows the government to take possession of the acquired land before paying compensation.</p> <p>Current practice endeavours to pay compensation before</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
	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	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.	taking possession of the land. OP 4.12 requires payment of compensation and other assistance prior to displacement. This will be followed under this project.
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> <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>	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
Grievance mechanism and	Under s. 13 of the <i>Land</i>	WB OP 4.12 provides	The law in Tanzania does not

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
dispute resolution	<p><i>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>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>provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</p> <p>GRMs will be set up within existing Tanzania structures for this project as further described herein.</p>

4 ORGANIZATION

It is envisaged that some subprojects under TSCP-AFII are likely to involve involuntary resettlement, and/or acquisition of land and restriction of access to assets and resources issues. During implementation of the subprojects, a social impact assessment will be carried out with the objective to identify all those areas and sites where there will be an impact on land, people and property and access to resources. At that stage, OP 4.12 calls for the preparation of individual Resettlement and Compensation Plans that must be consistent with this RPF.

This policy framework guides the preparation of resettlement action plans (RAPs) for the sub projects, which need land acquisition and resettlement people and/or may impact access to resources.

4.1 RAP Preparation and Implementation Process

During implementation of this Tanzania Strategic Cities Project – AFII, a social assessment will be carried out to identify the areas or sites expected resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed.

- (i) All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);
- (ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and
- (iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project before any civil work starts.

4.1.1 Screening

This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be documented for each site (sub-project).

4.1.2 RAP Preparation

As soon as the list (sub-projects) is approved by the responsible agency (PO-RALG) implementing the Tanzania Strategic Cities Project – AFII, a consultative and participatory process for preparing a RAP will be started, as follows:

- (i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts.
- (ii) The socio-economic study will be carried out to collect data in the selected sub-project sites.
- (iii) The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihoods, the local participation process, and establishing baseline information on livelihoods and income, landholding, etc.

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

- i) Baseline Census;
- ii) Socio-Economic Survey;
- iii) Specific Compensation Rates and Standards;
- iv) Entitlements related to any additional impacts;

- v) Site Description;
- vi) Programs to Improve or Restore Livelihoods and Standards of Living;
- vii) Detailed cost estimates and Implementation Schedule.
- viii) Grievance mechanism.
- ix) Monitoring and Evaluation.

The RAP will be prepared by a qualified consultant or consultancy firm (procured by PO-RALG) following the guidelines in this RPF.

4.1.3 Organizational Procedures and Responsibilities for Delivery of Entitlements

The compensation process and RAP implementation arrangements envisaged for TSCP-AFII projects will have several steps involving various stakeholders that include PAPs, the grievance committee, municipal office and its officials and local government officials at ward and street level.

The overall responsibility for resettlement lies with the respective LGA and payments will be made through the fiscal authority of the council as the project management body for this project, in accordance with its administrative and financial management rules and manuals.

The summary of the procedure and responsibility will be as follows:

No	Procedure	Responsibility
	Identification of sub-project boundary	TSCP project team
	Identification of PAPs and their properties	Project team and local leaders
	Establishment of cut-off date	
	Valuation of properties	PAP, Valuer, Surveyor, Local leaders
	Preparation of the valuation report and compensation schedule	Valuer
	Review of the valuation report	Local leaders from <i>Mtaa</i> - Regional level
	Approval of valuation report	Chief Government Valuer
	Delivery of Entitlement	MD close follow up of PO-RALG

4.1.4 Delivery of entitlement

The Directors Office in collaboration with the respective ward Officials will post notices in the affected areas advising PAPs to collect their compensation payments from designated place i.e either from the Municipal Council Office for those being paid by cheque and from the specified banks (for those will be paid via banks). The office should prepare a written record, to be signed by the PAP, indicating that the PAP has received the payment. PAPs without bank accounts will be assisted by local government authorities to open bank accounts. Local government will be responsible to process bank account openings this assistance will include assisting vulnerable

PAPs. Once the account is opened and compensation is credited to the appropriate account, each PAP shall be informed of the transaction.

Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of harvesting any matured crops such as cashew nuts, timber and coconut.

It should be noted that the LGA land office and the Community Development office is responsible for undertaking the valuation while the Director's Office will be responsible in paying the Compensation as per the RAP report.

4.1.5 Establishment of Cut-Off Date

The cut-off date is the date of commencement of the census of PAPs within the TSCP-AFII project areas. This is the date on and beyond which any person whose land is occupied for TSCP-AFII program, will not be eligible for compensation.

The cut-off date should be set and communicated to each PAP during valuation; any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. It should however be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6months from the date the valuation report is approved.

4.1.6 Consultation and participatory approach

A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.

4.1.7 Disclosure and notification

All eligible PAPs are informed about the Tanzania Strategic Cities Project – Additional Financing II and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

4.1.8 Documentation and verification of land and other assets

The government authorities at both national and local levels; community elders and leaders; representatives from the Tanzania President's Office, Regional Administration and Local Government (PO-RALG) will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the sub-project, the RAP preparation team will complete a Compensation Report containing necessary personal

information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

4.1.9 Compensation and valuation

All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets.

Methods of valuing affected assets

The method set out in this RPF(Part VII) is full replacement value added with allowances. The Valuer shall adopt the Replacement Cost Method i.e. cost of replacement or selling the affected property (e.g. cost of construction materials, price of buying and selling land and transportation costs, labour) at the date of valuation. Market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. Individual and household compensation will be made in cash, in kind, and/or through assistance. Once such valuation is established, the respective LGA will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected.

Entitlement Matrix

Table 3 below provides a sample of entitlements that are eligible for compensation. Under this RPF compensation items include value of the land; value of unexhausted improvements (dwelling house, other house structures, trees, crops, hedges/fences and other properties). Compensation will be effected for any loss of interest on land and includes various kinds of allowances: disturbance, transport, accommodation and loss of profit. The options for compensation include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.

The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in kind compensation if the livelihood is land-based and the remaining subsistence land is not economically viable.

