

# United Republic Of Tanzania

Prime Minister's Office - Regional Administration and Local Government

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## Dar es Salaam Metropolitan Development Project



## RESETTLEMENT POLICY FRAMEWORK

December 2014

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## Abbreviation

BRT	Bus Rapid Transit
CIUP	Community Infrastructure Upgrading Programme
DAWASA	Dar es Salaam Water Sewerage Authority
DAWASCO	Dar es Salaam Water and Sewerage Corporation
DC	District commissioner
DCC	Dar es Salaam City Council
DGC	District Grievance Committee
DLA	District local government
DMDP	Dar es Salaam Metropolitan Development Project
DMS	Detailed measurement survey
DRC	District Resettlement Committee
GIS	Global Information System
HIV/AIDS	Human Immunodeficiency Virus/Acquired immune deficiency syndrome
IMC	Internal monitoring consultant
IOL	Inventory of loss
IUUS	Infrastructure upgrading in unplanned settlements
GOT	Government of Tanzania
LGA	Local Government Authority
LGSP	Local Government Support Project
MC	Municipal Council
MLHHS	Ministry of Land, housing and human settlement development
MRC	Municipal Resettlement Committee
MRG	Municipal Grievance Committee
PAP	Project affected person
PAH	Project affected household
PCU	Project Coordination Unit
PIU	Project Implementation Unit
PMO-RALG	Prime Minister's Office - Regional and Local Government
RAP	Resettlement action plans
RPF	Resettlement Policy Framework
TANESCO	Tanzania Electric Supply Company
TPDC	Tanzania Petroleum Development Corporation
TANROAD	Tanzania National Roads Agency
TZS	Tanzanian Shilling
TTCL	Tanzania Telecommunication Company Limited
UWP-SAI	Association between UWP (Tanzania) and SAI (India)
URT	United Republic of Tanzania
USD	United State Dollar
WB	World Bank

## Glossary of Terms

Project affected person (PAP)	Are individuals whose assets may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to facilities or services as a result of activities under the DMDP
Project affected household	All members of a household, whether related or not, operating as a single economic unit, who are affected by the DMDP.
Resettlement assistance	Supports provided to people who are physically displaced by the DMDP. Assistance may include transportation, food, shelter, and social services providing to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.
Cut-off date	Is the date of census survey of the subproject. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date will not be compensated.
Entitlement	Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation which are due to affected people, depending on the nature of their losses, to restore their economic and social base
Host community	A community in the proposed resettlement sites.
Income restoration/livelihood improvement	The restoration and/or improvement of income sources and livelihoods of relevant PAPs.
Inventory of Losses (IOL)	<p>A detailed survey of all losses that will result for each persons, household, enterprise, or community affected by the DMDP.</p> <p>The survey should account for land acquisition and loss of physical assets as well as loss of income, either temporary or permanent, resulting from displacement of household members from employment or income generating resources. Assets held collectively, such as water sources, livestock grazing areas, irrigation systems, and community structures should be recorded separately. It is essential for resettlement planners to consult with affected people during this step to develop a reasonable consensus on the methods and formulas for assigning value to lost assets and income forgone during resettlement.</p>
Land Acquisition	Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses
Physical displacement	The actual physical relocation of people resulting in a loss of shelter, productive assets or access to productive assets (such as land, water, and forests).
Economic displacement	The results from an action that interrupts or eliminates people's access to productive assets without physically relocating the people themselves
Replacement Cost	<p>The rate of compensation for lost assets calculated at full replacement cost, that is, the market value of the assets plus transaction costs. It is calculated before displacement as follows:</p> <p>(i) agricultural land: the market value of land of equal productive</p>

use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes;

- (ii) land in urban areas: the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;
- (iii) household and public structures-the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractors' fees and any registration and transfer taxes.
- (iv) standing crops based on the current market value of the crop at the time of compensation;
- (v) perennial crops and fruit trees will be compensated equivalent to the current market value given for the type, age and productive value of such trees (future production) at the time of compensation.

#### Vulnerable Groups

People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

Vulnerable groups include: (i) female headed households with dependents, (ii) disabled individuals; (iii) households with disabled persons, (iv) households falling under the current benchmark poverty line, (v) children and elderly households who are landless and with no other means of support, (vi) landless households, (vii) ethnic minorities. The list of vulnerable groups will be identified during project preparation through socio-economic survey and public consultation.

#### Self- resettlements

Option selected among several presented, which is chosen by a PAP/s for self-relocation, and who will be provided with an additional transitional assistance.

# 1. Introduction

## 1.1 Project Overview

The Dar es Salaam metropolitan area (4.6 million population in 2012) is expected to be a mega city by 2030 with a population over 10 million. Dar es Salaam is the engine of growth for the nation - and if the urbanization process is managed well, tremendous benefits could be captured from the efficiencies of agglomeration economies. But Dar es Salaam has fundamental barriers limiting the quality and potential of its future development. These include a backlog in infrastructure investments; the mushrooming of un-serviced informal settlements; sprawling energy intensive settlement patterns; the absence of effective metropolitan planning and governance arrangements; and capacity constraints for management and service delivery. All of these factors impact the current and future quality of life, business environment, competitiveness, opportunities for jobs, and achievement of national growth and poverty alleviation goals.

The Dar es Salaam Metropolitan Development Project (DMDP) is positioned within the context of the World Bank's continued support to Tanzania through the proposed Local Government Support Project (LGSP2) to strengthen fiscal decentralization, improve accountability in the use of local government resources, and improve management of inter-governmental transfer systems. Expectedly, the DMDP will be implemented in five (05) years (2015-2020).

The objective of the DMDP is to improve infrastructure services and institutional capacity in the Dar es Salaam Metropolitan region. The PMO-RALG is the Executing Agency while the District Local Authorities (DLAs) of Kinondoni, Ilala and Temeke are the Implementing Agencies for subprojects (roads, upgrading and drainages).

The DMDP will include the following components:

**Component 1: Priority Infrastructure.** This component will finance improvements and constructions of: (i) priority roads – local and feeder roads in the urban core to alleviate congestion hotspots, and support public transit, mobility and connectivity to low-income communities, especially improving accessibility to the BRT system; and (ii) primary and secondary drainage system – including bank stabilization, retention ponds, connection to the secondary network etc. around five river basins of Dar es Salaam.

- *Component 1a - Priority roads supporting public transit, mobility, and connectivity to low income communities.* This sub-component will finance improvements and constructions of priority sections of the existing local and feeder roads in the urban core, totaling approximately 45km, to reduce congestion hotspots, and improve accessibility to the BRT system by low income communities. The portions connecting to the BRT will incorporate transit and pedestrian oriented design principles, and help establish the standards for the BRT's future expansion.

The road sub-projects were identified from a long-list of priority investments provided by the DLAs. Roads were selected based on: (i) population density, and proximity to low-income communities; (ii) connectivity to DART and its feeder routes; (iii) contribution to developing compact dense urban areas, versus encouragement of sprawl; (iv) identification as strategic links of the urban road network plan; and (v) to spread benefits equitably across municipalities while having metropolitan-wide impacts.

- *Component 1b: Flood Control and Storm Water Drainage.* This sub-component will support improvement of 31.5 km of the primary and secondary drainage system (bank stabilization, retention ponds, connection to the secondary network, etc.) around the

five river basins of Dar es Salaam, including the Sinza (Kinondoni), Msimbazi (Ilala), Gerenazi Creek (Temeke), Yombo (Ilala and Temeke), and Kizinga (Temeke).

The project will introduce the use of retention ponds (i.e. low area that floods in extreme storm times, which can function as public green spaces during non-storm events). This innovative approach, not yet carried out in Tanzania, will significantly cut capital costs and resettlement requirements. The engineering design factors in the effects of climate change and allows for extra hydraulic capacity in the project investments. Dar es Salaam does not currently have a Drainage Master Plan – thus initial investments would be limited to the obvious improvements to the primary and secondary network, and some strategic sections of the secondary network. The project would (through Component 4) support preparation of a Drainage Master Plan to prioritize future secondary and tertiary investments, develop operations and maintenance schemes and budgets, related work for metropolitan urban resilience, and capital works planning.

- *Component 1c: Emergency Response.* This sub-component will support, at GoT's request and the Bank's concurrence, activities (assessments, technical assistance, works, and purchase of equipment) resulting from natural or man-made disasters, or public health events in the Dar Metro. This is currently a zero sum sub-component, and funds could be made available by reallocation or additional financing.

**Component 2: Upgrading in Low-Income Communities.** This component will finance the upgrading of low-income communities in all three municipal councils, by improving basic services including: (i) roads and road related infrastructure (roads, bridges/culverts, footpaths, traffic lights etc.); (ii) environmental related works (storm water drainage, solid & liquid waste management, street lights); and (iii) community related amenities (parks, markets and sub ward office).

Approximately 40 low-income community sub-wards, mostly in the urban core, have been identified for upgrading. The upgrading approach draws on experience from the past Bank-financed Community Infrastructure Upgrading Programme (CIUP) and aims to improve basic services, enhance connectivity between primary and secondary networks, and minimize resettlement by adopting flexible design standards. The community upgrading plans have been prepared using community participatory approach, and employed socio-economic surveys, focus group discussions, amongst other methods and involved multiple key stakeholders including the community, local leaders, municipal councils and non-governmental organizations.

The demand for upgrading is high in Dar es Salaam, therefore, selection factored in: (i) working in dense, highly populated communities with poor infrastructure; (ii) focusing on connectivity to the primary road and drainage network financed through DMDP; and (iii) investments that would not further encourage sprawl, but densification. While in-situ upgrading is one strategy to address the urgent housing needs and conditions of low-income communities, forward thinking and planning is also required to address the larger issues of land, informality and sprawl. Component 4 will have complementary analytical and planning work to help the government address related settlement issues, such as strategies for addressing informality, curbing sprawl, scaling-up upgrading, and land management.

**Component 3: Institutional Strengthening, Capacity Building, and Urban Analytics.** This component will support: (i) metropolitan governance arrangements and systems; (ii) municipal finances and technical capacity through own source revenue collection and development and integration of GIS; (iii) integrated transport and land-use planning; (iv) operations and maintenance systems; and (v) urban analytics. This component will be partially funded by the Nordic Development Fund (pending approval). These sub-components are further elaborated below:

- *Component 3a: Improving Metropolitan Governance Arrangement and Systems.* DMDP will support PMO-RALG and the DLAs with further technical analysis of the options, developing an action plan for implementation, and preparing legal

documents, and transition support to improve the functions and efficiency of metropolitan governance.

- *Component 3b: Improving Own Source Revenue Collection Systems and Mainstreaming Geographic Information Systems.* This component will launch and operationalize the Local Government Revenue Collection Information System (LGRSIS) for Dar es Salaam. Support includes the installation and training for LGRSIS, migration of data from the old system, update of the valuation role, improve billing and collection systems, and finance the hardware and software. It will provide training and equipment for developing GIS and mainstreaming its use in DLA technical departments – as well as the institutional framework for better sharing spatial data and improving access for the public.
- *Component 3c: Support for Integrated Transport and Land-use Planning.* This component, through integrated planning and technical support, will help maximize the benefits of the phase 1 BRT system, assist with developing priority nodes and serve as demonstration for future BRT corridors. The two key outputs are (i) Corridor Development Strategy; and (ii) Strategies to Operationalizing TOD/Corridor Development. Activities would introduce transit-oriented design, station area development plans, traffic management strategies, non-motorized transport accessibility study/planning, PPP or other operational strategies, and culminating in a charette-based Corridor Development Strategy. Stakeholder capacity building activities oriented towards improving community participation, developing community of practice and increasing knowledge and execution capacity of the integrated corridor will be carried out. The sub-component will also provide just in time technical assistance to DART (and related organizations supporting the BRT and planning).
- *Component 3d: Strengthening Operations and Maintenance Systems.* This sub-component will strengthen the capacity of GoT (including Ministries, Departments and Agencies) and the DLAs to plan, deliver, operate and maintain public infrastructure and services. Tasks include developing (i) a drainage master plan and (ii) road maintenance management systems for DLAs. The new GIS systems developed through the LGRSIS will help support this work. New ICT technologies may offer more cost effective means to support O&M, thus innovation pilots will be encouraged.
- *Component 3e: Urban Analytics.* Related technical assistance will be carried out to address the long term urban challenges, and to improve competitiveness of Tanzania cities to establish sound analytical foundations for future engagements. Most activities will be identified through the forthcoming Tanzania Urbanization Review. Activities could include feasibility studies and policy analysis on topics such as metropolitan sprawl and informality, land management, development of economic opportunities (e.g. industrial zone development), cultural heritage, or other studies needed to prepare investments for future projects in the series, or later project phases.

**Component 4: Implementation Support and Monitoring & Evaluation.** This component will enable the key implementing agencies (PMO-RALG, DLAs and DART) to execute the project. This is expected to include operational costs for the direct project management and supervision functions, including procurement, accounting, financial management, monitoring and evaluation (M&E), audit of project accounts, meetings and workshops, and impact assessments. Resources for further project preparation are included. In addition, funds are allocated for critical maintenance equipment required for long term sustainability of priority infrastructure.

Safeguards instruments focused on Component 1a, 1b and Component 2, with identified institutional strengthening and capacity building activities for environmental and social management included under Component 3.



## 1.2 Land acquisition and resettlement impact

Except some road subprojects (see **Error! Reference source not found.** above) where land acquisition is not necessary, the remaining subprojects under Components 1 and 2 will require land acquisition as demand of land for realignment, upgrading and/or expansion of the existing roads and drainages to ensure the technical requirements (traffic safety, slope of stream or roads, etc.).

In general, resettlement associated with the DMDP could include types of impact as follows:

- Loss of land, includes: (i) agricultural land for cultivation of food crop/cash crop of affected persons; (ii) residential land (land associated with fixed assets of household and persons who are now living within the subproject areas); (iii) public land (land for installation of infrastructures such as: water pipe, electric pipe, optic cable, etc.), (iv) land of community groups such as land of mosque, church, etc.
- Loss of houses/buildings
- Loss of other assets and structures of both private household/persons, public utilities (eg. water pipe; drainage/sewerage system; etc.)
- Loss of livelihoods;
- Loss of formal and informal businesses (eg. warehouse; business of vendors, barber shop, nail and beauty shop, restaurant, etc.)
- Loss of access to communal resources and associated loss of livelihood;
- Loss of economic immovable assets;
- Loss of community assets such as water wells, trees, mosque, church, etc.

There may be some cases of physical resettlement. Potential impacts associated with physical resettlement include:

- Loss of houses and other structures;
- Decreased land in host community;
- Disruption from construction of new homes and facilities in host community;
- Separation of family members and/ or disruption to social networks; and
- Strain on education and health services in host community

*Project affected persons (PAPs)* are individuals whose assets may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to facilities or services as a result of activities under the DMDP.

*Project affected households (PAHs)*: All members of a household, whether related or not, operating as a single economic unit, who are affected by the DMDP subproject.

*Vulnerable groups* who could be a member of affected households. The DMDP will separately identify the vulnerable members, such as those who are old or ill; children; those stricken with social diseases; women; unemployed youth, and orphans; households headed by women that depend on sons, brothers, and others needing support and are especially vulnerable. They should be helped during the relocation also helped to restore their lives through physical help of, for instance, rebuilding their houses, to providing advice on relocation, the cash compensation received, among other things.

The above categories are not mutually exclusive.

*Affected local community*: A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. Under DMDP, the communication between some communities and social networks can be disturbed due to physical separation as a result of some of the subprojects.

Initially assessment by the DMDP design consultants, DLAs of Kinondoni, Temeke and Ilala showed that there would be around 3,900 properties that will be affected by the three project components through loss of land, houses and structures, business and production, trees and crops, etc. Of these, around 535 (13%) households will be severely affected and require

permanent relocation. Summary of estimated scope of resettlement impacts of the proposed subprojects is shown at Table 1 below:

**Table 1: Summary of DMDP Subprojects with Prepared RAPs**

<b>Component and Municipality</b>	<b>Affected properties</b>	<b>Fully affected households</b>
<b>Component 1a: Priority Roads</b>	<b>1,536</b>	<b>248</b>
Ilala	68	10
Kinondoni	908	163
Temeke	560	75
<b>Component 1b: Stormwater drainage</b>	<b>1,041</b>	<b>107</b>
Ilala	275	6
Kinondoni	388	86
Temeke	378	15
<b>Component 2: Upgrading in low-income communities</b>	<b>1,401</b>	<b>180</b>
Ilala	358	25
Kinondoni	146	25
Temeke	897	130
<b>Total</b>	<b>3,978</b>	<b>535</b>

Source: PMO-RALG, November 2014

Source: Initial screening by Resettlement and Quality Assurance Advisor (November 2014)

### 1.3 Status of RAP preparation to date

Based on this RPF the three municipalities involved (Ilala, Temeke, and Kinondoni) are each in the process of preparing RAPs for the most advanced works under the three components.

The first infrastructure packages ready for bidding under Component 1a (three local roads segments, one in each DLA) do not involve resettlement. These were selected intentionally to allow the DLAs sufficient time to secure funds for resettlement, finalize RAPs, and carry them out with PAPs.

Works packages under Component 1b (stormwater drainage) will also be ready for bidding after DMDP is effective. The RAPs for each bidding package (a total of five) and have been submitted to the World Bank for review and clearance.

All other RAPs for Component 1a and Component 2 are advanced but at a preliminary stage. These will be updated and finalized based on a design review of the engineering designs that will take place soon after the project is effective. All updates to the RAPs and any future works involving resettlement will be done in accordance with this RPF.

