



MINISTRY OF FINANCE (MoF)

URBAN STORM WATER DRAINAGE FOR ZANZIBAR MUNICIPALITY

*Contract N° POFEDP/ZUSP/WB/ZMC/DCSD/CS/06/2011***Phase I : Design review and Updating of Tender Document**

Resettlement Action Plan Final Draft Report



Techniplan

April 2016

REVOLUTIONARY GOVERNMENT OF ZANZIBAR



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*Phase I: Design review and Updating of Tender Document
Addendum no 1 - Review & update of Resettlement Action Plan*

Preliminary Resettlement Action Plan

Final Draft Report

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Rome and Zanzibar, April 2016

PROJECT DATASHEET

1	PROJECT NAME	PHASE I: DESIGN REVIEW AND UPDATING OF TENDER DOCUMENT - ADDENDUM NO 1 - REVIEW & UPDATE OF RESETTLEMENT ACTION PLAN	
2	CLIENT	PRESIDENT'S OFFICE FINANCE, ECONOMY AND DEVELOPMENT PLANNING	
3	CONSULTANT	TECHNIPLAN	
4	SERVICE TYPE	DRAFT RESETTLEMENT ACTION PLAN REPORT FOR URBAN STORM WATER DRAINAGE FOR ZANZIBAR MUNICIPALITY	
5	STUDY OBJECTIVES	General	Develop selected urban infrastructure within the Zanzibar Municipal Council, enhance the physical environment at one public location within Stone Town and strengthen institutional capacity for urban management in Zanzibar.
		specific	The objectives of this RAP are to provide a plan for resolving the displacement, resettlement and/or compensation issues of the project and for ensuring that PAPs are left no worse off than they were before commencement of the systems construction.
6	PROJECT LOCATION	Zanzibar (Unguja)	
7	STAFF DEPLOYED	Project Manager/Resident Engineer, Civil/Site Engineer, Surveyor and Environmental /Social safeguard.	
8	DATE OF SIGNATURE	11th June 2014	
9	STARTING DATE	April 2015	
10	PLANNED DURATION	3 Months	

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PROJECT LOCATION MAP



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List of Acronyms and Abbreviations

ARAP	-	Abbreviated Resettlement Action Plan
ARI	-	Acute Respiratory Infection
CBO's	-	Community Based Organizations
CSC	--	Community Social Committee
COI	-	Corridor of Impact
CORDS	-	CBO Focusing on Environmental Protection
CRDB	-	Cooperative Rural Development Bank
DED	-	District Executive Director
EIA	-	Environmental Impact Assessment
EIS	-	Environmental Impact Statement
EMA	-	Environmental Management Act
ESIA	-	Environmental and Social Impact Assessment
FAO	-	Food & Agricultural Organization
FGD's	-	Focus Group Discussions
GC	-	Grievances Committee
GoT	-	Government of Tanzania
GOZ	-	Government of Zanzibar
GVT	-	Government
HIV/AIDS	-	Human Immuno-Virus/ Acquired Immuno-Deficiency Syndrome
IAP's	-	Interested and Affected People
IBBS	-	Integrated Behavioural and Biological Survey
M & E	-	Monitoring and Evaluation
MoLSD	-	Ministry of Lands and Settlement Development
NACP	-	National AIDS Control Programme
NEMC	-	National Environment Management Council
NGOs	-	Non Governmental Organizations
NMB	-	National Microfinance Bank
OD	-	Operational Directives
OP	-	Operational Policies
PAP	-	Project Affected Person
RAP	-	Resettlement Action Plan
RGoZ	-	Representative Government of Zanzibar
RoW	-	Right of Way
SIA	-	Socio Impact Assessment
SMP	-	Social Monitoring Management Plan
SPSS	-	Statistical Package for Social scientist
STD	-	Sexually Transmitted Diseases
STI's	-	Sexual Transmitted Infections
TACAIDS	-	Tanzania commission for AIDS
TANESCO	-	Tanzania Electrical Company
ToR	-	Terms of Reference
TPB	-	Tanzania Postal Bank
Tshs /TZS	-	Tanzanian Shilling (Currency)
VCT	-	Voluntary Council and Testing
WB	-	World Bank
WHO-GPA	_	World Health Organization Global Programme in AIDS
ZMC	-	Zanzibar Municipal Council
ZUSP	-	Zanzibar Urban Services Project

Definition of Terms

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

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

Those suffering loss of:

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

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

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

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

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

Implementation schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and 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; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in methodology areas outside the jurisdiction of the implementing agencies.

Acknowledgement

We would like to sincerely acknowledge all the Revolution Government of Zanzibar particularly the Ministry of Finance offices especially the Urban Service Department for their cooperation. We thank the District Commissioners, the Municipal Council officials and the entire administrative framework that received us cordially and for availing their precious time to talk to us.

We also wish to acknowledge the various organizations such as, Shehias and their zonal officers who assisted us with valuable information about the worthwhile services offered to the communities and their tireless effort to organize meetings with affected people. Thanks a lot. The work could not be done without your support.

Lastly, we express our heartfelt gratitude to the local communities, who are the key stakeholders of this project and with who's much appreciated cooperation this study has been a success at all levels.

CHAPTER ONE

1.0 Introduction

1.1 Brief introduction about the project

The Revolution - Government of Zanzibar with the financial support from the World Bank, through the Ministry of Finance intends to improve the social service in the Municipality of Zanzibar by implementing the storm water drainage system in the living area of Zanzibar Municipality also providing street light in the old town of Zanzibar.

The width of the drainage will be 9.4 meters including the reserve area while the depth is 5 meters.

1.2 Project Development Objectives:

The ZUSP PDO as written on the Project Appraisal Document is to improve access to urban services in Zanzibar and conserve the physical cultural heritage at one public location within Stone Town.

This will be achieved by: (a) provision of storm water drainage within ZMC outside of the Stone Town; (b) collection and transportation of solid waste; and (c) construction of the Mizingani sea wall and associated promenade within Stone Town.

Project components consist of: 1) Institutional Strengthening and Infrastructure Development in the Zanzibar Municipal Council (ZMC) Area. ; 2) Support to Town Councils on Pemba Island; and 3) Project management. Component one has 6 sub-components and one of them for which is RAP is being prepared is construction of the storm water drainage channels in the areas outside the Stone Town.

The Scope of the RAP

This RAP is prepared for the storm drainage subcomponent. The entire subcomponent includes improvements to and expansion of 19.6km of drainage in the town center and peri-urban areas in six independent drainage systems. This RAP covers four of the six systems (Systems D, E, G, and I). One system, System F, only affects a publicly owned playing field and did not have resettlement impacts. Another system, System C, is the largest and most complex, and a separate RAP is under preparation.

The Municipality of Zanzibar has been experiencing poor drainage system constraints in most of all its residential areas, like Shehias of Nyerere, Mpendae, Kwa Wazee, Sebleni Muungano, Magomeni and Karakana to mention a few. This has constantly forced government authorities and partners to continuously work on drainage network improvement measures but during the rainy season, these areas have been experiencing the same problems which persist to date.

Impacts of ZUSP storm drainage work

Project activities that will give rise to resettlement or land acquisition will include drainage canals and related structures such as bridges, access roads, culverts, and man holes. These structures lead to land acquisition, physical displacement of people, loss of shelter, assets, income sources, and livelihood. Approximately the project will affect:

- Total affected structures is 113,. Out the 113 structures 91are fully affected, however, can be rebuilt in the same area, 7 have to relocated and 15 will be partially affected. Details are shown in table 2.1 below.

- In addition to the structures total of 4,792.47 square meter of land is affected out of which 4,087 square meter equal to 2.85 acres is private and therefor compensated. The rest of 705 square meter is for system F which a public park.
- Total of 884 crops and trees will be affected
- Number of PAPs is 224, some of which only lose crops or tree.

Objective of this consultancy

Initially, the consultancy service undertook the Environmental and Socio-economic Impact Assessment (ESIA) through which both positive and negative impacts were identified and analysed. The purpose of this consultancy is to prepare the RAP and document the impact of the proposed construction works for the upgrading and/or improvements of these drainage. It is against this background that the RAP is prepared to guide the processes involved in resettlement and land acquisitions.

1.3 Objective of the RAP

The objectives of this RAP are to provide a plan for resolving the displacement, resettlement and/or compensation issues of the project and for ensuring that PAPs are left no worse off than they were before commencement of the project. The RAP is intended to be an agreed commitment by the parties involved (e.g. Zanzibar Urban Service project - Revolutionary Government of Zanzibar (RGoZ) and the Project Affected Persons (PAPs) for guiding the implementation of resettlement and/or compensation action for persons affected by the construction and rehabilitation of the drainage channels under the project. Specifically, the objectives of the RAP are to:

- I. Minimize involuntarily taking of the land and impact on livelihoods through modification in design as much as possible; and*
- II. If there are some impacts, as it is the case of this ZUSP, then put mechanisms in place under this RAP to assist the PAPs in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project level.*

1.4 Tasks

- I. Lay down the agreed principles that will apply to the resettlement and/or compensation exercise;
- II. Identify, as far as possible, those people currently living within the proposed channels and who will suffer losses;
- III. Describe the legal and institutional framework for dealing with displacement;
- IV. Provide a general socio-economic profile of the people living in areas where displacement is likely to occur;
- V. Estimate the nature and magnitude of displacement;
- VI. Set out the criteria used to determine eligibility for resettlement, compensation and/or other assistance and what entitlements are due to different categories of project affected persons (PAPs) and for different types of losses;
- VII. Indicate how affected assets are valued;

- VIII. Describe how resettlement and/or compensation entitlements will be delivered, including procedures, responsibilities and timing;
- IX. Describe mechanisms for maximizing stakeholder participation and for airing grievances;
- X. Provide mechanisms to be used for consultation.
- XI. Provide the costs involved

1.5 Principles governing RAP

The following is a list of basic principles which will govern the preparation and implementation of the resettlement and/or compensation exercise:

- 1. Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.*
- 2. All possible means will be used to ensure that no people are harmed in any way by construction activities and projects outcomes;*
- 3. Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the opportunity to share project benefits.*
- 4. PAPs will be meaningfully consulted and will participate in planning and implementing of ZUSP.*
- 5. PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living 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.*
- 6. Measures to address resettlement will ensure that project affected people are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments.*
- 7. Where compensation, in cash is provided for loss of assets (including housing and other structures), for loss of access to assets or for damage caused to assets it will be provided on the basis of market value or replacement cost (whichever is the highest) and will include necessary additional costs incurred to achieve full restoration;*
- 8. This RAP applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.*
- 9. All PAPs will be (have to be) identified and recorded as early as possible in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.*
- 10. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans,*

marginalized groups and the ethnic minorities or other displaced persons who may not be protected through Zanzibari law. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.

11. *The compensation of the PAPs must be completed prior to the implementation of ZUSP.*

1.6 Study Methodology

Preparation of the RAP commenced in April 2015. The methodology applied included:

- Review of relevant background reports and documentation;
- Review and use of information contained in Environmental Impact Assessment Report prepared for the same project;
- Meetings with key personnel, organizations and the public; and
 - Socioeconomic study and census
 - Consultation with the affected people was done in May, April and June of 2015 and minutes of consultation are attached as an Annex 1 includes the list and minutes of the e consultation meeting with the PAPs).

1.6.1 Literature review

Several reference documents on the project were obtained and reviewed. The most important of these were relevant Zanzibari and Tanzanian policies, legalization and guidelines. These were reviewed to understand and record their implication for dealing with people who will be displaced, in one form or another, from area of proposed channel. These included: the land Act (No.5 of 1999), the Land Regulation (2001); and the Tanzania Environmental impact Assessment Guidelines (2002), published by the mainland National Environmental Management Council (NEMC). World Bank OP/BP 4.12 was also reviewed and the preparation of RAP was also guided by several examples of RAP reports prepared recently for WB supported projects in Tanzania and in other countries. Land matters in Zanzibar are governed by the following Zanzibari legislation including:

- The Land Tenure Act, Act No. 12 of 1992;
- The Land Tenure (Amendment) Act, Act No. 15 of 2003; and
- The Land Tenure Act, Act No. 12 of 1992 (Land Allocations Regulations 2008).

It should be noted that despite having legislation specific to the islands on land tenure, in Zanzibar there are no established guidelines for valuation. However according to Zanzibar's Chief Government Valuer practices from Tanzania mainland are mostly used together with other methods including obtaining land rates from the localities where properties are located.

1.6.2 Public Consultations

In April, May and June 2015 a number of public consultation meetings were held in all of the affected Shehias along the channels. The consultative meetings were also conducted at Municipal level and the Ministry of Finance. The public consultation process was undertaken by the same firm that is engaged in the preparation of the RAP, which is Techniplan Consult Ltd. A number of meetings were held with officials from stakeholders Shehia and zonal teams, and community members.

1.6.3 Preparation of the Questionnaires

A general socio-economic survey questionnaire, census and asset inventory forms were among the survey instruments used for the field work. From the SIA report, it was revealed that there are three categories of properties to be affected, that is people who will lose structures used for accommodation, those who will lose premises used to earn living (businesses) and government institutions plus community properties. Since the impact and information required per category is different, the social team felt it necessary to prepare three types of questionnaires aimed for the three categories of people to be consulted.

Thus for data collection, three types of questionnaires were filled up: household assets, livelihood/business assets and community asset questionnaires. The filling of questionnaires was preceded with community meetings whereby issues of concern to the community were raised and discussed, community views recorded and a field work plan developed and agreed upon. These community meetings invited the PAPs (both men and women), and zonal Shehia leaders.

In the actual field work, together with the collection of information basing on the questionnaires, geographic co-ordinates and parameter of the affected assets were recorded using hand held geographical positioning system equipment (tape-measures). Photographs were also taken of all affected structures and their owners; and their positions relative to the road alignment were plotted on a diagram.

All filled up questionnaires were signed by the owners, under the witness of a local leader, that is, the Shehas. All asset owners interviewed were left with an identity card with unique number for future reference particularly during the payment period.

The collected data then entered into SPSS format in Dar es Salaam Techniplan Consult Ltd Head office for analysis.

1.7 Entitlement Cut Off Date

Cut-off dates determine eligibility of persons and their assets. Therefore, they represent the actual date that the affected assets and infrastructure at a particular site were recorded during the census survey. Assets like structures and others which are created encroached or acquired by individuals or groups, after the cut off dates, will not be eligible for compensation. For this project, the cutoff date was 19/6/2015, when the inventory of the affected assets was done.

1.8 Disclosure of RAP

Involvement of all relevant stakeholders has been the basis for undertaking this RAP. In the same manner, the RAP document will be made available to key stakeholders, including , the Municipality, Districts, and the affected Shehias and the affected people through consultation and public disclosure. Consultation has allowed the RAP to take into consideration the views of these different stakeholders. Once the RAP is final and cleared by the World Bank, it will be disclosed in the country through the municipality website as well as on the website of the Ministry of Finance and Special Department and in the Bank Infoshop.

1.9.1 Unmarked structures

During the PAPs meetings, some attended participants reported that their properties were within the channels parallel to those of their fellow PAPs but were not marked by the surveyors. It was also reported that some properties had arrows but were not numbered by the surveyors because the exercise was still continuing. Other reported unmarked properties included plain land (plots), trees, flower beds, etc. The team of consultancy resolved that all those who had the same problems should list their names and the consultancy team visited some of the buildings to address the claims. In addition, the socioeconomic and coordination teams made sure that these properties were included among the affected ones for compensation. The team clarified that some of the properties will be identified and valued during valuation, for example, trees and pieces of land located within the defined system corridor of impact. It should be noted that land value is not separated from the value of the property. In other words, the compensation given for an affected property includes the land value even though it does separate them as such. Any valuation considers the replacement of the entire property lost, including land. This includes also the land which is cultivated but not built. All reported cases were recorded and forwarded to the responsible section (survey and marking team) for further action.

1.9.2 PAPs' responses to sensitive issues

The project affected persons were sensitive to some issues raised during interviews like amount earned by the household or generated through business and amount spent per month or yearly. This caused some respondents to decline providing information or either exaggerated figures or underestimated depending on one's perception. Some considered or related the exercise to have an impact on the forthcoming valuation and as a result did not give the correct information.

1.9.3 Resolution on rejection of project by PAPs from Shehia of Muungano

Of all Shehia involved in this project, initially majority of PAPs from Shehia of Muungano (system D) had refused to continue and cooperate with the Sheha and the Consultant team on the grounds that they did not want the planned drainage system to pass through their residential areas. As a result the officials of the RGoZ visited Muungano to understand the needs of the PAPs and see if the issue could be resolved. In total during the consultant consultation 19 out of 29 households refused the drainage to pass through their communities. During this meeting, the PAPs suggested to change the routing of the drainage to an area with less impact. As a result, with the consultation of the community, the design consultant suggested reroute the system D at that juncture and connect it to the system C instead of connecting it to the existing system D. This change has been conformed and it is a good example of the change in design due to consultation with the community and ways to reduce impact.

The design of the new rerouting is being finalized and the length has been reduced by 340.6 meters based on the re-routing. In addition, to reduce impact the design is mainly based on excavation protection not to impacting the structures. Once the design is final this RAP will be updated to reflect this change.

1.9.4 Interruption of Heavy rainfall and floods

The Consultant team commenced its fieldwork on 22 April, 2015 but all field activities stopped till a week after May, 2015 due to heavy rainfall and floods within and along the project area (channels). It was impossible for surveyors to continue surveying in order to establish the alignment and mark affected properties. It follows that other teams could not proceed because houses were flooded with water and people had evacuated their residential areas. The assignment resumed in June and this contributed to delay completion of the assignment.