Table 3 Entitlement Matrix for TSCP-AF 2

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Land under cultivation Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value and disturbance allowance
	Land remains economically viable.	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset at market value, 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.
	Lease	Tenant/Lease holder	Cash compensation equivalent to 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 if seasonal crops have to be harvested prior to maturity. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature
	Where livelihood is land-based and remaining land is not economically viable		Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. 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)
Businesses	Land used for business partially affected Limited loss	Title holder/ business owner	Cash compensation for affected land Loss of profit allowance (36months rates of affected business to allow to re-establish the business), Transport allowance

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Disturbance Allowance (calculated at 8% of total compensation cost)
		Business owner is lease holder	Loss of profit allowance (36months rates of affected business to allow re-establish the business), Transport allowance Disturbance Allowance (calculated at 8% of total compensation cost)
	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. Loss of profit allowance (36months rates of affected business to allow establish the business) Transport allowance Disturbance Allowance (calculated at 8% of total compensation cost)
		Business person is lease holder	Loss of profit allowance (36months rates of affected business to allow establish the business) Transport allowance Disturbance Allowance (calculated at 8% of total compensation cost)
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Legal holder	Cash compensation for affected land at market rate
	Land and assets used for residence severely affected	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws		Cash compensation equivalent to 3 months of lease/ rental fee 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 continued use	Owner	Cash compensation for affected building and other fixed assets 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. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation 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) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)
		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>Rehabilitation 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	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus disturbance allowance
Temporary Acquisition	Temporary acquisition e.g temporary for passing through during construction	PAP (whether owner, tenant, or squatter)	Cash compensation for any loss of income, cash compensation for any temporary land acquisition and full compensation of affected crops or tress (not the once on the RoW will have received compensation under actual loss)
Mobile business	Business, parking for taxi, bikes	Business owner, workers	Alternative site within the area to continue business, transport cost where applicable, affected property where applicable, loss of business (3months) where applicable

An example of a summarised entitlement matrix could be as follows

Table 6.1 Entitlement for the PAPs

TYPE	OF	Unit of	ENTITLEMENTS
------	----	---------	--------------

LOSS	Entitlement	Compensation for Lost Assets	Transport Allowance	Other Assistance
Loss of residential structure	Household	Compensation at replacement value of structure at full replacement value and affected land	Moving 12 tons of goods for a 20 km. distance	Disturbance Allowance (calculated at 8% of total compensation cost) Accommodation allowance (36months rates)
Loss of commercial structure	Enterprise owner	Compensation at replacement value of structure and affected land	Moving 12 tons of goods for a 20 km. distance	Loss of profit allowance (36months rates of affected business) Disturbance Allowance (calculated at 8% of total compensation cost)
Loss of permanent crops and trees	Household	Compensation of crops at market value and value of affected land	N/A	Disturbance Allowance (calculated at 8% of total compensation cost)
Public/community structure	Concerned public or private entity	Compensation at replacement value or construction of alternative structure or alternative site by agreement	Moving 12 tons of goods for a 20 km. distance(a structure is involved)	Disturbance Allowance (calculated at 8% of total compensation cost)
Loss of Land	Household/ Public	Compensation at Market value	N/A	Disturbance Allowance (calculated at 8% of total compensation cost)

Loss of mobile business	Petty business,	Alternative site to undertake the business	Transport allowance if they have to relocate	-
-------------------------	-----------------	--	--	---

4.1.10 Community payments

Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

Some sub-projects may require land take in areas where communities use as a graveyard. Compensation in such situations will be in the form of relocation of the graves including labour, ceremonial activities and re-burial costs.

4.2 Grievance Mechanism

The sub-project RAP team will establish an independent grievance mechanism that will be set up through Local Authorities, including a Resettlement or Land Committee and through community leaders. All PAPs will be informed about how to register grievances or complaints (Annex 3 for example of a grievance form), including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed, the dispute resolution process should include Tanzanian Courts of Law, but traditional institutions can be an effective first step in both receiving and resolving grievances.

4.2.1 Steps to be followed for Grievance Redress under TSCP AF II

The following procedures will be followed for the purpose of addressing grievances from the PAPs.

- Procedures for lodging complaints to the Grievance committee at Mtaa and ward level who will review the complaints prior to submitting the complaint to the ward office and receive an acknowledgement from the ward office.
- Upon receipt of the grievance, the members shall try to mediate and resolve the problem amicably with the active participation of the aggrieved party within five working days from the date of the filing of the grievance. If the grievance is resolved and the PAP is satisfied, a report shall be prepared and copies given to the PAP and local authority leader for records and the case is closed.
- In the event that the PAP is not satisfied, with the assistance of the Mtaa leader, an appeal will be lodged and decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by the respective District Council.

- The committee under the respective District Commissioner shall serve as Grievance Redress Committee (GRC) and shall handle all complaints from the PAP, including decisions made by lower levels. The GRC shall make its decisions within 20 days from the date of receipt of each complaint. Beyond this level, the PAP may continue their appeal to the Regional Secretariat, or ultimately to the judiciary as per the legal framework presented above, if an amicable resolution can still not be reached.

The table below provides details of the procedure that is to be followed for grievance redress in all sub projects under TSCP AFII.

Table 4: Grievance Redress Process

Step	Reporting officer/committee	Officer/committee members	Time frame to redress	Grievance redressed	Grievance not redressed
1	PAPs will submit Grievance to the Grievance committee who will review the complaints and later forward to the ward office and receive an acknowledgement	1. Grievance Committee of Mtaa and ward level	Upon receipt of grievance, the local Mtaa officials with the help of the committee 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 the committees or local government's decision, a report of the same shall be prepared and copy handover to PAP and 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 the land Dispute committee at District level. This committee shall function as GRC at the district level for the project. The grievance shall be forwarded with all the paper details of case.	1- DC – Chairman, 2. District land office, Municipal valuer, CDO, Health Officer 3. PAP representative	Upon receipt of grievance, the GRC if desired may ask 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.	If the grievance is resolved and the PAP is satisfied with GRC decision, a report shall be prepared by the respective LGA. A copy of the report shall be handover to PAP for record and copies to be submitted to Local communities for record, case closed.	If the grievance is not resolved, go to step 3.
3	It is assumed that all the cases shall be solved at GRC level. It may be possible, however, that there	1- Regional Secretariat 2- District Commissioner	If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the	If the grievance is resolved and the PAP is satisfied with RS's decision,	If the grievance is not resolved, the PAP may take the case to appropriate

