



**MINISTRY OF WORKS AND TRANSPORT  
TANZANIA NATIONAL ROADS AGENCY**



## **TANZANIA TRANSPORT INTEGRATION PROJECT (TanTIP)**

### **RESETTLEMENT ACTION PLAN FOR THE PROPOSED REHABILITATION OF LUSAHUNGA-RUSUMO ROAD (92 KM) KAGERA REGION TANZANIA**

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## LIST OF ABBREVIATIONS

Acronym	Definition
<b>CBO</b>	Community Based Organization
<b>COI</b>	Corridor of Impact
<b>COVID-19</b>	Corona Virus Disease
<b>CSC</b>	Contractor Supervision Consultant
<b>DPs</b>	Displaced Persons
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ESS</b>	Environmental and Social Standard
<b>GBV/SEA</b>	Gender Based Violence/Sexual Exploitation Abuse
<b>IATA</b>	International Air Transport Association
<b>ICAO</b>	International Civil Aviation Organization
<b>IEC</b>	Information Education and Communication
<b>NGO</b>	Non-Governmental Organisation
<b>PAP</b>	Project Affected Person
<b>PO-RALG</b>	President's Office-Regional Administrative & Local Government
<b>PVC</b>	Polyvinyl Chloride
<b>RAP</b>	Resettlement Action Plan
<b>ROW</b>	Right of Way
<b>SE</b>	Stakeholder Engagement
<b>SEP</b>	Stakeholder Engagement Plan
<b>TAA</b>	Tanzania Airport Authority
<b>TanTIP</b>	Tanzania Transport Integration Project
<b>TCAA</b>	Tanzania Civil Aviation Authority
<b>TANROADS</b>	Tanzania Roads Agency
<b>WB</b>	World Bank

## DEFINITION OF TERMS

Term	Definition
<b>Census</b>	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) as a result of land acquisition and related impacts due to the subproject. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
<b>Compensation</b>	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
<b>Cut-off Date</b>	is the date by which PAPs and their affected assets are identified and new entrants to the site cannot make claims for compensation or resettlement assistance. Persons whose ownership/ use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance regardless of their identification in the census.
<b>District Council</b>	The district council established under section 5 of the Local Government (District Authorities) Act No.7 of 1982. The District Council is responsible for managing the district.
<b>Environmental and Social Impact Assessment (ESIA)</b>	An Environmental and Social Impact Assessment is an instrument to identify and assess potential environmental and social impacts of proposed sub projects, evaluate alternatives and design appropriate mitigation, management and monitoring measures.
<b>General Land</b>	All public land which is not reserved land or village land and includes unoccupied or unused village land.
<b>Grievance Redress Mechanism (GRM)</b>	The RPF contains a grievance mechanism based on policies and procedures that are designed to ensure that the complaints or disputes about any aspect of the land acquisition, compensation, resettlement, and rehabilitation process, etc. are being addressed. This mechanism includes a procedure for filing of complaints and a process for dispute resolution within an acceptable time period.
<b>Implementation Schedule</b>	The RPF contains an implementation schedule that outlines the time frame for planning, implementation, and monitoring and evaluation of the RAPs for projects, if applicable.
<b>Land</b>	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
<b>Land Acquisition</b>	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
<b>Local Government Authorities</b>	A district authority or an urban authority.
<b>Market Value</b>	The most probable selling price or the value most often sought by buyers and sellers. It assumes buyers and sellers have reasonable knowledge, Act competitively and rationally are motivated by self-interest to maximize satisfaction and both act independently and without collusion fraud or misrepresentation.
<b>Project Affected Persons (PAPs)</b>	Project affected persons (PAPs) persons affected by land and other assets loss as a result of project activities. These persons(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
<b>Project Impact</b>	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
<b>Public Land</b>	All land in Tanzania, whether granted, customary or occupied.



<b>Replacement Cost</b>	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. The cost should be based on Market rate (commercial rate) according to Tanzanian laws for sale of land or property. It is normally calculated based on a willing buyer-willing seller basis, but also applies in Tanzania to acceptable market valuation or from an assessment from the Land Commission and Government.
<b>Reserved Land</b>	Includes land designated for use such as: forest reserves, national parks, game reserves, conservation areas and townships. Land declared as hazard land also falls into this category. The procedure through which general land is designated as reserved or village land depends on the type of land use. Amongst the laws which provide that land to be reserved include the Land Act. No. 4 of 1999, the Village Land Act. No. 5 of 1999 the Land Acquisition Act No. 17 of 1967, the Forest Ordinance, Cap 209, The National Parks Ordinance Cap 412, the Wildlife Conservation Act No. 12 of 1974, the Marine Park and Reserves Act. No. 29 of 1994, the Town and Country Planning Ordinance 1961, etc.
<b>Resettlement Action Plan (RAP)</b>	The RAP is a resettlement instrument (document) to be prepared when project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
<b>Resettlement Assistance</b>	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
<b>Resettlement Policy Framework (RPF)</b>	Instrument prepared by the Government of Tanzania in compliance with the World Bank Environmental and Social Framework to serve as the basis for the preparation of site-specific RAPs to be subsequently submitted to the Bank for approval as site-specific information becomes available.
<b>Rights and Entitlements</b>	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
<b>Township Authority</b>	A township authority established under section 13 of the Local Government (District Authorities) Act No. 7 of 1982.
<b>Urban Authorities</b>	A City Council, a Municipal Council or a Town Council.
<b>Village Council</b>	The Village Council established under section 25 of the Local Government (District Authorities) Act No. 7 of 1982. The Village Council is responsible for managing the village.
<b>Village Land</b>	Any public land in which the boundaries have been demarcated under any law or administrative procedures as village land falls into this category. In addition, land in a registered or designated village under the Local Government (District Authorities) Act No. 7 of 1982 and the Village Settlement Act. No. 27 of 1965 respectively is also village land. Furthermore, the Village Land Act No. 5 of 1999 categorizes land as village land when it is not reserved which has been occupied by villagers during the twelve years preceding its enactment.
<b>Village Land Council</b>	A village-level deliberative body, legally established under section 60 of the Village Land Act. No. 5 of 1999.
<b>Vulnerable groups</b>	Categories of persons who, by virtue of their status or situation (gender, ethnicity, age, physical or mental disabilities, economic or social limitations, etc.), may be disproportionately affected by the resettlement process and thus be entitled to additional benefit and/or assistance.

## **EXECUTIVE SUMMARY**

The Government of the United Republic of Tanzania, through the Tanzania Roads Agency (TANROADS), will undertake the rehabilitation of the 92-km Lusahunga-Rusumo Road under the Tanzania Transport Integration Project (TanTIP). This Resettlement Action Plan (RAP) addresses the impacts of the right of way acquisition for the aforementioned road sub project. This RAP has been prepared following the TanTIP Resettlement Policy Framework (RPF) and in compliance with World Bank Environmental and Social Framework (ESF), and particularly, Environmental and Social Standard 5 (ESS5), on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement.

This RAP is intended for eligible individual(s) who are directly affected physically, socially and/or economically through the road project caused by:

- i) Relocation or loss of shelter;
- ii) Loss of assets or access to assets;
- iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location; and
- iv) Denial of access to legally-designated social and/or economic services, with adverse impacts on livelihoods.

### **a. Scope of this Resettlement Action Plan (RAP)**

Among others, the activities undertaken for developing Resettlement Action Plan (RAP) include the following:

- (i) Conducting a preliminary social assessment for the subproject, including assessment of possible land acquisition/resettlement impacts for the proposed road in accordance with national policies and legislation and the ESF, and particularly ESS5 on Involuntary Resettlement;
- (ii) Conducting screening, asset inventory and impact categorization form for involuntary resettlement for the candidate upgrading option;
- (iii) Consultation with the communities and project affected persons, paying special attention to the needs and interests of vulnerable persons;
- (iv) Defining categories for impact and eligibility of affected people for compensation and prepare a matrix of entitlements covering compensation and other assistance for all types of impacts to fully replace lost assets, income, and livelihood. Assessing whether the compensation standards for all types of assets are based on replacement cost, taking into consideration the market value and associated replacement costs and discuss in detail the valuation methodology used;
- (v) Ensuring that the compensation standards are based on replacement value;
- (vi) Providing timely compensation for loss of land and assets at replacement cost and assisting displaced persons in their efforts to improve or at least restore their livelihoods and living standards in real terms to pre-displacement levels or to levels prevailing prior to project start (whichever is higher); and
- (vii) Improving the living conditions of poor or vulnerable persons who are physically displaced through provision of adequate housing, access to services and security of tenure.

**b. Eligibility**

The eligible individual(s) are those persons who are directly affected physically, socially and/or economically through the road project caused by:

- a) The compulsory taking of land and other assets resulting in the following:
  - ii) Relocation or loss of shelter;
  - iii) Loss of land;
  - ii) Loss of assets or access to assets;
  - iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location; and
- b) Denial of access to legally-designated social and/or economic services, with adverse impacts on livelihoods.

There are utilities to be affected by the project; these include:

- i) TANESCO – Electricity reticulation poles with all accessories;
- ii) RUWASA – Main distribution water supply pipes with all accessories; and
- iii) TTCL – Fiber cables, copper cables and associated accessories.

Others are Government institutions that have the mandate to manage protected areas these

The PAPs were considered irrespective of their tenure status, with respect to the land they own, occupy or use, provided that they own, occupy or use the affected land prior to the cut-off-date. The cut-off date for eligibility for resettlement entitlements for this project is the date of completion of the survey and valuation of affected properties (i.e., 30 April, 2018) and updated on February 2022.

Assets that are eligible for compensation are buildings, land, and development made on the land, such as crops, trees, bore holes, etc. Affected public social services, such as power supply, will be enumerated for costing, replacement, and construction at suitable sites.

For public utilities, gas pipes, water main distribution pipes/customer pipes, control valves with chambers, tunnel bulk meters, electric reticulation poles, fiber cables, and telephone cables, etc., will be valued separately during construction. TANROADS will take the lead in the engagement of stakeholders during this period.

These categories are used to determine which PAPs are considered eligible for compensation and other resettlement assistance, in accordance with Tanzania Law and the World Bank's ESF.

For the purposes of compensation, the cut-off date applies only to properties that existed before the enumeration of properties and assets in the project-affected area.

**c. Compensation and Rehabilitation Measures**

During the consultations, different resettlement options were explained to the PAPs, including: cash compensation and in-kind compensation. Both options were discussed with the PAPs and all of the 237 PAPs expressed a preference for cash compensation and relocation within the

same village to avoid losing their family and neighborhood networks. Table 1 below indicates the categorization of the affected properties along the subproject road.

**Table 1. Categorization of Impacts**

Type of Impacted Property	Category of Impact	Number of PAPs/properties
Residential structures	House owners	35
	Residential tenants	0
Vendors	Petty business with temporary structures in the road reserve	124
Impacts on trees/crops	Individual owners	202
<b>Total</b>		<b>237</b>

The proposed categories of resettlement compensations packages were:

- (i) For affected people with no land but with structures (other than entire homes) and crops affected, compensation for structures at full replacement cost will be cash plus all the standard allowances, and compensation for crops will be equal to their current market value;
- (ii) For affected people with land and structures (other than entire homes), compensation will be in cash at full replacement cost for structures and land plus all standard allowances;
- (iii) For affected people with only land, compensation will be in cash at full replacement cost for both land and crops;
- (iv) For households losing their entire home, compensation for the structures will be at full replacement cost; and
- (v) Persons having their livelihoods temporarily due to project works will have the option of choosing among the compensation packages outlined in Section 7.2.4-7.2.9.

During consultations, the PAPs expressed their preference for cash compensation at full replacement cost plus all allowances required as per applicable laws.

#### **d. Public Consultation**

Comprehensive consultation meetings with various stakeholders were carried out before and during the development of this RAP. These consultations were aimed to involve the stakeholders and seek their views on the project, and particular the resettlement issues arising from the rehabilitation of the Lusahunga-Rusumo Road.

A general consultation with Government Officials was conducted March 2018, January 2019, February 2021 before conducting census and socio-economic survey of the Project Affected Persons (PAPs) also the consultation were conducted during updating of the report on May 2022. Several meetings were held with TANROADS' Officials (Kagera Office Region), Officials from Kagera Regional Authority, Biharamulo and Ngora District Councils officials and village government Officials. Consultations were also made in the 10 villages and 2 Councils along the proposed road of PAPs and subproject host communities. In the villages, consultative meetings were conducted at Lusahunga, Kikoma, Nyamalagala, Busili, Ngararambe, Nyamagombe, Nyantama, Chamakaza, Kasulo and Rwakaremela.

**e. RAP Implementation Costs**

Based on the valuation survey, the properties that will be affected by the subproject road rehabilitation include: houses and other structures, crops/trees, businesses/economic activities, and lands. According to the Valuation Report,<sup>1</sup> the total cost of implementing and monitoring this RAP, including 10% contingencies/margin of error, is Tshs 843,513,108.01.

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<sup>1</sup> Valuation Report of Affected Properties along the Lusahunga-Rusumo 92-km Road Rehabilitation to Bitumen Standard of 2018, updated in 2021.

## 1. INTRODUCTION

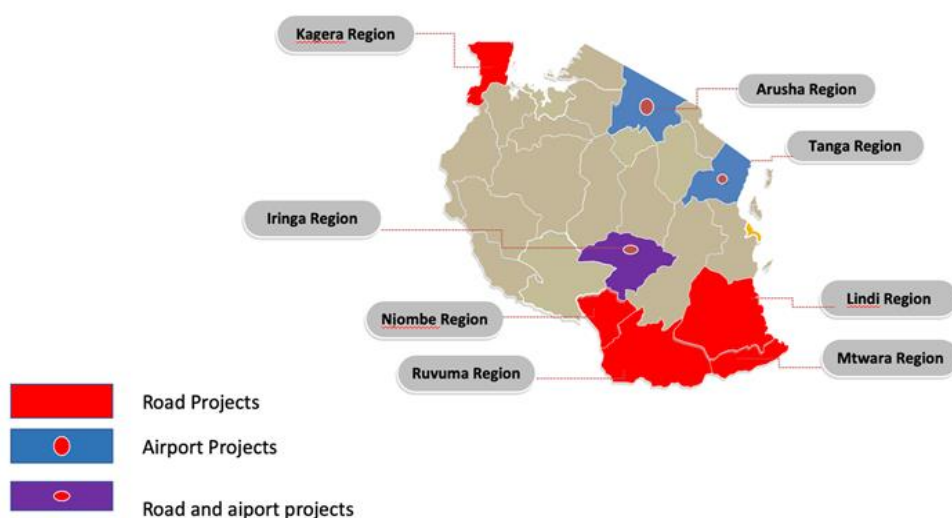
### 1.1 Project Background

The Tanzania Transport Integration Project (TanTIP) aims to address the priority investment needs in selected Development Corridors (DCs) by supporting the upgrading and rehabilitation of national roads and regional airports that play a key role in the socio-economic activities of the areas. The proposed interventions will improve the roads and air transport connectivity to and from and within the DCs. The proposed project consists of three components; (i) upgrading and rehabilitation of national roads in Mtwara, Lindi, Ruvuma, Njombe, and Iringa regions; (ii) Upgrading and rehabilitation of Regional Airports Tanga, Iringa and Manyara; and (iii) Institutional support and capacity building in the transport sector.

### 1.2 Project Description

The TanTIP supports the Five-Year Development Plan (FYDP III) interventions outlined in the Plan, which are packaged and aligned along development corridors (DCs), zones and clusters to provide investors with economies of conglomeration. The project is also supported by the fact that the Government of Tanzania (GoT) will soon start implementing the Resilient Natural Resources for Tourism and Growth (REGROW) project that aims to position, among others, the Southern Circuit as a popular tourist destination, turning tourism into an engine of sustainable economic growth and job creation for the region and the nation. The increase in the number of international tourists will therefore require improved air and road transport infrastructure and services.

The geographic locations of the regions under the TanTIP project for the stated subprojects are indicated in Figure 1-1 below:



**Figure 1-1: Location of TANTIP Subprojects (Roads and Airports)**

(Source: Field data, 2021)

The regions with airports projects to be financed under TanTIP are: Tanga (Tanga Airport), Iringa (Iringa Airport) and Arusha (Manyara Airport). The geographical locations of the regions under TanTIP for the stated airports projects are indicated in Figure 1-1.

