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REVOLUTIONARY GOVERNMENT OF ZANZIBAR



ZANZIBAR URBAN SERVICES PROJECT (ZUSP)

ZANZIBAR URBAN SERVICE PROJECT - ADDITIONAL FINANCING

Contract No.MOF/ZUSP/WB/ZMC/FDCT/SWSM/CS/10/2015

Resettlement Policy Framework

(Draft Report)

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List of Acronyms

CBO's	- Community Based Organizations
ESMF	- Environmental and Social Management Framework
GCRC	- Gross Current Replacement Costs
HIV/AIDS	- Human Immune Deficiency/Acquired Immune Deficiency Syndrome
LGA	- Local Government Authority
NGO's	- Non-Governmental Organization
OP	- Operation Policy/
PAPs	- Project Affected Person
RAP	- Resettlement Action Plan
RCU	- Resettlement Coordination Unit
RFP	- Resettlement Policy Framework
RGoZ	- Revolutionary Government of Zanzibar
ZMU	- Zanzibar Municipal Council
UNESCO	- United Nations Educational, Scientific and Cultural Organization
UNIDO-	- United Nations Industrial Development Organization
WB	- World Bank
ZUSP – AF	- Zanzibar Urban Service Project – Additional Funding

1.0 ZUSP ADDITIONAL FINANCING PROJECT DESCRIPTION

1.1 BACKGROUND OF THE OVERALL ZUSP

1.1.1 Rationale for ZUSP

The Zanzibar Urban Services Project (ZUSP), effective in 2011, was prepared in a response to a request from the RGoZ to assist with the financing of an investment operation that would provide finance for critical infrastructure in key urban areas of the Zanzibar Municipal Council (ZMC) and Pemba Towns and support for improved management capacity for urban development and management. ZUSP recognizes the strategic importance of Zanzibar urban centers as the engines for the country's structural transformation, economic growth and nationwide improvements in welfare. Zanzibar Municipal Council has strategic importance to Zanzibar Island and the country in terms of its physical location, importance for local and international trade and tourism, demographic weight and contribution to the national economy.

1.1.2 Project Objectives and Outcomes

The Development Objective: is to improve the quality of and access to basic urban services in the ZMC and PTCs.

The Purpose: rehabilitation and expansion of urban infrastructure and institutional strengthening activities aimed at improving the fiscal and management capacities of the Participating LGAs.

Project Outcomes: the ZUSP will improve the welfare and capacities of the ZMC and PTCs to identify their key problems, determine the appropriate solutions in the form of sub-projects, plan their implementation and assume full responsibility for their maintenance and management.

1.1.3 ZUSP Components

The current ZUSP activities are under three main components with several sub-components.

Component 1: Institutional Strengthening and Infrastructure Development in the Zanzibar Municipal Council Area (US\$31.2 million): Component 1 focuses on the ZMC on Unguja Island through six subcomponents which include: (i) institutional strengthening of the management and operational capacity of the Zanzibar Municipal Council (ZMC), (ii) preparation of a diagrammatic indicative structure plan for the ZMC and its immediate periphery, (iii) construction of storm water drainage in the ZMC urban periphery to reduce flooding, (iv) design and installation of street lighting in the ZMC, (v) solid waste collection and transport, including construction of waste collection points and equipment, (vi) construction of the Mizingani sea wall and promenade in Stone Town to restore the remaining segment of the historic sea front.

Component 2: Support to Town Councils on Pemba Island (US\$3.8 million): Component 2 assists the three Town Councils on Pemba Island (Chake Chake, Mkoani and Wete) with: (i) institutional strengthening through technical assistance and equipment and vehicle procurement, and (ii) investment projects, including small-scale civil works and equipment.

Component 3: Project Management (US\$3.0 million): Component 3 provides support to the ZUSP Project Management Team (PMT) located within Ministry of Finance for project management, supervision of environmental and social safeguards, project monitoring, and reporting. It also facilitates other

implementing ministries and departments responsible for specific subcomponents to implement and coordinate their activities.

1.1.4 Current Status: Completed and On-going Works

ZUSP is currently strengthening the institutional capacity of ZMC coupled with developing infrastructure in 3 main sub-sectors: waste management; urban upgrading; and support for cultural heritage investments in the World Heritage City location of Stone Town. Activities have involved improvement or development of selected infrastructure sub-projects at various locations within the ZMC and three Pemba TCs aimed to improve the environmental quality of the urban areas. Most of the infrastructure on the list of the first batch of prioritized subprojects are on-going or in final stages or complete and in use. ZUSP contains a set of other interventions designed to meet the management and institutional needs of the participating urban local governments and communities within as well.

Waste management in ZMC

The solid waste management subcomponent is implemented by ZMC's Division of Sewerage, Drainage and Solid Waste. The current project's support has enabled the department to substantially improve collection and transportation of solid waste through infrastructure improvements coupled with Institutional support. Activities achieved or ongoing include construction of new or improvement of existing solid waste collection centres including concrete slabs where waste is deposited and stored temporarily: 193 in total out of which 56 skip pads are complete and in operation. ZUSP has made improvement of the existing disposal site at Kibele, now operated on an interim basis as a managed solid waste disposal site.

Institutional support coupled with infrastructure development involving:

- Procurement of new collection equipment including push carts (75), skip containers (193), Dust bin (1000), skip trucks with skip loaders (5), open tipper trucks and compactor trucks (2);
- Implementation of an Equipment Operations and Maintenance Strategy and;
- Improvement of enforcement of municipal solid waste regulations and by-laws related to municipal solid waste.

Challenges and gaps identified

Facilities for solid waste and septic sludge remain inadequate, and there is no formal site for waste disposal. Solid waste and septic sludge has always been indiscriminately dumped at informal dumping areas wherever space is available in the municipality including environmentally and socially sensitive sites such as wetlands, sites in close proximity to residential areas, significant cultural heritage areas, and mangrove forests. Inadequately managed collection and disposal points have resulted in community complaints and severe environmental degradation and health risks. The Kibele site though now is being operated on an interim basis as a managed solid waste disposal site, (an improvement over open dumping but still inadequate), but the current practice remain unsustainable as a long-term solution for waste management on the island. Septic sludge to date is still disposed informally in a mangrove area near a protected heritage site.

Urban upgrading in ZMC

The urban upgrading activities are implemented by Department of Urban and Rural Planning (DURP). Works has involved construction of storm water drainage systems at location prone to flooding. The current support for infrastructure improvement has involved:

Drainage canals construction:

S/No.	System name	Name of street/Shehias	Drainage Lengths
1	C	Amani, Nyerere, Sebleni, Kwa-mabata, Mwantenga, Kwamtipura, Shaurimoyo, Saateni, Mianzini	9147m
2.	D	Muongano, Mwembenjugu, Magomeni, Sogea, Kidongochekundu	767m
3.	E	Jangombe, Botanical garden, Migombani, Kilimani, Kiungani, Binti Amrani, Mpendae, Meya	4629m
4.	F	Mnazimmoja playground	810m
5.	G.	Kwa-mzushi, Darajabovu, Karakana, Mtopepo	
6.	I	Kwa-mtipura – Saateni	

Street lighting for Shangani area, Kiponda area, Victoria garden, Jamuhuri garden, African house garden, Kaunda road (0.5km), Mwembeladu-Amani road (1.9km), Amani-Mwanakwerekwe road (1.3km), Mwanakwerekwe-Kariakoo road (2.7) and Mapinduzi road (0.69km).

Rehabilitation of 340 meters of Mzingani sea wall. This involve backfill and foundation work; refurbishment of underground infrastructure (water, sewer, storm sewer and electrical and telecommunication lines below the roadbed); resurfacing of the road and introduction of traffic calming measures; and creation of a pedestrian promenade such as landscaping, street lighting and street furniture along the sea side.

Challenges and gaps identified

Roadside drainage ditches or underground drains are absent; therefore the roads themselves become drains during rains which clearly reduces the economic attractiveness of these road corridors and the buildings along them.

Capacity building and infrastructure development in Pemba Island.

Infrastructure works in Pemba have been small scale in existing sites. This has included improvement of movements to/through low-income areas by rehabilitating existing footpaths and neighborhood drains, town council facilities such upgrading a small market and rehabilitation of existing Town Council office buildings. These subprojects have posed no significant environmental and social impacts. The main challenges have been due to rehabilitation of older buildings and needed design improvements of footpaths.

Specifically infrastructure at the 3 TCs are: Chake-Chake: 3 selected subprojects are (a) improvement/construction of footpaths (b) rehabilitation of the slaughterhouse (abattoir), and (c) improvement of the TC office building; Wete: 3 selected subprojects are (a) rehabilitation of the market, (b) rehabilitation of the bus stand, and (c) improvement of the TC office building; and Mkoani: 3 selected subprojects consist of (a) footpath improvements, (b) drainage improvements, and (c) rehabilitation of the TC office.

1.1.5 Resettlement Instruments Prepared for On-Going ZUSP Activities

At the commencement of the ZUSP in 2011 there was no Resettlement Policy Framework (and Environmental and Social Management Framework) prepared for the original project. The only sub-

project which included resettlement were the drainage works under Component 1, which had prepared and disclosed an Abbreviated Resettlement Action Plan (RAP) in July 2010 prior to project appraisal and based on preliminary designs. This found approximately 30 structures would be affected.

This ARAP is currently being updated based on updated detailed designs. This updated RAP is carried out under the existing project, and is expected to be completed by March 2016. No other RAPs have been required under the current project.

1.2 ZUSP Additional Financing Project Description

The AF would primarily be used to scale up Project activities in four areas: (i) developing a sanitary landfill and small sludge treatment facility, with equipment and training, (ii) urban upgrading and cultural heritage conservation, (iii) scaling up investments for small-scale infrastructure in Pemba, and (iv) support to Public Private Partnership (PPP) initiatives and developing a Local Government Revenue Collection and Information system (LGRCIS).

Proposed activities under each area include:

1. Sanitary landfill and sludge treatment facility: The ZMC has identified an interim disposal site at the Kibele (a former quarry) that is the best available option to use as an interim solution and upgrade to a sanitary landfill. Relevant authorities for environmental and waste management have approved the site, and it has been accepting waste as a managed dumpsite since early 2014. Site options for a small sludge treatment facility – able to accommodate waste from trucks - would be assessed as part of AF appraisal. The design of these facilities would not be completed by appraisal.

In addition to infrastructure, the AF would take a comprehensive approach to waste management and support strengthening policy frameworks, provide intensive technical assistance and training, equipment, assess the potential for material recovery and recycling, and promote community-level engagement and awareness raising. As part of AF appraisal, options will be assessed to either prepare a feasibility study for the complete solid waste management system (collection, transfer station cum materials recovery facility, transport, and landfill) and sludge treatment facility or an initial design build for only the landfill.

2. Urban upgrading and cultural heritage conservation: The RGoZ has outlined several priorities for urban upgrading that will promote economic development and promote conservation of Zanzibar's urban cultural heritage. The ZMC Development Strategy and Structure Plan identifies the Michenzani area (in the buffer zone of the Stone Town UNESCO site) as a new mixed-use corridor given its strategic location, wide road network, housing density, historic sites, and opportunity for economic development. The Department of Urban and Rural Planning is creating an area development plan and is proposing low-impact urban upgrading (including improvements to existing roads, drainage, pedestrian amenities, landscaping and open space, market area improvements etc.) along the existing central road corridor.

Other potential sub-projects include roadside drainage improvements, implementation of the Stone Town traffic management plan, improved pedestrian connectivity, upgrading public spaces, and updating the Zanzibar Stone Town Conservation Master Plan. These options, along with other institutional strengthening and technical assistance activities, will be appraised as part of the AF preparation.

3. Scale up small-scale infrastructure investments in Pemba: Pemba's small infrastructure investments have yielded positive benefits to communities in a short amount of time. Footpaths and stairs on steep slopes in Chake Chake and Mkoani have significantly increased mobility and accessibility for communities for example. The three Town Councils have requested scaling up pedestrian facilities and installation of street lighting similar to the investments in the ZMC.
4. Public Private Partnerships (PPP): Strengthening capacity for developing PPPs underlies scale-up activities in waste management and economic development, as well as other sectors. The objective would be to ensure that the waste management system is financially sustainable and that private sector investment, skills and organizational capacity support ongoing operations. These activities would also support the operationalization of the PPP Department and PPP transaction advisors (including sustainable operation of the new Zanzibar airport terminal) and approximately ten feasibility studies for key priority investments in Zanzibar.

Revenue collection: The MoF and RGoZ have requested the AF to develop a Local Government Revenue Collection and Information System (LGRSIS) for ZMC and the three town councils in Pemba, modeled after the system piloted under the Tanzania Strategic Cities Project.

1.2.5 Conditions that Would Lead to Potential Resettlement

ZUSP-AF activities that may require land take, acquiring land and other assets or restricting access include:

1. Rerouting into new land: While all new projects would be implemented in existing rights-of-way, small amounts of land may be required for example to improve roadside drains or improve pedestrian connectivity, or avoid sensitive / important natural or social / cultural or economic features.
2. Acquisition of new land for construction of new structures not existing before: in some areas, land-take for construction of new structures will require acquisition of additional land.
3. Acquisition of additional land for 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. Blocked/restriction of access: other causes of resettlement issues include construction of drainage channels without addition of access to houses/property causing restrictions or access to homes, business or services. Other restrictions to other local resource users may occur at points of extraction of construction materials, water and other local resources.
6. Livelihood impacts: Including taking land used for crops and horticulture, petty traders, and temporary relocation of market stalls.