	<p>are cases which might still remain unresolved at GRC level. For such cases, the PAP shall have the option to refer his/her case to Regional Secretariat for final amicable solution or to refer the case to the Judiciary.</p>	<p>4. PAP and PAP representative</p>	<p>case shall be heard within 45 days from the date of case referred. The PAP shall be informed 10 days in advance about the date, time and venue of the hearing.</p>	<p>a report of the same shall be prepared. A copy of report shall be handover to PAP for record and a copy to be submitted to local authority for record, case closed.</p>	<p>court.</p>
<p>4</p>	<p>PAP takes the case to appropriate court.</p>				

5 OPERATIONAL PROCEDURES

5.1 Stakeholder Analysis

Relevant stakeholders involved in the implantation of the TSCP-AF II include:

1. National Ministries: PORALG and MLHHS
2. Local Government Authorities: Participating LGAs and CDA from Council staff to Ward and sub-ward (mitaa) level officers.
3. Community in the sub-project area i.e. residents, owners of lands/assets and users of land/assets within the sub-project area

5.2 Subproject Compensation and Resettlement Management Structure

Identification and prioritization of sub-projects / selection of sites:

This will be the function of recipient urban LGAs/ CDA who have developed their own funding proposals on a demand – driven basis. Priority urban infrastructures were drawn from consultations along with residents and other urban stakeholders. In some cases the selection was influenced by technical considerations provided by LGA sector specialists and consultant / design engineers.

Provision of land:

Subprojects will be mostly sited on existing infrastructure. Where land is required, i.e. expansion or extension, the subproject will utilize land designated by LGA or land acquired from individuals. Compensation procedures and payment of compensation costs by LGAs / CDA will be in accordance with RAPs prepared for respective subprojects.

Designs:

Detailed designs will be contracted to consulting firms. Procurement / contract awarding procedures include capability/experience in resettlement impacts mitigation / integration into designs. Project Teams coordinated by Municipal Engineers) and RAP teams coordinated by Land Officers and including Community Development Officers will work with the design consulting team to enable synergy of skills and knowledge.

Preparation and approval of compensation and resettlement management instruments:

The qualified consulting firms will be tasked with preparation of the safeguards reports (updating or developing ESIA reports and associated RAPs and integration into designs for prioritized sub-projects in each LGA.

The completed subprojects were subjected to environmental and social impact assessment following national EIA procedure and the World Bank policies. Each participating TSCP LGA was issued EIA Certificate. Following recommendation from the ESIA, RAPs were prepared for sub-projects identified to cause resettlement issues. Chief Government Valuer (in the Ministry of Lands, Housing and Human Settlement Development (MLHHS) – endorsed compensation schedules included in the subproject RAPs before implementation. A similar arrangement has been adopted for this RPF.

Preparation and approval of RAPs and subsequent implementation of the plans will be under the urban authority RAP Team coordinated by Land Officer and working closely with the Municipal Engineers (and staff from sector responsible for the sub-project). LGA RAP committee will comprises of the following LGA staff:

- Engineer/LGA Project Coordinator
- Land Officer
- Land Surveyor ,
- Valuer,
- Community Development Officer,
- Town Planner
- Environmental Management Officer
- Ward Executive Officer and
- Mtaa Executive Officer

The RAP team at the respective LGA will work closely with respective Regional and District Commissioners; as well as with local RAP and grievance committees (that includes representatives of PAPs by gender from project affected area).

PO-RALG safeguard team will continue to organized technical assistance and training to participants as relevant.

Execution of works:

Urban infrastructure works will be undertaken by LGAs through Contractors. LGAs and CDA will continue to make in kind contributions in the form of staff time. Community contribution (as condition of construction commencement) – is not a requirement under TSCP because, in urban settings, it could lead to delays.

Construction supervision of the works:

Construction supervision consultancies will be procured to assist LGAs and CDA to supervise investment subprojects and to transfer skills to technical staff. Support will be provided to assist LGAs in the implementation of the RAPs prior to commencement of construction contracts including payment of compensation costs.

Management / maintenance:

Infrastructure, once complete, will be maintained by respective LGAs. These tasks are long-term and will be done by LGA sector specialists. Monitoring of operations aspects of the RAP: the role will be played by LGA RAP Team and Grievance Committees. Operation supervision to assist LGAs in the implementation and monitoring of operations of sub-projects will continue to be provided by PO-RALG.

Reviews and Audits

After a period of implementation, the RAP implementation of the subproject should be subject to annual reviews. PO-RALG will support reviews of RAP implementation using external / independent reviewers. The respective LGA will also prepare a RAP implementation Completion report.

6 METHODS FOR VALUING ASSETS

6.1 Organization Procedures

The qualified consulting firms will be tasked with preparation of the RAPs and integration into designs for prioritized sub-projects in each LGA. The Consultant shall use a Qualified Valuer to take inventory of affected assets and to value the cost for compensation.

Once such valuation is established, the President's Office, Regional Administration and Local Government (PO-RALG) will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. The Chief Government Valuer (in the Ministry of Lands, Housing and Human Settlement Development (MLHHS)) will endorse compensation schedules included in the subproject RAPs before implementation.

6.2 Methods for Valuation

The calculation of compensation and other resettlement allowances for displaced property owners is based on directives of the Land Act, 1999 and Land (Assessment of Value of Land for Compensation) Regulations, 2001. The Act / Regulations stipulate compensation to be paid is the market value of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments. This generally is in agreement with resettlement measures required by the WB OP4.12 which recommends compensation at full replacement value (not depreciated) and replacement of land for land where appropriate. In this RPF required compensation is full replacement value added with allowances.

Valuations methods for affected land and assets would depend on the type of asset. The land asset types identified under Tanzania law in this policy framework are:

- State Land (not within the jurisdiction of a village)
- Village Land, (including customary rights of villagers)

6.2.1 Methods for Valuing State Owned Land

State owned land if not in use would be allocated free (perhaps except for surveying and registration fees). However, the TSCP-AFII sub projects would be expected to pay to acquire land in this category in cases where the state-owned land is being used by another user. This is because, although state owned, the land may be used by individuals and/or community. The guiding principle is that whoever was using the land to be acquired by the sub project would be provided other land of equal size and quality.