CHAPTER TWO

2.0 PROJECT POTENTIAL IMPACTS

2.1 General view

The survey team thus compiled a detailed inventory of the types, sizes and conditions of the affected properties / assets of each affected households, businesses and determined the value of compensation to be paid to each household for affected buildings, other assets and loss of income sources. The results of survey and valuation exercise have been presented to the Ministry of Finance - Zanzibar in a valuation report, thereby providing principal information on the number and location of affected properties, the number and categories of the affected households, the nature and magnitude of losses and displacement, the methods used for valuing assets and loss of income and assessing compensation and the amount of compensation to be paid as contained in this report. The table below portrays a number of different impacted properties/assets for the proposed storm water drainage systems, which are 9.4m wide and will be constructed 5m deep. It should be noted that the safety issues regarding these channels that passes through communities have been discussed and engineering measures have been considered. Steps taken already include improved signage and lighting around drainage canals, temporary fencing, and pedestrian access over open drains.

Table 2.1: Number of affected building structures and their conditions per system

No.	Detail	Area (m ²)	No. of Households	Can Rebuild	Relocate	System
1	Full affected	850.883	8	6	2	D
	Full affected	3802.90	41	38	3	E
	Full affected	264.46	4	4	0	G
	Full affected	3435.25	45	43	2	I
	Total	8353.49	98	91	7	
2	Partial Affected					
	Partially affected	28.13	1	1	0	D
	Partially affected	99.93	4	4	0	E
	Partially affected	86.24	1	1	0	G
	Partially affected	287.6752	9	9	0	I
	Total		15	15	0	

Source: Valuation Report – 2015/6

The total impacted properties / assets, that is building structures, land, crops and physical infrastructure amount to TZS 2.6 billion as detailed in Table 2.2 below for Systems D,E, G and I.

Nevertheless, the Valuation Report has the actual and detailed number of affected PAPs, and their properties as well as payable compensation, which will be solely relied upon during RAP implementation.

2.2 Identification of PAPs

Following the establishment of the RoW by the surveyors, the socio-economic census survey team conducted interviews with 224 PAPs to enumerate and collect basic information about the project from all affected households (PAHs). This provided an opportunity to identify PAPs and their information within the project affected households in terms of number and gender, age, level of education, type of occupation, the level of vulnerability, their opinion about the project, including alternatives to be considered and their preference for resettlement among other socio-economic parameters. The study was done in collaboration with Shehia leaders in the project areas. Other collected data included identification of direct and indirect impacts on the people including impacts on buildings, physical infrastructure (e.g. water points) and economic activities. Affected assets like crops and trees, which were not marked by the surveying team, were later identified by the valuation team in collaboration with Shehia leaders together with the property owners. It is through this process that eligible PAPs were identified and documented.

2.3 Eligibility determination of PAPs within the RoW

The survey team established the corridor of impact in all systems (D, E, G and I) and defined the right-of-way of 9.4m within which all PAPs were identified. Project PAPs are therefore all affected persons within the RoW. All properties of PAPs to be expropriated by the project within the corridor of impact were marked carefully leading to involuntary resettlement.

The exercise of identifying PAPs was done in collaboration with Shehas and their zonal officers in respective Shehias. It considered all affected persons within 9.4m with their marked properties like buildings / structures, foundations of houses etc. Other affected assets but unmarked by surveyors like land, crops and trees were identified by the valuer during inspection / valuation in collaboration with Shehia and in presence of property owners. It is through this process that eligible PAPs were identified and as such a total of affected building structures are 113 owned by both individuals and community or public within 9.4 meters. The table below shows affected building structures, crops and their corresponding values per Shehia. It should be noted that some of the houses only will lose an annex or a small part of the property and the remaining is viable and they still can stay. However, some lose the entire house or the large potation for which the entire house has been valued and will be compensated. This explains the different amount the following table

The table below shows a summary of affected building structures, crops, land, physical infrastructure and their corresponding values divided into 4 systems.

Table 2.2 Number of affected buildings, Crops, Land and Physical infrastructure and their Values per system

System	No. of affected buildings and structures	Value for buildings and physical infrastructure (TZS)	No. of affected crops and trees	Value of crops and trees (TZS)	Land affected (acres)	Value of land (TZS)

	(full and partial)					
D	9	204,541,947	4	26,500	0.153	31,020,000
E	45	921,340,993	240	9,041,100	0.991	197,235,500
G	5	72,419,564	35	636,000	0.1	19,246,500
I	54	835,884,686	605	22,378,400	1.436	291,563,200
Total	113	2,034,187,190	884	32,082,000	2.68	539,065,200

Source: Valuation report – 2015/16

Therefore the sum total of the whole amount for all items in Table 2.2 above is TZS **2,605,334,390**.

2.4 Project impacts on land

Though according to the Zanzibar law land belong to the government, under this project acquired land will be compensated as part of the value of the property to a level that the affected people can replace their houses with the compensated amount. This also is applicable for land without any structure on it (farm land or land with crops). As a result, the value and the socioeconomic team were instructed that the study to establish the size of the total land to be impacted by project and its value. Table 2.2 above summarizes land acquisition for systems D, E, G and I. Overall, these four systems have a total of 2.68 acres acquired land with a total cost of TZS 539,065,200.

2.5 Categories of impacts

The project has different categories of impacts that have been identified during the fieldwork. Technically, some of the impacted categories had no marked signs like bare land or plots, different types of exotic trees and water pipes within the RoW, etc. This was also raised as a concern by some PAPs that their properties were not marked especially trees and the RAP team noted and documented such concerns for immediate remedy. All these were valued and have been included in the payment schedule after proving their eligibility. The categories of impacts which will be lost or affected as a result of the proposed drainage systems of project activities were identified as shown below:

- Individual houses (buildings and structures) for sleeping
- Part of a house or an annex to a house
- Community and or public properties or buildings e.g. government workshop located at Muungano
- Religious assets e.g. madrasa at Amani (system I) / churches within the Right of Way
- Business activities and other sources of livelihoods
- Infrastructure, e.g. electrical poles, water points / pipes within the corridor
- Bare land or plots which are not yet developed
- Disturbance or loss of access to social services e.g. playing grounds at Binti Amrani in system E and Mnazimmoja in system F are used as camp ground temporarily therefore the access will be blocked during the construction. Since these are playgrounds adjacent to the drainage, the drainage near these playgrounds will be provided with barrier structures to make safe.
- Crops and trees

Some PAPs along the channel will lose temporarily income generation during construction activities,. Examples of business activities to be affected by the project include mobile vendors, real shops, kiosks, market stalls, etc. All these will need assistance for relocation. They will be compensated for the loss of income as reflected in table 11.1.

2.6 Support to special group affected by the project

The vulnerable groups are those or could be a member of affected households. The RAP has separately identified, to the extent possible, the vulnerable members, such as those who are too old or too ill; disabled; those stricken with HIV/AIDS; widows; and orphans.

Table 2.4: Number of people per vulnerable group and amount of assistance per person

System Name	Vulnerable groups					Total Number in need of assistance	Assistance needed
	People with disability	Widows (female headed HH)	Orphans	People with HIV / AIDS	Old people = or > 61 years		
D	0	1	0	0	2	3	600,000.00
E	0	3	0	0	3	6	1,200,000.00
G	0	2	0	0	0	2	400,000.00
Total	0	6	0	0	5	11	2, 200,000.00

The vulnerable groups are eligible for additional assistance during implementation of this RAP because of their living conditions, though not all of them, which means that the implementers will have to assess the status of the person and justify his / her needy and type of assistance per person per Shehia. The table above shows the number of vulnerable persons, tenants and approximate amount of money required to assist them.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION AND CONSULTATIONS

3.1 Introduction

This section describes the participatory processes used to develop the RAP with key stakeholders in designing and implementing resettlement activities.

Consultations, public meetings, and discussions with PAPs and Shehia officials were carried out during the resettlement planning process. Various stakeholders particularly Government officials at various levels were consulted and their issues are discussed under sections 4.3 and 4.4. Concerns, questions and suggestions raised by the project affected people have been elicited and incorporated as described and discussed below

The process of consultation and participation ensured two-way exchange of information between the Consultant, community and PAPs. At the end of the wider consultations in each Shehia, PAPs were requested or advised to develop PAPs' Resettlement Committees in order to represent their interests during implementation of resettlement plan.

3.2 Main objectives of public consultation and participation

The main objective of consultation and participation of the PAPs/stakeholders is to exchange information regarding the resettlement, discuss its perceived and real potential impacts, to receive feedback and to provide opportunity for participation in RAP planning and decisions in a meaningful, timely, accessible and culturally appropriate manner.

Thus, public consultation and participation help to develop and maintain avenues of communication between the project, stakeholders and PAPs in order to ensure that their views and concerns are well incorporated into project preparation and implementation with the objectives of reducing negative impacts, unnecessary disputes between PAPs and government and enhancing benefits from the project.

In this context, public consultations helped to serve the following purposes;

- Provide complete and timely information to PAPs about resettlement stages and related activities
- Obtain the cooperation and participation of PAPs and other stakeholders in resettlement planning and implementation
- Understanding the needs and priorities of PAPs regarding compensation, relocation and other activities to be undertaken
- Obtaining the reactions from PAPs and other stakeholders on regular basis especially on the effectiveness of policies and implementation process
- Contribute to reduce the potential for conflicts, as well as the risk of project delays through the grievance mechanism
- Enable the project to design the resettlement and rehabilitation program in a manner to fit the needs and priorities of project-affected-persons

It follows that, effective consultation and participation of PAPs in creating the Resettlement Action Plan (RAP) and its management will help PAPs relieve their worries and give them the opportunity to participate in what will affect their lives; and so, implementing involuntary resettlement without consulting PAPs is an improper and ineffective strategy for project implementation.

3.3 Consultation and Discussions with Government Officials

Briefing about the project was done by project officials in the Ministry of Finance – Zanzibar and a number of issues were discussed including the urgency of the project, requirements of the assignment e.g. review of previous ESIA and RAP reports, upgrading of the systems and construction of the new systems etc.

3.3.1 Timing of the project

The Project officers (Project Coordinator, Safeguard Officer and M&E Officer) reported that the implementation of the ZUSP was behind the schedule and therefore speeding up project activities was unquestionable. The delay was attributed to contractual procedures. The same concern was raised by project-affected-persons, Shehas and their assistants as well as communities. The expression of delay by different stakeholders implied the neediness of the project due to problems and losses caused by frequent floods that affect communities and government authorities at all levels. In this case it was discussed on better ways of shortening RAP period.

3.3.2 Legal matters

Two main legal matters were brought to attention, which are graves removal and land compensation. It was stated that graves are not removable and this is according to the Zanzibar laws and it was further noted that if graves are found within the RoW, then all efforts have to be made to escape the graveyard or graves. Under this RAP there are no affected graves. So the affected people were ensured that no graves will be removed under this project.

With regard to land, government official explained that land belongs to the government as per Zanzibar laws. As a result of this law, the majority of PAPs strongly expressed their concern that it was unfair for the government to deny land compensation because it will be very difficult for them to secure alternative land to settle due to expensiveness and unavailability. As a result of meaningful consultations and after careful consideration and the fact that under OP 4.12 people are entitled to land compensation, this RAP is written as such to include the land value included in the compensation and the affected people will be able to replace their properties affected.

3.3.3 Situation on HIV and AIDS epidemic

The situation of HIV/AIDS as a cross-cutting issue was briefly discussed by the team. It was reported that, the behaviors of key populations made them more vulnerable to contract new HIV infection. The reports have revealed that, key populations, including sex workers have an HIV prevalence rate of 19.3%, 11.3% among people who inject drugs and 2.6% among men having sex with men (IBBSS, 2012). This means that, the key populations have much higher HIV prevalence as compared to the general population which accounts for an HIV prevalence of 1% (THMIS, 2012). Various factors were

attributed to the transmission of HIV infections and the key population, and those factors have been dealt with in this report.

3.4 Consultation and Discussions with Shehia leaders (Shehas)

Prior to public meetings with PAPs, the Consultant team conducted meetings with all Shehas and their assistants to inform them about the project and their role to disseminate information and sensitize PAPs to participate in the forthcoming RAP activities.

Some of them expressed their worries about the GOZ's commitment to promptly effect compensation to the affected persons. They also expressed their concern about Municipal's failure to collect wastes from collection points to the dumping stations and complained about communities tendency to haphazardly dispose their generated domestic wastes.

Others raised the issue of contractor's to construct storm and drainage systems of high quality and standards in order to avoid government's loss due to sub-standard works. Other suggestions included;

- Job opportunities to be availed to local people during construction
- Drainage systems to be covered for safety reasons
- Compensation options (i.e. cash and in-kind)
- Provision of compensation for affected assets including land, otherwise the affected people will not be able to construct new houses to replace the demolished ones,
- Poor infrastructure in their surrounding areas,
- Participatory approach during implementation of the project, etc.

These concerns will be considered under the RAP and it will be mentioned in the contractor's contract that the priority for both skilled and unskilled work should be given to the local communities involved. This has a precedent in this project since for the building of the Sea wall which is one of the components of this project; the contractor is using local skilled and unskilled labors.

3.5 Views of Project-Affected-Persons, their concerns, Questions and Responses

Consultations and public meetings were held with PAPs in identified Shehias in which groups of different interests were involved such as farmers, businessmen and women, fishers, formal and informal employees, etc. During the public consultative meetings, varying views, concerns were expressed and questions about the impact of the storm water drainage project were asked by the PAPs and other stakeholders and were collected by the RAP team for review and consideration by the project. Issues on loss of properties or assets for PAPs within the impacted corridor of 9.4m dominated the discussions whereby several questions were asked and responses were provided by the Consultant team.

The predominant concern was the exclusion of land from compensation payment package by the Revolutionary Government of Zanzibar according to its law as a government or public property. However, under this RAP all affected people with land use right or customary land use will be compensated for land as well. The consultation committee has started to inform people about this

and additional consultation will be done in early January to inform the PAPs on this. Once that is done, and before this RAP is disclosed, the additional gathered information will be added in the RAP.

In addition, PAPs and other stakeholders emphasized on fairly, promptly and timely compensation during and after valuation of their assets. The quality of drainage systems to be constructed was also emphasized by PAPs because of their past experience and serious problems caused by floods that have been claiming lives of people, which happened even during the fieldwork whereby about 12 people died due to floods and others left their residential areas to rescue their lives. Table 6.1 below provides a summary of key issues and concerns expressed by project-affected-persons and other stakeholders during public consultations for the proposed drainage systems in two districts of Mjini and Magharibi.

In all conducted public meetings, consultations were preceded by introductory explanations provided by the consultant about the project which covered issues related to project background and objectives, policies, Resettlement Action Plan (RAP) and accompanied activities, laws/regulations, explanations on total length and depth of the drainage systems, and marked houses, valuation procedures, cut-off date, entitlements and compensation, procedures regarding grievances redress, relevance of participation of PAPs and other stakeholders, etc. This laid down the foundation and opened up participatory consultations with PAPs. The PAPs who participated in the meetings were active, attentive and contributed useful information. A summary table of issues raised by PAPs and responses by the RAP preparation consultant in each drainage system is included in Annex 2.

3.6 Summary on public consultative meetings

In principle, PAPs commended the project as beneficial to the public or communities at large despite the fact that PAPs were negatively impacted by losing their properties or assets. All PAPs from Shehias accepted the Zanzibar Urban Services Project (Storm water drainage system) as a sustainable solution to the flooding problems in their residential areas.

Exceptionally, PAPs from Shehia of Muungano initially rejected the project and refused to cooperate with the Consultant. In this case, 19 PAPs refused their properties to be inspected and value nor socio-economic censuses were conducted. They claimed that the project should not pass through their residential area and were not prepared to get compensation and therefore not ready for involuntary resettlement. However, as discussed under section 1.9.3 above, this matter was said to be resolved peacefully between PAPs of Muungano and the District Commissioner (Government) in collaboration with the project. This happened in August 17, 2015, when the Coordination team within the ZUSP organized a meeting and visited these PAPs. During this meeting, the PAPs suggested to change the routing of the drainage to an area with less impact. As a result, with the consultation of the community, the design consultant suggested reroute the system D at that juncture and connect it to the system C instead of connecting it to the existing system D. This change has been conformed and it is a good example of the change in design due to consultation with the community and ways to reduce impact.

Another major issue came during the consultation with all Shehia indicated that there are key outstanding issues that call for emphasis because they were mentioned in almost all meetings. First was land issue whereby PAPs were very concerned and disappointed by the government's law that no land compensation to PAPs because it is owned by the government. The Government has reconsidered its decision in favour of the PAPs who will now be compensated their land. In addition, the PAPs will be compensated based on this RAP which clearly indicate the compensation for the land. Second was about their insistence on valuation and compensation to be fairly, promptly and transparently conducted in order to avoid dissatisfactions and grievances during the implementation of the project. Again, PAPs emphasized the issue of improving coordination, information sharing and cooperation among stakeholders.

Finally, PAPs cautioned about the delay of actual implementation of the project because most of the PAPs and communities had despaired, and lost their hopes for this project to be implemented. A number of years have passed since the start of the project and it never took off.