Given the fact that the exact nature of the future investments is not currently known or designs will not be completed, until when they are identified the application of this Resettlement Policy Framework (RPF) will guide ZUSP-AF participating institutions in managing land acquisition and mitigation of resulting impacts. The aim is to avoid or at least minimize involuntary resettlement to the extent possible. Where it is unavoidable detailed RAPs, based on this RPF will be carried out as needed, for all subproject that

trigger the resettlement safeguards. The details and complexity of each RAP will depend on the investment and type and the level of impacts. Since this RPF will be available, the investment specific RAPs which will be submitted as a condition on a given investment financing need not include the sections well dealt with in the RPF i.e. Policy Principles; legal analysis, entitlement and eligibility criteria. Contents of the RAP preparation based on this RPF are described under Annex A, which is consistent with World Bank OP/BP 4.12..

1.2.5 Scale of Potential Resettlement

The Additional Financing is purposefully taking a low-impact approach to all activities, in part to minimize resettlement impacts. There may be households residing in the buffer zone of the potential landfill site, but this is likely less than ten households with several other uninhabited structures. For other activities, no relocation is expected and most impacts will likely be associated with petty traders in markets and along road corridors as well as taking of crops and trees.

While the impacts will only be known once all subprojects are identified and screened, the resettlement impacts are highly likely to be less than the existing project, full relocation will be minimal, and project designs will consider how to minimize any resettlement impacts.

1.3 Rationale & Objectives of the Resettlement Framework

1.3.1 Rationale for Preparation of the Resettlement Framework

Although the specific project location and/or design is not known at this stage, it is envisaged that some investments through ZUSP – Additional Financing 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 is triggered because the project activity could cause land acquisition, namely due to the construction of the landfill and some future upgrading that are not fully known at this point. The following are some of the possible types of impact: 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. In any of these cases the affected person (PAPs) will be compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred.

1.3.2 Objectives of the Resettlement Policy Framework (RPF)

Involuntary resettlements if unmitigated, often gives rise to severe economic, social and environmental risks, production systems are dismantled, people face impoverishment when their productive assets or income sources are lost, people are relocated to a new place where their productive skills may be less applicable and the competition for resources greater, community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority and potential for mutual help are dismissed and lost. It should be mentioned that under ZUSP Additional Financing (AF) the possible impact is minimal.

The objective of this RPF is to establish ZUSP Additional Financing Project resettlement and compensation principles, organizational arrangements, and design criteria to be applied by the ZMC / PTC and DoURP, to ensure that project affected people (PAPs) are meaningfully consulted, have

participated in the planning process, and are adequately compensated to ensure that their livelihood is restored or improved and that the process has been fair and transparent. This RFP is anchored under the Revolutionary Government of Zanzibar laws of land acquisition as well as the World Bank Involuntary Resettlement Policy (OP 4.12).

Among others, the specific objectives of the RPF are to:

- a. Provide legal and institutional framework and analyze the gaps between the national requirements and the Bank's OP 4.12 and identify measures to bridge gaps between them
- b. Present the main principles, scope, and concepts governing resettlement/compensation issues;
- c. Design internal tools for the resettlement/compensation management including:
- d. Eligibility criteria for identification of project affected persons (PAPs) and entitlements; considering Zanzibari laws and the World Bank OP 4.12
- e. Methods for detailed measurement surveys, identification (census) of PAPs/displaced persons, and methods of assigning values to affected assets
- f. Describe the process for preparing and approving resettlement/compensations plans;
- g. Provide procedures for filing grievances and resolving disputes.
- h. Describe mechanisms for consultations with and participation of displaced persons in planning, implementation, and monitoring; and
- i. Make arrangements for monitoring by Zanzibar Municipal Council (ZMC) and, if required, by independent monitors.

1.3.2 Consultations and Disclosure of the RPF

Stakeholders Consultations were conducted by visits to overall ZUSP team, relevant agencies (Departments of Environment, Roads, Urban and Rural Planning, Land and Registration, Forests, Surveys) and ZMC (Divisions of sanitation, environmental management and community development, physical planning) and relevant Council Management Committees. Activities involved gathering available documents (i.e. environmental / economic / social data, land use plans and materials from previous planning sessions); conducting interviews/discussions with Focal Persons and staff directly responsible or involved in ZUSP project implementation and implementers, persons in-charge and beneficiaries, extension officers, community leaders and representatives at subproject level

The executive summaries of the ESMF (and RPF) will be translated into Kiswahili by the ZUSP PMT and copies in English and Kiswahili will be available at the following locations:

- Information center of the ZEMA;
- Offices of Regional and District Office within project area of influence;
- Offices of the Executive Director in respective District;
- Offices of the Ward Executive Officer (WEO) and Shehia with a sub project under the ZUSP-AF
- Info-Shop of the World Bank where the disclosure will precede appraisal of ZUSP-AF Project.

The RPF will be made publicly available through disclosure in Zanzibar (hard copies available at the ZUSP office and online) as well as in the World Bank InfoShop.

1.4 Resettlement Planning Principles and Practices Set Out in the RPF for ZUSP-AF

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 ZUSP (Additional Financing) located at various areas to be demarcated within ZMC and Participating Pemba Town Councils (PTCs).

- 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 the 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.

2.0 LEGAL REQUIREMENTS AND INSTITUTIONAL FRAMEWORK

2.1 Legal Background

Compensation policy is stipulated in Zanzibar's Acts and Regulations. In principle, a person affected by compulsory purchase of his/her land or damage to his/her property should be paid a fair compensation so that he/she is neither better off nor worse off as a result of land acquisition.

2.1.1 Most relevant Land legislations in Zanzibar include:

The Land Tenure Act No 12, 1992

The Land Tenure Act of 1992 regulates the number of land parcels (both urban and agricultural) that can be granted to a citizen of Zanzibar. The Act also regulates how the land is granted, sold, leased and how right of occupancy and grants can be terminated.

In terms of right of way for any infrastructure in the national interest, Section 5(4) stipulates that compensation for the easement (right of way) shall be paid to the persons or communities involved correlating to the fair market price of the land and the improvements made to the parcels in question. Section 29(2) provides that in the event that a person holds more parcels of land in excess of this Act and fails to lease the excess parcels, the Government shall provide compensation for any improvements on the land and not for the land itself.

The Government may terminate the right of occupancy if it is in the national interest according to Section 56, but only if fair compensation is paid for the land and any improvements made thereon (subsection b). If however, termination is due to non-compliance to grant or lease agreements Section 63(1) of Part VII holds that no compensation for the land shall be payable. However, Section 63(2) holds that fair compensation based on a value determination at the time of the Order of Termination shall be made for all immovable improvements on the land. If there is a dispute regarding the value of compensation, it is to be resolved by the Lands Tribunal (Section 65).

The Land Tenure (Amendment) Act No. 15 of 2003

According to the Land Tenure (Amendment) Act of 2003, all land in Zanzibar is owned by the Revolutionary Government of Zanzibar. The Government has the right to allocate land grants and legal right of occupancy.

Section 11 of the Act amends the Land Tenure Act, No. 12, 1992 section 42A(2), stating that any person residing or using a three acre plot for cultivation has the right to continue cultivating on the said plot until the harvesting of his or her crops or until the expiry of the lease agreement between the lessee and the grantee or if compensation for the crops is given based on the agreement of an official evaluation.

2.1.2 The Land Tenure Act, No 12 of 1992 (Land Allocations Regulations 2008)

The Land Allocations Regulations 2008 states the means through which land is allocated and way in which land is certified. According to the Land Allocations Regulations 2008 (40.b), a Right of Occupancy holder is, in the event of his land being declared as abandoned, eligible for fair compensation

for the developments made on the land prior to the date of termination of rights to occupancy and the redistribution of the said portion.

Unlike the Land Tenure act of 1992, which limited compensation for land acquired for public purpose to the unexhausted improvement only, Act Vol CII No.3635 Of 1992, which become operational from the 20th November 1993. (Land Tenure Act) advocates for FULL, FAIR and PROMPT compensation based on market value of the Property. This position is given legal effect by the Land Tenure Act, 1992 under the proviso to section 56 (b) and 63 (2) of the act.

2.1.3 Land Acquisition Decree Cap 95

This is the principle legislation guiding land acquisition in Zanzibar enacted under the colonial British rule. Though not in use, the act has not been revoked or amended. Several of its provisions are found in the new land acts enacted from the late 1990s onwards. In general, the Land Acquisition Act does not cover all aspects of resettlement affecting people who are displaced from their old settlements, but certain sections in the act are still relevant to-date:

- The Act--sections 4 to 10--stipulates and emphasizes prior notification. The Act directs the District Commissioner to serve public notices and notices in the government gazette of land likely to be acquired for any public purpose or company, and the government or company to serve notice to occupiers of any property, building, garden, etc., prior to entry for purpose of survey, marking boundaries, etc.. Section 2 demands payment for damages done to standing crops, trees, fences or buildings during survey, marking boundaries etc.
- Section 9 calls for compensation for acquired property by government or a company. Claims for compensation by all with interests in land should be made to the District Commissioner.

The responsibility of the District Commissioner pertaining to decisions on disputes as to the sufficiency of amounts paid for damages or for acquisition of property is repealed by the Land Tribunal Act, 1994 which confers the responsibility to the Land Tribunal established by the Act as the only lawful body that currently deals with all matters of land disputes.

2.1.4 The Registered Land Act, 1989

This Act was designed to avoid disputes on boundaries through having a land register and a map (registry) of land in question. The Act calls for establishment of a Land Registry in each "Land Registration District" showing all land parcels and leases, whether public or private land; particulars of the Occupant or Proprietor; and conditions and duties affecting his/her Right of Occupancy.

The Act confers to the registered Proprietor of land exclusive rights of occupancy of that land, together with all rights and privileges. The rights are coupled with duties requiring the Proprietors of land to maintain in good order any fences, hedges, stone pillars, walls or other marks, which demarcate its boundaries. In Zanzibar and elsewhere in Tanzania, the boundaries of Rights of Way of roads, electricity transmission lines etc. are not clearly marked. Thus failure to abide by this law has led to extensive encroachment into the RoW, costly enforcement on the part the roads authorities and electricity companies, and constant disputes with the offenders. The Land adjacent to the sea (foreshore) is deemed public land and shall not be included in any parcel (public or private).

2.1.5 The Land Survey Act, No 9 of 1989

The Act makes provisions for regulating and making of land surveys and for the registration and conduct of the Surveyors. Section 14 of the Act demands that Surveyors give reasonable notice to the owners or occupiers of the land prior to survey activities. Section 15 directs payments of compensation to the owner of any crops or trees cut or damaged in the survey exercise.

2.1.6 Land Tenure Act, No.12 of 1992; Amendment, Act No. 15 of 2003

In this Act, Section 5 subsection (2) - gives the President of Zanzibar (or the Minister on behalf of the President) powers to impose right of use of land (easements) on any parcel of land and building/construction in respect of Right of Way, installation, support and clearance necessary for the establishment, maintenance and operation of roads, drainage, electric transmission lines classified in the public interest. In this case the authority is only used if the affected people along the project route reject the areas through which the road, drainage or transmission lines will pass.

Section 5(4) requires the Government to pay compensation for the persons or communities concerned that is equal to the fair market value of land and any improvements thereon. Zanzibar land acts do not have legal provisions for grant of public land to the person entitled to compensation but take into account that land has value and should be taken into consideration affecting that interest. This means if one acquires land, one will have to compensate owners for bare land in addition to unexhausted improvements.

A section 6 demand that any land that is acquired, and there is a dispute or disagreement relating to boundaries, right of use of land, compensation etc. shall be referred to the Land Adjudication Act or the Land Tribunal. The Act under Section 6B considers it an offence (and imposes penalties) by any person to destroy or misuse land by erecting structures or buildings, dumping, digging holes or changing uses of the land, giving out all or part of the grant to other persons contrary to the Act. Under this Act, trees can be owned and held separately from a right of occupancy in land. The Amendment, Act 2008 recognizes the rights of persons holding '3 Acres' plots.

2.1.7 The Land Transfer Act, No. 8 of 1994; Amendment Act, No. 10 of 2007

Permanent transfer or long-term (3 years and over) lease of land takes place in Zanzibar only with approval of the Land Transfer Board. Special emphasis is put on the '3 Acres' plots. The Act is designed to prevent transactions that may result in depriving land owners of sufficient resources to support themselves, their dependants and future generations. The Act also aims at preventing improper change of uses of the land in question.

2.1.8 The Land Tribunal Act, No. 7, 1994; Amendment Act, No 1 of 2008

Land Tribunal Act establishes the Land Tribunal to deal with all matters of land disputes in Zanzibar. The Act demands that the Tribunal preside over any land that is acquired and there is a dispute or disagreement relating to any of the eighteen matters listed, (a) to (r), in the Act. Such matters relevant to the cable project include:

- a. Action involving claims to a right of occupancy and/or possession in respect of any Land
- b. Demarcation of Land which is connected to activities related to the subdivision of parcels and any matter for which demarcation or surveying must be carried out
- c. The use, development and capacity of land
- d. Land valuation and issues involving compensation of land

- e. Removal from possession or eviction from land
- f. All other matters relating to land

The Land Tribunal (Amendment) Act, No 1 of 2008, allows for appeal on the decision of the Land Tribunal in that any party who is aggrieved by the decision of the tribunal has the right to appeal to the High Court.