6.2.2 Methods for valuing Assets held under Customary Rights on State Owned Land

Assets held under customary rights on state owned land would have to be valued according to the following method and compensation paid: the respective Planning Authorities (LGA) will value and the Potential Developers will duly compensate for assets and investments, including land, labor, crops, buildings, and other improvements, according to the provisions of the resettlement and compensation plan. Compensation rates will be market rates as of the date and time that the replacement is to be provided. The current prices for cash crops would have to be determined. Compensation would be based on valuation at or before the entitlement cutoff date in compliance with this policy.

6.2.3 Valuation of Various Categories of Assets and Relocation Assistance

The Valuer should conduct market survey to determine the current replacement costs and open market values. For this RPF, the Valuer adopt the Replacement Cost Method i.e. cost of replacement or selling the affected property (e.g. cost of construction materials, price of buying and selling land and transportation costs, labour) at the date of valuation. To this various allowances will be added according to legitimate claims, and the type of loss incurred. The Valuation Division in the Ministry of Lands and Human Settlement Development has developed guidelines on methodologies for valuing properties and compensation rates for crop including various fruits.

6.2.4 Market value of the real property (i.e. value of un-exhausted improvement and land)

These will have been arrived at either on:

- Market Value Basis- by Direct Comparison Valuation Technique
- Earnings Approach
- Cost Approach.

(i) Buildings

Replacement cost - entail re-building a similar building to one displaced by the project (same design and layout, specifications, standard of workmanship. Allowance for factors affecting property market value is considered as adjustments but not depreciation factor.

(ii) Land

Values are assessed based on the average price of land at specific area.

(iii) Crops

Use the crop compensation rates including various fruits developed by the Valuation Division in the Ministry of Lands and Human Settlement Development; also available at Region/District Valuation and Agriculture office as well as update of price list from the Ministry of Agriculture.

6.2.5 Relocation allowances

(i) Disturbance allowance:

This is transitional assistance - provided to eligible property owners paid in addition to the compensation value of the affected assets/properties.

The Valuer calculates disturbance allowance accordingly by multiplying the total sum of the assessed value of the affected properties by the average percentage rate of interest offered by commercial banks on twelve month fixed deposits. These amounts, in cash, are to be paid to each affected property owner.

(ii) Accommodation allowance

This is cash allowance provided to displaced people who lose houses and other structures that they live in. The allowance will enable them to cover cost for renting similar houses or structures for a period of three years while re-establishing themselves elsewhere. The Valuer calculate accommodation allowance by multiplying the assessed monthly market rent (applied value bands based on a market survey of rental properties in the respective project coverage areas of similar affected property) for the affected building or part of the building by 36 months (i.e. Rent/p.m. x 36 Months).

(iii) Transport allowance

Provided to eligible property owners who will need to relocate (even if only over a very short distance) their movable properties and assets – furniture, equipment, and business goods to a new location. The transport allowance paid in cash – only to PAPs, who are to physically move, is the equivalent of the prevailing cost of hauling 12tons of goods by rail or road over a distance of 20km from the point of displacement. Transport allowances shall be actual cost of transporting 12tons of luggage rail or road (whichever is cheaper) within 20kms from the point of displacement (i.e. 12tons x Actual Cost/ton/km x 20km).

6.2.6 Compensation for loss of income (rental accommodation, business profit):

Payment to displaced person the loss of profit allowance whereas a business or income generating operation is affected by land acquisition. The regulation require the loss of profit allowance to be calculated as the net monthly profit of the business carried out on the affected property, as evidenced by audited accounts, where available, multiplied by 36 months (i.e. Net Profit/p.m. x 36 Months).

Another alternative payment mode is payment of half of turnover for 6 months. Whereas the property owner lose rental income (due to displacement of house or business premise tenants), he/she is paid lump sum cash payments of 6 months' rent per tenant.

NOTE:

- Many of the affected businesses could be small enterprises without proper records so the Valuer could substitute the loss of profit allowance with lose of accommodation allowance.
- Loss of income or food sources in respect of small plot farmers could be covered by cash compensation paid for standing crops and trees.

6.2.7 Calculation of total compensation figure/ inflation premium for 6 months delay

Property replacement cost (calculated differently for houses, structures, crops and trees) + land values + accommodation allowance + transport allowance + disturbance allowance (+ loss of profit where applicable). Thus, a customary landowner or land user on state-owned land will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss. If payment is delayed by more than six months after the valuation report has been approved by the Government Chief Valuer, an inflation premium, plus the official rate of inflation (using consumer price index, CPI), will be added to the agreed upon sum.

NOTE:

- Transport, Accommodation and Loss of profits allowances shall NOT be paid for unoccupied land.
- Accommodation and Loss of profit shall not be paid concurrently in respect of the same property except where the property is used for both residential and business purposes.
- Accommodation and Loss of profit shall only be paid to the property owner and not tenant(s).

6.2.8 Forms of compensation payments

To settle compensation payments for the loss of assets, in accordance with OP.4.12, compensation may be made any and/or more of the following forms:

- a. Cash payments – compensation calculated and paid in Tanzania shillings
- b. In kind-compensation may include item such as land, houses/other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
- c. Assistance – to include moving allowance, transportation and Labour.

Thus, Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets.

Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the Potential Developers and respective Local Planning Authorities. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the Potential Developers and Planning Authorities.

Compensation and Project (Civil Works) Schedule

Before any sub-project activity is implemented, people who are affected and have been determined to be entitled to compensation will need to be compensated in accordance to the

policy and the resettlement policy framework. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

The measures to ensure compliance with this policy directive will be included in the RAPs that will be prepared for each sub-project involving resettlement or compensation. Upon approving the RAP reports prepared, the respective LGA will confirm that the resettlement and compensation plans contain acceptable measures that link resettlement and compensation activity to civil works in compliance with this policy.

The RAP Team shall prepare a schedule of chronological steps covering all resettlement and compensation activities from preparation through implementation and agencies responsible for each activity (Figure 1). The schedule should indicate how the resettlement activities are linked to the implementation of the overall project. The schedule should also include target dates for the achievement of expected benefits to PAPs and hosts and terminating the various forms of assistance.

An example of a RAP implementation schedule is presented in Figure 1 below.