The rehabilitation and upgrading of this 92-km segment of the Lusahunga-Rusumo Road is a subproject under the Component 1 (Upgrading Sections of National Roads) of TanTIP. The segment starts at Lusahunga centre through Nyakasanza and ends at the Rusumo Border (Tanzania and Rwanda), forming part of the T3 (Central Corridor Highway), which connects the seaport of Dar-es-Salaam with the land-locked country of Rwanda. The road passes through several towns, including Lusahunga, Kikoma, Nyamalagala, Busili, Ngararambe, Nyabugombe, Nyantama, Chamakaza, Kasulo and Rwakaremela, and includes one major bridge (Rusumo). The road is in daily use by the inhabitants of the north-western part of Tanzania.

The negative impacts in this project are expected to be extremely limited. Specifically, some 35 residential structures within the 45-m ROW are expected to be affected, as well as some minor/temporary structures, trees, and crops. This RAP has been prepared, based on the TanTIP Resettlement Policy Framework (RPF), to ensure that all project-affected persons are treated in accordance with Tanzanian Law and the World Bank's Environmental and Social Framework (ESF), and particularly, Environmental and Social Standard 5, on Land Acquisition, Involuntary Resettlement, and Access to Resources (ESS5).

### **1.3 Objectives of this Resettlement Action Plan (RAP)**

Considering the socio-economic importance required for construction of the road, properties and several utilities that are located within the Right of Way (ROW) proximity will have to be moved out to pave the way for the rehabilitation works. The main objective of this RAP is to develop a plan for addressing resettlement issues resulting from implementation of the proposed subproject. Specific objectives of the RAP include:

- (i) Identification of PAPs, paying special attention to the needs and interests of vulnerable groups (i.e., persons with disabilities, women, persons without legal title, etc.);
- (ii) Identification of land parcels to be acquired for development of subproject infrastructure;
- (iii) Collection of qualitative and quantitative baseline socio-economic data on PAPs;
- (iv) Establishment of entitlements for PAPs, paying special attention to the needs and interests of vulnerable groups;
- (v) Collection of compensation preferences;
- (vi) Collection of comments and perceptions of PAPs with regard to the project; and
- (vii) Preparation of this Resettlement Action Plan (RAP).

### **1.4 Preparation of this RAP**

Activities undertaken in the development of this Resettlement Action Plan (RAP) include, among others:

- (i) Conducting a preliminary social assessment, including an assessment of possible land acquisition/resettlement impacts of the proposed road rehabilitation works, in accordance with national law and the WB's ESF/ESS5;
- (ii) Conducting of screening, asset inventory, and impact categorization for the proposed upgrading options;

- (iii) Consultation with the local communities and PAPs, paying special attention to the needs and interests of vulnerable groups;
- (iv) Definition of categories of impact and eligibility of affected persons for compensation, preparation of a matrix of entitlements covering compensation and other assistance for all types of impacts to fully replace lost assets, income, and livelihoods, and assessment of whether the compensation standards for all types of assets are based on replacement cost, taking into consideration the market value and associated replacement costs and discussing in detail the valuation methodology used; and
- (v) Ensuring that the compensation standards are truly based on current replacement value.

### **1.5 Project Components Necessitating Resettlement**

The proposed road rehabilitation of the links Lusahunga centre through Nyakasanza to the Rusumo border (Tanzania and Rwanda). The road passes through Lusahunga, Kikoma, Nyamalagala, Busili, Ngararambe, Nyabugombe, Nyantama, Chamakaza, Kasulo, and Rwakaremela.

Subproject road rehabilitation activities involve the undertaking of civil works, with the major activities being construction of worker camps, earthworks (including cutting of earth sections to facilitate the widening of the roads), clearing of areas to pave the way for the rehabilitation construction works, excavation of existing roadway, construction of fill embankments, construction of drainage structures, provision of temporary crossings and traffic diversions, quarrying of gravel from borrow pits for sub-base and base and excavation for the construction of concrete bridges and incidental works.

Detours will be required to maintain a usable route during the rehabilitation of the road construction period. Wherever practicable, alternative local roads will be used for detours. The construction and maintenance of these detours must be of a standard that ensures the safety of workers, road users, and the general public. Detours outside the road reserve will be acquired by the contractor either temporarily or permanently, in line with the TanTIP project-wide RPF.

### **1.6 Methodology**

The Resettlement Action Plan (RAP) covers relocation and the replacement (in kind or cash) of affected assets and therefore any compensation and resettlement assistance required. The methodologies involved in developing this RAP include a census, socio-economic study, observation, consultation, inventory, and valuation. The data for preparation of this RAP were collected by Social Specialists and Valuers as elaborated below:

The methods employed in the preparation of this RAP include the following:



**(i) Field Visits**

Field visits to subproject area were conducted in July and the initial RAP finalized in August 2018 also it was done February 2021 for improvement of the valuation report and also it conducted on May 2022 for mission and verification of the ESIA and RAP documents furthermore the field visit conducted in 11-15 July 2022 for formation of Grievance Redress Committee and updating of PAPs information on compensation status. The field visits were essential to fully visualize the project site capture biophysical environment and the socio-economic conditions in the project area. In the field, among others, the project information was collected from various sources including TANROADS' Kagera Regional Office. The field visits were conducted to identify the properties to be affected by the project. During the field visits, the following tasks were performed:

- Observation of social and physical setting of the area;
- Confirmed the structures within the Row and their distance from the proposed project centerline;
- Held interviews and discussions with officials from the project area and local government including Mtaa and Ward officials;
- Held interviews with the affected people and other community members in the project area;
- Conduct public consultation meetings to introduce the project and obtain their views and comments; and
- Determine existing activities at the site and affected persons' perceptions on the proposed subproject.

**1.7 Census**

The census and a socio-economic survey were carried out during November 2018, and updated between 7 and 13 July 2022. The Census covered all affected Project Affected People (PAPs), identifying the houses, assets, structures, and activities on Government land in the project area/road right-of-way (RoW) and collecting relevant demographic, social and economic data (age and sex distribution, education, occupation, income/poverty, types of businesses, types and ownership status of affected land and other assets).

**(ii) Literature Review**

The field visits were complemented by reviewing the existing literatures related to the resettlement and road development. The literature review involved the identification of the applicable legal and administrative frameworks and policies of the United Republic of Tanzania, and the World Bank Environmental and Social Framework (ESF) on resettlement and compensation requirement and mechanism towards resettlement.

The purpose of the review was to:

- Gather knowledge and experience on compensation and resettlement; and
- Harmonize differences in resettlement and compensation guidelines between the GoT policy and the World Bank Environmental and Social Framework.

In this respect, among others, the following documents were reviewed: Tanzania Constitution, Road Act (2007), Local Government Acts (1984), Land Act (1999) and other relevant National

Policies and Laws. The review also covered the World Bank Environmental and Social Framework.

(iii) **Socio-economic Survey**

The initial RAP was prepared after the conducting of the socio-economic survey, census and interviews with all affected persons within the RoW. A comprehensive census was also conducted, on August 2018 and February 2021, to identify affected persons. This was followed by a socio-economic survey, on February 2022 to collect baseline data in the subproject target areas on potentially affected persons, as an input to the design of mitigation measures based on their views, interests and needs, including subproject design changes where necessary to reduce impacts and feasible.

The socio-economic survey focused on identification of PAPs (demographic data), socio-economic data such as livelihoods, education, social arrangements, and the participation process, taking into special consideration the needs of vulnerable persons. As the (GBV) risk for TanTIP has been rated “Substantial,” an additional survey will be conducted for this subproject to help identify, assess, and mitigate any Gender-Based Violence/Sexual Abuse and Exploitation (GBV/SEA) risks, including data on intimate partner violence, domestic violence, economic abuse, neglect, and dependency.

The survey further involved identification of the affected people and their property and their production systems, the institutional setting and systems for monitoring and evaluation of resettlement issues.

**1.8 Cut-off Date**

The cut-off date for eligibility for compensation was originally 30<sup>th</sup> April, 2018. This was communicated to the Project Affected Persons (PAPs) in the public meetings organized by the local administration during disclosure on 2<sup>nd</sup> February 2021. Therefore, any delay in payment of compensation will be updated as per the legal requirement stipulated in the RPF that requires payment with interest that also accommodates the requirements of ESS5 to ensure market price.

**2.9 Valuation of Affected Properties**

The full replacement cost method of valuation was used for all losses to determine their compensation value. The description of compensation and other resettlement measures to assist each category of by them during consultation. The types and levels of compensation for each type of losses and matrixes used by the RAP Implementation Team in these consultations were intended to be user friendly and provide clear and full answers to the following questions:

- Which type of compensation for a given loss?
- What rate for that specific compensation?

Based on the results of the census, the valuation of all expected losses – total and partial, permanent, and temporary – was calculated, as well as their full replacement cost. The Valuation Report is attached to this RAP in Annex and is further available separately, on approval by the Chief Government Valuer.

### **1.10 Structure of this RAP**

This Resettlement Action Plan (RAP) is presented in the following thirteen (13) chapters:

- 1) Introduction;
- 2) Project Description;
- 3) Land Acquisition and Resettlement-Related Impacts;
- 4) Socioeconomic Profile of the Affected Population;
- 5) Legal and Policy Framework;
- 6) Eligibility Criteria and Cut-Off Date
- 7) Valuation and Compensation Methodology (including livelihood restoration);
- 8) Stakeholder Consultation;
- 9) Grievance Redress Mechanism (GRM);
- 10) Institutional Arrangements;
- 11) Monitoring and Evaluation;
- 12) Implementation Schedule; and
- 13) Budget.

## 2. PROJECT DESCRIPTION

The rehabilitation of Lusahunga-Rusumo Road will involve the construction of worker camps, clearing and grubbing, earthworks (slope cuts and excavations), embankment works, drainage structures, provision of temporary crossings and traffic diversions, and quarrying of gravel from borrow pits for sub-base and base, among other activities. The rehabilitation will maintain the original road alignment within the existing 45-m ROW.

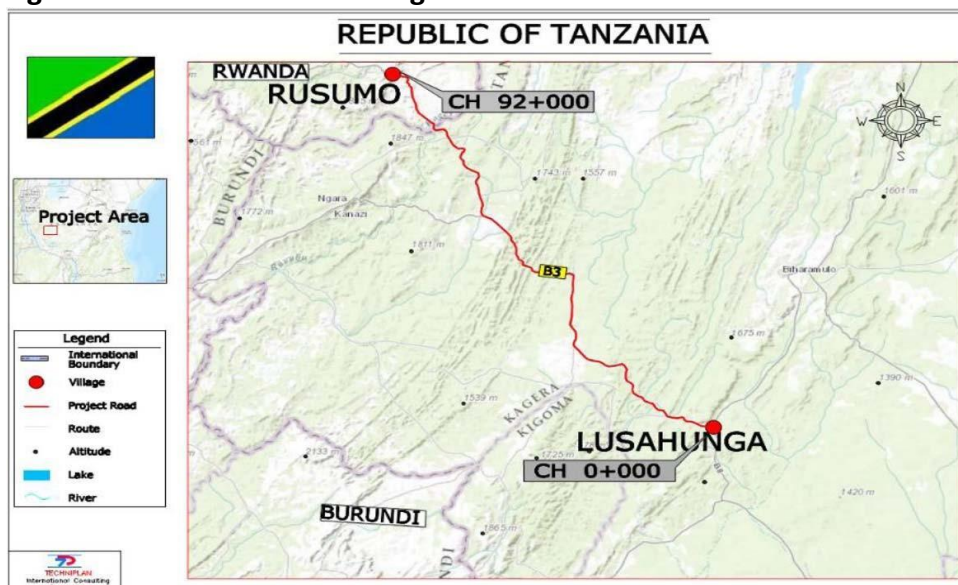
### 2.1 Project Proponent

The proposed subproject is under the Government of the United Republic of Tanzania (URT), with implementation to be carried out by the Tanzania National Roads Agency (TANROADS) Headquarters, with assistance from the Regional Manager's Office.

### 2.2 Project Location

The Lusahunga-Rusumo Road is located in Kagera Region in the western part of Tanzania, transversing in Biharamulo and Ngara Districts, as indicated in Figure 1 below. The subproject passes through a number of villages and finally ends at the border at Rusumo, thus linking to Rwanda.

Figure 1: Route of the Lusahunga-Rusumo Road



### 3. LAND ACQUISITION AND RESETTLEMENT-RELATED IMPACTS

A total of 35 residential structures along the Lusahunga-Rusumo Road will be affected by this sub-project, all of them completed. Other affected assets mainly consist of vegetation, perennial crops and trees (pine trees) and wilderness.

#### 3.1 Mobilization Phase

The main activities during the mobilization phase of this sub-project will include the transportation of construction equipment to the site, construction of campsites, and establishment of sources of locally available construction materials. The campsites will be required for the storage of construction materials and equipment, materials processing, an asphalt plant for processing of bitumen, a concrete plant for batch production of concrete, a carpentry workshop for timber woodworks (e.g., production of form works, timber furniture, steel workshop for steel bar processing, including cutting, bending, a mechanical workshop for repair and maintenance of construction equipment, and pre-cast yard for casting concrete culverts and slabs). The campsite will further house a site office and accommodations for a Resident Engineer and senior project staff. The purchase of campsite facilities will normally be done through a willing-buyer willing-seller approach and not compulsory acquisition. In the event that compulsory acquisition is required, however, it may lead to loss of property and land acquisition that will necessitate resettlement.

This will be done before construction and the land acquisition will be carried at that time as per contractor requirement after award of contract. Any land acquisition and impact on property resulting from mobilization activities highlighted here, will be conducted in line with the TanTIP Resettlement Policy Framework (RPF) and monitored by the supervision consultant. Persons affected by this will also have access to the Grievance Redress Mechanism (GRM) prepared and implemented in this project.

#### 3.2 Construction Phase

Expected impacts in this phase include:

##### (i) Displacement/Loss of Properties

Upgrading of the road will result in the demolition of buildings are located within the 45-m RoW in the construction corridor.

**Table 3: Categorization of Impacts on Project Affected Persons**

Type of Affected Property	Category of PAP	Number
Residential structures	Owners (household heads)	35
	Tenants	0
Trees and crops	Owners	202
<b>Total</b>		<b>237</b>

**(ii) Disruption/Destruction of Public Utilities and Service**

Several electrical poles, water pipes, and fiber utilities located within the corridor of impact (20m or less from the centerline of the road) will also be affected by sub-project works.

**Impact Magnitude**

This project has minimal resettlement impact as TANROADs will only be utilizing its existing ROW; the only impact is for some PAPs who have encroached within the ROW; therefore, no farms will be affected, but only some crops that PAPs have grown on the ROW. All PAPs with crops in the ROW have other farms within their villages.

Mitigation measures to ensure minimal impact is to utilize the existing ROW which has a width of 60 meters while the carriage way is not expected to exceed 10 meters. Therefore, all activities associated with the project will take place within the ROW. However, during construction if any further land take will be required, TANROADs will compensate the affected PAP as per this RAP and the RPF under TANTIP.

## 4. CENSUS AND SOCIO-ECONOMIC SURVEY OF THE AFFECTED POPULATION

### 4.1 INTRODUCTION

The main objectives of the census and socio-economic survey were: (1) to prepare an inventory of all affected assets and households; and (2) to estimate the extent of resettlement impacts due to project implementation and determine the extent of the necessary compensation and assistance. The census surveys and consultations were conducted between late June and August 2018 (the census forms are provided in Annex 1). The results of the census and socio-economic surveys are analyzed in this section. It should be noted that the July 2022 census updated the census conducted in 2018.

The census and socio-economic survey interviews were conducted with all 237 affected households. All affected households and assets were identified and household heads or representatives interviewed. A total of 237 were identified as having properties (i.e., buildings, structures, land, trees, crops, etc.) that will be affected by the project road upgrading.

Data on the socio-economic characteristics of each household was gathered via the application of a census and socio-economic survey questionnaire to the household head (HH) or other adult household member. The questionnaire aimed at obtaining demographic data of head of household as well as family members; other information obtained included education, disability, healthcare, economic activities, availability of social services, mode of compensation preference as well as preferred option of relocation. Immediately prior to the household survey, a public meeting was conducted to first describe the survey and its objective as well as establishing a schedule for each locality.