2.2 The World Bank Operational Policy (OP/BP 4.12)

The overall objectives of the OP4.12 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.

2.3 Analysis of Zanzibar’s Policy and Legislation and World Bank OP/BP 4.12

A gap analysis has been undertaken in order to measure the difference between Zanzibar laws and the World Bank requirements, with special attention to legal rights to land, improvements made on it and other property and/or title and access to other basic resources; eligibility criteria and compensation packages etc. The results indicate that some aspects of Zanzibar laws and the World Bank Operation Policy are not in full accord. The World Bank Operational Policy 4.12 (Paragraphs. 15 and 16) recognizes that while non-landowners may have no right to compensation for the loss of the land that they are occupying (since they do not “own” the land), they should be provided with certain resettlement measures, provided that they occupy the project area prior to a cut-off date. Such measures include, where appropriate:

- a. Compensation for the loss of assets owned by the displaced person (other than land);
- b. Resettlement assistance (e.g. replacement land, cash, other assets and employment) in lieu of compensation for the land that they occupy; and
- c. Other assistance, as necessary (e.g. moving assistance), to achieve the objectives of the Policy such as restoration of livelihoods over a transitional period.

This approach fully meets the requirement of the lesser standards. Thus any Resettlement Action Plan has to be consistent with Zanzibar Laws and World Bank OP 4.12 and if there is a gap the one with the higher standard will be used.

Table 1: Comparison of Zanzibar Laws and World Bank OP. 4.12 Regarding Compensation and Resettlement

S/N	Resettlement Issue/factor	ZANZIBAR LAWS	WORLD BANK OP.412	COMMENTS
1	Land Owners	Cash compensation based on market value, disturbance & transport allowance, loss of profits or accommodation, cost of acquiring land, other costs incurred to develop the land. Compensation to be paid promptly; if not paid in time, interest will be charged	Recommends land-for-land compensation. Other compensation is at replacement cost	OP 4.12: when land taken is primary source of income and livelihood, PAPs should be provided with land ('land for land'). Zanz: Prompt and fair compensation give room to PAPs to buy alternative land at their most preferable places. Bridge the gap: <ul style="list-style-type: none"> PAPs would be given opportunity to choose preferred form of payment: cash or in-kind at other location Compensation of structures at replacement cost
2	Land Tenants	Entitled to compensation based upon the amount of rights they hold upon land	Are entitled to some form of compensation regardless of the legal recognition of their occupancy	Bridge the gap: Tenants considered for plot acquisition as a result of resettlement. Compensated replacement cost of non-movable property installed with consent of the property owner.
3	Encroachers	. Encroachers are not entitled to compensation or any form of resettlement assistance.	Resettlement activities based on OP 4.12 is to restore standard of living and preferably improve livelihoods. At the least to pay for the investment they have made on the land and loss of livelihood related to that.	Payments of allowances help the PAPs to improve their livelihoods.
4	Encroaching after cut-off date	Encroachers Silent	Persons who encroach on the area after the cut-off date are not entitled to compensation or any form of resettlement assistance (Para 16)	Those who encroach after the cut-off date have to demolish their assets themselves without any compensation, if they refuse, the authority concerned will demolish at their cost. It is strictly prohibited to build a house or to plant permanent trees and crops within the Way-Leave after the survey and census is done, the area is marked, and people are informed.
5	Livelihood restoration	Under Zanzibar law, payment is made for disturbance, loss of accommodation, loss of profit and transport allowances. Compensation is on monetary basis only. However, there is no measures for livelihood restoration.	Resettlement activities based on OP 4.12 is to restore standard of living and preferably improve livelihoods. Compensation for lost assets can be monetary, in-kind or both.	There are no transitional measures provide for under Zanzibar law and practices nor are there provisions for compensation as a result of restriction of access, affecting livelihood. The Zanzibar law does not make provisions requiring government to pay special attention to vulnerable groups in the administration of compensation either..
6	Resettlement options and alternatives	PAPs are to be informed about their rights, consulted on, provided FULL, FAIR and PROMPT compensation based on market value of the Property for lost assets attributable directly to the project. PAPs have chance to dispute the amount to the Land Tribunal through the district commissionaire. to choose alternatives	PAPs are to be informed about their options and rights, consulted on, offered choices, provided with technically, economically feasible resettlement alternatives, provided prompt, and effective compensation at full replacement cost for lost assets attributable directly to the project.	Compensation in Zanzibar laws gives PAPs the opportunity to choose alternatives. However, in majority of cases it is on monetary basis. This provides equal opportunity to all PAPs to restore the assets lost; but compensation in-kind, recommended by OP 4.12 ensures permanent assets will replace those lost.
7	Forms of payment	Prompt and fair compensation is paid on monetary	Preference should be given to land-based	The WB policy is good but need more time to implement and

		basis only to replace the lost land within a distance not more than 20km from the project place.	resettlement for PAPs whose livelihood is land-based.	is more costly. In addition, there can be a long, delayed process. Prompt and fair compensation give room for PAPs to buy alternative land at their most preferable places; resettlement in-kind helps ensure livelihoods from land use are not lost.
8	Replacement of lost assets	Construction work can start after all PAPs receive their money and given time to vacate the compensated land and assets.	Resettlement activities required for the project implementation should be completed before the affected land, asset or resources is taken for project use. Provide prompt and effective compensation at full replacement cost for lost assets attributable directly to the project	Both recognize the importance of prompt and fair compensation before implementation of the project
9	Absentee property owner	The project owner: Valuer and local leaders must make a sincere and necessary effort to contact the landowner or the representative during the valuation. Local government leaders will represent the interests of the unknown owner and the payments will be retained by district executive director while effort is taken to find the owner	In case of absentee owner, effort should be made to contact the owner and negotiate with them on the terms, type and amount of compensation. For absentee owners not contacted, sufficient funds to cover the future payments should be reserved	Both procedures recognize the importance of contacting landowner. Interest will be paid to the owner if the time lag will be more than six month from the date of acquisition or revocation.
10	Unknown owner	Local government leaders will represent the interest of the unknown owner and the payments will be retained by district executive director while effort is taken to find the owner	For unknown owners, sufficient funds to cover the future payments should be reserved	Same as above: Interest will be paid to the owner if the time lag will be more than six month from the date of acquisition or revocation.
11	Consultation and disclosure	There scanty provisions related to consultation and disclosure in Zanzibar law. Land acquisition, Cap 95, - sections 4 to 10--stipulates and emphasizes prior notification. The Act directs the District Commissioner to serve public notices and notices in the government gazette of land likely to be acquired for any public purpose or company, and the government or company to serve notice to occupiers of any property, building, garden, etc.	OP 4.12 requires consultation of PAPs, the host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning , implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms	The provisions in OP 4.12 requiring consultation and disclosure have no equivalent in Zanzibar law and practice

2.4 Institutional Framework

Zanzibar is a separate state within the URT, governed by a Revolutionary Council and House of Representatives whose members are elected or appointed. Three levels of institutional frameworks comes into play in the development and implementation of the RAP

- ♦ Central Government Ministries, Department and Agencies
- ♦ Local Government Authorities
- ♦ The Sub-Project Proponent (ZMC, PTCs, DoRUPD)

2.4.1 Ministry of Finance

Ministry of Finance is responsible for the overall management of ZUSP activities, providing overall coordination and technical support to Participating institutions: ZMC and Pemba Town Councils, Stone Town Conservation Development Authority (STCDA) and DoURP. The Ministry of Finance has established within the Directorate of Policy, Planning and Research a dedicated Project Management Team consisting of its own personnel for the implementation of all World Bank supported projects under ZUSP.

2.4.2 Ministry of Energy, Land, Construction and Water

Land management and land delivery activities are conducted at the Ministry of Energy, Land, Construction and Water. Divisions within the Ministry that deal directly with processing, allocating and registering land are Rural and Town Planning, Surveys and Mapping, and Land Development.

The Rural and Town Planning Division is responsible for planning all the land in Zanzibar. Activities of this Division include identifying and planning redevelopment areas, renewing blighted urban areas and monitoring development to ensure compliance with the development program in accordance with master plans of cities.

The Land Development Division is responsible for preparing and issuing titles to land owners, titles register, resolving disputes involving land ownership, and registering encumbrances. Other responsibilities of the Land Development Division are to evaluate and assess properties for tax purposes.

Surveys and Mapping Division is responsible for demarcating, placing corner monuments and surveying the parcels. Copies of the subdivision plan are passed to the relevant offices including an allocation committee. Deed plans are also prepared at the Surveys and Mapping Division. Existing maps are then updated with the new subdivision information. 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.

2.4.3 Ministry of Agriculture, Natural Resources, Environment and Cooperatives (MANREC)

Ministry of Agriculture, Natural Resources, Environment and Cooperatives (MANREC) is the main central government authority responsible for natural resources and environment in Zanzibar. Four separate departments and one authority under the MANREC relevant to ZUSP are:

- Department of Fisheries and Marine Products (DFMP)
- Department of Commercial Crops, Fruits and Forests (DCCFF) – (formerly the Commission of Natural Resources)

- Department of Environment (DoE)
- Department of Cooperatives
- Zanzibar Environment Management Authority (ZEMA)

ZEMA

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

2.4.4 Ministry of Regional Administration and Special Departments

The Ministry of Regional Administration and Special Departments is responsible for coordination and administration of the connection between different tiers of the government: Regional administration, District administration, and Local government: Municipal Council, Town Council and Village Council. The existing local government structure in Zanzibar based on decentralization and Local Government (District and Urban) authorities Act 1986 (several amendments) and the Regional administration Authority Act (1998 No. 10) that re-establishes the Regional and District Commissioners. Unguja is divided into three regions with are divided in six districts; Pemba is divided into two regions which are further divided into four districts as it is shown in Table 3.

Table 2: Five administrative regions of Zanzibar

	Regions	Districts
Unguja	Urban West	Urban
		West
	South	Central
		South
	North	Kaskazini A
		Kaskazini B
Pemba	Kaskazini Pemba	Micheweni
		Wete
	Kusini Pemba	Chakechake
		Mkoani

Regional Administration

Each Region has a Regional Commissioner (RC) who is assisted by a Regional Administrative Officer (RAO) and Regional Development Committee (RDC). The RDC coordinate all development activities in their respective areas and are involved in supervising the implementation of government policy and formulating plans for the area as well as mobilizing the local communities. The Regional Agriculture Development Officer (RADO) deals with natural resources issues.

District Administration

Each District has a District Commissioner (DC) who is assisted by a District Administrative Officer (DAO) and District Development Committee (DDC). The DDC coordinate all development activities in their respective areas. The District Councils have an element of local democratic choice, but have no financial powers and no infrastructure to enable them to function effectively. The main entities include:

- District Agriculture Development Officer

- District subject matter specialists for forestry, fisheries and environment
- District level Standing Committee for Protection of the Environment and Social Welfare (established under the District and Town Council Act)

Local Government:

Urban Council (Municipal Council, Town Council)

The urban councils: Municipal or Town Council is an urban Local Government Authority (ULGA) subdivided into Wards which are further subdivided into (urban) Shehia.

Village Council

A Village Council is a rural Local Government Authority (RLGA) subdivided into Wards which are further subdivided into (rural) Shehia.

Shehias

A Shehia is a demarcated administrative and political unit in urban or rural areas under the responsibility of a “Sheha.” Sheha is the Chief Government Officer in the Shehia appointed by District Commissioner. The Sheha is responsible for all matters including law enforcement in his area and reports directly to the DC. Each Sheha has an advisory committee of not less than 12 members, a third of whom are required to be 60 years or above; and Committees on different issues.

2.4.5 ZUSP Participating ULGAs and beneficiary institutions: (ZMC / PTCS/(DoURP)

Participating LGAs and beneficiary institutions: ZMC, Pemba Town Councils, STCDA and Department of Urban and Rural Planning (DoURP) will take the primary responsibility of implementing own sub-projects including fiduciary, environmental and social safeguards, and reporting requirements.

ZMC

The current system of local governance in Zanzibar was established in the mid 1980s but was restructured in the late 1990s, following the switch to a multi-party system in Tanzania. The legislative bases for local government in Zanzibar are the Local government Acts No. 3 and 4 of 1995. These acts established Zanzibar Municipal council, town and district councils. Development partners, especially the World Bank and the United Nations Development Programme (UNDP), are actively helping Zanzibar in the reform process for effective local good governance.

There are currently 9 district councils (5 in Unguja and 4 in Pemba), 3 town councils (3 in Pemba) and one municipality (Zanzibar Town).

District Councils in Zanzibar has the following functions:

- To formulate, coordinate and supervise the implementation of plans for economic, commercial, industrial, and social development;
- To ensure the collection and proper utilization of the revenues of the Council;
- To make by-laws applicable throughout its area of jurisdiction; and
- To consider, regulate, and coordinate the development plans, projects, and programs of villages and township councils within its area of jurisdiction.

