

**THE UNITED REPUBLIC OF TANZANIA**



Ministry of Agriculture Food Security and Cooperatives  
Tanzania Mainland

Ministry of Agriculture and Natural Resources  
Zanzibar

**Tanzania Expanding Rice Production Project**

**RESETTLEMENT POLICY FRAMEWORK  
(RPF)**

**DRAFT REPORT MAY 2014**

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## 1.0 PROJECT BACKGROUND

In 2001, Tanzania formulated the Agricultural Sector Development Strategy (ASDS) for Tanzania Mainland and, in 2004 the Agricultural Strategic Plan (ASP) for Zanzibar identifying the key elements of sector wide program. The two strategies aim to develop the sector with the overall goal of increasing annual agricultural sector growth to 6% in line with the Comprehensive Africa Agriculture Development Programme (CAADP). Implementation of these strategies will contribute to the achievement of the Mainland's National Strategy for Growth and Reduction of Poverty (NSGRP) and the Zanzibar Strategy for Growth and Reduction of Poverty (ZSGRP) targets. In 2011 the country, launched the Tanzania Agriculture and Food Security Investment Plan (TAFSIP) which is a CAADP inspired framework aimed at mobilizing resources for implementation of strategic agricultural interventions for both Tanzania Mainland and Zanzibar.

In order to address food and nutrition security in both Tanzania Mainland and Zanzibar efforts have focused on increasing production and productivity of major food crops including maize, rice, cassava and sugar. These efforts will be supported by the Expanding Rice Production Project (ERPP) to be funded under the Global Agricultural and Food Security Programme (GAFSP).

The ERPP has been developed jointly by the two Ministries, namely the Ministry of Agriculture Food Security and Cooperatives (MAFC) for Tanzania Mainland, and the Ministry of Agriculture and Natural Resources (MANR) for Zanzibar. The two Ministries will be jointly responsible for project management. However, specific project activities will be implemented independently by each Ministry. Each will define and implement its respective budget, work plan, and monitoring systems. The Mainland and Zanzibar governments will each implement the safeguard provisions laid out in this document.

### 1.1 Project Objectives and Description:

The Project objective is to increase the productivity and production of rice in targeted areas of Morogoro and Zanzibar. The project will be implemented under the leadership of the MAFC in three Districts of Morogoro region namely: Kilosa, Mvomero and Kilombero. The project will be implemented under the leadership of the MANR in six Districts of Zanzibar, namely: West, Central, North "A", Mkoani, Chake Chake and Wete. The project will be implemented over a five year period.

### 1.2 Project Components

The project has four main components: (i) Sustainable seed systems; (ii) Improving crop productivity through better irrigation and crop management; (iii) Innovative marketing strategies; and (iv) Project management, monitoring and evaluation. **Only component 2 and**

**3.1 could involve land acquisition. However, all components will adhere to the principles of this RPF.**

*Component 1: Sustainable Seed Systems: US\$ 3.38 Million (2.27 Million for Tanzania Mainland and 1.11 Million for Zanzibar) is designed to enhance the adoption and sustained use of improved rice varieties that have been released by the research system*

**Subcomponent 1.1: Introducing new varieties to smallholder farmers.** through supporting two years of on-farm demonstrations in the targeted regions of the Tanzania Mainland and Zanzibar in order to confirm the preferences of farmers for the new varieties.

**Subcomponent 1.2: Promoting the sustainable production and delivery of preferred varieties**

**Subcomponent 1.3: Strengthening seed quality control** to ensure that rice seed available to farmers is of the right quality.

*Component 2: Improving crop productivity through better irrigation and crop management: US\$ 14.04 Million (10.34 Million for Tanzania Mainland and 3.7 Million for Zanzibar):* This component aims to improve smallholder rice production and productivity through improved crop and water management. The project will support expansion and/or rehabilitation of selected irrigation schemes, and promote adoption of improved agronomic practices.

**Subcomponent 2.1: Expansion and rehabilitation of irrigation infrastructure.** This sub-component will improve water availability for dry season irrigation and water use efficiency of irrigation during both the wet and dry seasons. The project will expand and/or rehabilitate irrigation infrastructure at five irrigation schemes on the Mainland, and eight irrigation schemes in Zanzibar. On the Mainland, 325 ha of irrigated area will be rehabilitated and 315 ha will be expanded. In Zanzibar, 58 ha will be rehabilitated and 72.5 hectares will be expanded.

**Sub-component 2.2: Promoting Adoption of Improved Agronomic Practices.** through: (i) farmer-led, on-farm demonstrations of two methods of the System of Rice Intensification (SRI) - one with manual weeding, and one with chemical weed control, (ii) training of extension staff, irrigation technicians and lead farmers, and (iii) a temporary, market-friendly subsidy scheme promoting the uptake of technologies on offer.

*Component 3: Innovative marketing strategies US\$ 2.37 Million for Tanzania Mainland*

**Sub-Component 3.1: Provision of Marketing Infrastructure thorough** construction of warehouses for each of five smallholder schemes where irrigation infrastructure will be rehabilitated, and rehabilitate feeder roads in two of these schemes to facilitate improved access to output markets<sup>1</sup>.

**Sub-Component 3.2: Strengthening Market Linkages and Market Information.** This subcomponent aims to improve farm gate prices by testing alternative marketing strategies linked with the warehouse operations.

*Component 4: Project Management and Coordination: US\$ 3.1 Million (US\$ 1.52million for Tanzania Mainland and 1.6 million for Zanzibar.*

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<sup>1</sup> This will also improve the accessibility of farm inputs.

### 1.3 Resettlement and Compensation

Two of the ERPP components encompass investments that could require resettlement. Sub-component 2.1 includes investments to rehabilitate and extend irrigation infrastructure and component 3 under which a number of warehouses will be built. This primarily involves the up-grading of schemes that are already in existence – as outlined in Table 1 for the Morogoro Region of Tanzania Mainland, and in Table 2 for Zanzibar.

**Table 1: Tanzania Mainland (Morogoro) Irrigation Schemes**

S N	Name of Irrigation Scheme	District location of irrigation	Current size of irrigation scheme – wet season	Hectares to be rehabilitated	Hectares to be extended
1	Njage	Kilombero	325 (75 under irrigation)	325	-
2	MsolwaUjamaa	Kilombero	675	-	40
3	Mvumi	Kilosa	249	limited	-
4	Kigugu	Mvomero	200	-	180/195
5	Mbogo	Mvomero	200	-	80
6	Kilangali	Kilosa	200	-	400

**Table 2: Zanzibar Irrigation Schemes**

No	Name of Irrigation Scheme	District location of irrigation scheme	Current size of irrigation scheme	Hectares to be rehabilitated	Hectares to be extended
1	Mtwango	West –Unguja	78	30/22	-
2	Koani	Central- Unguja	25	-	12.5
3	Kibondemzun go	West- Unguja	3	-	22
4	Bandamaji	North A- Unguja	15	15	-
9	Mchangani	Central – Unguja	20	-	10
5	Kwalempona	Wete-Pemba	7	-	8
6	Dodi 1	Chakechake- Pemba	3	3	-
7	Dodi 2	Chakechake- Pemba	25	3	-
8	Machigini	Mkoani- Pemba	22.3		12
10	Ole	Chakechake- Pemba	7	15	8

Current planning suggests that two of the six schemes on the Mainland and four of the 10 schemes in Zanzibar will involve only rehabilitation. Much of this investment will involve

the improvement and lining of existing canals. Impacts on smallholder property rights are expected to be very limited.

In many cases where extension is planned, this involves the conversion of land currently being informally irrigated to a formal system based on an infrastructure of intakes and canals. Land rights may shift as farmers trade an informally irrigated plot for a formally irrigated plot. Two of the larger extension efforts involve the expansion of irrigation infrastructure on national seed farms.

The second set of investments that may require involuntary resettlement encompass improvements in marketing facilities including the rehabilitation or improvement of limited sections of rural road, and the rehabilitation or construction of warehouses designed to facilitate the marketing of paddy or rice under component 3. This component, though, only applies to the Morogoro Region. Each of the five targeted smallholder irrigation schemes is expected to have a rice warehouse (the sixth scheme is a public seed farm). These will be small, with a capacity ranging from 1000mt to 3,400mt depending on the size of the neighbouring irrigation scheme. In addition, two of the schemes will receive support for rehabilitating existing feeder roads. These commitments are summarized in Table 3.

**Table 3. Market Infrastructure Planned**

SN	Name of Irrigation Scheme	District location of irrigation	Proposed warehouse	Feeder Road to be rehabilitated
1	Njage	Kilombero	1700 mt	7 km
2	MsolwaUjamaa	Kilombero	3,400 mt	0
3	Mvumi	Kilosa	1,300 mt	8 km
4	Kigugu	Mvomero	1,000 mt	0
5	Mbogo	Mvomero	1,000 mt	0

Little or no resettlement is expected to result from these infrastructure investments. In all cases, the roads already exist and simply need to be rehabilitated. Each of the warehouses are expected to be placed on community land. These arrangements need to be confirmed prior to the initiation of construction.

### **1.3.1 The Sociopolitical Environment of Morogoro Region**

#### ***The Demographics***

Tanzania's population of 44.9 million in the 2012 census is made up of more than 120 different tribes, most of them belonging to the Bantu family. Population density has increased from the national average of 39 people in 2002 to 51 people per sq. km. in 2012. Also at regional level, population density varies between regions, from 13 people per square

kilometer for Lindi region to 3,133 people per sq. km. for Dar es Salaam region on the part of Tanzania Mainland. In Tanzania Zanzibar, regional population density ranges from 135 people per sq. km. in Unguja South to 2,581 people per sq. km. in Urban West.

