



THE UNITED REPUBLIC OF TANZANIA

TASAF III RESETTLEMENT POLICY FRAMEWORK

DRAFT

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ABBREVIATIONS AND ACRONYMS

Cap	-	Chapter
CCT	-	Conditional Cash Transfer
CMCs	-	Community Management Committee
COMSIP	-	Community Serving and Investment Promotion
DFID	-	Department for International Development
DP	-	Displaced People/Development Partner
EA	-	Environmental Assessment
ECD	-	Early Childhood Development
FI	-	Financial Intermediary
HIV/AIDS	-	Human inefficient Virus/Acquired Immune Deficiency Syndrome
ID	-	Identification
IRF	-	Involuntary/Resettlement Framework
LAT	-	Land Tenure Act
LGAs	-	Local Government Authorities
M&E	-	Monitoring and Evaluation
MEP	-	Monitoring and Evaluation Plan
NPSNP	-	National Productive Safety Net Program
NVF	-	National Village Fund
OD	-	Operational Directive
OP	-	Operational Policy
PAPs	-	Project Affected Persons
PCDP	-	Public Consultation and Disclosures Procedures
PDO	-	Project Development Objective
PSSN	-	Productive Social Safety Net
PWP	-	Public Works Program
RAP	-	Resettlement Action Plan
RCDAP	-	Reconciliation, Discloser Action Plan
RPF	-	Resettlement Policy Framework
SEA	-	Socio Economic Assessment
URT	-	United Republic of Tanzania
WFP	-	World Food Program

EXECUTIVE SUMMARY

Background: The Government of the United Republic of Tanzania (URT) has asked the World Bank and other Development Partners (DP), namely Department for International Development (DFID), World Food Program (WFP) and its other major development partners for the continued support for Tanzania Third Social Action Fund (TASAF III)'s Productive Social Safety Net (PSSN)¹. This follows a successful implementation of TASAF I and II respectively between years 2000 and 2010, where major achievements were made in terms of service delivery. The country has experienced a high economic growth, which has led to increase in public expenditure and allowed expansion of public services with subsequent positive impacts on school enrolment, and decline in under-5 mortality. However, decrease in poverty levels has been marginal, despite a decrease in the percentage of population living below poverty line; the actual number of the poor has increased.

Project objective: TASAF III – PSSN is built on the experiences gained under TASAF I and TASAF II and its main objective is to enable poor household to increase income and opportunities while improving consumption. This objective will be reached through the following four components.

Project component: The TASAF III – PSSN has four components. The first component is the Consolidation of the National Safety Net component leading to cash transfer targeted to poor vulnerable households with children and pregnant women and Public Works Program that will provide temporary employment at low wages mainly to unskilled workers. The component will also support Community Saving and Investment Promotion that will enable groups to save for investment. The second component is Institutional Development Support. The third component is Targeted Infrastructure Development that will focus on construction of primary and secondary schools, teacher's houses, health facilities, and water supply for the purpose of providing access to social services so as to improve human capital and achieve conditional cash transfer objective. The fourth component is capacity building. This component will ensure the capacity is built at all levels, targeting of beneficiaries and implementation in general.

Project Impact: The supported sub projects under this project will be small in size and constructed in areas set aside by Villages/Shehia/Mtaa for public use. Furthermore, this project supports targeted community sub projects that are identified, designed, implemented, commissioned and operated through a well defined participatory process, thus no extensive involuntary resettlement is foreseen. However, in the event of exemptions, the Resettlement Policy Framework (RPF) is being prepared, which will be the bases for preparing the subprojects' specific plans (RAPs).

Principles and resettlement measures which will be applied in all TASAF III funded activities will be in accordance to this Resettlement Policy Framework (RPF) which is in compliance with the laws of the United Republic of Tanzania and Zanzibar and the World

¹ TASAF III and Productive Safety Net has been used in this document interchangeably

Bank Operational Policy 4.12 (Revised April 2004). Sub projects to be undertaken cover, targeted infrastructure development (education, health, water); physical conservation measures (hill side terracing); gully control, community road, small scale irrigation, small dams and ponds; multipurpose nurseries.

These sub-projects will involve use of land. The impact of this demand for land will vary depending on the situation of the Village/Mtaa/Shehia. For villages without land use plan, the sub-project is likely to cause both positive and negative impacts due to demand of land. Land might be under uses of some sort, either by individuals or community. Individual land uses include homestead building, crop cultivation, business running, etc.

Resettlement Policy Framework: The RPF is prepared to establish resettlement and compensation procedures, implementation arrangement, criteria for identification of Project Affected People (PAPs) and resolving disputes.

Procedures: Implementation of sub-projects will be done after valuation of affected assets using various methods including the Investment; Direct Comparison; and Replacement Cost approach. In assessing compensation, land acquired shall be compensated in a manner provided for in the United Republic of Tanzania Land Act No. 4 of 1999 and the Government of Zanzibar Land Tenure Act. No. 12 of 1992, as well as other relevant laws. Thorough consultations with the affected groups/individuals shall be undertaken through public participation, notification, documentation of holdings and assets, agreements on compensation, preparation of contracts and compensation payment. Various procedures meant to be effective and relative to the level of resettlement shall be adhered to basing on the nature of resettlement. Responsible institutions will be engaged according to their respective responsibilities. Grievances resulting from resettlement and compensation shall be resolved using relevant laws. Land related grievances shall be resolved using land laws and theirs related grievances shall be resolved using the Administration of Estates Ordinance Cap 375 and GN 463 of 1993.

Implementation of TASAF III will be based on experience gained from TASAF I and II whereby Village Council/Shehia/Mtaa committees were responsible for securing land for the sub-projects through discussions with land holders (i.e. beneficiaries). Land for the sub-projects was acquired through amicable agreements. Therefore, TASAF III will emulate the same procedures which should however be evidenced by filling, in three copies, written agreement forms (form Annex III) duly signed by parties to the contract. In the event of disagreement regarding land acquisition methodology mentioned above, the law of land should prevail where the displaced individuals will be entitled for compensation packages as provided in land laws and RAPs.

Evaluation and monitoring shall be the fundamental components of the Resettlement Action Plan, which will be part of the pre-sub-project cycle, during implementation of a sub-project and the post completion of a sub-project.

Disclosure: This RPF will be widely disclosed. Disclosure approaches to be applied

shall include: distributing as many copies as possible to different institutions and community levels for comments and suggestions; distributing to individuals and representative persons including Members of Parliament (MPs), Members of House of Representatives, District Commissioners (DCs); Councilors/Shehias; conducting meeting and workshops and through inter-net for internal and external disclosure as well as the World Bank InfoShop. The entitlement matrix of this RPF will be also translated into Kiswahili and distributed in the affected villages and communities. The same disclosure policy will be used for the sub-projects specific Resettlement Action Plans (RAPs).

PART I: BASIC INFORMATION

1.0 Project Description

The Government of the United Republic of Tanzania (URT) has asked the World Bank and other Development Partners (DP) namely the Department for International Development (DFID), World Food Program (WFP) and its other major development partners for the continued support for Tanzania Third Social Action Fund (TASAF III)'s Productive Safety Net (PSSN) Project. This follows successful implementation of TASAF I and II respectively between years 2000 and 2010, where major achievements were made in terms of service delivery. The country has experienced a high economic growth, which has led to an increase in public expenditure and allowed expansion of public services with subsequent positive impact on school enrolment, and decline in under-5 mortality. However, decrease in poverty levels have been marginal. Despite a decrease in the percentage of population living below poverty line, the actual number of the poor has increased.

This situation has highlighted for the need to focus on interventions that would address poverty reduction through a robust safety net program in the country. An effective safety net system will protect the poor from immediate effects of poverty, helping them to meet consumption needs and prevent further irreversible losses in assets, but it can also enable poverty stricken households to invest in their future and improve their livelihood. The Project Development Objective (PDO) of TASAF III-PSSN is to enable poor households to increase income and opportunities while improving consumption. The program will target people living under basic needs poverty line, currently estimated at 13.5 million.

TASAF III project is expected to achieve this objective by implementing the following four components:

- a) Establishment of a national safety net incorporating transfers linked to participation in public works and adherence to certain conditionalities. The safety net component aims at providing transfers to the poor and vulnerable.
- b) Support to community driven interventions which enhance livelihood and increase income through community savings and investment.
- c) Targeted infrastructure development in education and health to enable service poor communities to realize the objectives of safety net and
- d) Capacity building to ensure adequate program implementation by community, local Government authorities, regional and national levels.

The detailed description of each component is as follows:

Consolidation of the National Safety Net Component:

This component will entail interventions leading to cash transfers to targeted beneficiaries. Poor and vulnerable households with children, and/or pregnant women, will be eligible to participate in the Conditional Cash Transfer sub-component (CCT). They will receive a conditional transfer for each child and/or a pregnant woman living in the household as long as key human capital enhancing conditions are met. Whenever possible, conditional transfer payments will be made to an adult woman (usually the mother) in the household.