Town Councils have the following functions:

- the cleaning of main roads;
- the regulation and conduct of public hire vehicles;

- street lighting;
- the naming of streets and numbering of buildings;
- Formulating, coordinating and supervising the implementation of plans for economic, commercial, industrial and social development;
- Passing of by-laws;
- ensuring that revenues are collected; and
- Considering, regulating and coordinating the development plans, projects and programs of villages and townships within its jurisdiction.

Zanzibar Municipal Council has the following responsibilities:

- Controlling all public roads and streets within the municipality;
- Naming of streets and numbering of buildings;
- Establishing and maintaining recreation grounds;
- Implementing public health initiatives as required by the Minister (responsible for local government administration);
- Construction, equipment and operation of drainage and sewerage works;
- The administration of public markets; and
- Street lighting.

Both the Municipal and Town Councils operate a Committee system. The Municipal Council has five Committees and five associated Departments. These are: (i) Finance and Economic Development; (ii) Town Planning; (iii) Law and Order; (iv) Labour, Construction and Environment; and (v) Social Services Affairs.

Each Council is subdivided into wards and each ward elects one council member. Three Councillors are nominated for Zanzibar Municipal Council and two for the Town Councils by the Minister. In the case of Zanzibar Municipal Council the Director is appointed by the President, while in District Authorities the Town Clark/Secretary are appointed by the Minister.

Department of Urban and Rural Planning (DoURP)

The Department of Urban and Rural Planning under the Ministry of Ministry of Energy, Land, Construction and Water (general responsibilities described above – section 2.2.2) is responsible for planning and overseeing implementation of prioritized and approved urban upgrading infrastructure.

3.0 SOCIAL ASSESSMENT AND SOCIO-ECONOMIC PROFILE

3.1 Socio-Economic and Cultural Conditions

3.1.1 Population and Demographics

Urban Community Characteristics

The project Appraisal Document for ZUSP (2010) highlighted that by 2002, population in ZMC was 206,292 persons and West District had 13,611 persons. The Zanzibar urban communities bear most of the important features found in other urban of the developing world. It is a cosmopolitan society made of multicultural and multi-ethnic originated from as far as India, Middle-east, Mainland Tanzania and other areas around the coast of Indian Ocean. However, despite its social heterogeneity, Zanzibar urban have less problem of homelessness as compare to other cities in the world. Many middle and low income people have (though insufficient) accommodation. In addition, Zanzibar urban is also a home for extremes cases, i.e. the richest as well as the poorest people; The best and the worst forms of ethical behaviour; Superior creativeness and chronic unemployment all are found in urban Zanzibar. However, the insanitation, high population and congestion, pollution and unhealthy environment that affect the health of the inhabitants is almost everywhere in Zanzibar urban.

Local labour force: employment opportunities; health and safety of workers

According to the Integrated Labour Force Survey (ILFS, 2006), the employment to population ratio in Zanzibar at 78.4% (84.8% for males and 73.3% for female). In urban areas the employment ratio was below national average which is only 68% i.e. (78.1% for males and 58.9% for female). The MKUZA II targeted to reduce youth unemployment rate to 11.4% by 2015 which was to be achieved through creation of enabling environment including imparting entrepreneurship skills and provision of Labour Market Information to youth. Petty trade, hand craft, construction sector and fishing are the largest employers in urban areas. Most of these activities are carried out informally and uncoordinated. The uncoordinated activities not add little in national wealth because they are not adequately captured in national accounts but also a threat to environment.

3.1.3 Urban Facilities and Services

Potable Water.

The supply and distribution of portable water in Zanzibar is done by the Zanzibar Water Authority (ZAWA). Any development project that will use water during establishment and or operation should be approved by ZAWA. For instance part seven, section 84 (1) of Zanzibar Water Regulation 2007 state that: *“No water supply project or part of it shall be undertaken until (a) Surveying of the proposed project area, (2) Drawings,(3) Bill of Quantity, and (4)Project write-up are done and approved by the Authority”*:- While Section 84 (2) state that: *“No person or institution shall initiate water project and or supply equipment and or materials for water supply project without the technical recommendation and corporation of the Authority in advance”*

However, very often the water supply lines get damaged leading to leakage of water which does not only reduce community access to this important resource but also (and more importantly) may be contaminated by waste water drain from houses, overflow storm water and blocked drainages system thereby increases the risk of Gastrointestinal infections that cause diarrhoea, vomiting, and abdominal pain. It is not clear yet about the actual demand of portable water in urban district but what is clear is the district have not been adequately supplied with this service. Expanding the coverage is also a big challenge given the

increasing population and business establishments in stone town and peri-urban areas that require water and other services.

Access roads

The network of access roads of in Urban District is (as of December 2013) was made up of 68km of urban roads of which 55km are paved and 12 km are unpaved. Among the paved roads, 29km were in very good conditions, 14 km were good, 7km fair, 3 km were poor and 2km were in very poor condition. The narrow streets of the Stone town makes most part of the town in accessible by cars. The ZMC cleaning staff use push carts to take solid waste to the areas that can be taken by trucks for disposal to the dumping sites. The in-adequate repair and cleaning of drainages leads to spilling of waste water around access roads and streets. In order to improve and sustain clean environment there is a need to construct more drainages, regular removal of sand and other solid wastes to allow easy flow of storm water.

Urban transportation

The concentration of social services in stone town area resulted into increased traffic movement in this part of Urban District. All essential service such as hospital, high court, birth and death registration offices, banks, Zanzibar Port, warehouses, main fish landing site and actions, Government ministries and departments, tourism hotels and restaurants are available in stone town. There are also more shops that attract more customers than any other area in Zanzibar. The Stone town Conservation Authority is controlling (though without success) the movement of vehicles inside Stone Town by limiting the weight of car that can be allowed in this area. The increasing number of vehicles entering Stone Town is a big threat to not only the life of buildings but also to the environment and serenity of the Stone town.

Waste disposal sites

With increasing population and peoples' incomes in many cities, local governments are hard-pressed to collect and dispose wastes that could cause higher methane emissions. Globally, landfills and dumpsites are the third largest sources of methane (World Bank 2016). In Philippines example given in the above report about 60 percent of greenhouse gases from waste are generated by towns and cities. The rest is from municipal wastewater (14%), industrial wastewater (13%), and human sewage waste 13percent (World Bank 2016).

The Zanzibar Municipal Council is responsible for collection and disposal of waste from the Urban District. Currently the council is expected to generate around 220 tons of solid waste per day; however, its current collection capacity is only 100 tons per day, which is about of the total waste, generated in the district per day (ZUSP PAD, 2010). The remaining 65 percent of the waste is not properly collected, therefore accumulated, and haphazardly dumped in various places near people's houses. The old Stone Town area as well as the western part of Zanzibar Town is given priority in waste collection services by the Municipal Council by allocating about 80 percent in this areas of workforce due to its importance for the tourism.

The case is almost akin to solid waste management in which stagnant water ponds covering more than 173 hectares are very common and directly affect around 3,645 households (ZOSP PAD, 2010)

According to Zanzibar Sanitation and Drainage Program 1 (2005), all landfills in Zanzibar are of open dumping types in which, waste is disposed with sorting and without meaningful consideration of health standards.

There has been some community initiatives in waste collection and management. For instance, the CBO known as Labayka was operating waste collection points within their communities to avoid crude dumping within the settlements. There are also some private individuals who collect waste from some hotels outside the Zanzibar Municipal Council. These private companies usually use open trucks to collect and dispose waste somewhere in the forest or farms. Similarly, Vikokotoni Environment Society

in Zanzibar Town close to the main market was engaging in cleaning up the streets every morning before they go to work. The Zanzibar Scrapers Environment Association (ZASEA) is a registered NGO in Zanzibar Town established in 2008 to handle recyclable waste fractions. The organization is recognized by the Department of Environment as registered association with around 100 members.

However, the sustainability of this activity is questionable, as the organizations are relying on external aids for financial resources while the ZMC itself is ill equipped to promote and support this kind of community initiatives.

3.1.4 Economic Activities and Livelihoods

Subsistence and source of income for population:

Urban Agriculture

Urban District is by far the most important urban centre in Zanzibar. The district receives an average annual precipitation of between 1,500 to 2000mm mostly from two main rain seasons. i.e. *Masika*(long rain season) which rain from March to May and *Vuli* (short rain season) from October to December). Urban agriculture is a practiced in open places and fairly low density areas in town owned by private individuals or public institutions such as military camps. Such are found in Migombani, Bomani, Maruhubi and Mpandae.

Collectively, there are about **360 acres** of different short term crop in Urban District(*Conversation with Urban District Agricultural Officer*). Leafy vegetables particularly spinach and *Matembele* occupying larger part of the agricultural land in this district. The crops that are grown in negligible quantity are; tomato, sweet peeper, Chinese cabbage, okra, eggplant, onion, cassava and rice.

In most cases farmers rely on tap water from ZAWA supply lines or produce rain-fed conditions. The main challenges with this agricultural land is that some of these areas have become important storm water drains which may flood the area, pollute and contaminate the farm with waste chemicals and harmful microbes and eventually make the harvests unsafe for human consumption. In addition, the existing weak enforcement of laws to control air, water and soil pollution, sewage that discharged untreated into land and is the main concern of urban agriculture in Zanzibar. In addition, the land for agricultural production has been declining because of increasing urbanisation, through horizontal expansion of buildings.

Livestock keeping and business activities

Currently there is no official statistic on the amount and types of animal kept in urban district. The biggest beef and chicken market in Zanzibar (wholesaling and retailing) is found at Darajani. On average about 19,606 cattle and 3,329 sheep & goats are being slaughtered annually at Kisakasaka in urban west region. There is no specialised abattoir for chicken in Zanzibar - mostly slaughtered at Darajani and Mwanakwerekwe Markets. The challenge here is a lack of appropriate infrastructures and regular maintenance services of the market place. For instance, Darajani market drain its waste to the Central sewage system of the Stone Town, but very often the market lack potable water, inadequate cleaning leading to the blockage of the drainage to create unhygienic condition in the market. Unfortunately both agricultural Sector Policy (2002) and Livestock Policy of 2011 are silent on the vital issues pertaining to urban agriculture and livestock keeping in urban respectively; and the land for such production activities.

Fishing and Fisheries activities

Like all other districts in Zanzibar fishery is an important economic activity in Urban District. The district houses the largest fish landing sites and auctions at Malindi, Darajani, and Maruhubi and Kizingo. Malindi, Darajani are also the largest retail markets for fish in Zanzibar. There are also small but formal

fish markets (such as Kwa Haji Tumbo and Mikunguni). Some informal market exist in Magomeni, Jangombe, Saateni and Makadara. These activities and functions are performed by different actors including; Fishers (2,129) who do the actual fish catching, 84 foot fishers (they fish without using vessels), 324 fish mongers and 138 gear repairs. (Table 4): There is high risk of fish contamination with chemical and biological agents discharged from households and industries at various stages of value chain starting from the surrounding sea, landing sites, at auction and retailing sites.

Table 3: Key actors in fisheries value chain in Urban district and type of services

District	Fishers	Foot fishers	Fish mongers	Gear repair	Fish fryers
Urban	2129	84	324	138	20
Zanzibar Total	27187	7384	2141	2061	127

Sources: Frame Survey 2010.

Fishing is not only provides a good source of protein but also a good source of employment and income. The previous Frame Survey (2010) indicated that about 3097 individual were directly employed in the fisheries subsector in urban district (Table xxx). Out of this, 392 were vessels owners, 2,129 fishers, 84 foot fishers, 324 fisher mongers, 238 gear repair and 20 fish fries who fry fish within landing sites. The sustainability of fishing industry require among other things maintenance healthy environment of both in shore and offshore water.

Table 4: Fisheries as a source of employment in Urban district

Types of employment	Vessels owners	Fishers	Foot fishers	Fish mongers	Gear repair	Fish friars	Total
Number	392	2129	84	324	138	20	3087

Source: Extracted from Frame survey (2010)

Petty Trade

Despite the contribution of petty trade to the employment and income in Zanzibar, petty traders themselves have become a nuisance to motorists and pedestrians. They are obstructing the walking pavements along the famous streets in Stone Town such as Mchngani, Darajani, Kiponda and Gizenga Street. Large part of these streets have been occupied by the traders causing unnecessary jam to vehicles and pedestrians. They claim that they have no alternative livelihood or place to do their businesses.

Several attempts have been made to remove petty traders popularly known as 'Machingas' or Jua kali, from Zanzibar, Darajani area. The Government has established a Machinga Complex at Kinazini/Mpigaduri (popularly known as Pinda Mgongo) but most petty traders and mobile vendors them decided not to go there. All of these attempts have hit a snag due to boldness of the petty traders. This is evidenced by the statement made by State Minister Dr. Mwinyihaji Haji Makame said in the House of representative "Our Municipal council staff are beaten and threatened by stubborn hawkers. We need to educate the traders so that they can shift to new place put aside for them," (13 October 2012 Daily News)

These traders drop huge litter of solid waste every day. They sometime throw in solid waste into the drainage system and cause blockage. They do not even provide adequate space and time for ZMC staff to clean up the area properly.