According to the 2012 Population and Housing census, Morogoro Region had a total population of 2,218,492 people, 1,093,302 being male and 1,125,190 females with an average household size of 4.4. The average population growth rate is 2.6 percent per annum. According to United Republic of Tanzania-URT, 2012), the Regional intercensal population growth rates between 1967-1978, 1978 -1988, 1988-2002 and 2002-2012 were 2.9%, 2.6%, 2.6% and 2.4% respectively. Across the districts of Morogoro Region, the population growth rate over the period ranged from 1.1 to 4.7 percent.

The health status in Tanzania is poor. Life expectancy at birth is 44years (a decline due to HIV and AIDS) compared to 50 years average in Sub Sahara Africa (SSA), and infant mortality of 99 per 1000 live births compared to 92 for SSA. The incidence of HIV/AIDS is high, with 10.9% of the urban population and 5.3% of the rural population aged between 15 and 49, zero-positive. In the 1990's the HIV infection rate increased significantly among this group and was higher among women. Infection rates are four times higher among young girls compared to boys. Water and sanitation services are deficient. Only 49 percent of the population has access to improved water sources. Communicable diseases (HIV/AIDS, persistent malaria and diarrhea), malnutrition and poor quality health care have been major factors in poor survival indicators.

The illiteracy rate (% of population age 15+) is 25%. The Gross primary enrollment (% of school-age population) is 67% for men and 66% for women.

### ***Characteristics of Poverty***

Based on the results of the in-country consultations with local communities, local and central governments and civil society members, during the preparation of this ESMF, the following characteristics of poverty were derived:

#### **Who are the Poor?**

- Rural households.
- Female headed households, other households with less than two adult-members, elderly and handicapped persons.
- Large households.

The groups are not mutually exclusive.

#### **Why are they poor?**

- **Rural Households**
  - low agricultural productivity, declining soil fertility and environmental degradation.
  - lack of access to land, land fragmentation, insecurity of land tenure.
  - lack of access to markets, absence of rural commercial activity and alternative income earning opportunities.
  - poor quality education, lack of access to education, high cost of education.



- poor health services and health standards and rise in HIV/AIDS incidence, impacting negatively on productivity.
  - Poor nutritional intake
  - lack of access to low cost capital or micro-credit or micro-grants.
  - lack of access to affordable and sustainable household energy sources.
  - Vulnerability
- **Female-headed households**
    - shortage of household labor.
    - declining soil fertility
    - many women have to take care of unemployed/unemployable husbands, dependent parents, dependent orphans,
    - low education attainment, poor access to land, paid employment and credit
    - poor social services, e.g. water, health, education etc.

Most of the groups in the region are farmers. There are also pastoralists and agro-pastoralists. These groups have moved in and settled in the districts in search of grazing lands for their cattle. These new settlers have occasionally clashed with existing ethnic groups. The conflicts are always based over the land use and occupancy rights.

### **1.3.2 Zanzibar Land-use and Agro-ecological Zones**

Zanzibar comprises of two major agro-ecological zones namely the plantation zone and the coral rag zone. These zones have different characteristics in terms of soils, resources and social economic patterns. The pattern of land-use in Zanzibar generally follows the distribution of the different soil classes; the permanent, settled agricultural activities are concentrated on the deep and fertile soils areas with good moisture content, while the coral rag area is characterized by shallow and stony soils with moisture stresses. It is popular for root and other drought tolerant or seasonal crops, and activities such as production of charcoal and firewood, shifting cultivation and grazing.

The Woody Biomass Survey of 2013 indicates that 36 percent of land in Unguja Island is used for agricultural production whilst the corresponding area for Pemba is 58 percent. This is slightly lower than the one reported by the National Coconut Development Program in 1982. The Woody Biomass Survey of 2013 indicates that, native forest in Zanzibar covers 86,182ha; mangrove forest occupies 16,488ha; while forest plantations cover 3,788ha. The Zanzibar Cash Crops Farming System Project (ZCCFSP, 1995) has divided the land area into ten farming system zones. Five of these zones are in Unguja and the other five are in Pemba. These zones were identified taking into consideration agro-ecological characteristics, soils and socio-economic characteristics of the islands.

Zanzibar is composed of cosmopolitan society with rich mixture of African, Arabs and Hindus. Islam is the dominant religion practiced by over 90%. Zanzibar has not experienced any clashes associated with land use and occupancy rights.

## **Poverty and inequality levels**

Broadly, food security in Zanzibar is premised on the flow of incomes to the household for the purchase of food. Monetary income is low in most areas of Zanzibar and the general level of poverty is high. According to Household Budget Survey (2009/10)<sup>2</sup> the incidence of basic need poverty has declined from 49% in 2005 to 44% in 2010. This is about 1 percentage point decline annually. Apparently, the percentage point decline in basic need poverty is evenly shared between urban and rural areas.

The incidence of food poverty has only declined marginally from 13.18% in 2005 to 13.04% in 2010 (HBS, 2009/10). The insignificant decline in food poverty is partly due to increases in costs of food items globally, a phenomenon observed towards the end of the 2000s. Zanzibar, being a net food importer, such phenomenal increase in food price could have substantial loss in welfare. The lack of a decline in food poverty is reflected in the modest increase in food share in the total expenditure. The share of food expenditure in total expenditure increased from 55 percent in 2004/06 to 57 percent in 2009/10. In general the incidence of poverty is higher in rural areas compared to urban areas. Similarly, on average Pemba districts had higher incidences of both basic needs and food poverty than Unguja districts (HBS, 2009/10).

### **1.4 Resettlement and Compensation of previous irrigation schemes**

Consultations conducted during the course of the drafting of this RPF highlight variability of land ownership arrangements in the Morogoro Region and in Zanzibar. These have also highlighted variability in the response to past construction on the identified irrigation schemes. In general, in the Morogoro Region, communities have agreed that the reallocation of land rights underlying the development of formal irrigation schemes broadly benefits all affected parties. Farmers lose a plot with no irrigation or informal irrigation, and gain a plot with formal infrastructure. By corollary, the consultations found no evidence of monetary compensation made to Project Affected Peoples (PAP). Farmers losing a plot would be given a new plot of higher value. These agreements appear to be largely undocumented. Community members simply confirmed the existence of these informal agreements, and most proposed their preference for maintaining these arrangements.

In Zanzibar, the land underlying irrigation schemes is identified by the farm communities as the property of the government, implying this can be reallocated at the request of the government, though in consultation with the affected community. Fixed assets on the land, however, may be the property of individual community members. Here again, community members participating in the consultations underlying the development of this RPF suggest that the rehabilitation and expansion of irrigation schemes has historically been done in ways that assure affected community members are better off as a result of the investment than

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<sup>2</sup> Zanzibar Household Budget Survey (2009/10).Final Report

before. Correspondingly, no compensation has been paid for changes in property rights. Here too, community members argued that it would be disruptive to promise compensation to affected parties when this had not been paid in the past, and communities had agreed that all members would be better off as a result of the investment.

Communities highlighted the fact that there had been multiple discussions and consultations prior to past investments. They explained that agreements had been reached encompassing virtually all members of the affected communities. Several irrigation schemes said they had documentation of these meetings; however no one could produce these documents for the review team.

### **1.5 Resettlement Policy Framework**

Under ERRP the procedures and documentation for identifying PAPs, and consulting about property losses or reallocation need to be strengthened. Grievance arrangements need to be formalized and clear to all affected parties. This RPF outlines these procedures and documentation arrangements to be applied in the ERPP. These commitments serve to implement the laws relating to the involuntary loss of property rights of Tanzania Mainland and Zanzibar, as well as the requirements of the World Bank's Operational Policy 4.12 on Involuntary Resettlement.

### **1.6 The need for Resettlement Policy Framework (RPF)**

While the identity of the schemes to be improved, and the infrastructure to be built, is known, the specific designs for these infrastructure improvements have yet to be completed. The Government of Tanzania has prepared a RPF to confirm its commitment to document any resettlement or associated adjustment of property rights resulting from the investments made under the ERPP. The RPF establishes the organizational arrangements for identifying, consulting with and reaching agreement with affected parties under the Project, as well as the principles for compensation that may accrue to any adjustment in property rights.

This RPF will therefore govern all activities funded under the ERPP and will be disclosed to the public in Tanzania and internationally via the Info Shop at the World Bank, and distributed by national institutions relating to the environment, as well as by the MAFC and the MANR of the Tanzania Mainland and Zanzibar respectively.

Preparation of this resettlement Policy Framework involved various methodologies that include:

- Literature Review
- Consultation with various stakeholders- this involved visiting all the sixteen sub projects in Tanzania Mainland and Zanzibar as well as other relevant stakeholders and
- Visiting all the proposed project sites

## **2.0 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT AND COMPENSATION PREPARATION AND IMPLEMENTATION**

### **2.1 Overview**

The land acquisition under most activities planned under the ERPP will be limited. The main task that may involve the reallocation of larger quantities of land or property will be the expansion of irrigation schemes. The identification of people and properties affected first requires completion of design plans for the infrastructure investments.

The types of assets that may be affected include land, possibly buildings on that land, and crops (permanent or seasonal).

The PAPs under ERPP will receive compensation for their losses (of land, property or access) in accordance to this RPF.

### **2.2 Objectives of the Resettlement Policy Framework**

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

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

The implementation of individual resettlement action plans (RAPs), which will be based on this RPF under the ERPP and full compensation of the PAPs are a prerequisite for the implementation of sub project investments/activities requiring land acquisition

### **2.3 Resettlement Planning: Principles and Practices**

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

- The RPF will apply to all sub-projects that include irrigation rehabilitation, irrigation expansion, road improvement or construction of warehouse to receive funds under the

ERPP located at various areas to be demarcated within nine participating Districts. These include Mvomero, Kilosa and Kilombero (Morogoro Region) in Tanzania Mainland and six in Zanzibar: that include West Unguja, Central Unguja and North A- in Unguja as well as Wete, Chakechake and Mkoani in Pemba.