Figure 1 Example of a RAP implementation schedule

No	Action	Time frame											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
1	RAP Implementation												
1.1	Awareness raising meeting	■	■	■	■								
1.2	Mobilisation		■										
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						■	■	■	■	■	■	■

The timing mechanism of these measures will ensure that no individual or affected household will be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected. Once the resettlement and compensation plan is approved by the project implementing institutions, the resettlement and compensation plan, will be sent to the World Bank for final review and approval.

7 BUDGET AND SOURCES OF FUNDING

Most projects under TSCP AF II design has indicated that there will be minimal or no resettlement impact with exception of one of the sub-projects in Ilemela LGA. Because costs of resettlement and compensation are based on technical designs and results of scoping, it is not possible to produce a detailed budget for RAP implementation for all sub-projects under TSCP-AF II that triggers OP4.12. Once a budget is finalized for each subproject that triggers OP4.12, it will be subject to approval by the World Bank.

An example of a RAP budget outline can be found in **Table 5** below.

The preparation and implementation of the RAP is usually financed in-country through the administrative and financial management rules and manuals issued by the Government of Tanzania. Such sources could include:

- Annual Council budgets approved through parliament
- Local taxes and levies collected in the LGA
- Loans from commercial Banks

Table 5 Indicative Outline of a RAP Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land	30acres	300,000,000	Implementing LGAs, PO-RALG
Structure	50	1,000,000,000	
Crops (seasonal or permanent)	300	60,000,000	
Community infrastructure	-	50,000,000	
Graves	20	20,000,000	
Training	2	200,000,000	
Monitoring	4	200,000,000	
Contingency	-	30,000,000	
Allowances (transport, accommodation, disturbance)		200,000,000.00	
Livelihood restoration		40,000,000	
Total		2,100,000,000	

TOTAL 1,900,000,000. /USD 870,000

8 CONSULTATION AND STAKEHOLDER PARTICIPATION

8.1 Involving Stakeholders

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach is adopted as an on-going strategy throughout the entire project cycle.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures.

8.1.1 Data Collecting Phase

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, associations for local businesses, individuals who own shops, stalls, etc, as well as primary and/or secondary schools, health centers are good sources for establishing the community baseline situation.

8.1.2 Implementation Phase

During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

8.1.3 Monitoring and Evaluation Phase

PAPs representatives will participate in the sub-project workshops at mid-term and at the end of RAP implementation. To the extent possible, the RAP should include social accountability tools

like citizen report cards to assess the quality of RAP implementation, and in some cases, assist the RAP team in tracking expenditures. The latter would be significant in helping PAPs with money management and restoring their livelihoods. PAPs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s). Prior to closing the RAP, PAPs will participate in a feedback survey as part of the RAP's independent impact evaluation exercise.

8.2 Documenting Consultation and Participation

Meeting minutes for each consultation meeting should be recorded to enable the preparation of a consultation report (Annex 4).

9 MONITORING AND EVALUATION

9.1 Content of Monitoring and Evaluation Program

The RAP committee/team in the LGAs will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main parameters that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these parameters, the RAP for each subproject identifies the specific indicators to be monitored; defines how they will be measured on a regular basis; and identifies key monitoring milestones (e.g. at mid-point of the RAP implementation process).

The PO-RALG WBWG will establish a reporting system for the sub-project RAP that will:

- (i) Provide timely information to the project about all resettlement and compensation issues arising as a result of RAP related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels (e.g. by the WBWG or higher);
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses;
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have better living conditions and livelihoods; and
- (v) Identify mitigation measures, as necessity, when there are significant changes in the indicators that may require strategic interventions (e.g. vulnerable groups are not receiving sufficient support from the sub-project).

9.2 Mechanisms for Monitoring

During RAP implementation, the RAP committee in each relevant LGA will monitor basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- (i) Number of sub-projects requiring preparation of a RAP;
- (ii) Number of households and individuals physically or economically displaced by each sub-project;
- (iii) Length of time from sub-project identification to payment of compensation to PAPs;
- (iv) Timing of compensation in relation to commencement of physical works;
- (v) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (vi) Number of people raising grievances in relation to each sub-project;
- (vii) Number of unresolved grievances.
- (viii) Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes.

The PO-RALG -WBWG will also hire independent consultant to monitor and evaluate the RAP implementation process.

9.3 Mechanisms for Evaluation (Internal and External)

The impact evaluation will determine:

- (i) If compensation payments have been completed in a satisfactory manner; and
- (ii) If there are improvements in livelihoods and well-being of PAPs.

Several indicators are used to measure these impacts. These include, among others, a comparison of income levels before-and-after; access to livelihoods and employment; changes in standards of housing and living conditions; and improvements in level of participation in sub-project activities. There are measures to verify these basic indicators, such as number of children in-school (compared to pre-RAP levels); changes in health standards; and changes in access to markets or roads – all of which may reflect overall improvements in standards of living.

The PIU at PO-RALG will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIU, to determine the final cost of RAP implementation. The following indicators (in *Table 6*) can be used to monitor implementation of the RAP.

Table 6 Indicators of monitoring and evaluating RAP Impacts

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation before planned construction date	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	Quality of grievances or disputes resolved (qualitative)
Number of livelihood restoration programs completed	Changes (+/-) in affected households income levels
Pre project production versus present production levels (crops for crops, land for land)	Equal or improved production per affected household/homestead

Independent Annual Audit

The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country.

As part of the Audit each LGA will prepare a RAP implementation completion report that will clearly elaborate the overview of the RAP implementation, the grievances recorded and how they were handled, the actual number of PAPs for the project and the total budget for the RAP implementation; this report will be submitted to the World Bank.

ANNEXES

ANNEX 1: World Bank Resettlement Policy Framework (RPF)

ANNEX 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP)

ANNEX 3: Sample Grievance and Resolution Form

ANNEX 4: Sample Table of Contents for Consultation Reports

ANNEX 5: Glossary of Terms

ANNEX 6: Relevant Laws

ANNEX 7: Stakeholders View/Concerns

ANNEX 1: Annotated Outline for Preparing a Resettlement Action Plan (RAP)

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website [[WB OP4.12 Annex A](#)].

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

Description of the sub-project: General description of the sub-project and identification of sub-project area or areas.