Business and trade

With the exception of agriculture, Zanzibar Town is a centre of all other activities: commercial, administration, social and cultural. The presence of harbour, central fish market, and fish landing, referral hospital, tourist of tourist hotels and restaurants make the Urban District as the business centre for Zanzibar. The area contains the main harbour in Zanzibar for importing and exporting passengers and Cargo. There are also a number warehouses around port and Saateni areas. Some street of stone is full of shops, tours operators and airline; office banks and the likes.

Tourism

Tourism in Urban Zanzibar is mostly done in Stone Town area which is categorised in Tourism Zoning, as Zone 1 (The Zanzibar Commission for Tourism (as cited by RGoZ (2009c). Most of the visitors to the island spend one or two nights in Stone town before or after staying at the beaches in north or east coasts of the Island. According to the Zanzibar Commission for Tourism, there are about 140 tourist hotels in Stone Town that provide accommodations to tourists (ZCT, 2010). The main tourist attractions in this zone are the Old Fort, The Palace Museum, the Anglican Cathedral with old slave market and other historic sites and museums. Others are dhow harbour and Forodhani Garden.

Despite the importance of Stone Town as an important tourism product in Zanzibar, the hygienic and sanitary requirements to support this sector has not been encouraging. The spread of litters of solid waste and spread of liquid waste in the streets due to blockage of drainages system are the normal occurrences in this area.

3.1.5 Social, Health, Cultural Interactions

Zanzibar has many exciting recreation areas to cater for the need of locals and visitors. This includes; Palace Museums, Forodhani park, white sand beach at Forodhani, Ngome Kongwe, Anglican Church Mkunazini, Botanical Gardens, open places for sports and recreation at Maisara, Mnazimmoja, Kariakoo Recreation Park, Mao Zedong and Amani football stadiums. The Challenges is however on to keep these area green and clean, and install and maintaining drainage infrastructures for better management of liquid waste and storm water in these areas.

3.1.6 Cultural Heritage

With respect to historic buildings /structure, the Stone Town of Zanzibar is a typical example of the Swahili coastal trading towns in East Africa. It retains its prominent historical and artistic importance in East Africa, urban stuff and retains contains many architectural buildings that reflects diverse influences underlying the Swahili culture, with a unique mixture of Moorish, Arab, Persian, Indian and European elements dating back to the 19th century. It occupies the most western edge of the Town of Zanzibar with a total area of 96 hectares and buffer zone area of 84.79 hectares which make about 5.4 % of the total area of Zanzibar Town. The Stone Town was declared as World Heritage Sites by UNESCO in 2000. Considerable efforts have been taken by both government (Stone Town Conservation Authority) and non-governmental Organization to work with communities within Stone Town in preserving its heritage and culture. The rehabilitation of Forodhani Park in line with the requirement of Stone Conservation regulations and reconstruction of Mzingani Sea Wall as an iconic sea face of the Stone Town is some of the recent example of these efforts.

3.1.7 Conflict resolution mechanisms

All matters of land disputes in Zanzibar are resolved by provisions in the The Land Tribunal Act, No. 7, 1994; Amendment Act, No 1 of 2008. The Tribunal preside over any land that is acquired and there is a dispute or disagreement relating to land matters such as claims to a right of occupancy and/or possession

in respect of any Land, demarcation of land, the use, development and capacity of land, land valuation and compensation, removal from possession or eviction from land. The Act allows for appeal on the decision of the Tribunal in that any party who is aggrieved by the decision of the tribunal has the right to appeal to the High Court.

3.2 Likely Social Impacts from ZUSP-AF

Within the context of the prevailing conditions at the ZMC below are anticipated direct social and economic impacts relating to overall ZUSP-AF components and activities that may require land take, acquiring land and other assets or restricting access.

Impacts of the ZUSP-AF 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 will be indicated in the entitlement matrix. Four types of losses due to land acquisition are identified in the initial assessment:

- (i) Loss of shelter / relocation of people
- (ii) Loss of Assets or Access to Assets including loss of Land Rights
- (iii) Loss of income sources or means of livelihood of persons using the land or assets
- (iv) Involuntary restrictions of access to resources, property or asset

(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 ZMC 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

At ZMC land is mainly residential land or commercial land. 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.

Loss of Land Rights

Land/houses were formally owned/occupied in the area, ownership could mainly be under either statutory rights of occupancy or customary rights of occupancy and the affected people (owner; lease holder; informal user of the land) will lose these land rights.

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 and squatters may suffer loss of fixed structures but not land on which they are built.

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.

Loss of natural assets used by communities

These are unused farmland and natural vegetated / forested areas - these sections are usually not inhabited however the benefits accrued will be lost to the communities that use them.

(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

(iv) Involuntary restrictions of access to resources, property or asset

In other areas restrictions that prevent / limit access to resources, property or asset will also result in adverse impacts on livelihoods and wellbeing of affected persons. Example includes lack of access/cuts across drains to houses/property.

3.3 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. Most of the sub projects under ZUSP-AF are located in parts of the ZMC 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 infrastructure sectors at the ZMC to be considered under ZUSP-AF including roads drainage, street lighting, and solid waste collection there are no concerted efforts for monitoring the granted rights of ways or rights of occupancy or to observe existing land use plans, thus wayleaves and planned areas are often encroached upon by small business and by landless squatters and in semi-urban setups by farmers, livestock grazers etc..

Based on the AF activities and potential for resettlement described above in Section 1.2.5, the types of project activities have undergone a basic screening based on the categories of social impacts outlined in this section. All sub-projects once designed would have a detailed screening for resettlement impacts and preparation of RAPs where needed:

(i) Loss of shelter / relocation of people: Minimal

There may be a small number of households requiring relocation from the buffer zone of the landfill site. This will be investigated during the design phase once the site buffer is established. No other subprojects would involve full relocation from houses in project areas.

(ii) Loss of Assets or Access to Assets including loss of Land Rights: Minimal

For some subprojects (e.g. drainage improvements, landfill buffer zone) there may be small-scale takings of unfinished house foundations from land encroachers. The landfill site is already a restricted area being a forest buffer zone, and all other projects would take place in existing public sites and rights-of-way therefore impacts on loss of land rights is negligible.

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

Livelihoods may be impacted through temporary relocation from market stalls, or small kiosks and petty traders that have been observed in the areas recommended for urban upgrading.

(iv) Involuntary restrictions of access to resources, property or asset: Moderate

In the urban upgrading works there will be likely temporary restrictions for pedestrian and vehicular access during construction. Parking restrictions have been pointed out as a potential point of contention. The landfill buffer zone is already a restricted area, but is likely used for informal cultivation of fruit trees and other crops. Access would be restricted by the project through fencing and site access points.

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 ZMC and participating urban authorities in Pemba in managing land acquisition and mitigation of resulting impacts. Detailed RAPs, as needed, will be carried out for all project activities that trigger them.

Measures to minimize resettlement impact

The ZUSP already has measures to minimize resettlement by focusing on rehabilitation and upgrading existing infrastructure that do not require taking of new land. The design Engineers will take further measures to minimise resettlement in accordance to best practices and recommendations from the ESMF and later the ESIA process.

- Avoidance strategies such as circumventing settled areas, sensitive / important natural or social / cultural or economic features in order to avoid /minimize extensive resettlement
- Use of existing undeveloped areas available in the ZMC landuse plans

- Relax the required construction standards: in some cases expansion of diameters or extension of lengths of existing roads and drainage channels etc.
- Undertake construction / site clearance after harvest
- Add structures to design (eg. walking slabs, culverts etc) meant to facilitate access and crossing over linear infrastructures such as roads and drainage channels
- Signage, filling pits and restoration of hazardous and disturbed areas,

Proposed management actions for ZMC to minimize resettlement impacts including to establishing / enforcing land use plans and for the sectors to monitor their granted rights of ways. Mitigation measures in this RPF (to be adopted in sub-project RAPs) aim to minimize losses due to land acquisition /landtake through preparation of participatory RAPs.

4.0 ESTIMATED POPULATION, DISPLACEMENT AND CATEGORIES OF AFFECTED PEOPLE

4.1 Approximate Numbers of PAPs

At this stage of preparing RFP, it will be difficult to estimate the number of PAPs due to the reason that, the specific project sites have not yet been established or designs have not been undertaken. It is expected that the project sites will be identified by ZMC, Department of Lands and District Administration officials during project implementation in consultation with village government officials or Shehia and local communities. Due to this, the locations, nature and magnitude of the project cannot be determined before implementation. For each project, which might require physical and/or economic resettlement (this will be assessed through screening processes), the number of PAPs will be established through a resettlement action plan (RAP), which will be elaborated before project implementation. However, for the preparation of this RPF different plans and projects under the ZUSP AF were reviewed and the project impact on land and livelihood is minimal. The landfill is located in a site that used to be a quarry with an existing access road and few encroachments. Initial estimates suggest less than ten households residing in the project area (which has a buffer zone yet to be defined) and several unfinished structures and foundation. The urban upgrading and beautification is strictly done in the existing rights-of-way without any need for new land.

4.2 Displacement

Within the context of the World Bank Project, in compliance with international best practice, a displaced person by the project would be anyone who lives, works or has any socio-economic, livelihoods or cultural ties to the project land, duly impacted by the land take in the area and who experiences any loss of natural and/or communal resources. It should be noted however, that since the level of impact of these group differs so does their level of eligibility and the packages they are entitled to receive. This Resettlement Policy Framework considers the displaced people are those who stand to lose, as a consequence of the ZUSP – AF, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as Crops, fruit trees, grazing land, or important cultural sites, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to mainly government lands currently used as farm

The guidelines of the resettlement policy framework apply to all project construction sites that will be proposed by the responsible authorities to be funded in whole or in part by the World Bank or any other activity funded by this project which would trigger World Bank policy on Involuntary Resettlement. The policy framework applies to all economically and/or physically displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Zanzibar's land compensation legislation.

4.3 Categories of PAPs

Land acquisition for ZUSP – AF may result in negative impacts to different categories of PAPs. Until the exact project location sites are identified/chosen, it will not be possible to estimate the likely number of people who may be affected since the technical details of the project and the associated activities have not yet been developed and are unknown. However, the likely displaced (economically or physically) persons can be categorized into these 5 groups, namely;

4.3.1 Affected Household

A household is affected if one or more of its members is affected by ZUSP – AF activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. This includes:

- a. Any members in the households, men, women, children, dependent relatives and friends, tenants;
- b. Vulnerable individuals who may be too old or ill to farm along with the others;
- c. Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
- d. Members of households who may not eat together but provide housekeeping, or reproductive services critical to the family's maintenance; and
- e. Other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the “household”.

4.3.2 Affected Individual

An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources because of the ZUSP – AF activities and to whom compensation is due. For example, an affected individual is a person who farms a land or works and lives on a farm, pastoralists whose routes have been altered, or a person who has built a structure on land that has been demarcated and is now required by the ZMC. This will include affected individuals who have economic activity on customary land.

4.3.3 Vulnerable Households

Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them. This provides for:

- a. Women headed households– may depend on husbands, sons, brothers, or others for support. However, in other cases too, women are the main breadwinners in their household even where the men have remained with the family. Women therefore need relatively easy access to health service facilities, as mothers and wives. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.
- b. Elderly – elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even

small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbours.

- c. Chronically ill persons – e.g HIV/AIDS, tuberculosis etc. Relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government (central and local), international organizations and the NGO community.
- d. Orphans – due to the impacts of the AIDS crisis that plagues Tanzania today, there are a considerable number of orphaned children, whose parents have died from aids. These children today fall into three categories of care; (i) those being looked after by an uncle, aunt, grandparents or other close relative, (ii) those being looked after by the government, local authorities or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and because they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as paraffin selling, artisanal mining, water selling, exploitative employment etc.

These groups that could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when the project sites are identified and PAPs listed:

- a. Special consideration should be paid to these groups by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;
- b. The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
- c. Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood;
- d. The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;
- e. RAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;
- f. Decisions concerning them should be made in a timely fashion taking their needs, concerns, inputs and choices into consideration.

5.0 ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF PROJECT AFFECTED PERSONS

This section presents eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people. The criteria discussed below attempts to cover all categories of PAPs that may arise during the project implementation to minimize impacts of either economic or physical displacement on PAPs.

5.1 Principles

The involuntary taking of land results in: relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Therefore meaningful consultations with the affected persons (directly and through representatives), local authorities and communal leadership allows for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance.

The World Bank OP4.12 suggests the following three criteria for eligibility;

- a. Those who have formal rights to land (including customary/communal land , traditional and religious rights, recognized under Zanzibar Law).
- b. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the national and local laws of Zanzibar or become recognized through a process identified in the resettlement plan.
- c. Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from, but are recognized under World Bank OP 4.12.

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the management committees in close consultation with the potential PAPs, local community leaders and the Department of Lands and the ZMC and acceptable to the World Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land.

Therefore, it is clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

5.2 Eligibility Criteria

PAPs may be classified in one of the three groups listed in Section 4.0. The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area as well as input from community leaders. Municipal Administration and Department of Lands concerned with land ownership and management will also hold discussions with the contracted service providers to ensure that appropriate recourse is provided for PAPs. PAPs covered in (a) and (b) are provided compensation for the land they lose, and other assistance ensuring that they are:

- i. Informed about their options and rights pertaining to resettlement.
- ii. Consulted on, or offered choices among, and provided with technically and economically feasible resettlement.
- iii. Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date.