- The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E).
- When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP).
- The RPF and subsequent RAPs will necessary follow the Tanzanian laws and Laws of the Zanzibar as well as guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12).
- The RPF ensures that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:
  - Avoiding displacement of people without a well-designed compensation and relocation process;
  - Minimizing the number of PAPs, to the extent possible;
  - Compensating for losses incurred and displaced incomes and livelihoods; and
  - Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their wellbeing.

## **2.4 Description of the Process for Preparing and Approving Resettlement Action Plans**

Each individual RAP must include measures to ensure that the affected persons are;

- (a) Informed about their options and rights pertaining to resettlement.
- (b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.
- (c) Provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to ERPP.
- (d) Enabled to restore and preferably improve their living standards compared to pre-project ones.

Specifically, the process will include the following:

## **Screening**

This is the first stage in the RAP process; it is during this stage that it will be determined if a given sub-project will require land and hence land acquisition that will cause resettlement. Accordingly, a sub-project specific RAP will be prepared and implemented before any construction starts. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the land screening process

Therefore a preliminary assessment will be carried out to determine whether the sub-project may potentially involve land acquisition leading to involuntary resettlement and/or restrictions of access to resources and livelihoods. If there are no resettlement and compensation issues, then the provisions of this RPF do not apply and therefore a RAP will not be applicable.

If there are resettlement and compensation involved based on the design of the schemes, farmer groups, District Agriculture Development Offices (DADOs) supported by extension services will assess the magnitude of the impact to determine if it would be too large or costly to mitigate according to the provisions of this RPF. Accordingly, based on this information, they might ask for modification in the design or decide on alternative sites that would have less impact and/or no resettlement, if possible.

## **Consultation and participatory approach**

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

Once the technical designs are ready and information on the site location and land use requirements are available, and before a final decision to approve ERPP Sub project for cases where resettlement and compensation issues arise, the consultative and participatory process with local communities affected by the proposed sub-project must begin at this stage by sensitizing the respective local/community administration and leaders about the tentative lands needs of the farmer groups. The respective local/community leaders will meet consistent with their local practices, with all the respective leaders of the Shehia for Zanzibar or villages for mainland involved.

## **Involving Stakeholders under this RPF**

The ERPP sub projects are mostly implemented in communities/localities with existing irrigation schemes that have been implemented through various projects/programmes and with resources/funds from various institutions; therefore the assumption would be all stakeholders are aware of the land acquisition process associated with such projects. This RPF recommends that for the implementation of the ERPP, stakeholders' involvement should be mandatory and this should not only include leaders/officials of the farmer's association or the relevant officials at village or Shehia level. Consultations should involve all stakeholders, general public meetings should be organized where farmers within and out of the schemes attend and are provided with information regarding the project and related impacts.

### **Socio-Economic study and baseline census**

The purpose of the socio-economic study is also to collect baseline data within the project area i.e. a village or Shehia thereby enabling the social assessment of potentially affected populations. The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation. Detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socio-economic study and be the determinant in the potential compensation process. Standard characteristics of the affected households, including a description of production systems, labor, and household organization, and baseline information on livelihoods (including production levels and incomes derived from both formal and informal economic activities) and standards of living and health status of the PAPs.

The socio-economic study and baseline census will be carried out on behalf followed by the preparation of the resettlement action plan (RAP) for each site that is affected by resettlement and compensation with details for impacts, PAPs and agreed entitlements for each sub-project.

### **Disclosure and notification**

All eligible PAPs are informed about the RAP process and then a cut-off date, which is the date when the socio-economic study is initiated (**Usually, cut off dates are the dates when the census or socioeconomic study is initiated**) as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A "triangulation" of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs..

### **Documentation and verification of land and other assets**

The RAP team, which consist of; community leaders( village chairman and village Executive officers as well as Shehia Chairman and Shehia executive Officers); project coordinators from the Ministries of Agriculture in Tanzania Mainland and Zanzibar, District Agriculture and/or Irrigation officials and the consultant will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the sub-project, the RAP team will collect necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

### **2.5 Details of a RAP report**

For impacts that are not considered minor, the preparation of a Resettlement Action Plan (RAP) is required for each District with details for each irrigation scheme (sub-project) provided separately in the report. Depending on the magnitude of impact of the project, World Bank OP 4.12 article 25 sets the requirements of the RAP to include but not limited to the following information:

- (a) Description of the project;
- (b) Potential Impacts;
- (c) Objectives;
- (d) Socioeconomic Studies;
- (e) Legal Framework;
- (f) Institutional Framework;
- (g) Eligibility;
- (h) Valuation of and compensation for losses;
- (i) Resettlement measures;
- (j) Site selection, site preparation, and relocation;
- (k) Housing, infrastructure, and social services;
- (l) Environmental protection and management;
- (m) Community participation;
- (n) Integration with host populations
- (o) Grievance procedures;
- (p) Organizational responsibilities;
- (q) Implementation schedule;
- (r) Cost and budget; and
- (s) Monitoring and evaluation.



### **3.0 POLICIES AND LAWS GOVERNING LAND AND RELATED MATTERS**

#### **Overview**

It should be noted that Tanzania mainland and Zanzibar each has its own Land act and Land policies though currently for both Governments there is no specific “resettlement policy”. However, both Governments have policies, legal and institutional framework for management of social issues related to land and property acquisition and requirements for full, fair and prompt compensation enshrined in the National Constitution, the Land Policy and Land Acts of 1999 as well as supporting laws and regulations – operating at various levels including local laws and by-laws.

#### **3.1 Constitution of the United Republic of Tanzania 1977**

Tanzania is made up of two formerly independent countries which united in 1964. Tanzania Mainland and Zanzibar have each a different set of laws and procedures related to land and property rights. Tanzania as used herein refers to the Mainland only. The *Constitution of the United Republic of Tanzania* provides for the rights of citizens to own property and rights for compensation. Article 24 (1) says: *Every person is entitled to own property and has a right to the protection of his property held in accordance to the law.*

#### **3.2 Laws on Property, Compensation of Tanzania Mainland**

These include;

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

**The *Land Acquisition Act 1967*** is the principal legislation governing the compulsory acquisition of land in Tanzania. The *Land Acquisition Act* (s.14) requires taking into account the value of such land at the time of acquiring in assessing compensation

***Land Act 1999*** clarifies and adds certain aspects to be considered when determining the compensation package. Current practice of land acquisition is guided by the *Land (Assessment of the Value of Land for Compensation) Regulations, 2001*, and the *Village Land Regulations, 2001*, which provide that the basis for assessment of the value of any land and un-exhausted improvement for the purposes of compensation is the market value.

The *Local Government (District Authorities) Act No. 7, 1982* and *Local Government (Urban Authorities) Act No. 8, 1982* stipulate the functions of District councils. Issues of land are included as objectives of functions and therefore part of the mandates of local government in their respective areas.

### 3.3 Compensation

The principles of paying compensation for land that is compulsorily acquired exists in both the constitution and in the relevant land laws. The *Constitution* disallows the deprivation of one's property held in accordance with the law, unless the owner is fairly and adequately compensated.

*Land Act 1999* clarifies those in the *Land Acquisition Act*. In the case of compulsory acquisition, the government is required:

To pay full, fair, and prompt compensation to any person whose **right of occupancy or recognized long-standing occupation or customary use of land** is revoked or otherwise interfered with to their detriment by the state under this Act or is acquired under the *Land Acquisition Act, 1967*;

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

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

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

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

In the case of agricultural land, compensation is intended to provide a farmer whose land is acquired and used for project purposes to cover the productive values of the land, labour, and

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

### **3.4 Institutional Framework**

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

#### **Ministry of Lands, Housing and Human Settlement Development**

The Ministry of Lands, Housing and Human Settlement Development is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania and administers the various land acts: Land Acquisition Act, the Land Act and the Village Land Act. Under the Ministry, the Chief Government Valuer, is responsible in verifying valuation reports and ensure that they follow all requirements and the report is prepared by a qualified registered valuer.

#### **Local Government Authorities**

The Local Government system in Tanzania is based on the decentralization policy and is enshrined in the Regional Administration Act (1997), Local Government (District Authorities) Act No. 7, 1982, and the Local Government (Urban Authorities) Act No. 8, 1982.

Administratively Tanzania mainland is divided into three levels of Local Governments whereby each level has statutory functions with respect to development planning. The three levels with respect to this project are: District Authorities; Ward; and villages.

### **3.5 Laws on Property, Compensation of Zanzibar**

#### ***Land Tenure Act, 1992***

The law declares all natural land within the islands of Zanzibar, occupied or unoccupied land to be "Public land". The Act empower the President, to revoke the "Right of Occupancy" of any landholder for the "public/national interest" should the need arise. The compensation of these easements, indemnities shall be paid to persons or communities concerned. The compensation shall be to the fair market value of the land and any improvements thereon.

Section 56 of this act states that *“The government may terminate any right of occupancy on grounds of national interest, provided that the government shall pay market value compensation for the land and any unexhausted improvements thereon.”*

### **Local Government Authorities**

In Zanzibar, the Ministry of State (Presidents Office) Regional Administration, Local Government and Special Departments (MRALGSD) is responsible for the regional administration, the district administration and the local governments. The level of administration under the ERPP is the Region, District and Shehia, it should be noted that in Zanzibar one scheme(sub-project) has beneficiaries from various Shehia.