Poor and vulnerable households with members capable of physical activity (i.e. households with labor) will be eligible to participate in the Public Works Program (PWP) sub-component. This includes households already included in the CCT sub-component, as well as those not covered. For households already participating in the CCT sub-component, the additional transfers they earn through the Public Works Program will enable them to get the capital to invest in livelihood enhancing activities as a graduation strategy. Poor and vulnerable households that are not included in the CCT will participate in public works in any given year along with approximately one third of those also participating in the CCT sub-component. A household member (whether male or female) enrolled for the Public Works Program and therefore contributing the majority of the labor, will receive the transfer.

Any poor and vulnerable households with labor temporarily affected by a shock will be eligible for participation in public works. This will enable them to meet food needs and other basic needs during lean periods.

Members of the community will benefit from the community assets developed through the Public Works Program. Priority will be given on developing assets which benefit both men and women.

Households with no members capable of physical activity, nor household members eligible for conditional cash transfers, will still receive transfers unconditionally. As they are likely to be amongst the most destitute, their inclusion is necessary. Furthermore, households living in areas where conditional transfers are not feasible due to a lack of adequate nearby services; will receive their transfers unconditionally. Such households will still be encouraged to make use of services, but will not be penalized for lower levels of attendance.

The Public Works Programs (PWP) will provide temporary employment at low wages mainly to unskilled workers on labor intensive sub-projects. Sub-projects expected to emanate from communities under PWP includes but not limited to construction of charco dams, small irrigation schemes, construction and rehabilitation of gravel/earth roads, nurseries and tree planting, solid waste management, water shed management, restoration of degraded areas, gullies treatment, reclamation of borrow pit sites, protection of water sources, rainwater harvesting, market shed construction and associated facilities.

The objective of PWP programs is generation of employment to needy unskilled workers, and small scale infrastructure development and maintenance. Public works in TASAF III will focus more strongly on environmental interventions types of interventions such as soil and water conservation. Such activities will help to protect communities both from the impacts of periods of drought (because of improved water retention) and floods. These activities typically have a much lower capital and skilled labor burden. This approach is deemed more appropriate given that the livelihood of many poor Tanzanian's is heavily dependent on the environment.

Moreover, TASAF will support targeted infrastructure development programs in education, health and water facilities to enable service poor communities realize the objective of safety net. Since these interventions will utilize land and other natural resources, they can negatively affect the Indigenous Peoples in terms of their right of access to land and productive resources.

Livelihood enhancement Component:

This component is primarily concerned with supporting community savings and investment promotion groups. It does so by enabling beneficiaries to save money to invest in livelihood enhancing activities. It does this by supporting these investments with business development skills and technical training, and by providing households committed to improving their lives with the opportunity to apply for additional financing to support livelihood building activities. All those beneficiaries benefiting from the social safety net will be strongly encouraged to form community savings groups and to start saving. This component also supports the outcome related to community empowerment by enabling program beneficiaries to establish their own savings groups and to define how they will develop their livelihood.

Targeted Infrastructure Development Component:

This component focuses on the construction of education and health facilities and potable water supplies in villages without these services and without such services being available in nearby areas. The targeted infrastructure development component will mainly focus on construction/rehabilitation of primary and secondary school classrooms, teachers' houses, toilets, water points, teachers' offices, libraries, laboratories and dormitories; construction/rehabilitation of health facilities (including outpatient dispensaries, maternal child health centers, staff houses, toilets, incinerators and water points); and development of potable water supplies. As such, it is largely focused on the outcome focused on improving access to basic services and creating an enabling environment. However, it will also contribute to the achievement of the conditional transfer sub-component of the Productive Safety Net (PSN) by improving the availability of relevant services and allowing CMCs to require stricter adherence to attached conditionalities. Furthermore, the development of potable water supplies will enhance the health and nutrition outcomes of the program.

Capacity Building and Program management:

This component is concerned with ensuring that capacity is in place to implement the program at the required scale and to an appropriate quality. This component underpins the functioning of all other components of the program. It is concerned with ensuring that there is appropriate understanding and capacity for:

- (i) Targeting;
- (ii) Implementing the safety net program (including conditional transfers and public works);
- (iii) Implementing the livelihood enhancement program (including Community saving and investment promotion and Livelihood enhancing Grants); and
- (iv) Implementing the targeted infrastructure projects.

PART II: RESETTLEMENT POLICY FRAMEWORK

Objectives of Resettlement Policy Framework (RPF)

For implementation of TASAF III Project, land will be required. Therefore, people might have been involved in involuntary resettlement and as a result.. The World Bank safeguard policy OP 4, 12 for Involuntary Resettlement Framework (IRF) is triggered and accordingly this RPF is prepared.

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

- (i) Establish the resettlement and compensation principles and implementation arrangements;
- (ii) Describe the legal and institutional framework underlying approaches for resettlement, compensation and rehabilitation;
- (iii) Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- (iv) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- (v) Provide procedures for filing grievances and resolving disputes.

Rationale for preparing the RFP

Given the nature of the TASAF III – PSSN subprojects could not be identified at the time of appraisal. As a result the RPF was prepared. This RPF will be the basis for preparing the subproject specific Resettlement Action Plans (RAPs).

Impact

TASAF III-PSSN interventions of Public Work Program sub-component and Targeted Infrastructure Development will require utilization of land. The impact of these the sub-projects will vary in nature and degree depending on the situation at hand of the social, economic, administrative and environmental equilibrium. For example, if the project area is in a village with an appropriate land use plan which has been prepared and is implemented and reviewed by the villagers themselves according to the Village land Act No. 5 of 1999, the resulting impacts of a sub-project will be minimal as the area for the project will be already well determined in the plan, set aside and known to all stakeholders (including the villagers).

On the other hand, if the subproject area is in an area which does not have a land use plan, the project will most likely cause both positive and negative impacts as in most cases the land in question will be under use of some sort, communally or individually. The communal land uses that might be taking place on such areas include foot paths, livestock grazing, recreation, petty business areas etc.; and individual land uses include homestead building, crop cultivation areas, etc. However, by all means the resulting impacts of the projects will either be general or specific.

Generic Project Impacts on Assets and Livelihood

Assets to be impacted by the development positively or negatively may include human settlements (homesteads), infrastructure (i.e. pathways, roads, water supply network, etc.) land, natural resources (vegetation cover, wildlife, soils, etc). Impact on livelihood can be felt mainly due to effect on crop production areas, livestock rearing areas, settlement areas, firewood collecting areas, recreation areas, etc.

In summary, the general impacts on assets and livelihood that will result from the project to be undertaken are as follows:-

Positive Impacts

(i) Increased/Improved Welfare of the Communities

The welfare of the communities involved in the project will be improved/increased. For example, if say the sub-project is a water-well; more water will be available for various uses in the community for both domestic and production purposes. This will result into better sanitation and therefore better health to enable people to engage fully in production activities thereby reducing the poverty syndrome. On the other hand, people will be involved in production activities rather than using more time in search of water (especially women/children).

(ii) Poverty Reduction

The projects will assist in reducing poverty in the involved communities. For example, if a project is an undertaking for development of a market place, it will assist the communities in marketing and selling their products. This move will improve their income, which is an initiative towards poverty reduction and food security.

(iii) Appropriate Environmental Management

The project package also includes activities intended for appropriate environmental management. Projects such as construction of latrines and storm water drainage facilities have a significant positive impact on the environment. Such projects will assist villagers to rehabilitate degraded vegetation cover with positive significance in managing the environment especially in the aspect of maintaining the hydrological cycle in its natural limits.

(iv) Improved Education Standards

Project undertaking in the education sector will improve learning of pupils, resulting into improved education standards to pupils. In the long-term, such projects will have very positive impact to the national development endeavor.

(v) Improved Health

Project undertaking in the health sector will assist villagers in preventing diseases which would otherwise impair their productive ability and capability. With good health, communities will be able to engage fully in production activities and therefore reduce the poverty afflicting them.

Negative Impacts

(i) Loss of Natural Resources

As a result of project undertaking, in some instances, it shall be inevitable to remove vegetation cover. However, caution must be exercised to ensure minimum destruction of possible vegetation cover. Upon completion of the construction that had necessitated the removal of top cover, there is a need to carry out scenery rehabilitation to reflect the original scenery. The loss of vegetation cover will have significant impact on the communities which dependent on it.

(ii) Loss of Habitual Land Uses

In some instances, the projects will distract habitual land uses especially in areas which do not yet have land use plans, in which land is used haphazardly. Notable losses include loss of cultivation land, livestock grazing areas, recreation areas, petty business areas, etc. Normally, when the intended use is not yet in place, the area will always be put to some habitual land use although not formal ones. Therefore, whatever the situation, loss of habitual land uses will be inevitable.