Potential Impacts: Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program as these apply to the sub-projects.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct

- systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
 - (iii) Public infrastructure and social services that will be affected; and
 - (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The analysis of the legal and institutional framework should cover the following:

- (i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- (ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- (iii) Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- (iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- (v) Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- (vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- (i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- (ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- (iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

Eligibility: Definition of displaced persons or PAPs and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

Site selection, site preparation, and relocation: Alternative relocation sites should be described and cover the following:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

Housing, infrastructure, and social services: Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

Environmental protection and management: A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- (iii) Conflict resolution involving PAPs and host communities; and

(iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Grievance procedures: The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

Implementation Schedule: An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

Costs and budget: The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

ANNEX 3: Sample Grievance and Resolution Form

Name (Filer of Complaint): _____
 ID Number: _____ (PAPs ID number)
 Contact Information: _____ (Village/Ward/Mtaa; mobile phone)
 Nature of Grievance or Complaint: _____

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
_____	_____	_____

Signature _____ Date: _____

Signed (Filer of Complaint): _____
 Name of Person Filing Complaint : _____ (if different from Filer)
 Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation:

Summary	of	Conciliation	Session
Discussion: _____			

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____
 Independent Observer

Date: _____

ANNEX 4: Sample Table of Contents for Consultation Reports

1.0 Introduction.

- 1.1 Project Description
- 1.2 Applicable Laws, Regulations, and Policies to Public Engagement
- 1.3 Project Lenders

2.0 Stakeholder Analysis

- 2.1 Areas of Influence/Stakeholders
- 2.2 Description of Stakeholders

3.0 Stakeholder Engagement

- 3.1 Previous Consultation Activities
- 3.2 Implemented Community Engagement Activities
- 3.3 Project Sponsor's Community Engagement Plan
 - 3.3.1 Phase 1 – Initial Stakeholder Consultation
 - 3.3.2 Phase 2 – Release of the SEA Terms of Reference and Draft PCDP
 - 3.3.3 Phase 3 – Release of SEA Consultation Summary Report

4.0 Summary of Key Issues

5.0 Future Consultation Events

- 5.1 Phase 4 – Release of the SEA Report and Action Plans
- 5.2 Phase 5 – RCDAP Planning Consultation
- 5.3 Phase 6 - On-going Project Communication

6.0 Disclosure Plan

Tables

- Table 2.1: Consultation Activity Summary
- Table 3.1: Initial Government Agency Consultations
- Table 3.2: Summary of NGO Meetings
- Table 3.3: Sub-County Committee Composition
- Table 3.4: Summary of Community Discussions
- Table 3.5: Local Community Comments
- Table 4.1: Summary of Key Issues and Responses
- Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

Location Communities Represented	and	Meeting Dates	Attendees	Discussion Summary
Example:				

ANNEX 5: Glossary of Terms

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cut-off Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the TSCP-AFII program area boundaries. This is the date on and beyond which any person whose land is occupied for TSCP-AFII program, will not be eligible for compensation.
Grievance Mechanism	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
Implementation Schedule	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for sub-projects, if applicable.
Land	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
Project Affected Persons (PAPs) or Displaced Persons (DPs)	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of TSCP-AF II activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
Project Implementing Unit (PIU)	Some projects make use of project implementing units (PIUs), which are generally separate units within the project recipient's agency. The PIU is often composed of full time staff devoted to implementing the project, and have been encouraged to have

separate teams with environment and social specialists who can carry out the activities, for example, as outlined in the RPF or RAP.

Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Tanzanian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Tanzania to acceptable market valuation or from an assessment from the Land Commission and government valuer.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
Resettlement Policy Framework (RPF)	The RPF is an instrument to be used throughout the project's implementation. The RPF sets out the objectives and principles, organizational arrangements, and funding mechanisms for any resettlement, that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans (RAPs), as needed, for sub-projects.
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
Witness NGO or Independent Monitor	Some RPFs refer to a witness NGO or an independent monitor that can be contracted to observe the compensation process and provide an independent assessment of the quality of the process. These are usually NGOs or other agencies that are not directly involved in the project and have a reputation for independence and integrity.

ANNEX 6: Relevant Laws

Property Rights and Land Rights	Law / Regulation
<p>The Constitution provides for the protection of the rights and interest of citizens in matters concerning their property and acquisition. Under article 24 (1), every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub-article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes without the authority of law, which makes provision for fair and adequate compensation.</p>	<p>Constitution (1977)</p>
<p>The National Land policy provides guidance and directives on land ownership and tenure rights and taking of land and other land based assets. The policy stipulates organization and procedures for valuing assets and delivery of compensation. The overall aim is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land for its entire citizen. The following are the basic land policy tenets:</p> <p>All land in Tanzania is public land vested in the President as trustee on behalf of all citizens; Land has value; The rights and interest of citizens in land shall not be taken without due process of law; and Full, fair and prompt compensation shall be paid when land is acquired.</p>	<p>National Land Policy (1996)</p>
<p>Land tenure and ownership in Tanzania is governed by these statutes as well as the 1977 Constitution of the United Republic of Tanzania, (as amended) Land in Tanzania is owned by the state. Public land in Tanzania is either general land or village land or reserved land. Socio-economic activities are permitted on general/village land and not permitted or restricted in land reserved for national parks, protected areas and forest reserves.</p> <p>Tanzania has a dual system of land tenure: customary and statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be (i) by leasehold right of occupancy for varying periods e.g. 33, 66, or 99 years which must be confirmed by a certificate of occupancy; (ii) by 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.</p> <p>Communities (Villages) are allowed to hold land and to manage it, although they do not formally own the land.</p>	<p>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).</p>
<p>The Land Acquisition Act further empowers authorized Government officials (which is applicable to MJCA, PO-PSM and the Judiciary) to investigate the land in any locality for its possible acquisition for any public purpose. The authorized person is allowed to enter upon and survey and take levels of any land in such locality; to do all other acts necessary to ascertain whether the land is adapted for such purpose; and to clear, set out and mark the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon.</p>	<p>Land Acquisition Act (1967)</p>
<p>Tanzania laws indicate that market value should be used as basis for valuation of land and properties. The laws provide for practical guidelines on assessment of compensation. The full and fair compensation is only assessed by including all components of land quality. Presently in assessing the value of the unexhausted improvements for compensation purposes, the law emphasizes that the value should be the price that which the said improvements can fetch if sold in the open market. But this in normal circumstances is lower than the replacement value but higher than the initial construction cost of the said improvements.</p>	<p>Regulation 3 of the Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part III of the Village Land Regulations, 2002</p>
<p>The Acts stipulate in detail 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.</p>	<p>Local Government (District Authorities) Act No. 7, 1982 and Local Government (Urban Authorities) Act No.</p>