Summary of status of RAP preparation is below:

#### a. **Component 1a - Priority roads supporting public transit, mobility, and connectivity to low income communities**

RAPs of Component 1a subproject are being prepared by Crown TECH-Consult Ltd., (Tanzania) for local road subprojects.

Preparation activities were started in early 2013, including: (i) site visit; (ii) data/information collection and study; (iii) information disclosure and public consultations with relevant stakeholders, affected persons; (iv) census and socio-economic study; (v) replacement cost survey. Generally, these actions were made following Tanzanian law on land acquisition and compensation and the World Bank policy on involuntary resettlement (OP4.12).

RAP reports (first draft) of road subprojects for local roads were submitted to PMO-RALG in June 2014. These reports were updated in December 2014 following a design review done in part to reduce resettlement impacts given the design standards used wider road widths than may have been necessary. This substantially reduced the number of impacted households and especially the need for permanent relocation.

The RAPs will be finalized during project implementation, following an additional more detailed design review by the project Construction Supervision Consultants. The RAPs will then be revised by the DLAs in line with the requirements of this Resettlement Policy Framework (RPF). The design review will examine opportunities to minimize resettlement impacts.

#### **b. Component 1b: Flood Control and Storm Water Drainage**

Subproject RAP preparation commenced in March 2014 by association of COWI (Denmark) and ProceSl (Portugal). Study tools, including: (i) field visit; (ii) establishment of ROW; (iii) mobilization of specialists for studies; (iv) development of household survey questionnaire were undertaken by COWI-ProceSl.

Field studies were commenced in early June 2014. As scheduled, RAP for Msimbazi subproject will be submitted to PMO-RALG by 30 June 2014. The remaining subproject RAPs were submitted to PMO-RALG by July 2014, and updated as of October 2014. Slight modifications might be necessary pending a design review, which will be done in accordance with this RPF.

#### **c. Component 2: Upgrading in low-income communities.**

The RAPs of Component 2 subprojects were prepared by association of UWP (Tanzania) and SAI (India) (UWP-SAI) for works in unplanned settlement areas.

Preparation activities started in early 2013, including: (i) site visit; (ii) data/information collection and study; (iii) information disclosure and public consultations with relevant stakeholders, affected persons; (iv) census and socio-economic study; (v) replacement cost survey. Generally, these actions were made following Tanzanian law on land acquisition and compensation and the World Bank policy on involuntary resettlement (OP4.12).

RAP reports (first draft) of upgrading in unplanned settlement areas were submitted to PMO-RALG in April 2014. While this component originally focused only on roads in unplanned settlement areas, the DMDP scope was widened to include other types of works such as footpaths, public toilets, markets, street lighting and other works prioritized by communities.

These RAPs were updated in December 2014 following a design review done in part to reduce resettlement impacts given the design standards used wider road widths than may have been necessary. This substantially reduced the number of impacted households and especially the need for permanent relocation.

The RAPs will be finalized during project implementation, following another more detailed design review by the project Construction Supervision Consultants. The RAPs will then be revised by the DLAs in line with the requirements of this Resettlement Policy Framework (RPF). The design review will examine opportunities to minimize resettlement impacts.

### **1.4 Rationale and objectives of Resettlement Policy Framework (RPF)**

As mentioned above, a number of the DMDP subprojects will cause resettlement impacts, both temporary and permanent, to households, public and private organizations and community groups. The exact locations of some of the roads and feeder roads are known. As a result, preliminary Resettlement Action Plans (RAPs) for the known subprojects under

Component 1a and Component 2 are being prepared and updated in accordance to this RPF. In addition, the RAPs for the Components 1b have been finalized but may be subject to slight modification. However, there may be additional subprojects to be financed under the DMDP that will be only identified during the implementation, especially for the upgrading component. As a result, in addition to the RAPs for some subprojects the RPF for the DMDP Project as a whole is prepared.

*Subproject types:* This RPF will apply to DMDP subprojects under all components. The subproject types with potential impacts include: (i) urban roads and roads in unplanned settlement areas; and (ii) flood prevention and stormwater drainage, (iii) community works in unplanned settlement areas (e.g. roads, footpaths, drains, parks, markets, street lighting, public toilets).

The RPF aims to ensure that the preparation and implementation of all DMDP subprojects that cause involuntary resettlement will follow relevant Tanzanian laws and the World Bank Policy on Involuntary Resettlement (OP4.12). The specific objectives of the RPF are as below:

- to establish principles on land acquisition, payment of compensation, allowance and assistance and implementation arrangement for the all DMDP subprojects;
- to establish legal framework and institutional arrangement for preparation and the implementation resettlement activities of the Project;
- to identify gaps and measures to bridge gaps between the laws of the Government of Tanzania and the World Bank policy on Involuntary Resettlement (OP 4.12);
- to define eligibility and entitlements of the PAPs of under the DMDP;
- to guide the preparation of RAP for all DMDP subprojects which cause resettlement impacts;
- to provide guidance on public consultation and participation during the preparation and implementation of RAP
- to establish redress and grievance mechanism for settlement of disputes which may occur during the implementation of RAP.

## **2. Overview of Resettlement Impacts in Subproject Affected Areas**

### **2.1 Overview of socio-economic status of Project Areas**

*Administration:* Dar es Salaam has 03 municipalities of Ilala, Temeke and Kinondoni. Each municipality is divided into divisions, wards and sub-wards. There have been 10 divisions, 90 wards and 452 sub-wards. Details are given at Table 2: Summary of administration structure of Dar es Salaam

below:

**Table 2: Summary of administration structure of Dar es Salaam**

<b>No</b>	<b>Descriptions</b>	<b>Unit</b>	<b>Ilala</b>	<b>Temeke</b>	<b>Kinondoni</b>	<b>Total</b>
1	Number of divisions	no.	3	3	4	<b>10</b>
2	Number of wards	no.	26	30	34	<b>90</b>
3	Number of sub-wards	no.	101	180	171	<b>452</b>

Source: Economic Profile Kinondoni (2011), Ilala (2012), Temeke (2010)

*Demographic:* Dar es Salaam is the largest region of Tanzania with total land area of 1,397 km<sup>2</sup>. The intercensal grow rate of Dar es Salaam is 5.6% during the pass ten year (2002-2012). It has the total population of 4.36 million (National Census, 2012) persons, accounting for 10% of the population of Tanzania mainland. Dar es Salaam has more than 1 million households. The average density ratio of the region increase two time within the last 10 years, from 1,786 (2002) to 3,133 persons per sq. km (2012). Details are shown in Table 3: Summary of land, population in Dar es Salaam

below:

**Table 3: Summary of land, population in Dar es Salaam**

No	Descriptions	Unit	Ilala	Temeke	Kinondoni
1	Land area*	km <sup>2</sup>	656	210	531
2	Density*	prs./km <sup>2</sup>	4,791	1,720	1,179
3	Population**	prs.	1,220,611	1,368,881	1,775,049
3.1	- Male	no.	595,928	669,056	860,802
3.2	- Female	no.	624,683	699,825	914, 247
4	Sex ratio (no. men per 100 women)**	no.	95	96	94
5	Household size**	per.	4.0	3.9	4.0

Source: \*Economic Profile Kinondoni (2011), Ilala (2012), Temeke (2010); \*\*2012 National Population and Housing Census, Ministry of Finance, National Bureau of Statistics, June 2013

*Economic activities:*

- *Temeke Municipality:* 14.5% work force work in agriculture and livestock production and 49% labor force work in trade sector. Agriculture and livestock can only meet 28% of the Temeke's demand on agricultural and livestock products. Only 23 ha cultivated land, equivalent to 4% out of the total 494 ha of land is under irrigation. Agriculture and livestock include: (i) food crop (cassava, potatoes, cowpeas, paddy rice, green bananas, maize); (ii) cash crop, (cashew nuts, coconut, mangoes, okra, passion, papaw, watermelon); (iii) livestock (cattle, goat, sheep, donkey, pig, etc). Mining sector includes: salt production; exploitation of sand, gravel, coral for construction sector.
- *Kinondoni Municipality:* Capital income of the resident is 150\$ per month (2011). Around 61% labor force is working in private sector, 35.7% is self employed and 3.2% works in public sector. The majority of the residents are street vendors, service and shop sales workers, craftsmen fisheries, livestock keepers and farmers. Agricultural and livestock can cover only 7.4% of the total requirement of the municipality. Agriculture and livestock include: (i) food crop (cassava, potatoes, cowpeas, paddy rice, green bananas, maize); (ii) cash crop (cashew nuts, coconut, mangoes, okra, passion, papaw, watermelon); (iii) livestock (cattle, goat, sheep, donkey, pig, etc); (iv) beekeeping and (v) fishery. Mining include salt production; exploitation of sand, gravel, coral for construction sector. Services such as garages, warehouses. Tourist is limit.
- *Ilala Municipality:* includes: shops, hotel, transportation, clearing and forwarding, argo business, medical services, handcraft, banking, construction. Major food crops are cassava, sweet potatoes, paddy maize; cash crops include cashew nuts, pineapple, etc.

*Labour force:* participation rate and unemployment rate of Dar es Salaam was 72.6% and 13%, respectively<sup>1</sup>. Ratio of child labor in Dar es Salaam was 71.7%. Ratio of female child work was very high (72.9%). Summary of child labor force in Dar es Salaam in year 2006 is given in Table 4: Summary of child labor force in Dar es Salaam (2006)

below.

**Table 4: Summary of child labor force in Dar es Salaam (2006)**

No.	Child labor (aged 5-17)	Unit	Male	Female	Average
1	Hazardous	%	4.6	4.6	4.6
2	Non hazardous	%	1.6	1.8	1.7
3	Child work	%	70.4	72.9	71.7
4	Child not work	%	23.4	20.8	22.1

Source: Basic facts and figures on human settlements, 2012 by National Bureau of Statistics, Ministry of Finance Dar es Salaam 2013

*Poverty:* Ratio of population below food poverty line is 7.4%, below basic need poverty line is 16.4% and poverty female headed household ratio is rather high, 24.4% (2007)<sup>2</sup>.

*Electricity:* Ratio of households with access to electricity in Dar es Salaam as a whole is quite low, approximately 69%<sup>3</sup> (2010/11). The majority source of energy for most residents in Dar es Salaam for cooking is firewood and charcoal.

*Safe drinking water:* Ratio of households with access to safe drinking water in Dar es Salaam is quite low, approximately 75%<sup>4</sup> (2010/11). In Temeke, the ratio of household served with water supply is around 68%. Only 12 wards out of 30 wards are served with treated water. In Kinondoni, the ratio of household can access to safe water is from 60-65%.

*Garbage disposal:* garbage is also a big issue in Dar es Salaam, about 33% household use rubbish bin and 22% household through rubbish outside compound (2007).

**Table 5: Summary of garbage disposal in Dar es Salaam (2007)**

No	Garbage Disposal	Unit	Amount
1	Rubbish pit in compound	%	15.4
2	Rubbish pit outside compound	%	21.3
3	Rubbish bin	%	32.8
4	Rubbish thrown inside compound	%	3.1
5	Rubbish thrown outside compound	%	22.4
6	Other	%	5.0

Source: Household Budget Survey, 2007

In Temeke, only 37% (280 ton per day) of the total domestic wastes (743 ton per day) is collected. Domestic waste is being burnt or buried and another disposal method is by dumping garbage at solid waste dumping sites.

*Sanitation:* It is estimated that only 10% of total household use septic tank and soak away pits and 85% use pit latrine.

*HIV:* Dar es Salaam are now facing with AIDS issue. The ratio of those positive with HIV is 6.9% (2012). Summary of HIV status in Dar es Salaam is shown in

**Table 6: Summary of HIV in Dar es Salaam, 2012**

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**Table 6: Summary of HIV in Dar es Salaam, 2012**

No	HIV positive	Ratio (%)	Number tested
1	Women	8.2	962
2	Men	5.3	802
3	Average	6.9	-

Source: 2011-2012 Tanzania HIV/AIDS and Malaria Indicator Survey

*Disease:*

- Ratio of children aged 6-59 months having malaria (RDT) is 3.6% (number tested 385). Top ten diseases for under five years of age are: Malaria, ARI, Diarrhea diseases, Intestinal worms, Eye Infections, UTI, Pneumonia, Skin Infections, Minor surgical conditions and Anaemia.
- Top ten diseases for age of five years and above are Malaria, ARI, Diarrhea Diseases, Minor Surgical Conditions, Intestinal Worms, UTI, Eye infections, PID, Skin Infections, and Pneumonia.
- Top Ten causes of deaths for under five years of age are: Severe Malaria, Severe Pneumonia, Severe Anaemia, Severe Diarrhea and Dehydration, Clinical AIDS, UTI, Severe PEM, Complicated Burns, Poisoning and Non Infectious Kidney Diseases.
- Top ten diseases caused deaths for age of five years and above are: Severe Malaria, Clinical AIDS, Severe Anaemia, Pulmonary Tuberculosis and Extra Pulmonary Tuberculosis, Hypertensive Stroke, Complications of Pregnancy and delivery, Severe Pneumonia, Diabetic Ketoacidosis, Cardiac Failure and Severe Diarrhea and Dehydration.

*Health service:* Dar es Salaam has 576 health facilities, 40 hospital, 48 health centres and 488 dispensaries. Summary of health services is given in Table 8 below:

**Table 7: Summary of health service in Dar es Salaam, 2011**

No.	Health service	Unit	Total
1	Health services		
1.1	- Medical officers (per 10,000 persons)	no.	2.25
1.2	- Assistant medial officer (per 10,000 persons)	no.	7.18
2	Health facility	no.	576
3	Hospital	no.	40
4	Health centre	no.	48
5	Dispensaries	no.	488

Source: Basic fact and figures on human settlements of 2012, National Bureau of Statistics, Ministry of Finance, December 2013.

*Education:* Dar es Salaam has the primary schools net enrolment of around 88%. Summary of education services in Dar es Salaam is shown in Table 8: Summary of education services in Dar es Salaam, 2012

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**Table 8: Summary of education services in Dar es Salaam, 2012**

No.	Description	Unit	Qty'
1	Primary schools net enrolment ratio, 2012	%	81-88
2	Pupil per teacher ratio	no.	35

Source: Basic fact and figures on human settlements of 2012, National Bureau of Statistics, Ministry of Finance, December 2013.

*Transportation:* road system in Dar es Salaam is rather poor, with 518 km length of trunk and regional road and nearly half of it is still unpaved. Summary of road condition in Dar es Salaam in 2011 is shown in Table 9:

**Table 9: Summary of road condition in Dar es Salaam, 2011**

No	Infrastructures	Unit	Paved	Unpaved
1	Trunk roads	km	120	0
2	Regional roads	km	167	231
3	Total	km	287	231

Source: Basic fact and figures on human settlements of 2012, National Bureau of Statistics, Ministry of Finance, December 2013.

The Temeke has about 213 km road of all kind but more than 56% of the road network is constructed of gravel and bare earth and are destroyed during the rainy season and only 25% is paved.

The case is similar to Kinondoni Municipality, the total road length is approximately 787 km (around 111 km is paved; 318 km is made of gravel; and 357 km is made of earth) and only 83 km out of total road length is in good condition.

## 2.2 Summary of Phase 1 Resettlement Impacts by Component

The following section summarizes the resettlement impacts and compensation estimates of proposed subprojects, including the total affected properties (including all impacts on land, assets, livelihoods, crops, trees, and partial and full demolition of residential structures). The RAPs for Component 1a (roads) and Component 2 (community upgrading) are at a preliminary stage, and the initial valuation estimates focused on residential households since the resettlement screening found this to be the most significant impact in terms of impacts on communities and the proportion of compensation costs. The RAPs for Component 1b (drainage), based on detailed engineering designs, have been finalized and the RAPs also at a final stage, therefore greater details on the impacts to residences, public and private structures, crops, and trees were included in the RAP and compensation valuation exercise. The compensation estimates also include relevant allowances for disturbance, transport, accommodation (36 months), and loss of profits according to the land act.

### a. Component 1a - Priority roads supporting public transit, mobility, and connectivity to low income communities

All the of the proposed roads under Component 1a were screened for resettlement impacts. Three roads which were found to have no resettlement will be tendered in the first phase of DMDP, and the remaining roads will undergo a design review after which the RAPs will be updated. Once the RAPs are updated, these will be required to be reviewed and cleared by

the World Bank. The road segments involving resettlement will not be tendered for more than one year after DMDP is effective.

**Type of Impacts:** All of the Component 1a roads are in existing rights of way, and would involve, for example, upgrading from gravel to bitumen standard, installing roadside drainage to reduce flooding, road widening to provide better flow for feeder routes to the bus rapid transit corridor, safety features such as speed humps and street lights, and/or amenities for non-motorized users including cyclists and pedestrians. The resettlement screening found that most impacts would be on residential households, and to a lesser extent cultivated land and impacts on businesses that are near the road sides, as many residential homes also have spaces for small retail shops and services businesses. The acquired land is primarily comprised of small parcels measuring between 25 – 250 m<sup>2</sup>. Impacted crops identified in the screening are mostly trees, including coconut, palm, shade trees, and ashok trees as well as food crops.

Several temporary structures are found located within the right-of-way such as movable assets used for income generation, for example, stalls or tables for selling goods such as vegetables, boiled varieties of food stuff, petty trading activities, etc. All these will be dislocated to clear the right-of-way and will lead to loss of assets and income for the individuals, which were estimated in the RAP. Construction works of the sub-projects' activities may also result in temporary impacts during construction on properties or assets located adjacent to the road alignment, and provisions are included in the RAPs to ensure that civil works contracts include measures to minimize and compensation for temporary impacts.