### **3. 6 World Bank Policy OP4.12 (Involuntary Resettlement)**

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

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

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

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

This policy covers direct economic and social impacts that are caused by the involuntary taking of land resulting in relocation, loss of shelter, loss of assets or access to assets; or loss of income sources or means of livelihood. WB Involuntary Resettlement Policy OP 4.12 requires that all projects screened for potential environmental and social impacts be supported/guided by a RPF that identifies involuntary resettlements under the planned project, identifies impacts i.e. severe economic, social and environmental risks and based on this defines the scope of the resettlement assistant programme (i.e. RAP) for affected persons. However, in Tanzania, there are no explicit requirements for a RPF or RAP. As regards compensation the Tanzania laws requires that only the rightful land or property owner

(statutory or customary rights of occupancy) should be compensated, while the WB OP 4.12 require that any person (whether is rightful owner or not ) who loses or is denied or restricted access to economic resources – including tenants, encroachers, squatters - should be compensated. Although there are no significant discrepancies between WB requirements and Tanzania government’s requirements regarding compensation and resettlement of Project Affected People (PAP), as far as this RPF for ERPP are concerned, the World Bank’s safeguard policy will prevail.

### ***3.7 Comparison, Gaps of the Tanzanian laws with the OP 4.12***

Laws on land administration in Tanzania are comprehensive but differ in several ways with the Bank’s OP 4.12 For example; entitlements for payment of compensation are essentially based on the right of ownership, which limits the rights of non-formal occupants like slum dwellers and tenants which the Bank’s OP 4.12 policy recognizes. The provision that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a specified cut-off date is not explicit in Tanzanian laws although in practice these are compensated. Where there is a difference between Tanzanian law and OP 4.12, the latter shall prevail. **Table 3** below illustrates the comparisons and the gaps.

**Table 4: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation			
Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
Land Owners	<p>The <i>Land Acquisition Act</i>, the <i>Land Act</i> 1999 and the <i>Village Land Act</i> 1999 have it clearly that land owners, with or without formal legal rights, are entitled to full, fair and prompt compensation. They also get disturbance allowance</p> <p>Lost assets are limited to “unexhausted improvements”, that is the land and developments on the land.</p> <p>The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process</p>	<p>Displaced persons are classified into three groups:</p> <p>(a) those who have formal legal rights including customary and traditional rights;</p> <p>(b) those who do not have formal legal rights to the land but have a claim to such land or assets provided that such claims are recognized under the law of the country</p> <p>(c) those who have no legal rights to the land they are occupying</p> <p>Land owners under categories (a) and (b) above, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance.</p> <p>Socio-economic impacts to PAPs are taken into consideration in preparing the RAP</p>	<p>There is no gap between Tanzania and OP 4.12 as far as those with formal legal rights and those without formal legal rights are concerned</p> <p>WB OP 4.12 recognizes a wider spectrum of PAPs compared to Tanzanian law including tenants and squatters who do not have legal rights to the land they are occupying.</p> <p>However, the lost assets in Tanzania are restricted to land and developments on land, and where relevant, loss of profits. The lost assets under OP 4.12 are much wider than land and include loss of access to livelihoods and standard of living and seeks to improve them or at least to restore them to pre-displacement levels</p>
Land Tenants/Squatters	Tanzanian law does not recognize tenants as being entitled to compensation	Tenants are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance	WB OP 4.12 recognises a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants

**Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
	<p>Squatters may be paid compensation on the whims of the government.</p> <p>In some cases however they are not paid. This include those who construct on road reserves</p>	<p>Squatters may fit category (c) above and are provided resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance.</p>	<p>WB OP 4.12 includes squatters among the PAPs who are entitled to resettlement assistance in lieu of the land they occupy, as well as other assistance.</p>
Land Users	<p>Tanzania law on compulsory acquisition and compensation is limited to those who can prove <i>de jure</i> or <i>de facto</i> land ownership. Users are not covered</p>	<p>WB OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying</p>	<p>This is different from the Tanzanian situation where people who do not have legal right of the affected land are not entitled to any assistance.</p>
Owners of non-permanent buildings	<p>Tanzanian law makes no differentiation between owners of permanent and non-permanent buildings. As long as ownership can be proved compensation is payable.</p>	<p>Under the WB OP 4.12 permanent and non-permanent buildings need to be compensated.</p>	<p>The gap between Tanzania and WB OP 4.12 is about eligibility, which is hinged upon formal or informal ownership.</p>
Owners of permanent buildings	<p>Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost approach is used, meaning that PAPs do not get the full replacement cost of the lost assets.</p>	<p>Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance.</p> <p>Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</p>	<p>While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, WB OP 4.12 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost.</p>
Timing of compensation	<p>Tanzanian law requires that compensation be full, fair and prompt. Prompt means it should be paid</p>	<p>WB OP 4.12 displaced persons are provided prompt and effective</p>	<p>In terms of timing, both Tanzanian laws and WB OP 4.12 require that compensation</p>

**Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

<b>Types of affected Persons/Lost Assets</b>	<b>Tanzanian Law</b>	<b>World Bank OP 4.12</b>	<b>Comparison/Gaps</b>
payments	<p>within six months, failure to do which attracts an interest rate equivalent to the average rate offered by commercial banks on fixed deposits.</p> <p>Legally, compensation for the acquired land does not have to be paid before possession can be taken, but in current practice it is usually paid before existing occupiers are displaced.</p> <p>In practice, compensation is not paid promptly most of the time, and delays are not rectified paying the interest rate as required by the law</p>	<p>compensation at full replacement cost for losses of assets directly attributable to the project before any civil work starts</p>	<p>be paid promptly.</p> <p>This however, rarely happens in practice as can be testified from many projects that have involved large scale land acquisition.</p>
Calculation of compensation and valuation	<p>According to the <i>Land Assessment of the value of Land for Compensation) Regulations, 2001</i>, as well as the <i>Village Land Regulations, 2001</i>, compensation for loss of any interest inland shall include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits.</p> <p>The basis for assessment any land and unexhausted improvement for purposes of compensation is the market value of such land.</p> <p>The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties; or by the use of the</p>	<p>WB OP 4.12 requires that the displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project.</p> <p>Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be taken into account when applying this method.</p> <p>For losses that cannot easily be valued or compensated in monetary terms (e.g.</p>	<p>Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, accommodation, and accommodation allowance, and loss of profits where applicable.</p> <p>Since depreciation is applied, the amount paid does not in most cases amount to that required to replace the lost assets. Besides, other types of assets (besides land) are not taken into consideration.</p> <p>Tanzania laws are restricted to land and</p>



**Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

Types of affected Persons/Lost Assets	Tanzanian Law	World Bank OP 4.12	Comparison/Gaps
	<p>income approach, or replacement cost method, where the property is of special nature and not saleable.</p> <p>In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</p>	<p>access to public services, customers and suppliers, or to fishing, grazing or forest areas) attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</p>	<p>developments on land, and loss of profits whereas WB) P 4.12 considers all types of losses and provision of alternative compensation measures.</p>
Relocation and Resettlement	<p>Tanzanian laws do not provide for relocation and resettlement. However, there are a few cases where the government has provided both compensation and alternative land, but this has been done at its discretion. In general however, the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced persons to resettle and re-establish themselves elsewhere.</p>	<p>WB OP 4.12 stipulate that where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as moving allowance) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages lost.</p>	<p>Tanzanian law provides for transport allowance for 12 tons of luggage for up to 12 kilometres from the acquired land, provided the displaced person was living on that land.</p> <p>In lieu of housing accommodation allowance is made in the form of rent for 36 months.</p> <p>Occasionally, in a discretionary manner alternative land is awarded.</p>
Completion of resettlement and compensation	<p>The government can, under the law, take possession of the acquired land at the end of the notice to acquire period, before paying compensation.</p>	<p>WB OP 4.12 stipulates that it is necessary to ensure that displacement or restriction to access does not take place before necessary measures for</p>	<p>The <i>Land Acquisition Act</i>, 1967, allows the government to take possession of the acquired land before paying compensation.</p>

**Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

<b>Types of affected Persons/Lost Assets</b>	<b>Tanzanian Law</b>	<b>World Bank OP 4.12</b>	<b>Comparison/Gaps</b>
	<p>Current practice however is such that possession is usually after the payment of compensation whereby the displaced persons are given time to vacate the land, which is usually as soon as possible</p>	<p>resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.</p>	<p>Current practice endeavors to pay compensation before taking possession of the land.</p>
<p>Livelihood restoration and assistance</p>	<p>There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods.</p> <p>Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities.</p> <p>Moreover there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples</p>	<p>WB OP 4.12 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and, (ii) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.</p>	<p>There are no transitional measures provided for under Tanzanian law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. The Tanzanian law does not make provisions requiring the government to pay special attention to vulnerable groups in the administration of compensation</p>
<p>Consultation and disclosure</p>	<p>There scanty provisions related to consultation and disclosure in Tanzanian law.</p> <p>The notice, under the <i>Land Acquisition Act</i>, informs land owners about the President's need to acquire their land, and their right to give</p>	<p>WB OP 4.12 requires that displaced persons are (i) informed about their options and rights pertaining to resettlement; and, (ii) consulted on, offered choices among, and provided with technically and economically</p>	<p>The provisions in WB OP 4.12 requiring consultation and disclosure have no equivalent in Tanzanian law and practice</p>

**Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

<b>Types of affected Persons/Lost Assets</b>	<b>Tanzanian Law</b>	<b>World Bank OP 4.12</b>	<b>Comparison/Gaps</b>
	<p>objections. The Land Act allows displaced persons to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth.</p> <p>Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</p>	<p>feasible resettlement alternatives.</p>	
<p>Grievance mechanism and dispute resolution</p>	<p>Under s. 13 of the <i>Land Acquisition Act</i>, where there is a dispute or disagreement relating to any grievance matters:</p> <p>In practice the government tries to resolve grievances through public meetings of the affected persons.</p>	<p>WB OP 4r.12 provides that displaced persons and their communities, and any host communities receiving them, are provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms must be established for these groups</p>	<p>The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</p>

## **4.0 LAND ACQUISITION AND LIKELY CATEGORIES OF PAPS AND IMPACTS**

### **Overview**

For those sub-projects with expansion as well as the feeder roads and warehouses, the exact location and the layout of the canals will only be known once the designs are final. It will only be possible then to estimate the likely number of people who may be affected in terms of land take. However considering that the project activities are implemented mainly on land categorized as farming/irrigation land there is expected to be minimal resettlement in terms of structures that include houses.