Specific Impacts on Assets and Livelihood

Specific Impacts on Assets and Livelihood which are likely to result from the sub-projects' undertakings are several. However, the notable ones include the following:

- (i) Loss of cultivating land;
- (ii) Loss of shelter (houses);
- (iii) Loss habitual land uses;
- (iv) Improved roads;
- (v) Improved water supply facilities;
- (vi) Improved health services;
- (vii) Improved education facilities; and
- (viii) Improved educational performance in schools.

PART III: LEGAL AND INSTITUTIONAL FRAMEWORK

3.0 Overview

The Ministry of Lands, Housing and Human Settlement Development is responsible for policy, regulation and it coordinates matters pertaining to land in Tanzania Mainland while in Zanzibar this responsibility is under the Ministry of Land, Energy, Water and Housing.

Under Village Act, No. 5 of 1999, land administration matters are handled by Village Councils whereas in urban areas, under the Land Act No. 4 of 1999, land administration matters are handled by the Commissioner for Lands.

In Zanzibar, the President remains the custodian of all land and the Minister responsible for land is vested with by the Land Act No. 12/1992 to control and administer land on behalf of the President. The Department of Lands and Registration deals with various activities including the directives from the Minister.

Other land related laws in Zanzibar include the Land Survey Act, 1989; The Land Transfer Act, 1994; The Land Tribunal Act 1994; The Land Adjudication Act, 1989; and The Town and Country Planning Decree, Cap. 85 of the laws of Zanzibar.

The Ministry of State Local Government in Zanzibar plays a vital role in controlling land development in areas where the Municipal Council of Zanzibar cannot exercise its powers. The functions are executed through Land Allocating Committee at district levels. The Municipal Council established under the Zanzibar Municipal Act. 1994 is responsible, among other things, for acquiring and dealing with the land, control of roads, naming and numbering of streets, controlling of public open spaces, undertaking sewage and drainage activities, public health and markets.

Applicable laws with relevance to Land Tenure Compensation and Resettlement are the following:

- (i) The Constitution of Zanzibar, 1984;
- (ii) The Land Tenure Act, 1992;
- (iii) The Land Survey Act, 1989;
- (iv) The Land Tribunal Act, 1994;
- (v) The Land Transfer Act, 1994;
- (vi) The Registered Land Act;
- (vii) The Zanzibar Economic Zones Authority Act, 1992;
- (viii) The Stone Town Conservation and Development Authority Act 1994; and
- (ix) The Land Adjudication Act. 1989.

3.1 Political economy and Governance of the United Republic of Tanzania

The Land Legislation of the Government of the United Republic of Tanzania includes the Land Act No 4 of 1999 and the village Land Act No 5 of 1999. The former is the principle land legislation on all land matters and the latter deals with village lands. Land Acts continue to signify that land in Tanzania is public land and remains vested on the President as a trustee for

and on behalf of all citizens of Tanzania. Furthermore, they specify that an interest in land has a realizable value and that value is taken into consideration in any transaction affecting that interest; the recognized land ownership is the granted right of occupancy and customary ownership; and that to pay full, fair and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State and the Acts or is acquired under the Land Acquisition Act No. 47 of 1967.

In assessing compensation, land acquired in the manner provided for in the Acts, shall be based on market value of the real property in addition to transport allowance, disturbance loss of profits and accommodation, and cost of acquiring or getting the subject land. Also, interest at market rate will be charged or paid for the delayed compensation.

For the purposes of management of land under the Land Acts and all other laws applicable to land, public land is in the following categories: (1) general land; (2) village land and (3) reserved land. The transfer of land from one category to another is provided in the Acts and shall be given due regard in the process of land acquisition after proper compensation and resettlement has been undertaken.

3.2 The Government of Zanzibar

The Land Tenure Act, 1992 addresses issues which include grants of land as right of occupancy, gives rights to separate ownership of trees, leases, termination to those rights and leases. It is the Principal Legislation for the land administration in Zanzibar. Under the Act (S.3), all land is public vested in and at the disposition of the President for the use and common benefit direct or indirect to Zanzibar.

The LTA (S.6) refers to the applicable laws for land doubts or disputes relating to boundaries of the Public Land. The referred laws are the Land Adjudication Act, 1989 and Land Tribunal Act 1994. The Act provides mechanism for provision of land and Certificate of right to occupancy, conditions and the right to sale of Right of Occupancy (RO) granted. The protection of rights to the holders of right of occupancy and that it provides secure tenure in land ownership (S. 55, 56) by requesting payment of compensation where termination of the rights of occupancy is the only option.

The LTA addresses issues of control to land (S. 58, 59) and it provides proper mechanism to the affected people. The Act provides for procedures relating to compensation of unexhausted improvements during the process of termination of rights to occupancy and the right of a holder to appeal if not satisfied.

Further, the LTA provides for provision regarding land management. It creates land administrative institutions such as Land Allocating Committees at District Level, where the District Commissioner is the Chairman of the Committee and the Director for Land and Registration is the Secretary. The Land Act provides for liberal methods of acquisition of land or rights of use of land for works of National interests. Land Adjudication and Land Tribunal Act assist the Land Tenure Act in resolving disputes before and after the grants of right of occupancy.

3.3 Acquisition and Valuation of land and Other Assets based on the Laws of the United Republic of Tanzania and Zanzibar

3.3.1 Land Acquisition

The Constitution of the United Republic of Tanzania of 1977 (as amended), the National Land Act (No. 4 of 1999), Village Land Act (No.5 of 1999), Land Regulations 2001 Subsidiary Legislation, Land Acquisition Act (No. 47 of 1967) and Urban Planning Act (No. 8 of 2007) contain provisions related to land tenure and ownership in Tanzania. Public land is general, village, or reserved land. Socio-economic activities are permitted on general/village land and not permitted or restricted in reserved land for national parks, protected areas and wildlife/forest reserves.

Tanzania has a dual system of land tenure concerning public lands: (i) Customary rights and (ii) Statutory rights of occupancy. Granted rights to land can be held by individuals or by Communities. Holdings by individuals can be covered by the following:

- Leasehold right of occupancy for varying periods, e.g. 33, 66, or 99 years which must be confirmed by a certificate of occupancy; and
- Customary rights of occupancy that must be confirmed by a certificate of Customary Right of Occupancy or Deemed Right of Occupancy. Communities (villages) are allowed to hold land and to manage it, although they do not formally own the land.

Approved land use plans or layouts and cadastral survey plans form the basis for plot allocations to individual land owners. Individuals are given letters of offer (title) which state the size of plot, Use/development conditions, payable land rent, duration of ownership and other covenants. The plot owners are required by law to prepare building plans according to uses/development conditions in the letter of offer and obtain a building permit from the local authority. A change of land use requires application for that change of use to local authorities and later on to be approved by the Minister responsible for Lands.

Mechanisms for land tenure in plot allocations to individual land owners also apply to allocation to Government lands intending to construct public buildings, i.e. requirements for approved land use plan, cadastral survey plan, and application for change of use, building plans and building permits. The difference is that, Government institutions are given a Letter of Allocation instead of a letter of offer (title) and presently the Government is exempted from paying of land rent. In cases where the Government fails to obtain land through the usual allocation procedures, the Land Acquisition Act No. 47, 1967 gives power to the President to acquire "Land" from private occupants where such land is required for any public purpose. This Act under Section 4 (1) provides that land shall be deemed to be required for a public purpose where it is required, among others, for exclusive Government use, for general public use, for any Government scheme, for the development of agricultural projects or for the provision of sites for industrial, agricultural or commercial development, social services, or housing.

The authorized person is allowed to enter upon and survey and take levels of any land in such locality; to do all other acts necessary to ascertain whether the land is adapted for such purpose; and to clear, set out and mark the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon. Also, the Act provides how compensation should be assessed to compensate those whose interest on land has been acquired and direct the Government to pay for all damage done in consequence of the exercise.

3.3.2 Valuation of Affected Asset:

3.3.2.1 Basis of Valuation

The law and practice in Tanzania (both Mainland and Islands) advocate Market Value as Basis for Valuation. Market Value of affected property/asset may be arrived at by different methods. Regulation 3 of the Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part I - III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation.

In short, it is pointed out that in the course of assessing compensation, the Market value of any land and unexhausted improvement thereon shall be arrived at by the use of:-

- (i) Income/Earnings Approach;
- (ii) Comparative Method evidenced by the actual recent sales of similar property; and
- (iii) Replacement Cost Method where the property is of special nature and not sale able.

3.3.2.2 Methods of Valuing Assets

During the implementation of TASAF III and where resettlement is an issue, the following methods of valuing assets will be used. The value (cost) reached by these methods would be equivalent to replacement value (cost).