**Demographics:** A socioeconomic survey of all potential PAPs was carried out for each RAP, though the number of PAPs has been reduced significantly since the original survey due to a first round design review that was undertaken to minimize resettlement impacts. As an example of some of the findings, the survey of PAPs from the Chang'ombe road, Temeke-Mbagala and Mchicha roads in the Temeke municipality revealed the following types of conclusions:

**Age distribution:** 9.8% of the PAPs are those aged below 5 year old; 27.5% of PAPs are from 6-17 year old; 19.1% of PAPs aged from 18-24; 26.8% are from 25-44 year old; 12.9% are PAPs from 45-64 year old and 3.9% are aged more than 65 year old.

**Education:** About 48.7% of total PAPs have reached standard seven as their primary level of education. It was noted that other households were still continuing with studies whereby 23.9% PAPs were students of O-Level secondary schools whereas 2.7% were undertaking secondary studies between form 5-6 during the socio-economic study. Out of 13.3% of PAPs have reached the level of college education and were engaged in various activities including formal, informal or self-employment. Unfortunately, the study revealed that there were 11.3% of PAPs had not attended school at all and this is reflected on PAPs' ability to read and write.

**Compensation costs:** Table 10 summarises resettlement impacts for the various priority roads for each DLA. A total of 12 road segments would involve resettlement impacts. The total number of properties that will be potentially affected by these roads is approximately 1,536, which includes all types of impacts (e.g. partially impacted structures, full relocation, cultivated land, etc). Households that would require permanent relocation total approximately 248, largely in the Kinondoni municipality. Makanya Road in Kinondoni, a proposed feeder route for the BRT, has the most substantial resettlement impacts of any one project under DMDP.

The total compensation costs of Component 1a is approximately US \$9.6 million. Kinondoni is responsible for more than half of this amount, and 1/3 of the total resettlement cost for priority roads is related to the Makanya Road subproject.

**Table 10: Summary of resettlement impacts and cost estimates for local roads**

DLA and Road	Affected properties	Partially affected households	Compensation for partially affected households (USD)	Fully affected residential households	Compensation for Fully affected households (USD)	Other compensation costs (USD) (1)	Total Compensation Costs (USD)
<b>Ilala</b>	<b>68</b>	<b>7</b>	<b>\$ 143,516</b>	<b>10</b>	<b>\$205,023</b>	<b>\$ 1,066</b>	<b>\$ 349,605</b>
MajiyaChumvi	68	7	\$143,516	10	\$ 205,023	\$ 1,066	\$349,605
<b>Kinondoni</b>	<b>908</b>	<b>64</b>	<b>\$ 1,513,854</b>	<b>163</b>	<b>\$ 3,884,981</b>	<b>\$ 4,534</b>	<b>\$ 5,810,578</b>
External	116	10	\$281,682	19	\$535,197	\$ 1,380	\$ 818,259
Kilimani	88	4	\$ 988	18	\$4,448	\$434	\$ 413,079
Kilongawima	80	4	\$ 40,284	16	\$161,137	\$444	\$201,865
Korogwe-Kilungule	60	8	\$ 193,947	7	\$ 169,703	-	\$ 363,650
Makanya	392	23	\$ 754,089	75	\$2,458,986	\$ 1,157	\$ 3,214,232
SIMU 2000	60	10	\$ 136,990	5	\$68,495	\$819	\$ 206,303
TandaleKisiwani	112	5	\$105,873	23	\$487,015	\$ 301	\$ 593,190
<b>Temeke</b>	<b>560</b>	<b>65</b>	<b>\$ 1,587,873</b>	<b>75</b>	<b>\$ 1,711,198</b>	<b>\$6,297</b>	<b>\$ 3,305,368</b>
Chang'ombe Road	92	9	\$ 257,089	14	\$399,916	\$ 824	\$657,830
Mchicha road	108	8	\$ 123,782	19	\$293,983	\$ 665	\$ 418,430
Mwanamtoti Road	200	24	\$ 510,315	26	\$552,842	\$ 2,866	\$1,066,023
Temeke – Mbagala	160	24	\$696,686	16	\$ 464,457	\$1,942	\$ 1,163,086
<b>Total</b>	<b>1536</b>	<b>136</b>	<b>\$ 3,245,242</b>	<b>248</b>	<b>\$ 5,801,202</b>	<b>\$11,898</b>	<b>\$ 9,465,551</b>

Source: Crown-Tech Consult Ltd Co., DMDP Resettlement Action Plans (2014)

(1) Other compensation costs includes preliminary estimates of expected business/livelihood losses, crops, gravesites and other structures

The compensation estimates of one of the more advanced RAPs for the Component 1a, the Maji ya Chumvi road in Ilala, which has more final designs, is presented below in Table 11 as an illustrative example of how the impacts and compensation are disaggregated:

**Table 11: Summary of compensation estimates for Maji ya Chumvi subproject, Ilala**

Resettlement Impact	Compensation Cost (USD)
Land	\$91,276
Crops	\$1,066
Buildings	\$189,614
Allowances	\$67,649
<b>Total</b>	<b>\$349,605</b>

Note that the cost for fully and partially affected households in Table 10 above includes land, buildings and allowances costs.

**b. Component 1b: Stormwater Drainage**

**Types of Impacts:** The drainage component impacts were assessed in terms of land, affected buildings and structures, and households with impacted trees and crops (Table 12).

**Table 12: Summary of resettlement impacts**

<b>Drainage Subproject</b>	<b>Loss of Land (hectares)</b>	<b>Affected buildings and Structures (1)</b>	<b>Households with affected trees and Crops (2)</b>
Mzimbazi	6	81	123
Sinza	113	390	195
Yombo	17	164	110
Gerezani	4	84	86
Kizinga	7	92	223
<b>Total</b>	<b>147</b>	<b>811</b>	<b>737</b>

(1) "Buildings and structures" presents the total count of residences, businesses, toilets, septic tanks, verandas, fences, graves, foundations, and boreholes.

(2) Includes number of households with affected trees and crops

Additional details on the impacts can be found in the five drainage component Resettlement Action Plans, and a summary is provided below:

**Land:** Drainage component works will require approximately 147 ha of land, which is largely for the three detention ponds (over 100 ha) – the land identified for detention ponds is already open space with minimal structures. The remaining land that would be acquired is mostly under use for urban agriculture, as well as plots that are currently residential and business use.

**Buildings and structures:** Drainage improvements would affect 811 existing buildings and structures, including residential homes, businesses, public and private facilities (such as boreholes, toilets, septic tanks and gravesites), unfinished building foundations and verandahs.

Out of the 811 structures, 247 total residential households would be affected, which can include multiple structures as defined in the RAP (see Table 14 below). Out of the residential households that would be affected, 107 would require permanent relocation, mostly in the Sinza River subproject.

The Sinza River project in the Kinondoni municipality has the most significant impacts on existing structures (168 residences and 144 toilets, for example) and permanent relocation (107 households) due mainly to need for enlargement of the existing drainage channel. Other drainage subprojects would cause minimal permanent relocation given they tend to follow existing channels and require little widening.

**Trees and crops:** Drainage works would have impacts on land currently under use for urban agriculture, including seasonal crops, permanent crops, and trees, affecting approximately 737 households. These include fruit trees, vegetables, food crops (e.g. maize, banana, cassava, potatoes), commercial crops (cashew, avocado), and trees with various uses (shade trees, wood harvesting, indigenous trees). Most impacts on trees and crops are food crops under continuous cultivation.

**Compensation costs:** The total resettlement cost associated with Component 1b works is just over US \$5 million (Table 13). Given that resettlement costs are more manageable and the RAPs good quality and well-advanced, the five packages of drainage works will be

included in the first round of procurement for DMDP. The three municipalities have already committed the necessary funds from their own budgets, and the RAPs will be initiated soon after DMDP is effective.

**Table13: Summary of resettlement impacts and cost estimates for stormwater drainage component**

DLA	Project name	Total properties	Partially affected households	Fully affected households	Compensation Cost (USD)
Ilala	Msimbazi	145	15	4	\$ 303,147
	Yombo River	130	5	2	\$ 339,573
Kinondoni	Sinza River	388	82	86	\$ 2,838,150
	Kizinga	90	20	5	\$ 395,234
Temeke	Yombo River	200	5	2	\$ 792,018
	Gerezani Creek	88	13	8	\$ 345,551
<b>Total</b>		<b>1041</b>	<b>140</b>	<b>107</b>	<b>\$ 5,013,672</b>

Source: COWI, DMDP Resettlement Action Plans (2014)

### c. Component 2: Upgrading in low-income communities

All the of the proposed subprojects under Component 2 were screened for resettlement impacts. The only subprojects that would be tendered in the first phase of DMDP are those having no resettlement impacts. All projects involving resettlement will undergo a design review, which will include an update of the RAPs. Once the RAPs are updated, these will be required to be reviewed and cleared by the World Bank. The road segments involving resettlement will not be tendered for more than one year after DMDP is effective.

**Types of Potential Impacts:** Out of the various potential subprojects (road upgrading, community toilets, water points, footpaths, parks, etc) only roads subprojects were found to involve any potential resettlement. Most of the selected roads in project areas are existing and the right of way is clear. However, some roads have been encroached by expansion of residences to an extent that they can only be used as walkways, and will require widening. In some areas the roads have been encroached by extension of house verandas, in other areas by erection of business kiosks and/or construction of fencing walls within the right of way. Field visits also noted cases where residential encroachment has completely blocked the roads and created a dead end. In order for these roads to be improved, part of the structures encroaching the right of way would have to be removed (for temporary structures) or demolished.

The RAPs, prepared for each of the three DLAs, are at a preliminary stage, focused on assessing impacted residential households, given the road works following existing rights of way in informal settlements would have the most significant impact on residences. All of the subproject roads will undergo a more detailed design review during project implementation, and the DLAs will be responsible for updating the RAPs based on the final detailed designs. The detailed RAPs and valuation studies will include further assessment of impacts on businesses, crops and trees, as well as other public and private structures and facilities (e.g. boreholes, toilets, septic tanks). Because designs are at a preliminary stage, these impacts were not able to be assessed at this stage.

**PAP Demographics:** While additional information can be found in the RAPs, a socioeconomic survey was carried out along the proposed road rights-of-ways, which revealed the following trends about project affected households in the informal settlements targeted by DMDP:

*Family structure:* Majority of PAHs are extended family (85.1%) and the remaining PAHs is nuclear family.

*Age distribution:* Nearly 50% of PAPs are independent persons (below age 18 and over age 65), 28.1% of the total PAPs have age from 18-24; 16.2%, from 25-44; and 5.8%, from 45-64

*Education:* 20% of PAPs is illiterate and 36% is of primary school level; 5.1% is secondary schooling; 6.1% is secondary school level; 2.4% is high secondary schooling; 2% is high secondary level and 2% is graduate, post-graduate and technical level

*Employment:* The ratio of unemployed PAPs within the subproject areas are rather high, 26.3%. About 30% of PAPs are self-employed and 30% are housewife, 8.4% are daily wage earning labor, 2% of PAPs are government officers.

*Main source of income of PAHs by subproject wards:* Main income of PAHs at the subproject areas is petty business (58.2%), followed by and self-employ (13.7%) and seasonal wage labor (13%). PAHs who have main income from renting and interest is 6%.

*Average monthly income:* Around 80.3% PAPs has an average monthly income less than from 42.0001-300.000 TSh; 9.7% PAPs has average monthly income less than 42.000 TSh; 7.8%, from 300.000-600.000 TSh and 2.2% has an average monthly income of more than 600.001 TSh.

*Income:* The annual likelihood of a poor household having to deal with a household "crisis" in Temeke district is already very high. Major expenses involving a medical bill, festival, or ceremonial commitment hit Two thirds of all of households. Ratio of PAHs below food poverty line is 2.6%. 28.6% of total PAHs fall under the low to middle income earners whereas 14.3% of PAHs constitute of middle to high income earners. About 19.5% of PAHs are categorized as middle to high income earners while 35.1% are high income earners.

*Water supply:* Most PAHs (31.8%) in buy water from local vendors. Only 22.7% of PAHs is connected to public water supplied by DAWASCO. About 3.4% of PAHs is served by traditional well and 22.7% of PAHs is served by protected communal pump outside their localities.

*Garbage treatment:* The majority of PAH, 70% relied on the public collection. Nearly 22% of PAHs buried or burnt their refuse nearby their houses. Another 4.6% throw their refuse in their farms. 2.3% of PAHs engaged private collectors and 1.1% of PAHs fed their livestock to get rid of the waste materials.

*Use of energy:* The dominant source of energy used for cooking in the subproject areas is charcoal, followed by electricity and then kerosene. Basically many of the households relied on combining two or more of the energy sources for cooking, especially charcoal and kerosene, charcoal and gas or charcoal, electricity and gas.

**Compensation costs:** Table 14 presents the estimated resettlement impacts by DLA and the priority wards included for community upgrading under Component 2. Early estimations suggested approximately 8,028 persons would be affected by these subprojects at unplanned settlement areas, but the number of PAPs was significantly reduced through the selection of lower-impact subprojects as well as conducting a design review of the subproject roads and adjusting the design standards to lessen road widths while ensuring that road safety and quality standards were maintained. The only subprojects that would cause known resettlement at this stage are roads subprojects in the targeted informal settlements.

**Table 14: Summary of resettlement impacts and cost estimates for community upgrading component**

DLA and Upgrading Wards	Total Properties	Partially affected households	Cost of partially affected households	Fully affected households	Cost of fully affected households	Total Compensation cost (USD)
<b>Ilala</b>	<b>358</b>	<b>333</b>	<b>\$ 934,156</b>	<b>25</b>	<b>\$ 1,062,458</b>	<b>\$ 1,996,614</b>
Gongo la Mboto	134	123	\$345,048	11	\$467,481	\$812,530
Kiwalani	72	65	\$182,343	7	\$297,488	\$479,831
Ukonga	152	145	\$406,764	7	\$297,488	\$704,253
<b>Kinondoni</b>	<b>146</b>	<b>121</b>	<b>\$339,438</b>	<b>25</b>	<b>\$1,062,458</b>	<b>\$1,401,896</b>
Mburahati	25	22	\$61,716	3	\$127,495	\$189,211
Mwananyamala	18	12	\$33,663	6	\$254,990	\$288,653
Tandale	103	87	\$244,059	16	\$679,973	\$ 924,032
<b>Temeke</b>	<b>897</b>	<b>767</b>	<b>\$2,151,644</b>	<b>130</b>	<b>\$5,524,781</b>	<b>\$7,676,425</b>
Kijichi	42	35	\$98,185	7	\$297,488	\$395,673
Kilakala	313	283	\$ 793,892	30	\$1,274,949	\$ 2,068,842
Makangarawe	160	129	\$361,880	31	\$1,317,448	\$1,679,328
Mbagala	37	30	\$ 84,158	7	\$ 297,488	\$381,646
MbagalaKuu	118	102	\$286,138	16	\$679,973	\$966,111
Mtoni	186	160	\$ 448,844	26	\$1,104,956	\$1,553,800
YomboVituka	41	28	\$ 78,548	13	\$552,478	\$631,026
<b>Grand Total</b>	<b>1,401</b>	<b>1,221</b>	<b>\$3,425,237</b>	<b>180</b>	<b>\$ 7,649,697</b>	<b>\$11,074,934</b>

Source: Draft overall RAPs of road subprojects at unplanned settlement areas of municipalities of Kinondoni, Ilala and Temeke (UWP-SAI, November 2014).

Among the three infrastructure components, Component 2 has the highest compensation costs at an estimated \$US 11 million. There are significantly more partially affected households than the other components, and while there are over 100 fewer fully affected households than the local roads component, the total cost of fully affected households is nearly \$2 million higher – especially because the households in Component 2 are all associated with roads in informal settlements, during the design review it will be important to examine if there are discrepancies in the compliance with the valuation method employed and if land and assets may have been over- or under-valued. The majority of community upgrading works involving resettlement are in the Temeke municipality, at US \$7.7 million.

### 2.3 Total estimated compensation costs

The total estimated cost of compensation for resettlement is US \$25.5 million for the first phase of DMDP works, which is outlined in Table 15. This was significantly reduced from initial estimates of over US \$56 million, which was done through selecting sub-projects with lower resettlement impacts as well as adopting flexible design standards in order to minimize the impacts on project affected households. Given the roads under Component 1a and Component 2 will undergo a more detailed design review soon after DMDP is effective, it is possible that this will result in further reductions in the impacted properties and assets. Kinondoni and Temeke each face more than US \$10 million between the three components, while Ilala has a substantially smaller compensation costs with less than US \$3 million.

Cash compensation was the method preferred by project affected people during RAP consultations. The three municipalities are responsible for ensuring budget for all resettlement and associated compensation costs, with assistance from PMO-RALG to

secure funds. Securing sufficient funds has been cited as a significant challenge by the municipalities, which is in part why lower impact projects were selected for the first round of tendering. Together the municipalities have already committed US \$5.8 million for compensation costs in their current budgets, which is sufficient to cover the resettlement costs of the drainage works which will be tendered in first phase of DMDP civil works. This budget allocation was confirmed with the municipalities and PMO-RALG during DMDP appraisal.