Property Rights and Land Rights	Law / Regulation
<p>The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance of the fact most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. The Local Government Authorities not being a party to the contracts would be the best office to receive handle and rule on disputes. Failure of the Councils to settle the disputes, the grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation will be addressed to the existing local courts system of administration of justice in the Districts. Local NGO's will be engaged by the Designated Sector Environmental Coordinators to mediate disputes.</p> <p>If the complainant's claim is rejected, then the matter will be brought before the Land Tribunals and/or the local courts for settlement. If the matter cannot be settled by the local courts and/or the District Land Tribunals, the matter will go the High Court for resolution. The High Court of Tanzania will be the highest appellate "judge" in this system. The decision of the High Court would be final and all effort should be made to ensure decisions are reached within a full growing season after the complaint is lodged.</p>	<p>8, 1982</p> <p>Cited in Resettlement Policy Framework, Tanzania Accountability, Transparency and Integrity Project (ATIP), October (2005)</p>

Annex 7: Stakeholders consultation; Views and Concerns

1. Mbeya City Council

No	Name/stakeholders	Issues/Concerns
1	Municipal Director and Heads of Departments	<ul style="list-style-type: none"> • MUST students frequently complained about poor access road to the university, the project will improve this situation • Payment of compensation is a big challenge as the City has to pay this from own source
2	Mr January – Environment Officer	<ul style="list-style-type: none"> • We urge people to form the GRC and to use this committee as a mechanism to file complains • Complain should also include land acquisition, and contraction activities
3	Local at Sae – TANESCO Junction - Mjimpya Road community, Muungano road, Ikuti community, New Forest Road Community	<ul style="list-style-type: none"> • Within the proposed project area there are some utilities such as those of water and electricity, what will happen if they are damaged? • During construction, the contractor is likely to close the roads and this might limit access and affect businesses in the area • In case any of the locals is affected by the construction activities, the City Council should ensure that the PAP is compensated on time and fairly • Regarding valuation, it should be transparent, the affected person should be notified of their compensation amount prior to receiving payments • Who will be responsible to carry valuation if once property is damaged during construction phase? • What if the project affects only annex structures will they be compensated?
4	Nanenane Bus stand Bus Drivers and Business man/women(vendors)	<ul style="list-style-type: none"> • Construction activities should not interfere with bus stand activities

3. Dodoma Municipal Council

SN	Name/stakeholders	Views/Concerns
1	Eng Nchila TSCP-AF Coordinator	<ul style="list-style-type: none"> The Challenge is with the Municipal council to be responsible for the payment of compensation if there is any impact. Lack of Education about compensation or eligibility and therefore have very high expectations
2	Mr.MfungoManyama- Community Development Officer	<ul style="list-style-type: none"> In terms of business the project will create clean environment especially reduce dust The project will increase the quality of settlement We shall also facilitate to establish a Grievances committee
3	Meeting with Fruits vendors, around bus stand, CBE and VETA road.	<ul style="list-style-type: none"> Construction activities should not block access to shops and kiosks
4	TANROADs	<ul style="list-style-type: none"> It is important to share design to avoid disputes The LGA should relocate utilities on timely manner In areas where the project will cross or link to TANROADs roads we should be involved
5	DUWASA	<ul style="list-style-type: none"> Currently there is a dispute exists between road builders and DUWASA – lack of design sharing. Water Pipes not reallocated as expected.
6	Locals along Ndovu and Swala Road	<ul style="list-style-type: none"> Construction activities should avoid damage to houses by vibration Construction activities should not disrupt small business This project will not affect individual properties but if any impact they should compensate on time
7	Community Meeting- Mlezi and Hazina streets residents and Northern Kikuyu and hazina ward leaders	<ul style="list-style-type: none"> Timed notification and education to affected people. Prior marking of affected properties. The project will not have compensation issues but if any the Municipal should compensate

4. Arusha City Council

SN	Name/stakeholders	Views/Concerns
1	Anna Mwambene Ag. City Director	<ul style="list-style-type: none"> The economy of the city will increase since the roads will be in supportive of the economic activities including transportation issues
2	Business people- Majengo street	<ul style="list-style-type: none"> The improvement of the road will reduce the extent of dust to their area since it has been a big problem to the status of their health. Bumps and other road signs should be considered for safety purposes

3	Residents- Muriet ward	<ul style="list-style-type: none"> • If there is any relocation the ACC should compensate on timely manner • They suggested that the road design should include the bus bays.
4	Residents Ngusero street	<ul style="list-style-type: none"> • The design team should work closely with the water supply authority so as to make sure that the water infrastructures are not damaged during construction

5. Mwanza City Council

SN	Name/stakeholders	Views/Concerns
1	Eng Mahenge T.N- Acting City Engineer	<ul style="list-style-type: none"> • For Mwanza among others the project will improve storm water drainage to reduce floods, road furniture's to enhance safety and security as well as upgrade roads. • The design of the roads will as much as possible base on the corridor of the road to avoid compensation
2	Community Development Officer	<ul style="list-style-type: none"> • In terms of business the project will create clean environment especially reduce dust around their business • Create temporary employment during the construction period • The project will increase the quality of settlement • We argue locals to establish a GRC that will collaborate with the existing GRC at City Council
3	Local Community Igogo area	<ul style="list-style-type: none"> • Who will be responsible with relocation of utilities such as water and electricity • What if the contactor damages someone's property will this be compensated and how
4	Tanzania Telecommunication Co. Limited (TTCL)	<ul style="list-style-type: none"> • The design of the roads should provide ducts for the TTCL pipes. This will allow laying of the lines without destroying the road

Mtwara Mikindani Municipal Council

SN	Name/stakeholders	Views/Concerns
1	EngMpaki TSCP-AF Coordinator	<ul style="list-style-type: none"> • For Mtwara among others the project will improve storm water drainage to reduce floods, road furniture's to enhance safety and security as well as upgrade roads. • We urge locals to accept the project as the purpose is to improve the infrastructures within the Municipal.
2	Ms Manyama-MMMC Community Development	<ul style="list-style-type: none"> • These projects will have economic benefits to the community • We urge people to form the GRC and to use this committee as a mechanism to file complains • Complains should also include those associated with misconduct of the contractor and impact on

		their assets associated with construction activities
3	Majengo, Magomeni and Vigaeni local communities	<ul style="list-style-type: none"> • We accept the project as the major challenge in the area is floods during rainy season; • Any complains raised during project implementation should be handled on a timely manner • Compensation should be paid prior to project implementation stage • Who will compensate utilities likely to be damaged during construction?