3.3.2.3 Investment method

The Investment Method treats property like any other investment in the market, where the main factors influencing investment decisions are security of principal, adequate yield, security of income, administrative costs and capital growth. The procedure is to capitalize the rental income (net of expenses or outgoing) using a coefficient based on the prevailing market yield. Yield adjustments have to be made where income is terminable. Where ownership will accrue in future or the expected income stream is likely to change, the benefit is deferred at an appropriate rate, where adequate market data are available. Where sale and rental transactions are rare, and there is scarcity of comparative data on rental and capitalization rates, the method will not be used. Investment Method of Valuation is not common in Tanzania. Crop Compensation Rates are determined by the yielding capacity of the individual crop over a number of years, taking into account the cost of producing the crop and marketing.

3.3.2.4. Direct comparison method

The method will be used to value assets by comparing like with like. It is a very reliable method if current market information is available on sale prices and rentals. It is usual to reduce sales or rented information to unit price for compensation purpose. The common units used are like:

- (i) Agricultural land: ha, sq. m., number of trees;
- (ii) Vacant buildable land: ha, sq. m, standard plot;
- (iii) Beach plots: m, of beach frontage;

- (iv) Houses and apartments: floor area measured in sq. m, rooms;
- (v) Shops and houses: floor area measured in sq. m, rooms;
- (vi) Industrial property: floor areas measured in m²; and
- (vii) Schools, hospitals, school place, bed space, seats, etc.

Adjustment may have to be made for age conditions or location. For instance, a small farm in the same location would command a comparable price be in hectares of farmland near town.

3.3.2.5. Replacement Cost approach

Replacement Cost approach, where market sale and rental information is not available, value can be arrived at by using the cost approach. The assumption is that the price is equivalent to the cost of replacing the asset with an equivalent one plus a reasonable and fair profit margin. The method is commonly used in valuing public properties like school play grounds, play grounds, community halls and health centers. Costs may be obtained basing upon the actual construction cost if the works have been recently completed, tender price, and bills of quantities prepared by a quantity surveyor, estimates prepared by contractor, rough estimates based on unit costs, e.g. cost per m², m³ bed space, etc and estimates of materials and labor costs prepared by the valuer after consulting local experts and suppliers. Additionally, the method also considers professional fees for architectural, engineering and other technical services, interest during construction, other charges like land rent, plan approval fees and developer's profit when appropriate. The method can be used when valuing partly completed buildings.

In very rare situations, other methods of valuation may be used as outlined below:

3.3.2.6. The Profit Method

The Profit Method is used when neither the investment nor the cost approach is suitable. The method is based on the theory that the value of an asset is determined by the benefit or future income streams it will yield. The method is useful in valuing running businesses or going concerns. The basic data required for the application of the model is audited accounts. The Land Regulations(2001) of the Land Act of 1999 provides that, in estimating loss of profit, audited accounts over at least the last 5 years should be analyzed.

3.4 Method of Compensation

The Government of the United Republic of Tanzania guarantees free enjoyment of any landholder of Right of Occupancy. It is a constitutional right in Tanzania that, if one's property is either acquired or nationalized, the individual will be compensated for any land acquired. Any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under the *Land Act* or acquired under the *Land Acquisition Act*, is entitled to a full, fair and prompt compensation. The word compensation connotes paying off the loss suffered or to be suffered by an individual on his property (land) that is being acquired, such that the affected party turns out to be in a position as though he/she had not suffered or lost the said property. Compensation covers all physical crust (soil) and developments thereon or underneath. The main objective is to protect majority of

citizens of Tanzania who have acquired land from either inheritance or village council allocation or clearing bushes.

The common methods of compensation are as follows:

- (a) Market value compensation based on Market value paid in private ownership and when there is relatively high volume of market transactions on land or assets. Market value is normally defined as the priced interest in land or of assets would command in the open market assuming a willing–buyer, willing- seller situation;
- (b) Compensation is based on value of improvements where land belongs to the State. Here compensation is normally based on the value of unexhausted improvements whose utility has not expired;
- (c) Frozen values method of compensation and amount of compensation may be pegged to the market price at a particular historical date;
- (d) Existing value based on the market value of asset on its existing use and discounting any potential value attributable to development possibilities or changes in the market; and
- (e) Tanzania Mainland and Zanzibar compensation is tangible and understandable. The affected people have to see that they have received something substantive in return for their assets and the manner in which the amount was arrived at is comprehensible.

3.4.1 Valuation and Compensation of Crops

Valuation of crops is estimated on the basis of earning capacity of the crop. Crop valuation by earning approach entails discounting net income expectancies to a present worth estimate which a prudent and well informed purchaser would be willing to pay at a fixed time for the right to receive the income stream produced by a particular crop.

Large tree like mangoes, coconuts and other fruit trees as a source of subsistence food for families, petty market income in some areas and shade. Crops have their significance to the local subsistence economy which this project is to enhance. Crops trees used for commercial purpose will be compensated under market value based on historical production records. If households choose to resettle, they will be compensated for the labor invested in the trees they leave behind. The compensation rate will be based on information obtained from the socio-economic study. From this study, a compensation schedule for a tree can be developed incorporating the following goals:

- (i) Replace subsistence tree production yields as officially as possible;
- (ii) Provide subsistence farmers with trees to extend the number of months of the year during which fruit is produced and can be harvested as a supplemental source of food for their families; and
- (iii) Provide cash payments to farmers to replace pre-sub-project income denied from the sale of excess production until replacement trees produce the equivalent in project cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers as well as cash payment to offset lost yearly income.

Affected persons with crops only may not qualify for relocation. This is the view of the law and practice in Tanzania.

3.4.2 Valuation and Compensation of Buildings

Compensation will be paid by replacing structures such as huts, houses, farm, outbuildings, latrines and fences on alternative land provided as an in-kind compensation. Cash compensation would be available as preferred option for structures lost, that are not the main house or house in which someone is living. The ongoing market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement costs without depreciation of the structure.

Compensation will be made for structures that are abandoned because of relocation or resettlement of an individual or household or directly damaged by construction activities. The replacement values will be based on related structure and support services. Average replacement costs of different types of homestead building and structures should be based on collection of information on the number and types of materials used to construct different types of structures. The price of the items collected in different local market, cost for transportation and delivery of these items to the acquired land or building and estimates of construction of new building including labor required will be considered.

3.4.3. Valuation and Compensation of Loss for Economic Activities

Each economic activity will be listed and inscribed on a register. Value for each type of economic activities lost or affected will be printed and shown to the affected person. The activity will be set against the type and number of such losses that the individual will suffer. The total compensation for the category of loss will be shown and the total of all losses will be shown as well. The inventory and evaluation will be signed and a copy given on the spot to the affected person. The affected person of the economic activity will be notified officially after verification by the project staff.

3.4.4 Valuation of Loss of Access to Socio-economic Facilities

The socio-economic activities comprise the use of public land for Public services. The appropriate methods for determination of loss of access to these services are replacement cost and direct composition, depending on type of property and availability of data of socio-economic activities. The business and physical characteristic will be observed and the valuer will examine the quality of management.

3.4.5 Disturbance Allowances

Disturbance allowances shall be paid in addition to the compensation value of the affected assets/properties. Disturbance is paid in the following situations:

- (i) In the case of an individual property/land owner whose property/land is being acquired for the proposed project or where an earmarked project site has been subsequently abandoned in favor of another site and the landowner of the abandoned site was required to relinquish his interest over the land.
- (ii) Where during the course of executing the proposed project, an individual's interest

in land suffered proven physical damage/disturbance.

Disturbance shall be assessed as a percentage of the value of the property acquired as provided under the Land Act No. 4 of 1999 (Mainland Tanzania) and Land Acquisition (Assessment of Compensation Decree) Cap. 96 of the Laws of Zanzibar.

3.4.6. Compensation Payment

Compensation Payment referred to by the “The new Land Acts” shall include:

1. Market value of the real property (i.e. value of unexhausted improvement and land). These will have been arrived at either on:
 - i. Market Value Basis- by Direct Comparison Valuation Technique
 - ii. Earnings Approach
 - iii. Cost Approach.

In practice, the Ministry of Lands and Human Settlement Development, with effect from 2002, through the Chief Government Valuer, maintains on annual basis, a Crop Compensation Schedule that lists all possible crops and their respective population per hectare and the compensation rate per hectare or crop.

2. Accommodation allowance = Market Rent of the affected building per month multiplied by 36 months, i.e. **Accommodation allowance = Rent/p.m. x 36 Months.**
3. Loss of profit allowance is assessed by establishing Annual Net profit and calculated for 3 years, i.e. **Loss of profit = Annual Net profit X 3 years.**
4. Disturbance allowance is calculated by **value of Land** by average percentage rate of interest offered by commercial banks on 12 months fixed deposit at the time of loss of interest in land, i.e. **Disturbance allowance = real property x i.**

Where: i. = interest rate offered by commercial banks on 12 months fixed deposits.