CHAPTER FOUR

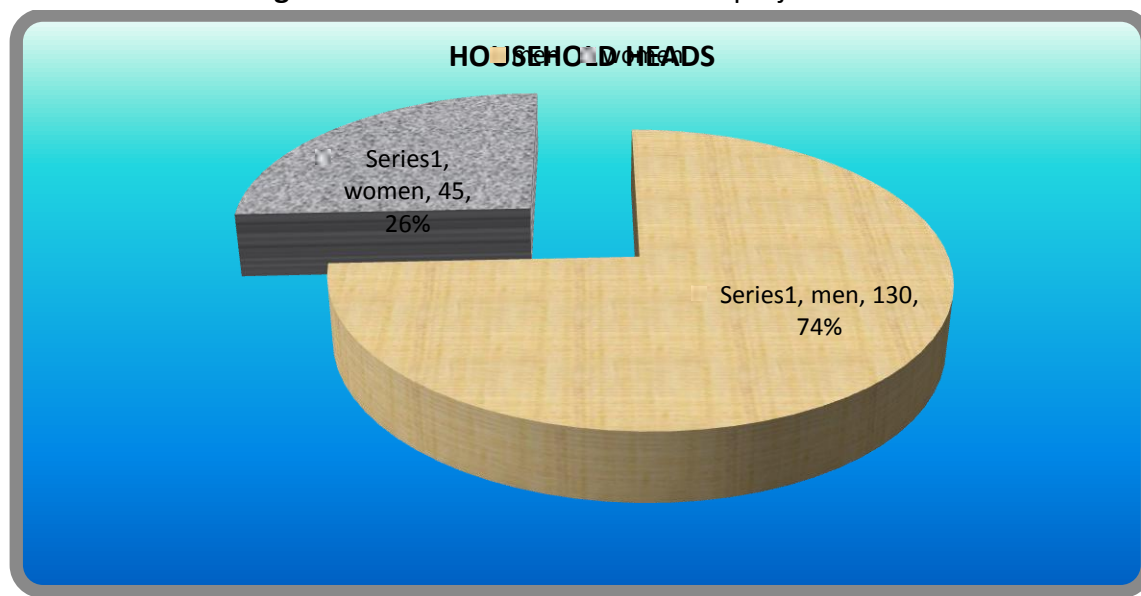
4.0 SOCIO- ECONOMIC BASELINE DATA OF THE AFFECTED PAPS

During census survey exercise, the study team conducted interviews with all PAHs / PAPs to enumerate and collect basic data / information on the affected households (persons). Valuation was conducted and a socio-economic survey, i.e. PAPs / PAHs profiles of the affected households and a census of the affected persons were accomplished. This section deals with the analysis of the socio-economic conditions of the affected households within the defined right-of-way of the road project.

4.1 Household Heads

74% of the interviewed households were headed by male while the rest 26% households were headed by female. This is reflected in the views expressed in this report. In order to reduce the biasness or domination of male views, other sources of information have been used including the focus group discussions (FGDs) and public meetings.

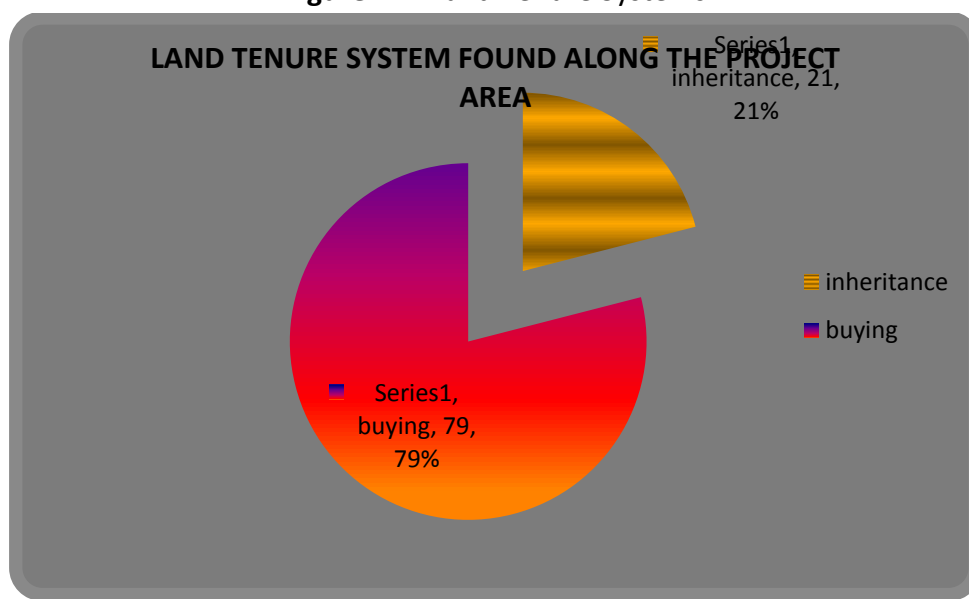
Figure 4.1: Head of household in the project areas



The figure above shows the percentage of male-headed and female-headed households

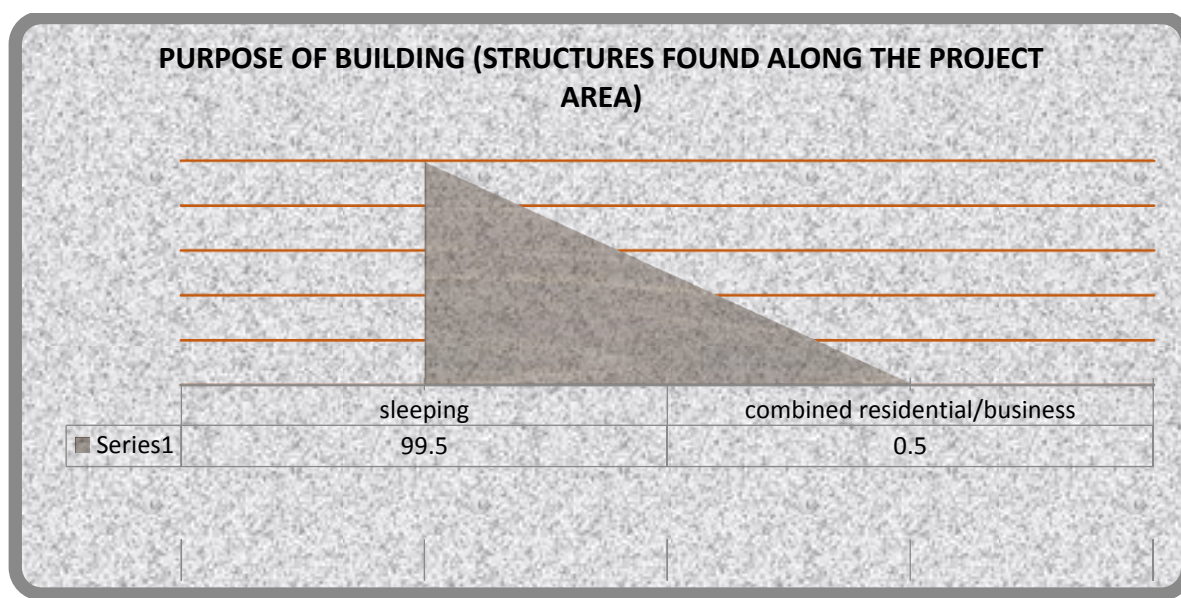
4.2 Land Tenure System

Two main major systems of land tenure system were reported by project-affected-persons as illustrated in the figure below

Figure 4.2: Land Tenure Systems

The study wanted to know the land tenure system in the project area and the following are the results of the study. 79% of the affected people reported that they got land from individuals who had extra land to expose off while the rest 21% inherited land from their parents. None reported to get land from the government.

4.3 Purpose of the affected Building Structures

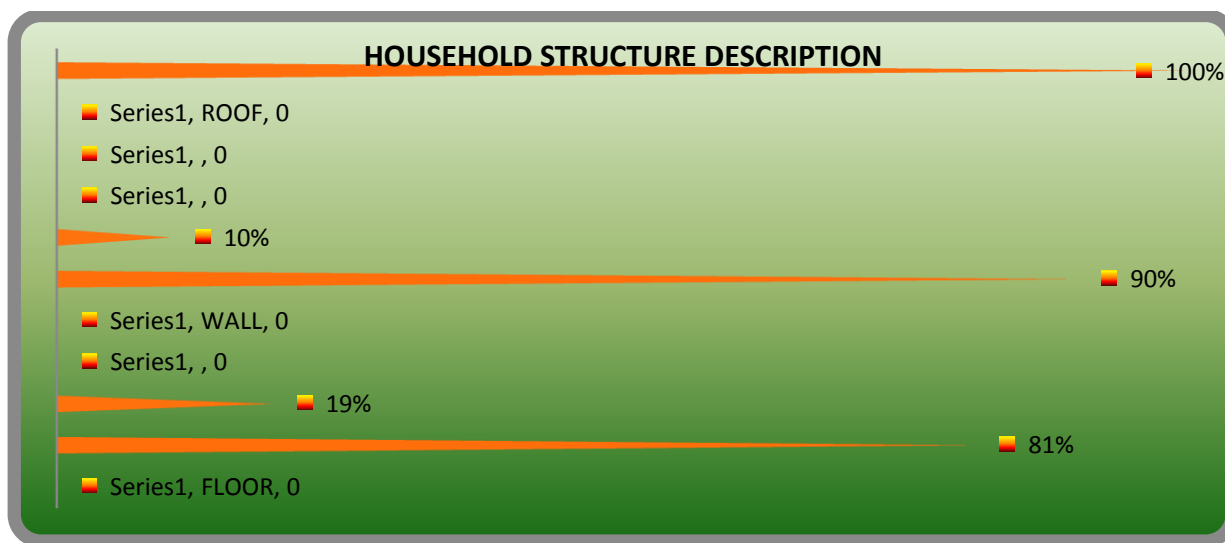
Figure 5.3: Purpose of the affected Building Structures

Most of the affected structures are used for sleeping i.e. 99.5%. The rest 0.5 are combined residential and business premises. This information is alarming as most of the affected people will lose residential houses. They need to rebuild houses, otherwise if not done the family will lose accommodation and become homeless.

4.4 Household Structure Descriptions

In the figure below, three main parts of the house are described in terms of materials used – namely, roofs, walls and floors.

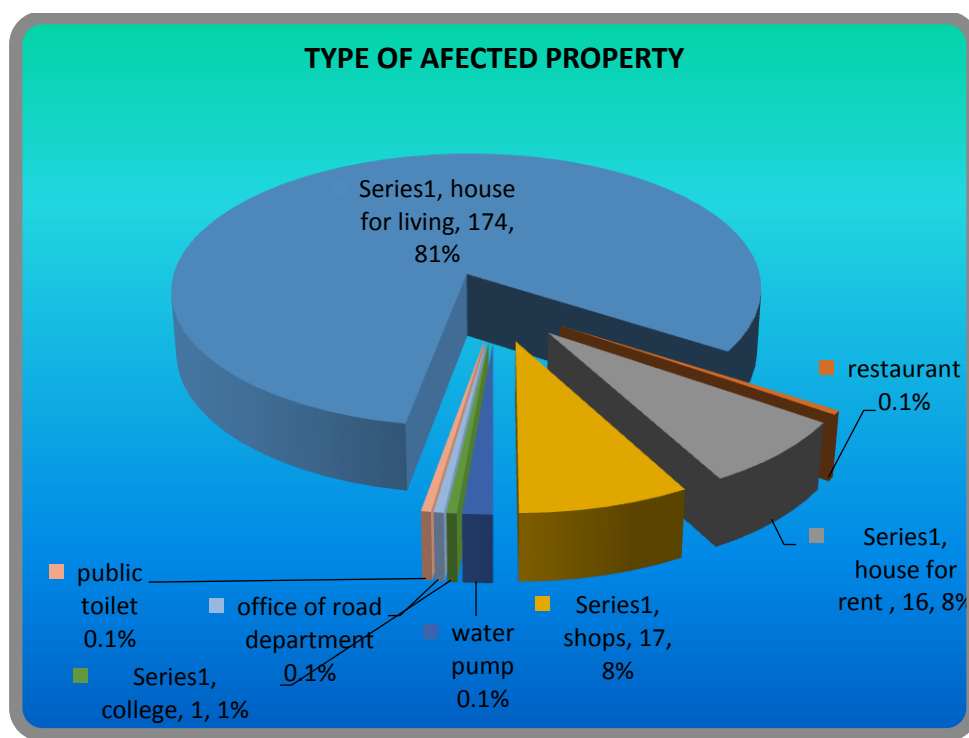
Figure 4.4: Description of the household structures



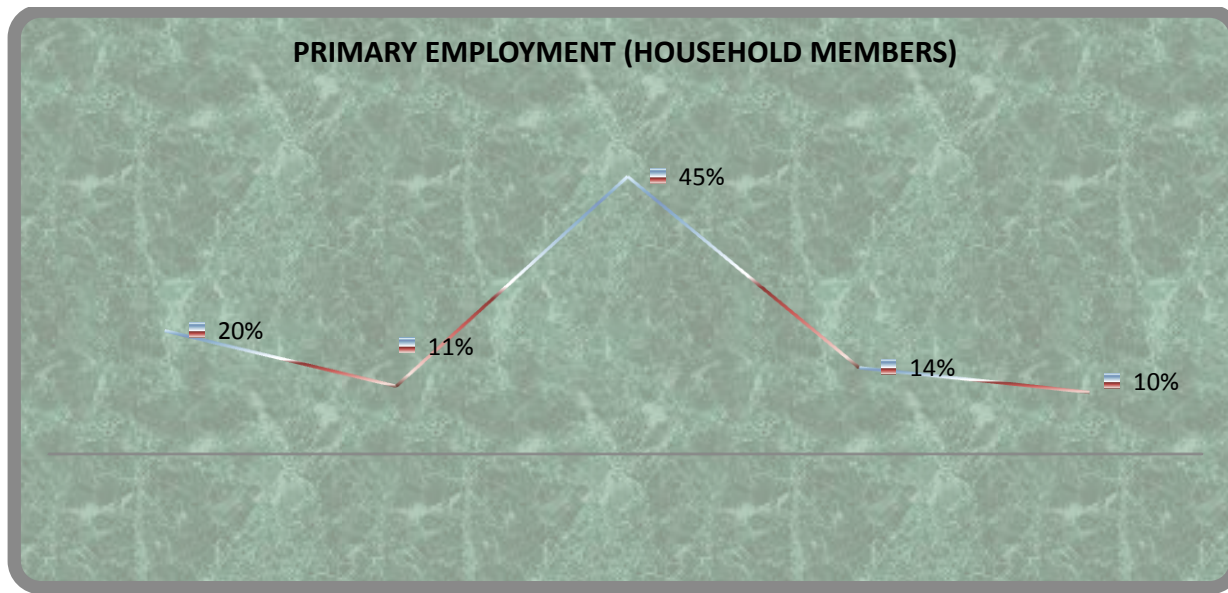
90% of the affected structures are made of concrete blocks, while the rest 10% are constructed by clay walls. Regarding the floors, 81% of all affected structures are made of cement floors and only 19% are made of floor tiles. All the affected buildings are tin roofed. The above analysis indicates that all the affected structures are constructed by permanent materials and will be costly to compensate the affected persons. For details refer to the figure 5.4 above. Some of the respondents claimed that they possess some external buildings and structures in their compounds like courtyard building and boundary walls/fence made of concrete blocks.

4.5 Type of Affected Property

The study revealed that 81% of the affected structures are used for sleeping or accommodation followed by those who will lose premises for businesses. 8% are rented houses for earning living. 0.1% is restaurants, 0.1% is public toilet, 1% is college, 0.1% is water pumps. Of the possible PAPs located in the surveyed houses, In 2015, for the full assets surveyed along the channel line, 98% of the occupants lived in single storey bungalow style buildings made up of 4 to 6 rooms. The houses were primarily constructed with concrete cement or sand blocks, with aluminum roofs and cement flooring.

Figure 4.5: Type of Affected Property

4.6 Primary Employment of Household Members

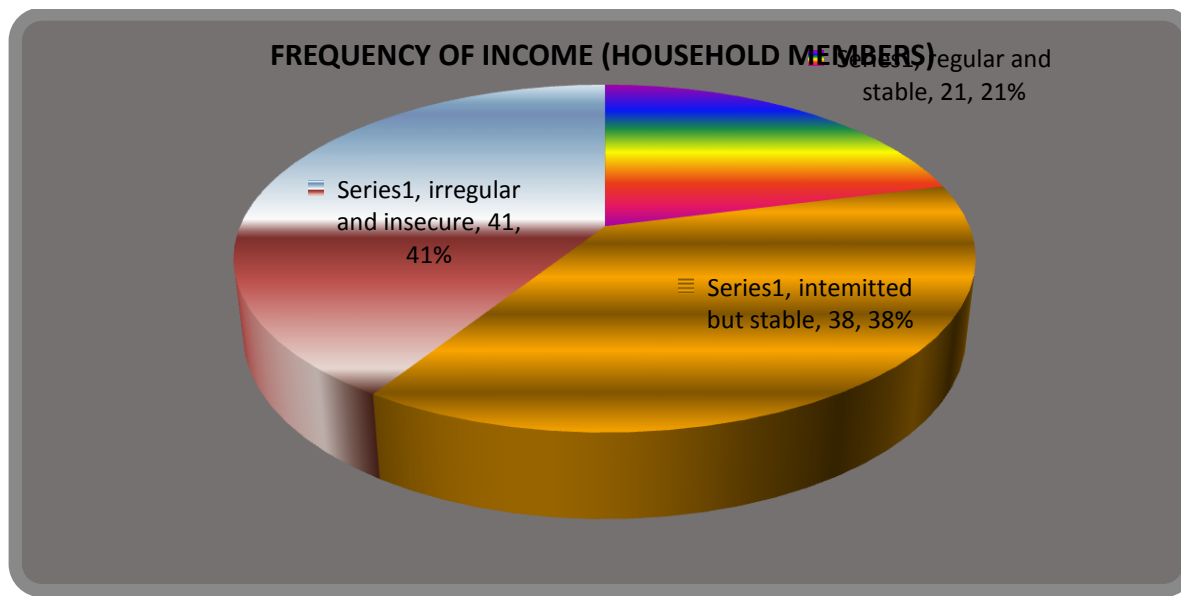
Figure 4.6: Primary Employment of Household Members

Majority of the affected people are employed in the informal sector as 45 % of the interviewed reported so. The second group which is relative larger is student at different levels. Unemployed group accounts at for 14% while those who reported to be informal sector is 11%, those who reported to have domestic responsibilities are 10% mainly women. Informal sector is main area where majority of people in Zanzibar are mainly engaged in the sector.