Persons who encroach on the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance. There will be a package of compensation and other resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy. Eligibility criteria will also be determined by:

- i. Loss of property or other assets
- ii. Loss of wages or livelihood
- iii. Cut- off date.

5.3 Categories of Eligible Individuals

Eligible individual(s) are whose land or other assets have been acquired involuntarily which results in:

- a. Relocation or loss of shelter by the persons residing in the project area;
- b. Loss of assets or involuntary restriction of access to assets including national parks, protected areas or natural resources; or
- c. Loss of income sources or means of livelihood because of the project, whether or not the affected persons are required to move.

Therefore, displaced persons in the following two groups are entitled to compensation for loss of other assets taken for the project purposes:

- i. Persons with formal legal rights
Those that have formal legal rights to assets recognized under the laws of the country. This category will generally include people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood because of the project activities;
- ii. Persons without formal legal rights
Those who may not have formal legal rights to assets at the time of the census but can prove that they have a claim such as identified assets that would be recognized under the customary laws of the country. This category may also include those people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land (e.g. graveyards, sacred forests, places of worships). This category may also include sharecroppers or tenant farmers, seasonal migrants or nomadic families losing user rights, depending on the country's customary land use rights. Additionally, where resettles lose access to resources such as forests, waterways, or grazing lands, they would be provided with replacements in kind.

iii. Persons with no recognizable legal right or claim to the land

A third group of displaced persons are those who have no recognizable legal right or claim to the land they are occupying in the project area and who do not fall in any of the two categories described above. This category of displaced persons, will be entitled to resettlement assistance in lieu of compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.), provided they occupied the project area prior to a cut-off date established by the borrower and acceptable to the Bank.

At the minimum, under the Bank's policy (with no contradiction to the borrower's legislation), land, housing, and infrastructure should be provided to the adversely affected population, including indigenous groups, ethnic, linguistic and religious minorities, and pastoralists who may have usufruct rights to the land or other resources taken for the project. The cut-off date must clearly be communicated to the project affected population. Persons who encroach on the project area after the cut-off date are not entitled to any form of resettlement assistance.

5.4 Eligibility for Community Compensation

It is also important to note that the eligibility may be claimed collectively e.g. as a Village or religious group and does not necessarily have to be individuals or families. Villages (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of Village compensation could be for market places, schools and health centre. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored. Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by Department of Lands, ZMC. The key information providers include, Municipal Administration and Sheha. Other potential PAPs include identified farmers, businesspersons and executives, women leaders and other leaders of social groups (Table 2).

5.5 Entitlement Matrix for Various Categories of PAPS

The entitlement matrix below provides guidance for eligibility and entitlement according to this RPF. This can be used as a template for ZUSP-AF subproject resettlement process, but must be amended to be appropriate to the situation and to incorporate discussions and agreements with affected stakeholders and participating Government authorities.

Table 5: Entitlement and compensation matrix

Asset Acquired	Type of Impact	Person Entitled	Compensation Entitlement
Agricultural Land		Farmer/title holder	<p>. Replacement of land for land with the same productive potentials where feasible for the entire landholding. The replacement land should have equivalent secure tenure status at an available location. Transfer of the land to the PAP shall be free of costs.</p> <p>Relocation assistance (costs of shifting trees + allowance up to a maximum of maturity of the affected trees and crops).</p> <p>. If agricultural land affected is less than 20% of the total holding compensation can be in cash equal to replacement cost of land lost.</p>
		Tenant/lease holder	Cash compensation equivalent to average mature and harvested crop, or market period of tenancy/lease agreement, whichever (costs of shifting plus allowance).
		Agricultural worker	Cash compensation equivalent to local Relocation assistance (costs of shifting or moving) Assistance in getting alternative employment.
		Business Holder is Title holder	<p>Cash compensation for affected land equal to replacement cost is chosen by the owner.</p> <p>Opportunity cost compensation equivalent on tax records for previous year (or tax estimates where such records do not exist).</p> <p>Land for land replacement in equivalent size and market potential with location that is acceptable to the PAP and is free of taxes, registration & other costs.</p> <p>Relocation assistance</p>
		Business owner is lease holder	<p>Opportunity cost compensation equivalent to income based on tax records for previous year (or tax estimates where such records do not exist).</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/lease of alternative months to re-establish the business.</p>
Residential and any other Land		Title Holder	<p>Land for land replacement or compensation in cash in full replacement cost, taking into consideration the market value, according to PAP's choice.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
		Lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p>

			Relocation assistance (costs of shifting + allowance)
Structures	Displacement: Premise used for residence partially or severely affected, in the latter case the remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law/s	Owner	If partially affected, cash compensation for affected building for its full restoration if chosen by the owner.. In addition, cost of accommodation for the duration of restoration.. If the remaining is not viable for use, cash compensation for entire structure based on the ongoing market value without including depreciation, or alternative structure of available location, which is acceptable to the PAP. Right to salvage materials without deduction Relocation assistance (costs of shifting Rehabilitation assistance if required training)
		Rental/lease holder	Disturbance compensation equivalent to Cash compensation for affected assets by the tenant – e.g. a fence) Relocation assistance (costs of shifting and rental costs equivalent to 3 month) Assistance to help find alternative rental Rehabilitation assistance if required training)
		Squatter/ Informal dwellers and encroachers)	Cash compensation for affected structure Right to salvage materials without deduction Relocation assistance (costs of shifting accommodation preferably in the community with the assistance of the project Community Based Organization (CBO). Alternatively, assistance to find accommodation for squatter settlement
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to income lost till an alternative site is found.(an estimate of income based on similar vending activities) or the relocation allowance, (costs of shifting) Assistance to obtain alternative site to relocate
Business owners		Loss of Profit Business owners/or business tenants	Loss of profit calculated based on the opportunity cost equivalent to tax records for previous year (or tax estimates where such records do not exist). Opportunity cost compensation equivalent tax records for previous year (or tax records estimates), or the relocation allowance,
Standing Crops	Crops affected by land acquisition or temporary	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average mature and harvested crop. This calculated based on the value of stable crops to be taken as the highest market price (over 3 years). (see 6.6.2 and 6.6.5)

	acquisition or easement		
Trees	Trees lost	Owner	<p>Following are measures to be taken if trees are affected:</p> <ol style="list-style-type: none"> i. Replace subsistence Economic Trees/ Fruit (e.g. Coconuts, Cloves and mango) production yields as quickly as possible. ii. Provide subsistence farmers with trees to extend the number of months of the year during which the fruit are produced and can be harvested as a supplemental source of food for their families during dry season iii. Provide cash payments to farmers to replace pre-project income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income.
Other assets: such fences, and livestock (primarily small animals like chicken and goats since there is no pastoralism in Zanzibar)			<p>Cost of investment and the value of the assets lost. The PAPs have the right of salvage without reduction of the compensation amount..</p> <p>For domestic animals cost of moving and loss of profit during the transition. If it is not possible to keep animals in the new place then the value of the animals in cash plus the value of the product from those animals at the highest market price (over 3 years), as it is the case of the crops. The owner is entitled to keep and sell the animals even after compensation.</p>
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected or used and trees removed
Vulnerable groups		<p>Living with their families</p> <hr/> <p>If vulnerable person lives along</p>	<p>Additional cash and other assistance i.e., assisting with moving, to accommodate them during resettlement or transition period while the family rebuilding its home or resettling to a new areas</p> <hr/> <p>Assistance with moving, restoring of his or her life, assistance with rebuilding. Local Community Based Organization working with the project should determine the needs of each vulnerable person and suggest appropriate assistance in concertation with the affected vulnerable person.</p>

5.5.1 Loss of property

This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labour valuation. In cases where the loss is partial then disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property is replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

5.5.2 Loss of wages and income

There are persons who will lose their income due to the ZUSP. Workers losing employment in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the ZUSP – AF project while waiting employment. In difficult cases, local administration such as District Commissioners and Shehas may be used to judge eligibility as well as Shehia committees.

5.6 Method to Determine the Cut – Off Dates

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the ZMC with assistance of local Administration and Department of Lands have identified the required area for project implementation and when the socio-economic study has taken place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut –off survey can estimate investment, which should be compensated for in lieu of expenses (including labour) incurred until the cut – off date.

Considering that the majority of sites to be chosen may most likely be government land with temporary occupation for those using them as farms, a cut- off date would be of great use to avoid induced occupation by illegal PAPs. The establishment of a cut-off date is required to prevent opportunistic invasions /rush migration into the chosen land thereby posing a major risk to the project. Therefore, establishment of the cut-off date is of critical importance. Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP's, signs that inform public of intended use of site, security patrols to identify opportunistic invaders etc.

This date is to be chosen in close consultation with the Municipal Administration (including Shehas) and Department of Lands as soon as possible after the affected land is identified. This process must be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAP's and surrounding Shehias (local communities). The local community will play a crucial role in identifying users of land.

6.0 METHODS OF VALUING AFFECTED ASSETS

This chapter sets out the detailed requirements for determining the value of affected assets.

6.1 Framework for Valuation

Valuation methods for affected land and assets would depend on the type of assets found on the piece of land in question. The land asset types identified under Zanzibar Law are:

- i. Government Land defined by the Land Tenure Act No. 12 of 1992, which refers to land confiscated after the Zanzibar Revolution of 1964.
- ii. Private Land as defined by Section 7 of the Land Tenure Act 1992 and in accordance with the requirements of the Land Adjudication Act and the Registered Lands Act of Zanzibar.

In either of the two scenarios above, the ZMC under whose docket the project is placed undertakes compensation for any loss accruing to individuals or community, whether its land, crops or access to a resource.

Government owned land may be allocated free to ZMC by the Minister responsible for land administration (perhaps except for processing and registration fees), the ZMC would be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by farmers or for instance grazed upon, settled upon or otherwise being used. “Privately” owned property, would have to be acquired at the market value. The guiding principle is that whoever was using the land to be acquired would be provided other land of equal size and quality.

The ZUSP – AF will require in the most cases, the use of Government lands. Therefore, valuation methods for affected land and assets would depend on the type of use of the land in question. Land assets would be valued according to the valuation methods described below and compensation paid for. The ZMC would compensate for assets and investments, including labour, crops, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. The market prices for cash crops would have to be determined. Calculations for compensation would not be made after the entitlement cut-off date in compliance with this policy. For community land held under customary law, the permanent loss of any such land will be covered by community compensation, which will be in-kind, only. However, because the bank policy on resettlement, OP4.12, makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. 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.

6.2 Valuation procedure

The Use of Standard Valuation Tables

Due to the localized nature of projects, it would therefore be unwise to deploy an individual valuation expert in each case. It is therefore proposed that an evaluation expert is contracted by the ZMC at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or district level (e.g. the Program Social Mitigation Officer or Environment and Social Officer). This standardized procedure would include a series of ‘look-up’ tables for estimating asset value by type according to the approximate size and condition of the existing asset.

The tables would necessarily be developed using legally acceptable valuation procedures accepted by both the RGZ and World Bank for purposes of fairness and consistency. The approach will consider

replacement costs and types and levels of compensation under the Zanzibar laws and valuation of lost assets will be made at their replacement cost as discussed in Section 6.5.1 of this RPF.

6.3 Preparation of Asset Inventory

In order to prepare an inventory of assets for a sub-project, a household survey team would visit the affected area to carry out an asset valuation survey. The team would be led by an appropriate project representative, Zanzibar Municipal Council representative, Local Sheha, a representative of the PAPs, a representative of the Department of Lands, the Local Councilor and a village representative (collectively referred to as the Compensation Committee)

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will say when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

6.4 Payments of Compensation

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 (Table 2).

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 local administration. Local banks and micro finance institutions should work closely with the local administration at this level to encourage the use of their facilities. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the ZMC and the LGAs.

6.5 Valuation Methods to be Adopted

6.5.1 Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

6.5.2 Gross Current Replacement Cost

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

6.5.3 Other methods

6.5.3.1 Rates from Contractors

When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

6.5.3.2 Schedule of rates from the Departments of Agriculture, Lands

The Departments of Agriculture and Lands have schedules of rates for preparing estimates for compensation of acquired land and lost crops and trees respectively, while department of construction could provide costs for construction materials and labour, which the appointed Resettlement Service Providers could use to undertake assessment. When applied to calculation of replacement cost (see above), rates current for the period of actual replacement must be used.

6.6 Calculation of Compensation by Asset

The methods of calculation, which should be adopted, for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case-by-case valuations in the case of projects that have significant impacts are as follows:

6.6.1 Compensation for Land

Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land labour and crop loss. For this reason and for transparency “Land” is defined as an area or Homestead:

- i. In cultivation
- ii. Being prepared for cultivation, or
- iii. Cultivated during the last

This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labour. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but 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 as well as the market price of the crop lost.

Land measurement

For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers. Therefore, in rural areas if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs.

The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement for him/herself, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas. For instance, a farmer losing a certain piece of land should know exactly how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost, determinable by the farmer.

6.6.2 Calculation of Crops Compensation Rate

The current prices for cash crops would have to be determined. All crops to be compensated using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labour) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period. The rate used for land compensation is to be updated to reflect values at the time compensation is paid. The following example, which is based on 2003 data, derives a total value for a one-hectare land from the value of the crops on the land and the value of labour invested in preparing a replacement land

Crop values will be determined based on:

- i. A combination of staple foods and cash crops. Specifically, the 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.
- ii. The value of staple crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of these factors:
 - 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.
 - 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.
 - Averaging the highest price of staple foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.
- iii. The labour cost for preparing replacement land is calculated on what it would cost a farmer to create a 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.