**Table 4.1: Number of PAPs along the Road by Village**

S/N	WARD	NUMBER OF PAPs
1.	LUSAHUNGA	95
2.	NYAKAH URA	63
3.	KASULO	75
4.	RUSUMO	40
	TOTAL	237

(Source: Socio-Economic Survey, 2022)

A total of 35 structures will be affected by the project, all of them residential structures with PAPs residing in them. **Information on vulnerability status of PAPs is provided in 4-16.**

### 4.2 SOCIO-DEMOGRAPHIC PROFILE

Socio-demographic data was collected for 237 heads of household.

### 4.2.1 GENDER COMPOSITION

The census survey shows PAPs to be mainly small-scale farmers with limited sources of income and low levels of education. The data in

Table 4.2 show PAPs to be more-or-less evenly distributed between male and female.

**Table 4.2: Gender Composition of PAPs**

Gender	Biharamulo and Ngara District Councils	%
Male	108	45.7
Female	129	54.3
<b>Total</b>	<b>237</b>	<b>100</b>
(Source: socio-economic survey, 2022)		

### 4.3 EDUCATION LEVELS

Data in Table 4.3 indicates that generally PAPs have low educational attainment levels. About 27% of PAPs are illiterate and do not know how to read and write while about 57% have attained only primary school education.

**Table 4.3: Education Levels**

Education Level	Biharamulo and Ngara Districts	%
None	64	26.9%
Primary level	136	57.4%
Secondary level	27	11.4%
Higher Secondary School level	5	2%
Graduate	2	0.9%
Technical	3	1.4%
<b>Total</b>	<b>237</b>	<b>100</b>
(Source: socio-economic survey, 2022)		

### 4.4 AGE

The census survey shows a significant age dependency ratio. About 46% of all PAPs are young people (18-24 years of age) and the elderly (over 65 years old). Age-wise this data indicates a high possibility of vulnerability among PAPs because of age factor (Table 4.4).

**Table 4.4: Age Categories of PAPS by Project Area**

Age Category	Biharamulo and Ngara District Councils	%
18-24	109	46
25-44	62	26
45-64	57	24
>65	9	4



<b>Total</b>	<b>237</b>	<b>100</b>
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(Source: socio-economic survey, 2022)

## 4.5 SOCIO-ECONOMIC PROFILE

The survey results show that affected households have generally low socio-economic profiles.

### 4.5.1 TYPE OF HOUSEHOLD (MALE- OR FEMALE-HEADED)

Male-headed households are the majority among the PAPs, while 21% of all households are female-headed and 1% is child-headed (Table 4.5). This has significant bearing on the level of poverty as female and child-headed households are often associated with high levels of poverty. The female and child-headed households are thus likely to face greater degrees of vulnerability because of social and economic dislocations brought about by the project.

**Table 4.5: Type of Households by Project Area**

Type of Household	Total	%
Male Headed	185	78
Female Headed	50	21
Child headed	2	1
<b>Total</b>	<b>237</b>	<b>100</b>

(Source: socio-economic survey, 2022)

## 4.6 FAMILY STRUCTURE

81% of all households are extended families which imply significantly higher social and economic burdens and challenges even under normal circumstances (Table 4.6). However, this may depend on the nature and capacity of the extended family members to support each other because of potential socio-economic impacts that might arise from land acquisition to pave way for the project.

**Table 4.6: Types of Family in the Project Area**

Type of Family	Total	%
Extended	192	81
Nuclear	45	19
<b>Total</b>	<b>237</b>	<b>100</b>

(Source: socio-economic survey, 2022)

## 4.7 PROXIMITY TO SOCIAL SERVICE FACILITIES

Most of the PAPs live within fairly close to various social service facilities such as health, primary and secondary schools with some variations between the project roads and between the facilities. For example, large percentage 51% of PAPs live between 1km and 2km from health

centers, primary and secondary schools, and access to tap water (Table 4.7). It is important to note that no such facilities are located within the actual project area itself.

**Table 4.7: Distance from Social Service Facilities**

Type of Facility	0.5 -1 KM	1-2 KM	> 2KM
Primary School	26	15	7
Secondary School	19	8	16
Health Facility	21	22	19
Tap water	16	15	23
<b>Total</b>	<b>112</b>	<b>60</b>	<b>65</b>

(Source: Socio-economic survey, 2022)

#### 4.8 TYPES OF ASSETS OWNED

The most commonly-owned assets are radio, mobile phones and bicycles (as shown in Table 4.8), which is indicative of typical poor social and economic conditions of most rural people in the country.

**Table 4.8: Asset Ownership**

Asset	Number of Owners
2-Wheeler	27
4-Wheeler	5
Cooking Gas	3
Motorcycle	126
Hand Cart	9
Radio	278
Refrigerator	9
Tape Recorder	29
Mobile Phone	136
Television	20
<b>Total</b>	<b>642</b>

(Source: socio-economic survey, 2022)

#### 4.9 GENDER

Low levels of education, lack of ownership of property, limited decision-making powers in the households, pre-occupation with household chores are among the factors linking women with low socio-economic status in the households and families generally in Tanzania. This study focused on women decision making authority in the households.

The data in Table 4.9 show that women do have substantial decision-making powers regarding issues deemed important in the households. Out of all the PAPs, only 86 women were willing and able to freely disclose their participation in decision making within their homes, the remaining did not participate in decision making major decisions within their homesteads. However, some of the family decisions that women are able to fully participate include but not

limited to: child healthcare and education, day to day activities, social functions, money matters and purchase of assets.

**Table 4.9: Women's and Household Decision making**

Topic	Total
Financial Matter	86
Education of child	85
Healthcare of Child	86
Purchase of Assets	85
Day to Day Activities	85
Social Functions	83
Others	28

(Source: socio-economic survey, 2022)

#### 4.10 OCCUPATIONAL STATUS

The main occupation for the majority of PAPs is farming (crop cultivation). However, a significant proportion (26.3%) of all PAPs indicated that they are unemployed (Table 4.10). The employment status reveals another social and economic vulnerability for the PAPs to be able to cope with challenges that might arise from project impact.

**Table 4.10: Occupational Status**

Occupation	Biharamulo and Ngara District Councils	%
Farming (crop cultivation)	100	42.3
Unemployed	62	26.3
Agricultural laborer	31	13
Self Employed	10	4.1
House wife	7	3.1
Pastoralist	6	2.6
Daily Wage Earner	5	2.1
Public Sector/Government Salaried	4	1.5
Private Sector	4	1.4
Pensioner	1	0.3
Other	7	3.3
<b>Total</b>	<b>237</b>	<b>100</b>

(Source: socio-economic survey, 2022)

#### 4.11 ECONOMIC PROFILE OF PAPS

##### 4.11.1 SOURCES OF HOUSEHOLD INCOME OF PAPS

Majority of PAPs have more than one income to meet their basic livelihood requirements. The main sources of income are agriculture (64%). This is followed by livestock keeping (21.5%) as shown in Table 4.11.

**Table 4.11: Sources of Households Income by Project Area**

Income Source	Biharamulo and Ngara District Councils	%
Agriculture	151	64%
Livestock	51	21.5%
Formal Employment	11	4.5%
Self Employment	14	6%
Rent, interest	2	1%
Other	7	3%
<b>Total</b>	<b>237</b>	<b>100</b>

(Source: socio-economic survey, 2022)

**4.11.2 AVERAGE MONTHLY INCOME**

Heads of affected households were asked about average monthly income of members of households from all sources of income. About 42% of PAPs are on poverty line (living on less than one dollar per day). In total 27% of all PAPs earn up to TShs 300,000 per month (**Table 4.12**). Therefore, majority of PAPs are poor in economic terms and with the household sizes coupled with inflation this level of income is even far from adequate.

**Table 4.12: Estimated PAPs Household Monthly Income by District**

Income Category	Biharamulo and Ngara District Councils	%
0- 200,000 (poverty line)	99	42%
200, 001-300000	38	15.9%
300001-600000	27	11.3%
600001-1200000	38	16%
1200001 <	35	14.8%
<b>Total</b>	<b>237</b>	<b>100</b>

(Source: socio-economic survey, 2022)

**4.12 NATURE AND TYPES OF ASSETS AND PAPs**

The nature and types of assets affected in all the project roads include:

- Land, buildings and surrounding trees and plantations;
- Land, trees and plantations;
- Trees and plantations; and
- Land only.

Note: Crops cultivated are mainly seasonal crops (beans, maize, etc.).

**Table 4.13: PAPs and type of Assets**

TOWN/ WARDS	LAND ONLY	CROPS	HOUSES	PARTIALLY ACQUIRED	FULLY ACQUIRED
LUSAHUNGA	0	54	5	54	5
NYAKAHURA	0	48	15	48	15

KASULO	0	64	1	64	11
RUSUMO	0	36	4	36	4

(Source: Socio-economic Survey, 2022)

#### 4.13 BUILDING STRUCTURES

The affected building structures are generally residential units mainly made of mud-pole walling and thatch-roofing construction and few with concrete blocks (Table 4.14). The mud-wall-thatch-roof structures account for **27%**, mud-wall-CIS-roof account for **35%**, and the remaining **38%** are brick-wall structures. Few of these structures have retail business room outlets. The business outlets are in all cases owned by the house owners.

**Table 4.14: Types of Affected Buildings**

Construction Type	No. of Affected Structures
Bush pole walls, thatch/cow dung roofing, earth flooring	0
Mud pole walls, thatch/cow dung roofing, earth flooring	0
Mud pole walls, thatch/cow dung roofing, cement screed flooring	0
Built of Mud pole walls, CIS roof, earth flooring	0
Built of Mud pole walls, CIS roof, screed flooring	13
Burnt Bricks walls, CIS roof, cement sand screed floor, no finishes	16
Burned Bricks walls, CIS roof, cement sand screed floor, finishes	0
Cement Block walls, CIS roof, Fair finishes	6
Cement Block walls, CIS roof, standard finishes	
<b>Total</b>	<b>35</b>

(Source: socio-economic survey, 2022)

#### 4.14 LAND, TREES AND CROPS

A various trees and plantation on the entire project road that will be affected are given in **Table 4.15**. The trees and plantation are of diverse types and common trees and plantation affected are listed in **Table 4.15**. However, the seasonal crops such as cassava, paddy, maize etc., were not included in the compensation since PAPs can be allowed to harvest before commencement of the construction.

**Table 4.15: Types and Numbers of Affected Trees and Crops**

Type of Trees/Crops	Number Affected
Pine trees	3120
Shade trees	582
Timber Trees	0
<b>Total</b>	<b>3,702</b>

Source: socio-economic survey, 2022

#### 4.15 IMPACTS ON VULNERABLE GROUPS

The World Bank defines vulnerable groups as: “the poor, women, and indigenous peoples; those less able to care for themselves (children, the elderly, and the disabled); and other groups not protected by national land compensation law (those without land or use rights; host communities; and community members remaining in the original area after resettlement” (World Bank ESS5).

The project will affect the following types of vulnerable person:

- Female-headed households;
- Elderly persons;
- The widows;
- Persons with disabilities within the wider PAP population; and
- Persons lacking any legal or other claim to the land they occupy and/or use.

Survey results indicate that 111 PAP household heads may be categorized as vulnerable (Table 4.16). The main vectors of vulnerability indicators are as follows:

- PAPs at or below the poverty line;
- Female-headed households; and
- Child-headed households and the elderly.

**Table 4.16: Vulnerability status of the PAPs of Affected Households**

Type of Household	Biharamulo and Ngara District Councils	
	Number	%
HHs earning less than USD(\$1 per day	80	77
Disability	0	0
Elderly	19	12
Female-headed (including widows)	10	9
Child-headed	2	2
<b>Total</b>	<b>111</b>	<b>100</b>

(Source: socio-economic survey, 2022)

Households earning less than 1 USD (80 persons total) will be assisted by ensuring access to professional training under the livelihood restoration program and priority for employment during construction.

Child-headed households will be assisted by ensuring that they open bank accounts, obtain alternative land for construction, are provided with supervision of the reconstruction of their affected structure, and have priority access to training under the livelihood restoration plan.

## 5. LEGAL AND POLICY FRAMEWORK

Tanzania has good policies, legal and institutional framework for management of land and property acquisition and compensation enshrined in the National Constitution, the Land Policy and Land Acts as well as supporting local laws and by-laws. It is important to note that the TanTIP will comply to both National Land Policy and the World Bank Environment and Social Safeguards (ESS) 5 that requires that subprojects to be implemented in a manner that does not compromise land, resettlement and compensation.

### 5.1 Applicable National Laws and Policies

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

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

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

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

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

**The Land Disputes Court Act. 2002 (Act No.2/2002):** This act provides the respective courts and their functions. Before implementation of sub projects, any land conflicts existing in the areas

shall be resolved through the appropriate land courts to ensure that harmony prevails in the intended undertaking. Project beneficiaries will therefore be bounded by these Acts.

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

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

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

Other legislation guiding this RPF include:

- Land Acquisition Act No. 47 of 1967
- The Land Act, 1999 (Act No 4/1999)
- Land (Assessment of the Value of Land for Compensation) Regulations, 2001:
- The Land (Compensation Claims) Regulations, 2001:
- The Land (Schemes of Regularization) Regulation, 2001:
- The Land Use Planning Act, 2007 (Act No.6/2007):
- The Urban Planning Act, 2007 (Act No. 8/200 7):
- The National Human Settlements Development Policy (2000):
- Women and Gender Development Policy, 2000:
- National Land Use Planning Commission Act No 3 of 1984:
- The Land (Disposition of Right of Occupancy) Regulations, 2001
- The Roads Act No. 13 of 2007 and its Regulation of 2009

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

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

### **5.2.1 ESS5, on Land Acquisition, Restrictions on land Use and Involuntary Resettlement**

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



### **5.3 Land Tenure and Ownership in Tanzania**

Land in Tanzania is owned by the State. Land tenure and ownership are mainly governed by the Constitution of the United Republic of Tanzania (1977), National Land Act No.4 (1999), Village Land Act No.5 (1999), Land Acquisition Act (1967), and Land Ordinance, 1923 Cap.113. For the purpose of land management under the Land Act No.4 (1999) and all other laws applicable to land, public land in Tanzania may be divided into three categories: (1) General Land; (2) Village Land; and (3) Reserved Land. These are described in more detail below.

#### **5.3.1 General Land**

General land is described as consisting of all land, which is neither village land nor reserved land. All urban land falls under this category, except land, which is covered by laws constituting reserved land, or that which is considered hazard land. General land is governed by the Land Act and, hence, is under the control and jurisdiction of the Commissioner for Lands.

#### **5.3.2 Village Land**

This is defined as being the land falling under the jurisdiction and management of a registered village. As Tanzania consists of a vast countryside with only a few urban areas, most land in the country is village land and is held under customary tenure and the government can issue customary certificates of tenure to individuals or communities where the village is surveyed and has a Certificate of Village Land. Customary tenure is akin to freehold. Most of the subprojects are implemented in the rural areas where land is managed by Village Land Laws.

#### **5.3.3 Reserved Land**

Reserved land is defined as land being reserved and governed for purposes subject to nine listed laws. It includes environmental protection areas, such as national parks, forest reserves, wildlife reserves, and marine parks as well as areas intended and set aside for spatial planning and (future) infrastructure development. Sub projects that are likely to affect reserve land procedures for compensation should be complied by TANROADs and the respective agency owning the reserved land.

TanTIP subprojects will be implemented within these various categories of land. Designing and implementation of the Project should be in accordance with Tanzanian law and procedures within these categories. However, Land taking and compensation will include additional measures to meet World Bank requirements where appropriate. It means in land taking when so deemed, the compensation will follow Replacement cost instead of market value.

### **5.4 Applicable National Laws and Regulations**

#### **5.4.1 Land Act No. 4 of 1999**

This is the paramount laws in the administration of land use and ownership in the Country. It guides land transfers, taking and compensation thus forms a basis of resettlement process in the Project. Section 156 of the Land Act requires that compensation be payable to any person for any damage caused for the affected land, buildings, trees and crops as a result of creation of communal right of way or a way leave. The Act provides for the basic law in relation to land other than the village land, the management of land, settlement of disputes and related matters.