Likewise, most of the project activities will involve rehabilitation of the existing infrastructure, thus minimizing impact in terms of land take and other associated assets such as seasonal crops and permanent crops. In cases where the project implementation will involve expansion, then issues of land take at a significant level are likely to occur.

### **4.1 Conditions that Would Lead to Potential Resettlement impact**

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

1. Land acquisition or land-take due to expansion of the irrigation schemes  
Some of the sub-projects would require expanding the irrigation schemes size for instance the Msolwa Ujamaa (Kilombero District), scheme is proposing an expansion of 40ha, Mbogo (Mvomero District) 80 and Koani (Central Unguja) 12.5ha. This will mostly result in losses of land and crops (permanent and seasonal) and can require a significant amount of land. In cases where the proposed expansion would involve change in land use or change in major cash/food crop, additional consultation must be conducted with the PAPs and an agreement reached to ensure that they are willing for such change.
2. Land take due to construction of feeder roads that will be required to ease transportation of products to main roads or market place and vice versa. These roads will mainly be constructed within the irrigation schemes and there for mostly affect land and crops; depending on whether there are existing roads, length of the roads.
3. Land take within the existing irrigation scheme for up-grading existing canals (from earth canals) by either extending the diameter of a canal or modify a canal

route; this will result into acquisition of additional land to achieve required construction/irrigation standards.

4. Land take to extend the length of the irrigation canal both main canals and tributaries. In some schemes water for irrigation does not cover the whole area and therefore need further canals to be constructed;
5. Land take to construct other associated infrastructures for most of the Zanzibar sub-projects that depend on underground water to feed the schemes. Infrastructures include boreholes and transformers; normally constructed out of the irrigation scheme but close to the scheme;
6. Land take to construct canals from water sources to the irrigation schemes. In cases where the water source is away from the irrigation scheme (e.g. Ngaje and Msolwa Ujamaa Irrigation Scheme), this may result into impact on loss of land, residential structures, community infrastructures (roads);
7. Acquisition of additional land for construction of new canals not existing before: in some areas, land-take for construction of new structures meant to facilitate functioning of completed facilities (main canals) will require acquisition of additional land;
8. Land take on temporary terms: taking of land temporarily for diversion of canals during construction phase, stock piling building materials, excavated soils and overburden (cleared soils and vegetation).

#### **4.2 Eligibility Criteria for Defining Categories of Project Affected Persons**

The Bank's OP4.12 (Involuntary Resettlement) suggests the following three criterions for eligibility:

- a) Those who have formal rights to land (including customary/village land, traditional and religious rights, recognized under Tanzanian Law i.e. Village Land Act No 4 of 1999 for Tanzania Mainland and Land Tenure Act No.12 of 1992 and Land Transfer Act No.8 of 1994 for Zanzibar.

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

In accordance to OP 4.12 and consequently this RPF, those covered under a) and b) above are to be provided compensation for the land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date in close consultation with the potential PAPs, local community leaders and the respective Village or Shehia Administration and the District Administration and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

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

### **Eligibility for Community Compensation**

Communities (districts, Shehia, wards, and villages) permanently losing land and/or access to assets and or resources under customary rights will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored. Community assets include graves, communal boreholes, other community infrastructure such as mosques, churches, etc.

### **4.3 Categories of PAPs**

It should be noted that regardless of the category, all PAPs are entitled for some sort of compensation and must be consulted during the implementation of the project. For the implementation of the ERPP, the likely displaced (economically or physically) persons can be categorized into the following groups of PAPs:

- 1. Affected Individual/Household** – An individual or household suffering loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the project activities. For example those whose farm a land or works and lives on a farm, pastoralists whose routes have been altered, or have built a structure on land that has been demarcated and is now required by the project.

For the implementation of these various sub projects, affected individuals can be categorized as

- **PAPs that suffer loss BUT with direct benefit from the project:** These are PAPs who own land and/or assets within the irrigation schemes that will be affected but they will continue to cultivate in the scheme and therefore benefit from the project.
- **PAPs that suffer loss BUT with no direct benefit from the project:** These are PAPs with farms either adjacent to the irrigation scheme or on the right of way of various infrastructures (canals, access roads, boreholes, etc). These PAPs have minimal or no direct benefit from the project.
- **PAPs currently utilizing the irrigation scheme as tenants but will have to vacate for project implementation:** These are farmers with contracts to utilize government farms for agriculture and, due to project implementation, the government is likely to terminate the contracts.

- 2. Affected Communities:** These are communities/villagers whose land or assets such as infrastructures, trees, are likely to be affected by the project. For the implementation of these various sub projects affected communities can be categorized as

- **Communities that suffer losses, BUT local people within the project and the community at large are likely to benefit from the project:** This will involve land/assets owned by the community that could be affected by the project, for instance, construction of irrigation infrastructure that may hinder access of some community members or temporarily affect the community, but, once completed, will benefit the community as a whole.
- **Communities that suffer loss with no direct benefit from the project:** These are communities where project implementation is likely to affect their land or other assets and they are will have minimal or no direct

benefit from the project. This will mainly occur in cases an institution (example ASA) is implementing a project in a village.

3. **Vulnerable PAPs**—This provides for people with special needs that would require special consideration and assistance from project implementers or community in general. They include the elderly, sick, orphans, women headed households, female farmers and farmers likely to lose their land under irrigation scheme (owners, encroachers or tenants).

These groups are being identified as particularly vulnerable so that special attention would be paid to them by identifying their needs from the baseline study so that (i) they are individually consulted and given the opportunity to participate in the program activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood, (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon, (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the program and (v) decisions concerning them are made in the shortest possible time.



## **4.4 CATEGORIES OF IMPACTS**

### **Loss of Productive Land and Resources**

The proposed ERPP will involve in some sub projects expansion of the irrigation schemes in order to increase the number of beneficiary's and the productivity; this would imply converting land that was previously used for other production (such as sugar cane in the Msolwa Ujamaa sub project- Kilombero District) and other food products such as maize in various sub-projects) into irrigation specifically for paddy.

This RPF recommends that in all cases where such loss is anticipated PAPs losing these productive lands should be consulted and some form of an agreement reached that the farmers (PAPs) are willing to convert their farms from which ever type of agriculture or crops into the irrigation scheme.

All PAPs that will lose land to the project will receive the following compensation

- Compensation of the land at replacement cost, taking into account market values for the land, where applicable
- Disturbance allowance

### **Residential/Commercial structures**

There will be very minimal impact on residential/commercial structures associated with the proposed project, as the project is being implemented mainly in farm areas. However, impact might occur if the source of water is away from the irrigation land (for instance at Mvumi sub-project in Kilosa District) and therefore need for infrastructures (mainly canals to be constructed that might cross residential areas.

This RPF recommends that design of various sub-projects irrigation schemes should as much as possible avoid residential areas specifically structures that would require relocation of PAPs.

PAPs losing residential structures are entitled to full compensation. The following are entitlements for such PAPs:

- Compensation of the residential structure according to the type of structure and based on replacement cost, taking into account market values for the structure and materials

- Compensation of land where the structure is located according to the replacement cost of land in the area, taking into account market values for the land, where applicable
- Loss of Accommodation/ allowance that is paid as per price of renting a similar structure per month for 36 months (3 years) in the project area; OR loss of business profit as stipulated by the law.
- Transport allowance calculated to transport goods weighing 12 tonnes at a distance of 20 kilometers in that particular area
- Disturbance allowance, which is calculated based on the commercial banks' current interest rate of the total compensation amount

### **Annexed structures**

Implementation of the proposed project could result in the demolition of outer structures such as stores, barns, toilets and kitchens, and/or services, that the PAPs depend upon for sanitation, security and general wellbeing. Though impact on just annexed structures alone does not necessitate physical relocation of PAPs or demolition of the whole main structure, such properties are entitled to full compensation.

PAPs losing annexed structures are entitled are entitled to compensation. The following are entitlements for such PAPs:

- Compensation of the annex structure at replacement cost, taking into account market values for structures and materials
- Compensation of land where the structure is according to the replacement cost, taking into account market values for the land, where applicable
- Disturbance allowance, which is 5% (subject to change) of the total compensation amount

### **Impact on Permanent Crops/Trees**

Permanent crops include those that take more than a year to reach full maturity and can be harvested over a long period of time. Though not at a significant level, this is the most likely impact in almost all the sub-projects. The common permanent crops likely to be affected include sugar cane, banana trees, clove trees, fruit trees, coconut trees, as well as shade trees. In Zanzibar for instance permanent crops were found to be grown on boundaries of irrigation schemes and therefore any development activities on irrigation schemes is likely to affect such crops.

Considering that some of the PAPs likely to be affected by the project are not beneficiaries of the scheme it is important to ensure that they are consulted and compensated prior to commencement of civil works.

PAPs losing standing crops and trees on their farms/ or plots are entitled to compensation. The following are entitlements for such PAPs:

PAPs losing permanent crops are entitled to the following compensation

- Compensation of value of each crop/ tree according to the market value and level of maturity
- Compensation of land where the crops are grown according to replacement cost
- Disturbance allowance

It should be noted that each tree or acre is counted and compensated according to its replacement value and age of maturity.

### **Impact on Seasonal Crops**

Seasonal crops are mainly those that take less than six months to reach total maturity that allows them to be fully harvested and the land cleared. For both mainland Tanzania and Zanzibar, common seasonal crops include paddy, maize, beans and cassava. In most cases PAPs with seasonal crops on affected farms are not compensated for the loss of such crops but for the land they are losing,

This RPF recommends that, in order to prevent any financial impact or loss of harvest of the crops, notice must be provided to all PAPs with seasonal crops within the affected areas to alert them on when to stop cultivating once the crops have been harvested and compensation for land has been paid.

