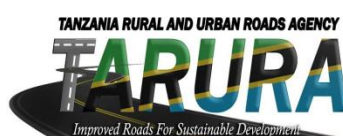


**THE UNITED REPUBLIC OF TANZANIA**

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

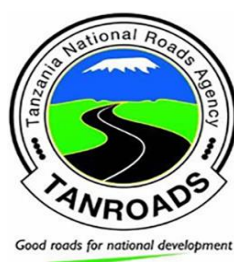


**TANZANIA RURAL AND URBAN ROADS AGENCY (TARURA)**



**And**

**TANZANIA NATIONAL ROAD AGENCY (TANROADS)**



**THE LOWER MSIMBAZI UPGRADING PROJECT**

**Draft Resettlement Policy Framework**

**December 2021**

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### **Abbreviations and acronym**

CAP	-	Corrective Action Plan
CBO's	-	Community Based Organizations
CC	-	City Council
CSOs	-	Civil society Organizations
DMDP	-	Dar es Salaam Metropolitan Development Project
DP	-	Displaced Person
EE	-	Emergency Eviction
EM	-	Entitlement Matrix
ESMF	-	Environmental and Social Management Framework
ESMP	-	Environmental and Social monitoring Plan
ESS	-	Environmental and Social Safeguard Standards
FGD	-	Focus Groups Discussion
FP	-	Facilitating Partners
GBV	-	Gender Based violence
GCRC	-	Gross Current Replacement Costs
GDP	-	Gross domestic product
GEM	-	Global Environmental Management Support
GIS	-	Geo spatial Information
GoT	-	Government of Tanzania
GRC	-	Grievances Redness Committee
HIV/AIDS	-	Human Immune Deficiency/Acquired Immune Deficiency Syndrome
LGA	-	Local Government Authority
M&E	-	Monitoring and Evaluation
NGO	-	Nongovernmental organization
NLUPC	-	National Land use planning commission
PAP	-	Project Affected People
PAPs	-	Project Affected Person
PCP	-	Participation and Consultation Plan
RAP	-	Resettlement action plan
RFP	-	Resettlement Policy Framework
RIU	-	Resettlement Implementing Unit
SPCU	-	Sub- Project Coordinating Units
SSS	-	Social Safeguard Specialist
TC	-	Town Council
TSh	-	Tanzanian Shilling
WB	-	World Bank
WBCU	-	World Bank Coordinating Unit

## DEFINITIONS OF TERMS

In this Resettlement Policy Framework, unless the context otherwise requires, the following terms will have the following meanings:

**“Project affected persons” (PAPs)** are persons impacted by involuntary resettlement.

**“Involuntary resettlement”** means the involuntary taking of land resulting in direct economic and social impacts caused by: a) relocation or loss of shelter; b) loss of assets or access to assets; or c) loss of income sources or means of livelihood, whether or not the PAP must move to another location.

**“Cut-off date”** is the date by which PAPs and their affected assets have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

**“Compensation”** means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.

**“Census”** is a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

**“Resettlement Action Plan (RAP)”** is a resettlement instrument (document) that stipulates all legally binding requirements to be abided to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

**“Resettlement Assistance”** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.

**“Replacement cost for houses and other structures”** means the prevailing market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

**“Land acquisition”** means the compulsory taking of or alienation of land, buildings or other assets thereon for purposes of the Project. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

**“Economic Rehabilitation Assistance”** means the provision of assistance in addition to compensation, such as land preparation, credit facilities, training, or job opportunities, which would enable PAPs to improve their livelihoods and standards of living, or at least maintain them at pre-project levels.

**“The Resettlement Policy Framework” (RPF)** is an instrument to be used throughout project implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub

projects in order to meet the needs of the people who may be affected by the project. The **Resettlement Action Plans (“RAPs”)** for the Project will therefore be prepared in conformity with the provisions of this RPF.

**“Replacement cost for land”**. For agricultural land this means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

**“Squatter”** means any person occupying land that belongs to the State (with no legal rights to occupy that parcel of land) for cultivation and/or residential and/or business purposes.

**“Tenant”** means any person by whom or on whose account lease/rent is payable for any property.

**“Women Headed Household” (WHH)** means a household that is headed by a woman and does not have an adult male earning member. This woman may be a widowed, separated or deserted person.

**“Vulnerable Group” (VG)** includes but is not limited to the following categories: (i) PAPs falling under ‘Below Poverty Line’ (BPL) category (level of income less than 10000 Tsh/day); (ii) landless people; (iii) Women Headed Household with high dependency ratios; (iv) Children and elderly people, including orphans and destitute; and (v) Physically and mentally challenged / disabled people who cannot afford two meals in a day.

## EXECUTIVE SUMMARY

Over the past ten years, PO-RALG has successfully implemented the Dar es Salaam Metropolitan The Government of Tanzania (GoT) has embarked on three major strategic programs to reduce the vulnerability of Dar es Salaam to natural hazards and the adverse impacts of climate change, and build resilience to adapt to such impacts including the impacts on transport: the Tanzania Urban Resilience Program (TURP), the Dar es Salaam Metropolitan Development Project (DMDP) and the Dar es Salaam Urban Transport Improvement Project (DUTP). TURP is a 5-year trust fund partnership implemented by the World Bank and GoT with resources from the UK Foreign Commonwealth and Development Office (FCDO). The main objective of the TURP is to support national and local governments in Tanzania to strengthen the management of climate risk in cities. DMDP is a US\$300 million project implemented by the PO-RALG and financed by the World Bank. The main objective of the project is to improve urban services and institutional capacity in the Dar es Salaam Metropolitan area, and to facilitate potential emergency response. DUTP is a US\$ 450 million project implemented by TANROADS with the Objective to improve transport mobility, accessibility, safety, and quality of transport service delivery along the selected corridors in Dar es Salaam.

Addressing flooding in the Msimbazi valley was recognized as important to urban resilience and mobility in Dar es Salaam under TURP, DMDP and DUTP, given the economic impacts the damages on property and transport infrastructure have had on the poor and vulnerable. The GoT had made past attempts at demarcating the lower valley as non-developable hazard land as well as a proposal to develop it as a city park, though these efforts were not fully implemented. Two demolition campaigns were initiated to remove informal settlements from flood-prone areas but halted due to social opposition. Limited ad hoc dredging of the river channel to remove accumulated sediment and waste before annual rains has been carried out, but a sustainable and comprehensive management system is not yet in place. It was clear that a multi-sectoral, multi-stakeholder approach would be needed to address the complex institutional, environmental, social and technical challenges posed by regular flooding.

### **Potential impacts**

*Positive impacts:* The socio-economic impacts of the above listed activities will be mainly positive and related to the improvement of the quality and standard of living of the urban population in the project areas through upgraded infrastructure. During construction it is expected that huge numbers of people will access employment and business opportunities thus increase of their earnings.

*Negative Impacts:* However, civil works implementation could result in various adverse social impacts. On the social front, the key impact relates to the fact that some activities will require ‘lands uptake’, which could lead to temporary/ permanent physical and economic displacement as well as restrictions on access. Other impacts are environmental including: (a) increased pollution with waste, noise, dust, exhaust gases from fuel combustion products; (b) health and safety hazards and other problems resulting from construction activities; (c) increased contamination of groundwater and surface water; (c) threats to human health as a result of improper handling of heavy machinery during construction activities.

### **Land Acquisition Processes:**

Where land acquisition is required, the Project needs to draw a strategy and implementation action plan to secure land. Two broad methods of securing land envisaged under the Project are: (i) voluntary donations; and (ii) involuntary acquisitions. The former is traditionally a well-accepted practice in community led initiatives as the communities decide on the activities to be taken up under the Project. Yet, the Project lays out a series of “Dos and Don’ts” to ensure that donations are indeed ‘voluntary’ and that the land donor is not affected adversely as a result of the land donation. Involuntary land acquisitions, however, requires much more focused and planned attention as it could result in

economic and/ or physical displacement and consequently several adverse impacts. However, huge impacts and risks are expected to be avoided. The RPF therefore defines the procedures for: (i) acquiring land (voluntary and involuntary after all technical alternatives have been exhausted), (ii) dealing with any residual impacts from land acquisition [i.e identifying, establishing the valuation of, and compensating people that suffer economic losses or loss of private property] (iii) defining entitlements and eligibilities; temporary relocation framework, (iii) monitoring and verification that policies and procedures are followed, and (iv) grievance redress mechanisms (v) funding arrangements,

### **Need for the RPF**

Towards the above, preparation of resettlement action plan (RAP) for implementation, is imperative. While the broad category of activities and impacts is foreseen, exact magnitudes can become known only after detailed designs are made. Hence, towards preparing a RAP, Project preparation included the development of a Resettlement Policy Framework (RPF). The key objective of the RPF is to provide a framework through which to appropriately identify, address and mitigate adverse socioeconomic impacts that may occur due to various activities in upgrading of lower Msimbazi areas will involve involuntary land acquisition and the subsequent resettlement of families living in the project areas.

The RPF also serves the following specific purposes:

- Reviews the existing national legal framework, compares it with the World Bank Environmental and Social Framework (ESF) for gaps, if any, and indicates gap-filling measures;
- Describes the approach to securing private land, assets and other common property resources;
- Specifies the scope of the project with a well-defined exclusion list;
- Defines the valuation process of impacted assets;
- Defines the process for preparation of RAPs and their review;
- Defines the cutoff date for Title and Non-Title holders;
- Identifies the consultation mechanisms/approaches to be adopted while preparing and implementing RAPs including public disclosures;
- Defines the monitoring and evaluation arrangements including Grievance Redress Mechanisms (GRM); and
- Defines the institutional and implementation arrangements --roles/responsibilities of different stakeholders.

RAP will be prepared in accordance with the RPF. The corresponding safeguards document for other social and Environmental impacts not associated with land acquisition and restrictions is the Environmental and Social Management Framework (ESMF) and Stakeholders Engagement Framework (SEF).

### **Guiding Legal Frameworks**

This RPF is based on relevant National laws and Decrees as well as the World Bank ESS5. The guidelines of the RPF apply to Msimbazi Project. The RPF applies to all economically and/or physically displaced persons regardless of the total number affected by the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of such vulnerable groups like women-headed households, low-income households, households headed by the elderly with no support, and households headed by physically challenged people. RPF preparation has been participatory, based upon consultations with a variety of stakeholders and the draft framework will be disclosed on stakeholders through disclosure workshop.

There are some differences between the World Bank standards and Tanzania's legislation in the sphere of involuntary resettlement. The main discrepancies include: (i) providing detailed



explanations of entitlements to project affected households, (ii) provision of compensation based on market value instead of full replacement cost, (iii) defining the cut-off date, and (iv) carrying out socioeconomic surveys. The RPF has been prepared by harmonizing to the extent possible the two policies. However, The World Bank ESS5 will prevail in cases of differences in substance and/or in the interpretation between WB and Tanzanian legislation.

### **Valuation of the Assets**

Valuation methods for affected land and assets will be done at replacement<sup>1</sup> cost as per WB-ESS5, that states, when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Meaning that in the case of physical displacement, the Borrower will develop a plan that covers, at a minimum, the applicable requirements in ESS 5 regardless of the number of people affected.

**Replacement cost:** Replacement cost is the principle to be applied in determining compensations for lost assets. Thus, the valuator should conduct analysis of the valuations calculated under Tanzanian laws and establish variation factors to bridge the gaps. It has been noted in most cases that GoT rates are rarely tallying with the requirements of the replacement cost.

### **Entitlement Matrix (EM)**

Project social Impacts need to be screened based on the given designs for the proposed improvements to determine types of affected groups and assets and assign entitlements and other resettlement assistance. Based on the harmonization efforts and the impacts likely to occur, a general Entitlement Matrix (EM) has been developed, that summarizes the potential types of losses and the corresponding nature and scope of entitlements. Compensation and rehabilitation assistance for various categories of losses based on the tenure and magnitude of impact has been provided. Additional assistance to vulnerable, reimbursement of transaction costs in relation to those who receive land for land compensation are some of the provisions contained in the EM.

### **Defining Cut Off date**

In order to ensure that ineligible persons do not take the opportunity to claim eligibility, a cut-off date will be established. The cut-off date will be the date of the commencement of census. It is a date after which people who are not included in the list of Projects Affected Persons (PAPs) as defined by the census will not be considered eligible for compensation. The replacement value of houses, buildings and other immovable properties will be determined on the basis of market value as on date without depreciation. Compensation for trees will be based on their market value and compensation for the loss of crops, fruit-bearing trees will be decided by the Agricultural Department at respective districts. Prior to taking possession of the land or properties, the compensation will be fully paid and PAPs will have the opportunity to harvest crops/trees within 30 days from the date of payment of compensation.

**Community Engagement** The involvement of PAPs in planning prior to the move is critical. The PO-RALG, will be responsible for workshops and sensitization meetings with relevant Stakeholders during RAP preparation. Any legitimate issue raised through the public consultation should be included in the RAP. The concerns of PAPs will be taken into account and reflected in RAP for implementation. The stakeholder's engagement and consultations will be guided by ESS10 and the Msimbazi Project SEP.

### **Grievance Redress Mechanism**

The project will establish a Grievance Redress Mechanism (GRM) which would function at four-levels to receive, evaluate and facilitate the resolution of displaced person's concerns, complaints and

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<sup>1</sup> Government procedure for valuation is for market value, as discussed in the

grievances. GRM will be developed based on the existing complaint handling mechanism which specifies in detail the resettlement management including implementation arrangement and the review processes.

#### **Funding sources and arrangements**

In order to implement the Resettlement related measures, budgetary provisions will be made available, in terms of each subproject. Budgetary estimation for subproject in resettlement implementation is necessary, this includes resettlement management. Accordingly, land acquisition and resettlement expenses for consultation and participation, grievance redress, the cost of relocation, income restoration, transitional allowance, livelihood program, monitoring and evaluation, administration, contingencies etc. will be included as cost estimates for social management. LGAs will provide an adequate budget for all land acquisition compensation. The budget estimates and its sources will be reflected in RAPs. The World Bank loan will not be available for land acquisition compensation paid in cash. The loan will be available, if required, for rehabilitation and livelihood restoration activities entailing costs such as works, purchase of goods and services.

#### **Monitoring and evaluation**

PIU will be responsible for concurrent Monitoring and Evaluation (M&E) of RAP implementation. The M&E will include monitoring and verification of processes and activities in RAP implementation and will be prepared and submitted periodically to the Po-RALG.

This Resettlement Policy Framework will be updated when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learned.

# 1. BACKGROUND

## 1.1 Introduction

The Msimbazi River Valley in Dar es Salaam is a strategically important area of the city for infrastructure, mobility, commerce and ecosystem services including flood control. Two of four of Dar es Salaam's main traffic arteries cross the main flood plain near the river's discharge to the sea, including the city's first operational Bus Rapid Transit corridor. Settlements at the lower reaches of the river is densely populated, the area is also characterized by poor infrastructures, unplanned, unsafe which , largely depend on close access to Dar es Salaam's central business district for their livelihoods, and benefit from social services within walking distance.

The basin is over the past few decades has become highly polluted, experienced rampant environmental degradation, and flood-prone areas in the middle and lower reaches of the basin have been encroached by settlements and clogged by waste, debris and sedimentation. This has resulted in a situation where annual rains result in loss of life and property, paralysis of key transport networks, and damage to critical infrastructure.

The Government of Tanzania (GoT) has embarked on three major strategic programs to reduce the vulnerability of Dar es Salaam to natural hazards and the adverse impacts of climate change, and build resilience to adapt to such impacts including the impacts on transport: the Tanzania Urban Resilience Program (TURP), the Dar es Salaam Metropolitan Development Project (DMDP) and the Dar es Salaam Urban Transport Improvement Project (DUTP). TURP is a 5-year trust fund partnership implemented by the World Bank and GoT with resources from the UK Foreign Commonwealth and Development Office (FCDO). The main objective of the TURP is to support national and local governments in Tanzania to strengthen the management of climate risk in cities. DMDP is a US\$300 million project implemented by the PO-RALG and financed by the World Bank. The main objective of the project is to improve urban services and institutional capacity in the Dar es Salaam Metropolitan area, and to facilitate potential emergency response. DUTP is a US\$ 450 million project implemented by TANROADS with the Objective to improve transport mobility, accessibility, safety, and quality of transport service delivery along the selected corridors in Dar es Salaam.

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Starting in 2018, the GoT and World Bank facilitated a stakeholder-led participatory planning process (**using a design charrette methodology**) that involved more than 200 people from 59 institutions and communities a wide range of actors including government institutions,

community members and representative organizations, and technical experts, as well as various studies and activities including the development of the river profile of the Valley and modeling of flood scenarios. For 6 months, in 30 working sessions, stakeholders worked in a collaborative fashion to develop the Msimbazi Flood Mitigation Study and Msimbazi Opportunity Plan which includes a strategic framework for open space and environmental management in the wider Msimbazi river basin (Selander Bridge to Pugu Hills) and a more detailed conceptual plan for flood control, river revitalization, open space, and recreation for the lower Msimbazi flood plain (Selander Bridge to Kawawa Road). The Msimbazi Opportunity Plan is summarized in the box below, please refer to the MOP document [[link](#)]. The MOP is to be completed in several phases starting from the lower basin and moving upstream, with the first phase focusing on the lower basin.

## 1.2 Project Description

The Lower Msimbazi Upgrading Project upgrading activities, is intended as a first implementation phase of the Msimbazi Opportunity Plan to reduce impacts of flooding to settlements and critical infrastructure, and create an enabling environment for resilient urban development in targeted communities in the Dar es Salaam Metropolitan Area. The preliminary cost estimate of the activities is \$120 million with an initial allocated financing \$100 million from World Bank; \$20 million from FDCO. The Government of Tanzania will also contribute to the project, and the allocation will be discussed and agreed during 2021.

The following are project components:

**(i) Flood Protection and Prevention:**

Drainage and flood water containment works to enhance river discharge capacity and eliminate spillover into surrounding neighborhoods. (To be implemented by PO-RALG).

- a) Strengthening riverbanks at critical locations upstream for erosion control
- b) Sand traps at strategic locations upstream
- c) Creation of land terraces in the lower Msimbazi flood plain.
- d) Flood protection and multiple use terraces infrastructure, sites and services: for use as wetland park, multi-use recreational area and commercial and housing redevelopment;
- e) Downstream river maintenance depot
- f) Upstream river maintenance depot
- g) Resettlement of flood affected communities
- h) Dredging and widening of the river channel

**(ii) Resilient Transport Infrastructure:**

Upgrading of transport infrastructure to accommodate increasing intensity of rainfall events and increased storm water runoff resulting from rapid urban development in wider catchment. (To be implemented by PO-RALG).

**(iii) Raising and widening of Jangwani Bridge**

Including widening the bridge underpass, raising the bridge and constructing a multi-span bridge on Morogoro Road and for the flood prevention measures of the Bus Rapid Transit (BRT) Bus Depot sited within the project area (to be implemented by TANROADS).

**(iv) Upgrading/Rehabilitation of roads and bridges** to improve mobility while reducing erosion and flooding risk (through greening and other erosion reduction measures) linking with Msimbazi Valley (to be implemented by PO-RALG-TARURA) see Table Below.

**Table 1: Summary of Project Components**

	Activity Description	
1.	Rehabilitation and Upgrading of Barakuda - Majichumvi Road (3.5 km) –	Ilala MC
2.	Rehabilitation and Upgrading of Majumba Sita - Segerea Road + Bridge (3.0 km)	Ilala MC
3.	Rehabilitation and Upgrading of Kijiwe Samli - Relini Road (1.2 km) –	Ilala MC
4	Rehabilitation and Upgrading of Kimara - Makoka (3.71 km) –	Ubungo MC
5	Biafra - Best Bite Road (1.36 km) –	Kinondoni MC
6	Construction of Hana Nasif Bridge and Approach Roads (11 km) –	Kinondoni MC
7	Pugu-Majohe- Mbondole- Kivule Hospital (12.6 km) –	Ilala MC
8	Umoja Tabata (4.3 km) –	Ilala MC

**(v) Erosion/Sedimentation/Litter Control and Urban Greening:**

Measures to protect against clogging of river channel due to erosion/sedimentation and solid waste dumping – delivered in part through a public works campaign that provides training and employment for women and youth (To be implemented by PO-RALG):

- a) Reforestation of upstream forest reserves;
- b) Urban greening along riverbanks and tributaries via public works campaign
- c) Revitalization of mangrove area
- d) Reinforcement of riverbanks in middle and upper basin (main channel and tributaries)
- e) Solid waste management collection and litter control program
- f) Routine sediment removal and management

**(vi) Urban Planning, Services and Management:**

Interventions to implement and sustain the land uses identified in Msimbazi Opportunity Plan as appropriate for each respective terrace level in lower Msimbazi Basin, and strengthening of city-wide emergency response

## a) Technical Assistance for:

- (i) Institutional Set Up and Capacity Building (eg for municipalities and other institutions with implementation roles)
- (ii) Participatory land use planning for Msimbazi Special Planning Area within upper and middle basin
- (iii) Development control strengthening
- (iv) Safety and Emergency management strengthening to Emergency Operations Center and emergency management agencies at regional and district level

## b) Development of public urban park in Lower Basin including but not limited to:

- (i) Wetland Park at the confluence of the Sinza and Msimbazi rivers
- (ii) Park and sports facilities at Idrisa and Suna
- (iii) Wetland with agricultural plantation
- (iv) Public amphitheater
- (v) Jangwani Lookout hill
- (vi) Wetland park /confluence of Kibangu and Msimbazi river
- (vii) Jangwani playground and sports park
- (viii) Central marketplace
- (ix) Boulevard and park
- (x) Mangrove boardwalk and education center

- (vi) **Development of infrastructure** based on an agreed and consulted design in order to establish sites and services to support urban redevelopment in the upper terrace supporting an urban layout that includes residential, mixed use residential, mixed use commercial, healthcare, public spaces, utilities and other facilities.