6. CDA-Dodoma

SN	Position/stakeholders	Views/Concerns
1	TSCP-AF Coordinator	<ul style="list-style-type: none"> • For the CDA area, the project will improve storm water drainage to reduce floods; road furniture's to enhance safety and security. • We urge locals to accept the project it will improve the infrastructures within the CDA.
2	Public Relation Officer	<ul style="list-style-type: none"> • Create temporary employment during the construction period • The project will increase the quality of settlement • There is a GRM within the CDA to handle any complains arising from this project implementation therefore we argue you to choose your GRC members to facilitate the process
3	Concerns expressed by communities of Msangalale/Kisasa Mashariki, Chamwino	<ul style="list-style-type: none"> • We are aware of the proposed project and acknowledge that we have been consulted regarding the proposed project • Any complains raised during project implementation should be handled on a timely manner • The project should not block access to houses during construction • The contractor should avoid Closure of street roads during construction • The project should note that there are individual water pipes crossing the road proposed for upgrade
4	Nala Local communities	<ul style="list-style-type: none"> • Land in the project proposed area is owned by CDA. • Land is a sensitive issue in CDA area. • Future expansion of the lorry park beyond the current boundary might lead to loss of individual lands

7. Kigoma Ujiji Municipal Council

SN	Position/stakeholders	Views/Concerns
1	Eng Nshimba TSCP-AF Coordinator	<ul style="list-style-type: none"> • The Municipal has issued letters to all utility suppliers, informing the about the project, and inviting them for site visits and discussions on the fate of affected infrastructure (if any). • The municipal, through ward and sub ward leaders has disseminated relevant project information to

		the local community.
2	Ms Agnes Sanga-Community Development Officer	<ul style="list-style-type: none"> We intend to continue with stakeholders meetings to inform people about the project Also to inform them of the GRM within the Municipal Council to handle any complains arising from this project implementation and to urge communities to establish such committees in their localities
3	Local community and leaders of proposed project areas of Kaaya, Mwanga MwembeTogwa and Kakolwa area	<ul style="list-style-type: none"> Any complains raised during project implementation should be handled on a timely manner What if the contactor damages someone's property will this be compensated and how This project will not have compensation issues because these are existing roads and drains If any asset is affected, the compensation should be paid on time and should involve the affected person and the local leaders.

8. Tanga City Council

SN	Position/stakeholders	Views/Concerns
1	Eng. Ramson TSCP-AF Coordinator	<ul style="list-style-type: none"> The economy of the City will increase since the roads will be in supportive of the economic activities including transportation issues. The communities where the roads are passing have accepted the project
2	Moses Kisibo- Focal person TSCP-HIV	<ul style="list-style-type: none"> During the construction of the roads, the contractor should observe all the proposed measured that will be incorporated into the ESMP including the training on HIV issues The issues of health and safety of the workers should also be observed
3	Local Communities in the Project areas	<ul style="list-style-type: none"> Any complains raised during project implementation should be handled on a timely manner There are still some areas which are prone to floods but have not been considered in TSCP projects; they should be considered. The contractor should ensure prior to blocking a road under construction, there is an alternative
4	Julius Rwabutomize Ag-Regional manager-TTCL TANGA	<ul style="list-style-type: none"> The design should be able to take on board their infrastructures and avoid reallocation if possible since it is too expensive to reallocate If reallocation has to take place, then the compensation to them should be done immediately so that their services are not delayed
5	Ag. TANESCO/TANGA PDE-	<ul style="list-style-type: none"> It is very costly to do the reallocation of their infrastructure due to the fact that they won't be selling during that time as well there will be too much complains from their customers
6	Eng. Dickson Semkuyu Ag.TM –Tanga UWASA	<ul style="list-style-type: none"> They have their water supply infrastructure crossing to most of the project areas They need cooperation with the designing team so that they don't destruct the roads later when

		<p>they want to put the water infrastructure</p> <ul style="list-style-type: none"> • The designing team should include the water infrastructure into their designs
--	--	--

Ilemela Municipal Council

S/N	NAME	CONCERNS
1	Mkelewe Tungaraza Road engineer-MCC	<ul style="list-style-type: none"> • The economy of the city will be enhanced by the new roads since the roads connect the municipal with the City. • The residents of the project areas are eagerly waiting for the implementation of the project
2.	Jafari Shango Regional manager-TTCL MWANZA	<ul style="list-style-type: none"> • Road ducts should be well allocated with marks on them for easy identification • The design team and the District Engineer are welcome to plan with TTCL on where to install such ducts, and the types and sizes of ducts
3.	Eng. Mramba RM Technical Manager-MWAUWASA	<ul style="list-style-type: none"> • They would like to see the design prior to the implementation so that they can identify where their infrastructures are since they have a GIS system for easy mapping. • If there will be reallocation of their infrastructures, the costs should be included in the BOQ and let their installation be handled by MWAUWASA.
	Leon Matata TANESCO MCC	<ul style="list-style-type: none"> • The planning of the roads should be done to occupy enough space at the beginning and so when these roads are upgraded there will be no interference with the utility providers. • There should be boundaries along the roads identifying locations for positioning of the infrastructures for each utility provider.
6.	Residents Kirumba ward	<ul style="list-style-type: none"> • Azania road should be improved and be used as an alternative road during the construction of Makongoro junction-Mwaloni road. • The activities in the market should go on as usual so, the Municipal Council should prepare a traffic management plan to be used during the road construction.
7	Residents Buswelu and Ilemela ward	<ul style="list-style-type: none"> • They need the Municipal Council to ensure all affected persons are compensated on time. • The road should include safety signs to avoid unnecessary accidents.