**Table 15: Summary of total estimated resettlement impacts and costs by municipality**

<b>DLA and Component</b>	<b>Total affected properties</b>	<b>Fully affected households</b>	<b>Total compensation cost (USD)</b>
<b>Ilala</b>	<b>701</b>	<b>41</b>	<b>\$2,988,938</b>
Priority roads	68	10	\$349,605
Stormwater drainage	275	6	\$642,720
Community upgrading	358	25	\$1,996,614
<b>Kinondoni</b>	<b>1,442</b>	<b>274</b>	<b>\$10,050,624</b>
Priority roads	908	163	\$5,810,578
Stormwater drainage	388	86	\$2,838,150
Community upgrading	146	25	\$1,401,896
<b>Temeke</b>	<b>1,835</b>	<b>220</b>	<b>\$12,514,596</b>
Priority roads	560	75	\$3,305,368
Stormwater drainage	378	15	\$1,532,803
Community upgrading	897	130	\$7,676,425
<b>Grand Total</b>	<b>3,978</b>	<b>535</b>	<b>\$25,554,158</b>

In order to ensure that adequate and timely funds are available for compensation, local governments plan to secure loans from commercial banks for resettlement costs. These loans would be backed by the central government, which has a firm commitment outlined in a letter describing these arrangements. This will be signed by the Permanent Secretary of PMO-RALG, and submitted to the Bank prior to Negotiations. PMO-RALG will also assist the municipalities to explore other sources of funds from central government sources, and the municipalities would also explore own source revenues as a supplement to loans. DMDP includes activities to increase local government revenue collection, an approach that has been piloted and shown to be successful in the Tanzania Strategic Cities Project. After 2-3 years of implementation DMDP will seek ways to ring-fence some of these gains for resettlement compensation, or payback of the commercial loans.



### **3. Policy Framework for Compensation, Assistance and Resettlement**

#### **3.1 Overview of the legal framework of the Government of Tanzania and World Bank Policy on involuntary resettlement (OP 4.12)**

##### **3.1.1 Overview of the legal framework of the Government of Tanzania**

Prior to 1967, Tanzanian laws and regulations were not specific for land acquisition, and relevant support and compensation. As a result, these activities had never been smooth before 1967. After 1967, with the issuance of the *Land Acquisition Act 1967*, the first systematic and the principal legislation governing the compulsory acquisition of land in Tanzania; the *Constitution of Tanzania (1977 as amended, 1998)* provides that every persons has the right to own property and the right to have his or her property protected in accordance with the law. In 1995, the Government adopted a *National Land Policy 1995* that set out the fundamental principles guiding land rights and land management. The *National Land Policy* was followed by the adoption of the *Land Act* and *Village Land Act* in 1999. As a result, in recent years, land acquisition and resettlement procedures are facing fewer obstacles.

The following laws of the Government of Tanzania are relevant:

- Constitution of the United Republic of Tanzania (1997 as amended 1998) stipulates the right of citizens to own and the right to have his or her protect protected;
- Land Acquisition Act 1967 establish principal legislation governing the compulsory acquisition of land in Tanzania;
- Local Government Acts no. 7 and 8, 1982 on district and urban authorities, respectively stipulate the functions of district/urban councils, governing functions and duties of local government authorities in the management of land;
- National Land Policy 1995 set out the fundamental principles guiding land rights and management;
- Land Act and Village Land Act 1999 enacting the National Land Policy 1995 which became operational in May 2001;
- Land Act (1999, as amended 2004 revises and expands the mortgage provisions in the Land Act 1999 to facilitate the granting of mortgages to secure loans, and to make it easier for lenders to take possession of mortgaged land and sell it in the event that the borrower defaults on the loan;
- Land Regulations 2001, and the Village Land Regulations 2001, which provide basis for assessment of the value of any land and unexhausted improvement for the purposes of compensation;
- Courts Act 2002 stipulates provisions on settlement of land disputes;
- Town and Country Planning Act of 1956 (revised in 1961) guides, direct and control land development in compliance with other laws such as Land Act of 1999;

Analysis of the relevant law are as below:

#### **a. Property and land right in Tanzania**

The *Constitution of the United Republic of Tanzania* of 1977 recognize the rights of citizens to own property and disallows the deprivation of one's property held in accordance with the law, unless the owner is fairly and adequately compensated.

In Tanzania, there has been a dual system of land tenure concerning public lands: (i) customary rights and (ii) statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be covered by the following:

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

The *National Land Policy 1995*, and the Land Laws addresses issues of: land tenure, promotion of equitable distribution of land access to land by all citizens; improvement of land delivery systems; fair and prompt compensation when land rights are taken over or interfered with by the government; promotion of sound land information management; recognition of rights in unplanned areas; establishment of cost effective mechanisms of land survey and housing for low income families; improvement of efficiency in land management and administration and land disputes resolution, and protection of land resources from degradation for sustainable development. Generally, the land laws' objectives are:

- (i) To recognize that all land in Tanzania is public land vested in the President as a trustee on behalf of all citizens;
- (ii) To ensure that existing rights in and recognized long standing occupation or use of land are clarified and secured by the law; and
- (iii) To pay full, fair and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under this Act or is acquired under the *Land Acquisition Act, 1967*.

The *National Land Policy 1995* also provides guidance and directives on land ownership and tenure rights and taking of land and other land based assets. The following principles are the basis of the Policy:

- (i) All land in Tanzania is public land vested in the President as trustee on behalf of all citizen;
- (ii) Land has value;
- (iii) The rights and interest of citizens in land shall not be taken without due process of law; and
- (iv) Full, fair and prompt compensation shall be paid when land is acquired.

The *Land Act 1999* and *Village Land Act 1999* realize 03 categories of land as below:

- (i) *General land*: consists of all land which is neither village land nor reserved land and it is governed by the *Land Act* and, hence, is under the control and jurisdiction of the *Commissioner for Lands*. Property rights can be created over general land in terms of a granted *Rights of Occupancy* for a period of 33, 66 or 99 years confirmed by a *Certificate of Title*. Longstanding occupation of land is recognized as conferring property rights. In the case of land acquisition all occupiers of land irrespective of whether they have a granted right of occupancy or not, are eligible to compensation. Granted rights of occupancy carry conditions including land development and the payment of land rent. Failure to abide with these conditions can lead to the loss of the right.
- (ii) *Village land*: is defined as being the land falling under the jurisdiction and management of a registered village. As Tanzania consists of a vast countryside with only a few urban areas, most land in the country is village land. Each village is required to define 03 land use categories within its own borders: a) communal village land, b) individual and family land, c) reserved land (for future

village expansion). Village land is held under customary tenure and the government can issue customary certificates of tenure to individuals or communities where the village is surveyed and has a Certificate of Village Land. Customary tenure is akin to freehold.

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

The *Local Government Act nos. 7 and 8 of 1982* on district and urban authorities, respectively stipulate the functions of district/urban councils. Issues of land are included as objectives of functions and therefore part of the mandates of local government in their respective areas.

## **b. Acquisition and valuation of land and other assets**

### **- Land acquisition:**

The *Land Acquisition Act 1967* is the principal legislation governing the compulsory acquisition of land in Tanzania. This Act empowers the President to acquire land in any locality provided that such land is required for public purposes. The Act also established procedures on land acquisition, including: (i) investigation of the land to see if it is suitable for the intended purpose; (ii) notification to landowners to inform them the decision to acquire their land; (iii) and payment of compensation.

If land is required for public purpose the President is required to give a six (06) week notice to those with an interest in the land in question but, if the situation so demands, the notice can be shortened without the need to give explanation. After the expiration of the notice period the President is entitled to enter the land in question even before compensation is paid.

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

The *Land Act 1999* clarifies and adds certain aspects to be considered when determining the compensation package. Many other laws have provisions related to land acquisition, but they will always refer to the *Land Acquisition Act* and the *Land Act*. Some of these laws are the *Village Land Act 2004*, the *Roads Act 2007*, *Urban Planning Act 2007*, *Land Use Planning Act 2007*, *Mining Act 2010* and others.

### **- Valuation:**

The *Land Acquisition Act 1967 (s.14)* requires the following aspects to be taken into account in assessing compensation:

- (i) take into account the value of such land at the time of the publication of notice to acquire the land without regard to any improvement or work made or constructed thereon thereafter or to be made or constructed in the implementation of the purpose for which it is acquired;
- (ii) when part only of the land belonging to any person is acquired, take into account any probable enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed on the part acquired;
- (iii) take into account the damage (if any) sustained by the person having an estate or interest in the land by reason of the severance of such land from any other land or lands belonging to the same person or other injurious effect upon such other land or lands;

- (iv) not take into account any probable enhancement in the value of the land in future;
- (v) not take into account the value of the land where a grant of public land has been made in lieu of the land acquired;

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

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

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

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

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

The prices for cash crops will be determined as the average value over the previous year, corrected for inflation. The prices for subsistence crops will be determined as the highest value over the previous year, corrected for inflation. Crop values will be determined based on a combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.

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

- *Compensation:*

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

As per the *Land Acquisition Act 1967* the Government is required to pay compensation for the land taken. The compensation may be as agreed upon, or as determined under the Act. The Government may in addition to compensation and with agreement of the person entitled to compensation pay compensation as well as give alternative land. There are situation where the Government is compelled to give alternative land (e.g. in cases where land was used as a cemetery) in lieu or in addition to compensation. The land granted must be of the same value and held under the same terms as the land acquired, and must be in the same local government authority area unless the person whose land is being acquired consents to be given land elsewhere.

The *Land Acquisition Act 1967* does not provide for compensation where land is vacant. Besides, where land is inadequately developed, compensation is to be limited to the value of unexhausted improvements of the land.

However, provisions in the *Land Act 1999* over-ride or clarify those in the *Land Acquisition Act*. In the case of compulsory acquisition, the Government is required: to pay full, fair, and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the state under this Act or is acquired under the *Land Acquisition Act*; provided that 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; and,
- (vii) Interest at market rate shall be charged in case of delays in payment of compensation and any other costs incurred in relation to the acquisition.

The Land 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.

- (i) *Disturbance allowance* is calculated by multiplying the value of the land by an average percentage rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land.
- (ii) *Transport allowance* is the actual cost of transporting twelve tons of luggage by road or rail whichever is cheaper within twenty kilometers from the point of displacement.
- (iii) *Accommodation allowance* is calculated by multiplying the monthly market rent for the acquired property by thirty six (36) months.
- (iv) *Loss of profit* in the case of business carried out on the acquired property will be assessed by calculating the net monthly profit evidenced by audited accounts where necessary and applicable, and multiplied by thirty six (36) months.

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

Compensation is to be paid promptly but if it is not paid within six (06) 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, labor, 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 labor. A farmer works on his/her land most of the months of the year.

The major input for producing a crop is not seed or fertilizer, but the significant labor put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labor invested times the amount of time spent preparing a plot equivalent to that taken. The market price of the crop lost is considered separately.

The prices for cash crops are determined as the average value over the previous year, corrected for inflation. The prices for subsistence crops are determined as the highest value over the previous year, corrected for inflation. Crop values are determined based on a combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer

typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income. Another way of valuing agricultural production is through the value of staple crops to be taken as the highest market price reached during the Year. This is based on three factors:

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

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

All agricultural labor activities are included for two reasons. First, all land labor will be compensated at the same rate. Second, it is difficult to forecast the growing season that would define acquisition of the land. The eventual consideration is when land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land are needed after the agriculturally critical date. Often, the timing coincides with the time when the farmer no longer has enough time to prepare another land without additional labor.

Assistance will be provided in the form of labor-intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that the compensation can cover the costs for sowing, weeding and harvesting.

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

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

Replacement values will be based on:

- (i) Drawings of individual's household and all its related structures and support services;
- (ii) Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.).
- (iii) Prices of these items collected in different local markets;
- (iv) Costs for transportation and delivery of these items to acquired/replacement land or building site; and
- (v) Estimates of construction of new buildings including required labor.

### **c. Dispute Resolution and Grievance Mechanism**

Where there is a dispute, the Government tries to reach an amicable solution through persuasion. If a solution is not found within six(06) weeks, the *Land Acquisition Act 1967* application can be made to the High Court of Tanzania for the determination of the dispute

Every suit instituted shall be governed insofar as the same may be applicable by the Civil Procedure Code and the decree of the High Court of Tanzania may be appealed against to the Court of Appeal.

As per the *Courts Act 2002*, land disputes settlements disputes concerning land acquisition and compensation are dealt with by the Land Division of the High Court.

In the case of a dispute as to the amount to be paid, either the Minister or the person claiming compensation may refer such dispute to the Regional Commissioner for the region in which the land is situated and the decision of the Regional Commissioner shall be final.

#### **3.1.2 World Bank' Policy on Involuntary Resettlement (OP4.12)**

The World Bank's Policy on involuntary resettlement (OP4.12) applies to all components of the program and to all economically and/or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding.

The overall objective of the OP4.12 is below:

- (i) Involuntary resettlements should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- (ii) Where it is not feasible, to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- (iii) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher

The Operational Policy OP4.12 has requirements for:

- (i) High levels of consultation and disclosure and a participatory process;
- (ii) Assistance with physical displacement;
- (iii) Particular attention must be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons;
- (iv) Exploring all viable alternative project design to avoid physical displacement of affected peoples to the extent possible;
- (v) Replacement of assets rather than cash compensation, unless in specific circumstances;
- (vi) A process to define eligibility for benefits according to certain criteria and determination of entitlements according to eligibility;
- (vii) The development of appropriate resettlement planning, implementation and monitoring documents including a resettlement plan or framework that achieves the objective of OP4.12.RAP for each subproject shall be prepared and cleared by the Bank prior to implementing resettlement activities;
- (viii) Grievance mechanisms to be in place at the early stages of the resettlement processes

- (ix) Inclusion of costs of resettlement in the overall cost of the Project; and
- (x) Monitoring and evaluation of resettlement and its impacts, and determination of whether requirements under the RPF and subsequent RAPs have been effectively implemented

The Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the PAPs in accordance with the provisions of the RAP.

Furthermore, OP4.12 provides a compensation framework, which has different requirements for different types of assets and requires that:

- (i) For agricultural land, land of equal productive use or potential, prepared to a similar level and located in the vicinity of the affected land;
- (ii) For residential land, land of equal size and use, with similar infrastructure and services and located in the vicinity of the affected land;
- (iii) For structures, full replacement cost to purchase or build new structures of a similar size and quality to affected houses and other affected structures. In case the residual of the asset being taken is not economically viable, compensation and other resettlement assistances will be provided as if the entire asset had been taken.
- (iv) Subsidies are provided to assist affected persons with costs associated with the transition period in the resettlement site e.g. moving costs, living allowance, business losses and lost production etc.

The World Bank policy on involuntary resettlement (OP4.12) will be applied to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (i) directly and significantly related to the Bank-assisted project, (ii) necessary to achieve its objectives as set forth in the project documents; and (iii) carried out, or planned to be carried out, contemporaneously with the project.

### **3.2 Comparison between policies of Government of Tanzania and World Bank**

Twelve (12) key policy points were identified for comparison between the relevant laws of the Government of Tanzania and that of World Bank policy OP4.12, including: (i) land owners; (ii) land tenants/squatters; (iii) land users; (iv) owner of non-permanent and permanent buildings; (v) encroacher; (vi) timing of compensation; (vii) calculation of compensation and valuation; (viii) relocation and resettlement; (ix) completion of resettlement and compensation; (x) livelihood restoration and assistance; (xi) consultation and disclosure; and (xii) grievance mechanism and dispute resolution.

The gap between the law of Tanzania and the World Bank policy on involuntary resettlement (OP4.12) is noted in areas of: (i) entitlement; (ii) timing of payments; (iii) relocation and resettlement; (iv) livelihood restoration; (v) consultation; and (vi) grievance mechanism. Summary of comparison between the law of Tanzania and the World Bank OP4.12 is presented in Table 16. Where there is a difference between Tanzanian law and the OP4.12, the latter shall prevail.