Among the above project activities, the following require displacement of people and thus resettlement action plan:

- Flood Protection and Prevention
- Development of infrastructure
- Urban Planning, Services and Management - Development of public urban park in Lower Basin
- Raising and widening of Jangwani Bridge
- Erosion/Sedimentation/Litter Control and Urban Greening
- Upgrading/Rehabilitation of roads and bridges
- Raising and widening of Jangwani Bridge

### **1.3 Objective of the Assignment**

The objective of the assignment is to prepare a Resettlement Policy Framework that will guide the implementers of this project to meet the requirement of the Lender as stipulated in the WB's Environmental and Social Standards (ESS).

The preparation of RPF will follow from the onset the World Bank Environmental and Social Framework that sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity.

### **1.4 Need for Resettlement Policy Framework (RPF)**

The World Bank Environmental and Social Framework sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity. The Framework comprises a Vision for Sustainable Development, which sets out the Bank's aspirations regarding environmental and social sustainability; The World Bank Environmental and Social Policy for Investment Project Financing, which sets out the mandatory requirements that apply to the Bank; and The Environmental and Social Standards, together with their Annexes, which set out the mandatory requirements that apply to the Borrower and projects.

The World Bank Environmental and Social Policy for Investment Project Financing sets out the requirements that the Bank must follow regarding projects it supports through Investment Project Financing. The Environmental and Social Standards set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that the application of these standards, by focusing on the identification and management of environmental and social risks, will support Borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for the benefit of the environment and their citizens. The standards will: (a) support Borrowers in achieving good international practice relating to environmental and social sustainability; (b) assist Borrowers in fulfilling their national and international environmental and social obligations; (c) enhance non-discrimination,

transparency, participation, accountability and governance; and (d) enhance the sustainable development outcomes of projects through ongoing stakeholder engagement.

All sub-projects proposed under MOP will be screened for social impacts and will comply with this RPF irrespective of the source of finance or modality of finance. The RPF will be reviewed and updated if necessary, in consultation and agreement with the World Bank, to ensure relevance and consistency with applicable legislations, Land Law of the United Republic of Tanzania and the World Bank Environmental and Social Standards

## **1.5 Objective and principles of Resettlement Policy Framework (RPF)**

### **1.5.1 Objectives of This RPF**

This Resettlement Policy Framework (RPF) outlines the principles and procedures to ensure that if resettlement needs are identified, then the PO-RALG in coordination with other project implementers follows the procedures for involuntary resettlement in compliance with the legislation of the United Republic of Tanzania along with the WB's ESS 5 on Involuntary Resettlement. The RPF sets out the legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures, grievance redress mechanisms, entitlement payment procedures, and monitoring-evaluation procedures for land acquisition and resettlement under this project.

The basic objectives of the RPF are to: (i) guide PO-RALG /WBCU, national and local self-government in properly identifying, compensating, and restoring the livelihoods of Project Affected Persons (PAPs), (ii) serve as a binding document to ensure payment of compensation and assistance to PAPs, and (iii) provide direction in preparing, updating, implementing and monitoring of the RAP. The RPF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

### **1.5.2 Principles of this Resettlement Policy Framework**

The following resettlement principles will be adopted for this project:

- a) Screen the project early on to identify present and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of project affected persons, including a gender analysis, specifically related to resettlement impacts and risks. Explore measures to avoid and minimize involuntary resettlement impacts by: (i) carrying out all improvements within the existing footprint; and (ii) ensuring that appropriate technology is used to reduce land requirements, and thereby avoid or minimize involuntary resettlement.
- b) Where displacement is unavoidable, improve, or at least restore, the livelihoods of all project affected persons through; (i) land-based resettlement strategies, where possible, when affected livelihoods are land based, and when loss of land is significant, (land and socio-economic surveys will be used to determine the proportion of land acquired from each household and the probable severity of the impact of the project on landholding and on total family income.) (ii) Prompt replacement of assets with access to assets of equal or higher value, and (iii) prompt compensation at full replacement cost for assets that cannot be restored. Furthermore, livelihood support

services will be developed in close collaboration with PAPs and due attention will be accorded to livelihood impacts on women, the elderly, the disabled, and other vulnerable people including those below poverty line.

- c) Ensure that project affected persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets at replacement cost.
- d) Improve the standards of living of the displaced poor and other vulnerable groups, including women.
- e) Carry out meaningful consultations stakeholders including: project affected persons, host communities, and concerned nongovernment organizations. Inform all project affected persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and those without legal title to land, and ensure their participation in consultations.
- f) All sub-projects proposed under MOP will be screened for social impacts and Resettlement Action Plans (RAP) will elaborate on the entitlements of project affected persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- g) The RAPs will be prepared in consultation with affected parties including PAPs, local village leaders and community members. Key aspects in Draft RAPs will be translated into kiswahili language and will be shared with the PAPs prior to their disclosure.

Disclosure of the final Resettlement Action Plan and its updates to project affected persons and other stakeholders will involve information awareness campaign to ensure that PAPs fully understand the details of the RAP process, and are also informed about the compensation and rehabilitation packages applicable to the Project. As applicable a Public Information Booklet (PIB) in kiswahili will be prepared by Project Implementers and will be distributed to all PAPs residing in communities in the subproject area. In general, the PIB will include the following:

- Brief description of the project, implementation schedule;
  - Project resettlement impacts, entitlements and rights of PAPs;
  - Resettlement and rehabilitation policies for potential types of impacts;
  - Institutions responsible for resettlement and time-frame (schedule);
  - Information dissemination to and consultations with PAPs and stakeholders;
  - What to do if PAPs have a question or a problem;
  - Outline of the grievance redress procedure; and
  - Requirements for monitoring and evaluation, including independent monitoring.
- h) Pay compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works. Implement the resettlement action plan under close supervision throughout project implementation.
  - i) Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of project affected persons.
  - j) Monitor and assess resettlement outcomes, their impacts on the standard of living of project affected persons, and whether the objectives of the resettlement action plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports with consideration given to



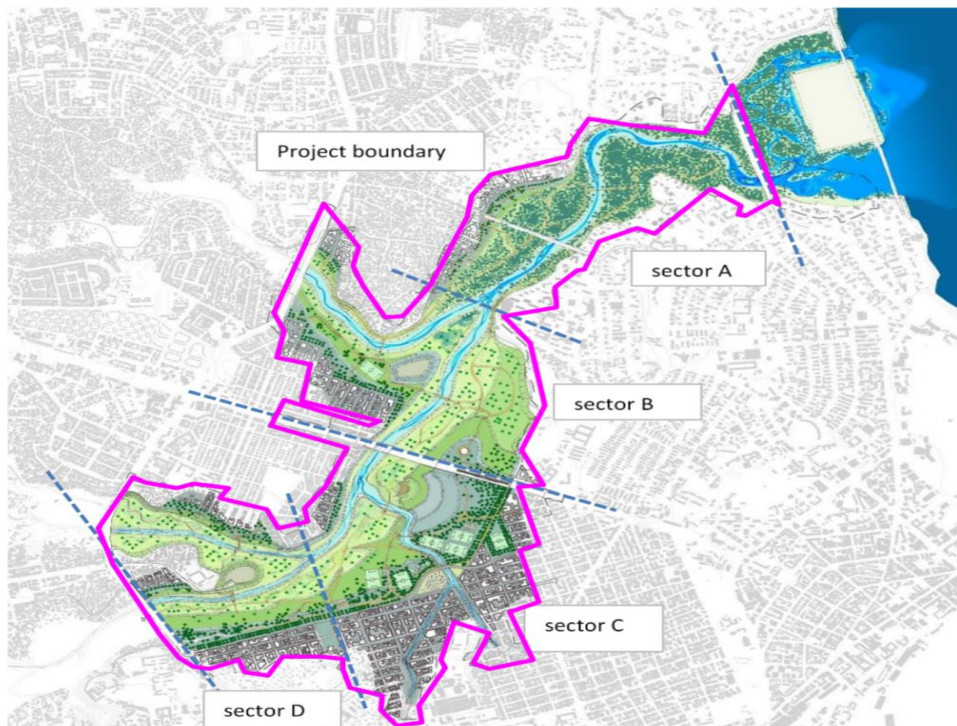
ensure the PAPs privacy. Participation of local communities in monitoring will be organized by the PIU in a culturally appropriate manner in consultation with them, their local leaders and authorities.

- k) It should be noted that according to World Bank's ESS 5, the term resettlement encompasses more than the physical relocation or resettlement of affected people. It is defined as the social and economic impacts of a project that are permanent or temporary and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
- l) It should be further noted that no changes to the RPF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior approval of the World Bank. Any RAPs prepared on the basis of the RPF will also be subject to prior approval of the World Bank.

### 1.6 Scope of Work

**Geographic scope:** The RPF should cover the whole Msimbazi Basin from lower to upper basin relevant to all phases to the Msimbazi Opportunity Plan (see MOP, Volume A – Strategy and Management Framework). Investments under Stage II-III will cover the geographic scope outlined in Map 1 below. Other investments outside of this area that are crucial to drainage, sediment management, functioning of the terraces and other elements of the first phase implementation (such as upstream sand traps) may also be included.

**Map 1 : Indicative Project Area for Stage II and III designs**



#### 1.6.1 Specific Tasks of the Assignment

The key tasks of the consultant will be:

- (a) Formulate an appropriate RPF which is: (i) consistent with all relevant Government of Tanzania legislative, regulatory and administrative requirements (e.g. land acquisition and use, grievance redress); and (ii) consistent with relevant World Bank Environmental and Social Standards specifically ESS 5 (Land acquisition, Restriction and Land Use and Involuntary Resettlement).
- (b) Formulate Tentative Entitlement Matrix guiding RAP covering the Flood Prone PAPs as well as for the PAPs who have been relocated in the past but they have been keeping in the areas thus need for a framework that provides Corrective Action Plan.
- (c) The RAP for flood prone communities in particular should include a Livelihood Restoration Plan (LRP). The LRP is a key component of the RAP that aims are to identify to what extent and how the livelihood disrupted by the resettlement can be restored or improved beyond that at the start of the program, and to agree on a LRP support package that would be supported by the Project. The Client notes that resettlement goes beyond simply relocating individual households or entire communities to a safer location, but rather consists of supporting people in “rebuilding their livelihoods, which include not only housing but also their sources of income, economic activities, social relationships, access to public services, and social and cultural practices”. It is a holistic and staged process that requires thorough analysis, extensive planning, as well as meaningful and participatory consultation with individuals to be relocated.
- (d) Formulate a tentative budget for implementing the RAPs
- (e) Identify the Technical Assistance required at both levels (at PO-RALG, TANROADs and participating LGAs) for the implementation of RPF as well as a training and capacity building program for the institutions responsible for implementing the Frameworks.
- (f) Identify the property valuation, compensation, resettlement and grievance related issues that are most likely to occur and which will require appropriate measures during implementation of sub-projects.
- (g) For corrective framework client has realized existence of handful PAPs who have been relocated but still keeping in the project areas. The consultant has to conduct a due diligence survey to note down the procedures used and prepare a guideline for proper communications to these PAPs and other measures necessary as per ESS5 and ESS10.

### **1.7 Expected Outputs**

The RPF will be prepared based on the Tanzanian laws and policies governing land acquisition and compensation as well as the requirements of the World Bank’s Environmental and Social Standards (ESS 5) on Land acquisition, Restriction and Land Use and Involuntary Resettlement as one of the relevant Environmental and Social Standard under the World Bank Environmental and Social Framework. Any gaps between the Tanzanian laws and ESS 5 will be identified and the RPF will explain how these gaps will be filled.

The consultant is expected to prepare a meticulous RPF document assignment by the Consultant shall cover the following key areas as described in this ToR. Other areas considered relevant by the Consultant should be included so far as they add value to the project outputs.

### **1.8 Methodology of Preparation of the RPF**

The preparation of the RPF is also based on previous experience in other similar projects. The discussion with the concerned bodies included information about the Tanzania Laws, views on

the application methods and timing of execution. Moreover, the desktop review of various data sources was also used. This RPF will be updated when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learned.

### 1.8.1 Desk work and review of documents

The Consultants carried out **review relevant documents** and data / information related to the project activities. These documents included the Msimbazi Opportunity Plan, The World Bank Group’s City Resilience Program: Supporting Msimbazi Opportunity report Msimbazi Special Planning Area, flood modelling studies, and all other available background documents useful for the assignment, socioeconomic and other data provided by the Client. Various legislatives relevant to land acquisition and resettlement; experiences from similar projects in Africa especially on the corrective Action Planning were also learned through review of projects reports.

### 1.8.2 Consultations with stakeholders

Consultations during the preparation of this RPF has been in line with a systematic approach to stakeholder engagement started during the MOP **charrette** and meet the requirements of ESS10. PO-RALG prepared an overall project Stakeholder Engagement and Communication Plan (SECP) to guide all consultancies in engaging with key stakeholders under the Project. The SECP is a vital part of the design process to identify key stakeholders, develop appropriate means of dialogue for meaningful stakeholder participation, gain buy-in and inputs to enhance preparation of the RPF that includes the Entitlements, Livelihood Restoration Plan (LRP), and mitigate any anticipated impacts on project affected people including special and/or vulnerable groups.

Based on the proposed sub-project list, a number of stakeholders were identified for consultation. The purpose was to ascertain their relevance and roles during RAP preparation and subsequently implementation. Interactions with Municipalities and stakeholders’ consultations. The project meeting and other preliminary interactions with these key stakeholders will be enabled to gain a broad understanding of the project features and subsequently define the scope of RPF.

Table 2: Typology of Stakeholders Consulted

Stakeholder type	Importance in the Project /RAP	How they were involved
Project Affected People (PAPs )	These are people that are directly involved as they would have to be involuntarily resettled the land they own/use. To avoid complaints and grievances in future about the level and nature of compensation, these had to be consulted. During the focus group discussions, efforts were made to pick the information from the PAPs (both males and females).	<ul style="list-style-type: none"> <li>▪ Meetings,</li> <li>▪ FGD</li> </ul>

Stakeholder type	Importance in the Project /RAP	How they were involved
<p>Government Agencies (Ministry of Lands Housing and Settlements, Ministry of works, Ministry of Water and Irrigation, Wami Ruvu Water Basin Authority Prime Minister Office – Disaster Management Department, TANROADs, NEMC, DART, DAWASA, DAWASCO Tanzania Meteorological Agency,)</p>	<p>Government agencies are a key group of stakeholders, fundamental for the feasibility of the project and the efficiency of its development. The complexity of the project plan affects different areas, requires acknowledgement and coordinated implication of several departments of the administrative corpus.</p>	<ul style="list-style-type: none"> <li>▪ Meetings,</li> </ul>
<p>CBOs, NGOs</p>	<p>NGO/CBO leaders, have a lot of experience as such they for a group of collaborating agencies /strategic alliances to gain support, advice or prepare/schedule engagement activities with other stakeholders.</p>	<ul style="list-style-type: none"> <li>▪ Meetings,</li> <li>▪ FGD</li> </ul>
<p>Municipal Councils (Dar es Salaam City Council, Ilala Municipal Council, Kinondoni Municipal Council, Ubungo Municipal Council)</p>	<p>These are the “major beneficiary” of the Project as it is whose assets that are being upgraded and expanded. Communities across the project area relate all project benefits as being done by councils. It is also a major stakeholder because eventually will be dealing with collecting revenues from the newly constructed and effectively operating infrastructure. Councils demonstrated a lot of experience in resettlement and they were consulted to understand what they thought were important issues to consider in the RAP. It became very clear that councils have database of the dwellers of Jangwani including the previous evicted and returnees, rightful owners and encroachers, and other potential PAPs who are legally operating and eligible for income restoration. Councils will spearhead the communication with PAPs on all stages of RAP development</p>	<ul style="list-style-type: none"> <li>▪ Meetings,</li> <li>▪ Interviews,</li> <li>▪ Online through emails and telephone,</li> <li>▪ checklists</li> </ul>

### **1.8.3 Meetings with Stakeholders**

Preparation of this RPF relied highly on information collected during the Project Design. The WBCU through Charrette conducted a number of formal public meetings and workshops with Stakeholders /potential groups.

Since the project footprint is not yet fully defined the consultations were done with stakeholders at the national level on various occasions between February and August 2018 as presented in Table below. List of organization/institutions participated in charrette is attached in Annex 4.

**Table 3: Stakeholders Consultation meetings conducted at National Level**

Date	Meeting
21 <sup>st</sup> - 22 <sup>nd</sup> February 2018	First Stakeholders workshop on Msimbazi Valley Flood Mitigation
19 <sup>th</sup> - 20 <sup>th</sup> March, 2018	Stakeholders workshop on Msimbazi Design Charrette No.1
22 <sup>nd</sup> March, 2018	Stakeholders workshop on Msimbazi Design Charrette No.2
18 <sup>nd</sup> - 19 <sup>th</sup> April 2018	Stakeholders workshop on Msimbazi Design Charrette No.3
12 <sup>th</sup> - 13 <sup>rd</sup> June 2018	Stakeholders workshop on Msimbazi Design Charrette No.4
2 <sup>nd</sup> - 6 <sup>th</sup> July 2018	Stakeholders workshop on Msimbazi Design Charrette No.5
4 <sup>th</sup> July 2018	Stakeholders workshop on Msimbazi Design Charrette No.6
28 <sup>th</sup> August 2018	Second Stakeholders workshop on Msimbazi Basin Development

### 1.8.2 Main issues challenges identified during stakeholders' meetings

Table 3: Msimbazi River Basin Resettlement Challenges and Possible Solutions

Date of the Meeting	Key Views /concerns	Remarks
19 - 20 March 2018	<ul style="list-style-type: none"> <li>- All people living in unsafe areas should be relocated</li> <li>- Government should consider payments of compensations for the affected assets in the flood prone areas</li> <li>- Alternative relocation sites should be near the affected areas (near situ)</li> <li>- Sensitization of the community on this Project and associated processes</li> <li>- Possibility should be sought to consider the tenants in the entitlements</li> <li>- The compensated areas should be protected to avoid further encroachment</li> <li>- Mechanism must be in place to Stop further individual developments in the valley</li> </ul>	<ul style="list-style-type: none"> <li>- To be incorporated in the RAP as much as applicable</li> </ul>
22 March 2018	<ul style="list-style-type: none"> <li>- The 60m buffer regulation restricts human settlements around lower Msimbazi areas. Resulting to forcefully eviction of people living in that area.</li> <li>- Forceful evictions should be avoided. And the Government should pay compensation to the owners/landlords of the houses before demolition according to the national and international laws and regulations</li> <li>- Recognize the right of the people who are living in Msimbazi area for a long time,</li> <li>- The government is obliged to compensate the PAP whose structures were demolished in 2015/16</li> </ul>	<ul style="list-style-type: none"> <li>- The category of PAPs included in the RPF matrix for incorporation in the RAP</li> </ul>
18 & 19 April 2018	<ul style="list-style-type: none"> <li>- Resettlement of community within the existing settlement by providing apartments in the multi-storey structures; cash compensation; and land and cash compensation.</li> <li>- Resettlement should consider, different entitlements for the assets in surveyed and un-surveyed land</li> </ul>	<ul style="list-style-type: none"> <li>- Option to be included in the RAP for PAPs to choose</li> </ul>
12 & 13 June 201	<ul style="list-style-type: none"> <li>-Resettlement was noted as an important measure that should be undertaken.</li> <li>-Community has shown positive response to the project and they are waiting for the implementation.</li> </ul>	Noted /appreciated
2, 3, 5, and 6 of July 2018	<ul style="list-style-type: none"> <li>-Timely payment of compensations for the PAP opting for cash compensation.</li> <li>-provision of initial/settlement supports for the PAPs who will opt for in kind house replacement.</li> <li>-PAPs land lord be considered to be part of the business Partners</li> </ul>	Incorporated in the RPF that validity for the costs under valuation is two years. The actual timelines for compensation delivery be incorporated in the RAP.

Date of the Meeting	Key Views /concerns	Remarks
4 July 2018	<ul style="list-style-type: none"> <li>- People whose structures were demolished 2015/16 demolitions need to be compensated first.</li> <li>-Move the river around the DART bus depot over Jangwani ground</li> <li>-Civil society should be involved in the Grievance Redress Mechanism</li> </ul>	<ul style="list-style-type: none"> <li>- Included in the RPF for RAP developer to incorporate</li> </ul>

## 1.9 Public Disclosure

The final Draft RPF will be approved and cleared by the government of PO-RALG/TARURA and the World Bank. Subsequently, the executive summary will be translated into the local language (Kiswahili) and disclosed locally to the public both electronically through PORALG and /or TARURA websites and hard copies be made available to the local government offices. The entire document will also be disclosed in the World Bank external website. For any changes made to this disclosed instrument the same clearance and disclosure protocols will be followed”.