5. Transport allowances shall be actual cost of transporting 12 tons of luggages by rail or road (whichever is cheaper) within 20 kilometers from the point of displacement, i.e. **Transport allowance = 12tons x Actual Cost/ton/km x 20km**

NOTE

1. **Transport, Accommodation and Loss of profits allowances** shall not be paid for unoccupied lands.
2. **Accommodation and Loss of profit** shall not be paid concurrently over the same property.
3. **Accommodation and Loss of profit** shall only be paid to the property owner and not tenant(s).
4. Incidences requiring compensation include:
 - (i) Compulsory acquisition under the Land Acquisition, 1967.
 - (ii) Transfer of categories of land under section 4(7) & 5(7) of the Land Act, 1999.
 - (iii) Where land is declared to be hazardous under Section 7(8) of Act No. 4 of 1999
 - (iv) Where land is declared to be under regularization as per Section 60(7)(f) & 60(3)(b)

of the Act No. 4 of 1999.

- (v) Where revocation of a Right of Occupancy under Section 49(3) of Act No. 4 of 1999.

3.5 Dispute Resolution and Grievance Mechanisms

3.5.1 Potential Grievance/Disputes

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation program may be related to the following issues:

- (i). Inventory mistakes made during census survey as well as inadequate valuation of properties;
- (ii). Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- (iii). Disagreements on plot/asset valuation;
- (iv). Divorces, successor and family issues resulting into ownership dispute or disputes shared between heirs or family;
- (v). Disputed ownership of a given assets (two or more affected individual(s) claim the same); and
- (vi). Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (the location of the resettlement site does not suit them).

3.5.2. Proposed Grievance Management and Redress Mechanism

During compensation and resettlement operation, the above mentioned grievances which may occur are mainly of two categories: land related grievances and heritage related grievances. The grievances shall be resolved using relevant laws accordingly, i.e. The Land Disputes Courts Act. No. 2 of 2002 with Regulation and Administration of Estates Ordinance Cap. 375 and GN 463 of 1993.

(i) Resolution of Land Related Grievances

Land related grievances shall be resolved using the land courts established under the Land Disputes Courts Act. No. 2 of 2002 with its regulations. The courts are: The Village Land Council; The Ward Tribunal; The District Land and Housing Tribunal; The High Court (Land Division) and The Court of Appeal of Tanzania. However, where village(s) do not yet have Village Land Council(s), prior to the commencement of a sub-project, the District Council shall be required to make sure that the village(s) establish Village Land Council(s) in accordance with the Village Land Act. No. 5 of 1999 with its Regulations. The grievances shall accordingly be resolved using the courts as specified in the Act.

(ii) Resolution of Heirs Related Grievances

Heirs related grievances shall be resolved using the Administration of Estates Ordinance Cap. 375 and GN 463 of 1993.

3.5.3 Administrative Mechanism

At the Village/Ward level, there are Village Land Council and Tribunal Court of laws. These will be the last resort which, in principle, should only be triggered where first instant amicable mechanisms, which are comparable to the grievance mechanisms under the OP 4.12 as explained later, have failed to settle the grievance/dispute. However, the United Republic of Tanzania allows any grieved/disputed individual(s) the right of access to courts of law.

3.5.4 Assistance to Vulnerable People

Vulnerable people may be such prior to the compensation process because of a disability or disadvantage, and/or may be made more vulnerable as a result of the compensation process. Vulnerable people includes orphans, people with disabilities, elderly persons, HIV/AIDS affected/or infected, widows, widowers, people suffering from serious illnesses, women and children at risk of being dispossessed of their productive assets –land - as a result of the land compensation process that may benefit the sole male household head and malnourish children.

Safety Mechanism

(i) Assistance to vulnerable people includes the following steps/obligation:

- a) Identification of person and cause of vulnerability. This may either come directly or through the communities. This step is critical because often vulnerable people do not participate in community meetings, and their disability/vulnerability may remain unknown;
- b) Identification of required assistance at the various stages of the process, negotiation, compensation, moving;
- c) Implementation of the above measures; and
- d) Monitoring and continuation of assistance after moving, if required to.

(ii) Assistance shall take the following form depending upon the vulnerable people's requests and needs:

- a) Assistance in effecting compensation;
- b) Assistance in moving, providing vehicle, driver and facilitation at the moving stage, providing ambulance services for disable persons during moving;
- c) Assistance in building, providing materials, workforce or building houses; and
- d) Health care if required at critical periods: moving and transition period.

3.6 Comparison to World Bank OP 4.12

Laws on land administration in Tanzania are comprehensive but differ in several ways with the Bank's OP4.12 (Involuntary Resettlement) policy. For example, entitlements for payment of compensation are essentially based on the right of ownership, which limits the rights of non-formal occupants like slum dwellers and tenants that the Bank's OP 4.12 policy recognizes. The provision that the affected persons are entitled to some form of compensation, whether or not they have legal title, if they occupy the land by a specified cut-off date is not explicit in Tanzanian laws. There are other gaps between the Tanzanian laws and the OP 4.12 which are summarized in the table below. The principle of this RPF and the project specific RAPs will adhere to the Tanzanian laws as noted above and the OP 4.12. In case of gaps/contradictions between the two policies, the OP 4.12 will apply.

Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation²			
Types of Affected Persons/ Lost Assets	Tanzanian Law	World Bank OP4.12	Comparison/Gaps (In case of Gaps/Contradictions between the two policies, then OP 4.12 will apply).
Land Owners	It is the constitutional right in Tanzania that if one's property is either acquired or nationalized, the individual will be compensated for any land acquired. Any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under the <i>Land Act</i> or acquired under the <i>Land Acquisition Act</i> , is entitled to a full, fair and prompt compensation.	Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas. Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.	The legal right to resettlement is applicable only to those with proprietary interest in the affected land.
Land Tenants/Squatters	Tanzania has a dual system of	For those without formal legal	While in principle no distinction

² Source: *Safeguards Diagnostic Review for Piloting the Use of Tanzanian Systems to Address Environmental Safeguard Issues in the Proposed World Bank-Assisted Tanzania Energy Development and Access Project (GEDAP)*, December 2006

Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation²

Types of Affected Persons/ Lost Assets	Tanzanian Law	World Bank OP4.12	Comparison/Gaps (In case of Gaps/Contradictions between the two policies, then OP 4.12 will apply).
	land tenure concerning public lands: (i) Customary rights and (ii) Statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities.	rights to lands or claims to such land that could be recognized under the laws of the country, the Government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihood.	or discrimination is made on the basis of gender, age, or ethnic origin, there is no equivalence on the specific requirement of non-discrimination or the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.
Land Users	Approved land use plans or layouts and cadastral survey plans form the basis for plot allocations to individual land owners. Individuals are given <i>letters of offer</i> (title) which state the size of plot, use/development conditions, payable land rent, duration of ownership and other covenants. The plot owners are required by law to prepare building plans according to uses/development conditions in the letter of offer and obtain a <i>building permit</i> from the local authority. A change of land use requires <i>application for that change of use</i> to local authorities and later on to be approved by the Minister responsible for Lands.	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between the Banks and Tanzanian systems for identifying and addressing impacts resulting from project related activities.

Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation²

Types of Affected Persons/ Lost Assets	Tanzanian Law	World Bank OP4.12	Comparison/Gaps (In case of Gaps/Contradictions between the two policies, then OP 4.12 will apply).
Owners of non-permanent buildings	Compensation for structures will be paid by replacing at cost, for example, huts, houses, farm out buildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost that are not the main house or house in which someone is living. The going market prices for construction materials will be determined.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihood.	There appears to be a significant difference between Tanzanian laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.
Owners of permanent buildings		Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	
Timing of compensation payment	Reference to the timing of payments is made only to agricultural lands, as follows: “In the case of agricultural land, compensation is intended to provide a farmer whose land is acquired and used for project purposes to cover the productive values of the land, labor, and crop loss.”	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.
Calculation of compensation and valuation	Tanzanian laws indicate that the current market values should be used as basis for valuation of land and properties. Regulation 3 of the <i>Land Policy</i> (Assessment of	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.

Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation²

Types of Affected Persons/ Lost Assets	Tanzanian Law	World Bank OP4.12	Comparison/Gaps (In case of Gaps/Contradictions between the two policies, then OP 4.12 will apply).
	the Value of Land for Compensation) Regulations, 2001 and Part I-III of the <i>Village Land Regulations</i> , 2002 provide for practical guidelines on assessment of compensation. The full and fair compensation is only assessed by including all components of land quality.	housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihood is minor; and (e) provision of civic infrastructure and community services as required.	
Relocation and resettlement	Any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under the <i>Land Act</i> or acquired under the <i>Land Acquisition Act</i> , is entitled to a full, fair and prompt compensation.	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihood and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Tanzanian laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement.
Completion of resettlement and compensation		Implement all relevant resettlement plans before project completion and provide	There is no equivalence between Tanzanian law and World Bank policies on implementing

Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation²

Types of Affected Persons/ Lost Assets	Tanzanian Law	World Bank OP4.12	Comparison/Gaps (In case of Gaps/Contradictions between the two policies, then OP 4.12 will apply).
		resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. Even if these requirements are met, they would be applicable only to communities with proprietary rights or interests in affected lands.
Livelihood restoration and assistance	Assistance will be provided in the form of labor-intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that the compensation can cover the costs for sowing, weeding and harvesting.	Livelihood and living standards are to be restored in real terms to pre-displacement levels or better.	Tanzanian policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.
Consultation and disclosure		Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy, noted above also. In LI 1652 (Regulation 17), similar considerations apply and the same differences are

Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation²

Types of Affected Persons/ Lost Assets	Tanzanian Law	World Bank OP4.12	Comparison/Gaps (In case of Gaps/Contradictions between the two policies, then OP 4.12 will apply).
		the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	identifiable: There is no requirement to disclose the preliminary report under Regulation 9. Despite the differences identified, the practice has been that where a mitigation plan affects local communities, proceedings are conducted in the local language. This is significant considering the composition of those most likely to be excluded from the remit of Tanzanian legislative and constitutional protection for involuntary resettlement (i.e., squatters).
Grievance mechanism and dispute resolution	In the case of a dispute as to the amount to be paid, either the Minister or the person claiming compensation may refer such dispute to the Regional Commissioner for the region in which the land is situated and the decision of the Regional Commissioner shall be final.	Establish appropriate and accessible grievance mechanisms	

PART IV: COMPENSATION FOR LAND AND OTHER ASSETS PROCEDURES

This RPF is prepared based on the United Republic of Tanzania and Zanzibar laws and the World Bank Resettlement Policy (OP 4.12). The RPF guidelines apply to all components under the TASAF III, whether or not they are directly funded in whole or in part by the subproject. The RPF applies to activities in sub-projects (or components) affecting those who would be physically displaced or who would lose some or all access to resources, and regardless of the total number affected, the severity of impact, and their legal status.

Implementation of TASAF III-PSSN will be based on experience gained from TASAF I and II whereby village council/Shehia advisory council/Mtaa committees/beneficiaries were responsible to secure land for the subprojects through discussions with land holders. The cash budget for the RAP prepared for TASAF I and II had no cost implication since Village Council/Mtaa Committee/Shehia Advisory Committee agreed that compensation issues were to be resolved by communities themselves prior to applying for support. Land for the a subproject was acquired through amicable agreement. Therefore, TASAF III-PSSN will follow the same procedures which will be evidenced by filling a written agreement form duly signed by parties to the contract form Annex III filled three copies. In the event of disagreement in land acquisition methodology mentioned above the law of land should prevail where the displaced individuals will be entitled for compensation packages as provided in land laws and RAPs, which will be based on the principles of this RPF.

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

The activities in the TASAF III that are expected to have some land acquisition or restriction of access include the following:

1. Public work sub component the program that will focus timely safety net program and predictable transfers to poor and vulnerable households through the community assets created such as subproject related to road construction, environmental rehabilitation, development of simple irrigation infrastructure which will all make important contributions.
2. Target infrastructure for selected service poor communities that will focus on the construction of primary schools, health facilities, and potable water supplies in villages without such services and without such services available in the nearby areas.

Annex 1 provides a table which is completed if land or other properties are needed for the sub-projects.

Although the exact nature and locations of sub-projects are unknown, the following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts:

Project Affected Persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-project(s).

Project Affected Households are groups of PAPs in one household and where one or more of its members are directly affected by the subproject.

Vulnerable Groups of People. From these households, the subproject will separately identify the vulnerable members, such as those who are too old or too ill, children, those stricken with HIV/AIDS, women, unemployed youth, etc. Households headed by women that depend on sons, brothers, and others for supports are especially vulnerable. Similarly, households with elderly or seriously ill persons are eligible for additional support.

If a sub-project requires land or any other assets, a rapid social survey will be carried out to identify the areas or sites expected to suffer resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed:

- (i) All potential PAPs should be identified (through a scoping exercise) and be informed about their options and rights pertaining to the compensation for land and assets to be acquired by the sub-project(s);
- (ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives;
- (iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project; and
- (iv) Sub-projects specific Grievance mechanisms should be established which are easily accessible to the PAPs.

Screening. This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be documented for each site (sub-project).

RAP Preparation. As soon as the list (sub-projects) is approved by the responsible Project Coordinator, a consultative and participatory process for preparing a RAP will be started, as follows:

- (i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts;
- (ii) A socio-economic study will be carried out to collect data in the selected sub-project sites; and

- (iii) The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihood, the local participation process, and establishing baseline information on livelihood and income, landholding, etc.

The RAP contains the following information:

- (i) Baseline Census;
- (ii) Socio-Economic Survey;
- (iii) Specific Compensation Rates and Standards;
- (iv) Entitlements related to any additional impacts identified through the census or survey;
- (v) Site Description;
- (vi) Programs to Improve or Restore Livelihood and Standards of Living;
- (vii) Site specific grievance mechanism;
- (viii) Monitoring and evaluation; and
- (ix) Detailed cost estimates and Implementation Schedule.

The RAP will be prepared by the respective LGA.

The following guidelines are used when a RAP is developed:

- (i) Consultation and participatory approaches. A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.
- (ii) Disclosure and notification. All eligible PAPs are informed about the subproject and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other Government agencies; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.
- (iii) Documentation and verification of land and other assets. The Government authorities at both national and local levels; community elders and leaders will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the sub-project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of

assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

- (iv) Compensation and valuation. All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the respective LGA will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. Table II below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.
- (v) Community payments. Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation water pumps; construction of wells; creation of market places; and reconstruction of community roads.
- (vi) Grievance mechanism. The sub-project RAP team within the LGA will establish an independent grievance mechanism. This may be set up through Local Authorities, including a Resettlement or Land Committee and through Village Council. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation, relocation and in case of grievance fill in Grievance Form Annex I. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed, the dispute resolution process should include Tanzanian Courts of Law, but traditional institutions can be an effective first step in both receiving and resolving grievances.

Following is the entitlement matrix that will be translated into Kiswahili and distributed among the affected villages.

Table II: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Cash compensation for affected land equivalent to market value	Farmer/ Title holder	Cash compensation for affected land equivalent to replacement value
	Less than 20% of land holding affected Land remains economically viable.	Tenant/ Lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost	Farmer/ Title holder	Alternative land where feasible, or compensation in cash for the entire landholding according to PAP's choice.
	Land does not become economically viable.		Alternative land will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.
		Tenant/Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature) Relocation assistance (costs of shifting + allowance).

Table II: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Commercial Land	Land used for business partially affected Limited loss	Title holder/ business owner	Cash compensation for affected land Opportunity cost/loss of profits compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business or estimates where such records do not exist).
		Business owner is lease holder	Opportunity cost/loss of profits compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Alternative land for compensation in cash according to PAP's choice. Alternative land will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Such costs and taxes shall be borne by the beneficiaries of the subprojects. Relocation assistance (costs of shifting + allowance) Opportunity cost/loss of profits compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	Opportunity cost/loss of profits compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/ lease of alternative land/ property (for a maximum of 6

Table II: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			months) to reestablish the business.
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land
		Rental/Lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	<p>Alternative land compensation in cash according to PAP's choice.</p> <p>Alternative land shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value is offered.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/Lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>

Table II: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Buildings and structures	Structures are partially affected	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
	Remaining structures viable for continued use	Rental/Lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/Lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/Informal dweller	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation

Table II: Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost/loss of profits compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

PART V: IMPLEMENTATION SCHEDULE AND COSTS

Funds have not been set aside yet, but once the RAPs are prepared the Village Council/Mtaa Committee/Shehia Advisory Council on behalf of the Local Government Authority/the Second Vice President's Office in Zanzibar will determine the extent of land required and the improvement on that land, this will inform the determination of the real budget for resettlement compensations. However, once the RAPs are prepared, the Government will finance the compensation since such costs cannot be funded by IDA. The format for the RAP budget is as indicated in Table III below:

Table III: Format of RAP Budget

Asset acquisition		Amount or number	Total estimated cost	Responsible
Land				
Structure				
Crops and economic trees				
Community infrastructure				
Land Acquisition and Preparation				
Land				
Structures				
Crop areas and others				
Community infrastructure				
Relocations				
Transfer of possessions				
Installation costs				
Economic Rehabilitation				
Training				
Capital Investments				
Technical Assistance				
Monitoring				
Contingency				
#	Item	Costs	Assumptions	
1	Compensation for loss of land	/hectares	For land acquisition purposes, based on Tanzanian average market cost, or from similar projects	
2	Compensation for loss of crops	/hectares of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Tanzanian market prices	

Asset acquisition		Amount or number	Total estimated cost	Responsible
3	Compensation for loss of access to pastures		If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.		If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products, etc.
5	Compensation for buildings and structures		If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for trees		/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Tanzanian market prices
7	Cost of relocation assistance/expenses		/household	This cost reflects the moving and transportation allowance

This table will be accessible to the PAPs in a language which is understood.