PAPs losing seasonal crops on their farms/ or plots are entitled to. The following are entitlements for such PAPs:

- Harvesting of the crops OR compensating the crops if time to harvest will affect project implementation.
- Compensation of land where the crops are grown according to size of land and replacement cost
- Disturbance allowance

## **Loss of Cultural and Archaeological Property**

Initial observations revealed that the project is not likely to affect any cultural or archeological properties. However, considering that in some rural areas graveyards are scattered in various parts of the villages some of the infrastructures can affect graves that are also entitled to compensation.

This RPF recommends the project design to avoid as much as possible any effect associated with cultural and archeological properties. Compensation should be paid for expenses related to the relocation of graves. Such expenses include cost for ceremonies and labour in connection with exhumation and reburial. The processes of relocating the graves should be participatory and take into account PAPs cultures and values as well as the Grave removal Act of 1967 and is supervised by a Medical Officer.

## **Other unintended impacts**

There are those PAPs that will suffer unintentionally and temporal damage to their land and property during construction due to unforeseen actions or simply by accidents such as damage to nearby crops, fruit trees or infrastructure caused by movement of machines. Whenever an unintentional impact occurs, during mobilization, construction or operation phase of the projects, the proponent is responsible for compensating for such loss.

## **4.5 Method to Determine the Cut – Off Dates**

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, when feasibility study and designs is done. The cut-off date is to be determined at a meeting of the respective local and government leaders and the representatives of farmer groups. This date and its significance will then be disseminated to all the various members of each household or to every individual by their respective leaders. This is thoroughly consistent with the way planning meetings and other meetings are held with communities in Tanzania.

## 5.0 METHODS FOR VALUING ASSETS

The calculation of compensation and other resettlement allowances for displaced property owners based on the current practices in Tanzania for valuation and compensation of properties as stipulated under the Land Act, 1999 and Land Regulations, 2001 only provide for **compensation equivalent to the market value** of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments. That approach to valuation complements the resettlement measures stipulated in the World Bank OP 4.12 which requires that compensation be also paid based on the replacement value (not depreciated) of an asset at the time of valuation. In addition, OP 4.12 strongly prefers the replacement of 'land for land' where appropriate for all PAPs (including those without title/squatters).

In order to meet the requirements for a RAP consistent with OP 4.12, the valuation will be done in compliance with the World Bank policy guidance that the compensation value is obtained from the Replacement Cost added with necessary subsistence provisions. OP 4.12 provides that, if the impacts include physical relocation, compensator must ensure that the displaced persons include:

- Relocation or loss of shelter;
- Moving allowances during relocation;
- Loss of assets or access to assets;

### 5.1 Description of compensation of a specific affected property

#### Buildings

According to Tanzania laws, replacement cost is compensated for buildings/structures and the depreciation of the building is deducted from the cost; this approach to valuation is not consistent with the resettlement measures required by the World Bank OP 4.12 which requires that compensation is paid based on the full replacement value (not considering depreciation) of an asset; this RPF adopts that of the WB. Other compensations associated with buildings to include:

1. Accommodation allowance = Market Rent of the affected building per month multiplied by 36 months i.e. **Accommodation allowance = Rent /p.m. x 36 months.**
2. Loss of profit allowance (if it is a commercial/business structure). This is assessed by establishing Net profit per month evidenced by audited accounts multiplied by 36 months i.e., **Loss of profit = Net Profit / p.m. x 36 months.**

## Crops

A list of prices from relevant District should be adopted; Therefore, valuation will be done according to the price list given for crops. Owners of seasonal crops will be allowed to harvest their produce before construction of the project and restricted to utilize the project area.. For trees compensation considers the rate of maturity that the affected tree has reached to determine the rate of compensation; for instance a full matured tree is compensated 100% of the market value.

## Land value

Subject to the Land Act No. 4 of 1999 and land regulations in Tanzania, land compensation is inexorable as it has value. Therefore, land value should be included as part of the total compensation. For those PAPs that have been categorized as encroachers they shall not be entitled for land value compensation but other assistance as per this RPF.

The method used to compute land value is a comparative approach to identify those sales or offerings which may be comparable in terms of condition, location and type of land.

## 5.2 Compensation Allowances

The valuation also considered the following allowances were applicable as part of the valuation procedure:

- (i) **Disturbance allowance:** This was calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12 months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore, based on the total compensation value, obtain the 7% of the value and add it to the previous total. All PAPs who are ineligible for any kind of compensation shall receive a disturbance allowance.
- (ii) **Transport Allowance:** Section 179 subsection 11 of the aforesaid Land Act (1999) directs how this allowance is to be assessed: *“Transport Allowance shall be the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometers from the point of displacement (i.e. Transport allowance = 12 tons x Actual Cost/ton/km x 20km)”*. Transport allowance is computed on the basis of prevailing market rates within an area and is paid only to PAPs who occupied the residential/commercial structure.
- (iii) **Loss of accommodation:** Section 179 sub-sections 8 of the Land Act (1999) stipulates how accommodation allowance is to be arrived at:-The market rent for the building shall be assessed and multiplied by 36 months in order to arrive at accommodation allowance payable. (**I.e. Accommodation allowance = Rent/p.m. x 36 months**). Accommodation allowance shall be paid only to PAPs losing occupied residential structures.

- (iv) **Loss of Profit:** This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: The net monthly profit of the business carried out shall be assessed, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. **(I.e. Loss Profit = Net profit/p.m. x 36 months).** Under this RAP, the owners of businesses will be compensated for the loss of profit regardless of having an audited account, but rather research by the Valuer.

### **5.3 Methods for Valuing State Owned Land**

Sub projects would be expected to pay to acquire land in this category in cases where the state-owned land is being used by another user legally or encroached. This is because, although state owned, the land may be used by individuals and/or community. The guiding principle is that whoever was using the land to be acquired by the sub project would be provided other land of equal size and quality.

### **5.4 Community payments**

Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation include installation of wells or pumps, allow community to benefit from irrigation infrastructure (water channeled to farms to allow irrigation); and reconstruction of community roads.

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

### **5.5 Calculation of total compensation:**

The total compensation = property replacement cost (calculated differently for houses, structures, crops and trees) + land values + accommodation allowance + transport allowance + disturbance allowance + loss of profit (allowances where applicable).

If payment is delayed by more than six months, an inflation premium, equal to an official rate of inflation (using consumer price index, CPI), will be added to the agreed upon sum.

NOTE:

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



**Table 5: Entitlement Matrix for ERPP**

<b>Entitlement Matrix</b>			
<b>Land and Assets</b>	<b>Types of Impact</b>	<b>Person(s) Affected</b>	<b>Compensation/Entitlement/Benefits</b>
Agricultural land	Land under cultivation	Farmer/ title holder	<ul style="list-style-type: none"> <li>• Cash compensation for affected land equivalent to replacement value, taking into account market values for the land, where applicable</li> <li>• Alternative land within the irrigation scheme of an equivalent size that will ensure PAP has not been economically affected</li> </ul>
	Less than 20% of land holding affected	Tenant/ lease holder	<ul style="list-style-type: none"> <li>• PAP allowed to harvest crops that are within the affected area OR Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</li> <li>• Agreement to continue utilizing the irrigation scheme once the project improvement is completed</li> <li>• Alternative land to allow PAP to continue with Paddy growing</li> </ul>
	Land remains economically viable.		
	Greater than 20% of land holding lost	Farmer/ Title holder	<ul style="list-style-type: none"> <li>• Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity (preferably a plot that can be used for paddy growing) with a secure tenure status at an available location which is acceptable to PAPs. Cash compensation will take into account market value of land. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. PAPs will be provided with guidance on managing the cash.</li> </ul>
	Land does not become economically viable.	Tenant/Lease holder	<ul style="list-style-type: none"> <li>• PAP allowed to harvest crops that are within the affected area OR Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 1year ( as this is the tenancy period)</li> <li>• Agreement to continue utilizing the irrigation scheme once the project improvement is completed OR Alternative land to allow PAP to continue with Paddy growing</li> </ul>

<b>Entitlement Matrix</b>			
<b>Land and Assets</b>	<b>Types of Impact</b>	<b>Person(s) Affected</b>	<b>Compensation/Entitlement/Benefits</b>
Residential Land	Land used for residence partially affected, limited loss  Remaining land viable for present use.	Land owner	<ul style="list-style-type: none"> <li>• Land for land replacement or compensation in cash according to PAP's choice.</li> <li>• Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems</li> <li>• Cash compensation will take into account market value of land. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. PAPs will be provided with guidance on managing the cash.</li> <li>• When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</li> <li>• Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</li> <li>• Relocation assistance (costs of shifting + allowance)</li> </ul>
Buildings and structures	Structures are partially affected  Remaining structures viable for continued use	Owner	<ul style="list-style-type: none"> <li>• Cash compensation for affected building and other fixed assets, taking into account market values for structures and materials</li> <li>• Cash assistance to cover costs of restoration of the remaining structure</li> <li>• Cash compensation for affected assets (verifiable improvements to the property by the tenant).</li> <li>• Disturbance compensation equivalent to two months rental costs or time that will take to finish construction work</li> </ul>
	Entire structures are affected	Owner	<ul style="list-style-type: none"> <li>• 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. Compensation will take into account market values for structures and materials.</li> <li>• Relocation assistance (costs of shifting + allowance)</li> </ul>
		Squatter/informal dweller	<ul style="list-style-type: none"> <li>• Cash compensation for affected structure without depreciation, taking into account market values for materials</li> <li>• Relocation assistance (costs of shifting + assistance to find alternative</li> </ul>

<b>Entitlement Matrix</b>			
<b>Land and Assets</b>	<b>Types of Impact</b>	<b>Person(s) Affected</b>	<b>Compensation/Entitlement/Benefits</b>
			secure accommodation preferably in the community of residence through involvement of the project; site is a place where PAPs can live and work legally
Standing crops	Crops affected by land acquisition or temporary acquisition	PAP (whether owner, tenant, or squatter)	<ul style="list-style-type: none"> <li>• PAP allowed to harvest crops if fully matured or</li> <li>• Cash compensation of the crops equivalent to average of last 1 year market value for the mature and harvested crop.</li> </ul>
Trees	Trees lost	PAP (Owner, tenant, or squatter)	<ul style="list-style-type: none"> <li>• Cash compensation based on type, age and productive value of affected trees plus 10% premium</li> </ul>

## **5.6 Compensation and Project (Civil Works) Schedule**

Before any sub-project activity is implemented, people who are affected and have been determined to be entitled to compensation will need to be compensated in accordance to the policy and the resettlement policy framework. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons.