4.7 Frequency of Income of Household Members

Regarding the income, 38% of the interviewed households reported to have stable and intermittent income while 21% said that they have stable and regular income and 41% of the majority reported that their income is irregular and insecure.

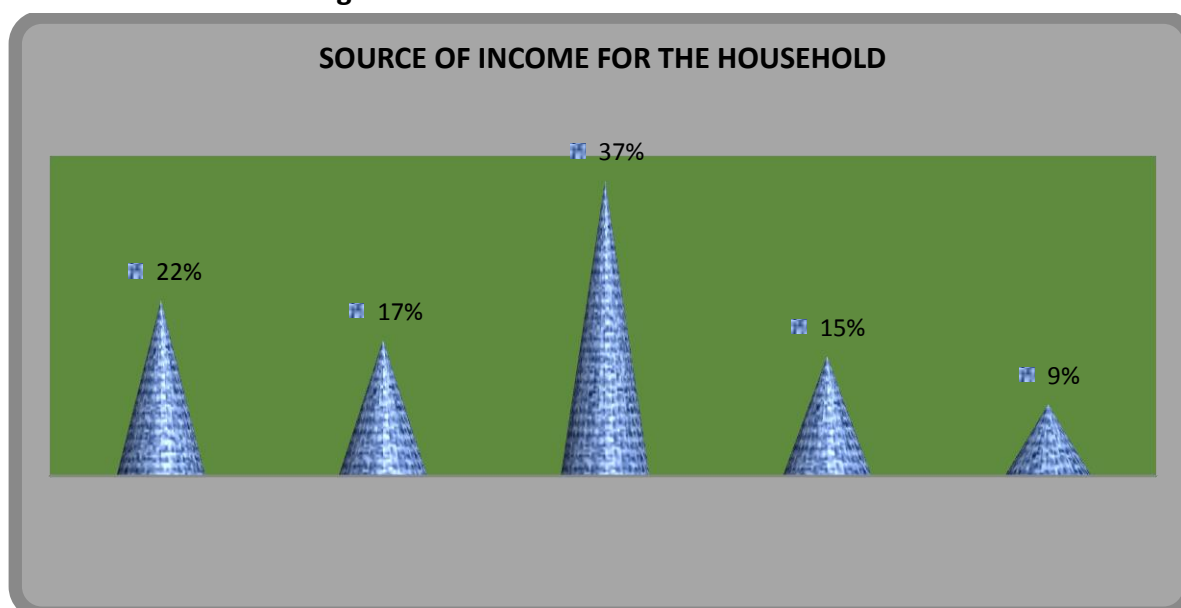
Figure 4.7: Frequency of Income of Household Members



4.8 Source Of Income For The Household

The main source of income of the affected people is business small as (37% reported this to be their main source), this is followed by those who said formal (22%) is the main source of income. The third category is those who are involved in big businesses about 17% of the interviewed affected households. 17% are getting their daily bread from fishing while 9% of the affected people are doing both trading and formal employment.

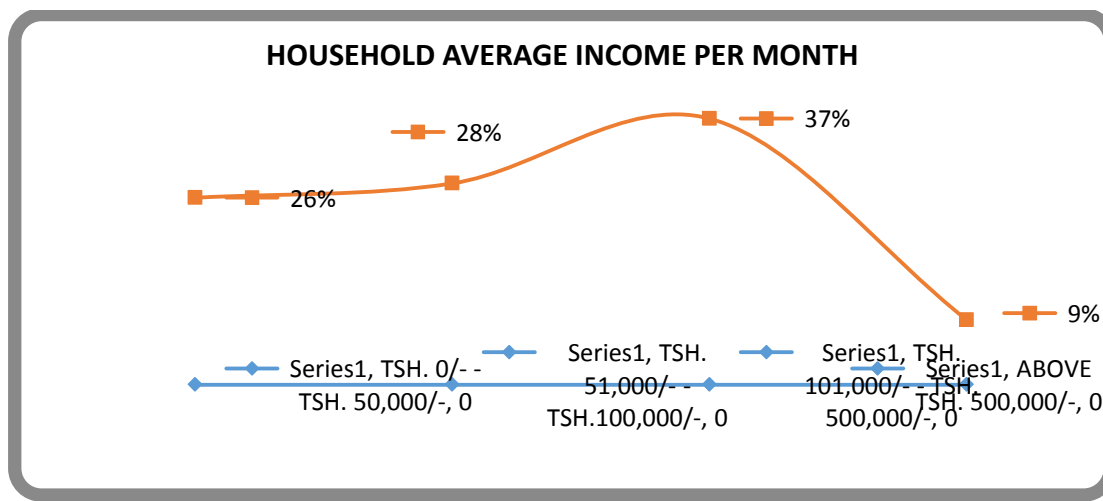
Figure 4.8: Source Of Income For The Household



4.9 Household Average Income per Month

The income of interviewed households varies from one household to another due to various factors, for example sources of income, number of household members generating income, etc.

Figure 4.9: Household Average Income per Month



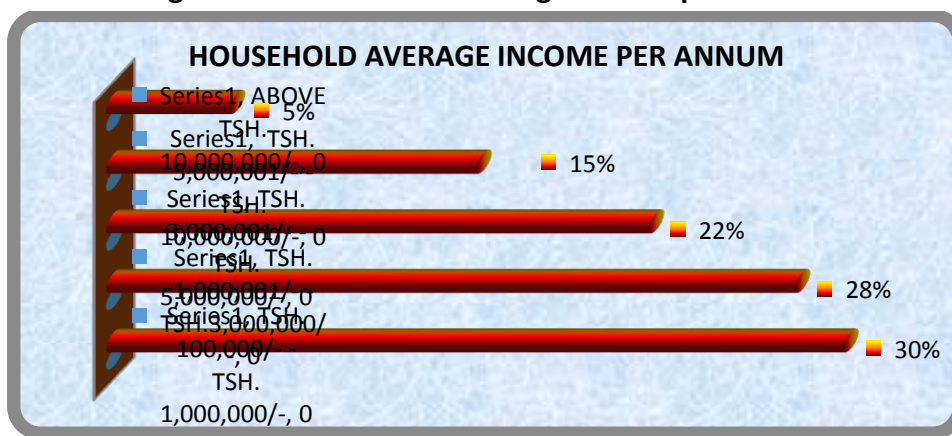
The study determined the level of incomes of the affected people. The current level of incomes gives an indication of their economic status and is used to establish baseline indicator prior to those interviewed.

The average income of the affected households vary between Tshs 50,000/= and Tshs 500,000 per month. 20% of the affected households reported to earn Tshs 50,000/= per month while 28% reported to get between Tshs 51,000/= a month. 37% said their income is between Tshs 101,000 and 500,000 per month. The small group with high income are those who said they get above Tshs 500,000 per month.

4.10 Household Average Income per Annum

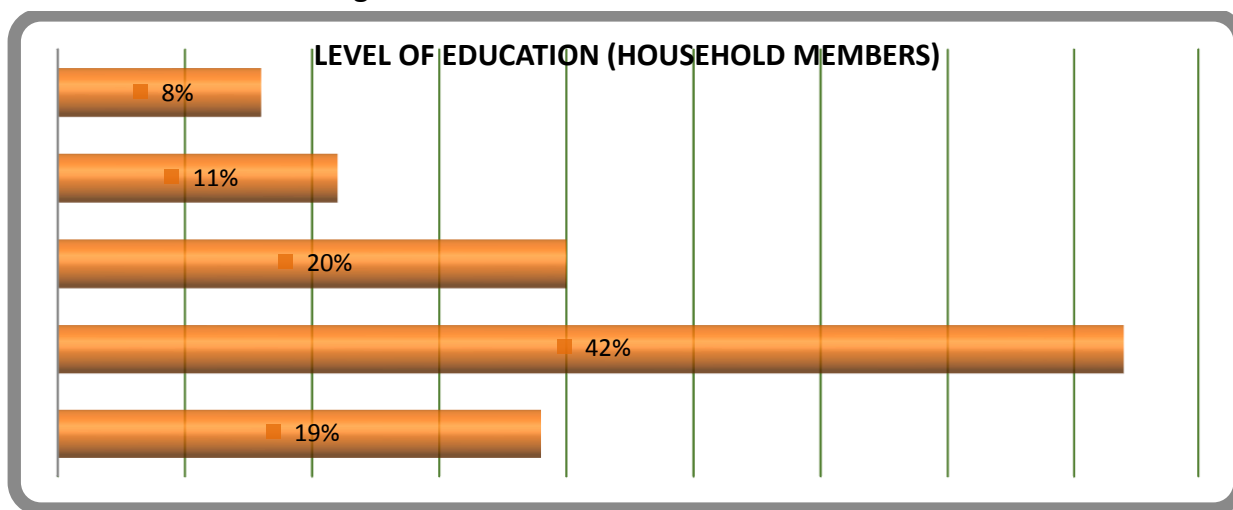
Regarding average household income per annum, it does not differ from average household income per month. Those who reported to get high income are fewer while the majority reported to get small amount. The current level of income gives an indication of their economic status and is used to establish baseline indicator prior to project implementation for future comparison. Refer to the figure 5.10 below for descriptive details.

Figure 4.10: Household Average Income per Annum



4.11 Level of Education Household Members

Figure 4.11: Level of Education Household Members

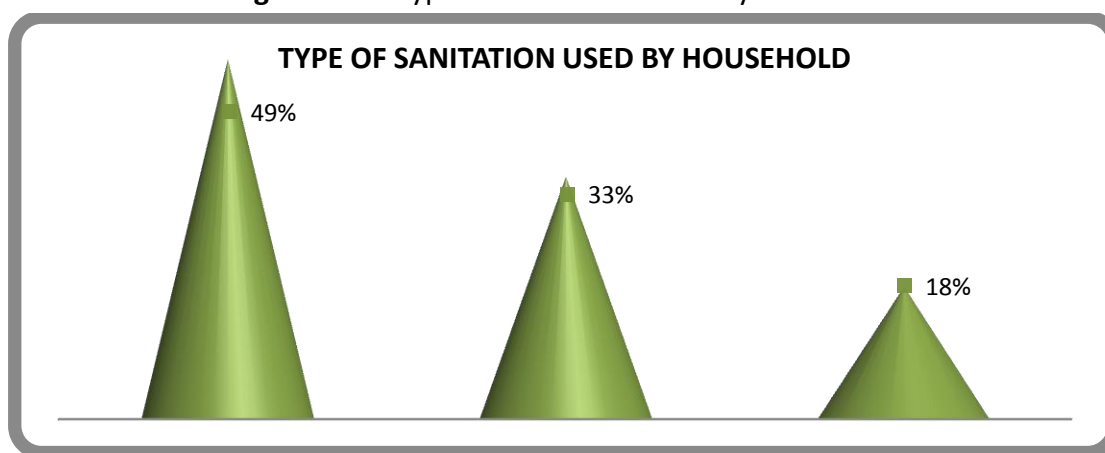


Majority of the household members are standard seven levels as 42.5% indicated so. The big number of those with standard seven levels is an indication that the level of education in the project area is low. 19% of the interviewed households have never been to school, therefore there is a big probability that this people cannot read or, write particularly the old people. Only 8% of the interviewed households have reached university level. 31.5% of the interviewed people reported to have reached form four and form six education.

4.12 Type of Sanitation Used By Household

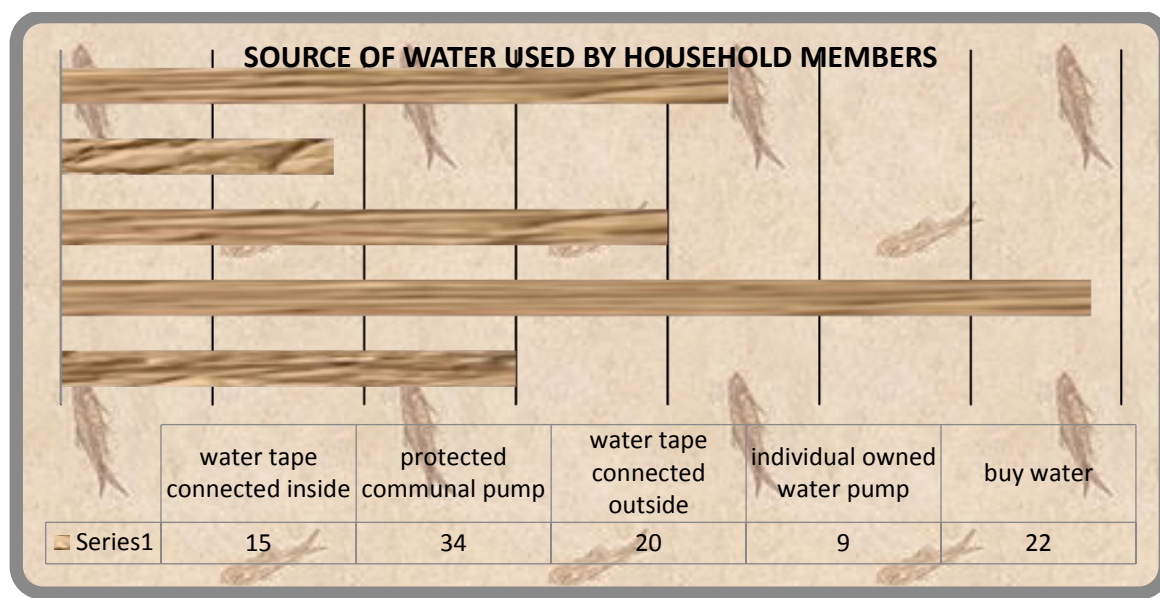
Majority (49%) of the affected households reported to use pit latrines as waste disposal at the household level. This is followed by those who use septic tanks (33%) as a waste facilities, very few houses (18%) are connected to the sewer system as portrayed in figure 5.12 below. The pit latrines used are constructed of poor materials and collapse during the rainy season. The pit latrines in such areas also prove to be a health hazard during the rainy seasons since the waters fill the pit latrines and tend to overflow. A majority use pit latrines, thus floods wash away wastes from pit latrines even into houses, thus leading to frequent outbreak of cholera almost in every two months and other water and sanitation related diseases such as diarrhea.

Figure 4.12: Types of Sanitation used by Household



4.13 Sources of Water Used By Household

Figure 4.13: Source of Water used by Household

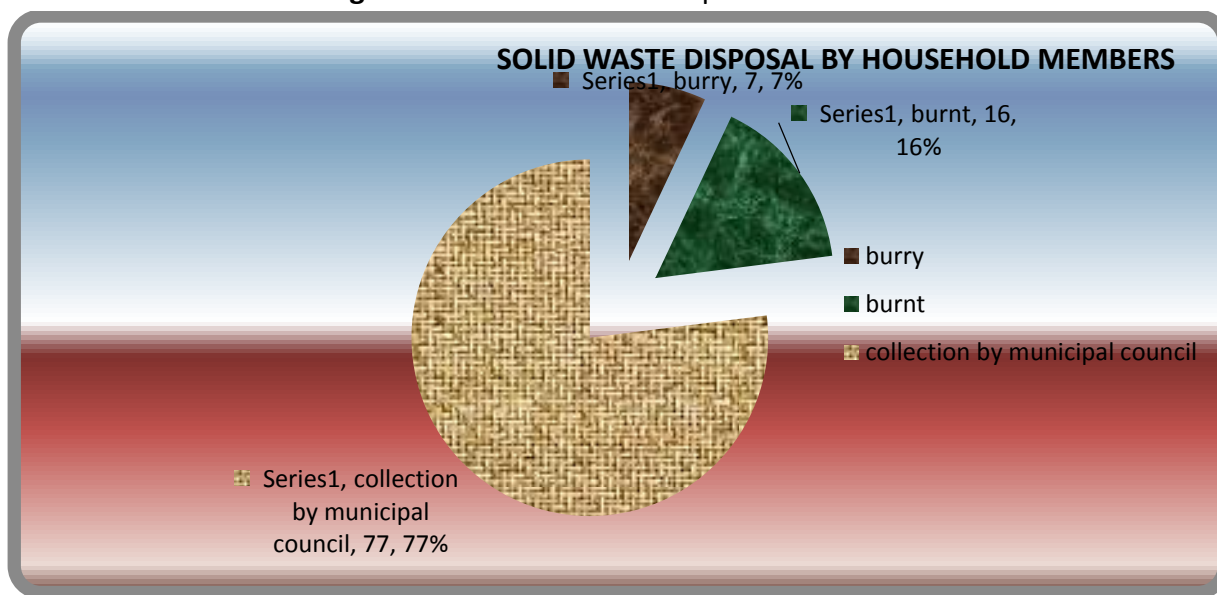


Majority (34%) of the affected households use protected communal pumps as the source of water for domestic use. This is followed by those 22% who reported to buy water from water vendors. The third commonly used water source is standing water pipe outside (20%) in the household compound, while 15% of the affected household have access to house connection. The minority 9% have their own water source.