## 1.10 Contents of the RPF

The RPF will contain the outlined areas below:

*Table 4: Structure of the RPF*

Chapters	Brief Description of Contents
1	General Context: Project Development Objectives; Project Description; Geographical Coverage of the Msimbazi Project; Project Potential Environmental and Social Impacts; Objectives of the Resettlement Policy Framework; methodology of preparation of the RPF; viz, structure of the RPF
2	Legal Frameworks: Introduction; Applicable National Laws and Policies; The World Bank ESS Standard 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement; Ess10 Stakeholder Engagement and Information Disclosure; Principles of Resettlement Policy Framework; Comparison of National Legislation and WB ESS5;
3	Guidelines for RAP Preparation: RAP Preparation in the Project Cycle; Screening process, Methodology for RAP Development; Method to Determine Cut-off Dates; Methods for Database Design; Stakeholder Engagement and community consultations; Methodology for Asset Inventory (Land Acquisition); Census, And Socio-Economic Survey; Eviction Audits, Corrective Action Plan; Framework for Valuation; Videography/Drone footage
4	Eligibility and Entitlement Frameworks; Defining Affected Population (affected Persons); Entitlement Matrix; Eligibility for Community Compensation; Disclosure and signing of Compensation Agreement; Updating Database post-Disclosure Draft RAP preparation.
5	Organizational Arrangements and Procedures for Compensation Delivery: Organizational Arrangements – Role and responsibility; Organizational structure
6	Grievance redress Mechanism: Types of likely grievances and the need for a grievance’s redressal mechanism and grievance mechanism - processes and procedures in resolution and roles and responsibilities; Monitoring Response to grievances
7	Funding Arrangements, budget template
8	Monitoring and Evaluation: activities, inputs, outputs and outcomes
Annexure	This contains other relevant information: Annex 1: RAP outlines; Annex 2: screening forms /checklist 3: Roles and responsibility of RAP team;



## 2. LEGAL FRAMEWORK

### 2.1 Introduction

This chapter presents a broad spectrum of legislation, policy, standards and guidelines relevant to Lower Msimbazi upgrading project. Tanzania has good policies, legal and institutional framework for management of land and property acquisition and compensation enshrined in the National Constitution, the Land Policy and Land Acts as well as supporting local laws and by-laws. RAP for Msimbazi project will comply with both National Land Policy and the World Bank Environment and Social Safeguards (ESS) 5.

### 2.2 Applicable National Laws and Policies

The following policy and legal instruments provide guidance for acquisition of land and associated properties and compensation and resettlement procedures in Tanzania.

**Constitution of the United Republic of Tanzania (1977 - as amended):** The Constitution provides for the protection of the rights and interest of citizens in matters concerning their property and acquisition. Under article 24 (1), every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub- article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes without the authority of law, which makes provision for fair and adequate compensation.

**National Land Policy (1997):** The overall aim of the National Land Policy among other things is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land for all its citizens. The policy provides that a dual system of tenure, which recognizes both customary and statutory rights of occupancy as being equal in law be established. The Land Policy directs that land be graded as a Constitutional category and that the following basic land policy tenants be entrenched in the Constitution to ensure continuity:

- 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.
- iv. Full, fair and prompt compensation shall be paid when land is acquired.

The compensation should be paid 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 and the Acts or is acquired under the Land Acquisition Act Cap 118. In principle the Minister responsible for land matters is the sole authority in land issues. The Act stipulates involvement of the public and private institutions whose functions are associated with land i.e. local authorities, communities, non-governmental organizations and community-based development organizations-to participate and cooperate with the Minister at different levels during the implementation of the policy and utilization of land. According to the policy, land in towns is governed by the City, Municipal or Town Councils.

**The Land Disputes Court Act. 2002 (Act No.2/2002):** This act provides the respective courts and their functions. Before implementation of sub projects, any land conflicts existing in the areas shall be resolved through the appropriate land courts to ensure that harmony prevails in the intended undertaking. Project beneficiaries will therefore be bounded by these Acts.

**Land (Assessment of the Value of Land for Compensation) Regulations of 2001:** A qualified and authorized valuer must conduct the valuation of the affected properties. Section 34 of the Act states that 'where a right of occupancy includes land which is occupied by persons under customary law, and those persons are to be moved or relocated, they must be compensated for loss of interest in the land and for other losses. They also have the right to reap crops that are sown before any notice for vacating that land is given.

The regulations provide criteria for the assessment of compensation on land, as per replacement cost for real property; disturbance allowance is calculated as a percentage of replacement cost of the acquired assets over twelve months; and transport allowance calculated at the cost of 12 tons hauled over a distance not exceeding 20 km. The other criteria include loss of profit on accommodation based on business audited accounts and accommodation allowance equivalent to the rent of the acquired property per month over a 36-month period.

Further, Section 4 of the Land (Compensation Claims) Regulations of 2001 defines who can claim for compensation.

Other legislation guiding this RPF include:

- Land Acquisition Act No. 47 of 1967
- The Land Act, 1999 (Act No 4/1999)
- Land (Assessment of the Value of Land for Compensation) Regulations, 2001:
- The Land (Compensation Claims) Regulations, 2001:
- The Land (Schemes of Regularization) Regulation, 2001:
- The Land Use Planning Act, 2007 (Act No.6/2007):
- The Urban Planning Act, 2007 (Act No. 8/2007):
- The National Human Settlements Development Policy (2000):
- Women and Gender Development Policy, 2000:
- National Land Use Planning Commission Act No 3 of 1984:
- The Land (Disposition of Right of Occupancy) Regulations, 2001
- The Roads Act No. 13 of 2007 and its Regulation of 2009

## **2.3 The World Bank Environmental and Social Framework (ESF)**

The standards and guidelines of WB published in the World Bank Environmental and Social Framework handbook (2017) will be used as basic knowledge and references to develop the RPF methodology and detailed preparation of RAP related to the actual situation along the lines

### **2.3.1 ESS 5: Land Acquisition, Restrictions on land Use and Involuntary Resettlement**

ESS5 recognizes that projects often necessitate land acquisition, expropriation and/or restrictions on land use, resulting in the temporary or permanent resettlement of people from their original places of residence or their economic activities or subsistence practices. When affected persons and communities do not have the choice to refuse such displacement, this process is known as involuntary resettlement.

Table 5: Description of ESS 5 (Summary)

Section In The ESS5	Summary Description
General	This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation.
Defining Eligibility (PAPs Classification):	According to the ESS5, affected persons may be classified as persons: (a)Who have formal legal rights to land or assets; (b)Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c)Who have no recognizable legal right or claim to the land /assets they occupy /use. The census must be conducted to establish the status of the affected persons.
Screening and Appraisal (Project Design):	The applicability of ESS5 to the borrower will be determined during the WB’s environmental and social screening process. The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time.
Community Engagement:	The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process. Additional provisions apply to consultations with displaced Indigenous Peoples, in accordance with ESS7.
Grievance mechanism:	The Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.
Planning and implementation:	Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.
Institutional arrangement:	The Borrower’s plan will establish the roles and responsibilities relating to financing and implementation, and include arrangements for contingency financing to meet unanticipated costs, as well as arrangements for timely and coordinated response to unforeseen circumstances impeding progress toward desired outcomes.

Section In The ESS5	Summary Description
Implementation and Monitoring:	Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of this ESS.
Collaboration with other responsible agencies or subnational jurisdictions:	The Borrower will establish means of collaboration between the agency or entity responsible for project implementation and any other governmental agencies, subnational jurisdictions or entities that are responsible for any aspects of land acquisition, resettlement planning, or provision of necessary assistance. In addition, where the capacity of other responsible agencies is limited, the Borrower will actively support resettlement planning, implementation, and monitoring
Technical and Financial Assistance:	The Borrower may request technical assistance from the Bank to strengthen Borrower capacity, or the capacity of other responsible agencies, for resettlement planning, implementation and monitoring. Such forms of assistance may include staff training, assistance in formulating new regulations or policies relating to land acquisition or other aspects of resettlement, financing for assessments or other investment costs associated with physical or economic displacement, or other purposes.

#### 2.4 Comparison of national legislation and WB ESS5

The Analysis of previous resettlement documentation including resettlement plans, frameworks shows that there are some divergences between World Bank ESS5 and Tanzanian legislation in the sphere of compensation for involuntary resettlement in the investment projects. The main discrepancies are in: public consultation before resettlement activities, detail explanation of entitlements to project affected population, and provision of just compensation instead of full replacement cost, carry out socioeconomic surveys among PAPs.

Tanzanian Laws only provide compensation for land that is legally owned by PAPs and no compensation to encroachers for the same. The World Bank ESS5 provides for compensation for land to both legal owners and encroachers before the cut off dates.

It is important to note that because of State ownership of lands in Tanzania, land use is only possible with the permission of local authorities (as given attorney by the President) on the basis of a lease or on other terms. Accordingly, land use issues are fully covered by land legislation and are governed by provisions of customary law/traditional practices and lease. According to Tanzania laws, those who use or occupy land outside the two lines of official permission will not be entitled to legal compensation. The State will have the right to seize the land from those “illegal land users”. Persons who take up their residence on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

World Bank in its ESS 5 highlights that particular attention should be paid to the needs of the most vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, and also other categories of displaced persons whose interests may not be protected by national legislation with regard to the compensations for the land plots subject to withdrawal. The Bank ESF will prevail in cases of discrepancies between WB and Tanzanian legislation, not just simply in relation to compensation issues but to all issues. A further comparison between the Tanzania Legislations and the World Bank and harmonization measures (i.e. gap filling measures) are contained in Table below.

Table 6: Comparison of Tanzania Laws and World Bank ESS5 Regarding Compensation and Resettlement

Resettlement Aspect	World Bank (ESS5)	National Regulations	Gaps	Measures To Fill The Gaps
ESF: ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Requires Borrowers to: (i) Avoid or minimize involuntary resettlement by exploring project design alternatives (ii) Avoid forced eviction (iii) Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use through timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods.	<b>Land Acquisition Act No. 47 (1967)</b> Provides for the following: <ul style="list-style-type: none"> <li>▪ Minister responsible for land to authorize any person to enter upon the land and survey the land to determine its suitability for a public purpose.</li> <li>▪ The Government of Tanzania is supposed to pay compensation to any person who suffers damage because of any action.</li> </ul>	Currently in Tanzania there is no specific-resettlement policy itemizing procedures and processes that would safeguard and prevent the PAP from being left worse off by the project.	ESS5 will prevail. The RAP will be developed in line with both National and ESS 5 lines.
Compensation entitlements	Affected persons may be classified as persons: (a) Who have formal legal rights to land or assets; (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; <sup>14</sup>	Compensation Regulations, 2001, as well as the Village Land Regulations, 2001, assets for compensation paid on loss of land and shall include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits.	There is no gap between Tanzania law and WB as far as those with (a) formal legal rights and those (b) without formal legal rights, but have a claim to such land under customary practices, eligible for compensation	Under Msimbazi Project, all eligible owners of land will be subject for compensations. PAPs encroaching the land that they have will as well be eligible for livelihood restoration including security of tenure and thus provision of land. Affected tenants are not eligible for compensation, but are eligible for livelihood assistance of accommodation allowance for three Months.

Resettlement Aspect	World Bank (ESS5)	National Regulations	Gaps	Measures To Fill The Gaps
Loss of Profits	ESS5 provides under economic displacement: In cases where land acquisition or restrictions on land use affect commercial enterprises, (this includes shops, restaurants, services, manufacturing facilities and other enterprises), regardless of size and whether licensed or unlicensed.	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 land shall include loss of profits.	Tanzanian regulations provide for income restoration allowances where the PAPs incurred losses of business income. However, it has not been in practice	Compensation on the lost income and profit will be made as per ESS5
Valuation approaches	ESS5 assets that when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.	Tanzania law provides for the calculation of compensation on the basis of the <b>market value</b> of the lost land and unexhausted improvements, plus a disturbance and accommodation allowance and loss of profits where applicable.	A gap lies in the disparity between the two approaches Market Value vs replacement cost Under the Market value approach, the amount paid in most cases does not amount to that required to replace the lost assets.	Under Msimbazi Project, eligible PAPs will be entitled for compensation that will be calculated under replacement cost approach to ensure that all impacted assets are compensated/replaced.
Restoration of Affected Incomes and Livelihoods	ESS has made a provision that where applicable livelihood restoration and improvement programs will commence in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.	-	In Tanzanian regulations no provision for restoration of the affected livelihoods, neither as standalone programs nor included in the compensations	ESS5 principle regarding income restoration will be considered under Msimbazi project. RAP developers/LGAs will identify and formulate livelihood restoration programs in consultations with the affected groups.
Assistance to vulnerable and	ESS5; resettlement plan provides for transitional relocation assistance to people	Tanzanian law does not make provisions requiring the	Moreover, there are no provisions that require the	These PAPs are to be identified and special

Resettlement Aspect	World Bank (ESS5)	National Regulations	Gaps	Measures To Fill The Gaps
severely affected PAP	who are physically displaced. Such assistance may include transportation, food, shelter, and social services that are provided to affected persons during the relocation to their new site;	government to pay special attention to vulnerable groups in the administration of compensation.	government to pay special attention to vulnerable groups or indigenous peoples	assistance will be provided to safeguard them from being left worse off by the project.
Public Land Users (Encroachers )	World Bank's ESS 5 on Land Acquisition, Restriction on Land Use and Involuntary Resettlement, includes users or displaced persons who have no recognizable legal rights or claim to the land or assets they occupy or use.	Tanzania law on compulsory acquisition and compensation is limited to those who can prove <i>de jure</i> or <i>de facto</i> land ownership.	Tanzania law does not recognize the Seasonal land/resource users as eligible for compensation for assets and provision with resettlement and livelihood assistance.	Under the Msimbazi Project Seasonal land/resource users will be compensated for the loss on income or livelihoods associated to the restrictions from using the assets (permanently or temporarily).
Voluntary/Donation of the assets	ESS5 Voluntary land donations may involve some monetary or nonmonetary benefits or incentives provided to the land donor by the project or by community members benefiting from a project.	No provision of voluntary donation in Tanzania Sections 3-18 of the Land Acquisition Act 1967 empower the President to acquire land and provide the procedures to be followed when doing so.	Provision of Tanzania law does not address issues concerning voluntary donations as all the land belongs to the president and can take whenever it is needed for developments.	The implementation of Msimbazi Project will encourage on voluntary donations as this will decrease the burden of LGAs for compensation payments. Livelihood restoration and social cooperate programs will be considered where applicable for incentives
Grievance Handling Procedures	ESS5 requires that grievance mechanism for the project is in place as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by the	Under s. 13 of the Land Acquisition Act, 1967, if dispute of disagreement regarding any of the matter listed below is not settled by the parties concerned	The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.	GRMs will be set for this Project in line with the WB-ESS5 guidelines.

Resettlement Aspect	World Bank (ESS5)	National Regulations	Gaps	Measures To Fill The Gaps
	<p>displaced persons (or others) in a timely manner.</p>	<p>within six weeks from the date of publication of notice that land is required for a public purpose the Minister or person holding claim in the land may institute a suit in the high court of Tanzania for the determination of the dispute.</p>	<p>Tanzania has a well-established and accessible local grievance redress mechanism through existing systems and structures.</p>	
Stakeholder engagement and information disclosure	<p>ESS5 provide for need for consultation with PAPs, host communities and local government.</p> <p>In the event of dealing with vulnerable persons additional provisions apply to consultations with displaced vulnerable groups in accordance with ESS7.</p>	<p>The Land Act of 1999 and its Regulation of 2001 and the Valuers and Valuation Registration Act of 2016 provide for stakeholder’s engagement and information disclosure on valuation exercise and process prior to execution of the projects.</p>	<p>The provisions in ESS5 have no equivalence in implementation of Stakeholder engagement and information disclosure processes in Tanzanian practice.</p>	<p>✓ Msimbazi project will have continuous consultations with the PAPs and their local leaders during preparation of the RAP report, their disclosure and implementation.</p> <p>✓ Consultations will ensure equitable gender representation as stipulated in ESS5.</p>



## 2.5. Acclimatization Period of the Involuntary Resettled to the New Conditions and Environment

The policy of the WB considers that displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, appropriately consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement activities. In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, and/or fodder);

In principle, the laws of the United Republic of Tanzania and World Bank Policy both adhere to the objective of compensation at replacement cost however the Tanzanian legislation does not provide for restoration of livelihoods and in practice this has been left to *ad hoc* arrangements taken by project proponents in order to meet international donor requirements. To clarify these issues and reconcile eventual gaps between the laws of Tanzania and the World Bank Standards, this RPF has been prepared for the given Project. The RPF ensures compensation at replacement cost for all items, rehabilitation assistance to people without land use rights and informal settlers, and the provision of rehabilitation and subsistence allowances for PAPs who may be required to relocate, suffer business losses, lost job or qualify as vulnerable. Any RAP prepared for the project will include all costs related to rehabilitation and /or livelihood restoration.

The main provisions affording reconciliation of the differences between Tanzanian legislation and World Bank ESS 5 includes:

- Any PAPs, regardless of title (registered land user or not), will be entitled to compensation for structures, crops and trees and rehabilitation measures under the project. This includes landless people using land and squatters;
- PAPs and affected communities will be consulted on options and any impacts of land acquisition and involuntary resettlement before, during, and after involuntary resettlement takes place.
- If land for land compensation is not technically or socially feasible, compensation will be in cash at full replacement cost<sup>2</sup> at current market value;
- Compensation for any other assets affected (structures, crops and trees, as well as business/income loss) will be based on the entitlement matrix. Vulnerable PAPs will be entitled to additional measures as relevant (one-time allowance, priority in employment in project-related jobs, etc.), and gender issues will be addressed;
- Rehabilitation assistance will be provided for restriction to land / assets or disruption to income sources;
- Rehabilitation of existing or reconstruction of damaged government structures/facilities will avoid or minimize, as far as possible, when avoidance is inevitable the same shall be reconstructed at a contigence palace based of the consultation with the authorities.

In case of disparity between the laws of the United Republic of Tanzania and the requirements of the World Bank's ESS 5, the principles and standards of World Bank will prevail. This provision will be considered as binding for concerned parties once the RPF is approved by both the Government and the Bank.

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<sup>2</sup> Value based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality. In addition, any associated costs of purchasing the land i.e., taxes, registration fees will need to be included in the compensation.

### 3. RAP PREPARATION, REVIEW/ APPROVAL AND DISCLOSURE

The ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or in worst cases land acquisition can have both. However, in the case of the sub-projects where the status of land ownership has not been confirmed preliminary study to determine land acquisition will be conducted during feasibility study. The sub projects identified so far under Msimbazi Development project will involve up-grading of formal and informal land. The identified project area is demarcated as riparian river reserve areas of Msimbazi River.

The RAP is the most important Safeguards instrument that should be undertaken. RAP should assess the number of PAPs, propose alternative locations for the sub-projects, identify the eligibility criteria, include provisions for compensation and assistance, and address the means by which the project monitoring and evaluation will take place to ensure that the PAPs receive their compensation and that their grievances are heard and addressed. The mitigation measures and compensation policies proposed in the RAP shall be disclosed to the PAPs for feedback and comments.

RAP preparation should start at the very beginning of the project design (at the pre-feasibility stage) and continue through subsequent phases (feasibility study, preliminary design, detailed design). Hence, once the drawings are ready and information on the final location and land-use requirements is available, the consultative and participatory process with local communities must be carried out to sensitize the potentially affected population through their administrative leaders. It is at this meeting with the community that the Cut-off Date is determined and subsequently communicated to all potential PAPs and the commencement of data collection from the affected areas.

Regardless the number of affected Population (PAPs) the LGAs should undertake a Resettlement Action Plan (RAP). In whichever case, the developer will retain a technical expert to carry out the required technical work, including a comprehensive land survey in the areas where the work is being planned so that engineering drawings can be prepared to provide precise and comprehensive information for planning, costing, and design. According to ESS5 the Resettlement plans are of two dimensions:

- Resettlement plans: these are plans that include measures to address physical and/or economic displacement, depending on the nature of the impacts expected from a project.
- Livelihood plan/livelihoods restoration plan: these are basically alternative nomenclature plans, used by a project where a project involves only economic displacement or where restrictions on access to legally designated parks and protected areas are involved.

Detailed outline of the RAP is presented in Annex 1.