## 6.0 RAP IMPLIMENTATION PROCESS

The RAP implementation process will involve several steps that include

- Awareness raising with local communities as well as PAPs
- Establishing cut-off date to determine PAPs eligibility
- Conducting census and valuation of affected properties
- Preparing and approving of the valuation reports
- Compensation of affected PAPs
- Addressing Grievances and Dispute Resolution
- Second round consultation and agreeing with PAPs on vacating date
- Monitoring and evaluation of RAP implementation

This implementation process is further elaborated in the table below:

**Table 6 RAP implementation Process No**

	<b>Activity</b>	<b>Comment</b>	<b>Responsible institution/Person</b>
1	Awareness rising meetings (Public participation)	-This will be conducted once the location and project design has been determined and approved	- PAPs -Local communities members -RAP team
2	Cut-off date	Usually cut off dates are the dates when the census or socioeconomic study is initiated as part of determining PAPs eligibility. This date has to be communicated to PAPs	-PAPs -Respective Village or Shehia Officials -Respective District Officials Respective Ministry of Agriculture Officials -RAP team -Valuer
3	Census and evaluation of assets	The purpose of the socio-economic study is also to collect baseline data within the project area i.e. a village or Shehia thereby enabling the social assessment of potentially affected populations.	-PAPs -Respective Village or Shehia Officials - Respective District Officials Respective Ministry of Agriculture Officials -RAP team -Valuer
4	Approval of Valuation report	The valuation report is sent to these various government offices for review and approval	-Chief Government Valuer Respective Regional Commissioner -Respective District

			Commissioner -Respective Local authorities officials
5	Compensation of affected PAPs	Law would require six months after approval of the valuation report PAPs to be compensated	Respective District Council/ or Respective Ministry of Agriculture
6	Addressing Grievances and Dispute Resolution	Ongoing activity The committees should be formed in a participatory manner, preferably at a public meeting ( for local GRC)	RAP Team, GRC , community
7	Consult and agree with PAPs vacating date	At least four weeks after receiving compensation payment or to allow PAPs to harvest seasonal crops	-PAPs, Irrigation scheme association, District official, Representatives from respective Agriculture Ministries
8	Monitoring and evaluation of RAP implementation	Ongoing activity but with further emphasis during PAP receiving payments and during vacating and resettling of PAPs	RAP Team, External monitoring team(project financier, etc)

## 6.2 Compensation Payments

All types of compensation are to be clearly explained to the individual and households involved. The respective farmer group draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the local community leaders prior to signing. It should be noted that within a sub-project if there is a PAP(s) not satisfied with agreements reached by village/farmers associations that no compensation shall be paid for assets affected by the ERPP; the PAP is eligible for compensation as per the entitlement matrix in the RPF.

- **Community Compensation Payments**

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard required by local planning regulation. Examples of community assets include; School Building (public or religious), market place, roads, pumps or wells.

### **6.3 Budget and Sources of Funding**

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

- Annual Council budgets approved through parliament
- Local taxes and levies collected in the District
- Other donor funding

It is estimated that preparation of a RAP report (engaging a consultant) for Tanzania Mainland is 10,000USD for each sub project; Therefore for Tanzania Mainland a budget of **60,000USD** and for Zanzibar it is estimated at 7,000USD for each sub project and therefore a budget of **70,000USD**, therefore a total budget of **130,000USD**. However to minimize cost the Relevant Agriculture Ministries in Tanzania Mainland and Zanzibar in collaboration with respective District Authorities could consider hiring one consultant to prepare all RAP for sub projects within the District- example for Kilombero District a consultant can prepare RAPs for the two sub-projects in Njake village and Msolwa Ujamaa.

## **7.0 CONSULTATION AND STAKEHOLDERS PARTICIPATION**

Public consultation and participation are essential as they afford potential PAPs the opportunity to contribute to both the design and implementation of the program activities and reduce the likelihood for conflicts between project implementers, among PAPs and farmer groups. The way land administration is undertaken in Tanzania today based on long standing traditional and cultural practices makes public consultation with the rural communities, indispensable. Furthermore, as the rural communities are the intended ultimate beneficiaries of this project, effective and close consultation with them are a pre-requisite for program success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households when resettlement and compensation concerns are involved.

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

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

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

### **7.1 Data Collecting Phase**

Consultations during preparation, in particular, collection of background information, and social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires and the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women farmers, farmers associations, tenants utilizing government farms, local businesses, and health centers are good sources for establishing the community baseline situation.



## **7.2 Implementation Phase**

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

## **7.3 Documenting Consultation and Participation**

All meetings should be properly recorded as meeting minutes for each consultation and names and signatures of all who attended the meetings appended; these minutes should form part of the RAP reports. The minutes should be recorded by the RAP team and a copy of the minutes handed to the respective Village or Shehia authority as well as the District Agriculture office.

## **8.0 GRIEVANCE REDRESS MECHANISMS**

In most projects, grievances could be various but commonly concerning:

- Levels of compensation i.e. Inadequacy of compensation paid; or
- Seizure of assets without compensation
- Non-fulfillment of resettlement related agreements;

It should be noted that consultation through village assemblies and Shehia meetings, sensitization meetings makes clear issues regarding the proposed project and the likely impacts as well as mechanisms for compensating the likely PAPs. When the amount of compensation to be paid is made known, the affected people have the right to appeal if not satisfied.

During stakeholders meetings as well as during household consultation with PAPs, all PAPs should be informed about how to register grievances or complaints (Annex 1 example of a grievance form), and the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner.

### **8.1 Mediation through committees at local and district levels**

Each sub-project will have its own local grievance committee, the committee will meet whenever a grievance is filed (one a week) and will comprise of the following members: representative of PAPs, preferably 3 female PAPs and 3 male PAPs; relevant local community leaders, including two representatives from the village or Shehia land committee and one representative from the village or Shehia government. At District level the grievance Committee will meet twice a month if there are any grievances files that could not be resolved at sub project level. The committee will have the following members: representation of a member from each irrigation scheme (sub-project) preferably a PAP; and, officials from the Community Development Office, Agriculture Office and Land Office. The Chairperson of this committee will be the District Commissioner.

Considering that the major impact of the project is likely to be land and/or permanent crops, the grievance procedure shall be simple, administered as far as possible at the local level in collaboration with the PAP committees to facilitate access, flexibility and open to various proofs taking into cognizance of the fact that some of the PAPs are not competent of their entitlement while they would require a speedy and fair resolution of their grievances. The Local Government Authorities system would be the best offices to receive handle and rule on disputes other than the irrigation scheme association.

### **8.2 Appeals through tribunals/court system**

Failure of the grievance Committee at District level to settle the disputes will be addressed to the existing tribunals and/or local courts system of administration of justice in the Districts. If the matter cannot be settled by the GRC, the matter can go to court.

The table below summarizes the grievance process:

**Table7: Grievance Redress Process**

Step	Reporting of Grievance	Officer/committee members	Time frame to redress	Grievance redressed	Grievance not redressed
1	Each sub-project will have its own local grievance committee, the committee will meet whenever a grievance is filed (one a week)	<ul style="list-style-type: none"> <li>-PAP representatives(3male, 3female)</li> <li>-Local community leaders (Shehia or village level)</li> <li>- Two Representative from the local authority (Shehia or village) land committee</li> </ul>	Upon receipt of grievance, the RAP team at sub project level will meet ( once a week) and try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.	If the grievance is resolved and the PAP is satisfied with the committees decision, a report of the same shall be prepared and copy handover to PAP and case closed.	If the grievance is not resolved, go to step 2.
2	If PAP is not satisfied with step 1 decision, the case shall be forwarded to the Grievance Committee at District level. The grievance shall be forwarded with all the paper details of case from the previous committee.	<ul style="list-style-type: none"> <li>Representation of a member from each irrigation scheme (sub-project) preferably a PAP,</li> <li>-Representative from the local GRC</li> <li>-Official from the District Community Development Office,</li> <li>-District Agriculture Office</li> <li>-District Land Office. -District Commissioner as the chair person</li> </ul>	At District level the grievance Committee will meet twice a month if there are any filed grievances that could not be resolved at sub project level. The hearing should be completed within two weeks and communicated back to the PAP through the local Grievance Committee (preferably from community Development Office)	If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared and handover to PAP for record and copies to be submitted to Local communities for record, case closed.	If the grievance is not resolved, go to step 3.

Step	Reporting of Grievance	Officer/committee members	Time frame to redress	Grievance redressed	Grievance not redressed
3	It is assumed that all the cases shall be solved at GRC level. It may be possible, however, that there are cases which might still remain unresolved at GRC level. For such cases, the PAP shall have the option to refer his/her case to appropriate court	PAP RAP Team Representatives from the local and District GRC			

## **9.0 MONITORING AND EVALUATION**

PAPs representatives will participate in the various community meetings at the end of RAP implementation and during project mid-term monitoring and evaluation. To the extent possible, the monitoring should include tools to assess the quality of RAP implementation. PAPs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s).