**Table 16: Comparison of Tanzanian laws and World Bank Policy on Resettlement and Compensation**

Content	Tanzanian Law	World Bank OP 4.12	Gaps/ Measures
Land owners	<p>The <i>Land Acquisition Act 1967</i>, the <i>Land Act 1999</i> and the <i>Village Land Act 1999</i> have it clearly that land owners, with or without formal legal rights, are entitled to full, fair and prompt compensation. They also get disturbance allowance, transport allowance, accommodation allowance and loss of profit if they were in actual occupation of the acquired property.</p> <p>Lost assets are limited to “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</p>	<p>PAPs are classified into 03 groups: (a) those who have formal legal rights including customary and traditional rights; (b) those who do not have formal legal rights to the land but have a claim to such land or assets provided that such claims are recognized under the law of the country; and (c) those who have no legal rights to the land they are occupying</p> <p>Land owners of (a) and (b) above, are among 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 laws and OP4.12 as far as those with formal legal rights and those without formal legal rights are concerned.</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	<p>Tanzanian laws do not recognize tenants as being entitled to compensation</p> <p>Squatters may be paid compensation on the whims of the government. In some cases however they are not paid. This include those who construct on road reserves</p>	<p>Tenants would be under category (b) above and are among the PAPs who are entitled to full, fair and prompt compensation</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>OP 4.12 recognizes a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants</p> <p>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> <p>This is different from the Tanzanian situation where such people are not entitled to any assistance.</p>
Land users	<p>Tanzania law on compulsory acquisition and compensation is limited to those who can prove de jure or de facto land ownership. Users are not covered</p>	<p>OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying</p>	
Owner of non-permanent/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>Determination of compensation is based on the market value of the property. In practice though,</p>	<p>Under the OP4.12 permanent and non-permanent buildings need to be compensated.</p> <p>Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well</p>	<p>The gap between Tanzania and OP 4.12 is about eligibility, which is hinged upon formal or informal ownership.</p> <p>While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on</p>

	the depreciated replacement cost approach is used, meaning that PAPs do not get the full replacement cost of the lost assets.	as other assistance. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.	land, OP 4.12 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost.
Encroachers	Person who encroaches on the area are not entitled to compensation or any form of resettlement assistance. Encroaches have to demolish their asset without any compensation, if refuse the authority concern will demolish at their cost. It is strictly prohibited to especially to build a house or to plant permanent trees and crops within the unauthorized areas	Person who encroaches on the area after the cut-off date are not entitled to compensation or any form of resettlement assistance	Those who encroaches the area after cut-off date are not compensated.
Timing of compensation payment	Tanzanian law requires that compensation be full, fair and prompt. Prompt means it should be paid within 06 months, failure to do which attracts an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. 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. 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.	Displaced persons are provided prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project	In terms of timing, both Tanzanian laws and OP 4.12 require that compensation be paid promptly. This however, rarely happens in practice as can be testified from projects that have involved large scale land acquisition.
Calculation of compensation and valuation	According to the Land Assessment of the value of Land for Compensation Regulations 2001 as well as the Village Land Regulations 2001 compensation for loss of any interest in land shall include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits. The basis for assessment any land and unexhausted improvement for purposes of	OP4.12 requires that displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project. 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. For losses that cannot easily be valued or	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. 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

	<p>compensation is the market value of such land.</p> <p>The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties; or by the use of the income approach, or replacement cost method, where the property is of special nature and not saleable.</p> <p>In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</p>	<p>compensated in monetary terms (e.g. access to public services, customers and suppliers, or to fishing, grazing or forest areas) attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</p>	<p>consideration.</p> <p>Tanzania laws are restricted to land and developments on land, and loss of profits whereas WB OP 4.12 considers all types of losses 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>OP 4.12 stipulates that where project impacts include physical relocation, measures should be taken to ensure that the PAPs are: (i) provided with assistance 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 km 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>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>It is necessary to ensure that displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.</p>	<p>The Land Acquisition Act, 1967, allows the government to take possession of the acquired land before paying compensation.</p> <p>Current practice endeavors to pay compensation before taking possession of the land.</p>
Livelihood restoration and assistance	<p>There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods.</p> <p>Indeed, compensation is not payable in the case</p>	<p>Resettlement plan or policy includes 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</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</p>

	<p>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>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>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 Land Acquisition Act, informs land owners about the President's need to acquire their land, and their right to give objections. The Land Act allows displaced persons to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth.</p> <p>Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</p>	<p>OP4.12 require consultation of PAPs, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.</p>	<p>The provisions in OP4.12 requiring consultation and disclosure have no equivalent in Tanzanian law and practice.</p>
<p>Grievance mechanism and dispute resolution</p>	<p>Under Land Acquisition Act, where there is a dispute or disagreement relating to: (a) the amount of compensation; (b) the right to acquire the land; (c) the identity of persons entitled to compensation; (d) the application of section 12 to the land; (e) any right privilege or liability conferred or imposed by this Act; (f) the apportionment of compensation between the persons entitled to the same and such dispute or disagreement is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose the Minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute.</p> <p>In practice the Government tries to resolve grievances through public meetings of the</p>	<p>OP4.12 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 Tanzanian law does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</p>

	affected persons.		
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### **3.3 Policy Framework for the DMDP Project**

#### **3.3.1 Scope of application**

This RPF shall apply to Components 1a, 1b and 2 of the DMDP that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (i) directly and significantly related to the DMDP, (ii) necessary to achieve its objectives as set forth in the DMDP documents; and (iii) carried out, or planned to be carried out, contemporaneously with the DMDP.

This RPF pays special attention to the needs of vulnerable groups among the PAPs, especially households with incomes below the national poverty line, including the landless, elderly and disabled, women and children, indigenous groups and ethnic minorities, and other historically disadvantaged people.

#### **3.3.2 Principles and objectives**

The following principles and objectives will be applied to DMDP subprojects that cause involuntary resettlement:

- (i) Involuntary resettlement and land acquisition caused by the DMDP should be avoided where feasible, or minimized as much as possible;
- (ii) All PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.
- (iii) Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the opportunity to share project benefits.
- (iv) All PAPs will be meaningfully consulted and will participate in planning and implementing of the resettlement activities.
- (v) PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.
- (vi) Measures to address resettlement shall ensure that PAPs are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments.
- (vii) PAPs if resettled will be supported to integrate economically and socially into host communities so that adverse impacts on host communities and vice versa are minimized. To this end, appropriate patterns of social organization will be promoted and existing social and cultural institutions of PAPs will be supported to the greatest extent possible.
- (viii) All PAPs will be identified and recorded as early as possible, preferably at individual investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.
- (ix) Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, marginalized groups and the ethnic minorities or other displaced persons who may not be protected through the Tanzanian law.

The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.

- (x) In case the residual of the asset being taken is not economically viable as per the law of Tanzania, compensation and other resettlement assistances will be provided as if the entire asset had been taken.
- (xi) Displacement time for resettlement should be minimized.
- (xii) The implementation of individual RAPs must be completed prior to the implementation of the investments under DMDP.

### **3.3.3 Project eligibility and entitlement**

#### **a. Eligibility requirements for compensation and assistance**

Those, who must change their residence or are affected by the DMDP are eligible for compensation, include: (a) those who have formal rights to land and assets, including customary and statutory rights of occupancy recognized under the Laws of Tanzania; (b) those who do not have formal legal rights to land at the time the Project census and socioeconomic study begins but have a claim to such land or assets provided that such claims are recognized under the Laws of Tanzania or become recognized through a process identified in the resettlement and compensation plan and (c) those who have no legal rights or declarations for legal land-use certificates for the land on which they are living.

Affected persons covered under (a) and (b) will be compensated for their land and other affected assets at replacement cost and provided other sufficient assistance. Affected persons covered under (c) are given resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the subproject area prior to a cut-off date determined in each RAP. Persons who encroach the area after the cut-off date determined in each RAP are not entitled to compensation or any other form of assistance.

#### **b. Cut-off date**

The cut-off date of each subproject shall be the date of census survey. Affected persons who move to the subproject areas after this time will not be entitled to receive compensation. They must relocate and/or dismantle their properties on requisitioned areas before the commencement of the subproject.

#### **c. Entitlement policy**

Affected persons of the Project will be entitled to compensation, assistance, and resettlement as specified the Entitlement matrix of the Project in Table 17: Entitlement Matrix

next page.

**Table 17: Entitlement Matrix**

Type of loss	Type of impact	Affected Persons	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected and remains economically viable.	Farmer/ title holder	- Cash compensation for affected land equivalent at full replacement value.
		Tenant/ lease holder	- Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	More than 20% of land holding lost and does not become economically viable.	Farmer / title holder.	<ul style="list-style-type: none"> <li>- Land for land replacement where feasible, or compensation in cash for the entire land holding according to PAP's choice.</li> <li>- Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location that is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other related costs.</li> <li>- Relocation assistance includes costs of shifting; assistance in re-establishing economic trees; allowance up to a maximum of 12 months while short-term crops mature.</li> </ul>
		Tenant/ lease holder	<ul style="list-style-type: none"> <li>- Cash compensation equivalent to average amount of the last 03 years market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.</li> <li>- Relocation assistance includes costs of shifting; assistance in re-establishing economic trees, allowance up to a maximum of 12 months while short-term crops mature.</li> </ul>
Commercial Land	Land used for business and partially affected, limited loss	Title holder/ business owner	<ul style="list-style-type: none"> <li>- Cash compensation for affected land at full replacement cost.</li> <li>- Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year or tax records from comparable business, or estimates where such records do not exist.</li> </ul>
		Business owner is lease holder	- Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected, and the remaining assets become insufficient for business	Title holder / business 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 will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location that is acceptable to the PAP.</li> <li>- Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</li> <li>- Relocation assistance includes costs of shifting and allowance.</li> <li>- Opportunity cost compensation shall be equivalent to 02 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</li> </ul>
		Business owner is lease holder	- Opportunity cost compensation equivalent to 02 months net income based on tax records for previous year or tax records from comparable business, or estimates, or the relocation allowance, whichever is higher.



			<ul style="list-style-type: none"> <li>- Relocation assistance equivalent to the costs of shifting and allowance.</li> <li>- Assistance in rental / lease of alternative land / property for a maximum of 06 months to reestablish the business.</li> </ul>
Residential Land	Land used for residence partially affected, limited loss and remaining land is viable for use ( $\geq 400\text{m}^2$ ).	Title holder	<ul style="list-style-type: none"> <li>- Cash compensation for affected land.</li> </ul>
		Rental/lease holder	<ul style="list-style-type: none"> <li>- Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)</li> </ul>
	Land and assets used for residence severely affected. Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws ( $< 400\text{m}^2$ )	Title holder	<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 or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</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 includes costs of shifting and 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.</li> <li>- Cash assistance to cover costs of restoration of the remaining structure.</li> </ul>
		Rental/lease holder	<ul style="list-style-type: none"> <li>- Cash compensation for affected assets (verifiable improvements to the property by the tenant).</li> <li>- Disturbance compensation equivalent to two months rental cost.</li> </ul>
	Structures fully affected or partially affected. Remaining structures not suitable for continued use	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 that is acceptable to the PAP.</li> <li>- Right to salvage materials without deduction from compensation.</li> <li>- Relocation assistance include costs of shifting and allowance.</li> <li>- Rehabilitation assistance such as assistance with job placement; skills training; etc.</li> </ul>
		Rental/lease holder	<ul style="list-style-type: none"> <li>- Cash compensation for affected assets (verifiable improvements to the property by the tenant)</li> <li>- Relocation assistance includes costs of shifting; allowance equivalent to 04 months rental costs.</li> <li>- Assistance to help find alternative rental arrangements.</li> <li>- Rehabilitation assistance such as assistance with job placement, skills training.</li> </ul>
		Squatter/informal dweller	<ul style="list-style-type: none"> <li>- Cash compensation for affected structure without depreciation</li> <li>- Right to salvage materials without deduction from compensation</li> <li>- Relocation assistance include costs of shifting and assistance to find alternative secure accommodation preferably in the community of residence through involvement of the Project.</li> <li>- Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available.</li> </ul>

			<ul style="list-style-type: none"> <li>- Rehabilitation assistance with job placement, skills training.</li> </ul>
		Street vendors who are informal without title or lease to the stall or shop)	<ul style="list-style-type: none"> <li>- Opportunity cost compensation equivalent to 02 months net income based on tax records for previous year or tax records from comparable business, or estimates, or the relocation allowance, whichever is higher.</li> <li>- Relocation assistance including costs of shifting and allowance.</li> <li>- Assistance to obtain alternative site to re-establish the business.</li> </ul>
Loss of business and production		Licensed business and production households	<ul style="list-style-type: none"> <li>- To be compensated or supported for losses of their business equivalent to 50% of their actual annual income after tax.</li> <li>- The amount of compensation will be based on their average yearly income of 3 consecutive years declared with the taxation agency</li> </ul>
		Household who operate small business or services but do not declare income to the taxation agency	<ul style="list-style-type: none"> <li>- To be provided with an allowance equivalent to 6-month average income.</li> </ul>
		Temporary affected PAPs who operate small business/services but do not declare income to the taxation agency	<ul style="list-style-type: none"> <li>- To be provided with an allowance equivalent to monthly average income during the project construction but not exceeding maximum 6 months.</li> </ul>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAPs whether owner, tenant, or squatter	<ul style="list-style-type: none"> <li>- Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.</li> </ul>
Trees	Trees lost		<ul style="list-style-type: none"> <li>- Cash compensation based on type, age and productive value of affected trees plus 10% premium.</li> </ul>
Temporary Acquisition		PAPs, whether owner, tenant, or squatter	<ul style="list-style-type: none"> <li>- Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed).</li> </ul>
Affected assets		Public utility	<ul style="list-style-type: none"> <li>- Structures are restored or repaired for each specific case, and the community has not to pay for such repair costs.</li> </ul>

## 4. Institutional Framework on Land Acquisition, Compensation and Resettlement

### 4.1 Institutional Framework of the Government of Tanzania

#### a. Ministry of Lands, Housing and Human Settlement Development (MLHSD)

As per the law of Tanzania, Ministry of Lands, Housing and Human Settlement Development (MLHSD) is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania and administers the various land acts of: Land Acquisition Act, the Land Act and the Village Land Act.

The Ministry is also responsible for land use planning, management and land delivery activities specifically surveying and demarcating land/parcel/farms, and provision of land ownership and tenancy in both rural and urban areas.

- *Minister responsible for lands / land use planning:* Established under the *Land Policy* and the *Land Act, Section 8* as the sole authority over all land matters. The Minister has the duty of policy formulation and implementation of Land Policy and Act. The Minister shall perform a number of functions, including the issue of permit for using land (other than village or reserved land). Under the *Urban Planning Act, Section 5* the Minister shall ensure incorporation of principles of urban planning in planning processes and use and development of land. The Minister is empowered to designate any Body or Organ as a planning authority (section 7, [4]) and to declare any area of land to be a planning area (section 8, [1]).
- *Commissioner for Lands:* Established under the Land Policy and Land Act as sole authority responsible for land administration. *Land Act, sections 9-11* impose the Commissioner for land as the principal administrative officer and professional officer and advisor to the government in land matters (land allocation, acquisition, registration and land management in general) at all levels. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation have to be referred to the Commissioner. The Commissioner may appoint officers at the appropriate levels of government to administer land other than village land. Has power to delegate the powers to officers at Local Authority or public organization all who work and comply to directives of the Commissioners.
- *National Land Use Planning Commission:* Established under the Land Use Planning Act, sections 6 and 7 of as the principal advisory organ of the Government on all matters related to land use. The Commission is comprised of various environmental stakeholder to ensure oversee the best use of land use planning.
- *Survey and Mapping Division:* The Surveys and Mapping Division also provides land survey services to government agencies, maintains geodetic survey control networks, prepares and maintains cadastral and topographic maps for the entire country. The Director of Surveys is responsible for coordinating all public sector mapping activities and for maintaining records of all maps, plans and land surveys which are conducted by government agencies.
- *Director of Urban Planning:* Established under the Urban Planning Act (Section 6) to advise to Minister, issue guidelines, set standards, coordinate and approval of matters related to urban planning.
- *National Land Advisory Council:* Established under the Land Act (Section 17) to advice Minister on Land Policy and institutional framework and organizational structure for land matters.
- *Land Allocations Committee:* Under the Land Act (Section 12) Land Allocation Committees are to be established at central, urban and district authorities to perform duties related to advise of application of Rights of Occupancy.

- *Chief Valuer:* Land (Assessment of the Value of Land for Compensation) Regulations, 2001 (Regulation 6) directs that every assessment of the value of land and unexhausted improvement is verified by the Chief Valuer of the Government or Representative.
- *Qualified Valuer:* Land (Assessment of the Value of Land for Compensation) Regulations, 2001 (Regulation 5) directs that every assessment of the value of land and unexhausted improvement is done by a qualified Valuer. Valuers are government employees of individuals or companies registered as service providers in the lands sector and conduct surveys, property valuation etc.

#### **b. Local Government Authorities**

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

Administratively Tanzania is divided into three levels of Local Governments whereby each level has statutory functions with respect to development planning. The three levels with respect to urban authorities are: city/municipal councils; town councils and ward; and "Mtaa" (sub-ward) councils. A city is divided into municipalities; a municipal councils subdivided into municipal wards and this into sub-wards or "Mtaa" as the lowest administration unit in urban areas.

The city councils and municipal councils are body corporate responsible for planning, financing and implementing development programs within their areas of jurisdiction.

- Municipal Land Department with sections/units for physical planning, surveying, valuation;
- District functional departments including Community Development (communities mobilization and sensitization); Environmental Management Offices (acts as appendages of national environmental authorities);
- Land Tribunals (municipal, ward levels) for handling and resolving land-related disputes and grievances;
- Various multi-disciplinary, multi-sectoral technical teams and committees of Councilors responsible for social issues at local government levels.

Local governments are not replicated at the regional level. Regional authorities provide technical advice and support and exercise supervision to the Municipal councils. Regional and District Commissioners are responsible for coordinating and managing central government affairs.

#### **c. Natural Resources and Social Management Agencies**

- *Vice President's Office (National Environment Management Council (NEMC) and Division of Environment (DoE):* NEMC is vested with overall responsibility for screening (allocating the appropriate level of the impact assessment) and reviewing big investments and projects of national significance. NEMC constitutes multi-disciplinary, multi-sectoral Technical Review Committees to review adequacies of environmental impact statements (incl. Environmental Social Management Plans/ Environmental Social Monitoring Plans). NEMC issues recommendations to the government for approval of the project. DoE issue approval (EIA Certificates) for the project to proceed. Mitigation of impacts arising from land acquisition and fulfilment of compensation procedures constitute key project approval criteria.
- *Units within sector ministries/institutions:* These have been established to oversee social matters including supervision and monitoring of implementation of project social management plans, and gender issues.

## **4.2 Institutional Framework for the implementation of RPF and RAPs of the DMDP**

The implementation of the compensation, assistance, and resettlement requires the involvement of agencies at the national, regional, municipal, and ward levels. PMO-RALG shall take the overall responsibility for the compliance of the provisions in the RPF and RAPs. The provisions and policies of the RPF and RAPs will form the legal basis for the implementation of compensation and resettlement activities of the DMDP.