#### 3.1 Preparation of RAP

##### 3.1.1 Resource Mobilization and Capacity Building

RAP developers will start at team identification and mobilization. The recruitment of the Team members will be conducted according to the specific RAP requirement. The LGAs /WBCU /PIUs will prepare Terms of Reference as needed for consultants and services needed to carry out RAPs. Mobilization of the team will take standard procurement procedure here necessary. In additional the RAP team will be given provision to include in their proposal's physical goods needed (e.g. office equipment, field equipment, IT equipment, etc). This RPF recommends a

RAP team to include the following (key roles and responsibility of the team members see annex 3:

Table 7: Recommended RAP Team Composition

S/N	Position
<b>1</b>	<b>Key Personnel</b>
2	Team Leader
3	Resettlement Database Manager
4	Asset Valuation Expert
5	Mid-level Resettlement Specialist
6	Senior Gender Specialist
7	Communication and Public Outreach Specialist
8	Livelihood Specialists
9	GIS Expert
10	Land Surveyor
	<b>Non-Key Experts</b>
1	Legal Expert – Resettlement
2	Project Manager
3	Project Secretary
4	Accountant
5	Driver
	<b>Casual</b>
5	Data collection assistants

### Capacity Building for Resettlement Planning and Implementation

Msimbazi area commonly known as Jangwani are of complex social and economic features resulting to uniqueness of the relevant elements of the procedures for land acquisition defined in the RPF. Although the RPF contains specific approaches under ESS5 and under the government of Tanzania. It is therefore important to build in an understanding of the requirements and approach for this Project at all levels during the Project’s resettlement planning and implementation. The training of the key actors in the principles and objectives of WB ESS5 and the specifics of this RPF will be the first step in creating the required capacity. This training can be conducted jointly with WBCU staff and will be done immediately after the kick- off meeting.

Capacity-building workshop will be held at both visually and physically before the Team is deployed to the site for data collection. WB staff would also attend for monitoring and enhancing the capacity building process. The workshop will address requirements for asset inventory, census/social economic and asset valuation, grievance mechanism with emphasis on differences between typical LGA/Tanzania practice and requirements for the World Bank funded projects.

#### 3.1.2 Methods for Delineation of Project Area and Determine Cutoff Date

##### Method for Delineation of the Project/study Area

Prior to the actual data collection, it is necessary that the Area of Project Impact is clearly known. The Surveyors will use the coordinates to delineate the boundaries within which to identify the impacted areas, and thus the affected assets and PAPs.

The process of identifying the affected land, and associated PAP, will include the following:

- The Resettlement Specialist will inform all wards and *mitaa* leaders in impacted areas well in advance of the study;
- Working with *mitaa* leaders (and members appointed by their respective committees- if any), the Resettlement Specialist will go ahead of the survey team to inform the potential PAPs that they would be coming to their area within the next few days for the survey purposes.

- The leaders will be requested to help in the identification of land, and the landholders of that land;
- Using coordinates given by the GIS Specialist, the asset surveyors will prescribe the Project Area of Impact using GPS instruments, and identified land that would be affected within those boundaries;
  - The landholders for each affected land piece (the PAP), identified by the *Mtaa* leader, will then be assigned a unique number (see section 3.1.5 below) and subsequently be interviewed, firstly for the Asset Surveys by the asset surveyors, followed by the enumerators with either a Census form and /or a Socio-Economic questionnaire; and
  - If a landholder had more than one piece of affected land, each was surveyed by the asset surveyors; however, only one Census or Socio-Economic survey was completed for each PAP.

### 3.1.3 Method to Determine a Cutoff Date

The cut-off<sup>3</sup> date will be on the date of commencement of assets inventory. Hence, only assets which will be in existence as of the first date to commencement of assets inventory will be eligible for compensation. Those assets that will be developed or created after that date will not be compensated. Any person who undertakes any development activity in the newly demarcated project area after the cut-off date will not be eligible for compensation. The cut-off dates will be determined through consultation with PAPs, agreed with them and publicly communicated through the village administration, notice provision in public places in a language understandable to PAPs and through PAP representatives. The area will be demarcated and signs posted to ensure continued awareness of the cut-off date.

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk. Therefore, establishment of a cut-off date is of critical importance. This RPF has applied a cut-off- date procedure in line with World Bank ESS 5, which is defined as the date of commencement of census and asset inventory of PAPs who will be affected by LMUP activities. Once the project has been legally approved and a permit provided, a RAP will be prepared that may result in involuntary resettlement. As part of the RAP, a census will be undertaken to identify eligibility for resettlement and compensation.

It is a responsibility of the RAP preparation Consultant and LGAs to ensure that:

- This date is fully communicated to all potential PAPs in the affected project area with sufficient time for these people to ensure their availability for the Census.
- The potential PAPs will be informed through both formal notifications in writing and by verbal notification delivered in the presence of the community leaders or their representatives.
- The PAPs will be informed that no payment of compensation with respect to any construction or improvement to building, any crops sown, perennial crops planted or any improvement on land where such activity is done after PAP's census and inventory of their assets. This shall be discussed during consultation meetings and minutes of meetings shall be prepared and signed.

As indicated in WB ESS5 that the PO-RALG is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date for eligibility. The PO-RALG should nevertheless accommodate individuals or groups who are not present at the time of registration but who have a legitimate claim to membership of the Affected Community. Such groups might include absent family members engaged in migrant wage labor or nomadic pastoralists who use local resources on a seasonal basis.

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<sup>3</sup> Valuation and Valuers Registration Act, 2016 & Valuation and Valuers (General) Regulations, 2018

### 3.1.4 Methods for Database Design

RAP Consultant will develop a management information system for project affected people, in order to track all PAPs, before, during and after the RAPs are carried out. Within the new RFP all RAP developers are encouraged on the use of mobile data capturing technology in RAP preparation and implementation to improve data management and accuracy, including use of tablets in the valuation exercise, and GIS<sup>4</sup> to map all affected properties. The design of the database is much related to the form design that will be agreed by the entire team for data collection, technically the consultant should prepare two forms i.e., Property Form<sup>5</sup>, Land Survey Form, Environmental Assessment Checklist and Census Form/social economic form. The five forms will be filled in by respective staff. When forms are uploaded to the ODK aggregate, they will create the schema that will govern the architecture and the design of the database. Although the consultants will collect baseline information about PAPs (as their primary responsibility in RAP development), the municipal officers (valuer, Surveyor, Community Development Officer) and *mitaa* representatives should also be accompanying this process, as they will be the ones that will be involved in organizing PAPs in during relocation after they receive their compensations.

**Photographic Records:** The Data manager will maintain good photographic records of the project. All photographs shall be saved, at least, to the Project Workspace or server and the naming of electronic photograph records will be clear and allow for all photographs to be identified at some future time. All project incidents such as surveys, consultations, will be photographed.

**Spatial and Aspatial Database:** Accurate and current information is vital for maintaining and improving the quality of data. Through the computerized environment, a GIS can keep information accurate and current. The collected data could then be imported to the GIS software for map creation or intersecting the data to the cadastral data/polygon that was obtained from surveying. Non-spatial data will be exported to the desired format to be used in analysis software packed.

The polygon data will be used as a link between the two forms, as each polygon data for each individual polygon will be assigned a unique number. This number will be available or needs to be filled in both forms so that a one-on-one relationship between the two forms could be established.

**PAP Unique FILES:** A file is a collection of documents including PAPS records. The Project Secretary or a liaison officer shall create/maintain a file register and arrange for the opening, registering and maintaining of project files. Separate files may be opened for each discrete component of the project. The file number shall be unique, shall be numerical and have a format wherein the first set of numbers is the project number with all other number groups being selected to suit the project. The community liaison officers<sup>6</sup> will provide the administration staff with training in management of project files. The register shall include the number, description of the file and location where the file is stored.

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<sup>4</sup> Consultants are responsible for identifying and mapping/geo-referencing potential PAPs including vulnerable/special groups – note that a final RAP that does not include maps will not be accepted, Consultants will create a georeferenced database of affected houses, facilities, PAPs, etc

<sup>5</sup> In most cases RAP developers use property forms approved by the government valuer. While census forms are prepared by the RAP consultant and approved by the Client/LGA

<sup>6</sup> These personnel are recommended by this RPF – the roles and responsibility see section 7

### **3.1.5 Stakeholder Engagement and Community Consultations**

This section presents a summary of consultations held in accordance with the Provision of World Bank's Environmental and Social Standards (ESS5) that all displaced persons and host communities should be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. The ESS5 further asserts that the feasibility of holding separate women's meetings and fair representation of female heads of households, in addition to mixed meetings should be explored. Also, the way in which information is disseminated should be cautiously planned as levels of literacy and networking may differ along gender lines. In that context the RAP monitoring will undertake community and stakeholders' consultations at each phase of program implementation. Subsequent sections describe, consultations objectives, types of stakeholders (stakeholders' analysis), and methods applied.

#### **Stakeholders Consultations Key Principles**

The consultations with stakeholders are essentially a continuous process that will be conducted throughout the project implementation period in line with the ESS10. The Objectives of consultations to various stakeholder include:

- (i) To identify and document views, concerns and expectations of the stakeholders relating to the project construction activities
- (ii) To establish linkages and identify role demarcation in effort to avoid role overlaps
- (iii) To collect project documents relevant to the experts' assignment
- (iv) To get further acquainted with the progress of works on site so far
- (v) To prevent conflicts through increased transparency in the processes during implementation
- (vi) To reduce the risks and performance challenges in the construction works through timely relocation of private owned assets and utilities from the construction corridor.
- (vii) To conduct environmental assessment
- (viii) To appreciate the project road, material sites and camp site's compliance with environment and social.
- (ix) To assess resettlement issues particularly sensitive areas near the project sites.
- (x) Consultations need to be meaningful and inclusive of all stakeholders and communities particularly PAPs, with emphasis on gender, ethnicity, income groups, minorities, vulnerable persons etc.
- (xi) Consultations need to be a two-way dialogue with provision of project related information and obtaining feedback from participants and the feedback will need be used to improve project design and mitigation plans.
- (xii) All consultations need to be documented in the RAP/LRP with list of participants, issues raised, and response provided to those issues and how feedback incorporated in the design.

#### **Stakeholders Identification**

RAP developer will define criteria for identifying and prioritizing stakeholders, select an engagement mechanism with focus on short- and long-term goals, determine logistics for the engagement, frameworks for implementation ensuring equitable stakeholder contribution and mitigating tension while remaining focused on the issues.

## **Stakeholders Mapping**

A broad stakeholder engagement process requires a full stakeholder mapping. To start with a list of engagement objectives was developed hence the list of stakeholders that included everyone who has potential interests in project objectives. The areas of engagement were determined based on the activities stipulated in the scope of work that require engagement of core business actors on the ground. Additional considerations were made to the stakeholders who were engaged during preparation of ESIA and RAP.

*Categorization of stakeholders:* This is an opportunity to reach out and mix the old with the new, including individuals from each of the following stakeholder categories: influencers, collaborators, advocates, and implementation partners. Consideration will also be made to add silent members to especially the marginalized groups of women, youth, elderly among others because they may have a hidden wealth of expertise/native/indigenous knowledge.

*Analyzing:* From the established list of the identified stakeholders, analysis was conducted to better understand relevancies and the perspective of which the stakeholders will offer in relation to the objectives of the assignment. Consultant developed a list of criteria to help in the analysis of each identified stakeholder:

- **Contribution:** Does the stakeholder have information, counsel, or expertise that could be helpful in undertaking the assignment?
- **Legitimacy:** How legitimate is the stakeholder's claim for engagement?
- **Willingness to engage:** How willing is the stakeholder to engage?
- **Influence:** How much influence does the stakeholder have?
- **Necessity of involvement:** Is this someone who could derail or delegitimize the process if they were not included in the engagement?

*Defining Engagement Framework:* Consultant is on the process to establish the frameworks for different stakeholder's engagement depending on the scope of engagement strategy, multiple tactics such as engage, communicate and inform will be used simultaneously to address different stakeholder groups.

Engage describes stakeholders with whom engagement is necessary. Communicate describes stakeholders with a high willingness to engage or a high level of expertise but who have not yet participated in dialogue with your company. Communicating more with these stakeholders will help them -value engagement. Inform describes stakeholders who seek information only instead of a conversation.

*Creating A Synergies with other project components:* Based on the engagement notes, a consideration will be made on a landscape of issues that came up during engagement analysis with expected output(s), track for a successful engagement with the selected stakeholders. Key steps to be followed include: (i) Document the engagement, (ii) Facilitation of a stakeholder's workshop for each party to understand the expectations of the stakeholders' engagements (iii) define logistics (iv) to agree on the working frameworks (mode operand).

*Documenting the Engagement:* In order to measure success and build on efforts for future activities, consultant has identified areas that requires stakeholder's engagement the methods used. Based on the TORs and consultant's past experience the following groups will form part of stakeholders to be engaged during the execution of the assignment. Each of the stakeholders has different needs for engagement on the Project. Therefore, their participation should take into consideration their interests and level influence, and a consideration on how best to reach them.

The purpose is to ascertain their relevance and role in the project during resettlement and Social Monitoring as stipulated in TORs. Spotting on a recommendation from the project SEP (if any) document consultant will ensure that each level informs the other and there is a feedback mechanism that emphasizes the need to share information in offices that have the requisite mandates and convening power.

Collaboration with other community outreach activities will be solicited so as to club the consultation activities together. The aim will always be to minimize the occurrence of actions that would be interpreted as community fatigue to the PAPs.

#### **Consultations during the RAP development and implementation**

RAP developer should be guided by the Project SEP (communication strategy) to lay out various communication needs and outreach tools and explain the responsibility of RAP developers to convey the awareness of the project impacts and its benefits to various stakeholders. The objectives are:

- To create project awareness among affected population.
- To provide information to PAP about the adverse impacts on private properties, economic resources and livelihoods and mitigation measures considered in the RAP.
- To take cognizance of PAP's views, grievance redress, etc. to act on the desired lines of minimizing impacts creating a congenial environment for the implementation of the project.

The project affected people need to be taken into confidence through a sort of dialogue and that can be best done through adopting a planned communication strategy. Public / community consultation focus group discussion, usage of TV, radio and other electronic communication means are required to be taken up for this wider appreciation of the project. This is necessary for smooth implementation of the project.

#### **3.1.6 Methods for Asset Inventory (Land Acquisition)**

Lower Msimbazi Valley Development project is an intervention that will require land uptake for construction of infrastructure. Land ownership in the affected area is mainly by encroachers and some few legal owners. In that regards, it requires that land that is privately owned, will be expropriated and compensated in cash or in-kind (land for land). Where necessary voluntary donation of land (an optional means of land acquisition) will be sought by extensive consultation and agreement /consent from most (98% -100%) of the PAPs – details presented in Section below. Activities that may require land acquisition under Lower Msimbazi Upgrading Project (LMUP) are listed in Section 1.2.

##### **(i) Involuntary Land Acquisition**

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

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



The land surveying methodology will base on the adjudication methods. Where the adjacent PAPs will jointly identifying the size, area and locations of their common neighbor. Each PAP will need to be recognized by his/her surrounding neighbors to claim the ownerships of his/her property unit.

The coordinates of the edges /corners of an adjudicated parcel will be taken by using handheld GPS. In this case the surveyor will record the coordinates of each parcel and sketch its geometrical figure. Hence, each parcel will need a unique identifier so that data concerning that parcel can be given an exclusive reference in the database. Therefore, every parcel will be numbered by using the Unique Parcel Reference Number UPRN.

**Parcel Numbering:** As for the large-scale adjuration of region; the UPRN is started by identifying the Region-District-Locality-Parcel.

**Note:** a PAP unique number is assigned to the affected plots of land not to the owner.

**Property Identifier:** In addition, as it was decided in the national/regional adjudication, that an additional Property Identifier would be required to differentiate between property types and the identifying letter (as shown below) would be shown at the start of the UPRN as follows:

Property Identifiers

(i) A, B C etc. – to identify any additional plot of the same owner in the same location

(ii) Bu - Building

(iii)L – Lease

(iv)CA- Communal asset (water bore hole etc..)

(v) G- Graveyard

(vi)Ch- Church

(vii) Mq- Mosque

(viii) Sch- School

(ix)Ho- Hospital

Therefore, the property unit identification number attributes should be divided as shown below with no constraints on the number of digits used.

**<Property Identifier><District Code> <Locality Code> <Parcel/Plot Number>**

The land will be valued, and the PAP informed of the associated compensation. In a disclosure each PAP will be required to sign a compensation agreement form. That will indicate the consent to release his/her land in exchange with the cash (in case of Cash option) or another land of the similar nature (in the event that PAP opts for in-kind compensation).

## **(ii) Voluntarily donated land (VDL) for community Sub-project**

The community/ and Individual PAP may contribute the land on a purely voluntary basis or may ask for in-kind compensation. VDL can be done by individual PAPs or may involve a community. The community VDL have notable challenges that should always be safeguarded including:

1. ensure that land donation is “truly” a voluntary decision and not “forced voluntary”
2. Who is donating and who is being affected?
3. ensure that the donation of land does not cause any significant reduction in land size and livelihood;
4. ensure that communal land practices are not severely altered,
5. VLD decisions can divide community and cause future disputes if not well consulted and documented.
6. If an investment is to take place on community land, there should be a prior community resolution agreement on the project and that the process for consultation should be

followed; including the signing of memorandum of Understanding (MOU) between the project and the PAPs / community.

**Guideline on Voluntary Donated Land (VDL):** Guided by World Bank<sup>7</sup> this RFP defines voluntary land donation as a practice of ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate. “Fully informed” means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision. “Free will” means that the owner can reject the possibility of giving up his or her land, because: a) there are viable alternatives available (such as rerouting of a water main if an owner refuses access to his or property), or b) where no viable alternatives are available, the donation will be to his or her benefit (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works). In line with the WB, definition this RPF recommend that the basic guidelines to be followed for voluntary land donation in Msimbazi project be as follows:

**a) Land Identification**

Land identification will be conducted in two levels

- Desk work: where the survey team together with the Municipal surveyors and town planners will be involved in the process of land identification to ascertain the land use in the border map of the urban plans, as well as the ownership.
- Field work: The survey team will conduct site visits to identify the following:
  - Land to be donated must be identified by the community through a participatory approach.
  - Donation of land cannot occur if it requires any household relocation
  - For community or collective land, donation can only occur with the consent of individuals using or occupying the land.
  - Proper measurements should be taken to understand the size of the land.

**b) Valuation and social Economic investigation;**

Investigations should be conducted to identify the impacts of proposed activities on donated land.

- The proportion of land that may be donated cannot exceed the area required to maintain the donor’s livelihood or that of his/her household.
- Value of the land and the development on that land.

**c) Open dialogue with the donor**

Extensive consultation with the donor should be undertaken specifically the following points will be taken into account:

- i) The results of the surveys should be disseminated to and fully be explained to the donor.
- ii) The dissemination should be done in a way that it allows for discussion between the two parties.
- iii) A facilitator should be a neutral person (consultant) a person who cannot influence the donor’s decision.
- iv) As much as possible, avoidance of political leaders and authoritative figures would be encouraged so as to create a neutral atmosphere for the donor to make a free decision. As such a compliance with the condition that the act of donation should be undertaken

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<sup>7</sup> World Bank report no ACS14403 How to note on application of social safeguards policies to community driven development projects. July 30 2015

without coercion, manipulation, or any form of pressure on the part of public or traditional authorities.

- v) All the points raised during the discussions should be well documented or recorded in audio or videos. The copies of which will be kept by each party involved in the dialogue.
- vi) To ensure that the potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign.

**d) Disclosure of the possible option that would safeguard interests of both parties:**

The donor may request monetary or non-monetary benefits or incentives as a condition for donation.

**e) Preparation of Memorandum of Understanding (MOU)**

The following aspects will be taken into consideration in preparation of MOU

- i. **Verification** must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses). During the verification the SPCU (implementing agency) will distinguish between “pure” donations without any compensation or support given to the person affected, vis-à-vis “partial” donations which involve some monetary or nonmonetary benefits or incentives provided to the affected person.
- ii. **Maintain transparency process:** Voluntary land donations may be allowed even if no viable alternative exists, as long as the donation is to the benefit of the donor (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works). All family members (including spouses) must be aware of the donation, in order to minimize the risks of women users of the land to be donated being passed over in decision - making on land donation and the risks of cross-generational conflicts. Individuals using or occupying community or collective lands must also be aware of the donation to minimize risks of settlers or migrants being passed over in decision-making on land donation.
- iii. **Land Holding:** The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry. Any donated land that is not used for its agreed purpose is returned to the donor.
- iv. **Property registration:** Each instance of voluntary land donation in Msimbazi project must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the subproject, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved.
- v. **Land Transfer charges and taxes:** Taxes to be paid by the land donator for registration of the land transfer, if applicable, should be covered in full by the implementation agency.
- vi. **Documentation and records keeping:** The implementation agency maintains a record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise and is provided to the World Bank upon request.
- vii. **Grievance and dispute settling:** The RAP preparation Team must specify means by which land donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of

reviewers not directly affiliated with the project implementing agency. Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Alternatively, grievances may be referred to grievance mechanisms established for project purposes. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

**f) Signing of MOU**

The consultation with donor must be conducted to discuss the details and contents in MoU. The minutes of discussion should be appended to the final MoU and be signed in quartile in presence of the District/Municipal magistrate buy representatives of both donor and Project Management Teams.

**3.1.7 Methods for Census and Socio-Economic Survey**

The process of gathering Social Economic Baseline information for the RAP development is through primary and secondary sources of data. While the primary data are captured from the field (i.e. through interviews guided by questionnaires, focus group discussions, consultations and key informant interviews, the secondary data are obtained through Literature Review (policies and projects' documents). This process needs to be done during the pre-feasibility study stage, so that the RAP consultant can understand the impacts of the designs that will be done by the engineering team as well as guiding the RAP team to determine the approaches to be adopted during RAP preparation.