The respective ministries of Agriculture in collaboration with the respective District Authorities should ensure that anyone filing a grievance is consulted during the project implementation support missions to determine if their grievance has been adequately resolved. The ministries will keep a listing of grievances registered and description of how they were dealt with and resolved. This includes a listing of compensation due and the date of completed payment.

### **9.1 Mechanisms for Monitoring**

During the project implementation, the RAP monitoring information will be part of the quarterly information required to be submitted by the RAP committee in each relevant sub project. The monitoring will mainly focus on any updates on but not limited to the following information:

- (i) Number of new grievances
- (ii) Number of unresolved grievances
- (iii) Number of new PAPs
- (iv) Payment of any pending compensation

### **9.2 Mechanisms for Evaluation (Internal and External)**

The impact evaluation will determine:

- (i) If compensation payments have been completed in a satisfactory manner
- (ii) If PAPs are satisfied with any other agreed mechanisms to handle loss other than compensation; and
- (iii) If there are improvements in livelihoods and well-being of PAPs.

Several indicators are used to measure these impacts, these include, among others, a comparison of income levels before-and-after the project; access to irrigation scheme, changes in standards of housing and living conditions; and improvements in level of participation in sub-project activities. There are measures to verify these basic indicators, such as number of farmers within an irrigation scheme (compared to pre-project levels); size of plots/farms owned by individual

farmer, changes in income standards; and changes in access to markets or roads – all of which may reflect overall improvements in standards of living associated with the ERPP.

The relevant Ministries monitoring units will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF and those agreed by PAPs and relevant authorities, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects, relevant District and Ministries to determine the final cost of RAP implementation.

An external monitoring will also be carried out by other relevant authorities to ensure that the RAP implementation is as per the RPF especially handling of grievance.

## **ANNEXES**

ANNEX 1: Sample Grievance and Resolution Form

ANNEX 2: Summary of District Consultations

ANNEX 3: Field Report: Sub-projects Case by case experience on resettlement

ANNEX 4: Photos from various Sub-projects under ERPP

ANNEX 5: Names/Signatures of Consulted Stakeholders



**ANNEX 1: Sample Grievance and Resolution Form**

**Name (Filer of Complaint):** \_\_\_\_\_  
**ID Number:** \_\_\_\_\_ (PAPs ID number)

**Contact Information:** \_\_\_\_\_  
 (Village/Ward/Mtaa/Shehia; mobile phone)

**Nature of Grievance or Complaint:**

\_\_\_\_\_

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

Signature \_\_\_\_\_ Date: \_\_\_\_\_

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

**Review/Resolution**

Date of Conciliation Session: \_\_\_\_\_

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No  
 Findings of field investigation:

\_\_\_\_\_

**Summary of Conciliation Session Discussion:** \_\_\_\_\_

\_\_\_\_\_

Issues \_\_\_\_\_

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

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

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Signed (Conciliator): \_\_\_\_\_ Signed (Filer): \_\_\_\_\_

Signed: \_\_\_\_\_  
Independent Observer

Date: \_\_\_\_\_

## Annex 2: Summary of District Consultations

<b>Date</b>	<b>Location</b>	<b>Persons</b>	<b>Issues Arising</b>
23-25 April 2013	Zanzibar, Unguja and Pemba	Affan Mallim, Permanent Secretary, Balam Assad, Deputy Permanent Secretary Mbenik Rashid, Director of Agriculture, Othman Maulid, Chief Extension Officer; Rashid Said, Chief Irrigation Officer; Sheha Hamdan, Director of Forestry; Manyam Abdulla, Director of Policy and Planning, Mansura Kassim, Director of Food Security; Mchenga Machena, Chief irrigation Officer and visits to meet with village officials in a cross-section of irrigation schemes including Mtwangio, Loani, Banda Majo, Machigini, Dobi 1, Dobi 2 Kibondo Mzungo and Ole	<p>Discussion of the GAFSP proposal and planned project including review of the origins of the proposed irrigation schemes, current challenges in water management and rice production. It was noted that most of the schemes are very small and are seeking interlinked rehabilitation with advisory assistance on crop management.</p> <p>All of this land is said to be government land, but farmers seem to have ‘perpetual’ use rights except in areas where short term use has been defined – e.g. where the government has historically used the land for its own farming (seed farms or national service), and has temporarily allowed farmers to grow crops on an annual basis on part of the land. This merits closer discussion with the affected groups prior to the initiation of infrastructure improvements on what are now demarcated as ‘government seed farms’. Beyond these seed farms, no significant resettlement is anticipated. Farmers in the schemes visited were readily prepared to give up small quantities of land, as may be required to formalize a canal, in order to gain the benefits of more reliable irrigation. This mission set a basis for preparing revisits to all planned irrigation schemes for the Resettlement Policy Framework (RPF).</p>
28 April to 1 May 2013	Morogoro District	L.G. Noah, Acting Regional Administrative Secretary; Firmin Mizambwa, Chief	Discussions of the GAFSP proposal and the plan for the Expanding Rice production

		<p>Executive Officer, Agricultural Seed Agency; Henry Mahoo, Associate Professor, Sokoine University of Agriculture; Imani Nzobo, Irrigation Engineer and visits to a cross-section of irrigation schemes including Mvumi, Kalangali, Msolwa Ujamaa and</p>	<p>project including a review of the irrigation schemes targeted for assistance, current challenges in crop management, water management, rice production and rice marketing. The schemes vary considerably in size and sophistication.</p> <p>There is evidence of conflict between arable farmers and pastoralists in the broader Morogoro Region, though no evidence of direct conflict in the irrigation schemes under consideration. This will need to be monitored.</p> <p>Resettlement has not been an issue in the past as village or irrigator associations seem to be transparent and work on consensus, but this will need to be confirmed in further discussions. Farmers expressed a ready willingness to give up small amounts of land (e.g. a meter here and there) to gain improved access to irrigation water and good drainage. This will need to be monitored closely, however, particularly in areas where informal irrigation practices are being changed to formal irrigation. This information was integrated into the planning of the assessments underlying the drafting of the RPF.</p>
14-16 November 2013	Kilombero District	<p>District Executive Director; District agriculture and irrigation officials, village officials in Njage and Msolwa Ujamaa</p>	<p>Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions, possible resettlement issues; notes shift from sugar to paddy production; highlights needs for clear grievance procedures and transparency if land reallocated. Farmers broadly stated their</p>

			<p>interest in the expansion of these two schemes, and also to shift from sugar production (with an unreliable market) to rice production. But there will be need to confirm the harvest of the sugarcane crop, and confirm each farmers willingness to shift his or her field configuration, in the final planning at Msolwa Ujamaa. Grievance procedures have not been historically clear and need to be formalized.</p>
16-18 November 2013	Kilosa District	Discussions with district agriculture officers, village officials and farmers in Mvumi and Kilangali	<p>Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions, marketing; notes historical controversy on settlement of Kilangali farm, but not in area where expansion of irrigation under this project is planned. The government considers there to have been encroachment on to parts of the seed farm that are not used. Negotiations are underway to resolve this peacefully. This is not expected to directly affect the project which is entirely on undisputed government land. The Mvumi scheme has been completed, but can benefit from an improvement in drainage systems, and to improve existing roads between the scheme and nearby village to improve input delivery and production offtake. No resettlement is expected, though this needs to be confirmed in the final design.</p>
19-20 November 2013	Mvomero Districts	Discussions with district agriculture officers, village officials and farmers in Kugugu, Mbogo Kigugu	<p>Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions; No major issues raised but call for working within existing farmer organizations and</p>

			<p>need for continued consultation. No significant resettlement is anticipated. Most of the new area is actually simply a formalizing of informal irrigation systems. Nonetheless, when this happens there is a risk of shifting land claims, and possible loss of women's rights to land that need to be checked and monitored. There is need for a more formalized grievance mechanism.</p>
28 November 2013	Zanzibar	Discussions with Shehia officials, irrigation scheme officials and farmers in Kibonde, Mtwango and Kaoni	<p>Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions. No significant resettlement is expected; simply a loss of very limited areas if canals need to be widened or formalized. Farmers do not expect compensation if this happens. But scheme leaders argued that if compensation of advertised, many may start to demand this. Correspondingly, there must be a transparent consultation and the improvements move forward, and a clear grievance process. The largest uncertainty is at Kibonde where a small number of tenants are being asked give up land they have been leasing from a government seed farm. These discussions need to be monitored to assure the farmers are compensated if this is required – though the government argues this is not an issue.</p>
29 November 2013	Zanzibar	Discussions with Shehia officials, irrigation scheme officials and farmers in Banda Maji, Mchangani	<p>Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions, possible resettlement issues; Farmers understand this is a continuation of TASAFA efforts in the past and see no significant problems.</p>

30 November 2013	Pemba	Discussions with Shehia officials, irrigation scheme officials and farmers in Dobi 1, Dobi 2	Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions, possible resettlement issues. Noted that past irrigation infrastructure had led to grievances about land reallocation that were handled poorly; seeks greater transparency of grievance procedures.
1 December 2013	Pemba	Discussions with Shehia officials, irrigation scheme officials and farmers in Kwale Mpona, Machihini and Ole	Discussion of project plans for irrigation rehabilitation and expansion, agronomic interventions, possible resettlement issues. Farmers asked the team (here and in several other schemes) to work through existing farmer associations for on-going communication and any possible dispute resolution. Again, farmers argued there is no need for compensation for small adjustments that may be needed for canals, given that the farmers benefit much more than they lose. Ole already operates as a government farm.

A more detailed presentation of discussions on possible resettlement issues at each of these farms is found in the Annex 3 to the RPF titled Field Report.