PART VI: PUBLIC CONSULTATION AND DISCLOSURE PLAN

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

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

The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. Furthermore, the project will sensitize communities and the public at large on involuntary resettlement. In addition, village governments will continue to provide land for implementation of projects just like in the TASAF I and II. The Safeguards' chapter of the TASAF-III PSSN Operational Manual provides the details.

Data collecting phase. Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. Levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, fishing boats, etc, as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing community baseline situations.

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

Monitoring and evaluation phase. PAPs representatives will participate in the sub-project workshops at mid-term and at the end of RAP implementation. To the extent possible, the RAP should include social accountability tools like citizen report cards to assess the quality of RAP implementation, and in some cases, assist the RAP team in tracking expenditures. The latter would be significant in helping PAPs with money management and restoring their livelihood. PAPs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s). Prior to closing the RAP, PAPs will participate in a feedback survey as part of the RAP's independent impact evaluation exercise.

PART VII: MONITORING AND EVALUATION OF IMPACTS

The established Local Government Authority RAP team will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts.

In order to measure these impacts, the RAP identifies specific indicators to be monitored, defines how they will be measured on regular basis, and identifies key monitoring milestones (e.g. at mid-point of the RAP implementation process).

The TASAF Management will establish a reporting system for the sub-project RAP that will:

- (i) Provide timely information to the project about all resettlement and compensation issues arising as a result of RAP related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at higher levels;
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses;
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have better living conditions and livelihood; and
- (v) Identify mitigation measures, as necessity, when there are significant changes in the indicators that may require strategic interventions.

The independent impact evaluation will determine:

- (i) If compensation payments have been completed in a satisfactory manner; and
- (ii) If there are improvements in the livelihood and well-being of PAPs.

Several indicators are used to measure these impacts. They include, among others, a comparison of income levels before-and-after; access to livelihood and employment; changes in standards of housing and living conditions; and improvement in the level of participation in sub-project activities. There are measures to verify these basic indicators, such as number of children in school; changes in health standards; and changes in access to markets or roads – all of which may reflect the overall improvement in the standard of living.

The following methods will be used for measuring impacts:

- (i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) Documentation and recording of PAP's situation, including subsequent uses of assets/improvements;

- (iii) Relocation/resettlement and Compensation Reports, including status of land impacts, percentage of individuals selecting cash or a combination of cash and in-kind compensation, proposed use of payments;
- (iv) Number of grievances and time and quality of resolution; and
- (v) Ability of individuals and families to re-establish their pre-resettlement activities in terms of improvement in land and crop production, and/or presence of other alternative incomes.

The Local Government Authority RAP team will maintain, together with Village Councils, the basic information on all physical or economic displacements arising from the sub-project. This includes an update on a quarterly basis, of the following:

- (i) Number of sub-projects requiring preparation of a RAP;
- (ii) Number of households and individuals physically or economically displaced by each sub-project;
- (iii) Length of time from sub-project identification to payment of compensation to PAPs;
- (iv) Timing of compensation in relation to commencement of physical works;
- (v) Amount of compensation paid to each PAP household, or the nature of compensation (cash or in kind);
- (vi) Number of people raising grievances in relation to each sub-project; and
- (vii) Number of unresolved grievances.

TASAF will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and TASAF III to determine the final cost of RAP implementation. The following indicators (in Table IV) can be used to monitor implementation of the RAP.

Table IV: Indicators of RAP Impacts

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (+/-) in PAP's conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAP's income and livelihood conditions
Number of grievances filed	Quality of grievances or disputes resolved (qualitative)
Number of livelihood restoration programs completed	Changes (+/-) in affected household income levels
Pre sub-project production versus present production levels (crops for crops, land for land)	Equal or improved production per affected household/homestead

Annual audit. The annual audit of RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether a project achieved resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines.

Socio-economic assessment. The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAP's livelihood and well being have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihood, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement. Additionally, a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators will be used for measuring status of affected people.

Most socio-economic assessments use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment must be made for each sub-project. Additionally, since a baseline household survey was completed during RAP preparation, the end-RAP assessment can measure changes from this baseline.

Table V: Sub-project Land Requirement and Community Agreement Form:

1. Name of Village/Shehia/Mtaa:
2. Ward:
3. District:
4. Region:

Ownership/Tenure right	Affected area (Ha)	Current Land Use	Remarks
Individual land			
Group land			
Village/Shehia/Mtaa			

No.	Names/Groups	Agreement on the required lands	Comments
1.			
2.			
3.			
4.			
n.			

Agreement to meet sub-project land requirements, as per Village Council/Shehia/Mtaa meeting ofday month..... Year.....

.....
Signed by VEO/Sheha Secretary

.....
Village Chairperson/Sheha

Annex 1: Sample Grievance and Resolution Form

Name (of Complaint): _____
ID Number: _____ (PAPs ID number)
Contact Address: _____ (Village; mobile phone)
Nature of Grievance or Complaint:

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

Signed (of Complainant): _____
Name of Person Filing Complaint: _____ (if different from complainant)
Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____
Was complainant present? Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation:

Summary of Conciliation Session Discussion:

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

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

Signed (Arbitrator): _____ Signed (Complainant): _____

Signed: _____
Independent Observer

Date: _____

Annex 2: Relevant Laws

Property Rights and Land Rights	Law / Regulation
The Constitution provides for the protection of the rights and interests of citizens in matters concerning their property and acquisition. Under article 24 (1), every person is entitled to owning 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 purpose without the authority of law, which makes provision for fair and adequate compensation.	Constitution (1977)
<p>The National Land Policy provides guidance and directives on land ownership and tenure rights and taking of land and other land based assets. The policy stipulates organization and procedures for valuing assets and delivery of compensation. The overall aim is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land for all its citizens. The following are the basic land policy tenets:</p> <ul style="list-style-type: none"> (i) All land in Tanzania is public land vested in the President as the trustee on behalf of all citizens; (ii) Land has value; (iii) The rights and interests of citizens in land shall not be taken without due process of law; and (iv) Full, fair and prompt compensation shall be paid when land is acquired. 	National Land Policy (1995)
<p>Land tenure and ownership in Tanzania is governed by these statutes as well as the 1977 Constitution of the United Republic of Tanzania, (as amended) Land in Tanzania is owned by the state. Public land in Tanzania is either general land, village land or reserved land. Socio-economic activities are permitted on general/village land and not permitted in land reserved for national parks, protected areas and forest reserves.</p> <p>Tanzania has a dual system of land tenure: customary and statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be: (i) by leasehold right of occupancy for varying periods, e.g. 33, 66, or 99 years which must be confirmed by a certificate of occupancy; (ii) by customary rights of occupancy that must be confirmed by a certificate of Customary Right of Occupancy (Hati ya Ardhi ya Mila) and have no term limit. Communities (Villages) are allowed to hold land and manage it, although they do not formally own land.</p>	Land Act (No. 4 of 1999), Village Land Act (No.5 of 1999), Land Regulations 2001 Subsidiary Legislation, Land Acquisition Act No. 47 (1967), Urban Planning Act No. 8 of 2007.
The Land Acquisition Act further empowers authorized Government officials (which is applicable to MJCA, PO-PSM and the Judiciary) to investigate the land in any locality for its possible acquisition for any public purpose. The authorized person is allowed to enter upon and survey and take levels of any land in such locality; to do all other acts necessary to ascertain whether the land is adapted for such purpose; and to clear, set out and mark the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon.	Land Acquisition Act No. 47 of (1967)
Tanzanian laws indicate that market value should be used as basis for valuation of land and properties. The laws provide for practical guidelines on assessment of compensation. The full and fair compensation is only assessed by including all components of land quality. Presently, in assessing the value of the unexhausted improvements for compensation purposes, the law emphasizes that the value should be the price that the said improvements can fetch if sold in the open market. But this, in normal circumstances, is lower than the replacement value but higher than the initial construction cost of the said improvements.	Regulation 3 of the Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part III of the Village Land Regulations, 2002
The Acts stipulate in detail functions of District/Urban councils. Issues of land are included as objectives of functions and therefore part of the mandates of local Government in their respective areas.	Local Government (District Authorities) Act No. 7, 1982 and Local Government (Urban

Property Rights and Land Rights	Law / Regulation
	Authorities) Act No. 8, 1982
<p>The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance the fact that most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. The Local Government Authorities, not being a party to the contracts, would be the best office to receive, handle and rule on disputes. Failure of the Councils to settle the disputes, the grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation will be addressed to the existing local court system of administration of justice in the Districts. Local NGO's will be engaged by the Designated Sector Environmental Coordinators to mediate disputes.</p> <p>If the complainant's claim is rejected, then the matter will be brought before the Land Tribunals and/or the local courts for settlement. If the matter cannot be settled by the local courts and/or the District Land Tribunals, it will go the High Court for resolution. The High Court of Tanzania will be the highest appellate "judge" in this system. The decision of the High Court would be final and all effort should be made to ensure decisions are reached within a full growing season after the complaint is lodged.</p>	<p>Cited in Resettlement Policy Framework, Tanzania Accountability, Transparency and Integrity Project (ATIP), October (2005)</p>

Annex 3: Form for Provision of Land

Iof P. O. Boxbeing the owner of the(land, asset, etc) situated atmeasuring confirm that I have been consulted by with regard to the issues of providing the said propertymeasuring..... Sq. m, for construction ofunder Community sub-project funded by TASAF III and I agree on my own consent without being subjected under undue influence by anybody, to offer the same piece of land to the community for the intended purposes.