### **a. Ministry of Land, Housing and Human Settlements Development**

Ministry of Land, Housing and Human Settlements Development (MLHSD) is mandated to administer land and human settlement in Tanzania and shall be responsible for the followings:

- (i) Endorsing RPF and RAPs;
- (ii) Endorsing assessment of compensation payment for land and un-exhausted improvement therein.
- (iii) Ensuring compensation is paid or resettlement is undertaken as agreed at approved RPF and RAPs;
- (iv) Coordinating with PMO-RALG; Municipal Councils; relevant Utility Agencies; ward councils; public interest parties; Government gazette; and public media to undertake notification and participation in compulsory land acquisition;
- (v) Coordinate with PMO-RALG; Municipal Councils; relevant Utility Agencies Resettlement Committee; ward councils; solicitor to undertake assessment of compensation payment for the dispossessed households & receipt of complaints.
- (vi) Coordinate with PMO-RALG; Municipal Councils; Resettlement Committees; ward councils; solicitors to take possession of property; oversee demolition and resettlement.

### **b. Prime Minister's Office – Regional Administration and Local Government (PMO-RALG)**

PMO-RALG, the Executing Agency of the DMDP, shall assure overall coordination, planning, implementation, and reporting for the Project. Once the DMDP is approved, a DMDP Project Coordination Unit (PCU) will be established to implement and manage DMDP. With regard to RAP implementation, PCU shall have key responsibilities as follows:

- (i) Providing overall planning, coordination, and supervision of the RAPs implementation;
- (ii) Coordinating with MLHSD to provide guidance and supports to DLAs; to implement RAP in accordance provisions given at the RPF and RAP; and advising DLAs to resolve timely and successfully any mistakes or shortcomings identified through internal and/or external monitoring of RAP implementation to ensure that objectives of RAP are met;
- (iii) Finalizing RPF and RAPs and obtaining MLHSD and DLAs' approval and WB's clearance before RAPs implementation;
- (iv) Providing training on resettlement to staff of DLAs who is involve in resettlement;
- (v) Coordinating with other implementation agencies and relevant institutions during periods of preparation, planning and implementation of RAPs;
- (vi) Establishing a database of PAPs for each subproject, as well as for the Project as a whole;
- (vii) Establishing procedures for ongoing internal monitoring and review of Project level progress reports and for tracking compliance to project policies;

- (viii) Establishing procedures for monitoring coordination between contractors and local communities and for ensuring prompt identification and compensation for impacts occurring during construction;
- (ix) Recruiting, supervising, and acting upon the recommendations of the external monitoring organization;
- (x) Establishing procedures for the prompt implementation of corrective actions and the resolution of grievances;
- (xi) Reporting periodically on resettlement implementation progress to the WB.

**c. District Local Authorities of Kinondoni, Temeke and Ilala**

DLAs of Kinondoni, Temeke and Ilala are responsible for implementation and management of subprojects, including resettlement activities. Each DLA has set up a Project Implementation Unit (PIU), which will include support of an outside consulting team having a dedicated resettlement specialist. The PIU will be responsible for:

- (i) Approving RAPs and submit RAPs to MLHSD for endorsement;
- (ii) Conducting notification and participation to PAPs on land acquisition and RAP implementation;
- (iii) Coordinate with MLHSD; utility agencies; land occupiers and local leaders to assess compensation payment for land and un-exhausted improvements therein;
- (iv) Issuing decisions approving land valuations applied for compensation rates, allowances and other supports to PAPs, especially vulnerable groups, based on principles of the RAPs;
- (v) Approving budget allocation for compensation, support and resettlement;
- (vi) Directing and supervising municipal relevant divisions to implement RAP effectively.
- (vii) Directing the redress and grievance committee and relevant agencies to settle PAPs complaints, grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
- (viii) Directing the relevant agencies to examine and handle the violations in the compensation, assistance, and resettlement domain.
- (ix) Preparing, updating, and supervising RAPs implementation;
- (x) Guiding resettlement committees and relevant agencies to implement all resettlement activities in compliance with the approved RAPs; and resolving any mistakes or shortcomings identified by internal monitoring to ensure that objectives of the RAPs; and otherwise, to provide appropriate technical, financial and equipment supports to resettlement committee and valuation surveyors.
- (xi) Conducting, in combination with resettlement committees; ward councils and NGOs, information campaigns and stakeholder consultations in accordance with the Project guidelines;
- (xii) Coordinating with other line agencies to ensure delivery of restoration and rehabilitation measures to PAPs;
- (xiii) Implementing internal resettlement monitoring, establishing and maintaining PAPs databases for each subproject in accordance with Project procedures and providing regular reports to PCU;
- (xiv) Implementing prompt corrective actions in response to internal monitoring.
- (xv) Receiving land hand-over and delivering land to the construction companies.

- (xvi) Periodically reporting to the PMO-RALG and World Bank on resettlement activities;

**d. Municipal Resettlement Committees (MRCs)**

Established by the DLAs of Kinondoni, Temeke and Ilala each Municipal Resettlement Committee (MRCs) will support their respective DLA in organizing and implementing the compensation, assistance, and resettlement. MRCs shall have the following key assignments:

- (i) Together with members of the mission teams established for each project, ensure the accuracy and legality of compensation, assistance, and resettlement beneficiaries' sources of the land, inventory data, and legality of assets associated with the affected land that may or may not be eligible for compensation or support.
- (ii) Solving petitions of compensation and assistance beneficiaries relating to the compensation, assistance and resettlement plans, and report to the district city the cases out of their competence.
- (iii) Giving instructions to the employer and local governments to implement payment for compensation, assistance, and resettlement.
- (iv) Monitor and report on regular basis the RAP implementation to DLAs, PCU and DLAs and relevant agencies if required.
- (v) Implement public disclosure, public consultation and participation
- (vi) Make payment (compensation, allowance, etc.) to PAPs
- (vii) Keep record of document, material relating to RAP implementation.
- (viii) Coordinate with valuers to value land, assets, etc. of PAPs

**e. DLA Municipal Grievance Committee (MGC)**

DLA Municipal Grievance committees (MGCs) of Kinondoni, Temeke and Ilala will support their respective DLA in receiving and settlement of all issues relating to land acquisition, compensation and resettlement. Each MGC shall include: (i) representative of the RAP team; (ii) representative of the District Lands Department; (iii) representative of Ward Council, as well as a representative of the PAPs; and (iv) independent valuer. On quarterly basis the MGC shall prepare grievance report and submit to the DLA and the DLA submit the grievance report to PMO-RALG.

**f. Ward and Sub-wards**

Ward Councils at the subproject areas will assist the MRC concerned in their resettlement tasks. Specifically, the Ward Councils will be responsible for the following:

- (i) In co-operation with MRCs and local mass organization to inform PAPs about the objectives for land acquisition, and the subproject policy of compensation, assistance and resettlement.
- (ii) Coordinating with agencies in charge of compensation, assistance, and resettlement implementation to guide PAPs in enumerating and certifying their inventory of land and assets associated with land.
- (iii) Preparing and taking responsibility for the accuracy of the copies of documents concerning land sources, family members, registered members, beneficiaries of social policies, and proposals for resettlement of PAPs.
- (iv) In coordination with MRCs and PIUs during the implementing payment of compensation, assistance and resettlement for PAPs and ensuring good conditions for the Project's site clearance.
- (v) Assist in the resolution of grievances; and actively participate in all resettlement activities and concerns.

Non-Government Organizations (NGOs) and Community Based Organization (CBOs) will assist MCs; MRCs; Ward Councils and IMC to implement the followings:

- (i) Participating in preparation: updating and implementation of RAPs.
- (ii) Witnessing the fairness and appropriate of the whole process of RAPs implementation;
- (iii) Supporting MRC; Ward Councils in activities including public consultation, and participation; handling PAPs complains; etc.

#### **4.3 Capacity Enhancement**

As soon as possible after project approval, one (01) international resettlement specialist should be recruited for enhancing capacity of staff concerned at PMO-RALG. Additionally, the consulting team supporting the three PIUs should include a local resettlement specialist on World Bank policy on involuntary resettlement (OP.4.12); RPF and their respective roles. The international and local consultants should also take the responsibility in independently monitoring and evaluation of resettlement activities of all subprojects under the DMDP.



## **5. Preparation and Implementation of Resettlement Action Plan**

By the adaptation of this RPF all RAPs should be prepared following requirements and procedures given in this RPF. Additional actions or corrected activities should be undertaken by the PMO-RALG and by the DMDP consultants if found necessary.

### **5.1 Screening**

The safeguard consultants hired by PMO-RALG, based on the design of the subproject, shall carry out screening to identify the involuntary resettlement impacts and risks. If resettlement impacts are found as a sequence of the DMPD subproject, the World Bank policy on Involuntary Resettlement (OP4.12) shall be triggered and RAP for the subproject shall be prepared and submitted to World Bank for review and clearance.

If there is no resettlement impact identified then the World Bank policy on involuntary resettlement OP 4.12 shall not be triggered and no RAP is required but the Due Diligent Report specifying no demand on land acquisition and resettlement impact should be prepared and submitted to the PMO-RALG and the World Bank for clearance.

### **5.2 Resettlement Instrument**

The RAP shall be prepared for subproject causing involuntary resettlement impacts according to this RPF. The scope and details of RAP depends on the resettlement scale and complexity. Each RAP shall cover elements below, as relevant.

- Project introduction.
- Potential impacts.
- Project objectives.
- Socio-economic study.
- Legal framework.
- Institutional framework.
- Eligibility.
- Valuation of and compensation for losses.
- Resettlement measures.
- Site selection, site preparation and relocation.
- Housing, infrastructure and social services.
- Environment protection and management.
- Community participation.
- Integration with host population.
- Grievance procedures.
- Organizational responsibility.
- Implementation schedule.
- Cost and budget; and
- Monitoring and evaluation.

Each RAP should be submitted to the World Bank no later than six(6) months before the commencement of the subproject works for review and approval. Activities for compensation and support can be started only when the World Bank and the DLA approved each RAP. The payment for compensation, allowances and other supports or assistance should be completed before signing construction contracts for each sub-project.

### **5.3 Preparation of Resettlement Plan**

As a result of screening should the implementation of the subproject lead to resettlement impact then a RAP must be prepared.

Based on the RPF, the consultant hired by the PMO-RALG shall prepare and submit subproject RAP to the relevant DLA and the MLHSD for review and approval. It will be subsequently submitted to the World Bank for clearance before final approval by the DLA. Below are indicative procedures for RAP preparation:

- (i) Undertake dissemination and public consultation and participation
- (ii) Undertake a census of all PAPs within the subproject areas.
- (iii) Undertake the Inventory of Losses (IOL) or detailed measurement survey (DMS) of all losses of all PAPs. At the same time, inform potential PAPs (without discrimination) of the subproject, its likely impacts, and principles and entitlements as per this RPF;
- (iv) Undertake a socioeconomic study (SES) of at least 20% of all subproject affected households and 100% of subproject severely affected households;
- (v) Undertake a replacement cost survey for various types of affected assets as a basis for determining compensation rates. Determine the losses in accordance with the entitlement matrix of the RPF;
- (vi) Provide subproject and resettlement information to all affected persons in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including relocation sites and economic rehabilitation;
- (vii) Prepare and finalized the subproject RAP;
- (viii) Disclose draft and final RAP to the affected communities and on World Bank's information centre.

#### **a. Census of all PAPs and inventory of affected assets**

A census of PAPs and their households and the inventory of assets to be acquired serves two vital functions. The primary function is to identify PAPs eligible for resettlement entitlements, which is especially important if disclosure of subproject plans is likely to encourage land invasion and fraudulent claims for compensation. The census and inventory also supply an important part of the resettlement database used for subproject monitoring and supervision.

Where establishing ownership or length of residency is difficult, the census should be conducted as soon as possible, to determine a cut-off date for eligibility for entitlements. In such situations an immediate partial inventory, sufficient to establish the number and general size of structures and other assets to be taken, may be advisable to supplement the census. The precise attributes of structures and an inventory of remaining fixed assets acquired or affected can be determined later.

The census study needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The formats for the census study and the asset inventory must be adapted to the specific context and informational requirements of the subproject. In any case, the format needs to be field tested, to ensure that the questions and the phrasing of them elicit the required information.

#### **b. Socioeconomic Study**

The census and inventory of loss are supplemented with data from socioeconomic study. The socioeconomic study (SES) data and information are used to establish baseline information on household income, livelihood patterns, standards of living, and productive capacity. This baseline information constitutes a reference point against which income restoration and the results of other rehabilitation efforts can be measured.

Other areas of socioeconomic analysis may include: land tenure and transfer systems; the patterns of social interaction in the affected communities; public infrastructure and social services that will be affected; and social and cultural characteristics of displaced communities. Interviews are conducted with a systematic sample and using uniform

questionnaires. The sample should provide a sufficient number of cases for statistical analysis.

### **c. Replacement Costs Survey**

The replacement cost study will be carried out during RAP preparation (if necessary during the RAP updating) by the certified valuer, and must be verified by the Chief Government Valuer. Compensation is based on the principle of replacement cost. Replacement cost is the amount calculated before displacement which is needed to replace an affected asset without deduction for taxes and/or costs of transaction as follows:

- (i) Productive land (agricultural, aquaculture, garden) based on market prices that reflect recent land sales, and in the absence of such recent sales, based on productive value;
- (ii) Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- (iii) Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;
- (iv) Annual crops equivalent to current market value of crops at the time of compensation;
- (v) For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age and productive value (future production) at the time of compensation. Timber trees based on diameter at breast height at current market value.

For land, the objective of evaluation is to determine the prices or rates that will enable PAPs to purchase the same type and quantity of land. The valuation of compensation for the loss of land is based on its market value. Direct interviews with land-owners in the subproject area, including those whose land is affected and those whose land is not; and consultation with the land and real-estate agency service staff, the valuer, etc. are required. The information to collect include the recent land transfers (buying/selling transactions) in the area; the price, at which owners are willing to sell their land; or/and price of the recent transaction; type of land;

For annual crops, the survey team needs to calculate the value of crops that are lost, the market price of the crops during last 3 years.

For perennial trees, the information about production and benefit of their fruit tree during last 3 years and the market price of the trees are needed.

For structures, the survey is to determine whether the prices can enable PAPs to rebuild their affected structures. The valuation of compensation for affected structures is based on the principle of replacement cost.

### **d. Relocation arrangement**

The DLA in the affected areas will propose a relocation sites for receiving displaced households. Households will be consulted on relocation options. The relocation strategy will:

- (i) Identify land in a setting similar to the land that is recovered;
- (ii) Ensure that PAPs are provided with sites that have access to infrastructure and basic services at a level similar to their previous location.
- (iii) If necessary to relocate a number of households, the MC will designate a new settlement area. The new settlement area will be provided with infrastructure and basic services. The MC will design the site and the costs will be covered by the investor.
- (iv) Be described in the RAP.

#### **e. Income Restoration program**

If there are severely affected households and/or relocation households by the subproject, income restoration program shall be prepared.

In order to assist PAPs to restore livelihoods and income levels, the subproject will provide an income restoration package adapted to the needs and situation of PAPs as identified in the socioeconomic surveys.

The scope of the entitlements includes an allowance to cover living costs during a period of reduced income while PAPs restore current livelihood and income-generating activities or make a transition to new income-generating activities. In-kind assistance to strengthen or initiate income-generating activities will also be provided. Such assistance will be decided in consultation with local authorities and PAPs eligible for the income restoration, and will be fully developed in the RAP for each subproject. Forms of assistance may include, but are not limited to: (i) support for income-generating activities including appropriate technical support, assistance in vocational planning, small business planning, financial planning and to access and utilize credit, and other measures to promote existing or new income-generating activities. (ii) subproject related employment whereby priority will be given to severely affected and vulnerable PAPs for work on construction.

#### **5.4 Update Resettlement Action Plan**

In case there have changes during the detailed design phase that lead to change of affected persons compared to those specified at the RAP or change of value of assets, etc due to inflation or late delivery of compensation, allowance and supports the RAP should be reviewed and updated by the consultant hired by the PMO-RALG.

After the World Bank adopts the updated RAP, the DLA will take responsibility for RAP implementation.

No construction contracts will be signed unless the DLA has completed the compensation, resettlement, and land acquisition and implement necessary measures to support the affected people, especially vulnerable affected persons to recover their living conditions.

#### **5.5 Implementation of Resettlement Action Plan**

##### **a. Information, dissemination and public participation**

Publicizing and disseminating information is an obligatory and essential stage in the implementation of all subprojects. Disseminating information to PAPs and concerned agencies, and gathering comments from relevant people and social and political organizations at every stage will create the foundation for planning the Project's implementation, and uncover contradictions and difficulties to be dealt with to avoid delays. This will facilitate the design of resettlement and rehabilitation works as a comprehensive program, which meets the project requirements and PAPs' expectations.

The RPF will be posted for PAPs and their community in public places such as the PMO-RALG, DLA offices; ward councils once they are approved by the DLA. The approved RPF is also posted on WB information centres in Dar es Salaam and Washington, D.C.

The RAP and RPF documents will also be broadcast widely in the mass media on local radio and TV, newspapers, posters and leaflets.

Details on information, dissemination and public participation are mentioned at Chapter 5.

##### **b. Establishment of Resettlement Committees and Grievance Committee**

Each DLA of Kinondoni, Temeke and Ilalawill establish resettlement committees and grievance committee soon after the Project Agreement is signed to support DLA to implement the RPF and RAPs. Details on functions and duties of agencies involved in RAP implementation is given at Chapter 3.