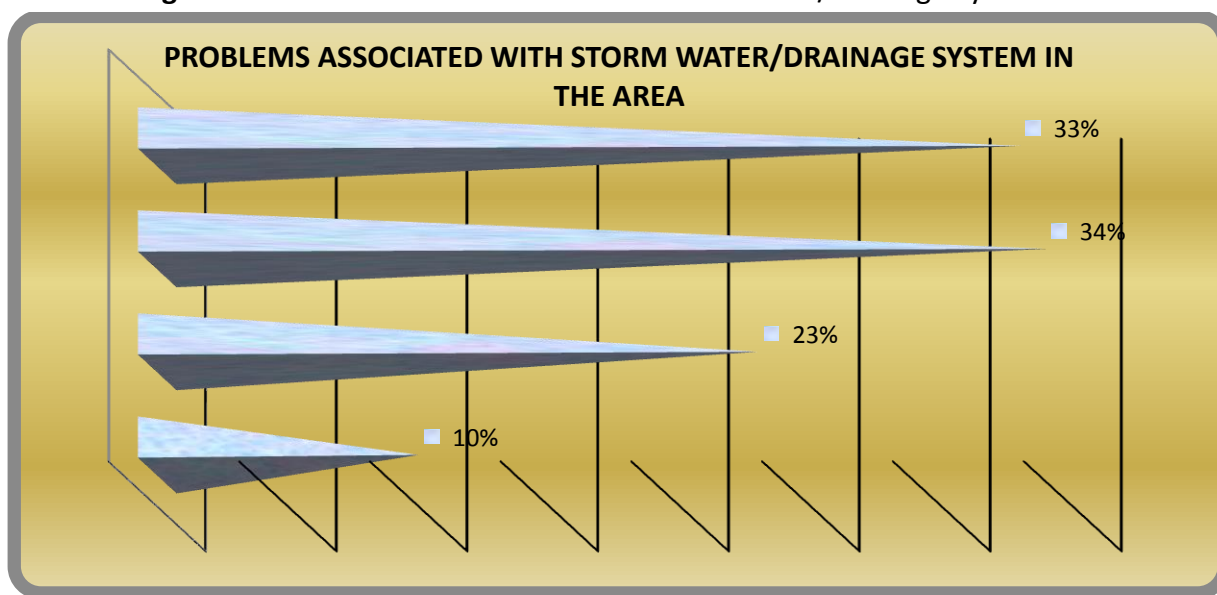
4.14 Solid Waste disposal at household level

77% of the affected households reported that the waste is collected by the Municipal council, while 16% said that the solid waste is burnt and only 7% are burying their waste. However, it was observed during the study that solid waste is one of the main environmental problem in Zanzibar town. Solid wastes were seen thrown anyhow all over the town. The Municipality has failed to remove wastes from the collection points, heaps of wastes are seen rotten and make bad smell for town dwellers. The dirty environments due to haphazard disposal of wastes were observed at Sebleni, Darajabovu. People disposed in the ponds and in drainage systems, for example at Amani. The poorly littering of wastes contributes to block drainage systems.

On the other hand communities are not throwing the waste in an hygienic manner as wastes are not put in the buckets but outside the buckets. This situation is the result of parents sending the small children to expose the waste and children are not tall enough to reach the level of dumping containers. During public consultation meetings with communities, it was realised that people are aware of the problem but it requires behavioral change to tackle the problem and more effort from the Municipal council to collect wastes from the collection points. Figure 5.14 below indicates different types of wastes disposal by interviewed PAPs

Figure 4.14: Solid Waste disposal at household level

4.15 Problems Associated With Storm Water/Drainage System In The Area

Figure 4.15: Problems Associated With Storm Water/Drainage System In The Area

The community reported that the main problems associated with storm water and drainage systems in the project include the following

- The outbreak of water related and water borne diseases, including diarrhoea, cholera diseases and malaria. Zanzibar has been experiencing such diseases during the rain seasons especially where there are water ponds stagnated in people's living areas.
- Solid and liquid wastes disposals are main environmental problems.
- Air pollution

Smell from rotting solid wastes pollute the air making living in the polluted environmental difficult.

- (d) During the rainy season and due to poor drainage, the rain water with all types of dirty drains into people's houses destroying people's homes and their properties

For description purposes or details refer to the above figure

4.16 Health related Issues

In the project area, malaria is the most common illness. Malaria is a leading cause of child mortality among PAPs. Other diseases include Acute Respiratory Infection (ARI), water-borne disease, including typhoid schistosomiasis and cholera. Though preventable in both urban and rural areas, morbidity and mortality persist due to lack of clean water, and inadequate health services and unaffordable medicines. There is close link between water supply, sanitation, hygiene practices and water-borne diseases such as cholera. The spread of cholera is more frequent in Zanzibar. In Zanzibar cholera is considered as endemic especially during the rainy season. Over the past three years, cholera cases have persisted throughout the year thus increasing the total number of cases reported annually. Poor household sanitation, poor drainage emanating from unplanned settlement is root causes of the diseases.

CHAPTER FIVE

5.0 POLICY AND LEGAL FRAMEWORK

The legal and administrative framework for the project is provided in this chapter. All relevant laws, regulations, act, national and international standards are as well summarized below. The consultant has described the legal and institutional framework for the resettlement and compensation of persons to be displaced:

5.1.1 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).

5.1.2 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

5.1.3 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.

5.1.4. Zanzibar Environmental Management for Sustainable Development Act of 1996

The primary concern of this Act is to ensure sustainable management of the natural environment with the aim, among others, to ensure the environmentally sound and healthy quality of life of the people of Zanzibar, present and future. It deals with various aspects relating to the protection of the environment, including the declaration of areas of conservation (section 7). It states that where areas are declared as protected areas, notice must be given to affected people; a consultative process is required specifically to identify and accommodate existing rights to the extent that they are compatible with the purpose for which the national protected area is being established. Where such rights cannot be accommodated, they shall be extinguished and adequate compensation shall be paid to holders of those rights.

5.1.5 Zanzibar Environmental Policy Of 1992

The focus of the Policy is on the conservation and development of environmental resources with a view to utilize them in a manner that will improve the welfare of the present and future generations of the island. The Policy emphasizes the need to ensure that biological and ecological principles that are important for the development of lives and resources are complied with. It further emphasizes the importance of improving institutional and personal capacity in the conservation and management of the environment. It echoes the intergenerational and intra generational equity principles of environmental protection and calls for the conservation and development of environmental resources, emphasizing the need to protect them in a sustainable manner that will advance the well-being of the present generation without affecting the ability of future generations of Zanzibar to make the most of the resources. As part of the Policy, the Commission of Lands and Environment (COLE) is tasked to engage in public participation processes in order to educate different stakeholder groups as to their importance as resource users and potential conservationists. These activities lean towards community empowerment due to their focus on knowledge building and skills development.

5.1.6 HIV/AIDS policy

Provides for HIV/AIDS response framework and includes HIV/AIDS educational campaign programmes. Other responses presented in the policy are integration of HIV/AIDS issues in school curriculum and prevention measures such as condom use

Relevance of the policy

The policy is relevant to the project because during the implementation of the project influx of people in the project area will have the tendency to increase HIV transmission and other STIs.

5.1.10 Labour relations Act 2004

Section 5 of the Act prohibits employment of children under the age of fourteen years. A child at the age of 14 year and above may only be employed for light works, which are not likely to cause harm to the child's health and development, and does not prejudice the child's attendance at school, participation in vocational orientation or training programmes approved by the competent authority or the child's capacity to benefit from the instruction received. The act also prohibits employment of a child under the age of eighteen years in any work site where work conditions may be considered hazardous.

Relevance to the project

The construction of the project is likely to trigger employment of children under 18.

5.2 Other National and International Guidelines, Treaties and Conventions

The World Bank has developed a number of Operational Policies (OP), Operational Directives (OD), and Bank Procedures (BP) that are considered to be particularly important with respect to ensuring that the environmental and social impacts of WB supported projects are eliminated or minimized through mitigation measures and management plans.

5.3. International Policies and Guidelines**5.3.1 Involuntary Settlement – OP 4.12**

The international benchmarks for resettlement planning are the World Bank (2004) Operational Policy (OP) 4.123 and the recently revised Performance Standard 5 of the International Finance Corporation⁴ (IFC) (2006). This ARAP will follow the World Bank operational policy 4.12 standards. The WB policy on the direct economic and social impacts caused by the land and resources taken lies in:

- Displacement or loss of shelter
- Loss of assets or access to important production resources
- Loss of sources of income or better subsistence; or
- Loss of access to the places that offer better production or less costs for businesses or people

For the purposes of the World Bank (WB OP 4.12) “involuntary” refers to the actions that could be taken without the agreement or power to choose of PAHs. The resettlement is involuntary for the affected people who do not have the option to keep the situation that they are in before the project starts. The WB OP 4.12 is applied independently of whether people affected have to be resettled in another place or not. It also requires that people that are affected adversely by the activities of the project receive either compensation or supportive measures in a way that their resources for living are re-established at least at the same level as prior to the project. According to the WB OP 4.12, the criteria for determining eligibility for compensation and support due to resettlement are based in the following categories:

- People that have legal rights on the land, including customary rights and traditions; and religious rights

This category of people includes those that own land and rent it out, free land and land that belongs to the family, which has been transferred through generations.

- People that do not have legal rights on the land or assets at the time when the census started, they only have a claim over the land, or the benefits on the basis of the Zanzibar law and traditions. This category of people includes those who originated from outside the country that have received the land from the local leaders for occupying in married life. People without the legal right or claim over the land that they occupy and use for their living. This category of people includes those that are settled in a semi-permanent manner or those that are settled locally without any formal authorization. People that fall in the first two categories will receive compensation, resettlement and support for the rehabilitation of the land, buildings and any non-removable assets on the land and buildings taken by the project. The

compensation will be in accordance to the situation of the affected people in the area of the project before the cut-off date (i.e. registered starting date). People in the third category, will receive the support of resettlement instead of compensation for the occupied land. As stated earlier, they should receive the necessary support to satisfy the established dispositions of this policy, in the case that they occupy the area of the project before the starting date established.. Consequently, this policy gives support to all affected people, including owners or people that are illegally settled in the area of the project, independently of whether they have got a formal title or legal rights. Any person that invades the area of the project after the starting date is not entitled to any compensation or assistance. The communities, including districts, towns and rural villages permanently losing land, resources and/or access to assets will be eligible to compensation. Compensation for communities can include public baths/toilets, car parks, health centers or other compensations chosen by the community. The compensating measures will ensure that the socio-economic level of pre-resettlement of the communities is re-established improved or conserved.

Relevancy to the project

- PAPs were consulted and had the opportunity to participate in planning and implementing the resettlement program.
- Valuation of properties for compensation has disregarded the depreciation concept to ensure that PAPs are assisted to restore their livelihoods and standards of living.
- The PAPs will be compensated for the land and the value of land will be included in the property valuation.

5.4 Gap Analysis of National Laws vis-à-vis World Bank

The Consultant reviewed the implications of legal rights to property and/or title to the implementation of any possible involuntary resettlement, including compensation packages and eligibility criteria. Zanzibar's Policies and Legislation vis-à-vis World Bank's OP4.12 on Involuntary Resettlement were reviewed.

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 higher standard is used. A gap analysis has been undertaken in order to measure the difference between Zanzibar laws and the World Bank requirements, with special attention for building properties, community properties and access to other basic resources. The analysis indicates that when Zanzibar laws and the World Bank Operation Policy are not in full accord, the higher standard will apply. This approach fully meets the requirement of the lesser standards.

Table 5.1: The gaps between Zanzibar policies and the World Bank policy OP 4:12

SN	Zanzibar Government	Word Bank
1	The Government of Zanzibar (GOZ), as “owner” of all land in Zanzibar, is the ultimate authority regarding land administration, planning and settlement issues. As such it should have overall responsibility for planning and implementing resettlement. However, it is usually recognized that the GOZ lacks the financial, technical, logistical and managerial capacity to plan and implement resettlement projects. In practice, the developer usually has to provide the funds for planning and implementation and provide assistance to its partners.	Planning and financing resettlement components should be undertaken as an integral part of preparation for projects that cause land acquisition and involuntary displacement.
2	There is no provision regarding the mitigation of resettlement in Zanzibar legislation but efforts minimizing resettlement needs are implied both in terms of economy (costs) and social welfare.	Involuntary resettlement should be avoided or minimized where feasible, exploring all alternative project designs.
3	The Zanzibar legislation does not make any provision for the preparation of a resettlement action plan	Where displacement is unavoidable, resettlement plans should be developed
4	In Zanzibar legislation, members of host communities are not considered as affected people and therefore no provision is given regarding the minimization of the adverse impacts on host communities	The host communities are considered and ways to minimize the impact on the host communities is provided in the RAP
5	There is no arrangement for monitoring, implementation of resettlement and evaluating its impacts	Monitoring and evaluation is part of RAP process
6	There is no arrangement for appropriate and accessible grievance mechanisms	There is a provision of grievances mechanism for the affected
7	The Zanzibar legislation does not make any provision for the restoration of their living standards	Displaced persons should be assisted in their efforts to improve their former living standards, income earning capacity and production levels or at least to restore them. Particular attention is to be paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, woman and children
8	The Zanzibar Law does not make any provision for consultation regarding the resettlement sites	The resettlement site must be chosen through consultation with all displaced people and host communities. For land based resettlement, the new site’s productive potential and location advantages should be at least equivalent to those of the old site
9	The Zanzibar legislation does not make any provision for the socio-economic baseline, census or public consultation	Affected populations and impacts should be identified through thematic maps, a census, an inventory of lost and affected assets, socio-economic surveys and studies, analysis of surveys and studies, consultation with affected populations.
10	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.	Full replacement cost must take into account current market price values as a basis for the calculations and using the principle that “the socio-economic level of pre-resettlement of the communities is re-established, improved or conserved”.

CHAPTER SIX

6.0 INSTITUTIONAL FRAMEWORKS

A number of organizations and institutions will be involved with RAP implementation processes at different levels and times. However the overall implementation and oversight of RAP activities will be carried out by the ZUSP PMT with coordination of the ZMC Sewerage and Drainage Department. Other institutions and organizations that have obligations to carry out functions related to resettlement and or compensation including various local authorities are outlined below.

6.1 Responsibilities of stakeholders

Ministry of Finance

- Set up independent escrow account for managing compensation funds

ZUSP PMT

- All activities by the PMT will be done in in close coordination with the ZMC Sewerage and Drainage Department
- PMT is responsible for overall implementation and oversight of the RAP, through a Resettlement Compensation Unit (RCU)
- PMT RCU will sensitize communities on RAP, provide technical support in preparation of RAPs, screen and appraise and monitor the implementation of RAPs;
- Shall have the overall responsibility for the oversight of implementation of the RAP and RAP monitoring and providing enabling environment for the same;
- Ensure that all payments are made and that all legal documents are signed and witnessed
- Brief PAPs on the payment process and following the briefing go through the documentation
- In the presence of the village leader (Sheha) the PMT must confirm that the PAP is satisfied with the payment to be made. Assist PAPs in setting up bank accounts to receive compensation payments

ZMC

- The overall coordination of RAP activities will be under Zanzibar Municipal Council together with the PMT.

Communities, Shehia team, affected groups

- Participation and responsible for the implementation of the RAP
- The local level authorities will support practical day-to-day implementation of the resettlement activities, including the disbursement of compensation funds

Independent NGOs and other stakeholders

- The PMT will hire an independent party (such as an NGO) to conduct routine audits assessing *inter alia* resettlement conditions, consultation processes, adequacy of compensation, and measures targeting vulnerable PAPs

- Witness the fairness and appropriateness of the whole process
- Monitoring of the resettlement process, establishing direct communication with the affected population, community leaders,

6.2 Stakeholder Committees

Three committees will sit under the PMT's Resettlement Coordination Unit (RCU). The committee members and roles are outlined below.

6.2.1 Resettlement Committee

The PMT will establish a Resettlement Committee that will:

- Provide oversight, management and coordination of RAP implementation activities and teams
- Serve as a liaison with municipalities, districts, government agencies and other stakeholders
- Review of periodic progress report in accordance with RAP guidelines
- Resolve any problems related to coordination of the other committees.

The RAP Committee will be chaired by PMT and include:

- ZUSP Coordinator (Chair)
- Representative of District Commissioner
- Representative of ZMC
- Representative of Ministry of Lands
- Consultant
- Representative of a local Administrators / Shehia
- Representative of PAPs

6.2.1 Compensation Committee

A compensation committee will be established by the Ministry of Finance in order to:

- Coordinate management of compensation process
- Ensure compensation is consistent with RAP guidelines
- to keep records of monies paid (accounting group)
- To issue compensation payments and bank them (banking group)

The Compensation Committee will include the following members:

- Principal secretary of Ministry of Finance (Chair)
- Representative of District Commissioner
- Representative of ZMC
- Representative of Ministry of Lands
- Consultant
- Representative from the ZUSP of the Ministry of Finance
- Valuer
- Representative of PAPs

A Compensation Payment Team will be established with oversight of the Compensation Committee. The main objective of the compensation payment team is to directly carry out the compensation payments to the PAPs. This team will have three main functions: (1) to keep records of monies paid (accounting group); (2) to issue compensation payments and bank them (banking group) and (3) to resolve any disputes (with the grievance committee).