6.6.3 Compensation for Buildings and Structures

Compensation will be paid by replacing structures such as huts, houses, farm outbuildings, 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. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for the types of indicative structures that are listed in Table 10.

- i. Abandoned because of relocation or resettlement of an individual or household
- ii. Directly damaged by construction activities.

Replacement values will be based on:

- i. Drawings of individual's house and all its related structures and support services,
- ii. 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.),
- iii. Prices of these items collected in different local markets,
- iv. Costs for transportation and delivery of these items to acquired/replacement land or building site,
- v. Estimates of construction of new buildings including labour required.

Buildings and structures will be replaced by an equivalent structure or, on an exception basis, cash and/or credits will be paid based on replacement costs.

Table 6: Compensation for buildings and structures

House	Raw or Baked brick, Straw or tin roof, Varying sizes (small, medium large)
Kitchen	Open, closed
Stables/sheds/pens	Cattle, goat, donkey, sheep, other
Coops	Chicken, duck, other
Fence	Straw/poles (per unit poles & mat), raw and/or baked brick/cement blocks (per 1-m length)
Latrine	Replacement latrines will be similar to those currently operational and financed by the World Bank or other donor agencies at health centers, schools
Open well	Internally lined with concrete rings and provided with a hand
Storage building	Cement/sand block walls with thatched roof on z-profiled metal sheets.
Sun Screen open huts/shades	Similar to those replaced, on thatched roof on wood poles.

6.6.4 Compensation for Sacred Sites

Subprojects will avoid impacts on sacred sites, which include but not restricted only to altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads/village government the use of sacred sites for any project activity is not permitted under this project.

6.6.5 Compensation for vegetable gardens

Gardens are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family displaced (economically or physically) because of the project land needs will have to purchase these items in the market. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

6.6.6 Compensation for Horticultural, Floricultural and Economic/ Fruit trees

Zanzibar's has a highly conducive weather for growing of economic and fruit trees like Coconuts, Mangoes, Cloves among other coastal fruit trees which are almost found in every farm. Where they exist

on affected land the following example, on Mango trees for instance will serve as a guide on how to value fruit trees and other trees of nutritional, medicinal and other significant economic value.

They are primarily important as a source of:

- i. Subsistence food for families
- ii. Cash produce that contribute to the local and export economy
- iii. Petty market income in some areas, and
- iv. Shade (in the case of mango and some guava trees).
- v. Traditional medicinal value.

Given their significance to the local subsistence economy, which this project intends to positively impact, fruit trees will be compensated on a combined replacement/market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households chose to resettle, they will be compensated for the labour invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labour costs. The compensation rate will be based on information obtained from the socio-economic information. Based on the information, a compensation schedule for trees can be developed incorporating the following goals:

- iv. Replace subsistence Economic Trees/ Fruit (e.g. Coconuts, Cloves and mango) production yields as quickly as possible.
- v. Provide subsistence farmers with trees to extend the number of months of the year during which the fruit are produced and can be harvested as a supplemental source of food for their families during their “hungry season”
- vi. Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods.
- vii. Provide cash payments to farmers to replace pre-project income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income.

6.6.7 Other domestic fruit and shade trees

These trees have recognized local market values, depending upon the species and age. Individual compensation for wild trees “owned” by individuals, who are located in lands as defined in this policy, will be paid. Note that wild, productive trees belong to the community when they occur in the true bush as opposed to a fallow land. These trees will be compensated for under the umbrella of the village or community compensation. No compensation will be paid for minor pruning of trees.

7.0 ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

A number of organizations and institutions will be involved with RAP implementation processes at different levels and times. However, the overall coordination of RAP activities will be under the sewerage and Drainage department and other institutions and organizations that have the legal obligations to carry out functions related to resettlement and or compensation including various local authorities.

7.1 Responsibility of Stakeholders

- i. Zanzibar Municipal Council in collaboration with ZUSP – AF will be responsible for implementing the RAP
- ii. ZUSP - AF will support sensitization of stakeholders on RAP, preparation of monitoring of RAPs;
- iii. ZUSP – AF will sensitize communities on RAP, provide technical support in preparation of RAPs, screen and appraise and monitor the implementation of RAPs;
- iv. Communities, Shehia affected groups as the final owner of land, landed properties and assets to be acquired or affected will be the participants in the process;
- v. Independent NGOs and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process. The NGOs will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, to facilitate the completion of RAP;
- vi. ZUSP - AF shall set up Resettlement Committee comprising representatives of key Ministries and a local NGO involved in similar projects.
- vii. External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:
 - Resettlement conditions where relevant;
 - Consultation on compensation options, process and procedures;
 - Adequacy of compensation; and
 - Adequacy of specific measures targeting vulnerable people.

The following committees shall be established under the Ministry of Finance together with Special Departments and representation from the PAPs / Shehia.

Table 7: Committees for grievance redress mechanisms

Resettlement Committee	Compensation Committee	Grievances Redress Committee.
<ul style="list-style-type: none"> • ZUSP - AF- Coordinator (Chair) • Representative of District Commissioner • Representative of ZMC • Representative of Ministry of Lands • Consultant • Representative of a local Administrators / Shehia • Representative of PAPs 	<ul style="list-style-type: none"> • Principal secretary of Ministry of Finance (Chair) • Representative of District Commissioner • Representative of ZMC • Representative of Ministry of Lands • Consultant • Representative from the ZUSP - AF of the Ministry of Finance • Valuer • Representative of PAPs 	<ul style="list-style-type: none"> • District Commissioner (Chair) • Representative of ZMC • Representative of Ministry of Lands • Valuer • Representative from ZUSP – AF of the Ministry of Finance • Representative of PAPs • Representative of a local NGO

7.2 Project Resettlement Coordination Unit

The role of this unit is to ensure the smooth and timely implementation of the Resettlement Action Plan. This team will also supervise, manage and support the tasks of the community and compensation teams. The coordinating unit will also resolve any problems related to coordination of the other units.

7.3 Community Liaison and Grievance Redress Officer

The community liaison and grievance redress officer will be working under the RCU. From a community liaison perspective the key objective of this officer is to ensure good project relations with both the PAPs and local residents of the affected areas. The officer will be responsible for informing the PAPs and local residents about the resettlement and compensation process.

The detailed tasks of the community liaison and grievance redress officer in relation to Community liaison officer tasks will be to:

- i. Prepare and distribute notices of meetings at least one week prior to the meetings to local leaders and media such as radio, TV and newspapers. Notices should be distributed in Kiswahili;
- ii. Organize meetings with local government leaders at the village level and distribute notices for general meetings to local government leaders, NGOs and villagers;
- iii. Distribute notices, press releases at various points (such as at local government offices, markets, schools, churches and mosques);
- iv. Meeting with the Shehias to explain the land acquisition process and to answer questions about the process
- v. Select appropriate locations for use as payment centres for compensation payments;
- vi. Explain the compensation payment process including the benefits of using a bank and the role of the Bank.

On completion of the socio-economic study and the baseline census the ZMC will prepare a Resettlement and Compensation Plan (RAP) for each site that is affected by resettlement and compensation. There will be as many RAPs depending on the type of subproject to be implemented. The RAPs shall be prepared by the ZMC with the support of technical service providers for projects that have been determined to result in potential involuntary resettlement and/or land acquisition.

Once the project RAP have been prepared, The ZUSP - AF, will forwards the RAP together with the modified designs (if any) for screening and approval to the respective Departments of Land and Environment in compliance with the local planning laws and ZUSP – AF institutional and administrative requirements. All project construction activities that trigger OP4.12 and their resettlement plans would be subject to the final approval of the World Bank to ensure compliance with bank safeguards. Thus ensuring that before land is actually acquired or access to resources is lost, denied or restricted, that the individual resettlement plans are consistent with this RPF.

Approval of funding for any project construction activities that needs to acquire or use land under the ZUSP – AF, the ZMC must first comply with all local laws and seek clearance of the Department of Lands to use/acquire the land for that purpose, consistent with the provisions of this RPF. For investments on land that is already owned or in use by the ZMC, funding will be released once it is satisfied that the provisions of this RPF were met in cases where OP 4.12 apply.

Furthermore, the ZMC should as a guideline considers the cumulative factor and not approve multiple sites that have individual high impact intensity. For example, where land acquisition is required to such an extent that it would require more than 20% of a community's or individual's total land under use or when the mitigation measures are so cumbersome that their efficacy cannot be predetermine or they cost more than 15% of the investment budget.

Before the decision to approve a site is taken, the ZMC would need to approve or disapprove the resettlement and compensation plans of the construction program in totality with the overall environmental and social screening process that has been applied for each of their proposed investments and to also approve or disapprove of the proposed mitigation measures, if any. The ESMF contains the environmental and social screening process.

The Capacity of the ZMC that is charged with the responsibility of coordinating the implementation of the ZUSP - AF will be built by training and by providing technical assistance to allow the ZMC, the Department of Land and Environment to screen their proposed construction program for environmental and social concerns. This training will also include the capacity to develop mitigation measures to meet environmental and social impacts and to prepare implementation of such measures.

8.0. METHODS FOR CONSULTATION WITH AND PARTICIPATION OF AFFECTED PEOPLE

Public consultations in relation to each RAP must occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach will be adopted as an on-going strategy throughout the entire project cycle. Public participation and consultations will 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. There are three main phases:

- i. **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 special groups such as women, business people as well government institutions will be consulted.
- ii. **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 will be applied.

- iii. **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.

9.0 A DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS

Grievance redress mechanisms are essential tools for facilitating PAPs to voice their concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are fundamental to achieving transparency in the acquisition and resettlement processes

In practice, grievances and disputes that are most likely during the implementation of a resettlement program are the following:

- Misidentification of assets or mistakes in valuing them;
- Disputes over plot limits, either between the affected person and the Project, or between two neighbors;
- Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset);
- Disagreement over the valuation of a plot or other asset;
- Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
- Disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement plot; and
- Disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements. .

The overall process of grievance is as follows:

- i. Compensation committees including representatives of PAPs will establish the compensation rates using institutionalized informed sources for valuation rates.
- ii. During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances.
- iii. The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. An example of a grievance redress form is provided in Annex B.
- iv. The project will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.
- v. The response time will depend on the issue to be addressed but it should be addressed with efficiency.
- vi. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife where applicable. Should a PAP refuse the compensation suggested, he/she could appeal to the local Resettlement Committee of ZMC.
- vii. A Compensation Committee and Department of Lands at the local level will first revise his/her case.

- viii. Then the Compensation Committee will draft its inclusions and submit them to the Resettlement Committee for deliberation in the aim of settling the differences.
- ix. And when these have failed the individual PAP has the right to take his case to the civil courts for litigation

In order to deal with the grievance that may rise during the implementation of the RAP, there is need to incorporate a grievance redress process with Resettlement Committee, Regional Administration and with PAPs representatives committee to hear the complaints and provide solutions, and reduce unnecessary litigation by resolving disputes through mediations.

9.1 Grievance Redress Process

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and households would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, administered as far as possible at the local levels to facilitate access.

The Ministry of Finance being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non- fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the Resettlement Committee and the Regional Administration should the former fail to yield results.

If the verdict rendered by the Resettlement Committee is not acceptable to either the individual affected or the Zanzibar Municipal Council, then the parties in their compensation contract would have agreed that the matter would be appealed to the Regional Administration and other higher levels.

The grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under statute. The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the Tribunal /law courts for resolution which would otherwise take a considerably longer time. Also, in the local communities it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up one two months after surrendering their assets to set forth their case.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their Sheha who is the government representative at the village level. The Sheha will inform and consult with the Resettlement Committee, to determine claims validity. If valid, the local Sheha will notify the complainant and s/he will be settled. If the complainants' claim is rejected, then the matter will be brought before the Regional Administration for settlement. The decision of the Regional Administration would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

If a complaint pattern emerges, the ZMC, Regional Administration and the Department of lands will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. The ZMC, the Regional Administration and Sheha will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins

9.2 PAPs Representative Committee

PAPs Representative Committee shall carry out the following as regard to redressing grievances:

- i. Hear the grievances of the PAPs, and provide an early solution to those they able to
- ii. Immediately bring any serious matters to the attention of the Resettlement Committee
- iii. Inform the aggrieved parties about the progress of their grievances and the decisions of the Resettlement Committee.

A Grievance Redress Committee will be constituted to register the grievance raised by the PAPs and address the grievance forwarded by the PAPs representative committee. The Grievance Redress Committee will try as much as possible to arrive at a compromise for the complaints raised. This may be obtained through series of conciliations, mediations and negotiations exercises conducted with the PAPs.

If PAPs accept the recommendations made by the committee, the committee along with PAPs who are willing to take part in these proceedings may hold mediations at the appointed places. In situations where PAPs are not satisfied with the decision of Grievance Redress committee, the PAPs can approach the Tribunal/ court of law. The response time for cases handled in both committees will depend on the issues addressed but it should be as short as it is possible.