**c. Capacity building for resettlement staff**

All staff who is involved in the implementation of RPF and RAP at PMO-RALG and DLAs and resettlement committees and grievance committee will be provided with training on resettlement to make them capable on the implementation of RPF and RAP. Training subjects will include but not limited to the followings:

- (i) Participatory methodologies in regards to data collection and community meetings;
- (ii) Consultation and information dissemination methods;
- (iii) Principles, policies, and entitlements of the RAPs;
- (iv) Valuation of assets and properties
- (v) Implementation steps, procedures, and schedule;
- (vi) Grievance redress mechanism; and
- (vii) Powers and obligations of individuals/agencies involved in the process of resettlement programs.

**d. Pricing Application and Compensation of PAPs**

Resettlement committees at all municipals will be responsible for pricing application and preparing compensation and support contracts for each PAHs. These will be subject to verification by MLHSD, PMO-RALG and DLAs of unit prices, quantity of affected assets, PAP entitlements, etc. before posting them at each ward/sub-ward for the people to review and comment if any. All compensation contracts must be checked and signed by the PAPs to indicate their agreement.

**e. Compensation and allowance payment**

Payment of compensation and allowance will be handled under the supervision of representatives of DLAs, PCU. Guidance will be given by PCU of the PMO-RALG to aid local resettlement committees in making payments to PAPs.

**f. Relocation of PAPs**

DLAs will assist PAPs who opt for individual relocation to seek and purchase or otherwise arrange replacement land satisfactory to PAPs. Assistance from DLA is also required to assist PAPs during the movement of houses and during the construction period.

**g. Income restoration and social support assistance**

All activities relating to income restoration and social support assistance will be implemented soon after compensation and allowance is made to the PAPs and continue approximately 12 months after the date of compensation is made so that the PAPs can sufficiently restore their livelihoods at least equal or better than the pre-subproject condition.

**h. Addressing grievance and disputes resolution**

Grievance and dispute resolution will be implemented by ward office and DLA, etc. following procedures and principle given at Chapter 7.

**i. Monitoring and evaluation**

Internal and external monitoring shall start as soon as the RAP is approved. Monitoring will continue throughout the construction period. A post resettlement monitoring and evaluation will be undertaken by the external monitoring resettlement specialist within 6-12 months after the completion of all resettlement activities. Details on monitoring and evaluation are given at Chapter 8.

**j. Award of civil works contract**

Although civil work contracts may be awarded, no physical or economic displacement can occur until after all PAPs affected have been compensated and relocated in accordance with the approved RAP for the specific subproject.

## 6. Public Consultation, Participation

Publicizing and disseminating information is an obligatory and essential stage in the preparation and implementation of all subproject RAP. Disseminating information to PAPs and concerned agencies, and gathering comments from relevant people and social and political organizations at every stage will create the foundation for planning the subproject implementation, and uncover contradictions and difficulties to be dealt with to avoid delays. This will facilitate the design of resettlement and rehabilitation works as a comprehensive program, which meets the project requirements and PAPs expectations.

### 6.1 Summary of Public Consultation and Participation To Date

With respect to consultation, a number of consultations were undertaken with a wide range of stakeholders, including MLHSD; PMO-RALG; TANROAD; TANESCO; DAWASA; DAWASCO;DLAs of Kinondoni, Temeke and Ilala; ward and sub-ward offices of the subproject affected areas; affected persons;community groups; etc.for the preparation of the Environmental and Social Impact Assessment (ESIA) and RAPs for subprojects of Component 1 and 2. A number of topics discussed are related to the impact of the project such as impact on land, houses/buildings and gender. These findings are relevant to this RPF and need to be considered during the preparation and revision of RAPs (Section 6.2). Below is a summary of consultations, issues raised and possible solutions.

#### a. Component 1a: Priority roads supporting public transit, mobility, and connectivity to low income communities

Crown TECH Consult Ltd conducted series of public consultation and participations during 2013/14 as preparation of technical designs, environmental and social impact assessment (ESIA), environment management plan (EMP) and RAPs. Summary of these activities are as below:

- *Duration:* February and October 2013 and meetings with PMO-RALG and World Bank experts in 2013 and 2014.
- *Stakeholders and participants:*(i) MLHSD; (ii) PMO-RALG; (iii) municipal councils of Kinondoni; Temeke and Ilala; (iv) TANROAD; (v) TANESCO; (vi) DAWASCO; (vii) DAWASA; (viii) TTCL; (ix) TPDC; (x) relevant officials of wards (Msasani, Magomeni, Ndugumbi, Tandale, Manzese, Sinza, Kijitonyama, Makuburi and Kimara); (xi) subproject affected persons and affected communities; and (xii) community leaders.
- *Key contents:* (i) introduced proposed subprojects; (ii) informed compensation eligibility criteria and entitlement packages; (iii) obtained authorities'recommends and concerns about the subprojects.
- *Key results:*All those consulted expressed their support for the subprojects since it help to improve living condition, environment, etc. of the subproject areas in particular and of Dar es Salaam as a whole. Concerns, recommendations, requests were raised and responses to these concerns during meetings are summarized inTable 18:

**Table 18: Summary of Consultations for Component 1a**

Issues / Concerns	Recommends / Requests / Proposed Measures
Concerned with Unfair compensation of affected properties	<ul style="list-style-type: none"> <li>- Eligibility and compensation packages should be made transparent to all PAPs.</li> <li>- PAPs should be educated and counseled during preparation &amp; implementation ofRAP.</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Compensation process	<ul style="list-style-type: none"> <li>- Compensation should be implemented in a participatory manner where all affected family members can be aware of entitlements</li> </ul>

	<p>and amount of money to be compensated. It will help to avoid money misuse &amp; family conflicts.</p> <ul style="list-style-type: none"> <li>- Couple should be both signatories of bank account.</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Destruction of property within RoW will affect PAP's livelihoods.	<ul style="list-style-type: none"> <li>- PAPs will be compensated, supported to make them at least equal or better than the pre-subproject conditions.</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Local government authorities should support PAPs in finding resettlement land	<ul style="list-style-type: none"> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Increased infection of HIV/AIDS and unwanted pregnancies	<ul style="list-style-type: none"> <li>- Proper measures should be arranged and implemented to control HIV infection, and unwanted pregnancies.</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Increased road accidents	<ul style="list-style-type: none"> <li>- Installation of bumps; zebra crossing.</li> <li>- Design car parking area to minimize accident due to poor parking</li> <li>- Educate communities on road uses &amp; road act</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Parking area	<ul style="list-style-type: none"> <li>- Consider to establish of special areas for car parking.</li> <li>- Request will be incorporated in road design</li> </ul>
Bus stop arrangement	<ul style="list-style-type: none"> <li>- Request will be incorporated in road design.</li> </ul>
Temporary road diversions during road construction	<ul style="list-style-type: none"> <li>- Request will be incorporated in road design</li> </ul>
Construction of the road below specified standard	<ul style="list-style-type: none"> <li>- Road design followed regulation, standard of Tanzania.</li> <li>- Civil works will be monitored, supervised by independent supervisor hired by PMO-RALG.</li> <li>- Community involvement in supervision of civil works</li> </ul>
Employment opportunities	<ul style="list-style-type: none"> <li>- The contractor should give the priority of employment to the people hailing from the wards.</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Contractors do not respect local communities and wards leadership when working in those areas	<ul style="list-style-type: none"> <li>- Community will be involved in all process of road construction</li> <li>- Issue will be addressed by RAP and during RAP implementation.</li> <li>- Issue will be addressed by ESIA and EMP and during ESIA and EMP and RAP implementation</li> </ul>
Storm water drainage systems closer to houses is dangerous to children	<ul style="list-style-type: none"> <li>- Contractor will be responsible to make sure that drainage system does not affect properties.</li> <li>- Issue will be addressed in road design</li> <li>- EIA and EMP will include necessary measures to ensure safety to workers and residents.</li> </ul>
Dust management	<ul style="list-style-type: none"> <li>- ESIA and EMP will include necessary measures to ensure dust to be managed properly.</li> </ul>
Increase of crime	<ul style="list-style-type: none"> <li>- Mitaa committees responsible for security in collaboration with the police force will have to be watchful during the construction process to reduce possible crime incidences.</li> </ul>
Impact on Ritual Sites:	<ul style="list-style-type: none"> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Destruction of public utilities (water pipe, electrical line, telecommunication line) cause livelihood disturbance	<ul style="list-style-type: none"> <li>- Consultant shall consider measures and to cooperate with public utilities to minimize disturbance.</li> <li>- Proper implementation schedule will be designed and implemented.</li> <li>- Issue will be addressed by RAP and during RAP implementation</li> </ul>
Gender issues	<ul style="list-style-type: none"> <li>- Employment should not be gender bias. Male and female should be given equal opportunities for employment wherever available.</li> </ul>
Information	<ul style="list-style-type: none"> <li>- Public utilities and household should be informed at least 06</li> </ul>



	<p>month before construction</p> <ul style="list-style-type: none"> <li>- Issue will be addressed during preparation and implementation of RAPs.</li> </ul>
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Source: Draft reports of ESIA, EMP (December 2013) and Draft RAP report of municipalities of Kiondoni, Temeke and Ilala, June 2014 by Crown TECH Consult Ltd.

**b. Component 1b: Flood Control and Storm Water Drainage**

COWI - Procels conducted public consultations and participations during 2013/2014 as required for the development of technical designs, ESIA's, EMP's. Below is summary of these activities and its results:

- *Duration:* Key public consultations and meetings were performed during year 2013. Series of meetings were conducted with participation of PMO-RALG, municipalities of Kinondoni, Temeke and Ilala and World Bank in 2014.
- *Stakeholders and participants:* (i) MLHHSO; (ii) PMO-RALG; (iii) municipal councils of Kinondoni; Temeke and Ilala; (iv) TANROAD; (v) TANESCO; (vi) DAWASCO; (vii) DAWASA; (viii) TTCL; (ix) TPDC; (x) relevant officials of wards; (xi) subproject affected persons and affected communities; (xii)
- *Key contents:* (i) introduced the proposed subprojects; (ii) informed compensation eligibility criteria and entitlement packages; (iii) obtained authorities' recommends and concerns about the subprojects.
- *Key results:* All those consulted expressed their support for the subprojects since it help to improve living condition, environment, etc. of the subproject areas in particular and of Dar es Salaam as a whole.

**c. Component 2: Upgrading in low-income communities.**

UWP and SAI conducted public consultations and participations during 2013/14 as required for the development of technical designs, ESIA's, EMP's and RAP's. Below is summary of these activities and its results:

- *Duration:* Key public consultations and meetings were performed during February and October 2013. Series of meetings were conducted with participation of PMO-RALG, municipalities of Kinondoni, Temeke and Ilala and World Bank in 2014.
- *Stakeholders and participants:* (i) MLHHSO; (ii) PMO-RAGL; (iii) municipal councils of Kinondoni; Temeke and Ilala; (iv) TANROAD; (v) TANESCO; (vi) DAWASCO; (vii) DAWASA; (viii) TTCL; (ix) TPDC; (x) relevant officials of subproject wards; (xi) subproject affected persons and affected communities.
- *Key contents:* (i) introduced the proposed subprojects; (ii) informed compensation eligibility criteria and entitlement packages; (iii) obtained authorities' recommends and concerns about the subprojects.
- *Key results:* All those consulted expressed their support for the subprojects since it help to improve living condition, environment, etc. of the subproject areas in particular and of Dar es Salaam as a whole. Although some concerns, requests were raised during meetings are summarized in Table 19:

**Table 19: Summary of results on consultations for Component 1b**

Issues / Concerns	Recommends / Requests / Proposed Measures
Road accidents will increase therefore safety of the road should highly be considered;	The issue will be considered during design of the roads. Necessary measures will be provided to ensure traffic safety (street signal, street lighting, etc)
Resettlement of properties and the valuation process should be clear to the PAPs	The issues will be addressed by RAP. PAP and community will be given opportunities to participate in RAP process

Children should not be allowed to work for contractors.	The issue will be considered by PMO-RALG. Contractors will not be allowed to hire children to work for the project. Necessary measures also be specified in ESIA, EMP
Their norms and traditions will be affected as there will be more interactions.	Contractors will be responsible and if hiring children to work for the project. Necessary measures also be specified in ESIA, EMP
The road width should be marked so as to prevent encroaching the road reserve.	The subproject will conduct census and establish cut-off date to prevent encroachers. Issues will be incorporated in RAP. Survey team will mark ROW as per design.
Positive impacts such as employment, trade, transport will increase as well.	
Compensation process should be done properly following all the laws and regulations	The issues will be addressed during preparation and implementation of RAP. PAPs and community have rights and will be given opportunities to participate in RAP process and to monitor compensation activities.
Criteria for the eligibility for compensation should be explained to the PAPs.	Issues will be addressed by RAP.
Compensation of community assets and the form of their compensation should be open to the community.	Issues will be addressed by RAP.
Mitigation of negative impacts to reduce the severity of the impacts.	Issues will be addressed by ESIA and EMP and RAP.
Improve access to health facilities, efficient transport, access to markets, these and more will result from upgrading the Infrastructures	
Transmission of diseases; population growth, land shortage and conflict; child labor and accidents	Issues will be addressed by ESIA and EMP and RAP.
The road should be up to standards.	Design consultant develop design following Tanzanian standard

Source: Draft ESIA (January 2014) and Draft RAPs (June 2014) of municipalities of Kinondoni, Temeke and Ilalaby UWP-SAI

## 6.2 Information Disclosure and Public Consultation

During the subproject RAP preparation and as soon as the identification of the subproject financing for the DMPD, DLA and safeguard consultants will provide local people information on: (i) subproject description; (ii) potential resettlement impacts; (iii) RPF (concentrate on entitlements); (iv) implementation schedule; and (v) grievance redress mechanism.

Local people and PAPs and stakeholders will continue to be consulted during RAP updating and implementation, following a two-way process information dissemination and gathering any feedback and suggestions.

- (i) PAPs will be notified at least three (03) months prior to the date that the land will be acquired by the subproject.
- (ii) *Public Consultations:* A first public consultation with local people and the PAPs and other stakeholders will be held prior to the start of the census and socioeconomic study (SES) and inventory of loss (IOL), as a way of introducing the subproject and resettlement policy to local population. Focus groups are to be held with representatives of PAPs, traditional political and cultural leaders, including the community elders where participants can express their concerns

that should be addressed in the resettlement process and on their preferences for compensation and income restoration. Second public consultation will take place to share results of census, IOL, entitlements and RAP. This public consultation will include discussing the results of the impacts survey with PAPs and getting feedbacks and suggestions on their compensation and entitlements, including income restoration and relocation options.

- (iii) *Further public consultations will continue during RAP implementation.* These consultations should take place: (i) following completion of DMS and review and updating of costs for affected assets, where the DAL consults with the PAPs individually and/or in group in connection with the updating of compensation and entitlements and, as warranted, income restoration programs and relocation plans; and (ii) following approval of the RAP, to present to the PAPs in the wards (i.e., also referred to as “final disclosure meeting”) the validated/updated list of PAPs, compensation and entitlements due to them, and schedule of delivery of compensation and entitlements.
- (iv) *Disclosure of RAP:* The draft RAP will be uploaded on the WB website. Following approval of the draft RAP by MC and WB, the final RAP will again be disclosed to the PAPs and uploaded on the WB website.
- (v) *The updated RAP* (if necessary) to be prepared following detailed design will likewise be disclosed to the PAPs and uploaded on the WB website.

During resettlement implementation, DLA, assisted by local implementation consultant and safeguard consultants, will undertake the following:

- (i) Conduct information dissemination to and consultation with PAPs throughout the life of the subproject.
- (ii) Update the prices, and confirm land acquisition and impact in properties through a DMS in consultation with PAPs.
- (iii) The DLA will then apply prices, calculate compensation entitlements, and complete the “compensation contract” for each PAPs. Information on entitlements will then be presented on an individual basis to PAP.
- (iv) Compensation contract, showing household’s affected assets and compensation entitlements, will be signed by head of the household, to indicate their agreement with the assessment. Any complaints the PAPs have about the contents of the contract will be recorded at this time.
- (v) Consultation regarding PAPs preferred option for rehabilitation assistance. This applies to severely affected and vulnerable households. The DLA will inform PAPs of options and entitlement to rehabilitation assistance before asking them to indicate preferences for such rehabilitation assistance.

### **6.3 Local Participation**

During RAP preparation, updating, and implementation local people will participate in all relevant activities. For this objective, the following requirements should be fulfilled by the PMO-RALG and DLA:

- (i) To ensure that local authorities, as well as representatives of PAPs, will be included in the planning and decision-making processes. The PMO-RALG will work closely with the DLAs during subproject implementation. PAPs involvement in implementation will be continued thereafter by requesting each DLA to invite PAPs representatives to be a member of the Resettlement Committee and take part in the resettlement activities such as social impact assessment, compensation, resettlement, and monitoring;
- (ii) To fully share information about the subproject and activities with the PAPs;

- (iii) To obtain information about the needs and priorities of the PAPs as well as receiving information about their reactions to proposed policies and activities;
- (iv) To ensure that PAPs are able to make fully informed decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision making about issues that will directly affect them;
- (v) To obtain the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation; and
- (vi) To ensure transparency in all activities related to land acquisition, resettlement, and rehabilitation.