This RPF recommends that, the RAP developer through the social /RAP expert to ensure the following:

- As much as possible field data are captured and analysed electronically through acceptable software.
- The survey tools will be shared with the client for approval prior to be tested /administered in the field.
- Testing of the tools should be done within the project area. The selection of households will consider the less challenging areas.
- The tools shall be translated into local language (Kiswahili) for the PAPs to comprehend.

**Census**

The Census will be carried out to enumerate all PAPs (100%). The aim is to capture information regarding the PAPs including; household demographic characteristics [age, gender, marital status, education, physical conditions (handicap by birth/chronic sickness)]; occupation, assets (structures both affected and non-affected), land tenure and use, income and expenditure, compensation choices and preference of compensation mode of payments, social networks, coverage under government or NGO development schemes, level of indebtedness.

**Socio Economic Survey (SES)**

The survey will cover a sample of PAPs between 15% and 30% of the total PAPs. The purpose of the baseline socioeconomic survey of impacted households is to establish monitoring and evaluation parameters. Information obtained from SES will be used as a benchmark for monitoring the socio-economic status of displaced persons. The survey shall cover all major impacted areas. The survey shall also collect gender-disaggregated data to address gender issues in resettlement. The socio-economic survey shall be carried out using a structured questionnaire, that would capture details of standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, access to services and facilities, perceived benefits and impacts of the project and resettlement preferences of all major impacted households likely to be displaced. This information along with

the census survey data would facilitate the preparation of a resettlement plan to mitigate adverse impact.

As part of socio-economic survey, wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the designs changes, if required, and mitigation measures will be incorporated. Consultations will include women and their concerns and reactions to the project will be addressed through appropriate mitigation plan.

### **3.1.8 Valuation Methods**

Valuation methods for affected land and assets be done at replacement<sup>8</sup> cost as per WB-ESS5, that state, when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Meaning that in the case of physical displacement, the Borrower will develop a plan that covers, at a minimum, the applicable requirements in ESS 5 regardless of the number of people affected.

**Replacement cost:** Replacement cost is the principle to be complied with in compensating for lost assets as per Table 6(4). Thus, the valuator should conduct analysis of the valuations calculated under Tanzanian laws and establish variation factors to bridge the gaps. It has been noted in most cases that GoT rates are rarely tallying with the requirements of the replacement cost.

#### **Land Valuation**

For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected owners. However, that unit should be among of the international Standards Unit (SI units). The unit that is being used must be explained to the affected owners/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs.

Valuator shall obtain land values from the reliable sources including Ministry of land, chief valuator and from the results of his own market search. The highest rates shall be applied, consistent with World Bank approach (ESS5) of replacement cost.

#### **Valuation of trees and Crops Compensation**

Trees and permanent crops will be valued based on the market rates for various species as provided in the schedule for the Zone by the Ministry of Forestry /ministry of Agriculture. The value depends on age/maturity of the tree or crop, potential use and the number of trees; economic use, production rate /yield and profits accrued. The main type of species found are permanent crops or trees.

The laws of Tanzania require full, fair and prompt payments of compensation within 6 months from time the Valuation Report is approved. The timing / schedule of RAP implementation revolves around the date when valuation was done and PAPs where required not to undertake any further development on the land and properties that have been inventoried and valued.

Given their significance to the local subsistence economy, which this project intends to positively impact, fruit trees will be compensated on a combined replacement/market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. The compensation rate will be based on information obtained

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<sup>8</sup> Government procedure for valuation is for market value, as discussed in the

from the socio-economic information and the market price search. Based on the information, a compensation at replacement cost can be computed. Other domestic fruit and shade trees: These trees have recognized local market values, depending upon the species and age. Individual compensation for wild trees “owned” by individuals, who are located in lands as defined in this policy, will be paid. No compensation will be paid for minor pruning of trees. Due to the localized nature of projects, it would therefore be unwise to deploy an individual valuation expert in each case

### **3.7.9 Compensation for Sacred Sites and graveyards:**

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

#### **Compensation for vegetable gardens**

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

#### **Community Structures**

If community buildings/facilities are affected by the Project, they will be repaired to at least their previous condition, or replaced in areas identified in consultation with affected communities and the relevant authorities, particularly in resettlement areas.

#### **Government Buildings/Infrastructure**

Consultation and coordination will occur between government ministries regarding any impacts that the Project may have on government assets, noticeably the DART head offices. These will be subjected to relocation elsewhere. The compensation shall be in a form of in-kind to replace the said building.

#### **Determine other entitlements and Topping up Allowance**

*Disturbance allowance:* This is calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore, the total compensation value, then obtain the 8% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance.

*Transport Allowance:* Section 179 subsection 11 of the aforesaid Land Act (1999) directs how this allowance is to be assessed: “Transport Allowance shall be the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometres from the point of displacement (i.e. Transport allowance = 12 tons x Actual Cost/ton/km x 20km)”. Transport allowance is computed on the basis of prevailing market rates within an area and is paid only to PAPs with occupied residential/commercial structure.

*Loss of accommodation:* Section 179 sub-sections 8 of the Land Act (1999) stipulates how accommodation allowance is to be arrived at: The market rent for the building shall be assessed and multiplied by 36 months in order to arrive at accommodation allowance payable. (I.e. Accommodation allowance = Rent/p.m. x 36 months). Accommodation allowance shall be paid only to PAPs losing occupied residential structures. Given the nature of the project that there are substantial number of tenants who residing in the affected area, this project is

providing a consideration that the tenants be receiving token amount equals to Rent/p.m x 3months.

*Loss of Profit:* This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: The net monthly profit of the business carried out shall be assessed, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. (i.e. Loss Profit = Net profit/p.m. x 36 months).

**Note:** Valuator shall review all government rates on the topping up allowance to ensure that they are up to date hence in line with replacement value /cost requirement.

#### Valuation procedures

The Valuator shall carry out the valuation of affected assets and calculation of applicable allowances in accordance with defined entitlement matrix in draft RAP. It is necessary that, the baseline data on housing, house types, and construction materials will also be collected. Qualified and experienced experts (valuator) will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account. The Valuator will act under the direct supervision of social specialists.

At the end of valuation exercise, the Valuator will provide a valuation report for prior review and approval by the LGAs and subsequent Chief Valuer. Valuation Report for each RAP will contain clear separation of each asset/property and losses with final summary of the valuation (Rates) applied to compute compensations for:

- affected properties/assets (building, crops, trees and other improvements)
- business and affected employees
- Transportation costs for movable assets.
- Allowances defined by RAP (allowance for relocation, disturbance allowance, vulnerability etc.).

#### **3.1.10 Handling 2015/2016 evictees and survivals**

*Evictees:* The project area includes Hananasif area where the government has demolished some houses in order to rescue /evacuate the people from being washed away by floods in 2015/2016. Also, the adjacent communities of Mtambani A who have filled a case in the Ilala District Magistrate striving to obstruct the demolition of their houses basically due to non-consideration of the replacement/compensation of the affected assets.

Valuator will visit the area and conduct the assessment of the existing assets as per the cutoff date. The valuation procedures on land and structures (as per the situation during the survey) will take place and all the PAPs will receive their entitlements as stipulated in the entitlement matrix.

*Survival:* the potential PAPs from Mtambani A&B who have been filling a case to protest the demolition of their builds and structures by the Government in 2015/16, the case is still active in the Ilala District Magistrate's Office. PO-RALG will conduct dialogue with the PAPs and get their consent to allow for the resettlement so that they withdraw their claims. RAP developer shall be part of the members participating the meetings and prepare adequate documentation of the processes/ proceedings / decisions/deliberations of the meetings.

#### **3.1.11 Videography/Drone footage**

The videography/Drone footage exercise for the entire corridor / project foot print should be carried out by the experts who are familiar with the project areas. The drone images of the entire corridor and specifically those areas where structures are to be impacted must be well captured to back up the information recorded during the Asset Inventory exercise.

This should be coordinated with the surveyors and GIS experts to ensure that all PAPs within the delineated project foot print are captured.

### **3.1.12 Methods to Establish Vulnerable Sub-Groups**

Particular attention will be given to identify PAPs falling into vulnerable groups such as the landless, women-headed households, households with orphans, elderly living alone, sick head of household to ensure that their needs are identified and that they are provided adequate support. Vulnerability will be defined at the household level and could be based on economic vulnerability (e.g. a farmer losing the land parcel for agricultural production as a source of income or social vulnerability (e.g. the elderly, disabled and/or jobless) or a combination of these. The socio-economic survey for the RAP will clearly identify the households that are deemed vulnerable in terms of project impact, provide a detailed justification describing the project impact and rationale for vulnerability.

The RAP will clearly describe the nature of the impact, the vulnerability and the detailed provisions offered to the household by the project that are specific to its particular needs and cater to its limitations. All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement. Similarly, any grievance complaints made by vulnerable households will be given preference and they will be provided assistance by the PIU representative to submit resettlement related complaints.

The findings of the Social Assessment that was conducted for the project indicate that women in the proposed project areas are engaged in a range of income generating activities mostly in the agricultural and marketing sector. The project will pay particular attention to ensuring women are the recipients of the compensation pertaining to their livelihood and activities. Women who are household heads would be especially listed as beneficiaries of compensation and rehabilitation proceedings if/when affected by the resettlement impacts. To ensure the above outcome, the following actions will be considered:

- Inclusion of women as impact enumerators;
- Conduct of gender-disaggregated census data to pinpoint and quantify the women who are likely to be affected by the subprojects and to establish their pre-project conditions (including livelihood-related impacts);
- Inclusion of women as major participants in the consultation processes and, as part of this process holding of separate discussions with women. Use of participation/consultation strategies that encourage the involvement of women, and vulnerable households in resettlement planning and implementation; Emphasis will be given to questions and queries and complaints/grievances lodged by women or vulnerable households and feedback duly provided;
- Underscore the effect of land acquisition and resettlement impacts on women in monitoring and evaluation of RAP implementation;
- Provision of training to women and vulnerable households for new employment opportunities;
- Joint registration of land use rights in the names of husband and wife in instances where households are allocated alternative agricultural and/or residential land;
- Provide access to women and vulnerable households to project-related employment Opportunities (the PO-RALG, local authorities and contractors will coordinate and set applicable quotas for such job placement); and
- Include female government officials in the coordinating committees established to facilitate RAP preparation and implementation



### 3.2 RAP Disclosure and Signing of Compensation Agreements

Subsequent to field work for data capturing the RAP developing team shall embark on the compilation of all data collected and its analysis towards report preparation, as described below: *Disclosure and Compensation Agreement Forms Signing*: A Disclosure database will be prepared using the existing database developed for RAP with valuation data incorporated. Specifically, it will be comprised of the following:

- i. Data with Asset valuation – Valuation of different Asset of PAPs must be included such as land size (sqm), house and structures (classified by type and Size) numbers; Trees, varieties of trees (Indigenous, Fruit, Exotic etc.) with sizes (small, medium and large/mature) by number and values, crop permanent crops by number and values according to the ministry of agriculture.
- ii. Disclosure Database – PAP identification, Unique number (actually number assigned to the affected plot); name of the PAP as per official and valid ID, age sex, social status, health status, economic status, Status of Ownership, area of affected plot that will be compensated, occupation, vulnerability status along with their signature are included in the database apart from the valuation data for asset.
- iii. Approved rates will be inserted against each of the recorded assets to help compute the compensation and assistances payable to each PAP.
- iv. Disclosure of the Final House designs to PAPs to ascertain the PAPs choices of the designs for the replacement of the impacted main dwelling structures (Replacement House) shall be undertaken during disclosure and compensation agreements to be signed. The features of house designs will be simplified for this purpose and thereby enable the PAPs to comprehend them easily. Adequate team members comprising community development GIS and architect should be deployed along with surveyors to approach PAPs to explain the house designs and capture their choices and convey the same to the RAP implementation teams to enable preparation of BOQ for the house construction contractor.

The exercise will help come up with a Disclosure Sheet for all impacted assets, their applicable rates and amounts payable to each PAP. The details from these Disclosure Sheets will also copied onto Compensation Agreement Form approved by PMT. The Compensation Agreement, translated into Kiswahili language will be printed with all cells populated with payable amounts.

Prior to the commencement of the field activities for the above, a half day orientation program will be organized for all those personnel to be involved in the exercise. It will be administered by the Valuation Expert along with the Team Leader. The exercise will help to clarify the following:

- i. Types of assets that would be compensated;
- ii. Rates used to compute compensation amounts and their sources;
- iii. Compensation amounts payable to those losing lands under the project foot print
- iv. Allowances payable such as Shifting allowance, Disturbance allowance;
- v. Special grants for those vulnerable PAPs;
- vi. Cut-off dates applicable for each area;
- vii. Likely date for making of payments and by whom; and
- viii. Other general instructions such as checking on payment in a single account or joint account, taking photographs for issuance of PAP ID card at a later date.

*Updating Database Post-Disclosure*: Following the disclosure exercise, any corrections to inventory of trees, types of trees, structures types in terms of materials and dimension, or name of PAPs will be updated in the database. The previously unknown or missing PAPs might be showing up during the disclosure and they will be identified and listed by names and checked in the project areas instantly by using GPS to know their real position on the wayleave. Valid PAPs will be enlisted in the

PAP list and their asset and other Census and Socio-economic information in the database updated. Those new PAPs will be attended later in another disclosure meeting and their signatures obtained on the agreement form for their asset. **Annex 1** covers the content and structure of the RAP in more detail.

### 3.3 RAP Review and Approval and Disclosure

Following the draft RAP preparation, a number of steps is important to be followed: WBCU Social and environmental advisor receives and review the draft RAP forwards the document to the project coordinator for further review and approval. The review will aim to ensure compliance with the RPF, and consistency in approach between different activities. Capacity for draft RAP review and approval will be built at the WBCU. This will be done through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively. It is anticipated that funds for such trainings would be part of the overall project budget for training.

- a) The WBCU discloses the draft RAP on its website, disseminates and shares with local authorities and interested NGOs, and the affected persons (especially the site specific sections) and presents it in a place accessible to them, and allows two weeks for comments. Comments will be collected by representatives of wards and *Mitaas*.
- b) Following incorporation of comments after disclosure, and the WBCU management approval, the draft RAP must also be formally sent to the World Bank for review and clearance to ensure compliance with ESS 5 and any other relevant policies/ procedures.
- c) After the draft RAP is finalized, based on input from World Bank, the final RAP will be disclosed at local and national level. The WBCU will also disclose it on its website and in the project areas so that PAPs and all interested persons have full access to the document. PAP specific information will not be disclosed.

## 4. ELIGIBILITY AND ENTITLEMENTS

Resettlement and entitlement framework is a major integrated part of any resettlement plan document. It provides the bases of calculations of costs of impacted properties and sources of earnings lost to people affected by the project in the process of planning for any infrastructure development. It also puts forward the premises of formalizing eligibilities of affected persons in receiving compensation for the loss of their properties and earnings and also other resettlement and rehabilitation assistances being packaged for the beneficiaries through the project provisions. This is important for implementing the current RAP.

### 4.1 Eligibility

During the registration of inventory of the affected assets along the project area, all categories of affected lands should be recognized by the project and their legal statuses delineated. This will help in estimating proper compensation packages for the losses concerning acquisition of land and other private properties. The census survey will be carried out to identify and determine the number of PAPs in accordance with the procedures, satisfactory to the national policies and the World Bank Safeguard Policies. The Land Law in United Republic of Tanzania.

The government will use the power of Eminent Domain to acquire land or other properties from private owners or community ownerships to create space for the developmental activities, especially in infrastructure development to create facilities and services to be catered to wider population. The regulations will be followed in all projects.

A Project Affected Person (PAP) is defined here as any person whose land and any other property has been lost due to the project irrespective of his/her stand of gender, age, marital status, ability/disability, religion, origin and any other social or cultural attributes. The perspective of the word PAP mentioned above will embrace the criteria for eligibility for compensation, resettlement assistances and other measures, emanating from consultations with affected communities and the *Mitaa* leaders.

When resettlement of PAPs is necessary, the following procedures should be considered for determining eligibility for compensation, resettlement assistance and the actual displaced persons:

**Rightful Owners:** these are PAPs that have formal legal rights to land, under the laws of URT. This class of people includes those holding leases held within the family or passed through generations.

**Encroachers:** PAPs who have no legal right or claim to the land they are occupying. This class of people includes those that settle at a place on semi-permanent basis (renting), or those settling at a place without any formal grant or authority (encroachers). These PAPs constitute the majority of land owners in the project areas.

**Tenants:** means any person by whom or on whose account lease/rent is payable for any property.

**Vulnerable groups:** There is the case of vulnerable people, such as widows, single mothers, child-headed households, handicapped people, HIV/AIDS victims, and the elderly persons as they require special assistance to cope with the impacts. This category of vulnerable people will be explicitly identified in the census and the details of their social economic condition be captured through SES, and therefore requires special or supplementary measures to be taken to attend to their particular needs. This group will include women, men or children heads of their households with two or more conditions of vulnerability such as physically disabled, mentally impaired,

socially: widow/widower, orphan, single parent with high dependency ration i.e  $\geq 4$  dependents; economically Poor i.e the household is categorized as poor /ultra- poor (by TASAF definition).

- Findings of the rapid Social Assessment will point out the potential land shortages suitable for relocating people in the nearby areas. This implies that finding the replacement land might turn out to be difficult, hence the project design will aim to minimize land acquisition. Where land is to be acquired titled or legalizable PAPs, will receive compensation for land acquired by the Project at replacement cost, this will be in cash at replacement cost or land-for-land (of equal size and/or productive value and be satisfactory to the PAP). Non-titled PAPs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required, in lieu of land compensation and additional livelihoods restoration.
- Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. Table of entitlement Matrix below presents the Projects' entitlement matrix, based on potential losses.
- Compensation eligibility will be limited by a cut-off date to be set for each subproject. PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay any fine or sanction.

#### 4.2 Categories of PAP and Associated types of Losses

There are mainly five categories of affected people that have been identified. The different categories of PAPs with their potential types of losses are summarized in Box 3 below:

Table 8: Different Categories of PAPS and the corresponding assets

PAP Category	Types of Losses
Owners of plots in the Project Area;	Loss of land Loss of trees Loss of intrinsic values e.g. location convenience
Owners of plots with Residential houses and other buildings in the project areas;	Loss of land and houses in which they are living, Loss of other buildings and structures, such as sheds for domesticated animals, food grain storehouses, etc. Loss of standing crops, both perennial and seasonal, Loss of livelihoods – source of earning, income.
Owners of plots with commercial buildings in the project areas;	Loss of livelihood– source of earning, income, Loss of Land Loss of buildings Loss of intrinsic values e.g. location convenience, patronage of customers, connectivity to water or electricity etc
Owner of land for agriculture / horticulture / shelters for crafts with their land / structures (as source of income) in the way-leave;	Loss of livelihood– source of earning, income, Loss of land Loss of structures Loss of yield Owners of commercial structures, such as shops (as source of income) in the way-leave Loss of livelihood– source of earning, income. Loss of intrinsic values e.g. location convenience, patronage of customers, connectivity to water or electricity etc.

PAP Category	Types of Losses
Community/public assets: schools, market centres, religious institutions churches; offices (DART)	Loss of structure Disturbance Loss of intrinsic values e.g. location convenience, connectivity to water or electricity etc

### 4.3 Entitlement Matrix

The Entitlement Matrix in Table below provides measures for different categories of impacts and project affected persons. For other environment related impacts caused during any stage of the project, refer to the early resettlement and social Impact Assessment (ESIA).