Section 152 provides that an application for a way leave shall be made by any ministry or department of Government, or local authority or public authority or corporate body shall be made to the Commissioner. The applicant should serve a notice to all persons occupying land under a right of occupancy including persons occupying land in accordance with customary pastoral rights, local government authorities, all people's actual occupation of land in an urban and peri-urban area and any other interested person occupying land over which the proposed way leave is to be created.

Section 156, on compensation in respect of public right of way, states that compensation shall be payable to any person for the use of land, of which he is in lawful or actual occupation, as a communal right of way and, with respect to a way leave, in addition to any compensation for the use of land for any damage suffered in respect of trees, crops and buildings as a result of the creation of such way leave. Section 156 (2) states that any damage caused as a result of any preliminary work undertaken in connection with surveying or determining the route of that way leave, whether the trees, crops or buildings so damaged were included in the route of the way leave as delineated in the order of the Minister.

Section 156(3) elaborates that the duty to pay compensation lie with the Government department of ministry, local or public authority or corporate body which applied for the public right of way and that duty shall be complied with promptly. Section 156 (4) states that where the person entitled to compensation under this section and the body under a duty to pay that compensation are unable to agree on the amount or method of payment of that compensation or where the person entitled to compensation is dissatisfied with the time taken by the body under a duty to pay that compensation to make, negotiate or process an offer of compensation, that person may apply to the High Court to determine the amount and method payment of compensation and the High Court may in making any award make any additional costs and inconvenience incurred by the person entitled to compensation through the dilatory or other unsatisfactory procedures of that public authority.

#### **5.4.2 Village Land Act No. 5 of 1999**

The Village Land Act (1999) confers the management and administration of village lands to Village Councils, under the approval of the Village Assemblies. However, the Minister of Lands is entitled to decide on the amount of land, which can be owned, by a single person or commercial entity. Section 9 and 11 of the Village Land Regulations states that, compensation shall include; the replacement cost of the land and the unexhausted improvements which shall be assessed by a qualified. In Section 13 of the Village Land Regulations, it states that compensation shall also include disturbance allowance, transport allowance, accommodation allowance and loss of profits. The Act provides for the management and administration of land in villages, and for related matters. The Act has set clear procedures for full, fair and prompt compensation while acquiring land. Under the provisions of this Act, the village council is responsible for the management of the village land and is empowered to do so in accordance with the principles of a trustee managing property on behalf of a beneficiary.

#### **5.4.3 Land Acquisition Act No. 47 of 1967**

The Land Acquisition Act (1967) is the principal legislation governing the compulsory acquisition of land in Tanzania. Sections 3-18 of the Land Acquisition Act 1967 empower the President to acquire land, and provide the procedures to be followed when doing so. The President is empowered to acquire land in any locality provided that such land is required for public purposes.

The procedures provided by the Land Acquisition Act include: the investigation of the land to see if it is suitable for the intended purpose; notification to the landowners to inform them of the decision to acquire their land before the President takes possession; and payment of compensation to those who will be adversely affected. The law restricts compensation to unexhausted improvements on the land excluding the land or such improvements as land clearing and fencing. This latter situation has been rectified by the Land Act (1999).

If land is required for public purposes, the President is required to give a six (6) weeks' notice to those with an interest in the land in question but, if the situation so demands, the notice can be shortened without the need to give explanation. After the expiration of the notice period the President is entitled to enter the land in question even before compensation is paid.

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

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

Tanzania has a dual system of land tenure concerning public lands:

- (i) Customary rights; and
- (ii) Statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be covered by the following: 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 and have no term limit. Communities (Villages) are allowed to hold land and to manage it, although they do not formally own the land.

#### **5.4.4 Valuation**

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

- (a) Take into account the value of such land at the time of the publication of notice to acquire the land without regard to any improvement or work made or constructed

thereon thereafter or to be made or constructed in the implementation of the purpose for which it is acquired;

- (b) When part only of the land belonging to any person is acquired, take into account any probable enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed on the part acquired;
- (c) Take into account the damage if any sustained by the person having an estate or interest in the land by reason of the severance of such land from any other land or lands belonging to the same person or other injurious effect upon such other land or lands;
- (d) Not take into account any probable enhancement in the value of the land in future;
- (e) Not take into account the value of the land where a grant of public land has been made in lieu of the land acquired.

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

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

Current practice is guided by the Valuation and s Registration Act (2016) and Land (Assessment of the Value of Land for Compensation) Regulations (2001), and the Village Land Regulations (2001), which provide that the basis for assessment of the value of any land and unexhausted improvement for the purposes of compensation is the market value of such land.

#### **5.4.5 Graves (Removal) Act No. 9 of 1969**

This is an Act to provide for the Removal of Graves from land required for public purposes. Subject to section 3 of this Act, where any land on which a grave is situated is required for a public purpose the Minister may cause such grave and any dead body buried therein to be removed from the land and, in such case, shall take all such steps as may be requisite or convenient for the reinstatement of the grave and the re-interment of the dead body in a place approved by him for the purpose. This legislation will be applied in case of presence of grave or grave sites within the right of way for road reserves and airports subprojects in Iringa, Tanga, Arusha, Njombe, Kagera, Ruvuma, Mtwara and Lindi Regions.

Under Section 7, the removal, transportation, and reinstatement or re-interment conditions of a grave or dead body authorized under this Act shall be undertaken:

- 1) As far as is possible, with due regard to the views of the persons interested and the religious susceptibilities of the members of the religious community to which the person belonged whose grave or dead body it is;
- 2) With due solemnity and respectful treatment of the dead;
- 3) So far as is practicable, without unnecessary damage to the grave and the dead body;
- 4) So that a dead body which is disinterred is transported and reinterred without undue delay;

- 5) Under such conditions of privacy as ensures that no dead body is exposed to public view;
- 6) In a manner which is not injurious to public health; And
- 7) In accordance with such directions as may be given by a public officer appointed by the Minister to supervise the undertaking.

The compensation payable under Section 9 shall be limited to the reasonable expenses incurred in the removal, transportation, reinstatement and re-interment of the grave or dead body and any placatory or expiatory rites or other ceremony accompanying such removal and re-interment.

#### **5.4.6 Land (Assessment of Value of Land for Compensation) Regulations, 2001**

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

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

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

- 1) Holder of granted Right of Occupancy in general or reserved land that is transferred to village land or land held under Right of Occupancy that is compulsory acquired for public purpose (Section 22); or a right of occupancy that is revoked;
- 2) Holder of a granted customary right of occupancy that is revoked for the land in question been in hazardous land;
- 3) Holder of a customary right of occupancy where the subject land is acquired to be granted to another person under right of occupancy (Section 34);
- 4) Occupier of land who has obtained (by disposition) from holder of a granted or customary right of occupancy where this occupier is denied right of occupancy (Section 54); and
- 5) Occupier of land in any urban or peri-urban area where such land is acquired by the President under Section 60 i.e. Scheme of Regularization.

In accordance to the Land Compensation Claims Regulations, claims for compensation are preceded by an issuance of public notice by the Commissioner for Lands to inform all occupiers whose land is subject for compensation to submit their claims for compensation. Under section 6, the Commissioner is also required to inform the occupiers to appear physically on such date, place and time where assessment shall be done. Upon this, and for the Commissioners' directive, valuation for compensation purposes can be undertaken.

The compensation claim and schedules should be submitted by the Commissioner to the Land Compensation Fund for verification. The Fund, upon verification, will either accept or reject payment within a span of 30 days since it received compensation schedule from the Commissioner.

#### **5.4.7 The Land (Disposition of Right of Occupancy) Regulations, 2001**

The following require approval under the Act:

- 1) Assignment of the right of occupancy to another party less than three years after the assignor was granted the right to occupy the land;
- 2) A loan granted on the security of every mortgage of a right of occupancy or right of lease;
- 3) Partition of land granted under right of occupancy;
- 4) Creation of an easement;
- 5) Transfer;
- 6) Sale; 7) Grant; and 8) Surrender.

Applications for approval are to be done by the holder of the right of occupancy and the intended assignee.

#### **5.4.8 The Roads Act No.13 of 2007 and Regulation of 2009**

This Act describes road management, roads classification and declaration, execution of road works, restriction of use of roads and financial provision on undertaking various road activities. Other issues described in the Road Act are offences, penalties and recovery as well as road safety and road of access. This Act also provides description on initiation of the road agency TANROADS to deal with road construction and management within the country. TANROADS establishment order gives functions and responsibilities of TANROADS which among other things will be to develop and maintain Trunk roads network, which coincide with Part three of the Road Act on road classification and declaration. The defined Right of Way in the new regulation has been changed from 45M to 60M for both the Regional and Trunk Roads although the implementation of the TanTIP Projects will maintain existing corridor of 45m-RoW in order to minimize the impacts of resettlement. ‘

#### **5.5. ESS5, on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

The World Bank's ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both.

The Standard aims to:

- Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- Avoid forced eviction;

- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use;
- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant; and
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

At time of project screening of potential environmental and social impacts, an RPF is prepared where the project impacts are unknown at the time of project preparation to guide the preparation of Resettlement Action Plans (RAPs) when and as specific project locations are known during project implementation.

**Table 5.1: Summary Description of ESS5**

Section In The ESS5	Summary Description
<b>General</b>	This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation.
<b>Defining Eligibility (PAPs Classification)</b>	According to the ESS5, affected persons may be classified as persons: (a) Who have formal legal rights to land or assets; (b) Who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law; or (c) Who have no recognizable legal right or claim to the land/assets they occupy/use. The census must be conducted to establish the status of the affected persons.
<b>Screening and Appraisal (Project Design)</b>	The applicability of ESS5 to the borrower will be determined during the WB's environmental and social screening process. The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time.
<b>Community Engagement</b>	The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process. Additional provisions apply to consultations with displaced Indigenous Peoples, in accordance with ESS7.
Section In The ESS5	Summary Description

<b><i>Grievance Mechanism</i></b>	The Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.
<b><i>Planning and Implementation</i></b>	Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.
<b><i>Institutional Arrangements</i></b>	The Borrower's plan will establish the roles and responsibilities relating to financing and implementation and include arrangements for contingency financing to meet unanticipated costs, as well as arrangements for timely and coordinated response to unforeseen circumstances impeding progress toward desired outcomes.
<b><i>Implementation and Monitoring</i></b>	Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of this ESS.
<b><i>Collaboration with Other Agencies and Subnational Jurisdictions</i></b>	The Borrower will establish means of collaboration between the agency or entity responsible for project implementation and any other governmental agencies, subnational jurisdictions or entities that are responsible for any aspects of land acquisition, resettlement planning, or provision of necessary assistance. In addition, where the capacity of other responsible agencies is limited, the Borrower will actively support resettlement planning, implementation, and monitoring
<b><i>Technical and Financial Assistance</i></b>	The Borrower may request technical assistance from the Bank to strengthen Borrower capacity, or the capacity of other responsible agencies, for resettlement planning, implementation and monitoring. Such forms of assistance may include staff training, assistance in formulating new regulations or policies relating to land acquisition or other aspects of resettlement, financing for assessments or other investment costs associated with physical or economic displacement, or other purposes.

## 5.6 Gap Assessment between National Legislation and ESS5

Tanzania does not possess a National Resettlement Policy and corresponding legislation. To help ensure compliance with World Bank Standards and due consideration of the adverse impacts of resettlement on local populations, a review was done of all relevant Tanzanian legislation in the aim of identifying and addressing any gaps with World Bank Standards. This analysis is present in Table 5-2 below. Where gaps are identified in Tanzanian Law, the World Bank's ESS5 will apply.



Table 5.2: Comparison of between ESS5 and Tanzanian Law

Issue	ESS5	Tanzanian Law	Gaps	Gapfilling Measures
<b>Land Acquisition</b>	<p>Requires Borrowers to:</p> <ol style="list-style-type: none"> <li>1) Avoid or minimize involuntary resettlement by exploring project design alternatives; and</li> <li>2) Avoid forced eviction</li> </ol> <p>Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use through timely compensation for loss of assets at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods</p>	<p>According to the Land Acquisition Act No. 47 (1967):</p> <ul style="list-style-type: none"> <li>• The Minister responsible for land must authorize any person to enter and survey the land to determine its suitability for a public purpose; and</li> <li>• The GoT must pay compensation to any person who suffers damage as a result of any action</li> </ul>	<p>In Tanzania, there is currently no specific resettlement policy itemizing procedures and processes to prevent PAPs from being left worse-off by a project</p>	<p>ESS5 will apply</p> <p>RAPs will be prepared following both national law and ESS5 standards</p>
	<p>Affected persons may be classified as into three categories:</p> <ol style="list-style-type: none"> <li>a) Persons with formal legal rights to the land or assets they occupy or use;</li> <li>b) Persons with no formal legal rights to land or assets, but have a claim to the land or assets they occupy or use that is recognized or recognizable under national law; and</li> </ol>	<p>Eligibility under Tanzanian Law is limited to those who can prove <i>de jure</i> or <i>de facto</i> land ownership</p> <p>Seasonal land/resource users are not covered, nor are persons who have constructed on or otherwise use road reserves (i.e., “encroachers”)</p>	<p>There is no gap between Tanzanian Law and ESS5 with regard to eligibility for compensation of persons with formal legal rights and those without formal legal rights but with a claim to land under customary practices</p> <p>ESS5, however, has stronger protections for informal residents and land users than does Tanzanian Law</p>	<p>Under this project, all eligible owners of land will be eligible for compensation</p> <p>PAPs encroaching land will also be eligible for compensation for development on encroached land (as well as livelihood restoration) but not for the affected land itself</p> <p>Affected tenants are not eligible for compensation but are eligible for livelihood</p>

	c) Persons with no recognizable rights to land or assets they occupy or use			assistance of accommodation allowance for three months
<b>Economic Impacts</b>	In cases where land acquisition or restrictions on land use affect commercial enterprises regardless of size and whether licensed or unlicensed	According to the Land Assessment of the value of Land for Compensation) Regulations, 2001, and the Village Land Regulations, 2001, compensation for loss of any interest land shall include loss of profits	Tanzanian regulations provide for income restoration allowances where PAPs have incurred losses of business income  This has not, however, been applied in practice	Compensation for the lost income and profits will be paid as per ESS5
<b>Calculation of Compensation</b>	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower must offer affected persons compensation at replacement cost, as well as other assistance as necessary to help them improve or at least restore their pre intervention standards of living and livelihoods	Tanzanian Law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements plus disturbance and accommodation allowances as well as loss of profits where applicable	There is a gap between the two approaches of Market Value and Replacement Cost  Under the Market Value approach, the amount paid often fails to replace the lost land and assets	Under TANTIP, eligible PAPs will be entitled to compensation, to be calculated based on Replacement Cost
<b>Vulnerable PAPs</b>	Projects must provide transitional relocation assistance to physically displaced persons during their relocation to the new site, including but not limited to transportation, food, shelter, and social services	Tanzanian Law has no provisions requiring the Government to pay special attention to vulnerable groups in the administration of compensation	ESS5 is more stringent in this regard	Vulnerable PAPs will be identified and special assistance provided them to ensure their full participation and access to project benefits, and to safeguard them from being left worse off by the project

<b>Public Land Users ("Encroachers")</b>	Land users/residents with no recognizable legal rights or claim to the land or assets they occupy or use are recognized as having a right to compensation for lost housing, income generation, livelihood activities, and access to resources, although not for the land itself	Tanzanian Law on compulsory acquisition and compensation is limited to those who can prove <i>de jure</i> or <i>de facto</i> land ownership	Tanzanian Law does not recognize informal land/resource users who have made improvements to affected land as eligible for compensation for assets or provision of resettlement or livelihood assistance	Under TanTIP, seasonal land/resource users/persons with assets (i.e., structures, etc.) on the affected land will be compensated for loss of income and livelihoods associated with restrictions of use of their assets (permanently or temporarily)
<b>Grievance Handling</b>	A project grievance mechanism must be in place as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by the displaced persons (or others) in a timely manner	Under s.13 of the Land Acquisition Act, 1967, if a dispute or disagreement regarding the below-listed below is not settled by the concerned parties within six weeks of the date of publication of the expropriation notice, the Minister or person holding claim in the land may institute a suit in the high court of Tanzania for the determination of the dispute	Tanzanian Law does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement operations  Tanzania has a well-established and accessible local grievance redress mechanism through existing systems and structures	GRMs will be set up for this project in line with ESS5, and particularly the need for timely response and resolution, which the six-week timeframe in Tanzanian Law could jeopardize
<b>Stakeholder Engagement and Information Disclosure</b>	Affected persons, host communities, and local governments must be consulted	The Land Act of 1999 and its Regulation of 2001 and the Valuation Registration Act of 2016 provide for stakeholder engagement	Tanzanian practice has no equivalent to the stakeholder engagement and information disclosure processes required under ESS5	TaTIP will include continuous and meaningful consultations with PAPs and their representatives throughout the project



## **6. ELIGIBILITY CRITERIA AND CUT-OFF DATE**

### **6.1 Introduction**

The eligible individual(s) are those persons who are directly affected physically, socially and/or economically by the sub-project, due to:

- a) The compulsory taking of land and other assets resulting in the following:
  - i) Relocation or loss of shelter;
  - ii) Loss of assets or access to assets;
  - iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location; and
- b) Denial of access to legally-designated social and/or economic services, with adverse impacts on livelihoods.