The accounting group will ensure that all payments are made and that all legal documents are signed and witnessed. The accounting group will brief PAPs on the payment process and following the briefing go through the documentation. In the presence of the zonal leader (Shehia) the accounting group must confirm that the PAP is satisfied with the payment to be made. If the owner is dissatisfied with the payment the accounting group will need to refer them to the grievance redress group. All these processes will be documented/.

The banking group's range of responsibilities is to issue compensation payments and bank them. Other projects in Tanzania have recruited representatives from Tanzanian banks to carry out banking transaction on sites where PAPs can receive immediate cash advances from their deposited cheques. Given that the project area is quite centrally located and that there are a large number of banks in the vicinity this is recommended. To have an easy and tractable follow of funds to the PAPs the following steps will be followed:

- An escrow account to handle compensation funds will be established by the Ministry of Finance
- All PAPs will open bank accounts and a certified list of names will be sent to the ZUSP PMT
- PAPs will be informed by the PMT when funds have been deposited.
- Vulnerable PAPs, especially those with low education and disability will be assisted by the independent NGO hired by the PMT and the Shehia during this process.

Given the small nature of the resettlement impact of the project combined with the fact that some of the structures can be affected during the construction of the drainage due to their poor construction methods (e.g. lack of foundations). As a result, if a structure is damaged and suffer an indirect impact during the construction,, they will be compensated through the contractor with support from the compensation and the community liaison and grievance redress team of the RCU. It is important to note that the above payment options refer to cash compensations. For *in kind* compensations, the contractor be responsible for the re-construction of a better structure than the one damaged. This should be done immediately after the drainage channels in the affected location are finished. It will be the compensation payment team's responsibility to ensure this *in kind* compensation occurs in a timely fashion and that the new structure is better than the previous.

Sheha's office

In Zanzibar, the sub-district (sub-municipality and sub-town council) local administration is exercised through the Sheha. According to the Regional Administration Authority Act number 1 of 1998 (Section 17), the Shehia within his Shehia is responsible for the following:

The implementation of all the Government laws, orders, policies and directives, for maintenance of law and order;

Reconciliation and settlement of all social and family disputes arising in that area in accordance with the cultural and customary values of that area and wisdom;

Keeping records of all documents relating to the registration of marriage, divorce, births and deaths, ngoma permits, transportation of crops, livestock, charcoal permits and so forth as directed from time to time by the institutions concerned; The control of immigration in his Shehia and keeping records thereof; Receiving notification for convening all public meetings; To do all other things which are legal and have been assigned to him by the District Commissioner A “Shehia Advisory Council” is established to advice the Shehia. The Council is supposed to be composed of a minimum of 12 members – all appointed by the Shehia himself in consultation with the District Commissioner. A third of the members shall be “elderly person” (60 years or above and “respectable in his Shehia”) (Prof. Othman, 2003).

6.2.3 *Grievance Committee*

A grievance committee will be established that will:

- Address entitlement issues and other disputes and concerns among PAPs and other stakeholders.
- Advice PAPs and other stakeholders on redress mechanisms which cannot be resolved
- Refer unresolved disputes to Community Social Committee (CSC)
- Liaise with other authorities and stakeholders

The grievance committee will include:

- District Commissioner (Chair)
- Representative of ZMC
- Representative of Ministry of Lands
- Valuer
- Community Liaison and Grievance Redress Officer from ZUSP PMT (under the Ministry of Finance)
- Representative of PAPs
- Representative of a local NGO

The ZUSP PMT will include a **community liaison and grievance redress officer** in 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.

Community liaison officer's specific tasks will be to:

- 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;
- Organize meetings with local government leaders at the village level and distribute notices for general meetings to local government leaders, NGOs and villagers;
- Distribute notices, press releases at various points (such as at local government offices, markets,

- schools, churches and mosques);
- Meeting with the Shehias to explain the land acquisition process and to answer questions about the process;
- Select appropriate locations for use as payment centres for compensation payments;
- Explain the compensation payment process including the benefits of using a bank and the role of the bank.
- Explain methodology used to calculate compensation values;
- Present a summary of the Abbreviated Resettlement Action Plan to PAPs, local residents and other project stakeholders, its role and process;
- Explain the process for resolving disputes that may arise during the compensation payment process.
- This will include the explanation of residents' legal rights and how to file a dispute in the legal system should they wish to lodge a legal complaint
- Discuss any socio-economic issues regarding the RAP that are raised by the community.
- Responsible for verifying the identity of the PAPs listed in the resettlement action plan. This officer will work closely with the community liaison team and the local ten-cell leader. With regards to the grievance redress mechanism, it is important that this officer is present at the time of payment at the payment centres and addresses any disputes that may arise. The proposed RAP includes a mechanism to ensure that entitlements are effectively transferred to the PAPs and there is proper disclosure of information and consultations with the affected community. However there is an additional need for an effective and efficient grievance redress mechanism, which will respond to people's queries and problems and address key issues, concerns and complaints.

6.5 Capacity Building

Considering the lack of experience of the ZUSP it is recommended that its officers undergo a set of training programs to help them implement the resettlement program. ZUSP can access resource people from WB or other national agencies/universities for organizing such training programs for its officers and implementation team. Some of the key training inputs required for successful implementation of the RAP should be on the following themes.

- Resettlement policies and principles -WB policies and provisions of ZUSP's RAP;
- Documentation and record keeping of resettlement process and disbursement of compensation and other benefits
- It is also suggested that besides the training inputs there should be a visit to a suitable ongoing
- Resettlement program within Zanzibar or Tanzania to learn from their experiences; and
- Training should include shadowing resettlement experts working on the RAP implementation.
- The training programs should be timed well before the implementation process and at critical stages during the RAP implementation to equip the implementation team for the program. In addition to the ZUSP training, it is recommended that the Shehas of the affected Shehias also receive some training particularly in the following areas:
- Documentation and record keeping of resettlement process and disbursement of compensation and other benefits

- Grievance redress mechanisms and conflict resolution best practices
- Basic notions of resettlement principles and best practices

CHAPTER SEVEN

7.0 ELIGIBILITY

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 as a result of the project, whether or not the affected persons are required to move.

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

1. 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 as a result of the project activities; and
2. 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.
3. 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.

The PAPs were considered irrespective of their tenure status, with respect to land that they own, occupy or use the affected land prior to the cut-off-date. The cut-off date for eligibility to resettlement entitlements for the channel project was 19 .06.2015 which is the last day of valuation of properties.

Properties that are eligible for compensation are buildings, assets on the land such as crops, trees etc. Local communities losing access to assets under customary rights are eligible for compensation. These criteria have been used to determine which PAPs are considered eligible for compensation and other resettlement assistance, in accordance with Tanzania Laws.

7.2 Entitlements Matrix

The principles adopted from the United Republic of Tanzania Laws, Revolutionary Government of Zanzibar and World Bank Policies establishes the eligibility and provisions for all types of losses, structures, businesses, employment, wages, crops, trees. All affected persons will be compensated at full replacement costs and other allowances where applicable.

According to the census survey of assets all of the PAPs are property owners, residential (with business outlets); crops; trees and plantations. The Entitlement Matrix is given in Table 7.1

Table 7.1: Entitlement Matrix

Land and Assets	Types of Impact	PAP	Compensation
Buildings and structures	Structures are partially Affected	Owner	Cash compensation for affected building and other fixed assets . Cash assistance to cover costs of restoration of the remaining structure
Buildings and Structures	Remaining structures viable for continued use	Rental /Lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs.
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + allowance).
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant), based on replacement cost, taking into consideration market value. Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). Assistance to help find alternative rental arrangements. Rehabilitation assistance if required (assistance with job placement, skills training).
		Squatter/informal dweller	Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job placement, skills training).
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting).

Land and Assets	Types of Impact	PAP	Compensation
			Assistance to obtain alternative site to re- establish the business.
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>Market value of the property be assessed according to recent sales of land in the locality or if a built land the cost of replacing the building property less depreciation allowance. Evidence of sales of land must be sought and analyzed to arrive at a market price for the land.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Loss of businesses	Entire structures are affected or partially affected	<p>Business owners</p> <hr/> <p>Business tenants</p>	<p>Cash compensation for entire structure, including land, and other fixed assets without depreciation and taking into account the market value, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.</p> <p>Right to salvage materials without deduction from compensation.</p> <p>Relocation assistance (costs of shifting + allowance (disturbance accommodation and loss of profit).</p> <p>(Transport allowance) = 12 tons x actual cost/ton/Km x 20Km</p> <p>Disturbance allowance = 8% of land value plus value of crops.</p> <p>Loss of rental profit = Net profit/p.m x 36 months</p> <hr/> <p>Cash compensation for disturbance allowances</p> <p>Cash compensation for Transport allowances which is computed on the bases of prevailing market rates within an area. Transport allowance is given as the actual cost of transporting 12 tons of luggage by rail or Road within 20 km from the point of displacement:</p> <p>Transport allowance = 12 tons x actual cost/ton/Km x 20Km</p>

Land and Assets	Types of Impact	PAP	Compensation
			<p>Cash compensation for loss of profit which is assessed by establishing Net profit per month evidenced by audited accounts multiplied by 36 months.</p> <p>Loss of profit = Net profit/p.m x 36 months</p>
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Business person is lease holder	PAP (whether owner, tenant, or squatter)	<p>Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)</p> <p>Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the period effected and any longer terms effects as a result of limited ability to replant etc.</p> <p>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</p>

7.3 Entitlement for Compensation

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

- a) Project impacts
- b) Affected populations/entities
- c) Compensation measures
- d) Complementary measures

Complementary measures include those aimed to the vulnerable groups. Where a project is likely to have adverse impacts on households or individual belonging to vulnerable groups, the Resettlement Plan have specified measures additional to the compensation measures.

7.3.1 Non-Resident Property Owners

Compensation for loss of structure/ assets will be made to owner/ owners of structure/ assets. Non-resident owners of structures who do not live in the Channel and have not been covered under the census survey, will have to come forward to claim their compensations. Their claim will be individually verified before disbursement of entitlements.

7.3.2 Family Unit

Family unit, in the project context, would be household members living in one house and sharing a kitchen. All cash payments to each family unit shall be made in joint accounts (of the husband and the wife). This was strongly emphasized during public consultative meetings to ensure that the project does not harm some of the members of the family, especially women and children. This is based on some past experiences whereby some men disappeared with compensated money causing their families to suffer and condemn the project in turn. Every family member above the age of 18 years (i.e., adult sons, unmarried/ widowed/ separated/ abandoned daughters) will be considered for specific rehabilitation assistance as per eligibility set out in the entitlement matrix.

7.3.3 Vulnerable Families

Impacts of resettlement process on PAPs which are already vulnerable are likely to be more severe. Families with income below the poverty line (define), families with mentally or physically challenged members, elderly (above the age of 60), women headed households and people suffering from HIV/AIDS have been identified as vulnerable and are eligible for special assistance. Therefore they will be given additional rehabilitation assistance in form of a Special Allowance either as lump-sum amount. The assistants will be provided in collaboration with district authorities through village and ward executive officers in their respective villages.

Different categories of PAPs are entitled to specific entitlements on the bases of types of impacts and their severity. The different provisions for rehabilitation assistance are defined below.

7.3.4 Transition / Disturbance Allowances

It is defined as assistance to tide over transition phase during change from pre-project situation to new circumstances caused by resettlement. It may be in the form of a lump-sum amount or in kind and will differ for specific categories of PAPs, such as land owners, encroachers, tenants, etc to

closely match specific costs of disturbances suffered by individual categories. The government specifies that all the affected people are entitled to receive this assistance, Disturbance allowances. The amount to be paid is also specified by the government evaluation department.

7.3.5 Shifting Allowances for Kiosks

Kiosks have temporary and movable structures and thus would be moved to just outside the Channel in matter of few hours. In order to meet the cost of moving the owners will be paid one time shifting allowance of Tshs 100,000/=. This will only apply to those whom the channel will deviate towards their properties and will not apply to PAPs who are encroaching in the right of way. During the consultations with PAPs over the draft RAP and entitlements the kiosk-owners will be given the opportunity to provide their feedback.

7.3.6 Land Purchase Assistance

During the public consultations the affected people admitted that land for purchase is available in some area though the prices are high although it differs from Shehia to Shehia as well as locations. Land closer to the road is more expensive while hinterland is relatively cheaper. Right from the outset, it has been stated that no land will be compensated to PAPs because it is a public property.

7.3.7 Skill Upgrade and Income Restoration Assistance

There will be provision for skill enhancement / vocational training and income restoration assistance to enable PAPs to restore and preferably enhance their incomes through supplementary avenues. PAPs that are suffering from permanent loss of income or livelihood will be eligible to receive rehabilitation assistance for this nature.

These principles, definitions and entitlement framework will be applicable when assessing and compensating social impacts in future as well.

7.3.8 Currently Being Used or Occupied Agricultural/Residential

From the survey and consultations with the PAPs it was learnt that it should be possible to find alternative land close to the affected land that has to be relinquished and, in most cases, this can be added on to the PAPs/DPs remaining land holding outside the Channel, e.g. on the side furthest from the Channel. Because the distances involved will be very small, impacts normally associated with relocation (such as breaking of community ties and impact on access to infrastructure and amenities) can be prevented. It should be note that for Zanzibar it is not easy to get land close to their residential areas

Whenever possible, affected families should be given sufficient time to harvest their present crops and should not be required to abandon any affected fields until full compensation has been given. Effort will be to ensure that no standing crops are abandoned or destroyed. However, wherever there is any damage to standing crops it will be compensated through cash payment. The loss of existing fruit trees or trees of any economic value will be compensated in cash calculated through government procedures. Compensation of destroyed crops applies more for PAP who the channel diverted to their farms.

7.3.9 Privately Owned Infrastructure

All affected structures will be valued and compensated in the form of cash equal to cost of building a new structure. PAPs will have the option of reconstructing their new structures on alternative land either in the vicinity or away from the site as per their individual preferences. Many PAPs may also use this as an opportunity for up gradation or expansion in comparison to their old structures.

7.3.10 Annual Crops and Vegetables

The vegetable gardens will also be treated as annual crops. That is the owners of these gardens will be allowed to harvest their vegetables before project implementation. Since these vegetables are temporary, the owner is not eligible for compensation and will not be allowed to garden in the right of way of the corridor of impact

7.3.11 Community Structures

Community structures in the form of churches, wells, mosques, cemeteries, dispensaries, and water pump and sanitary facilities will be rehabilitated in an adjacent or nearby location. It is not very practical that Water Department will re-construct the replacement structures. Therefore the preferred option will be to pay commensurate amounts of funds to trustees or community leaders to reconstruct the community structures elsewhere, most desirably not far away from current locations.

To ensure that the local community extracts maximum value from the reconstruction works, preference ought to be given to local labour in order to afford PAPs and other local people the opportunity to benefit from wages for their labour. The construction teams will work in close co-operation to ensure that the replacement structures are in accordance with the preferences of the local communities. However, it should be noted that, precaution has to be taken when payment is done, that means the community should state, in a written document that the person to be paid is a community chosen one. The agreement will reduce conflict among facility users and reduce misuse of compensated fund.

As PAPs will be relocated at short distances from the project sites, they may continue to have access to social and public services and facilities that they currently use, which exist outside the Channel. This applies to water supplies, schools, health services, shops, transport services and other community services, such as religious groups. However, in some cases, these structures are currently within the Channel and will have to be relocated.

7.3.12 Income/Business Opportunities

During the actual relocation process there could be a small amount of disruption to businesses required to relocate over very short distances. Such disruption can be minimized or eliminated if the businesses are allowed to build the replacement structure before abandoning the old structures. It should be noted that most of the business people along the route are aware of the project and have already moved away from the right of way. Only in sections that the road diverted will be affected and where not prepared for the exercise. In case of businesses and commercial structures that may suffer temporary loss of income in the relocation process, they will be compensated through payment of disturbance allowance for the period required for re-establishing their businesses.

In cases where, PAPs suffer permanent loss of income they will become eligible for cash compensation equal to 36 months of average affected income from the establishment and skill enhancement and income restoration programme. The district (Community Development Department) will take a responsibility of supporting affected people in developing their skills in entrepreneurship.

7.3.13 Other Measures

The distances over which people will be expected to move are likely to be very small, often no more than a few meters. It should not, therefore be necessary to provide displaced family and business units with transport to move people and livestock. The affected people will be compensated by cash as no transport will be provided by project management to move people from their original locations. Many of the DPs, including family members, will still be living close to the channel and are in a position to obtain temporary jobs with construction teams or even a permanent job. This will provide them with additional income and assist them to improve their livelihoods.

7.3.14 Damage Caused During Drainage Construction Work

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

7.3.15 Compensation for planted trees and Fruit Trees

Large fruit trees, such as mangoes, coconuts, etc are important as a source of:

- Subsistence food for families
- Petty market income in some areas, and
- Shade

Critical subsistence trees (predominantly coconuts will be compensated on a combined replacement market/subsistence value (value of such trees are already defined by the Government) given their significance to the local subsistence economy. If households are resettled, they will be compensated for the commercial/food value of the trees they leave behind.

The Government of Zanzibar has developed crop compensation rates. These rates are reviewed every year. Compensation assessment must be approved by Chief Government Valuer. These procedures will be followed before compensation to affected people is effected

CHAPTER EIGHT

8.0 COMPLAINTS, GRIEVANCE AND IMPLEMENTATION ARRANGEMENT FOR RAP

Undertaking valuation and compensation are not one touch events which end when implementation of the sub-projects commences but rather are not only processes but also complex, delicate to deal with throughout the project. So, it is important to carefully prepare the processes that are transparent and participatory and put in place a mechanism that will help to redress grievances / complaints from project affected people for the channels project.