Table 9: Entitlement Matrix for Various Categories of PAP

Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
<b>1. LOSS OF LAND</b>				
Loss of residential or commercial non-arable land or access to it	Permanent (complete or partial) loss of urban residential non-arable land	Individuals who have formal legal ownership rights to land (Rightful Owners)	<ul style="list-style-type: none"> <li>▪ Provide cash compensation at replacement cost of land.</li> <li><b>OR</b></li> <li>▪ In - kind provision of alternative land of equal size and use, with similar or improved public infrastructure facilities and services and if possible the replacement land should be located in the same locality of with the affected land, plus the cost of any registration and transfer taxes.</li> <li>▪ Provision of disturbance allowance Disturbance allowance of 8% of the value of land lost will be provided to those who do not get land for land, irrespective of the size of land.</li> </ul>	<ul style="list-style-type: none"> <li>• Consultations and formal agreement with PAPs on type of compensation (cash or in-kind)</li> <li>• If available and requested by the PAPs and agreed to by the subproject and concerned authorities: provide equivalent land nearby, of similar size, value, and quality</li> <li>• In addition, the subproject will bear the cost of any registration and transfer taxes as well as value of labor invested in preparing of that land.</li> </ul>
		Individuals who do not have ownership rights to land but have (Encroachers of utilities : TANESCO, TARURA,DAWASA)	<ul style="list-style-type: none"> <li>▪ No Cash Compensation:</li> <li>a) In case there are developments on the land such as structures, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure.</li> <li>b) Disturbance allowance 8% of the affected structure/crop</li> </ul>	
		Individuals who have no ownership rights to land but using the land (Squatters)	<ul style="list-style-type: none"> <li>a) Cash Compensation:</li> <li>c) In case there are developments on the land such as structures, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure.</li> <li>d) Disturbance allowance 8% of the compensation sum</li> </ul>	Security of tenure for replacement of the land they use (near Situ, In situ, elsewhere or equivalent cash)

Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
	Returnees from previous resettlement (Mabwe Pande)	Individuals who have been evicted in the past and provided with alternative land plots in Mabwe Pande and returned to their plots in the flood prone community	<u>Cash Compensation</u> <ul style="list-style-type: none"> <li>▪ Loss of development on the land (structure, crops etc.)</li> <li>▪ Disturbance allowance 8% of the compensation sum</li> </ul>	
<b>2. LOSS OF STRUCTURE</b>				
Loss of structures or access to them	Permanent fully loss of Main Dwelling Houses	Individuals who have formal legal ownership rights to the structures	<u>Cash Compensation</u> <ol style="list-style-type: none"> <li>a) Provide cash compensation at replacement cost</li> <li>b) Disturbance allowance (8%)</li> <li>c) Accommodation allowance (36months) equivalent to the rental rates for the house of similar attributes.</li> <li>d) the cost of any registration and transfer taxes.</li> <li>e) Disturbance allowance up to 8% of the value of the affected house.</li> <li>f) Transport allowance to relocate the materials and equipment.</li> <li>g) Right to salvage the materials</li> </ol>	<ul style="list-style-type: none"> <li>▪ Fully loss of a house is computed when the one or the following happens:               <ol style="list-style-type: none"> <li>a) entire house is subjected to demolition</li> <li>b) the proportion of the impacted area is more 30% of its area;</li> </ol> </li> <li>a) the main features of the house such as soak tank and toilet or kitchen subjected to be demolished.</li> </ul>
		Tenant with proof of tenancy in a main dwelling house	<ol style="list-style-type: none"> <li>a) Reimbursement for unexpired tenancy/ lease period and the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation (bared by the Land Lord).</li> <li>b) Transport allowance to shift 20 tons load up to 20km distance</li> <li>c) Accommodation allowance equivalent to the disrupted rate for 3months.</li> </ol>	<p>Proof of a formal rental agreement has to be provided.</p> <p><i>Note: Amount will be deducted from the compensation of loss in profit that will be payable to land owners. Consultation will be made to encourage land lords to give the consent so that the amount will be deducted from the compensation of loss in profit that will be payable to land owners.</i></p>

Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
	Permanent or temporary loss of business or commercial structure	Individuals who have formal legal ownership rights to the structures	a) Cash Compensation <ul style="list-style-type: none"> <li>▪ Provide cash compensation at replacement cost</li> <li>▪ Disturbance allowance up to 8% of the value of the affected house.</li> <li>▪ cost of transporting building materials to the construction site,</li> <li>▪ the cost of any registration and transfer taxes.</li> <li>▪ Allowance for loss of profit per month (between 1-3 months by type of structure and nature of business, amounts should be quoted separately for each business category and computed in Tanzanian shillings)</li> <li>▪ Right to salvage the materials</li> </ul>	<ul style="list-style-type: none"> <li>• Fully loss of a house is computed when the one or the following happens:               <ul style="list-style-type: none"> <li>- entire house is subjected to demolition</li> <li>- the proportion of the impacted area is more 30% of its area;</li> </ul>               The main features of the house such as soak tank and toilet or kitchen subjected to demolish.             </li> <li>▪ Given that the business profit margins vary according to the location and time; RAP developer will capture the proper information during RAP preparation. Proof of accrued monthly profits through tax and business licenses) must be provided</li> </ul>
		Tenants with proof of tenancy in a main dwelling house	a) Reimbursement for unexpired tenancy/ lease period and the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation (by land Lord). b) Transport allowance to shift 20tonnes up to 20km distance c) Allowance for loss of profit per month (between 1-3 months by type of structure and nature of business, amounts should be quoted separately for each business category and computed in Tanzanian shillings)	Proof of a formal rental agreement has to be provided. <i>Note: Consultation will be made to encourage land lords to give the consent so that the amount will be deducted from the compensation of loss in profit that will be payable to land owners.</i> Note: PAP relocating beyond 20km will not be entitled to this amount. <ul style="list-style-type: none"> <li>• However, the project would consider payment of the transport allowance not exceeding 5% of the compensation on the structure.</li> </ul>



Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
	Public structures (DART, Schools, hospitals etc)	Government Officials, Community members	Full Replacement of the affected structure Cost of transporting equipment etc	<ul style="list-style-type: none"> <li>PO-RALG to engage a contractor for construction of replacement structure and procurement of the fixtures etc..</li> </ul>
<b>3. STANDING CROPS, TREES, AND PLANTS</b>				
Loss of standing crops, trees, or plants or access to them	Permanent loss of standing crops, trees, or plants	Farmers or individuals who cultivate the land and who have formal legal ownership rights to the land on which the crops are planted	Provide cash compensation for loss of crops, trees, or plants at replacement cost a) Disturbance allowances 8% of the total value of the crops b) Right to collect the trees and crops products c) Reimbursement for unexpired rental period and the amount of deposit or advance paid by the renter to the landlord or the remaining amount at the time of expropriation.	<ul style="list-style-type: none"> <li>A comparative list of the prices of agricultural products in local markets.</li> <li>The valuation of perennial crops will be based on the product of their average yield (kg/tree/year).</li> <li>Valuation will be based on the product of yield, period between planting and bearing of fruits and market price.</li> <li>The sub-project activities should take into consideration the cropping patterns and seasons in order to avoid partial or complete loss if possible.</li> </ul>
		Farmers or individuals who do have formal legal USER rights to land on which the crops are planted but have temporary or leasing rights (renters)	d) Provide cash compensation for loss of crops, trees, or plants at replacement cost. e) Disturbance allowances 8% of the total value of the crops f) Right to collect the trees and crops products Reimbursement for unexpired rental period and the amount of deposit or advance paid by the renter to the landlord or the remaining amount at the time of expropriation.	
		Farmers or individuals who cultivate the land and who have no formal legal ownership rights to the land on which the crops are planted (encroachers)	a) Provide cash compensation for loss of crops, trees, or plants at replacement cost. b) Disturbance allowances 8% of the total value of the crops c) Right to collect the trees and crops product	
<b>4. LOSS OF SOURCES OF LIVELIHOODS, INTRINSIC VALUES (LOCATION CONVENIENCE, CONNECTIVITY TO COMMERCIAL/BUSINESS/ INDUSTRIAL AREAS)</b>				

Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
Loss of source of Profit earned from Business	Permanent /Temporary loss of profit	Registered/licensed Traders (owners) /services providers of formal registered /licensed businesses	<p>Cash compensation:</p> <ul style="list-style-type: none"> <li>The net monthly profit of the business carried out shall be replaced for 36 months. To cater for transition period during relocation processes.</li> <li>Transport/shifting allowance (calculated based on Tz Laws.</li> </ul> <p>OR</p> <p>In-Kind compensation</p> <p>Provide tax and tenancy holidays for a specified period of time that will be equivalent to the calculated loss of profit.</p> <ul style="list-style-type: none"> <li>Provide in kind provision of new business space (temporary or permanent)</li> <li>Be provided in kind transportation</li> </ul>	Payable loss of profit will be calculated based on evidences obtained through audited accounts (i.e. Loss Profit = Net profit/p.m. x 36 months).
intrinsic values ( location convenience	access to income sources, connectivity to commercial/business / industrial areas)	PAPs living in the floods prone areas	<p>Provide security of land tenure</p> <p>In kind provision of alternative land or cash at equivalent rate</p>	<p>Consultations and formal agreement with PAPs on type of compensation (cash or in-kind).</p> <p>PAPs receiving cash will be provided with supporting capacity building eg. financial literacy,</p> <p>PAPs receiving in kind land plots will be receiving capacity building trainings eg. on business administration and other self-help activities that will enable them stay</p>
	Temporary loss of income source or access to it	Registered /licensed employees of business (in the markets/slaughter houses)	<ul style="list-style-type: none"> <li>Provide cash compensation for the duration of business/income generation that is disrupted based on net income.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Provide Disturbance allowance of 8% of the profit for the period of six months</li> <li>Provide alternative temporary business space</li> <li>These PAPs shall have top priority in reallocation of business space in the new facilities</li> </ul>	
<b>7. LOSS OF COMMON PROPERTY RESOURCES AND CULTURAL , GRAVEYARD/BURIAL</b>				
Common Property (Hand-pump,	User of such resources (can be individual or	Affected area	<ul style="list-style-type: none"> <li>Replacement or restoration of affected structures/facilities.</li> <li>Enhancement of community resources.</li> </ul>	Replacement / Restoration or augmentation of existing infrastructure

Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
dug- wells, Structures, water kiosks,)	communities) that use communal resources as an element of livelihood.			based on identified need and to sustain pressure of Affected Facilities (AFs).
Destruction or damage to shrines and graveyards	Can be individual, family or community.	Evidence of ownership of the affected heritage resource.	<ul style="list-style-type: none"> <li>▪ Compensation for cost of repair if falling inside of the Project area, or relocation in accordance with Tanzanian law (Graves (Removal) Act of 1969) and traditional customs (including pacification and purification).</li> <li>▪ Preservation, compensation and relocation activities will be done in consultation with affected individual / family or relevant Government institutions responsible for cultural heritage or National antiquities</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification of the new sites.</li> <li>▪ Relocation of the graves/cultural item.</li> <li>▪ Costs to cover the reburial ceremonies, buying of coffins and construction of tombstones for graves that had tombstones</li> </ul>
<b>Permanent loss of land and/or access to assets</b>	Community owned public toilets, market places, transportation parking spaces, schools, and health centres	Communities (districts, towns, and Mitaas) owning the land or assets	<ul style="list-style-type: none"> <li>▪ Replacement or restoration of affected structures/facilities.</li> <li>▪ Enhancement of community resources.</li> </ul>	Replacement / Restoration or augmentation of existing infrastructure based on identified need and to sustain pressure of Affected Facilities (AFs).
<b>8. ASSISTANCE TO PEOPLE WITH CONDITIONS OF BEING VULNERABLE</b>				
Loss of social networks	Identified on the basis of the socioeconomic survey and criteria developed such as income level, disability, household size, etc. Vulnerable people may include the disabled, pensioners, widows,		<ul style="list-style-type: none"> <li>▪ In addition to compensation for assets lost, a lump-sum equivalent to 6months to one year of living subsistence allowance rates provided by government programs (TASAF) payments could be paid depending on the impacts.</li> <li>▪ In kind alternative land</li> <li>▪ Any additional impacts to be identified and compensated, for example logistical support may be required for moving, and assistance in the restoration of livelihoods may be required.</li> </ul>	

Types of losses	Level of Impacts	Entitled Persons	Compensation Policy	Additional Notes
	female-headed households, and impoverished households) and only if project renders them vulnerable.		<ul style="list-style-type: none"> <li>▪ In case of replacement of housing or structures for persons with disabilities and the elderly, the project implementer will ensure that the new housing would be accessible and adapted for specific needs to a reasonable extent.</li> </ul>	
<b>9. LOSS EMANATING FROM CONSTRUCTION ACTIVITIES</b>				
Loss of Access due to construction works	Temporary or permanent disruption of access	Regular users of the places close to construction sites livelihoods activates due to improved infrastructure (homes, business, schools, hospitals etc.)	<ul style="list-style-type: none"> <li>▪ Provision of alternate access.</li> </ul>	Provision of access path(s), wooden planks, etc. not exceeding 100 meters. at identified locations in consultations with community
Damage on houses and structures due to movement of machinery,	Cracks on the walls, collapse of walls and unstable structures	Structure owners and users	<ul style="list-style-type: none"> <li>▪ Supplementary RAP be conducted to determine the impacts and compensation be paid for in-kind OR cash at replacement cost.</li> <li>▪ Cash payment for temporary accommodation of the severely impacted dwelling structures at a cost of renting same size of house within the vicinity for SIX months.</li> <li>▪ To be undertaken on a case-by-case basis and repair the damage</li> </ul>	<p>PAP to report to Resettlement Grievance Management Committees to resolve issues.</p> <p>Cost shall be determined based on the requirement quantity of concrete for rebuilding the footpath.</p>

## 5. LIVELIHOOD AND INCOME RESTORATION PLAN

The URT and WB consider it a good practice to implement additional livelihood improvement measures for the project affected people (PAP), in order to restore livelihoods at pre-project level, as well as to improve livelihoods in order to reduce vulnerability and gender inequality. As the PAPs not directly benefit from the project but will have to bear the impacts on their livelihoods, there will be need therefore for implementation of restoration programs and improvement of their livelihood security. As the PAPs will not be able to continue to retain their land due to restrictions. The livelihood impacts induced by the project is relatively significant. Hence the strategy will be essentially to enhance livelihoods for the PAPs by the following measures:

- Training on Judicious usage of compensation amount by provision of effective counselling;
- Assistance in Securing a Resettlement Site
- provide PAPs employment opportunity construction related work that would enable them to supplement income;
- effectively monitor and evaluate the strategy and actions for intended outcomes and revise as necessary on a timely basis

### 5.1 Judicious use of compensation and assistance amounts

PAPs who are not used to handling grants might squander away their compensation money. Hence judicious usage of compensation amount should be effectively planned and carefully implemented through appropriate guidance and counseling on investment options. It would involve the following:

- i. **Provision of Financial Literacy:** For this purpose, both the Financial Literacy training to all PAPs and guidance provided by the Payment Agent on the financial products will be a key input to PAPs handling the available compensation amounts. It is expected to enable PAPs to take advantage of banking services both to safe keep their money and also earn interest. E.g. If the PAPs were to maintain a savings account, then the interest rate applicable varies between 7% to 11.5%, depending on the Bank.
- ii. **Invest in time deposit schemes:** Following provision of Compensation Agreement, the Agency contracted to provide training on Financial Literacy, the RAP Payment agent and RAP Implementation Agency would advise/guide PAPs to invest in time deposit schemes offered by formal financial institutions as these are secure instruments for investment with guaranteed returns. They would inform them of the prevalent interest that range from 10% to 14.63%.
- iii. **Purchase Economically productive/income generating asset:** RAP Implementation Agency would advise PAPs to use at least part of their compensation amount to buy another economic asset such as cattle, farm tools or even take lands on rent if available. In this manner compensation amount would be used to contribute towards livelihood enhancement.

### 5.2 Assistance for securing tenure

The need for a site free from future relocation came out clearly from the consultations. Considering that the PAPs are on river reserve, one of the considerations would be identification of an area where they would have some form of security of tenure.

The RAP developer should work hand in hand with ward and *mitaa* leaders to look keenly on resettlement sites that are not far from the current project area. The perception is that this is the area they know and starting a business in a whole new place would be daunting for them. It is assumed that they better understood the business dynamics at their current location hence, re-establishment in a familiar area would be easier to accept than re-establishment in a whole new area.

This plan recognizes that the affected area will be upgraded for commercial and recreational activities development and may not necessarily be affordable for them.

Based on the consultations held with Kinondoni and Ilala Municipal Planners, possible sites for would be identified that are near the project footprint. The municipal Planners will liaise with the ministry of land s Housing and Settlements to identify the most appropriate site where the PAPs can be relocated in the context of the project's Resettlement Action Plan.

### 5.3 Short Term Work Opportunities

Consideration of job opportunities as additional support would be made to offer employments to the PAPs. However, modalities for employment of the evictees by the project would have to be integrated into the specifications and requirements for the construction contracts specifically for non-skilled or semi-skilled staff for the Contractor.

**During Construction phase:** As employment opportunities are very rare in the project area, the expectations of works during construction stage are very high. Surveys conducted revealed that some PAPs have skills in bricklaying, welding, carpentry, mechanic, electrical works, etc. and some have experience working as guards. It is therefore important that these PAPs be given preference for temporary or short-term project-related employment. Construction contractor would be required to give preference to persons from the local area for unskilled or semi-skilled work such as guards at camp sites, daily labor, drivers, masonry works and other site clearance works, beatification and greenery, supply of construction materials. The Contactor would advertise the requirement at the notice board at the District level and also inform the RAP Implementation Agency. In order to avoid any dissent or conflict between PAPs and non-PAPs, the Contractor would give preference to persons from these villages than rather than any outsiders or specifically to PAPs.

**During Operations phase:** Though difficult to estimate the approximate number of persons required, the operations phase shall bring work opportunities relating to periodic maintenance and fault correction.

### 5.3 Training and skills development

These would be provided to those who are economically vulnerable PAP households. While some PAPs have skills relating to: Welding, Auto Electrician, Brick layering, Carpentry, Motor vehicle mechanic and Tailoring, they do not have any formal training and rather have acquired these skills as part of their work. Hence, for such PAPs with either existing skill or additional skills, the project would target vulnerable PAPs towards formal Skill developments through training programs offered at VETA Technical Institution located in the project area. It would also need to closely work with recently established Community Vocational Centers so that interested PAPs can be enrolled.

### 5.4 Community Involvement in Reforestation (Greenery)

During the construction phase, scarce forest resources will be significantly impacted through cutting down of all trees in the way leave corridor. There will be need to encourage establishment of community tree nurseries for the reforestation program in all affected areas. The communities within the project area can benefit from this initiative and the nurseries can also be an income generating activity for the PAPs as part of livelihood restoration. A program should be put in place to ensure that each tree cut down then three new seedlings should be replanted. During the FGDs, participants would recommend agro forestry and fruit trees which can even be planted together with crops. The affected areas need also to be encouraged to establish community tree nurseries for the reforestation program which will help to restore and improve the availability and access to natural resources in the area. For one season, the project should be able to cover the cost of tree seeds, polythene tubes and labor for watering.

## 6. ORGANIZATIONAL ARRANGEMENTS FOR COMPENSATION DELIVERY

This section describes organizational arrangements, roles and responsibilities for various parties involved in RAP implementation. The section further spells out the actual process for delivering the entitlement including, processes for approvals.

### 6.1 Organizational Arrangements – Role and Responsibility

#### *Project coordination*

The PO-RALG -TARURA is holding a custodianship of Msimbazi project. PO-RALG is responsible for control and approval of all studies and implementation of construction works under the Msimbazi project through TARURA -World Bank Coordinating Unit (WBCU) established at the national level to coordinate and implement the project.

#### *The TARURA - Project World Bank Coordinating Unit (WBCU)*

Responsibilities of WBCU will include issues related to the preparation of the project, including the development of the ESMF, RPF, SEP, the procurement strategy and plan, and other work widgets. The WBCU is led by a Project Coordinator with relevant staff. The WBCU will oversee overall coordination of RAP implementation, reporting to the WB regarding safeguards issues, as well as of integrating safeguards requirements into bidding and contracting documents. It is the responsibility of WBCU and those of TARURA HQ to interact with the environmental and social authorities, ensuring an efficient implementation of safeguards documents. The officials should undertake, randomly, field visits and environmental supervision and monitoring, assessing environmental compliance at worksites, advising Project Implementing Units (PIUs) at LGA level on environmental and social safeguards issues. The WBCU-TARURA will, also, be responsible for identifying training needs of all parties involved in RAP implementation. The WBCU will cooperate with all local institutions to provide a successful implementation of the Resettlement Procedure (RAP).

#### *Project Implementing Units*

It is assumed that the project would be implemented at the local level through PIUs which will be working closely with the respective cities, municipalities and town councils.

The PIUs will include Environmental and Social Safeguards Specialists (ESS), whose main duties would be to ensure that the project activities are implemented in compliance with the WB safeguards Standards and GoT rules and procedures. Among major responsibilities of the PIU ESS will be the following:

- a) ensuring that contractors comply with all ESMPs requirements;
- b) conducting ESMP supervision and monitoring and assessing environmental and social impacts and efficiency of mitigation measures, as well as identifying noncompliance issues or adverse trends in results, and putting in place programs to correct any identified problems; when in need, providing advice and consulting contractors in RAP implementation; and reporting to the WBCU with regard to implementation of the Resettlement Procedure.
- c) Monitoring recording, participate in grievances resolution meeting and reporting.

The WBCU can consider budgeting for additional experts or NGOs/CSOs to facilitate in reaching out to the communities.

#### *Land Resources and Town Planning Department*

For each LGA under the Project is responsible for identifying and verifying property boundaries and ownership. They also will clarify land allotment certificates for agricultural

land that has been formally registered and transferred to the Immovable Property Registration Offices.

**The Local Government authorities**

District/Municipal councils and local communities (Mitaa) are the final beneficiaries of the project implementation; it is required continuous assistance and presence during all the progress of the project. They will be responsible for the coordination of the implementing procedures and execution of the compensation together with PO-RALG/ WBCU.

It is crucial that the PAPs are informed about their rights and options, at which point they may discuss matters that need clarification. All information regarding cash compensation amount and size of land offered for compensation must be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be affected. A committee of peers will be set up for grievance redress.

**Responsibility of Stakeholders**

- i. Municipal Councils in collaboration with WBCU will be responsible for implementing the RAP
- ii. WBCU shall set up Resettlement Committee comprising representatives of key Ministries and a local NGO involved in similar projects.
- iii. External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:
  - Resettlement conditions where relevant;
  - Consultation on compensation options, process and procedures;
  - Adequacy of compensation; and
  - Adequacy of specific measures targeting vulnerable people.