Five Tanzania Government entities are expected to be affected by this subproject. These are:

- 1) TANESCO (electricity reticulation poles with all accessories);
- 2) RUWASA (main distribution water supply pipes with all accessories);
- 3) TTCL (fiber cables, copper cables and associated accessories);
- 4) TFS (forest reserves along the road project); and
- 5) Burigi National Park (boundary near the road).

The PAPs were considered irrespective of their tenure status, with respect to the land they own, occupy or use, provided that they own, occupy or use the affected land prior to the cut-off-date. The cut-off date for eligibility for resettlement entitlements for this sub-project is the date of completion of the survey and valuation of affected properties (i.e., 30 April, 2018).

Assets that are eligible for compensation are buildings, land, and development made on the land, such as crops, trees, bore holes, etc. Affected public social services, such as power supply, will be enumerated for costing, replacement, and construction at suitable sites.

For public utilities, gas pipes, water main distribution pipes/customer pipes, control valves with chambers, tunnel bulk meters, electric reticulation poles, fiber cables, and telephone cables, etc., will be valued separately during construction. TANROADS will take the lead in the engagement of stakeholders during this period.

These categories are used to determine which PAPs are considered eligible for compensation and other resettlement assistance, in accordance with Tanzania Law and the World Bank's ESF.

For the purposes of compensation, the cut-off date applies only to properties that existed before the enumeration of properties and assets in the project-affected area.

### **6.2 Identification of Project Affected Groups/Individuals**

According to the above laws and policies, the affected person(s) are those who lose assets or are denied access to legally designated social and/or economic services as a result of proposed project activities, whatever the extent of loss, lost assets may be (land, structures, trees, etc.), and

including those without formal legal rights. These categories of project affected persons were identified through the socio-economic study and census.

### **6.3 Cut-off Date**

The proposed project is likely to have a number of cut-off dates considering its nature (i.e., a liner project). To date, valuation of affected properties has only been carried for PAPs within the land to be acquired for the upgrading of the Lusahunga-Rusumo Road. The cut-off date was set for 30 April, 2018 and communicated with each PAP during the valuation. Any person who undertakes any development activity in the newly demarcated project area after the cut-off date will not be eligible for compensation. Implementation of the cut-off date should also be observed by the project implementer, who is required to compensate the PAPs within 6 months after the valuation report has been approved. If payments are not made within the six (6)-month timeframe, after approval of the valuation report by the government chief valuer, the compensation payment will be paid with interest as per the RAP.

The project implementer should maintain frequent communication with the PAPs, via the Resettlement Committee, to update them on when to expect their compensation and any other changes associated with project implementation.

### **6.4 Entitlements**

Tanzanian Law establishes the eligibility and provisions for all types of losses (land, structures, businesses, loss of accommodation, disturbance, crops, and transport costs resulting from displacement and trees). All affected persons will be compensated at full replacement cost and provided with additional assistance and allowances.

In cases where Tanzania Law falls short of the standards set in the World Bank's ESF, this RAP will be aligned with the ESF. The Bank's policy will be applicable because:

- i) They are involved in the funding of the project; and
- ii) Its policy best fulfils the pro-poor objectives of the projects, ensuring that the conditions of PAPs are preferably improved or at least restored to pre-displacement levels as well as offers special considerations for vulnerable and landless PAPs, including through measures to improve the living conditions of poor and vulnerable persons who are physically displaced, through the provision of adequate housing, access to services and facilities, and security of tenure.

**Table 6.1: Entitlement Matrix for PAPs under the Rehabilitation of the Lusahunga-Rusumo Road**

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
1. LOSS OF LAND				
Loss of residential or partial) non-loss land agricultural land	Permanent (complete or commercial arable land or	Individuals with formal legal ownership rights to land (recognized owners), including those with legal rights and recognizable claims	Cash compensation at replacement cost of affected land, to be determined based on the legal requirement and land value rates by use and location OR In-kind provision of alternative land of equal size and utility, with similar or improved public infrastructure facilities and services and, if possible, located in the same area as the affected land, plus the cost of any registration and transfer taxes ( <u>Note</u> : This option was rejected by the PAPs.) ▪ Disturbance allowance of 8% of the value of the affected land	<ul style="list-style-type: none"><li>• Consultations and formal agreements with PAPs on the type of compensation (cash or in-kind) to be provided</li><li>• The project will further bear the cost of any registration and transfer taxes as well as of any labor invested in the preparation of the replacement land</li><li>• if the PAP is losing a portion larger than 20% of their agricultural land, they will be compensated for the entire plot (<u>Note</u>: This not believed to be the case of any PAP in this subproject.)</li></ul>
		Individuals with no formal ownership rights to the land but who use or reside on it (i.e., “encroachers” or “squatters”)	No cash compensation for developments (e.g., structures) on the land Cash compensation at replacement cost for the materials used to rebuild or partially repair them Disturbance allowance in the amount of 8% of the affected structures/crops	
2. LOSS OF STRUCTURES				

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Loss of structures or access to them	Permanent loss of main dwelling houses	Individuals with formal legal ownership rights to the structures	<p>Cash Compensation:</p> <ul style="list-style-type: none"> <li>a) Cash compensation at replacement cost</li> <li>b) Disturbance allowance (8%)</li> <li>c) Accommodation allowance (for 36 months) equal to the rental rates for a house of similar location and attributes</li> <li>d) Cost of any registration and transfer taxes</li> </ul> <p>A disturbance allowance will be paid to all PAPs regardless of what they are losing, <b>including those with no formal ownership practicing commercial activities</b>, and the percentage is the same for all PAPs, as it is established by the Tanzanian Government and subject to revision based on economic changes.</p> <p>For loss of economic activities, PAPs will receive an allowance for 36 months. For temporary impacts on economic activities (e.g., loss of access to roadside sites for vendors), relocation assistance will also be included.</p>	<p>Full loss of a house is calculated when one of the following occurs:</p> <ul style="list-style-type: none"> <li>a) The entire house is subject to demolition;</li> <li>b) The proportion of the impacted area is more 30% of the total;</li> </ul> <p>For permanent full loss of dwellings, PAPs will be provided with the option of in-kind</p>
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Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
			<ul style="list-style-type: none"> <li>e) Disturbance allowance up to 8% of the value of the affected house</li> <li>f) Transport allowance to relocate the materials and equipment</li> <li>g) Right to salvage existing materials</li> </ul> <p>OR</p> <p>In-kind compensation, where PAP receive structures and land from the project (<u>Note</u>: no PAP has chosen this option.)</p>	<p>replacement and/or assistance in moving to a house on the open market</p> <p>For permanent partial loss, the affected person will have a choice between cash and rebuilding in situ of the affected structures, with rebuilding as the preferred option</p> <p>Intangible losses will also be calculated and compensated</p>



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		Tenant with proof of tenancy in a main dwelling house	<p>a) Reimbursement for unexpired tenancy/lease period and the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation (borne by the landlord)</p> <p>b) Transport allowance to move 20 tons load up to 20km</p> <p>c) Accommodation allowance for 3 months equal to rental rates of a similar accommodation</p>	<p>Proof of a formal rental agreement, if one exists, should be provided but lack thereof shall not be a condition of exclusion of the renter or the rentee</p> <p>This amount will be deducted from the compensation for loss of profits to be paid to landowners. Consultations will be held to encourage landlords to give their consent to this.</p>
	Permanent loss of business or commercial structure	Individuals who have formal legal ownership rights to the structures	<p>a) Cash Compensation</p> <ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost</li> <li>▪ Disturbance allowance of up to 8% of the value of the affected house</li> <li>▪ Cost of transporting building materials to the construction site</li> <li>▪ Cost of any registration and transfer taxes</li> <li>▪ Allowance for loss of profit per month for 36 months</li> <li>▪ Right to salvage existing materials</li> </ul>	<p>☐ Full loss of a house is calculated when the one of the following occurs:</p> <ul style="list-style-type: none"> <li>- The entire house is subject to demolition;</li> <li>- The proportion of the impacted area is more 30% of the total;</li> <li>- The main features of the house (i.e., soak tank, toilet, kitchen) are subject to demolition.</li> </ul> <p>Given that business profit margins vary according to location and time, the RAP developer will record the necessary information during RAP preparation.</p> <ul style="list-style-type: none"> <li>▪ Proof of accrued monthly profits (through tax and business licenses) must be provided.</li> </ul>

Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
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		Tenants with proof of tenancy in business (not residential) structure	<p>a) Reimbursement for the unexpired tenancy/lease period and the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation (by the landlord).</p> <p>b) Transport allowance (to be established by subproject)</p> <p>c) Allowance for loss of profit per month (between 1 and 3 months, according to type of structure and nature of business), with amounts quoted separately for each business category and computed in Tanzanian shillings</p>	<p>Proof of a formal rental agreement, if one exists, should be provided but lack thereof shall not be a condition of exclusion of the renter or the rentee.</p> <p><u>Note:</u> Consultations will be held to encourage landlords to give their consent that the amount be deducted from the compensation for loss of profits to be paid them.</p> <p><u>Note:</u> PAPs relocating farther than 20 km will not be entitled to this amount but the project will consider payment of a transport allowance not exceeding 5% of the compensation amount for the structure.</p>
	Public structures (DART, Schools, hospitals, etc.)	Government Officials, Community members	<p>a) Full replacement of affected structures</p> <p>b) Cost of transporting equipment, etc.</p>	<p>☐ PO-RALG to hire a contractor for construction of replacement structures and procurement of the fixtures, etc.</p>
<b>3. CROPS, TREES AND PLANTS</b>				
Loss of standing crops, trees, or plants or access to them	Permanent loss of standing crops, trees, or plants	Farmers or individuals who cultivate the land and who have formal legal ownership rights to the land on which the crops are planted	<p>C compensation for loss of crops, trees, and plants replace it cement cost:</p> <p>a) Disturbance allowance in the amount of 8% of the total value of the crops;</p> <p>b) Right to collect trees, crops, and other products; and Reimbursement for unexpired rental period and amount of the deposit or advance paid by the renter to the landlord or the remaining amount at the time of expropriation</p> <p>d) right to take part in livelihood restoration measures.</p>	<ul style="list-style-type: none"> <li>▪ A comparative list of the prices of agricultural products in local markets.</li> <li>▪ The valuation of perennial crops will be based on the product of their average yield (kg/tree/year).</li> <li>▪ Valuation will be based on the product of yield, period between planting and bearing of fruits, and market price.</li> <li>▪ Subproject activities will take into consideration cropping patterns and seasons to avoid partial or complete loss where possible</li> </ul>

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		Farmers or individuals who do have formal legal USER rights to land on which the crops are planted but have temporary or leasing rights (renters)	<ul style="list-style-type: none"> <li>a) Cash compensation for loss of crops, trees, and plants at replacement cost; and</li> <li>b) Disturbance allowance in the amount of 8% of the total value of the crops;</li> <li>c) Right to collect the trees, crops, and other products</li> <li>d) Reimbursement for any unexpired rental period and the amount of deposit or advance paid by the renter to the landlord or the remaining amount at the time of expropriation</li> </ul>	
<b>4. LOSS OF LIVELIHOODS AND/OR INTRINSIC VALUES (LOCATION CONVENIENCE, CONNECTIVITY TO COMMERCIAL/BUSINESS/INDUSTRIAL AREAS)</b>				
Loss of business profits	Permanent loss of profits	Registered/licensed Traders (owners)/services providers of formal registered/licensed businesses	<p>Cash compensation:</p> <ul style="list-style-type: none"> <li>• The net monthly profit of the business shall be replaced for 36 months to cover the transition period and relocation</li> <li>• Transport/moving allowance consists in moving 12 tons up to 20 km</li> </ul> <p>OR</p> <p>In-kind compensation:</p> <ul style="list-style-type: none"> <li>• Provide tax and tenancy holidays for a specified period to be equivalent to the calculated loss of profit</li> <li>• In-kind provision of new business space (temporary or permanent).</li> <li>• Provided in-kind transportation</li> </ul>	Payable loss of profit will be calculated based on evidence obtained through audited accounts (i.e., Loss Profit = Net profit/p.m. x 36 months)
Semi-stationary vendors	Loss of income from vending activities	Small-scale traders with minor structures who operate within the RoW	For commercial activities (e.g., the selling of products) informally engaged in by persons on the affected land, the disturbance allowance will be calculated based on each specific activity and provided as a fixed amount for a 3-month period (or a reasonable time to re-establish livelihoods if longer). Specifically, Affected vendors will be:	<ul style="list-style-type: none"> <li>• Identified in the census and included socioeconomic studies, consultation process, and monitoring and evaluation for each RAP</li> <li>• Provided with adequate advance notice prior to relocation</li> </ul>

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			<ul style="list-style-type: none"> <li>• Allowed to return to their original locations to the extent possible in the case of temporary disruption to their professional activities</li> <li>• Access to suitable nearby alternative temporary locations where necessary</li> <li>• Provision of transport allowance and moving assistance/Relocation assistance to cover any additional costs of transporting their goods, structures and assets</li> <li>• Access to suitable nearby alternative permanent sites where necessary</li> <li>• Compensated (whether in cash or in-kind) for any affected permanent or temporary structures and allowed to recover their materials and 8% disturbance allowance of the total cost</li> <li>• Given access to livelihood restoration activities, where necessary, to be planned in consultation with the affected vendors</li> </ul>	<ul style="list-style-type: none"> <li>• Consultation with each affected group of vendors will be critical in establishing</li> <li>• A</li> <li>• Alternative locations and developing livelihood restoration activities</li> </ul>
Employees of semi-stationary vendors		Employees of semi-stationary vendors operating within the RoW	<p>☐ Financial assistance to replace their salaries during the transition period</p>	Identified in the census and included in the census, socio-economic studies, consultation process, and monitoring and evaluation for each RAP
Mobile vendors		Itinerant small-scale traders with no structures who operate within the RoW on a regular (e.g., rotational) basis	<ul style="list-style-type: none"> <li>• Support in moving to suitable nearby alternative locations during the period of works and allowed to operate at their former locations wherever possible</li> <li>• In the case of permanently affectation, support in moving to suitable nearby alternative locations</li> </ul>	Identified in the census and included in the census, socio-economic studies, consultation process, and monitoring and evaluation for each RAP

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Informal transporters	Loss of income through loss of access to current parking sites	Motor bike operators who park their vehicles within the RoW	<ul style="list-style-type: none"> <li>• Access to suitable nearby alternative locations to park during the construction phase and allowed to return to their original locations on completion of the works</li> <li>• Road designs to include safe parking areas for these eligible actors</li> </ul>	Identified in the census and included in the census, socio-economic studies, consultation process, and monitoring and evaluation for each RAP
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Types of loss	Level of Impacts	Entitled Persons	Compensation	Additional Notes
Intrinsic value (location convenience)	Access to income sources, connectivity to commercial/business/ industrial areas	PAPs living in the flood-prone areas	Provide security of land tenure. In-kind provision of alternative land or cash at an equivalent rate	Consultations and formal agreement with PAPs on the type of compensation (cash or in-kind) PAPs receiving cash will be provided with support and capacity building (e.g., financial literacy training) PAPs receiving in-kind land plots will receive capacity building training (e.g., in business administration and other self-help activities to enable them to stay)
	Temporary loss of income or access to income	Registered/licensed employees of business (in the markets/ slaughterhouses)	<ul style="list-style-type: none"> <li>• Cash compensation for the duration of the disruption to business/income generation based on net income</li> </ul> OR <ul style="list-style-type: none"> <li>• Disturbance allowance equal to 8% of profits for a period of six months</li> <li>• Provide alternative temporary business space; and</li> <li>• Give them top priority in the reallocation of business space in the new facilities</li> </ul>	

**6. LOSSES DUE TO CONSTRUCTION ACTIVITIES**

Loss of access to land, crops, structures etc.	Temporary or permanent disruption of access	Regular users of the places close to construction sites livelihoods activates due to improved infrastructure (homes, business, schools, hospitals, etc.)	<ul style="list-style-type: none"> <li>▪ Provision of alternate access</li> </ul>	Provision of access paths, wooden planks, etc., not exceeding 100 m, at identified locations, in consultation with the community
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Damage to houses and structures due to movement of machinery	Cracks in walls, collapse of walls, and unstable structures	Structure owners and users	<ul style="list-style-type: none"><li>▪ Cash payment for temporary accommodation of severely impacted dwelling structures at replacement cost</li></ul>	PAPs to report to Resettlement Grievance Management Committees (GRCs) to resolve any issues Costs shall be determined based on the required quantity of concrete for rebuilding the footpath
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## **7. VALUATION AND COMPENSATION METHODOLOGY**

### **7.1 Survey of Properties**

The Consultant has inspected the properties to be affected under this project and provided values for them. Objective of the valuation was to determine full replacement cost for compensation purposes.