The process of valuation and compensation involve a mechanism to ensure that entitlements are effectively transferred to the PAPs and there is proper disclosure of information and consultations with the affected individuals and community. An effective and efficient grievance redress mechanism is essential and will greatly help respond to people's queries and problems and address key issues, concerns and complaints from time to time in the course of implementation. Principally, grievances and disputes related to resettlement and or compensation exercise may arise from a number of numerous issues. These include:

- Mistakes related to identification of affected property and people within the channels;
- Disagreements related to the ownership of property (including inheritance and divorce related disputes);
- Disagreement on asset valuation;
- Disagreement of other compensation allowances; and
- Problem related to the time and manner of effecting compensation

Most of the bulleted points above are in the form of complaints in nature. Under normal circumstances, some PAPs are expected to register their requests for full instead of partial compensation while the opposite might also be true. This is envisaged in the situation whereby the PAP feels that his / her house and premises are inhabitable after half or a quarter removal of the structure or building.

8.1 Descriptions on process of registering and addressing grievances

It matters to note that the complaints or grievances are not uncommon from different PAPs and so response to each complaint / grievance will largely depend upon the nature of the issue and the way it will be presented. For instance, disputes related to land ownership will need to be settled before the appropriate level of land courts as established by law, including those established at the Shehia or zonal level, the Councils.

The Zanzibar Municipal Council will have to establish Grievance Committee (GC) which will be responsible for receiving, analysis and making decisions on grievances that will be submitted by project affected persons, individually, as a group or by representatives of the PAPs. The composition and role of the Grievance Committee is outlined earlier in Chapter Six.

This committee is composed of all key and relevant professionals to ensure that complaints are captured and well addressed in accordance with each professional area under which it falls. Though

Land Act No. 4 does not provide procedures of forming grievance committees, experiences have proved the necessity and importance of GCs in addressing particular project grievances.

Meanwhile, separate committees at lower level will be established by each sub-project per Resettlement Action Plan that will constitute representatives of the stakeholders affected by the project. The committee will compose of the following:

- Chairman of the committee selected by PAPs
- Secretary of the committee, also selected by PAPs
- Selected members from respective sub- Zonal level

The Zonal or Shehia committee will be representing (or presenting the emerging interests of the other PAPs by collecting such grievances from their sub-projects or PAPs and forwarding to the Client for resolutions and providing feedback to project affected people. The formation of these committees should not be mandatory and the project will not be responsible for its operation costs. The PAPs will have to incur all committee's running expenses.

8.2 Registering complaints, response time, communication modes, etc.

All grievances will be addressed and submitted to the Client, who in this case, is the ZUSP Project Management Team. These could be verbal or written. The complainant will be given a form to fill in and thus register the kind of grievance(s) especially during the display of valuation results. This form can be filled and returned the same time or the complainant will be given time to work on and submit later to the GC under the Municipal Director (MD) for further actions.

The submitted and collected forms of grievances from different complainants will be submitted to the GC in a summary table for hearing after seven days whereby the complainant will be notified. All grievances will be discussed or dealt with together in a participative process and each grievance bearer will be invited to participate during discussions. The complainant will be asked to get out the meeting room (place) during the ruling or judgment and then will be informed about the decision made by the committee. Wherever necessary, the GC might be compelled to visit the site for verification and come up with decision or provide feedback to the PAP in writing within 14 days. Below is an example of the form for registering and summarizing grievances.

Table 8.1: An example form for registering and summarizing grievances

S/N	Type of complaint by PAP category	Number of complaints by Shehia				Total	Remarks
		Shehia A	Shehia B	Shehia C	Shehia D		
A	HOUSE OWNERS						
1	e.g. Name missing						
2	e.g. Underpaid						
	Sub-total						
B	TENANTS – BUSINESS						
1	e.g. Underpaid						
2	e.g. Incorrect identification						
3	e.g. Assist to remove						
	Sub-total						
C	TENANTS – ACCOMMODATION						
1	e.g. Name missing						
2	e.g. Costs not shown						
3							
	Sub-total						
	TOTAL						

8.3 Descriptions on the mechanism for appeal

Participatory process is emphasized at all levels during the implementation of the project in all stages, and this includes transparent, fairness and rights to all participating parties. It is thus unfair to block PAP's rights in a situation of discontent. If the complainant is unsatisfied with the committee judgment, s/he has the right to appeal to the higher level including the Ministry of State President's Office- Regional Administration and Special Department. If the PAP is yet unsatisfied and has his/her supporting evidence, the complainant can still appeal to the court for his / her justice.

CHAPTER NINE

9.0 IMPLEMENTATION SCHEDULE OF ACTIVITIES

The RAP shall include an implementation schedule which covers all resettlement activities from time of preparation to implementation. The table below illustrates an arrangement for implementation of RAP activities in a chronological order. It also indicates responsible agency per each activity.

Table 9.1: RAP implementation schedule

	2015						2016								
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Preparation and conducting of household surveys of PAPs															
Identification of affected land and other assets															
Consultations with PAPs and communities															
Identification of categories of affected assets															
Identification of names, addresses, ownership/use status, gender, age of PAPs															
Disclosure of affected assets and claimants															
Preparation of valuation methods															
Holding of public hearings to verify entitlements and proposed valuation methods															
Establishment of cut-off-dates															
Finalization of draft RAP report															
RAP disclosure and circulation															
Response to feedback to draft RAP and RAP finalization															

	2015						2016								
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Submission of final RAP and budget															
Hiring NGO/Consultant/RAP implementing agency															
Set Up district level committees															
Verification of PAPs															
Revision and approvals of compensation schedules															
Submission of revised RAP															
Opening Bank Accounts															
Certified List of names with Bank Accounts sent to ZUSP															
Compensation to PAPs-payment through banks															
PAPs informed by ZUSP/or consultant that funds have been deposited into their accounts															
Consultant prepares record form for PAPs to sign upon receiving the check															
Preparing relocation															
Finalization of arrangements for grievances mechanisms															
Land acquisition-Notice of COI															

	2015						2016								
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
clearance															
Commencement of Works															
Monitoring and Evaluation															

CHAPTER TEN

10.0 PROJECT MONITORING AND EVALUATION

10.1 Descriptions of the process and contents for internal monitoring

The objectives of undertaking regular monitoring and evaluation are to provide indicative information on the impact and effectiveness of the RAP and enable adjustments to be made in a timely manner where required.

Project monitoring and evaluation system, both internal and external forms an integral part of the implementation. As such the consultant has described the different steps and activities that shall be conducted to carry out the resettlement action plan from preparation through implementation phase. Certainly, monitoring and evaluation will cover among other things, the following measures:

- If necessary, updating of the census and identifying absentees of property owners
- Disclosure and validation of the list of persons deemed eligible for compensation
- Disclosure of the valuation of individual and community losses and compensations
- Negotiation for each individual record with the affected person or household
- Negotiation for community and /or livelihood compensations
- Payment of cash compensation
- Assistance to displaced persons notably to vulnerable groups

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

The internal monitoring will look at:

- Progress in relation to targets and delivery of entitlements
- Delivery and usage of compensation and relocation entitlements
- Reconstruction of new houses and commercial structures
- Compensation awarded for variety of trees in the project
- Construction/ relocation of community infrastructure
- Shifting of cultural and religious sites to new locations
- Reported grievances and action taken to settle them
- Meetings between officials and PAPs or their representatives (e.g. committees)
- General issues related to the adequacy of the compensation and resettlement exercise

10.2 Financial arrangements for external monitoring and evaluation

The process of financial arrangements for external monitoring and evaluation will follow the government financial procedures. Both internal and external auditors will be employed to ensure proper flow, use and management of project funds.

10.3 Methodology for external monitoring and evaluation

The process of external monitoring will be conducted by an independent qualified agency. The agency, besides reviewing some of the issues being covered under the internal monitoring will also assess or evaluate but not limited to the following elements:

- Adequacy of compensation
- Adequacy of project staff and training programs
- Effectiveness of the grievance mechanisms.
- Transparency of entire process
- Consultation and participation with stakeholders, especially vulnerable PAPs
- Employment opportunities created and availed to communities in the project area
- Changes in livelihoods and incomes among PAPs
- Specific opportunities for vulnerable groups

10.4 Evaluation

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

- Effectiveness of the Rehabilitation assistance
- Income and living standards of PAPs (before and after rehabilitation)
- Effectiveness of various institutional arrangements made for the project
- Quality of interaction between among stakeholders and affected communities
- Opinions and perception of local communities regarding the project and resettlement
- Issues such as change in quality of life among affected PAPS, disruption in lifestyles, etc

10.5 Institutional (including financial) arrangements

The Municipal Director of Zanzibar through his/her relevant departments will be responsible for financial disbursement and accounting for project funds. Besides, the office will be responsible for coordination of all activities and other stakeholders and supervision of the project throughout to its completion. Shehia and Zonal levels will also coordinate activities relevant to their levels including issues related to PAPs.

Table 10.1: Monitoring indicators for Socio-economic changes during RAP and Post Project Implementation

S/NO.	Component	Socio-Economic Impact	Indicators		Means Of Monitoring	Frequency/ Timing	Responsible Team
			Quantitative Indicator	Qualitative Indicator			
1	Compensation	Timely and adequate compensation of the affected properties	All the affected people are compensated adequately	Less grievances/ complaints	Check the list of affected people and verify that Zonal/ Shehia are compensated	The first 6 weeks of compensation	Compensation team / municipal council
2	Training	Adequacy of project staff and training program	Number of trainings carried out. Number of project employees recruited and employed	Effective Project performance	Satisfaction of affected people on the project performance of the staff	Every three month	Project Management
3	Grievances	Effectiveness of the grievance mechanisms.	Less grievances reported to the project office Reported grievances and solved Less court cases reported	Satisfaction of the project affected people	Project reports on reported and solved grievances	The first three month after payment of affected property	Project management and Project working group
4	Stake-holders participation	Consultation with and participation of stakeholders, including vulnerable PAPs	Number of meetings carried out in the project area Number of people consulted / participated		Check the project records on the meeting minutes	Every month	Project Management
5	Assistance to vulnerable groups	Specific opportunities for vulnerable groups	-The number of vulnerable group received any form of assistance -Number of complaints from the affected vulnerable groups		Survey on complaints	Every month during compensation period	Project Management Municipal Council
6	Services to community/ livelihood	Traditional water well	Replacement of water well in the affected Zonal	-Improved water services -Level of satisfaction on the availability of water in the affected Shehia	Shehia / Zonal government reports Water committee report	Quarterly	Project Management Zonal

S/No.	Component	Socio-Economic Impact	Indicators		Means Of Monitoring	Frequency/ Timing	Responsible Team
			Quantitative Indicator	Qualitative Indicator			
7	Community cohesion and relations	Community fabrics	Number of community fabrics disrupted/disintegrated	Destruction of community relations and ties	Shehia development report	Half yearly	-Consultant -Zonal development report
8	Property and livelihood	Loss of properties: -Loss of shelter -Loss of assets or access to assets	-Number of alternative employment opportunities created and the number of affected people employed in formal/ informal sector. -Number of assets lost; and those put in place	-Improved people's livelihood -Living standards of people's whose properties have been demolished and the coping mechanisms	-Annual survey reports on assets owned -Zonal government development report	Half yearly	Municipal Office -Consultant -Local government
9	Grievances	Grievances recognized as legitimate out of all complaints lodged	Number of legitimate grievances rectified	All legitimate grievances rectified	-Half yearly Interviews Zonal /Shehia development reports	Half yearly	-Municipal Council -Consultant -Zonal government

CHAPTER 11

11.0 RAP BUDGET

The project has affected three (3) major physical impacts – namely, buildings, crops/trees and acquisition of land (A). Other components which are included in the compensation package consist of the allowances for accommodation, transport, disturbance and loss of profit (B). Other compensation costs include income restoration, assistance to vulnerable PAPs, and shifting of movable assets (e.g. kiosks and mobile vendors) (C). The compensation amount is based on each individual's entitlement option, calculated on the basis of estimates made during census.

The RAP budget also includes management costs (D) including monitoring and evaluation derived from the cost for an independent consultant to carry out internal and external evaluation and training of implementers on the various RAP committees. The following table contains the detailed budget for RAP:

Table 11.1: RAP Implementation budget

Component	Value (TZS)
A. Land and Assets	
Structures	2,034,187,190
Crops and trees	32,082,000
Land (acres)	539,065,200
Subtotal A	2,605,334,390
B. Allowances	
Accommodation	574,200,000
Transport	28,800,000
Disturbance	412,723,422
Loss of profit	68,213,714
Subtotal B	1,083,937,136
C. Other compensation costs	
Income restoration	25,000,000
Assistance to vulnerable groups	2,200,000
Shifting of movable assets	2,000,000
Subtotal C	29,200,000
D. Management	
Monitoring and evaluation (internal)	20,000,000
Training of implementers	10,000,000
Subtotal D	30,000,000
E. Total RAP Implementation Cost	
Total compensation (A+B+C)	3,718,471,526
Compensation + management (A+B+C+D)	3,748,471,526
Contingency (5%)	187,423,576
Total RAP Implementation cost	3,935,895,102

Source: Valuation report - 2015/6

Therefore, the total amount for implementation of the RAP for Systems D, G, E and I is **TZS 3,935,895,102**.

All the community affected structure such churches in the right of way, the Madrasa in Amani (system I) and government workshop at Muungano will be rebuild in the same neighborhood by the proejct.

CHAPTER TWELVE

12.0 CONCLUSION AND RECOMMENDATION

The storm water drainage system project is implemented as a sub-component under Zanzibar Urban Services Project (ZUSP), which involved reviewing and updating of technical design of storm water drainage and socio-economic issues, legal issues, compensation, cost estimates and compilation of tender documents of the project. This assignment was awarded to TECHNIPLAN following its agreement and the Ministry of Finance of Zanzibar.

12.1 Conclusion

This report has been about presenting a sound RAP for the Zanzibar Municipality Storm water and drainage project. Through the different chapters of this document, the consultant has tried to elaborate relevant information necessary for this RAP. This includes descriptions about the project; the project area; different polices, Legal & Institutional Framework for Resettlement; census and survey of PAPs; Resettlement measures; Valuation, compensation process and implementation schedule; and the Budget & Monitoring. All these were in accordance with the objectives of RAP as per the terms of reference.

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

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

Information has also been given on the main occupation of the affected people; land tenure; details of their livelihoods which includes , business engagement; sources of income and income gender base. In determining wealth of the affected people the study also put into consideration house structures, education and literacy level with consideration of health, water sources, disposition of solid and liquid waste by households. The study also went into depth to identify affected persons. Possibility of relocating residents was communicated from all stakeholders and thorough valuation information gotten from the valuer.

Given the option, the affected persons aired their preferred compensation option since there are various forms of compensations. We have also looked at the best way of minimizing all negative impacts during relocation. Also, grievance procedures, mechanisms, monitoring and evaluation both internal and external plus indicators have been suggested. The Zanzibar Urban service department in collaboration with Municipal authorities will facilitate the arrangement of each PAP payment.

12.2 Recommendations

Recommendations are mainly based on the field findings especially on issues raised by PAPs during public consultations.

- i) Compensation payments for eligible PAPs should be fairly and promptly done, transparent, accurate, political-free and non-bureaucratic, based on technical principles and professional work of valuation report.
- ii) Each PAP should be exposed to his / her entitlement before preparation of cheques or other modes of payment and before effecting payments. This will happen during disclosure and will allow each PAP to know what s/he deserves and sort out discrepancies before proceeding to the payment stage.
- iii) Though the government policy / law is clear about public ownership of land and that PAPs are not entitled to land compensation, there should be consideration to assist PAPs by compensating just land size equivalent to the size occupied by affected building / house.

References

1. Project reports (ESIA, RAP, ToR, etc)
2. Constitution of Tanzania (1977)
3. Policies and Acts of the United Republic of Tanzania and Zanzibar Government
4. World Bank Safeguard policies

Annex 1: Minutes of meetings during public consultations and list of attendees

Please see standalone Annex 1 document.