Signatures:

Full name of the land owner.....

Signature.....Date.....

Community representatives

1. Full name.....

Signature Date

2. Full name

SignatureDate

Witnessed by:

Witnessed by.....

Qualification

Date.

Annex 4: Public Consultations

Public consultations included a stakeholders’ meeting that was conducted in October 2011 in Dar es Salaam. The objectives of the workshop were:

- (i) To inform stakeholders about the proposed Resettlement Policy Framework (RPF) for TASAF III.
- (ii) To provide opportunity to the stakeholders to discuss and provide input for consideration in preparation of the RPF.

Key issues that were raised by the stakeholders:

- (i) A need for capacity building and sensitization on involuntary resettlement prior to embarking on project implementation.
- (ii) Adequate linkage of the RPF with existing relevant policies on the Mainland as well as in Zanzibar to avoid contradictions during implementation.
- (iii) Introduction of monetary compensation which may discourage voluntarism and cause poor participation in public works initiatives.

Workshop participants were drawn from NGOs, CBOs, Local Government Authorities, ministries, regulatory bodies and the Second Vice President’s Office in Zanzibar. A list showing all the participants is shown below.

A list of all the participants to the consultation workshop is shown in the table below:

S/N	NAME	ADDRESS	DESIGNATION
1.	Peter A. Ilomo	President Office – State House, P. O. Box 9120, Dar es Salaam	Director of Policy and Planning
2.	Ladislaus Mwamanga	TASAF, Box 9381 Dar es Salaam	Executive Director
3.	Parmet J. Koromo	Tanzania Pastoralist Hunters and Gathers Organization, P.O Box 12568, Arusha	Executive Director
4.	Smart Daniel	Help Age International (Tanzania), P. O. Box 9846, Dar es Salaam	Social Protection Programme Manager
5.	Levina Kikoyo	Family Health International, Plot 1270, Oysterbay , P. O. Box 78082, Dar es Salaam	Senior Technical Officer
6.	Silas Likasi	Oxfam GB, Mikocheni, Old Bagamoyo Road, P.O Box 10962 Dar es salaam	Program Manager

S/N	NAME	ADDRESS	DESIGNATION
7.	Nestory Mhando	The Foundation for Civil Society, Haidery Plaza 5 th Floor, Upanga/Kisutu Street, P.O Box 7192, Dar es Salaam	Program Officer
8.	Juma S Mtumbei	Development Link(T) Ltd, P.O Box 2094 Morogoro	Director
9.	Deus Masige	Tanzania Association of Environmental Engineers, P.O Box 35454, Dar es Salaam	Executive Director
10	Paul Mzuka	Response Foundation	Executive Director
11	Malanilo J Simon	Human Development Trust, Plot No 16, Mikochei Light Industrial Area, P.O Box 65147, Dar es Salaam	Program Manager- Community Development
12	Emmanuel Massawe	Lawyers Environmental Action Team, P.O Box 12508 Dar es Salaam	Executive Director
13	Richard Kundi	Ministry of Information, Culture, Youth and Sports P.O. Box 8031 Dar es Salaam	Economist
14	Kassim Sengoe	National Environment Management Council, (NEMC) P. O. Box 63154, Dar es Salaam	Senior Environment Management Officer
15	Adam Y. A.	Ministry of Lands and Human Settlement Development, P.O Box 912 Dar es Salaam	Valuation Officer
16	Hamza M Omar	Community Development and Environmental Conservation Zanzibar, P.O Box 2301 Zanzibar	Executive Secretary
17	Ladslaus Kyaruzi	Vice President Office, P. O. Box 5380, Dar es Salaam.	Environmental Management Officer
18	Eng. Kayumbe January	Ministry of Water and Irrigation, P. O. Box 9192, Dar es Salaam	Senior Engineer (Irrigation)
19	Margaret Natai	Ministry of Agriculture, Food Security and Cooperative, P. O. Box 9192, Dar es Salaam	Senior Agriculture Officer
20	Eng. Raya Joshwa	Ministry of Works, P. O. Box 3423, Dar es Salaam.	Coordinator, Labour based Technology
21	Peter Kingu	Ministry of Livestock Development, P. O. Box 9152 Dar es Salaam	Senior Livestock Officer

S/N	NAME	ADDRESS	DESIGNATION
22	Hamad O. Juma	Second Vice President's Office, Box 159 ZANZIBAR	Environmental Officer SET
23	Ahmad K. Haji	Second Vice President Office, Box 239 ZANZIBAR	Director of Co- ordination
24	John Senzighe	Ministry of Education and Vocational Training, P. O. Box 9121, Dar es Salaam.	Senior Education Officer
25	Nisalilile Mwaipasi	Tabora Municipal Council, P.O. Box 174 TABORA	Village Fund Coordinator, Tabora Municipal Council
26	Godliva Mvanda	Iringa District Council, P.O. Box 148 IRINGA	District Environmental Management Officer
27	Herry Makundi	KIBAHA District Council, P.O. Box 30153 KIBAHA	District Environmental management officer
28	Joseph S Kawiche	ILALA Municipal Council, P. O. Box 20950, DSM	Valuer
29	Sebastain Gaganija	Rufiji District Council, P. O. Box UTETE, RUFIIJI	District Environmental Management Officer
30	Shaaban Abdulmalik	Second Vice President's Office, Box 411, ZANZIBAR	Village Fund Coordinator,
31	Annamary Galibona	Kiteto District Council, Box 98 KIBAYA	Village Fund Coordinator, Kiteto District Council
32	Abdon Mapunda	Ilala Municipal Council, P. O. Box 20950, Dar es Salaam	Municipal Environmental Management Officer
33	Simon Mayeye	Mbulu District Council, P.O Box 74 Mbulu	District Executive Director
34	Mwadhini O. Mnyanza	Morogoro Municipal Community Foundation, P.O. Box 6603, Morogoro.	President
35	Bernard Kalinga	Kinondoni Community Foundation, P.O. Box 90013, Dar es Salaam	Administrator
36	Fariji Mishael	Monitoring and Evaluation Specialist, TASAF, P.O. Box 9381 Dar es Salaam	Monitoring & Evaluation Specialist
37	Amadeus Kamagenge	Training, Research and Participation Specialist, TASAF 9381 Dar es Salaam	Training, Research and Participation Specialist
38	Thecla T Makundi	Human Resource manager, TASAF, Box 9381 Dar es Salaam	Human Resource Manager
39	Barnabas Jachi	TASAF, Box 9381 Dar es Salaam	Project Officer – Vulnerable Group

S/N	NAME	ADDRESS	DESIGNATION
			Support
40	Shedrack Mziray	TASAF P.O. Box 9381, Dar es Salaam	Operation Manager - Audit
41	Omari Malilo	TASAF, P.O. Box 9381 Dar es Salaam	Project Officer – Vulnerable Groups Support
42	Kanicius Nkwera	TASAF Box 9381 Dar es Salaam	Project Officer – Service Poor
43	Eng. Abel Bimbiga	TASAF, P.O. Box 9381 Dar es Salaam	Project Officer – Engineer
44	Michael Malebo	TASAF, P.O. Box 9381 Dar es Salaam	Procurement Officer
45	Tumpe M. Lukongo	TASAF, Box 9381 Dar es Salaam	Research Officer
46	Peninna Reveta	TASAF, Box 9381 Dar es Salaam	Consultant Monitoring &Evaluation
47	Eng. Erasto Machume	TASAF Box 9381 Dar es Salaam	Director of Operations
48	Isaya Wambura	TASAF, Box 9381 Dr es Salaam	Director of Finance
49	Christopher M. Sanga	TASAF Box 9381 Dar es salaam	Director of Audit
50	Julius K. Mwakalebela	TASAF, Box 9381 Dar es Salaam	Project Officer – Quantity Surveyor
51	Mercy M. Mariki	TASAF Box 9381 Dar es Salaam	Training and Participation Officer
52	Anna Njau	TASAF Box 9381 Dar es Salaam	Finance and Operations Officer
53	Eng. E. Kinasha	TASAF Box 9381 Dar es Salaam	Operation Manager
54	Zuhura Mdungi	TASAF Box 9381 Dar es Salaam	Communication Specialist
55	Tatu Mwaruka	TASAF Box 9381 Dar es Salaam	Project Officer -CE