10. BUDGET AND FUNDING ARRANGEMENT

Resettlement activities in Zanzibar will be financed through a number of arrangements, namely: Government budget; loans borrowed from the domestic market by governments; loans borrowed from development partners; and grants. In the case of ZUSP – AF projects, the resettlement budget will be financed through a credit finance advanced to the Revolutionary Government of Zanzibar by the World Bank under the ZUSP – AF project.

10.1 Resettlement Funding

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs/details have not yet been developed and land needs have not yet been decided upon. When these locations are known, and after the conclusion of the site specific socioeconomic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The Ministry of Finance, ZMC will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the ZUSP – AF. This budget will be subject to the approval by ZMC.

Each RAP will include a detailed budget, using the following template in Table 12.

Table 8: Template for budget details

S/n	Item	Cost	Assumption
1	Compensation for loss of Land	No. hectare	For land acquisition purposes, based on cost realized in projects involving similar issues in Tanzania
2	Compensation for loss of Crops	hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops as per methods described in Section G of this RPF
4	Compensation for Buildings and Structures		This compensation would be in-kind. These new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage.
5	Compensation for loss of business or profit.	Business owners or tenants.	Calculated based on the opportunity cost equivalent to tax records for previous year (or tax estimates where such records do not exist). Opportunity cost compensation equivalent tax records for previous year (or tax records estimates), or the relocation allowance, Relocation assistance (costs of shifting) Assistance in rental/lease of alternative months) to re-establish the business .

6	Compensation for Trees	/year/tree	Based on methods described on page 39 – 41 of this RPF for compensation for trees.
7	Cost of Relocation	/household/	This cost is to facilitate transportation, etc.
8	Cost of Restoration of Individual Income	.	Assumed to be higher than the GDP/capita
9	Cost of Restoration of Household Income	.	Through employment in Program Activities
10	Cost of assisting vulnerable groups		As described
11	Cost of Training Farmers, and other PAPs		This is a mitigation measure, which seeks to involve those affected by the project activities. This figure represents a costs of around TSH/person

10.2 Indicative Budget

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows:

Table 9: Tentative budget

Budget item	Amount (USD)
Preparation of RAPs	
Compensation for land	
Compensation for immobilization and other assets	
Assistance for transportation and other allowances	
Cost of supervision	
Cost of independent audit	
Contingencies	
Total estimated budget	

**This budget is indicative and will be adjusted as needed during implementation and in accordance with the results of the surveys and socioeconomic studies that will be conducted the RAPs.*

An example of a RAP budget outline can be found in Table 14. 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
- Other donor funding

Table 10: Indicative outline of the RAP budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			

Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			
S/n	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Tanzanian average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops and Tanzanian market prices
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for loss of businesses		See above budget table
7	Compensation for Trees	/year/tree	Includes costs of labour invested and average of highest price of trees (and tree products) and Tanzanian market prices
8	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
9	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Tanzania
10	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
11	Cost of Training PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities

11.0 MONITORING ARRANGEMENT

Monitoring of Resettlement Action Plan is a key component in project implementation to ensure that all proposed action in the plan brings the expected results. In order to ensure effective monitoring it is important to develop monitoring indicators. The arrangements for monitoring would fit the overall monitoring plan of the entire ZUSP, which would be through the Zanzibar Municipal Council. The ZUSP – AF will institute an administrative reporting system that:

- i. Alerts project authorities to the necessity for land acquisition in projects design/application package and its technical requirements,
- ii. Provides timely information about the valuation and negotiation process,
- iii. Reports any grievances that require resolution, and
- iv. Documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

Consistent with the Environmental and Social Management Framework (ESMF) the ZUSP/PMT and Construction Engineer would be responsible for periodically transferring the information compiled “on the ground” to the ZMC, so that it is alerted in a timely manner to any difficulties arising at the local level.

The objective will be to make a final evaluation in order to determine:

- i. If affected people have been paid in full and before implementation of the sub project activities,
- ii. If the people who were affected by the program have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are they are actually poorer than before.

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success:

- i. Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- ii. The local communities remain supportive of the project.
- iii. The absence or prevalence of conflicts

11.1 Monitoring of RPF Implementation

The Regional Department of lands Officers will compile basic information on all physical or economic displacement arising from the ZUSP - AF, and convey this information to the Ministry of Finance, ZMC, on a quarterly basis. They will compile the following statistics:

- i. No. of sub-projects requiring preparation of a RAP;
- ii. No. of households, and number of individuals (women, men and children) 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. Amounts of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);

- vi. No. of people raising grievances in relation to each sub-project;
- vii. No. of unresolved grievances.

The social mitigation officer in the Ministry of Finance, ZMC will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the ZUSP – AF Manager, and the Department of Lands, if there appears to be any discrepancies.

The financial unit under the Ministry of Finance, ZMC will directly monitor compensation and loss of wages. Financial records will be maintained by the Subprojects and the Ministry of Finance and ZMC to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis, in coordination with the Environmental Audit (as described in the ESMF). The indicators on Table 7 will be used to monitor implementation of the RPF.

Table 11: Verifiable indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation
Pre- project production versus present production (crop for crop, land for land)	Equal or improved production per affected household/homestead
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups	Higher post- project income of vulnerable individuals.

11.2 Storage of PAPs Details

Each PAP household will be provided with a signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.

The Resettlement Committee and Ministry of Finance, ZMC will maintain a complete database on every individual impacted by the project land use requirements including relocation/ resettlement and compensation, land impacts or damages.

Each individual receiving compensation will have a dossier containing:

- Individual biological information
- Number of people s/he claims as household/homestead dependents
- Amount of land available to the individual or household when the dossier is opened.

- Additional information will be acquired for individuals eligible for resettlement and/or compensation:
- Level of income and of production
- Inventory of material assets and improvements in land, and
- Debts.

Each time land is used /acquired by a sub-project; the dossier will be updated to determine if the individual or household/homestead is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

11.3 Annual Audit

The annual audit of RPF implementation will include:

- i. A summary of the performance of each project vis-à-vis its RAP;
- ii. A presentation of compliance and progress in the implementation of the RPF.

The audit will:

- i. Verify results of internal monitoring;
- ii. Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
- iii. Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation;
- iv. Ascertain whether the resettlement entitlements were appropriate to meeting, the objectives and whether the objectives were suited to PAPs conditions.

Annual audit reports will be submitted for review to the World Bank.

11.4 Socio-Economic Monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. It will go on as part of the implementation of each sub-project RAP, to assess whether compensation has been paid, income has been restored and resettlement objectives were appropriate and delivered. Monitoring of living standards will continue following resettlement.

The objective is that the income and standard of living of the PAPs has at least been restored and has not declined. A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, health standards, etc). Proposals are set out in Table 8. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.

For each subproject with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impacts of the social mitigation and measures implemented. In addition, Municipal/Regional

Administration and PAPs will be consulted to provide their assessments of the impacts of social mitigation measures applied.

Table 12: Possible indicators for social monitoring of ZUSP - AF

Indicator	Target
Income Level/Wealth	
Levels of poverty	Elimination of poverty
Total HH income	Increases in Head of Household income to levels that exceed expenditure and ensure livelihood security.
Total HH expenditure	No change or decreases in average expenditure
Health	
Incidence of poor health	Good health rate
Rate of contracted diseases especially malaria	Disease prevention especially malaria and HIV/ AIDS
Infant mortality rate	Prevention of infant deaths
Water borne diseases	Non incidence of water borne diseases

12.0 ANNEXES

Annex A: Template for Preparing Resettlement and Compensation Plan (RAP)

This template is extracted from OP 4.12 Annex A which can also be found on the Banks website at www.worldbank.org. The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to—date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

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

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: An important aspect of preparing a RAP is to establish appropriate socioeconomic baseline data to identify the persons who will be displaced by the individual sub-project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

For each parcel of land that has potential PAPs, the ZMC will request its service providers to carry out (i) a socio-economic study and (ii) a census to identify the potential PAPs on the individual, household and vulnerable groups level and to calculate their household incomes, as the first step in the preparation of the RAPs. An illustrative example of a census survey form is provided in Annex C of this RPF.

The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including;
The PAPs may be classified into three groups:

- i. Those who have formal legal rights to the land they occupy;
- ii. Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national or traditional laws including those measures put in place by the draft land policy; or
- iii. Those who have no recognizable legal right or claim to the land they occupy.

In general, the census consolidates information that

- i. Provides initial information on the scale of resettlement to be undertaken;
- ii. Gives an indication of further socioeconomic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- iii. Establishes indicators that can/be measured later during monitoring and evaluation.
- iv. Identifies who will be impacted and a cut-off date established.

Baseline data for the project area RAPs will include: number of persons; number, type, and area of the houses or other structures to be affected; number, category and area of residential plots and agricultural land to be affected; and productive assets to be affected as a percentage of total productive assets.

- a. The results of a census survey covering;
 - Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
 - 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 formal and informal economic activities) and standards of living (including health status) of the displaced population
 - the magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic
 - information on vulnerable groups or persons, for whom special provisions may have to be made; and
 - 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.

- b. Other studies describing the following;
 - land tenure 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.
 - The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub project
 - Public infrastructure and social services that will be affected; and
 - Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non-governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering,

- a. the scope of the power of eminent domain and the nature of compensation associated with it, in terms of MAFC the valuation methodology and the timing of payment,
- b.) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,
- c. relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,
- d. laws and regulations relating to the agencies responsible for implementing resettlement activities,
- e. gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps, and,
- f. any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

Institutional Framework: The findings of any analysis of the institutional framework covering;

- a. The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation

- b. An assessment of the institutional capacity of such agencies and NGOs; and
- c. Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons 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 in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

- a. Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational 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,
- b. Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
- c. Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
- d. Legal arrangements for regularizing tenure and transferring titles to resettlers.

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

Environmental protection and management. A description of the boundaries of the relocation area; and 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: a description of the strategy for consultation with and participation of resettlers and host communities, including

- a. A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
- b. A summary of the views expressed and how these views were taken into account in preparing the resettlement plan,
- c. a review of the resettlement alternatives presented and the choices made by displaced persons 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
- d. Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and

implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including.

- a. Consultations with host communities and local governments,
- b. Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
- c. Arrangements for addressing any conflict that may arise between resettlers and host communities, and
- d. Any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

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

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

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

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

Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex B: Sample Grievance and Resolution Form

Name (Filer of Complaint): _____
ID Number: _____ (PAPs ID number)
Contact Information: _____ (District/Shehia mobile phone)

Nature of Grievance or Complaint:

Date Individuals Contacted Summary of Discussion

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 C: Sample Household Survey Form

1: Household Survey Questionnaire Identification

- 1.1. Survey Control Number.....
- 1.2. Date of Interview.....
- 1.3. Place of Interview.....
- 1.4. Name of Interviewer.....
- 1.5. Checked by Supervisor.....

2. Basic Profile of PAPs

- 2.1 Name of Interviewee:.....
- 2.2 Physical Address of the Interviewee
 - i. District.....
 - ii. Shehia.....
 - iv. Mob. No.....
- 2.3 Relation to Head of Family (Choose one)
 - i.) Myself [] ii) Wife [] iii) Child [] iv) Parents [] v) Other (Specify) [].....
- 2.4 How Many Years have you been living here?.....

3. Profiles of Head of Affected Household

- 3.1. Name of head of Family
- 3.2 Sex 1. Male, 2. Female
- 3.3 Age
- 3.4 Marital Status: Married [] Unmarried, [] Widow [] Widower [].
- 3.5 What is the highest educational level you attained?
 - i. Never schooling [] ii. Primary school [] iii. Secondary school iv. College/ university []
- 3.6 What other skills did you learn after School?.....
- 3.7 Head of affected household's major economic activities (spend more time)
 - i. Farming (cultivation, husbandry) []
 - ii. Wage employment []
 - iii. Business []
 - iv. Petty trader []
 - v. Others (specify).....
- 3.8. Head of affected household's secondary economic activities (spend more time)
 - i. Farming (cultivation, husbandry) []
 - ii. Wage employment []
 - iii. Business []
 - iv. Petty trader []
 - v. Others (specify).....
- 3.9. Head of affected household's major source of income
 - i. Farming (cultivation, husbandry) []
 - ii. Wage employment []
 - iii. Business []
 - iv. Petty trader []

3							
4							

Land use: 1. Residential plot 2. Agriculture 3. Residential and agriculture 4. Residential and commercial

5. Livestock keeping

Tenure; 1. Owner 2. Tenant

How did you acquire: 1. Purchased 2. Inherited 3. Resettlement programme 4. Allocated by government

Structure type: 1. Permanent 2. Temporal

Tenure: Owner 2. Tenant 3. Non paying resident

Use: 1. Resident 2. Commercial 3. Other use (specify)

5.1 Did you have alternative land ?

(Yes/No)..... location.....

5.2. PAPs housing condition

	Type of flow	Types of walls	Type of roof	Toilet facilities	Energy	Number of rooms
	1. Mud	1. Poles and mud	1. Corrugated iron sheets	1. Flush toilet	1. Kerosene	1. 1-2
	2. Cement	2. Sun dried bricks	2. Tin or metal sheets	2. Pit latrine	2. Solar	1. 3-4
	3. Tiles	3. Burnt bricks	3. Thatches	3. No one	3. Electricity	2. More than 4
	4. Timber	4. Concrete bricks	4. Others (specify)			
	5. Cement and tiles	5. Others (specify)....				
	6. Others(specify).....					