Local Government Authorities informed local communities of the intended RAP activities and the possibility of relocating residents.

In carrying out field surveys, the Valuer was at all times accompanied by either the Village Executive Officer (VEO) and/or Village Chairperson, who identified the property owners, confirmed the boundaries shown by the owner and certified the field sheets of the count of properties. In brief, the following was done:

- Identification of assets affected by the project and their respective owners;
- Compilation of a detailed inventory of the types, sizes, and conditions of the land and assets of each affected household, business or entity and determination of the compensation to be paid to each household for affected land, assets, and loss of income sources;
- Assigning of a Reference Number to each identified individual;
- Taking of notes, measurements, and photographs of the identified properties (buildings) and owners of assets on a pre-prepared inspection sheet;
- Taking of measurements of the land and inspection of the buildings, with the help of the land surveying team;
- Ensuring that all entries on the inspection sheets are counter-checked and signed by the local leaders and property owners in the respective locations.

The results of the survey and valuation exercise were presented to TANROADS in the Valuation Report and provided the principal information sources on the number and locations of affected properties, number and categories of affected households, nature and magnitude of losses and displacement, land valuation methods used, assets and income loss and assessing compensation and the amount of compensation to be paid. The summary of the valuation results is presented in the Budget Chapter. The Valuation Reports, including the list of PAPs and amounts to be paid, comprise a separate report, but an Executive Summary may be found in Annex to this RAP.

### **7.2 Basis for Valuation**

#### **7.2.1 Land Acquisition and Compensation in Tanzania**

The full replacement cost method of valuation was used for all the losses to determine their replacement value. The description of compensation and other resettlement measures to assist each category of eligible persons is also given. The measures are compatible with the cultural preferences of the PAPs and have been determined to be culturally appropriate via consultation with the PAPs. The consultant has described the types and levels of compensation for each type of losses. The matrixes to be used by the RAP implementation team must be user friendly and provide clear and full answers to the following questions:

- Which type of compensation for a given loss?

- What rate for that specific compensation?

Based on the results of the census, the valuation of all expected losses, total and partial, permanent and temporary, was calculated, as well as their replacement cost. The Valuation Report will be available separately, on approval by the Chief Government Valuer, and will contain the details the separate report will be submitted

### **7.2.2 Land Tenure and Ownership in Tanzania**

Land tenure and ownership in Tanzania is governed by statutes such as the 1977 Constitution, National Land Act No. 4 of 1999, Village Land Act No. 5 of 1999, Land Acquisition Act 1967, and Land Ordinance, 1923 Cap. 113. Land in Tanzania is owned by the state (vested in the President as a trustee). For the purpose of management of land under the land Act No. 4 of 1999 and all other laws applicable to land, public land in Tanzania is either:

*General land:* described as consisting of all land, which is neither village land nor reserved land. All urban land falls under this category, except land, which is covered by laws constituting reserved land, or that which is considered hazard land. General land is governed by the Land Act and, hence, is under the control and jurisdiction of the Commissioner for Lands. This ministerial key person has delegated much of the powers to local government land officers. Property rights can be created over general land in terms of a granted Rights of Occupancy for a period of 33, 66 or 99 years confirmed by a Certificate of Title. Longstanding occupation of land except on government land is recognized as conferring property rights.

In the case of land acquisition, all occupiers of land, irrespective of whether they have a granted right of occupancy or not, are eligible for compensation. Granted rights of occupancy carry conditions, including land development and the payment of land rent. Failure to abide by these conditions can lead to loss of the right.

*Village land:* is defined as being the land falling under the jurisdiction and management of a registered village. As Tanzania consists of a vast countryside with only a few urban areas, most land in the country is village land. Village land is held under customary tenure and the government can issue customary certificates of tenure to individuals or communities where the village is surveyed and has a Certificate of Village Land. Customary tenure is akin to freehold.

*Reserved land:* is defined as land being reserved areas including environmental protection areas, such as national parks, forest reserves, wildlife reserves, and marine parks as well as areas intended and set aside for spatial planning and (future) infrastructure development.

The Commissioner for Lands can convert land from one category to the other. By far, the majority of land occupiers have no certificates of title, in part because land must be surveyed before it can be issued with a title. However, there is much “*de facto*” recognition of property rights for the majority of land occupiers.



### 7.2.3 Computation of Allowances

- **Disturbance Allowance**

Disturbance allowance is payable as a percentage of real property value in compliance to the provisions of *Land Act No.4 (1999)*. The percentage is the average commercial bank rates offered on fixed deposits. Data obtained from the various financial institutions in Tanzania shows that the average rate on fixed deposits is 4% per annum.

- **Transport Cost**

In accordance with Section 11 of *the Regulations of Land Act No.4 (1999)*, transport allowance is computed on the basis of obtaining average transport rates within the area. That is average cost of transporting 12 tons over a distance of 20km. Data available from Regional Works office (MOW) indicates an average of Tshs 200,000/= per ton.

- **Loss of Profit**

In accordance with Section 9 of *the 2001 Regulations of Land Act No.4 (1999)*, the net monthly profit obtained from a business associated with affected property is assessed (for high incomes), based on audited accounts where necessary and applicable, multiplied by 36 months in order to arrive at the loss of profit payable. This calculation also applies to businesses that are only temporarily affected during the project construction phase. However, for the purposes of this project, as no one managed to provide audited accounts, the Valuer has established a Social Market Survey (SMS) to compensate any loss of profit. The social market survey was based on a village economic profile, obtained by interviewing several business persons on their income per month and establishing an average rate for each month, to be multiplied by 36 so as to arrive at a loss of profit payable to all persons with project-affected businesses. It is important to note that no businesses are expected to be affected.

- **Loss of Accommodations**

Tanzanian Law requires an accommodation allowance equal to the amount payable for a similar property of the same value (as the value of the damaged property), to be paid to claimants to support them in paying rent for an alternative accommodation during the period of construction of an alternative accommodation. In accordance with Section 8 of *the 2001 Regulations of Land Act No.4 (1999)*, this accommodation allowance is to be calculated on the basis of the monthly rent of the acquired property over a 36-month period. For this RAP a total of 35 PAPs (household heads) will receive this allowance.

- **Partial Losses**

For cases of partial loss, the Consultant considered the extent of demolition of the affected properties/assets. Where affectation was partial, the inventory and valuation were done based on the entire asset.

#### **7.2.4 Livelihood Restoration and Rehabilitation Plan**

In the context of this RAP, TANROADS acknowledges the need to go beyond physical resettlement and cash compensation for losses and to support PAPs in restoring their livelihoods and improving their standards of living. This section presents the strategy, plan, and activities to be implemented under the project to restore and improve affected livelihoods and overall standards of living of Project Affected Persons (PAPs). The livelihood restoration and improvement measures detailed in this section are designed to meet both international good practice and WB ESF standards. The plan will include measures to ensure that the displaced persons are:

- i) Offered support after displacement for a transitional period, based on a reasonable estimate of the time needed to restore their livelihoods and standards of living; and
- ii) Provided with development assistance in addition to compensation measures (such as land preparation, credit facilities, and training or job opportunities).

The overall aim of this RAP is to ensure that there is a measurable improvement in the lives and livelihoods of all PAPs. Specific objectives of the project's Improved Livelihood Strategy are to:

- i) Provide sustainable livelihood packages for all PAPs as necessary to at least maintain or restore their current livelihoods; and
- ii) Provide support mechanisms for those receiving cash compensation to help them optimize opportunities, engender self-reliance, and foster socio-economic empowerment.

The options presented in this strategy have been developed based on information presented in the socio-economic baseline (Chapter 6), in combination with extensive engagement with affected communities and their leaders. These discussions have focused on the PAPs current livelihood activities and preferences with regard to livelihood restoration and improvement. Further engagement has been enabled in 11<sup>th</sup>-14<sup>th</sup> July, 2022 to the PAPs to make informed decisions on the livelihood options available to them and agreed on the work plan. Additionally, discussions are needed on how best to leverage their existing skills to either improve on their current livelihoods (where applicable) or engage in other livelihood opportunities. The livelihood strategy will also include capacity building and access to vocational training, in addition to cash compensation received by these households. In order to ensure that the PAPs' livelihoods are restored, the following non-land-based activities will be undertaken:

- i) Training of PAPs in income generation, entrepreneurship, and management skills;
- ii) On-the-job training during road construction to impart professional skills that PAPs may later apply in other contexts (e.g., masonry, carpentry, security, sales, record-keeping, etc.); and
- iii) Job opportunities with the Contractors in project works.

Special priority will be given in livelihood assistance to vulnerable PAPs.

Widows who lose their livelihoods will be given special consideration in the livelihood rehabilitation and restoration program.

#### **7.2.5 Non-Land-based Livelihood Restoration and Improvement**

The non-land based restoration program involves providing affected persons with wage and enterprise opportunities to sustain, replace or improve their livelihoods (e.g., occupational training, targeted credit, business development support, etc.). The main proposed non-land based restoration options offered are listed below.

#### **7.2.6 Cooperatives and Micro-Credit Schemes**

TANROADS, in collaboration with the Biharamulo and Ngara District Councils, will encourage affected persons to voluntarily join available micro-finance schemes, such as the VICOBA and SACCOS community cooperatives available in Biharamulo and Ngara Districts, to support and foster social cohesion through the re-establishment of community networks. It has proposed that co-operative membership not be limited to PAPs especially vulnerable PAPs (female-headed households, so that there can be increased integration with host communities and others who may be interested. Micro-credit schemes are important to livelihoods enhancement and help to support existing businesses and provide start-up funds for new SMEs. Access to such schemes is part of the project's Livelihood Restoration and Rehabilitation Plan, to enhance the PAPs' access to credit for existing or new livelihood activities.

Please ensure that Financial Literacy training is also conduct before PAP receive cash compensation.

#### **7.2.7 Technical and Vocational Skills Training**

The discussion with the Biharamulo and Ngara District Officials identified several NGOs that include Advocacy for Tanzania Sustainable Development, located in Bukoba and well a Vocational Training Center (VETA) located in Bukoba that TANROADS will link to the PAPs to help provide longer-term training in specific skills. Data collected in the socio-economic baseline survey , and focus group discussions suggested, in particular, the following skills areas:

- i) Catering;
- ii) Mechanics and maintenance;
- iii) Welding;
- iv) Construction (including for houses);
- v) Driving;
- vi) Hair dressing; and
- vii) Tailoring.

Once the RAP has been approved; TANROAD Kagera Region Office in collaboration with TANROADs Headquarters will procure these institutions to assist in the livelihood restoration.

The suitability of these skills will be ascertained by the RAP Implementation Team as part of the implementation program and an appropriate program of skills training developed. It is hoped that the enhancement of these skills will help to generate income at the

resettlement sites and contribute to economic development and growth in the broader area.

#### **7.2.8 Project-Related Employment**

Employment opportunities during the construction and operational phases of the project will be considered as part of the Project's Livelihood Restoration and Rehabilitation Plan. The project is committed to hiring locals where workers have the required skills. This means that various short-term positions are expected to be available during project construction. These positions will be short-term and will not provide a sustainable source of livelihood but are nonetheless significant economic opportunities. Opportunities for training to enhance employment opportunities will also be explored.

#### **7.2.9 Capacity Building and Training**

An integral component of the Livelihoods Restoration and Rehabilitation Plan is ongoing formal and informal skills training and mentoring through capacity building. In order to ensure that PAPs have acquired the necessary skills for their livelihood restoration, TANROADS will link PAPs to vocational training and NGOs available in Biharamulo and Ngara districts. The types of training (see Section 9.2.7) will depend on the areas of interest of each PAP and on what they believe will be most useful to their livelihoods. The cost of this training will be met by the project. The training will further to take into consideration the specific needs of different groups (men, women, youth, vulnerable groups, etc.). This package will capture the skills training already mentioned under other elements of which financial management is a key one. Key areas of focus will be: (1) agriculture (including the distribution of tools and improved seeds); (2) housing construction and related skills; (3) business, and commercial skills; and (3) basic financial literacy.

#### **7.2.10 Implementation**

The Livelihoods Restoration and Rehabilitation Plan will be implemented via a multi-partnership approach involving government institutions, NGOs, and private organizations/service providers who can deliver a wide range of livelihoods activities to the PAPs. All stakeholders involved in implementation, especially those delivering technical assistance, will ensure that the necessary health and quality standards of the project are met. The key stakeholders to be involved in RAP implementation are described in Section 13.

#### **7.3 Special Assistance to Vulnerable Persons**

Individual meetings will be held with each vulnerable person to determine the type of assistance they need for resettlement (e.g., specific legal assistance, special transport measures for persons with physical disabilities, assistance to identify and buy new house, assistance with enrolment of children in new schools as applicable, etc.). This assistance will be provided by the RAP Implementation Team through the engagement of Social Specialists and as necessary, in cooperation with Kagera Municipal Council officials (Community Development Department and the affected persons).

Assistance from TANROADS in collaboration with Biharamulo and Ngara District Councils to be provided to vulnerable PAPs under this project includes:

- 1) Elderly and persons with disabilities** (physical or mental):

- a) Compensation for losses at full replacement cost for the affected property for all losses (as provided above in Table 8-1);
- b) Provision of transportation the displaced PAPs to relocation sites;
- c) Ambulance services and any other required support for vulnerable PAPs to be considered during relocation; and
- d) Provision of adequate housing, access to services and facilities, and security of tenure.

*Widows.*

Widows who lose their livelihoods will be given special consideration in the livelihood rehabilitation and restoration program.

**2) Female-headed households:**

- a) Training in income generation/entrepreneurship and management skills
- b) Provision of job opportunities in the project;
- c) Occupational training, targeted credit, and business development support; and
- d) Help to access available microfinance schemes, such as Village Community Banks (VICOBA) and Savings and Credit Co-Operative Society (SACCOS) community cooperatives. Provision of adequate housing, access to services and facilities, and security of tenure.

## **8. STAKEHOLDER CONSULTATION**

### **8.1 Consultation and Community Participation**

Consultations for the preparation of this RAP were held via meetings and interviews with key stakeholders at the National, Regional, District, Ward and Village levels. The main objectives of these consultations were:

- 1) enable key stakeholders, learn about the project, its impacts, and the proposed mitigation measures to address them;
- 2) inform them on the proposed compensation and resettlement procedures and to gain their buy-in;
- 3) help them understand the laws, regulations and policies governing compensation in this project; and
- 4) prepare them for the census, socio-economic survey, and inventory of households and affected assets.