Annex 2: Issues raised by PAPs in consultations and responses

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
1	SOGEA – system D		A brief introduction about the project was given including its background and objectives of the RAP	This was done in all meetings
I		Qn: At the moment there is plenty of flooding water due to heavy rainfall. Do not you see that it is better to wait till the weather becomes conducive (dry) for the valuer to proceed with valuation?	It is correct we are communicating with the higher authorities so that this assignment is postponed until after rain has stopped and the working areas become dry	The meeting was conducted on 8 th May, 2015
II		Qn: One of the PAPs stated that he was constructing his house and wanted to extend it to an area where storm water drainage will be constructed and now cannot proceed. Will the project compensate him?	If the house and the area is within the corridor of impact and it is impacted by the project then there is no doubt that you will be compensated	
III		Qn: There are two houses belonging to two different people have been marked with the same single identity number. Why is it so?	That is a human error and the issue will be communicated to the surveyor to make correction. Each number is an identity of each PAP	
IV		Comment: Before valuers undertake assets valuation, it is important for the project to inform each PAP in advance so that every affected person is available and provide correct information about his/her properties/assets	Noted and is a valid comment	
V		Qn: After carrying out valuation of assets and taking the photos of the owners and unfortunately the owner dies, what will happen?	The members of the family will have to sit and select a family representative who will be officially introduced to the project through the Shaha's office. So the office of Sheha should be fully involved and this is common, that is, preparation of probate note (<i>utaratibu wa mirathi</i>)	
VI		Qn: In case my house is half affected by the project and demolished, will I have the right to rehabilitate it and continue to live in that house?	It is ok to do so provided you do not interfere the RoW	
VII		Qn: What will happen to the owners who have houses within the RoW but not marked?	Some houses have not been marked due to floods. The surveyor will come back and mark them. So they will be	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			compensated	
VII		Qn: Who is going to provide compensation to the PAPS? Is it government or your private company (Consultant)?	Each player has different responsibilities. The WB will provide funds for physical construction made for service providers including consultant payments (TECHNIPLAN) while the government of Zanzibar is responsible for compensating affected people.	The government will later on procure the contractor after compensation of PAPS for construction
IX		Comment: Experience from the past and other project indicates that sometimes the government unfairly pay the affected people	Normally the government pays according to established rates and according to its present laws. There will be no cheating because the government will compensate according to this valuation report which is done based on this RAP	
X		Qn: When will actual construction of the storm water drainage systems officially commence?	Construction will commence after completion of RAP and after compensation of the affected people by the government. The government will like to see the project is constructed as soon as possible because implementation is behind the schedule	The project started some four years back but failed to kick off due to financial constraints
XI		Comment: We have doubts about the actual commencement of the project because every time when the area faces flooding due to heavy rainfall, experts come and talk to people like this but nothing takes place on the ground	The government is serious about the project and funds for construction is already secured	It seemed that people have been waiting this project for a long time and a number of consultancies have been engaged in it but actual implementation did not happen
XII		Comment: In 2000, the President announced the same about construction of this project, but later nothing was executed. So we are worried that it might be a political agenda or campaigns for 2015 general election. In 2010, the President also promised that	It is not a political agenda. We are not politicians and all preparations are in place for project take off. The government is seriously pushing to ensure the project is implemented soon	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
		everything was okay for the project to take off, and yet there was no implementation up to date	Sheha responded that Government projects pass through several stages / step by step. It is important to believe that the government has seriously decided to implement the project because it has been getting losses and troubles in combating problems caused by frequent floods. <i>“Let us be patient, the plate of food is there for people to consume and what is being said is just around the corner. I believe things have now ripened and so the project will be implemented as planned”.</i>	
2	MUUNGANO – System I		A brief introduction about the project was given including its background and objectives of the RAP	This was done in all meetings
I		Qn: What do you mean by Resettlement Action Plan?	This is the important part of the project whereby all issues related to the reallocation are detailed before actual implementation. It is involuntary move of people to other location but the government in this case will not look alternative settlement for affected people to settle. The RAP consists of policies and legal matters of the project, impacts of the project, public consultations, grievances mechanism, PAPS’ entitlements, implementation schedule, Monitoring and evaluation, etc	The term “involuntary” was misinterpreted by PAPS during the meeting, claiming that there was no point of consultation if the government had already decided to remove them from their residential areas for the public interest without their consent. All efforts were made to educate them and clarify the important of consultations but refused to understand the truth and insisted to reject the project. The assistant Sheha was behind this rejection of the project
II		Qn: In case bundles of bananas are adjacent to the affected house, will the project give	Compensation will be provided according to government rates, even the	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
		compensation to the owner?	banana plants will be compensated	
III		Qn: Suppose just half of my house is affected, am I going to be compensated just a half? If so, will the remaining part sustain?	According to the Government official's statement, the whole house will be compensated because the remaining part will be unstable and will not accommodate the use of the owner	
IV		Qn: How do we know the value of our properties / assets?	During property inspection by the valuer, it is not easy to be informed about the value because the valuer has to settle and compute the value. Then every individual will be notified later after computing the values.	
		Qn: Houses of some of the affected persons are located along the main road, while others are located in the interior. Will the value be the same or treated equally?	The government has not put the location of the house as one of the criteria to calculate its value. There are other factors which differentiate the value of one house from another, for example, building materials, value of land, size of the house, types of the structure, and sometimes age of the house, etc	
V		Qn: There are some affected houses which are owned by more than one person, how will this be treated?	The members of the house are supposed to agree and select one trustful member to represent the rest. The office of Sheha should be involved or officially notified	This should be settled as early as possible to avoid future conflicts during compensation
VI		Qn: If I am dissatisfied with the value of compensation payment, what will I do?	The valuer will accomplish his report and display the value to each affected person and each will be asked to sign. The valuer is a professional and entrusted by the government, and works according to established criteria, laws and policies. If one is not satisfied must have a basis and prove beyond doubts	PAPs can also select a representative and form a committee to represent the rest

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			However, if not satisfied, there is a room for registering your complaints and there will be a committee for resolving such complaints and you can also take your case to the court for hearing.	
VII		Qn: Who is affected by floods or storm water in this area? Where does water come from?	This project is for the public interest not individuals. Professionals / experts have developed a project design, which have also been reviewed so it does not matter where water originate and where water affects people. The issue is to help people in Zanzibar and save their life from floods no matter their location	The participants were challenging the design simply because they wanted to justify their objection of the project
VIII		<p>Concern: The residents of Muungano complained that they are not affected by storm water. Therefore this project should totally exclude them.</p> <p>One of the PAPS stated: <i>"We should not accept to be forced to accept the project. We don't want this project; we want our rights to prevail. We are not ready to move out of this place."</i></p>	<p>Note:</p> <p>The meeting was postponed unceremoniously.</p> <p>This event was immediately reported to the Project Coordinator for further action</p> <p>The Project Coordinator stated that the matter could be reported to the District Commissioner for follow up and rectification.</p> <p>The PAPS reported the matters to the District Commissioner and two actions have been taken: a) one was to call all of them to a meeting, discussing the issue with District Commissionaire, ZMS and ZUSP; and b) was visiting the site and requesting them to submit the details regarding their impact for the properties, to the commissioner. This is going to be included in the RAP.</p>	<p>Potential PAPS refused to proceed with the meeting and other forthcoming activities like valuation and household census (socio-economic census). The meeting was disorderly conducted. Some questioned the validity of the project design, claiming that it was incorrect or inaccurate.</p> <p>This matter was resolved in August 2015 whereby the PAPS of Muungano accepted the project as explained</p>

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
3	KWA MTIPURA – system I, & CHUMBUNI – system G	Qn: Some PAPS have title deeds while others do not have. How will this be treated?	All will be compensated, except that those with title deeds will have additional funds because processing and owning title deeds have additional costs	
I		Qn: The difference between 6 months and 3 years is not clear. Please can you elaborate!	Normally the project or Government will give you between 3 and 6 months for demolishing or clearing of the RoW. Then you will be given money for temporary alternative accommodation for 3 years or 36 months while you are continuing with construction of your permanent house	
II		Qn: How long will this project take up to its completion?	The project has already started. All what we are doing are part of the project implementation. After submission of our reports, you will be compensated and then the government will procure the contractor and engage him/her to start construction	You are advised to start removing your properties immediately after compensation
III		Qn: It is understood that the Revolutionary Government of Zanzibar will compensate PAPS and compensation package include various items. Will all items be itemized and compensated at once?	Yes! Everything will be shown in the payment sheet and these include the following; affected properties (building, crops and trees, removal, water points, etc); disturbance allowances; alternative accommodation, transport costs (fair, 12 tones, coverage of a distance of 20 Km) and loss of profit. This will be summarised in the RAP's entitlement matrix and explained to PAPS.	
IV		Qn: What measures will be taken for PAPS who are abroad at the moment and those who are in prisons?	Communication with the owner has to be done through relatives and she/he can appoint a representative by writing a letter which should be approved by the respective Sheha. For one in prisons, relatives can appoint a representative of	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			the family to represent the owner	
V		Concern on land: Despite the fact that the Government owns land, it should reconsider and provide land to the affected people in order to build their houses. Affected people deserves land assistance	This is a legal matter and that is what the Government instructed that land will not be compensated However it contradicts with the WB's Safeguard policy - OP 4.12 and the decision will be based on the agreement between the Government of Zanzibar and WB	
VI		Concerns / Requests: - The Government should assist them to provide plots where PAPS can construct their houses - The Government should also consider to compensate them land - The compensation packages explained by the consultant should be exactly executed, there should be no change and cheating during compensation	Noted, These comments will be forwarded to the Client and the funder for consideration	
VII		Qn: If the main house is not affected but the septic tank is affected, will the owner be removed?	The owner will remain with his /her main house, only that s/he will be compensated the affected property (septic tank) in order to build a new one	The valuer can also judge the main house to be demolished if there is no space to construct another septic tank because sanitation is very important
VIII		Qn: For those who are affected but unfortunately have not attended this meeting, how will you (project) help them?	We started the meetings with the Sheha and his/her Shehia members, so we believe this message has reached every project affected person. We also request all of you to pass the same information to them. Our concern is to ensure that every PAP participates in this exercise	
4	SHAURIMOYO – system I	Qn: How will the valuer know the values of our properties without calculating at the site and without asking the property owners? Will the owner be invited to the office to assist the valuer in computing the values?	It is difficult for the valuer to calculate at the site. He has to investigate and records all assets and compute using the computer and valuers are guided by principles. The owner cannot go to the	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			office but has to ensure that all particulars or assets are recorded and has to sign the valuation form (No. 69)	
I		<p>Concerns: - Some PAPs were doubtful as to whether the value entered in and inspected their house rooms (inside)</p> <p>- It is not true to state that the land is owned by the government and this is unfair because people in Zanzibar buy land and nobody is given land free of charge</p> <p>- We as affected people we are removed from town centres and therefore we should be located to the town centres as well instead of periphery by getting plots in town.</p> <p>- It is true that Mzee Karume said that land was free, but since the government / project is demolishing our houses that it should provide us areas to settle</p> <p>Some admitted that it was true that the government had a law about public land ownership and that the problem is ignorance about the laws. People do not read them. <i>"We are always advised to read and understand our laws about land but people neglect. So whether we like it or not, our houses will be demolished"</i>.</p> <p><i>"We are in for it, we cannot oppose the project. What is important for us is to get our rights, our money and each PAP will know what to do"</i>.</p>	<p>The valuer did so!</p> <p>Let us not deceive ourselves, who will give you a plot in town? Where are these plots in town? The expert are executing their job as instructed and the government has made its decision</p> <p>If people are not satisfied with the issue of land, then we can arrange a meeting to discuss the matter with our Representatives and Members of Parliament</p>	<p>One of the PAPs commented</p> <p>This was commented by Sheha of Shaurimoyo</p> <p>However, as mentioned elsewhere above, the Government of Zanzibar will compensate land as required by the y world bank safeguard policy</p>
5	MPENDAE - system E & MAGOMENI – system E	Qn: Is it necessary for the affected persons to be present during investigation of their properties?	Yes. Because it is important to make sure that your properties are correctly recorded and nothing is left out, then you have to sign because what is recorded is what produces the compensation amount	
I		Qn: In case I am not satisfied with the process, what can I do?	Procedures are obvious as discussed above. Every PAP has the right to complain and demand his/her rights through grievance mechanism and through the court if other procedures have failed to resolve your	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			complaints	
II		Qn: How long will the whole exercise take?	We have no specific dates but the project has to be implemented and completed as soon as possible. Within two months our report will be ready and after that within six months the government is supposed to compensate PAPs and then clearance of the RoW to pave a way for construction activities	Funds for construction have already been secured from the World Bank. The government has to mobilized funds for compensation
III		<p>Concerns:</p> <ul style="list-style-type: none"> - There are no government plots and even if you apply for a plot in the government it will take years even up to 10. Plots are sold privately, but very expensive, it is very difficult to get a plot and very expensive as it can cost up to 40 million - The whole exercise should observe rights of people, trustful, fairness, ethics and free from corruption - The World Bank (WB) should prepare each and everything and not the Revolutionary Government of Zanzibar. If people will be discontented will complain to demand their rights. - It is important that all what the Consultant / experts have mentioned are properly documented and well kept in Sheha's office and each PAP can obtain a copy for reference, for example, the width and depth of the drainage system, PAP's entitlements, etc - Participants emphasized the necessity of improving communication and timely flow of information both vertically and horizontally, for example use of mobile phones to pass information 	Noted for reference	
6	KARAKANA – system G & CHUMBUNI – system - G	Qn: Why the drainage system does not pass through the open spaces instead of passing it through residential areas where it affects people causing them to vacate?	This is a technical issue and no one is happy to disturb people and use all these money for compensation if the drainage can by-pass residential areas	
I		Qn: Will the project find alternative places for	No!	The role of the Sheha is to ensure that the

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
		<p>affected people to settle?</p> <p>Comment from Sheha:</p> <p>Normally private owners (land lords) do not sell land but pretend to sell crops grown on land. The reason is that according to the law of Zanzibar, bare land is not sold because it is the government or public property.</p>		project is successfully implemented and people get their rights, for example ensuring that people are paid before demolishing houses and that each fulfills his/her responsibilities as required.
II		Qn: If the house has a mark, but has no arrows, what does this imply?	It means that the whole house is affected and is to be removed	
III		<p>Concerns / requests:</p> <ul style="list-style-type: none"> - Participants requested that they should be getting information on progress of each step from time to time after the meeting - People suggested that the Government's Land law should be rectified because as it is, it is harming people of Zanzibar. It denies their rights to get alternative land for house construction - The government should rethink and help them to get land for house construction because it is not easy to use the same money to buy and land and construct a house - The land which is current occupied by PAPS was not freely obtained and instead there are people who sold to them and that is why they are claiming that it is not a government property per se 	Noted and will be forwarded to the responsible authorities	These include the Ministry of Finance, District Offices, Sheha's offices, Consultant, etc
7	<p>MEYA – System E</p> <p>KIKWAJUNI – system F</p> <p>URUSI – system E</p>	Qn: If I have already my operating bank account, is it necessary that I have to reopen a joint account with my wife?	It is a good idea to monitor expenditure	
II		Qn: There are houses which are owned family wise (members of the whole family), how will it be compensated?	If there are disputes on house ownership, then those concerned should resolve it immediately using available authorities (e.g.	

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			Sheha offices, courts, etc)	
III		Qn: Who is carrying out valuation? Is it WB or government of Zanzibar?	Inspection / valuation of properties is carried out by the consultant, who will submit to the government for verification and approval	Valuation is done by an independent organ, guided by the government laws /Acts in observance of WB's Operational Policies (OP)
IV		Qn: If the owner of the house is sick and no picture or photo was taken, how will s/he get assistance?	So long s/he is the right owner of the property, compensation will be effected	
V		Qn: Who will be responsible for compensating affected persons?	It is the responsibility of the government to compensate PAPS	
VI		Qn: There are PAPS who have bananas within the RoW, will they get compensation?	Yes!	
VII		Comment: We are told that if an individual is not satisfied, can complain and file a case in the court, but courts are under the government and we are worried that we can still lose our rights If courts will betray our rights, then we will be ready to consult offices or organization addressing Human Rights for assistance	It is better that you (all PAPS) join your efforts by establishing a committee, which will handle your issues together The court is a neutral organ and has to exercise rights	
8	MWEMBEMAKUMBI – System I	Qn: We have unaffected houses but septic tanks are affected, how can one live in a house without a septic tank? Concern: There are other houses, which are not affected, but fences will be removed and this will affect their security due to lack of fences. In addition, if walls / fences are removed then these houses will be prone to floods because there will be no protection	The owner of the house will be compensated money for constructing another septic tank. If the space for constructing another septic tank, the valuer might recommend the main house to be compensated and removed	Technically the valuer can recommend and judge the owner to vacate the place because s/he cannot live without toilet
I		Qn: Will this drainage system be uncovered?	The drainage systems will be covered to prevent accidents and haphazard disposal of wastes by some irresponsible people which can block the drainage system It is a technical issue or design that in some parts the drainage system will be	The issue of covering the drainage system and reasons were provided by the technical designer, which include prevention of dumping wastes in the drainage systems if they remain open. Experience on the existing drainage shows that disposal of

SN	SHEHIA AND SYSTEM	ISSUES /CONCERNS AND QUESTIONS RAISED BY PAPS	RESPONSES FROM THE CONSULTANT	COMMENTS
			open	solid wastes have been contributing to blockage of drainage systems
II		<p>Qn: Is it compulsory to open up a joint account or not?</p> <p>Does it mean that PAPS without bank accounts will not get money? No cash will be provided?</p> <p>Concern: Opening an account is also causing disturbance and loss because it involves charges (interest rates) as a result the deposited amount will automatically be deducted by the Bank</p> <p>To open a Bank account is a good idea but it should not be a compulsory due to disturbances accompanied by the process and operation. It is better that every person be free decide and plan better ways of using his/her money</p>	It is a strong recommendation because each PAP will receive a cheque which will be deposited in the bank account	Some PAPS were very critical about opening up the Bank account because of the high interest rate which will reduce the amount of money
III		Qn: Is it conditional to open an account in a certain Bank?	This will be arranged and communicated to PAPS during compensation time	
IV		Qn: Which currency will be applied during compensation – USD or TZS?	PAPS will be compensated in local currency, that is, Tanzanian Shillings	Otherwise, the Ministry of Finance will provide financial guidance
V		Request: During preparation of cheques, PAPS requested that the project should include bank charges (initial interest) plus the amount for opening an account because otherwise compensated amount will be less than the actual payable amount	This will be forwarded to the Project Management	The PMT confirmed that this is a perception of PAPS and there will be no bank fees or charges. This will be explained to PAPS when setting up bank accounts.