## **7. Redress and Grievance Mechanism**

### **7.1 Scope of the grievance mechanism**

A grievance mechanism must be made available to parties who have grievances or are not satisfied with any part of the resettlement and compensation process. These grievances could relate to the valuation of assets, amount of compensation paid, level of consultation, non-fulfilment of contracts, and timing of compensation, amongst others. Complaints and grievances also concern issues related to construction safety and nuisances caused by construction. Grievances will be handled through negotiation aimed at achieving consensus.

### **7.2 Grievance Committee**

In order to address grievances, a DLA Municipal Grievance Committee (MGC) will be formed for dealing with any grievances as they arise. This will include a representative of the RAP team, representative of the District Lands Department, representative of the Ward Council, as well as a representative of the PAPs.

The grievance procedure will be simple and will be administered as far as possible by a parallel Consensus Seeking Approach and the existing statutory arrangement of the Grievance Desk at Districts and Ward level.

### **7.3 Grievance and complaint procedures under the RAP**

One of the major challenges in implementing RAP is dissatisfaction among PAPs regarding compensation amounts. Taking into account the complexity of resolving disputes and grievances, PAPs at the project area were informed about various grievance redress procedures and of their right to appeal if not satisfied.

During surveys and inventories of PAPs and their properties and during consultation processes, concerned individuals or entities became fully aware of the extent of damages to properties, crops and commercial activities that the Project would entail. Common concerns include:

- Amount, levels and time in which compensation is paid to PAPs;
- Seizure of assets without compensation;
- Handling and treatment of vulnerable PAPs and those without recognized ownership rights (e.g., tenants and squatters).

The mechanism for grievance management and redressed mechanism will be “affordable and accessible,” and third parties independent of the implementers should be available at the appropriate point at the DLA level in the process. The grievance procedure will be simple, administered in the first instance at the local level to facilitate access, flexibility and open to various proofs taking into account the need for speedy, just and fair resolution of their grievances. Such grievance mechanism will take into account the availability of community and traditional dispute settlement mechanisms prior to resorting to judicial solutions.

Thus, the RAP and RPF provide a simplified grievance redress mechanism that will enable timely settlement of compensation-related grievances to the PAPs. The grievance procedures will be anchored and administered at the local level to facilitate access, flexibility and openness to all PAPs. The grievance redress procedure ensures consultations with the Municipal Councils and Dar es Salaam City Council and other key stakeholders and provides for record keeping to determine the validity of claims, and to ensure that solutions are taken in the most transparent and cost effective ways for all PAPs.

Compensation and resettlement plans (contracts) will be binding under statute. The Grievance Committee shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded.

#### **7.4 Existing Grievance Mechanism Procedures**

At the beginning of the individual RAP processes, PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner.

All attempts shall be made to settle grievances amicably. The grievance redress mechanism is designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to the National level government authorities or National level courts for resolution.

Compensation and resettlement plans (contracts) will be binding under statute. The Grievance Committee shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded.

The procedure for handling grievances should be as follows.

- (i) The affected person should file his grievance in writing, to the ward leader. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, he should obtain assistance to write the note and emboss the letter with his/her thumbprint.
- (ii) The ward leader should notify the Grievance Desk and respond to the aggrieved persons within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted.
- (iii) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the District Administration.
- (iv) The Grievance Desk will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint can be taken through the formal court process, ie to the the Ward Tribunal where relevant, District Tribunal and the High Court (Land Division) at the National level.

The complainants will be exempted from all administrative and legal fees that might be incurred in the resolution of their grievances and complaints.

Similarly, the Grievance Desk will prepare a report containing a summary of all grievances and will make this available to PMO-RALG on a quarterly basis. The Ward Leadership will then compile the reports of the RAP Committee and the Desk make it available to the Regional Secretariat and PMO-RALG on a quarterly basis.

## **8. Monitoring and Evaluation**

### **8.1 Monitoring and Reporting**

The objective of monitoring is to provide the World Bank, PMO-RALG, MC and relevant stakeholders with feedback on RAP implementation and to identify problems and successes as early as possible to allow timely adjustment of implementation arrangements. Areas relating to the effectiveness of RAP implementation, include the physical progress of resettlement and rehabilitation activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities should be monitored and reported internally by PCU and PIUs and externally by qualified resettlement specialists, and integrated into the overall Project management process.

### **8.2 Internal Monitoring**

The PCU and PIUs of Kinondoni, Temeke and Ilala are directly responsible for internal monitoring of RPF and RAPs implementation. In particular, the DLAs with the assistance from the assigned construction supervision consultant (CSC) will supervise and manage the monitoring of resettlement activities and implementation arrangements.

The PCU will provide quarterly reports to PMO-RALG and World Bank. Each PIU will prepare and submit quarterly reports to PMO-RALG and the DLA concerned. The PCU will ensure that the reports of the CSC included in their progress reports, the status of the RAP implementations, information on locations and numbers of affected people, compensation amounts paid by item, and assistance provided to PAPs.

The range of activities and issues that need to be recorded and verified, include:

- Compensation, allowance payments and delivery of assistance measures;
- Reestablishment of PAPs settlements and business enterprises;
- Reaction of PAPS, in particular, to resettlement and compensation packages; and
- Reestablishment of income levels.

#### **a. Internal Monitoring Indicators**

The principal indicators for internal monitoring of resettlement activities include the following, conducted by the CSC:

- Timely and complete disbursement of compensation to PAPs according to the compensation policy agreed in the RAPs;
- Timely and complete delivery of relocation, income restoration and rehabilitation allowances and measures;
- Allocation of replacement land and development of individual and/or group resettlement sites and infrastructure;
- Public information dissemination and consultation procedures;
- Adherence to grievance procedures and identification of outstanding issues that require further attention and resolution;
- Attention given to the priorities of PAPs regarding the options offered; and
- Completion of resettlement activities required before the award of civil works contracts.

## **b. Internal Monitoring Data Collection and Report**

The PCU will establish databases for resettlement monitoring data. It will establish procedures for the collection of data on a monthly basis, and update the database.

On a quarterly basis, PIU will prepare a resettlement monitoring report and submit to the PCU who will then consolidate all internal monitoring reports and quarterly verification external reports and submits to World Bank. The PMO-RALG will notify World Bank of approval by the DLA of any changes, as required, to the implementation of the RAPs. The scopes of the report will include:

- (i) The number of PAPs by category of impact, wards and sub-ward, and the status of compensation payments, relocation of PAPs and income restoration measures for each category.
- (ii) The status of disbursement of cash and allocation of replacement land and housing.
- (iii) The amount of funds allocated and disbursed for: a) resettlement program operations; and b) compensation, assistance, and resettlement activities.
- (iv) The activities, levels of participation, outcomes, and issues of the Information Dissemination and Consultation Program.
- (v) The status and outcomes of complaints and grievances and any outstanding issues requiring further attention by DLAs, PMO-RALG or World Bank assistance.
- (vi) Implementation problems, including delays, lack of personnel or capacity, insufficient funds, etc. and proposed remedial measures; and, revised resettlement implementation schedule.

## **8.3 Construction Supervision Consultant**

The main aim of external monitoring is to verify results of internal monitoring. In addition, the subproject will establish a program for external monitoring and evaluation that includes the following specific objectives:

- (i) To verify that the RAP have been implemented in an accurate and timely manner, in accordance with the approved RAP and Project policies and objectives.
- (ii) To assess whether and to what degree the RAP have achieved the Project objectives, namely that PAPs are able to restore their livelihoods, incomes and standards of living to levels equal to, if not better than that before the subproject.
- (iii) To identify problems or potential problems and methods of mitigating problems in a timely manner.

CSC consultant will be recruited by the PCU and commence work soon after the RAP is approved. The CSC will continue to carry out quarterly independent reviews of the implementation of RAP to determine whether intended goals are being achieved, and if not, what corrective actions are needed.

## **a. External Monitoring Objectives, Indicators and Issues**

The general objective of external monitoring is to provide an independent periodic review and assessment of: (i) the achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) the restoration of the economic and social conditions of PAPs; (iv) the effectiveness, impact and sustainability of assistance measures; (v) the need for further mitigation measures, if any; and, (vi) to identify strategic lessons for future policy formulation and planning. The indicators to be included in the external monitoring of the RAPs are as below. The CSC will address specific issues including the following:



- (i) *Payment of compensation, against the following criteria:* (i) compensation in cash or in kind sufficient to replace affected land, crops and trees; (ii) compensation for structures equivalent to replacement costs at current market prices for materials, materials transport and labor, with no deduction for depreciation or the value of salvageable materials; and, (iii) payment in full prior to land acquisition and with sufficient time to permit PAPs to rebuild structures and/or harvest crops.
- (ii) *Coordination of resettlement activities with the construction schedule:* All compensation must be paid in full, income rehabilitation measures initiated and PAPs relocated out of the sub-project construction areas prior to award of civil work contracts. Income rehabilitation activities, while initiated prior to award of civil contracts, may continue over a longer time period as needed.
- (iii) *Provision of technical assistance:* for house construction for PAPs who are required to rebuild their houses, either on remaining land, on individual resettlement sites or on a plot in a group resettlement sites.
- (iv) *Extent to which PAPs are able to restore livelihoods and living standards:* The provision of technical assistance, allowances and other measures, and to what extent PAPs are able to restore livelihoods and living standards to pre-project levels. Special attention should be given to: (i) severely affected PAPs and other vulnerable PAPs groups, (ii) PAPs that relocate; (iii) PAPs that must re-establish businesses and enterprises; (iv) PAPs who undertake new economic and livelihood activities; and (v) host communities.
- (v) *Public consultation and awareness of resettlement policies:* The IMC should monitor RAP implementations to ensure that: (i) all PAPs are fully informed and consulted about land acquisition, leasing and relocation activities; and (ii) all PAPs and stakeholders are aware of the compensation and entitlement policies and various options available to PAPs as provided in the agreed RAP. The IMC should participate in at least one meeting per municipal of each stage of consultation and information dissemination activities to monitor public consultation procedures, problems and issues that arise during the meetings and solutions proposed.
- (vi) *Level of satisfaction of PAPs with the provisions and implementation of the RAP:* This will be assessed, reviewed and recorded by CSC, including the efficiency and equity of grievance redress mechanisms.
- (vii) *Trends in living standards:* Throughout the RAP implementation process, the CSC will observe and conduct surveys to monitor the progress PAPs are making to restore living standards. Special attention will be paid to any differences based on gender, ethnicity or other relevant factors. Any potential problems in the restoration of living standards will be reported.

**b. External Monitoring Methodologies**

The methods for external monitoring and evaluation of land acquisition, compensation and resettlement activities include:

- (i) Detailed Measurement Survey (DMS) and Replacement Cost Survey (RCS): The DMS and RCS data will be entered into a database to document: (i) socio-economic status of PAPs; (ii) nature and extent of losses; and (iii) entitlements for compensation and other assistance. The resulting data will be made available to the IMC, to establish a baseline for monitoring and evaluating project benefits.
- (ii) Socio-Economic Survey (SES): The SES is designed to provide a clear comparison of the success and/or failure of the RAP to restore their livelihoods and living standards. In general, if there is a significant lag time between census and SES and actual land acquisition, demographic and socio-economic factors

may change significantly. For this sub-project, if land acquisition does not occur for at least two (02) years after the original SES, the IMC will carry out another SES. A post resettlement survey will also be undertaken within 6–12 months following completion of resettlement activities. Each time the SES is conducted, the same PAPs will be interviewed. Special attention shall be paid to the inclusion of women, poor, landless and other vulnerable groups, with set questions for women and other target groups. The database will disaggregate information by gender, geography and social group.

- (iii) Participatory rapid appraisals (PRA) methods: In the intervals between administrations of the SES, periodic PRA methods permit the EMC to consult with various stakeholders such as local authorities, resettlement committees, implementing agencies, NGOs, community leaders and PAPs. PRA methods will involve obtaining information, identifying problems and finding solutions through participatory means including: (i) key informant interviews with local leaders, NGOs and resettlement committees; (ii) FGDs on specific topics such as compensation payment, income restoration and relocation; (iii) community public meetings to discuss community losses, integration of resettled PAPs in host communities or construction work employment; (iv) structure direct field observations, for example, of resettlement site development; (v) formal and informal interviews with PAPs, women, other vulnerable groups and host communities; and, (vi) in-depth case studies of problems as identified by internal or external monitoring and required special efforts to resolve.

#### **c. Database Management and Storage**

The PIU will maintain computerized resettlement databases that will be updated every three months. They will contain files on each PAH and will be updated based on information collected in successive rounds of data collection. All monitoring databases will be fully accessible to PMO-RALG, DLAs, PCU, PIUs and the World Bank.

#### **d. Reporting**

Every three months, the PIU will submit an external monitoring report to the PCU. The report should summarize the findings of the CSC, including: (i) progress of RAP updating and implementation, including any deviations from the provisions of the RAP; (ii) identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; (iii) identification of specific issues related to vulnerable PAPs, as relevant; and, (iv) a report on progress of the follow-up of issues and problems identified in the previous report.

The monitoring reports will be discussed in a meeting between the CSC, PCU and PIUs after submission of the reports. Necessary remedial actions will be taken and documented by relevant parties.

## 9. Costs and Budgets

To prepare the budget for resettlement, preliminary cost estimation will be made during the subproject preparation. Costs for the RAP implementation will be made based on updated compensation unit prices developed by the qualified valuer and approved by the DLA after obtaining approval of the MLHSD, reflecting the replacement cost of all affected land and assets at the time the RAP is implemented.

The PMO-RALG will be responsible for mobilizing fund for the subproject's site clearance and compensation costs. Training costs for RAP implementation, and IMA cost will be taken from the Project's IDA fund.

The RAP will have a section on costs and budget of resettlement which cover the followings:

- (i) an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of RAP during implementation.
- (ii) flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- (iii) a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and contingencies), plus replacement costs.
- (iv) information about the source of funding for the resettlement plan budget.

Indicative outline of RAP estimated cost is shown in Table 20 below:

**Table 20: Indicative outline of a RAP cost estimate**

No	Items	Unit	Qty'	Amount
<b>A</b>	<b>Compensation Cost</b>			
<b>1</b>	<b>Loss of land</b>			
1.1	Agricultural land	m2		
1.2	Residential land	m2		
1.3	Public land	m2		
<b>2</b>	<b>Loss of buildings, structures</b>			
2.1	Loss of buildings	m2		
2.2	Loss structures (wells, toilet, fence, etc.)	-		
2.3	Other (give description, etc.)	-		
<b>3</b>	<b>Loss of trees/crops</b>			
3.1	Trees (give name of tree, etc.)	No		
3.2	Crops (give name of crop, etc)	No		
<b>4</b>	<b>Loss of business/profit</b>			
4.1	Formal business	HH		
4.2	Informal business	HH		
<b>5</b>	<b>Relocation of graves</b>	no.		
	<b>Sub-total A</b>	TZS		
<b>B</b>	<b>Support and Allowances cost</b>			
1	Disturbance	HH		
2	Transportation	HH		
5	Loss of accommodation	HH		
	<b>Sub-total B</b>	TZS		
<b>C</b>	<b>Income restoration program (if any)</b>			
	<b>Sub-total C</b>	TZS		
	<b>Total A + B + C</b>			

<b>D</b>	<b>Administrative Management Cost</b>	TZS		
	<b>TOTAL A + B + C + D</b>	TZS		
<b>D</b>	<b>Contingency (...% of C)</b>	TZS		
	<b>GRAND TOTAL</b>	TZS		

## **Annex**

**Annex 1: Grievance and Resolution Form - Ward Level**

Grievance and Resolution code:	
Subproject name	
Name of District	
Name of Ward	
Name of Sub-ward	

<b>A. General information about complainant</b>	
- Name of household head	
- Name of complainant	
- Relationship with household head	
- Initial address of household (before resettlement)	Ward: Sub-ward: Road name: Plot Number:
- Current address of complainant (if change against the initial address)	Ward: Sub-ward: Road name: Plot Number:
- Identification No.	
- Telephone No.	

<b>B. Complain / issues / questions</b>	
Summary of complain/issues	

Date of complain registration	
Signature of complainant	
Signature of filer	

<b>C. Measures / Approach / Solutions to settle complain/issues/questions, etc</b>	
Summary of finding, discussion, negotiations, measures, approach	

and solutions, etc proposed by ward office	
Was agreement reached on the issues between ward office and complainant ?	<i>If yes: specify agreement reach between grievance committee and complainant</i>  <i>If no: specify reasons</i>

Date of resolution	
Signature of complainant	
Signature of representative of grievance committee	

## Annex 2: Sample of Affected Household Statistics

- Name of subproject:
- Name of Municipal:
- Name of ward:
- Name of subward:

No.	Name of household head	No. of family member	Total land area (m <sup>2</sup> )	Type of acquired land	% of affected land	Affected assets			Affected crop			Other affected asset	Other losses			Temporary losses (description)
						No. and type of affected structures	Permanent structures (m <sup>2</sup> )	Temporary structures (m <sup>2</sup> )	Affected fruit Trees.Type &No.	Rice field (m <sup>2</sup> )	Other (description)		Graves, wells (No. & type)	Rented House	Trading	



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<sup>1</sup>2010/11: National Panel Survey, Tanzania in figure 2012, National Bureau of Statistic, Ministry of Finance.

<sup>2</sup>2010/11: National Panel Survey, Tanzania in figure 2012, National Bureau of Statistic, Ministry of Finance.

<sup>3</sup>2010/11: National Panel Survey, Tanzania in figure 2012, National Bureau of Statistic, Ministry of Finance.

<sup>4</sup>2010/11: National Panel Survey, Tanzania in figure 2012, National Bureau of Statistic, Ministry of Finance.