### **8.2 Objectives of Consultations**

The objectives of these consultations were:

- To ensure transparency in all RAP activities related to this project and its potential impacts;
- To share information on the proposed sub-project, its components, and its activities with all project affected persons;
- To obtain information on the needs and priorities of the PAPs, as well as on their reactions to and perceptions of the project, and to provide them with timely feedback on their concerns and any other issues relating to resettlement, compensation, land restriction, and other project impacts;
- To improve project design in order to minimize conflicts and implementation delays;
- To involve the public at large, together with their representative organizations, in project design and planning, and to consider improvements to subproject design based on their suggestions; and
- To identify and assess Gender-Based Violence/Sexual Abuse and Exploitation (GBV/SEA) risks in the project-affected communities, and the potential for subproject activities to exacerbate them.

### **8.3 Identification of PAPs for Consultation**

Preliminary site visits were conducted between August 14-21, 2018, February 3-14, 2019, and February 4, 2021, to gather adequate information on the impact area, identify the spatial boundaries and pre-identify all stakeholders who will be affected by the project. Other activities included the conducting of a socio-economic survey and valuation process of the properties. The following stakeholders were identified and consulted.

**a) Institutional stakeholders:** “Institutional stakeholders” were defined as government agencies with decision-making power over the proposed project. These are:

#### **(i) Ministries**

- President's Office Regional Administration and Local Government (PO-RALG); and
- Ministry of Lands, Housing and Human Settlement Development.

**(ii) Local Government**

- Biharamulo District Councils
- Ngara District Councils;
- Wards of Lusahunga, Nyakahura , Kasulo and Rusumo; and
- Village government official Of Lusahunga, Kikoma, Busiri, Ngararambe, Nyabugombe, Rwakaremela and Rusumo.

**(iii) Other Stakeholders**

- Tanzania National Roads Agency (TANROADS);
- Rural Water Supply and Sanitation Agency (RUWASA-Kagera Region);
- Tanzania Electricity Supplies Company (TANESCO-Kagera Region);
- Tanzania Forest Service (TFS -Kagera Region);
- Tanzania Telecommunications Company limited (TTC-Kagera Region); and
- Burigi-Chato National Park.

**b) Project Affected Persons**

"Individual stakeholders" are persons who own, live in or work in the immediate impact area who will experience the highest level of impact resulting from sub-project implementation. These include:

- Affected households in the project area;
- Kiosk owners;
- Affected institutions;
- Motorcyclists; and
- Individuals impacted by the project (PAPs), with special attention paid to the needs and interests of vulnerable persons.

**8.4 Public Consultations**

This Resettlement Action Plan (RAP) is based on a series of public consultation meetings held in August 2018, and consisting of twelve (12) individual meetings (see Table 4-2 below for details). The aim of these meetings was to inform key stakeholders and the general the public on the project, its anticipated impacts, both positive and negative, and how to mitigate those impacts. These consultations involved visiting and meeting with District Officials as well as visits to the project area and PAPs along the Lusahunga-Rusumo Road. Below is a table of all consultations conducted to date.

Consultations with affected households and other key stakeholders is furthermore an ongoing process that will continue throughout the entire period of RAP implementation.

**Table 8.1: Public Consultations Held to Date**

Date	Location	Persons Consulted	Number
14/8/2018	Biraharamulo District Council	Biraharamulo District Council Officials	15
18/8/2018	Ngara District Council	Ngara District Council Officials (see Annex 1 for names and titles)	7
15/8/2018	Lusahunga	Public Meeting	53
15/8/2018	Kikoma	Public Meeting	116
16/8/2018	Nyamalagala	Public Meeting	79
17/8/2018	Busili	Public Meeting	81
	Ngararambe	Public Meeting	129
	Nyamugombe	Public Meeting	128
	Nyantama	Public Meeting	24
	Chamakaza	Public Meeting	48
18/8/2018	Kasulo	Public Meeting	82
	Rwakalemera	Public Meeting	

Additional stakeholder consultation meetings were held as part of RAP preparation and updating on 11-14 July 2022:

Date	Place	Persons Consulted	Number
11/7/2022	Ngara District Council	Ngara District Council Officials	9
14/7/2022	Biharamulo District Council	Biharamulo District Council Officials (see annex for names and titles)	7
11/07/2022	Rusumo	Public Meeting	137
11/07/2022	Rwakalemera	Public Meeting	161
12/07/2022	Ngararambe	Public Meeting	90
13/07/2022	Lusahunga	Public Meeting	86
	Kikoma	Public Meeting	57
	Busiri	Public Meeting	52

## 8.5 Methodology

Multiple methods were used to inform and engage key stakeholders, including public/community meetings, questionnaires, focus group discussions and public consultation meetings. An initial series of meetings was held in March 2018, March 2021, June 2021, and October 2021 and a second round from 11 to 14 July, 2022.

## 8.6 Notification to Stakeholders

Stakeholders were notified of the meetings via letter, telephone, and physical visits, as well as of the key issues to be discussed, including compensation and entitlements, encroachment, vulnerability, and the formation of Grievance Redress Committees.

## 8.7 Official Meetings with Ward/Village Leaders

Ward/Village public meetings were conducted using a checklist. Village officials, including Chairperson, Village Executive Officer (VEO) and committee members, were invited and participated.



## 8.8 Meetings with District Officials

Consultations were held with Biharamulo and Ngara District Council officials, in the aim of informing these stakeholders them on the project, sharing with them the entitlement matrix, and introducing to them the Grievance Redress Mechanism (GRM). A checklist was followed during the meeting, followed by an open discussion.

## 8.9 Consultations with Other Relevant Stakeholders

Other key stakeholders consulted include the Tanzania National Roads Agency (TANROADS-Kagera Region), Rural Water Supply and Sanitation Agency (RUWASA-Kagera Region), Tanzania Electricity Supplies Company (TANESCO-Kagera Region), Tanzania Forest Service (TFS-Kagera Region), Tanzania Telecommunications Company limited (TTC-Kagera Region), Burigi National Park and relevant ministries, such as the Ministry of Lands, Housing and Human Settlements Development. The RAP Team visited these stakeholders and undertook an open discussion guided by a checklist. Especially along the animal corridor at Nyabugombe village, RUWASA, to the extent that they have water facilities in villages along the ROW as well as TANESCO and TTCL for fiber facilities.

The main outcomes of this public consultation process were as follows:

The stakeholders consulted raised concerns on a number of issues regarding the proposed subproject activities. These concerns varied among stakeholder categories (Ministerial and District officials, Wards/Village, PAPs, etc.), and included:

- Land acquisition for the Contractor's workers camp;
- Land and property compensation;
- Employment opportunities in the project;
- The subproject implementation timetable;
- Cost of relocation of utility services; and
- Space for relocation of utility services.

The views and concerns of the community and affected persons raised during the meetings are presented in Table 4-2 below. All of these issues are addressed in Chapter 9.

**Table 8.2: Views and Concerns of PAPs as Expressed in the Stakeholder Consultations**

S/N	Comment	Response
1	Compensation should be done in a timely manner after the valuation of a person's properties. All PAPs prefer cash to in-kind compensation.	Compensation will be paid as soon as possible to avoid inflation
2	2 persons will be displaced due to implementation of the project and many will lose properties, businesses, and residences. How will they be compensated?	They will be given cash compensation to cover their losses (houses, assets, livelihoods, businesses, etc.)
3	PAPs prefer cash compensation and also want to know if they will be allocated new land after displacement	There is no land demarcated for persons affected by the project, as all land will be compensated at full replacement cost to allow them to purchase new land elsewhere

*RAP for Rehabilitation of the Lusahunga- Rusumo Road*

4	As most of the houses in the project area were built years ago when the cost of construction was low, will the valuation process consider them in current prices?	The valuation process will be based on full replacement cost at current values
5	Will PAPs get fairness in the compensation process, as has been experienced in other places?	The valuation process will be fair, taking into account all expected losses and disturbances, and overseen by a compensation committee to ensure that fairness to PAPs is respected in the compensation process
06	PAPs should be given ample time after compensation to find suitable places where they can build other houses before the affected houses are demolished.	After compensation, PAPs will have three months to find suitable places, so as to avoid unnecessary disturbances  The project will provide timely compensation at full replacement cost and accommodation allowance covering 36 months, which is sufficient to enable PAPs to establish their new residences
7	The PAPs were happy with the project and suggested that the road to be constructed in time so as to reduce travel time between Lusahunga and Rusumo.	It is anticipated that the project will be implemented as planned
8	Some people feared that their houses would be partly demolished during implementation of the upgrading of Lusahunga-Rusumo Road subproject. In case this happens, how will such houses be compensated?	In this project, all affected houses will be demolished in full and cash compensation with full replacement cost given to their owners

## **9. GRIEVANCE REDRESS MECHANISM (GRM)**

### **9.1 Grievance Procedures**

This RAP will be made available to the public, the appeal structures at various levels, specifying the responsible parties and their response time. Before starting with the grievance sequence and where appropriate (i.e., in case of complaints of minor entity), aggrieved parties will take their complaints to the community or traditional meetings for dispute resolution. If need arises, the Grievance Committee will be contracted and involved to hear complaints and attempt to affect a resolution before they enter the legal and administrative appeals hierarchy. TANROADS will hire a Lead Social Specialist, who will be responsible for managing the project GRM.

In normal circumstances, grievances are dealt with either statutory through courts and tribunals, or administratively using government or traditional institutions. Using the courts in determining grievances related to compensation and resettlement is not the best option as it is tedious, costly and lengthy. The simple and affordable procedures in place to lodge complaints or claims are as elaborated below. The Local Grievance Handling Committee will handle the disputes and grievances in the first place. In summary those seeking redress will have to notify local government and ward offices. If this fails, disputes can be referred to district level. Resolution of disputes should be speedy, just and fair and local NGOs that are conversant with these issues could be engaged by the project. TANROADS will ensure that project affected persons and other interested parties are able to submit complaints without any cost. The GRM will ensure that women and other members of vulnerable groups are able to access the GRM in a safe and inclusive manner.

First stop, the Mtaa Grievance Redress Committee (MGRC), has one week to resolve the dispute. If a given dispute is not resolved in one week it will go to the District Grievance Redress Committee (DGRC), which has two weeks to resolve the dispute. Unresolved disputes can be referred to appropriate level of land courts established by law. If local courts are unable to resolve the disputes application can be made to the High Court of Appeal of Tanzania, this is the highest appellate judge in the system and its decision will be final.

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

- Inventory mistakes made during census survey as well as inadequate valuation of properties;
- Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- Disagreements on plot /asset valuation (e.g. inadequate compensation);
- Seizure of assets without compensation;
- Divorces, successor and the family issues resulting into ownership dispute or dispute share between in heirs or family;
- Disputed ownership of given Assets (two or more affected individual(s) claim on the same);

- Where affected individual(s) opt for a resettlement based option, disagreement on the resettlement package (unsuitable location of the resettlement site); and
- Problems related to the time and manner of compensation payment.
- Vulnerabilities of women where legal systems and social norms preclude women from holding titles.

## 9.2 GRM Principles

PAPs must have full access to information on the resettlement process and their compensation options through their participation in resettlement planning and decision-making;

- Specific provisions for consultation and grievance redress procedures related to land, compensation and resettlement are provided and will be customized to the needs of specific Resettlement Action Plans as necessary;
- Special support and assistance to vulnerable persons in registering and following up on their claims will be provide; and
- Grievance Redress Committee (GRC) members and their roles at the Ward/Village and District levels must be clearly defined and the right of complainants to take their case to the courts if not satisfied with the resolutions proposed by the project GRM is clear.

The GRM Levels are presented in the table below.

**Table: GRM Levels**

Levels		Responsible Persons/Department	Role
<b>Level 3</b>	Higher-level recourse for unresolved disputes	Court of law	In the case that the DGRC's decision fails to resolve the case to the claimant's satisfaction, the PAP can seek redress in a court of law.
<b>Level 2</b>	District Grievance Redress Committee (DGRC)	<p>The District Grievance Redress Committee (DGRC) for land and compensation issues will be composed of the following members:</p> <ol style="list-style-type: none"> <li>1. District Commissioner (Chairperson)</li> <li>2. TANROADS Regional Manager/coordinator (Secretariat)</li> <li>3. District Land Officer</li> <li>4. District Legal Officer</li> <li>5. District</li> <li>6. District Community Development Officer/Sociologist</li> <li>7. NGO representative</li> </ol>	The committee will be responsible for receiving and register the grievances, hearing process, resolve and settle the grievances that cannot be resolved at the Ward level.
<b>Levels</b>		<b>Responsible Persons/Department</b>	<b>Role</b>

		8. Mtaa/Village Executive Officer from the area where the project is located 9. Representative of PAPs	
<b>Level 1</b>	Ward level grievance committee	This GRM committee at ward level for land and compensation issues will consist of: 1. Ward or Village Executive Officer (VEO) (Chairperson); 2. Ward Community Development Officer; 3. Community-level Representative who is neither interested in nor affected by the project; 4. Street/Village level Representative of PAPs; 5. Ward-level Representative/Ward Community Development Officer; 6. Mtaa/Village Executive Officers and Chairperson; and 7. NGO representative.	The committee will be responsible for receiving and register the grievances related to compensation, land and resettlement issues, hearing process, resolve and settle the grievances.

## D. Procedures

### (a) Access to the GRM

The Resettlement Grievance Redress Mechanism (R-GRM), in accordance with the Compensation and Resettlement Guidelines (2009) and the principles of the TANTIP SEP, will be presented to all affected persons and other key local stakeholders during public consultations with District Officials. PAPs who feel dissatisfied with their compensation package, resettlement process or other related issues may register their concerns, which will be handled according to the steps outlined in the following Table.

Step	Reporting Officer/ Committee	Officer/ Committee Members	Time Frame	Grievance Redressed	Grievance Not Redressed
<b>Step 1</b>	Compensation-related complaints should be submitted to Ward Executive Officer (WEO/VEO) within one (1) month following compensation	Ward-level Grievance Committee	14 days	If the case is resolved and the claimant, a report will be prepared and signed by the claimant, with a copy given to them	If the grievance is not resolved, go to step 2
	Other complaints regarding the construction phase can be submitted to the				

	Office on an ongoing basis				
<b>Step 2</b>	If the claimant is not satisfied with the Step 1 decision, the case will be forwarded to the land DGRC	District-level Grievance Committee	14 days	If the case is resolved and the claimant satisfied with the decision, a report will be prepared by the respective LGA and signed by the claimant, with a copy given to them and another submitted to the local community	If the grievance is not resolved, go to step 3
<b>Step 3</b>	<p>If grievances are not resolved by the District GRC, then the claimant may then choose to take the case to a court of law.</p> <p>In the case that claimant is not satisfied with the court decision, the have the option of taking the case to the Court of Appeal.</p>				

### **Record-keeping**

A simple database is often useful to manage and monitor grievances. Good practice is to log all grievances, even recurrent ones or grievances that will eventually be dismissed as unreasonable. Regardless of the actual establishment of such a database, typically documentation on grievances keeps track of the following:

- Nature of complaint;
- The name and contact details of the complainant, if appropriate;
- The date that the complaint was logged;
- Location where the complaint is related to;
- The name of the technical staff charged with addressing the complaint, if appropriate;
- Any follow up actions taken;
- The proposed resolution of the complaint;
- How and when relevant project decisions were communicated to complainant; and
- Whether longer-term management actions have been taken to avoid the recurrence of similar grievances in the future, if applicable.

#### **10.2.1 Steps of the Grievance Redress Process**

The Grievance Redress Mechanism (GRM), in accordance with the Compensation and Resettlement Guidelines (2009) and the principles of the TanTIP SEP, will be presented to all affected persons and other key local stakeholders during public consultations with District Officials. PAPs who feel dissatisfied with their compensation package, resettlement process or other related issues may register their concerns, which will be handled according to the following steps:

- Submission by the claimant to the Ward Executive Officer (WEO) within one (1) month after compensation and, in the case that the issues is not resolved, to the District Grievance Redress Committee (DGRC);
- Review of the matter by the DGRC and proposition of a solution within a pre-stated period (e.g., 14 days);
- In the case that the DGRC's decision fails to resolve the case to the claimant's satisfaction, option of resorting to a court of law; and

- In the case that claimant is not satisfied with the court decision, option of taking the case to the Court of Appeal.