The following committees shall be established under the LGAs to ensure involvement of other Special Departments and representation from the PAPs / Mitaa

Table 10: RAP implementation committees

Resettlement Committee	Compensation Committee	District Grievances Redress Committee.
<ul style="list-style-type: none"> <li>• WBCU (Chair)</li> <li>• Representative of District Commissioner</li> <li>• Representative of LGA</li> <li>• Representative of Ministry of Lands officer</li> <li>• RAP Consultant (paying agent and RAP implementation NGO)</li> <li>(i) Valuator</li> <li>Representative of a local Administrators / Mtaa</li> <li>Representative of PAPs</li> </ul>	<ul style="list-style-type: none"> <li>(i) Representative of District Commissioner (Chair)</li> <li>(ii) Representative of Principal secretary of PO-RALG</li> <li>(iii) Representative of Ministry of Lands – lands officer</li> <li>(iv) Consultant (payment agent)</li> <li>(v) Representative from the SPCU</li> <li>(vi) Valuator</li> <li>(vii) Representative of PAPs</li> </ul>	<ul style="list-style-type: none"> <li>(i) Municipal Director (Chair)<sup>9</sup></li> <li>(ii) Representative of SPCU</li> <li>(iii) Representative of Ministry of Lands/chief valuator</li> <li>(iv) Valuator</li> <li>(v) Representative from PO-RALG</li> <li>(vi) Mtaa leader</li> <li>(vii) Facility grievance committee chair</li> <li>(viii) Representative of PAPs</li> <li>(ix) Representative of a local NGO for GBV</li> </ul>



### ***Project Resettlement Implementation Unit (RIU)***

This RPF suggest for formulation of a lean unit for Project Resettlement implementation at PIU office (proposed team members and their roles see annex 3). The role of this unit is to ensure the smooth and timely implementation of the Resettlement Action Plan. This team will also supervise, manage and support the tasks of the community and compensation teams. The coordinating unit will also resolve any problems related to coordination of the other units.

The RAP Implementation Unit that would broadly undertake the following activities:

- Produce and distribute ID cards
- Report on awareness and outreach meetings – lessons learnt and best practices
- Report on PAPs who have opened bank accounts and received cash
- Facilitate and/or oversee provision of In-Kind Compensation
- Prepare monthly progress reports for each RAP that includes progress as against the scheduled timeframe of RAP implementation, which shall include physical and financial progress,
- Report on the options made available for PAPs to access economic opportunities, marketing and credit.
- Assist in Grievance Redressed process
- Assist PAPs with land titling processes
- Assist Contractor(s) Responsible for supervision of In-Kind Housing construction
- Assist Contractors of works with resettlement related issues
- Prepare assignment completion report

### ***Community Liaison and Grievance Redress Officer***

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

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

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

### ***The Bank (RAP Paying Agent)<sup>10</sup>***

The key roles and responsibilities of the Paying Agent (PA) by Preparation and Execution phases are detailed below:

- PA shall be responsible for the provision of training and information to PAPs on its financial services which the PAPs will need in the management of their compensation money;
- PA shall be responsible for ensuring that PAPs receive compensation in accordance with the payment schedules provided by RIU;
- Verify and confirm identity of each beneficiary on the basis of his/her national identity card, driving license, or passport), and confirm eligibility based on the compensation schedule provided by RIU;
- Facilitate funds transfers with newly opened bank accounts and assist with opening bank accounts for those beneficiaries required to hold bank account but who do not have one or who choose to receive their compensation in a bank account;
- Make available to beneficiaries (from the PAs designated payment points or at the offices of a PA), compensation payments according to defined period and agreed terms and for the duration used;
- Maintain an updated register of PAPs who choose to receive their compensation in a bank account (as per threshold amounts) and those who are still outstanding, in line with the compensation schedule received from (RIU);
- Provide (WBCU – RIU); with proof of receipt of payment and photographs of PAPS who have received payments and maintain accompanying receipts for filing RIU;
- Verify amounts received are consistent with the compensation schedule provided by (RIU);
- The PA under no circumstance will hand over compensation to a person other than the PAP as listed and clearly identified by the national identity card, biometric thumb print or an Identity card processed by RAP developer with the Municipals’ legal officers’ stamp and signature;
- Notify the RAP implementation consultant when compensation funds have been transferred into bank accounts;
- Take all reasonable steps necessary to ensure that compensation provided by the RIU; reaches the beneficiaries referred without undue delay and in any event, within five (5) working days to the date of transfer of funds by RIU; to the PA Account;

### ***Municipal Administration (LGA)***

Municipal Administration would assist in the RAP development and implementation process through the provision of community development to support in field work activities including: community consultations, financial literacy and later during grievance resolution. Specifically, their role would be to perform the following activities:

- iv. Help the Project and (WBCU – RIU); in identification of alternative land for those PAPs displaced from within the way leave;
- v. Sign the compensation agreements and issuance of PAP ID cards
- vi. Support the project in facilitation of the Houses Construction Activities when they commence;
- vii. Contribute to the GRM by designating members to the committees
- viii. Support the Livelihood Restoration/Enhancement programs; and
- ix. Support to the distribution of seedlings by providing requisite extension services through the Forest Office. The Forest Office (DFO) to ensure that these commensurate training is provided to the PAPs on growth of these seedlings and also periodically monitored to ensure their survival and full growth.

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<sup>10</sup> This is basically a banks that will be used by the LGAs to pay compensations.

Additionally, the Municipal office jointly with RIU; would be responsible to provide financial literacy awareness. Training modules will include:

- a) Managing compensation money to improve household well-being.
- b) Basics of planning and investing in business and productive activities.
- c) Benefits of having a Bank Account (i.e. safety and protection against loss or theft, convenience of not carrying physically large amounts of money, etc.).
- d) Different services the banks offer and the minimum requirements for different Bank Accounts.
- e) Knowing the rights and responsibilities in using financial products and services including bank charges for different services.
- f) How to access their funds, make withdrawals, make deposits, how debit cards and ATMs operate, how to cash checks received as compensation.
- g) Facilitate handing over process to enable commencement of relocation of PAPs to the new house

### ***Contractor for Construction Of infrastructure<sup>11</sup>***

The Contractor responsible for construction of infrastructure would have a few roles, albeit indirect, in respect of RAP implementation:

- Provide WBCU with final schedule of construction for RAP Implementation Unit to communicate with communities along the corridor;
- List down all possible obstruction sections
- Provide labour requirements so that attempts can be made to source labour from the project areas;
- Inform WBCU of any issues relating to access that might be disrupted
- Employ the local population to work as casual or skilled labour and Pay wages as per applicable norms
- provide compensation for any damages to assets outside of wayleave, in accordance with rates established in the RAP,
- have a Community Liaison Officer (CLO) who interfaces with the community;
- refer any resettlement-related grievances reported to them to the RAP implementation consultant and RIU;
- maintain a grievance redress procedure for construction-related impacts,
- Inform RIU in case of unexpected findings of cultural and archaeological artefacts and see the options to reroute the layout as necessary;
- Ensure complete adherence to the ESMP.

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<sup>11</sup> Facilities, Drainages, Roads, Sewerage Systems, Waste dumpsites

## 7. GRIEVANCE REDRESS MECHANISM

### 7.1 Introduction

Regardless of its scale, involuntary resettlement inevitably gives rise to grievances among the affected population over issues ranging from rates of compensation and eligibility criteria to the quality of replacement housing and other disturbances during construction stage. Therefore, an easily accessible and effective grievance redress mechanism will be required to resolve grievances at the community and technical levels. The grievance redress mechanism, will allow the institutions engaged in grievance resolution to receive and address specific concerns about compensation and relocation raised by PAPs or members of host communities or any issues related to implementation of resettlement action plan in a timely fashion, including a resource mechanism designed to resolve disputes in an impartial manner cut down on lengthy litigation.

This section presents (i) likely grievances based on the analysis from the consultations with various stakeholders for the Msimbazi Valley project; (ii) objectives of the GRM; (iii) the principles that need to be adhered in formulation of effective procedures and processes, (iv) operationalizing requirements of GRMs, (v) handling of SEA and GBV issues; (vi) redressal procedure steps involved in recording and redressal of grievances.

### 7.2 Likely Grievances

Nature and types of grievances that could occur at various levels of project cycle in relation to RAP are listed in table below.

Table 11: nature and type of Likely Grievances

<b>Nature</b>	<b>Stage</b>	<b>Types of grievances (indicative)</b>
<i>Inventory Grievance</i>	<i>Planning/Pre-construction</i>	<ul style="list-style-type: none"> <li>i. Lack of awareness of the project foot print, wayleave/corridor;</li> <li>ii. Missing of parcel/ error in identification and/or incorrect measurement (or perceptions over incorrect measurement) of affected assets;</li> <li>iii. Disagreement regarding inheritance or ownership of assets and fearing loss of compensation;</li> <li>iv. Inadequate communication on the project developments, not enough consultation/sensitization,</li> <li>v. disagreement over the rates utilized valuation of affected assets;</li> <li>vi. mistakes in the formulation of compensation agreement documents;</li> <li>vii. Delays in compensation payments</li> <li>viii. Misinformation during valuation e.g. entitling the wrong PAP</li> <li>ix. Poor social services to resettled areas especially when relocated where roads and other access are insufficient</li> <li>x. Improper allocation of business spaces</li> <li>xi. Miscalculation of compensation and resettlement</li> <li>xii. Improper provision for people with disabilities in the project design's</li> </ul>
<i>Valuation Grievance</i>		
<i>Compensation Grievance</i>	<i>RAP Implementation followed by Construction</i>	<ul style="list-style-type: none"> <li>xiii. non-payment for improvements carried out to structures post survey and valuation but prior to compensation payments;</li> <li>xiv. mode of payment of compensation and time delays;</li> <li>xv. dissatisfaction over alternate housing/business spaces provided;</li> </ul>

Nature	Stage	Types of grievances (indicative)
<i>Construction Grievances</i>		<ul style="list-style-type: none"> <li>➤ Dissatisfaction over wages given; Poor sanitary services</li> <li>➤ wrong identification of livelihood restoration schemes, their inadequacy, training support and lack of necessary assistances;</li> <li>➤ likelihood of increase in Gender Based Violence (GBV);</li> <li>➤ loss of access not addressed;</li> <li>➤ loss of structures due to machine vibrations</li> <li>➤ damage to crops caused due by ongoing construction work e.g. deep cutting/excavations</li> <li>➤ dissatisfaction over replacement structures;</li> <li>➤ inadequate support in relocating to resettlement sites/replacement structures; and</li> <li>➤ Non restatement of the soil leading to flooding and blockage of the drains. <ul style="list-style-type: none"> <li>i. Pollution {air, land noise vibrations} due to machines' movements</li> <li>ii. Disrupted entrance access to the residence and other public areas</li> <li>iii. Improper traffic management may cause accidents</li> <li>iv. Accidental discharges may affect community health at the project vicinity</li> <li>v. Gender and GBV issues in employment</li> <li>vi. Lack of notification to project progress e.g. blasting, closing, of roads, cut of dates, cut of utilities, etc.</li> <li>vii. Lack of employment to local dwellers</li> <li>viii. Lack of provision of appropriate PPEs</li> <li>ix. Flooding due to obstruction of water natural course</li> <li>x. Disruption of services including electricity and water</li> <li>xi. Improper demobilisation and decommissioning may cause pollution</li> <li>xii. Blasting of materials in borrow pits and vibration of construction machines may cause cracks into nearby communities' structures</li> <li>xiii. Gender and GBV issues in employment</li> </ul> </li> </ul>
<i>Decommissioning Grievance</i>	<i>Post construction</i>	<ul style="list-style-type: none"> <li>➤ Manifestation of the missing PAPs.</li> <li>➤ Misuse of the infrastructures e.g. garbage throwing in the drains</li> <li>➤ Land encroaching of the compensated corridor</li> <li>➤ Security of the project infrastructure</li> <li>➤ High taxes and tariff charged in the new/modern facilities</li> <li>➤ Lack of employment to local dwellers</li> <li>➤ Mismanagement of sub projects</li> <li>➤ Fear of being not be provided business spaces in the new infrastructure</li> <li>➤ An increase of fees to occupy the new facility</li> <li>➤ Improper spaces for waste disposal</li> </ul>

### 7.3 Objectives of the Grievance Redressal Mechanism (GRM)

Given the foreseen grievances that will likely occur in various sub projects, the primary responsibility to address all complaints and grievances that will be raised towards the subprojects. The GRM will comprise two levels or tiers to handle grievances – first level will be at

community where Mtaa - GMC will be clustered, while the next or second level will be at the Municipal level. The primary objectives of creating a GRM are:

- disputes related to preparation and implementation of Resettlement Action Plan of this specific project are treated separately and on priority;
- helps project proponents ensure that project implementation timelines and overall schedule are not compromised due to delays in resolution grievance; and finally
- helps cut down on lengthy and expensive litigation that PAPs might have to indulge in otherwise

#### **7.4 Principles to Effective Grievance Redressal**

Principles in formulation of effective grievance redressal process are as follows:

- Institutions and procedures laid down are consistent with the anticipated grievances;
- Takes cognizance of the existing socio-cultural setting such as making use of existing Mtaa disputes resolution structure.
- Is housed within existing formal institutional structures thereby ensuring continuity
- Should be well represented in its composition particularly aimed to resolve the types of grievances that are likely;
- Is accessible/close to the source of grievance so as to not make reporting of grievance difficult in the first place;
- Takes cognizance of the need to resolve grievances as they are better resolved at the level at which they occur rather than the next higher level;
- Provides appropriate orientation and training to all stakeholders involved in redressal of grievances;
- Is well-supported by an effective information dissemination mechanism to prevent occurrence of a grievance in the first place due to lack of information;
- Fixes a time frame for resolution of grievance and communicates the same to communities;
- Is timely and responsive i.e. Its recommendation and decisions are implemented by the project implementers; and finally
- Is adequately resourced to ensure desired effectiveness.
- No financial payments required for PAPs to have their grievances addressed.

#### **7.5 Grievance Management Committees' Structure, and Functioning**

Grievance procedures will be required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance mechanism, and the procedure will be communicated at the time that the RAPs are finalized.

Based on the concerns from the stakeholders pertaining issues related to the relocation of utilities; which in most cases not only weighing down the pace of construction works but also it has been causing huge outcry from the communities due to disruption of the services especially water supply. Within that context this RPF proposing an additional (Third) committee for utilities services providers with its coordination at the district Commissioner's office. The proposed compositions of the committees are presented in the subsequent sections.

#### **7.6 Scope of Work of Grievance Management Committees**

All committees will have similar responsibilities albeit at different levels of their function/jurisdiction. Major responsibility of the Grievance Management Committees will be:

- Represent the interests of PAPs and communities in the project's zone of influence;

- Act as an entry and exit point for all grievances arising from resettlement activities
- Act as part of project monitoring and oversight committee on the corridor encroachment, construction materials vandalism and finally to sensitize the community from misusing the infrastructures.
- Monitor safety standards, labour requirements and community health issues during construction works and report to LGAs /TARURA – Project coordinator.
- Prepare progress reports and present them to the GMC during monthly meetings

### 7.7 Compositions of various grievance management committees

The composition of grievance committees is listed in the table below:

Table 12: Composition of Grievances Committees

Level	Committees members	Position in the Committee
Mtaa level (this applies mainly under Linear Projects)	Mtaa Leader	Chairperson
	Grievance Community liaison officer-	secretary
	Influential person	Member
	Religious leaders	Member
	PAPs representatives -male and female	Member
	Representatives of people with disabilities	Member
	Representatives of project contactors and consultants	Member
	Representatives from Relevant CBOs (GBV)	Member
	Representatives or community affected institutions	Member
Municipal Level (LGAs) Committees Members	LGAs/MED	Chairperson
	Grievance Community liaison officer-	Secretary
	Environmental officer	Member
	Valuer	Member
	Land officer	Member
	Legal officer	Member
	Grievances officer	Member
	Project coordinator	Member
District Commissioner s' Offices	District Commissioner	The chairperson
	Representatives from various utilities (TANESCO Water and sanitation authorities, Water basin officer, Communication cables agencies,)	Members
	Representatives from Roads i.e. TARURA and TANROADS	Members
	Grievances officer	Members
	Project coordinator	Member

### 7.8 Dissemination of Committee's Resolution

The Committee's resolution status on any grievance received and discussed will be communicated to the PAP or any claimant within **7 working days** of the Committee's decision.

- Program Reporting Requirement:* The Grievances Management Committees will work hand in hand with the RAP Consultant, LGAs and the project Communications liaison officers reporting on all matters arising and progress.

- ii. *Location:* The District - Grievances Management Committees will be housed within the project coordinator's office and provided with a separate space to work. They would undertake travel to project sites as necessary.
- iii. *Operational duration:* In terms of duration, the following shall be the key considerations:
  - The committees would need to operate till the project continues to have an interface with affected communities
  - It should remain operational even after end of the construction period as it is likely that there could be issues relating to the operational phase.
  - The duration till when such a grievance redressal system needs to be maintained post construction can be determined and can be mutually agreed between SPCU and LGAs / districts upon by review of suitable indicators such as: Nature and type of grievances; received, addressed; Pending resolution; and Referred for arbitration/ court.
- iv. *Interfacing with the complainant*  
Community Development Assistant (Deputy Secretary) will be responsible for preparation of invitation and resolutions letters. In the event of submitting the invitation letter the CDO will send the letter and make a follow up by phone. During the dissemination of the resolutions the CDO and committee secretary will seek appointment to meet the complainant and submit the resolution to the complainant after cancelling.

## 7.9 Redressal Procedure

The Grievance redressal procedure aims to take into use the existing traditional structures. However, the PAP shall have the option of directly reporting the grievance to the District level GRM, if s/he so desires. The steps involved are as given below:

### **STEP 1 – LOGGING AND RECORDING OF GRIEVANCE:**

As a first step, all complaints and grievances relating to any aspect of the project are to be properly lodged through the representative block/zone member of the Grievance Management Committee and then recorded in the Grievance Form<sup>12</sup>. The contact details of the Mtaa-GMC members will be made public to the PAPs. Additionally, the *Mtaa leader* will also be available to help the PAPs to channel their grievances to the committee. Grievance Form feeds into the RAP Database managed centrally at Msimbazi Project office. Complaints that are not connected to the Project are filtered and referred to relevant local committees and claimants informed accordingly within 5 days. Some cases may just require provision of required information or clarification and may therefore not be required to be referred to Step 2.

### **STEP 2 – REDRESSAL AT MTAA- GRIEVANCE MANAGEMENT COMMITTEE LEVEL:**

The Mtaa/facility - GMC shall maintain a record/register of all complaints/grievances received so that these can be recorded collectively. At this step, all cases are to be heard by Mtaa/facility- GMC and addressed through consultations conducted in a transparent manner and aimed at resolving matters through consensus. In order to ensure transparency, all meetings aimed at resolving such complaints are conducted in places specifically designated for this purpose. Minutes of such meetings shall be kept and if the resolution proposed by the Mtaa/facility- GMC is accepted by the PAP, the PAP will sign the grievance form to show agreement and the grievance will subsequently be closed, otherwise Step 3 below will be followed in appeal. **A period of 7 days is provided to hear and redress the grievance.**

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<sup>12</sup> Grievance form is in annex 1



### **STEP 3 – REDRESSAL AT DISTRICT - GRIEVANCE MANAGEMENT COMMITTEE LEVEL**

If the Complainant does not receive any response from the Mtaa/facility GMC within 14 days of lodging the complaint or that the Complainant is not satisfied with the response, then the issue will be appealed to the *District - Grievance Management Committee (District- GMC)*. During the appeal to the District- GMC, all the necessary details will be attached, and the Complainant notified accordingly of the venue, date and time of when a hearing will be conducted and resolved within 14 days' time. If the resolution proposed by the District- GMC is accepted by the PAP, the PAP will sign the grievance form to show agreement and the grievance will subsequently be closed.

### **STEP 4 – CIVIL COURTS OPTION:**

If the affected person is not satisfied with the decision of the District- GMC he/she will be informed of his/her rights to take the grievance to the court of law, as a last resort. However, the Complainant will also be informed that to do so will be at their own expense, unless the court awards damages to the Complainant. The decision of the court of law will be final.

## **7.10 Grievance Log**

The PIU Social Safeguards Expert will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also should contain a record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported.
- Date the Grievance Log was uploaded onto the project database.
- Date information on proposed corrective action sent to complainant (if appropriate).
- The date the complaint was closed out.
- The date response was sent to complainant.

## **7.11 Monitoring Complaints**

The PIU Social Safeguards Expert will be responsible for:

- Providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints.
- Any outstanding issues to be addressed.
- Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

## 8. FUNDING ARRANGEMENTS

The costs will be known upon the completion of RAP preparation which are usually financed through internal finances. Therefore, funding will be processed and effected through the project's financial processing arrangements. Funds for implementing inventory assessments and resettlement plans will be provided by the implementing agency (LGAs). The funds will be obtained from government budgets approved through Ministry of Finance and Planning.

### 8.1 Budget Items

RAP implementation budget will be prepared to compensate the identified loses. Major items of the RAP budget will include the items listed in table below. It is advised that the budget items would decrease or increase depending on impacts that will actually require compensation.

Table 13: Sample of Budget Template

Item	Quantity	Unit	Unit Rate/Cost (Tsh)	Costs (USD)
<b>1. COMPENSATION BASE</b>				
Total Land (ha.)				
Total Number of Trees (Nos)				
<i>Indigenous</i>				
<i>Exotic</i>				
<i>Fruits</i>				
Total Buildings/structures (Nos.)				
<i>Residential</i>				
<i>Commercial</i>				
Loss Of Profit				
<i>Total Compensation Base</i>				
<b>2. TOPPING UP ALLOWANCES</b>				
<i>Disturbance Allowances (%)</i>	7			
<i>Shifting Allowance to the PAP losing buildings (%)<sup>13</sup></i>	As per EM			
<i>Assistance to the vulnerable households (%)</i>	20			
<i>Accommodation<sup>14</sup> (monthly rent)</i>	36			
<i>Total Compensation Base and allowances</i>				
<b>Sub Total (A) Compensations (Base amount &amp; Allow.)</b>				
<b>3. ADMINISTRATION COSTS</b>				
RAP implementation Agency				
Monitoring Agency				
Handling of Grievances				
Temporary relocation of facilities				

<sup>13</sup> As directed by the valuation methods and in the Entitlement matrix

<sup>14</sup> For the PAPs losing entire dwelling house

Item	Quantity	Unit	Unit Rate/Cost (Tsh)	Costs (USD)
Relocation of Services (utilities related to residential and commercial buildings <sup>15</sup> )				
Total Administration costs				
Sub Total (B) Compensation and Administration				
<b>5. HERITAGE RESOURCES/GRAVE RELOCATION</b>				
Personnel (professional and unskilled labour)				
Materials (coffins, bricks, protective gears)				
Transportation (car hiring, fuel and lubricants)				
Other Costs (communication)				
Sub Total (C) Costs for relocating Graveyards				
<b>6. CONTINGENCIES TO MEET ANY UNFORESEEN IMPACTS COSTS</b>				
% of compensation base and allowances 10				
D. Sub Total D Contingency				
Total RAP implementation Budget (A+B+C+D)				

<sup>15</sup> This is a provision just in case the utilities relocation are not taken care by the contractor.

## 9. MONITORING AND EVALUATION

### 9.1 Introduction

WBCU will be responsible for the M&E of implementation for the resettlement/compensation plans.

Msimbazi project will institute an administrative reporting system to provide resettlement and compensation monitoring reports (RMR) that:

- (a) Alerts authorities to the of RAP implementation and requirements;
- (b) Provides timely information about compliance with the RAP;
- (c) Reports any grievances that require resolution; and
- (d) Documents timely completion of project resettlement obligations (e.g., payment of the agreed sums and construction of new structures) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

The M&E objective will be to make a final evaluation to determine:

- a) If PAPs have been compensated in full before implementation of subproject activities; and
- b) If PAPs are now living at a higher standard than before subproject implementation, living at the same standard, or if they are poorer.

### 9.2 Verifiable Indicators for M&E

A number of socioeconomic indicators will be used to determine the status of affected people (compared to pre-project, land being used, standard of house, and level of participation in project activities, how many children in school, health standards, and others). Therefore, RAPs will set three major socioeconomic goals by which to evaluate success:

1. Affected individuals, households, and communities are able to maintain their subproject standard of living, and even improve on it;
2. Local communities remain supportive of the project; and
3. Absence or prevalence of conflicts.

The indicators in Table below will be used to monitor and evaluate the implementation of resettlement and compensation plans. The consultant will consolidate efforts in periodical monitoring the indicators listed in following matrix.

Table 14: RAP Monitoring Indicators Matrix

Parameters	Indicators	
Impacts on assets and people	Number of Affected assets compensated	Quarterly, Annually
	Number of replaced trees and structures	Quarterly, Annually
	Number of restored livelihoods and income	Quarterly, annually
Financial (compensation/ establishment)	Amount of total compensation disbursed	End Term Evaluation
	Amount of compensation paid to PAPs by LGA , Location and Sub-county	End Term Evaluation
	Number of PAPs paid compensation (disaggregated by gender)in cash/cheque/bank account	End Term Evaluation End Term Evaluation
	Number of PAPs already having bank accounts and those yet to open	End Term Evaluation
	Number of PAPs who were not found and not paid	End Term Evaluation
Relocation/	Number of PAPs who shifted to other unaffected parcels	Quarterly

Parameters	Indicators	
Rehabilitation /Income Enhancement	Number of PAPs who continue to reside in the same areas as before	Quarterly
	Number of vulnerable PAPs who have shifted by area	Quarterly
	Number of total PAPs enrolled into ongoing government programs (by type)	Quarterly
	Number of youth, unemployed employed in construction works by type of services provided	Quarterly
	Number of emerging PAPs due to unforeseen construction impacts	Monthly
	Number of Encroachers existing within the compensated corridor	Monthly
	Number of Consultations meetings held with communities	Quarterly, Midterm and End Term
	Time taken for issuance of expropriation order and date of vacating the land	Quarterly, Midterm and End Term
	Time taken to identify alternate lands for PAPs	Quarterly, Midterm and End Term
Institutional Strengthening	Number of trainings provided to the committees (GRCs)	Quarterly
	Number of grievances committees with full staffing and functioning	Quarterly
	Number of members of each grievance committee disaggregated by gender, age and education levels	Quarterly
	Number of grievances resolved by 'level' (first level, second level and third level) of resolution	Quarterly
	Number of cases that have been referred to courts	Quarterly
Compensation usage	Number of men and women built new homes to replace the demolished/impacted ones	Midterm and End
	Number of men and women planted trees to replace the lost ones	Midterm and End
	Number of men and women built new homes to replace the demolished/impacted ones	Midterm and End

# *ANNEXURE*

## ANNEX 1: BASIC ELEMENTS OF A RAP

### 1.1 OUTLINE OF THE RESETTLEMENT ACTION PLAN

This Section presents the minimum elements of a resettlement plan as per the Environmental and Social Framework (p. 60-63). However, in addition to the provided RAP outline below; RAP development Consultant is advised to ensure that each RAP is consistent with the Annex 2 of the TORs for Feasibility Study, Urban Design, Detailed Engineering Design, Environmental and Social Due Diligence, Preparation of Cost Estimates, and Bidding Documents for each of the three zones (p. 25-28). Basic Elements in RAP are:

1. **Description of the project:** General description of the project and identification of the project area.
2. **Potential impacts :** Identification of: (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project; (b) the zone of impact of such components or activities; (c) the scope and scale of land acquisition and impacts on structures and other fixed assets; (d) any project-imposed restrictions on use of, or access to, land or natural resources; (e) alternatives considered to avoid or minimize displacement and why those were rejected; and (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation.
3. **Objectives:** The main objectives of the resettlement program.
4. **Census survey and baseline socioeconomic studies:** The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions: (a) identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population; (b) information on vulnerable groups or persons for whom special provisions may have to be made; (c) identifying public or community infrastructure, property or services that may be affected; (d) providing a basis for the design of, and budgeting for, the resettlement program; (e) in conjunction with establishment of a cutoff date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and (f) establishing baseline conditions for monitoring and evaluation purposes. As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey: (g) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area; (h) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and (i) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
5. **Legal framework:** The findings of an analysis of the legal framework, covering: (a) the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment; (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project; (c)

laws and regulations relating to the agencies responsible for implementing resettlement activities; and (d) gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.

6. **Institutional framework:** The findings of an analysis of the institutional framework covering: (a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons; (b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.
7. **Eligibility:** Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.
8. **Valuation of and compensation for losses:** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.
9. **Community participation:** Involvement of displaced persons (including host communities, where relevant): (a) a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
10. **Implementation schedule:** An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
11. **Costs and budget:** Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
12. **Grievance redress mechanism:** The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
13. **Monitoring and evaluation:** Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
14. **Arrangements for adaptive management:** The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.
15. **Additional planning requirements where resettlement involves physical displacement**



- 15.1. Transitional Assistance. The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
- 15.2. Site Selection, Site Preparation, and Relocation. When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering: (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services; (c) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; (d) procedures for physical relocation under the project, including timetables for site preparation and transfer; and (e) legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
- 15.3. Housing, infrastructure, and social services. Plans to provide (or to finance local community provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
- 15.4. Environmental Protection and Management. A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
- 15.5. Consultation on relocation arrangements. The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e.g., places of worship, pilgrimage centers, cemeteries).
- 15.6. Integration with host populations. Measures to mitigate the impact of planned relocation sites on any host communities, including: (a) consultations with host communities and local governments; (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites; (c) arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to

meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

**16. Additional planning requirements where resettlement involves economic displacement**

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods' improvement plan. These include:

- 16.1. Direct land replacement. For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value, or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
26. Loss of access to land or resources. For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.
- 16.2. Support for alternative livelihoods. For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment. As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be disadvantaged in securing alternative livelihoods.
- 16.3. Consideration of economic development opportunities. The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.
- 16.4. Transitional support. The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

**ANNEX 2: RESETTLEMENT/COMPENSATION CHECKLIST SCREENING FORM<sup>16</sup>**

Subproject Title: \_\_\_\_\_ Date: \_\_\_\_\_

Location: District: \_\_\_\_\_ Ward: \_\_\_\_\_ Mtaa \_\_\_\_\_

Developer: \_\_\_\_\_ Social Specialist: \_\_\_\_\_

*Screening Questions for Resettlement Categorization*

<b>Probable Involuntary Resettlement Effects*</b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>	<b>Possible</b>	<b>Remarks</b>
Will the subproject include any physical construction work?					
Does the subproject include upgrading or rehabilitation of existing physical facilities?					
Is any subproject effect likely lead to loss of housing, other assets, resource use, or incomes/livelihoods? Estimated number?					
Is land appropriation likely to be necessary? Estimated area?					
Is the site for land appropriation known?					
Is the ownership status and current usage of the land known?					
Will easements be utilized within an existing right of way?					
Are there any people without land titles who live or earn their livelihood at the site or within the right of way? Estimated number?					
Will there be loss of housing? Estimated number?					
Will there be loss of agricultural plots?					
Will there be losses of crops, trees, or fixed assets?					
Will traditional seasonal grazing areas or animal transit routes be compromised or closed to pastoralists?					
Will there be loss of businesses or enterprises?					
Will there be loss of incomes and livelihoods?					
Will people lose access to facilities, services, or natural resources, thereby affecting their livelihoods?					
Will any social or economic activities be affected by land use-related changes?					

<sup>16</sup> PIU/WBCU/CGV Expropriation Commission at SIC has to examine the request and documents Raising of Expropriation Commission, verification of documentation on proprieties, calculation and verification of compensation value

Probable Involuntary Resettlement Effects*	Yes	No	Unknown	Possible	Remarks
<b>If involuntary resettlement impacts are expected:</b>					
Are local laws and regulations compatible with the World Bank's ESS5					
Will coordination with the Msimbazi be required to deal with land appropriation?					
Does the developer retain sufficient skilled staff for resettlement planning and implementation?					
Are training and capacity-building interventions required prior to resettlement planning and implementation?					
<b>Information on affected persons:</b>					
Any estimate of the likely number of households that will be affected by the project?					Number: _____
Are any of the household's poor, headed by a woman, or vulnerable to poverty risks?					Number: _____
Are any of the Project Affected People (PAP) from indigenous or ethnic minority groups? If yes, please explain:					Number: _____

\*Whenever possible, consider also any future subprojects or investments.

*Involuntary Resettlement/Compensation Category*

After reviewing the answers above, the Project Team Leader and Social Development/ Resettlement Specialist agree, subject to confirmation, that the project is categorized as noted below.

Project Categorization and Resettlement Planning Requirements

\_\_\_\_\_  
Developer signature

\_\_\_\_\_  
Reviewed and accepted by SPCU/World Bank

Signature

**ANNEX 3: Roles and responsibilities of RAP Team members**

*Table 15: Roles and responsibilities of Team Members*

Position	Revised roles and responsibilities
<i>Key Personnel</i>	
Team Leader	<ul style="list-style-type: none"> <li>• Shall be overall responsible for satisfactory completion of the project assignment</li> <li>• shall act as primary contact point to the client on team activities</li> <li>• shall inform and liaise with the GRMCs during field activities</li> <li>• shall develop submission readiness checklists for all deliverables to ensure all aspects in TORs and subsequent discussions are covered.</li> <li>• shall be responsible for timely submission of deliverables as required under the contract</li> <li>• shall collate and compile information as required for briefing the client on the progress</li> <li>• shall undertake field visits for ensuring accuracy in data collection;</li> <li>• shall provide responses to all queries that arise from deliverables and other field activities</li> <li>• shall provide necessary guidance to team members on all aspects</li> </ul>
Resettlement Database Manager	<ul style="list-style-type: none"> <li>• shall be primarily responsible for development of RAP database;</li> <li>• shall integrate the socio-economic survey and census findings and integrate with GPS coordinates and videography findings into the database;</li> <li>• shall develop user friendly menu driven formats for data search and report generation</li> <li>• shall interact with client as required on the development of Database, besides attending other meetings;</li> <li>• shall provide support and guidance in preparation of necessary details to client and to other team members as required.</li> <li>• Shall develop a manual for Database operation</li> </ul>
Mid-level Resettlement Specialist	<ul style="list-style-type: none"> <li>• shall provide inputs to the designing of survey instruments</li> <li>• shall train and guide enumerators as required for accurate collection of data and recording</li> <li>• shall be responsible for timely submission of deliverables for the surveys carried out in his/her region</li> <li>• shall undertake field visits for ensuring accuracy in data collection;</li> <li>• shall provide responses to all queries that arise from deliverables and other field activities</li> <li>• shall inform and liaise with the GRMCs during field activities</li> <li>• shall provide necessary support to all team members as required</li> </ul>
Communication and Public Outreach Specialist	<ul style="list-style-type: none"> <li>• shall be primarily responsible for communication messages to be developed and also for the consultation strategy to be adopted in the field</li> <li>• shall guide and train the field level personnel in carrying out consultations</li> <li>• shall prepare the Dissemination brief that is to be developed for the project</li> <li>• shall develop the community consultation checklist for the field level consultations and other institution level consultations</li> </ul>

Position	Revised roles and responsibilities
	<ul style="list-style-type: none"> <li>• shall guide the teams in accurate recording of the consultation discussions and outcomes</li> <li>• shall inform and liaise with the GRMCs during consultations</li> </ul>
Asset Valuation Expert	<p>Shall be primarily responsible for:</p> <ul style="list-style-type: none"> <li>• undertake valuation of affected assets and preparation of compensation agreements</li> <li>• Participate in client interactions</li> <li>• Attend internal team meetings as requested for by LGA/PIU</li> <li>• Interact with various district authorities on valuation aspects</li> <li>• Provide inputs to the asset valuation inventory forms</li> <li>• Provide inputs to the scoping exercise and also the valuation approach in the Inception Report</li> <li>• review existing government rates for different types of assets impacted</li> <li>• participate in the community consultations and focus group discussions</li> <li>• liaise with the GRMC s during field activities including valuation</li> <li>• prepare of the draft eligibility and entitlement matrix</li> <li>• undertake careful as per agreed rates</li> <li>• prepare the compensation agreements</li> <li>• finalize compensation agreements and provide inputs as necessary to RAP /LRP; and carry out other valuation asset related tasks</li> </ul>
Livelihood Specialist	<ul style="list-style-type: none"> <li>• shall lead the identification of suitable income and livelihood restoration activities</li> <li>• shall contribute to the preparation of survey instruments</li> <li>• Shall report to the LGAs any specific concerns raised by the communities relating to livelihoods or loss of income</li> <li>• shall prepare a compendium of on-going government and non-government programs</li> <li>• shall work under the overall guidance of the LGA/PIU</li> </ul>
Legal Expert – Resettlement	<ul style="list-style-type: none"> <li>• shall undertake review of key legislations and practices relating to land acquisition and compensation and grievance redressal measures</li> <li>• shall verify the title deeds for all the lands and substations to ensure rightful ownership of property by individual losing assets and subsequently of PIU (including of existing substation lands)</li> <li>• provide guidance to the team on valuation and community awareness aspects</li> <li>• shall work closely with the Asset Valuation expert in verification of title-deeds prior to commencement of valuation</li> <li>• shall provide inputs to the legal aspects that need to be conveyed to communities during consultations</li> <li>• participate in workshops and meetings as required for providing inputs/guidance on legal aspects</li> <li>• attend meetings with client as and when called for</li> <li>• carry out any other tasks as agreed to with LGA/PIU in relation to legal aspects concerning the project activities</li> </ul>

Position	Revised roles and responsibilities
Project Secretary	<ul style="list-style-type: none"> <li>shall be primarily responsible to support the Team members for overall project coordination and management</li> <li>shall be responsible to arrange logistics for field activities</li> <li>shall provide support as necessary to the team</li> <li>shall be responsible for all filing of all project level communication</li> </ul>
Asset Valuers-	<ul style="list-style-type: none"> <li>Support to Asset Valuation Expert in valuation of properties</li> </ul>
Mappers Cartographic Experts	<ul style="list-style-type: none"> <li>Provide support to Asset Valuer and Database managers</li> </ul>
Asset Inventory Staff/ SE Surveyors	<ul style="list-style-type: none"> <li>Support to Asset Valuer in measurement of assets and other data</li> </ul>
Census takers/Enumerators (identified)	<ul style="list-style-type: none"> <li>Shall be responsible for collecting and recording household and census data</li> </ul>

#### Annex 4: Number of Charrette Sessions Participants

Table 16: Msimbazi Project Design Stakeholder's Meetings Attendees Segregated by Gender.

S/N	Government Departments, Agencies, Authorities and NGOs	Number Of Participants		
		Male	Female	Total
1	ANOVA Consulting	1	0	1

S/N	Government Departments, Agencies, Authorities and NGOs	Number Of Participants		
		Male	Female	Total
2	Architects Association of Tanzania	2	1	3
3	Ardhi University	4	0	4
4	BORDA	2	2	4
5	CDR-International	4	1	5
6	DASUDA	7		1
7	DAWASA	3	1	4
8	DAWASCO	1	0	1
9	Department for International Development, UK	2	1	3
10	East Africa Assembly	1	0	1
11	ECORYS	4	0	4
12	Hananasif	3	2	5
13	Hananasif, Kawawa sub ward	1	2	3
14	Hananasif, Mkunguni A subward	2	0	2
15	Hananasif, Mkunguni B subward	1	0	1
16	Humanitarian Open Street map	2	1	3
17	Ilala Municipal Council	18	1	19
18	Jangwani, Mtambani A subward	1	1	2
19	Jangwani, Mtambani B subward	3	0	3
20	JBA Consulting	1	1	2
21	Kigamboni Municipal Council	1	1	2
22	Kigogo, Kati subward	3	0	3
23	Kigogo, Mbuyuni subward	2	0	2
24	Centre For Community Initiatives	2	1	3
25	Kigogo, Mkwajuni subward	2	1	2
26	Kigogo, Ward Council	0	3	3
27	Kinondoni Municipal Council	4	1	5
28	Kisarawe District Council	0	3	3
29	Korea Eximbank	2	0	2
30	LECIDE	1	0	1
31	Magomeni Ward	0	1	1
32	Magomeni, Dosi subward	2	0	2
33	Magomeni, Idrisa Subward	3	0	3
34	Magomeni, Mapipa subwar	3	0	3
35	Magomeni, Suna subward	2	1	3
36	Magomeni, Mtambani subwar	1	0	1
37	Mchikichini Ward	1	0	1
38	Mchikichini, Ilala Kota subwar	1	2	3
39	Mchikichini, Msimbazi Bondeni subward	1	1	2



S/N	Government Departments, Agencies, Authorities and NGOs	Number Of Participants		
		Male	Female	Total
40	Ministry of Lands, Housing and Human Settlements Development	5	3	8
41	Ministry of Natural Resources and Tourism	2	0	2
42	Ministry of Water and Irrigation	2	3	5
43	Mzimuni Ward	0	1	1
44	Mzimuni, Idrisa subward	1	0	1
45	Mzimuni, Mwinyi Mkuu subward	3	0	3
46	National Environment Management Council	5	4	9
47	National Housing Corporation	1	0	1
48	National Land Use Planning Committee	3	3	6
49	Nipe Fagio (Yong Ambassadors)	7	4	11
50	President's Office for Regional and Local Government	6	1	7
52	PPF Pension Fund	0	1	1
53	Prime Ministers Office	2	1	3
54	Regional Administrative Secretariat	2	1	3
55	SenseGuide	0	1	1
56	Sering International	1	1	2
57	TANROAD	3	0	3
58	Tanzania Forest Service	2	0	2
59	Tanzania Forestry Research Institute	1	1	2
60	Tanzania Freight Forwarders Association	1	0	1
61	Tanzania Green Building Council	1	0	1
62	Tanzania Freight Forwarders Association	1	0	1
63	Tanzania Green Building Council	1	0	1
64	Tanzania Meteorological Agency	2	0	2
65	Tanzania Private Sector Foundation	1	0	1
66	Temeke Municipal Council	2	0	2
67	Town Planners Registration Board	1	0	1
68	Ubungu Municipal Council	2	0	2
69	Upanga, Charambe subward	2	0	2
70	Vice Presidents Office	2	0	2
71	Wami-Ruvu Basin Water Office	1	1	2
72	Watumshi Housing Company	1	0	1
73	WEMA Consult	5	2	7
74	World Bank	12	5	17
75	Magomeni, Mikumi subwar	1	0	1
76	COWI Consul	2	0	2

S/N	Government Departments, Agencies, Authorities and NGOs	Number Of Participants		
		Male	Female	Total
77	Dar Es Salaam City Council	7	13	20
78	DART	3	0	3