Table 10-2 below provides details of the procedure to be followed for grievance redress in the TanTIP.

**Table 9.2 Grievance Redress Process**

Step	Reporting Officer/ Committee	Officer/ Committee Members	Time Frame	Grievance Redressed	Grievance Not Redressed
1	Compensation-related complaints should be submitted to Ward Executive Officer (WEO/VEO) within one (1) month following compensation  Other complaints regarding the construction phase can be submitted to the Office on an ongoing basis	Ward-level Grievance Committee	14 days	If the case is resolved and the claimant, a report will be prepared and signed by the claimant, with a copy given to them	If the grievance is not resolved, go to step 2
2	If the claimant is not satisfied with the Step 1 decision, the case will be forwarded to the land DGRC	District-level Grievance Committee	14 days	If the case is resolved and the claimant satisfied with the decision, a report will be prepared by the respective LGA and signed by the claimant, with a copy given to them and another submitted to the local community	If the grievance is not resolved, go to step 3
3	The claimant may then choose to take the case to a court of law				

Grievances related to compensation are likely to arise from the following:

- 1) Errors in the identification of affected properties and persons within the right- of-way;
- 2) Disputes over property ownership (e.g., inheritance and divorce);
- 3) Disputes over land and asset valuation;
- 4) Disagreements on other compensation allowances; and
- 5) Issues relating to the time and manner of compensation.

The District Grievance Redress Committee (DGRC) will be composed of the following members:

- 1) District Commissioner (Chairperson);
- 2) TANROADS Regional Manager/coordinator (Secretariat);
- 3) District Land Officer;
- 4) District Legal Officer;
- 5) District Valuer;
- 6) District Community Development Officer/Sociologist;
- 7) NGO representative;
- 8) Mtaa/Village Executive Officer the project area; and
- 9) Representative of Project Affected Persons (PAPs).

The Ward Grievance Redress Committee will be comprised of the following members:

- 1) Ward or Village Executive Officer (VEO) (Chairperson);
- 2) Ward Community Development Officer;
- 3) Community-level Representative who is neither interested in nor affected by the subproject;
- 4) Street/Village level Representative of PAPs;
- 5) Ward-level Representative/Ward Community Development Officer;
- 6) Mtaa/Village Executive Officers and Chairperson; and
- 7) NGO representative.

A GRM Specialist will be named as part of the Project Team and hired within 6 months of project Effectiveness, to work under the Chief Social Specialist (who will be hired by Effectiveness). All PAPs will be informed on the processes and modalities for lodging complaints and of their right to do so without incurring any additional costs and at minimal inconvenience, as well as of the channels for lodging complaints anonymously and safely; especially in the case of women and project workers.



## **10. INSTITUTIONAL FRAMEWORK**

### **10.1 Agencies Involved in RAP Implementation**

Several institutions will be involved in the development and implementation of the RAP at different levels, as described below.

#### **Tanzania National Roads Agency (TANROADS)**

As soon as the RAP is cleared and finalized, TANROADS will formally disclose it in the country and among the affected people. For this purpose, TANROADS will organize sessions for the subproject affected persons and community at large. The sessions will be chaired by the RAP Specialist from TANROADS and attended by both Municipal and District Council and Ward and Village Government representatives.

#### **Ministry of Finance (via TANROADS)**

The Ministry of Finance, through TANROADS, will disburse the compensation funds to the TANROADS Regional Office to pay the PAPs and public institutions eligible for compensation. After compensation, the communities will be given at least 60 days' notice period to demolition to salvage the remains of their properties. The Ministry of Finance will also provide an accommodation allowance covering 36 months, which is sufficient to enable the PAPs to establish their new residences.

#### **Ministry of Lands, Housing, Human Settlements and Urban Development**

The Ministry of Housing and Human Settlement Development is responsible for policy, regulation, and coordination of matters pertaining to land in Tanzania and administers the various land acts (i.e., the Land Acquisition Act, Land Act, and Village Land Act). The Ministry is responsible for land use planning, including the planning of roads and airports within respective regions areas.

#### **Chief Government Valuer**

The Land (Assessment of the Value of Land for Compensation) Regulations, 2001 (Regulation 6) require that every assessment of the value of land and any unexhausted improvements must be verified and endorsed by the Chief Government Valuer or the Representative.

#### **Local Government Authorities (LGAs)**

Local Government (i.e., Biharamulo and Ngara Districts) are responsible, among other things, for: Community Development (community mobilization, communication, and awareness raising); Land Tribunals (at the District and Ward levels) for handling and resolving land-related disputes and grievances, and providing multi-sectorial technical support to affected communities. Therefore, the Local Government Authority (Regions, district and ward level), under the TanTIP will have various roles and responsibilities in the implementation of this RAP (see summary in Table 7-1).

#### **Ward and Village Authorities**

The local Government system in Tanzania is based on the Decentralization Policy and is enshrined in the Local Government (District Authorities) Act No.7, 1982, the Local

Government (Urban Authorities) Act No. 8, 1982, and the Regional Administration Act (1997). Local Government at the Village and Ward levels will be the main focal points of RAP implementation activities, including the identification of PAPs, as they are the authorities most familiar with them and their losses. The leaders of these authorities are the representatives of the local government at their respective levels. Any complaints from PAPs will be presented to the Village Offices and discussed by the Village Grievance Redress Committees (VGRMs). If not resolved, the VGRC will forward the complaint to the Ward Grievance Redress Committee for further action.

**Table 10.1: Institutional Roles and Responsibilities for RAP Implementation**

S/No	Element	Activity	Responsible Organization
1	Description of Project and Land-take-related Impacts	General Description of the Project and Identification of the Project Area	TANROADS and LGA
		Potential Impact, identification	TANROADS and LGA
2	Project Objectives	Main Objectives of Resettlement	TANROADS and LGA
		Specific Objectives	TANROADS and LGA
3	Socio-Economic Studies/Census	Household Size/Numbers	TANROADS and LGA
		Affected Assets	TANROADS and LGA
		Impact	TANROADS and LGA
4	Legal/Institutional Framework	Land Legislation	TANROADS and LGA
		Environmental Legislation	TANROADS and LGA
5	Eligibility and Entitlements	Proven Ownership (title)	TANROADS and LGA
		Recognized Ownership	TANROADS and LGA
		Recognized Occupation	TANROADS and LGA
6	Compensation Assessment	Involvement of Affected Persons	VC, WEO and TANROADS
		Identification and Valuation of Affected Assets	TANROADS and LGA/hired Consultant
		Approval Procedures	TANROADS and LGAs
7	Resettlement Plan	Land Acquisition	TANROADS and LGAs
		Drawing up the Plan	TANROADS and LGAs
		Approval of Plan	TANROADS and WB
8	Grievances Procedures	Formation of Committees(GRC)	TANROADS and LGAs
		Hearing of Objections	GRC
		Appeal Measures	LGAs and Court of Appeal
9	Organizational Responsibilities	Funds Disbursement Plan	TANROADS and MoFP
		Coordination	TANROADS
10	Costs and Budgets	Project Cost Estimates and Approval Procedures	TANROADS, LGAs, MoFP, MoWT and Chief Government Valuer
		Project Supervision	TANROADS
11	Monitoring and Evaluation	Progress Report	TANROADS AND LGAs
		Project Audit	Internal and External Consultants

## 10.2 Inter-Agency Coordination

The RAP activities and process require coordination among various institutions. The Ministry of Works will oversee that Government Policies and regulations related to road development are in place. TANROADS, as a project owner, has the responsibility to coordinate project activities, including monitoring and evaluation of project implementation. The agency will hire a local NGO to assist in raising public awareness on Resettlement and facilitate local community participation in RAP implementation on its behalf. TANROADS must monitor the NGO's activities, however, and liaise with other Government institutions at different levels during project implementation, including local the Ministry of Lands, Housing and Urban Development and Ward and Village Governments.

Three (3) sub-committees shall be formed to support RAP implementation. These are:

- Resettlement Committee
- Compensation Committee
- Grievances Redress Committee

The Committees' composition and responsibilities are outlined in Table 4 below.

**Table 10.2: Committees and Responsibilities for RAP Implementation**

Institution	Responsibilities	Institutional Representatives
Resettlement/ Compensation Committee	1) Coordinate management of compensation process; 2) Ensure compensation is consistent with RAP guidelines.	TANROADS Regional Manager/ Coordinator (Chair) TANROADS Sociologist(s)/District Officer/Ward Community Development Officer Representative of PAPs Representatives of Local NGOs (WEO/VEO)
Ward Grievance Redress Committee	1) Address entitlement issues and other disputes and concerns among PAPs and other stakeholders 2) Advise PAPs and other stakeholders on redress mechanisms which cannot be resolved 3) Refer unresolved disputes to District Grievance Redress Committee (DGRC)	1) WEO/VEO (Chair) 2) Representative of PAPs 3) Representative of local NGOs 4) Ward Community Development Officer Representative of local community who is neither interested in or affected by project (Member)
District Grievance Redress Committee	1) Address entitlement issues and other concerns of PAPs and other key local stakeholders 2) Advise PAPs and other stakeholders on grievance redress mechanisms 3) Refer unresolved disputes to Court 4) Liaise with the Resettlement Committee and other authorities	District Commissioner (Chair) TANROADS Regional Manager/ Coordinator (Secretary) District Land Officer District Lawyer District Representative of PAPs Representatives of local NGOs (WEO/VEO)

One of the Resettlement Committee's main tasks is to assist PAPs without bank accounts in opening them. The process consists in inviting various local banks to meet with PAPs (potential customers) and explain their services. Each PAP will then select a bank of their choice to join. This exercise has been

successfully used in past projects. The operational timeframe for these committees is described in Chapter 6, Section 6.5, on the Grievance Redress Mechanism (GRM).

## 11. MONITORING AND EVALUATION

### 11.1 Objectives

RAP implementation is one of the central components of this project its monitoring is critical to solve challenges or obstacles in the areas of mobilization, compensation, relocation, etc.

The monitoring and evaluation procedures will include external and internal evaluation of the compliance of the actual implementation with objectives and methods as agreed, and monitoring of specific situations. A RAP Completion Audit will also be conducted within 6 months of project close.

### 11.2 Internal Monitoring

TANROADS and the NGO will be responsible for internal monitoring with the Consultants providing technical assistance to RAP implementation. Monitoring will include verification of:

- Land/acquisition, property valuation, and economic rehabilitation;
- Information dissemination;
- Status of land acquisition and land compensation payments;
- Value of entitlements received (i.e., that they are equal to the original land and/or assets acquired);
- Use of entitlements;
- Compensation payment for affected structures and other assets;
- Relocation of PAPs (where applicable);
- Compensation for loss of income;
- Implementation of livelihood rehabilitation measures;
- Effective operation of Grievance Redress Committee (GRC); and
- That funds for implementing land acquisition and economic rehabilitation activities are available in a timely manner, sufficient for the purpose, and spent according to the Plan.

The Consultants shall be responsible for overall project-level monitoring and submit monthly reports documenting the RAP implementation progress. TANROADS shall be responsible for monitoring day-to-day resettlement activities. A performance data sheet shall be developed for monitoring at the field level.

The indicators listed in the table below will be used to monitor and evaluate the implementation of resettlement and compensation.

**Table 11.1: Indicators for Monitoring and Evaluation of RAP Implementation**

	Issue/ Impact	Indicator	Completed	Issues/ Constraints Encountered
	Physical loss of utilities, buildings, land, plots, crops	<ul style="list-style-type: none"> <li>- Number of PAPs compensated</li> <li>- Number of Bank Accounts opened</li> <li>- Number of Buildings demolished</li> </ul>	Not started	n/a

		<ul style="list-style-type: none"> <li>- Number of community properties relocated</li> <li>- Number of trees cleared</li> <li>- Number of PAPs able to successfully reestablish pre-displacement activities, land, and crops</li> </ul>		
	Grievances	<ul style="list-style-type: none"> <li>- Number of grievances received</li> <li>- Number of grievance resolved</li> </ul>	Not started	n/a
	Consultation	<ul style="list-style-type: none"> <li>- Number of consultations held</li> </ul>	Completed	None

**Note:** Every indicator will be broken down into men and women, as well as the total.

### **11.3 External Monitoring**

External monitoring shall be engaged by TANROADS to carry out independent bi-annual review of RAP implementation and project evaluation. External monitoring and evaluation may be done by an independent researcher, consulting agency, university department or NGO. External monitoring should focus on the following:

- Verify whether the objectives of enhancing or at least restoring the income levels and living standards of PAPs have been met;
- Review internal monitoring procedures and reporting to ascertain whether these are being undertaken in compliance with the RAP;
- Review internal monitoring records as a basis for identifying any areas of non-compliance, recurrent problems or potentially disadvantaged groups or households;
- Review grievance records for evidence of significant non-compliance or recurrent poor performance in resettlement implementation;
- Assess overall compliance with the RAP requirements;
- Suggest modifications in land acquisition and economic rehabilitation where necessary to achieve objectives;
- Assess if all resettlement and land acquisition has been completed;
- Verify internal monitoring;
- Conduct demographic baseline and bi-annual household survey to monitor progress from pre-project/pre-settlement benchmarks;
- Evaluate delivery and impacts of entitlements to determine outcomes as per RAP;
- Evaluate consultation and grievance procedures (especially public awareness of grievance procedures, access of PAPs to information and rapid conflict resolution);
- Evaluate actual operation of grievance committees in assisting PAPs and acting as observers; and
- Determine success of RAP implementation.

### **11.5 EVALUATION OF RAP IMPLEMENTATION**

The following are the objectives of the evaluation:

- Assessment of implementation compliance with the objectives and methods set forth in this RAP;
- Assessment of RAP implementation compliance with applicable laws, regulations, and ESF Standards;
- Assessment of consultation procedures at the individual, community, and Central and Local Government levels;
- Assessment of fairness, adequacy, and promptness of compensation as implemented;
- Evaluation of the impact of the compensation on incomes and living standards;
- Identification of actions to improve positive project impacts and mitigate negative impacts.

Suggested RAP performance/evaluation indicators include:

- Nature and level of complaints received and resolved;
- Completion of payment within 2 months of estimated completion date, as indicated in this RAP;
- Completion of demolition of any structures and/or crops/trees in the project area within 3 months of notice to demolish;
- Revival of affected businesses/farming activities within 4 months of compensation payment;
- Performance of the RAP implementation as against plan and reasons for any discrepancies; and
- Submission of monitoring reports at frequency indicated in RAP.

### **11.6 RAP COMPLETION AUDIT**

The RAP Completion Audit will be carried out by an independent third party once all RAP outputs, including development initiatives, have been completed. Its key objectives are:

- To assess whether the outcome of RAP implementation complies with Tanzanian Law and ESS5;
- To determine whether efforts to restore living standards of affected persons have been properly conceived and executed; and
- To verify that all physical inputs committed to in this RAP have been delivered and all services provided.

The RAP Completion Audit will measure the socio-economic status of affected persons, including any host communities, against the baseline pre-displacement conditions (as per the census and socio-economic surveys) and situation during RAP implementation, in order to establish whether any persons have been left worse-off by the project.

No more than six (6) months after the end of compensation or before delivery of the project Implementation Completion Report (ICR) by the Bank, whichever comes first, a RAP Implementation Completion Report must be prepared, containing the results RAP Completion Audit. This RAP ICR should include (but not be limited to):

- The background for RAP preparation (including a description of project activities, scope of impacts, number of affected persons, and estimate budget);

- An update of RAP implementation, with actual numbers of displaced persons by segments, compensation paid, issues/complaints raised and solutions provided;
- Resettlement assistance provided and rehabilitation measures taken (where applicable);
- Early assessment of the impacts of resettlement and compensation on affected persons by category;
- Total sum disbursed (including a comparison with the RAP budget and explanation of any divergence); and
- Lessons learned from RAP implementation.

Suggested annexes include:

- List of persons affected as per the RAP;
- List of persons compensated during implementation; and
- Maps of the roads indicating the segments/sections concerned.

### **11.6 Reporting Requirements**

The suggested reporting requirements are as follows:

- The Consultants responsible for RAP supervision and implementation shall prepare monthly and quarterly progress reports on RAP implementation progress to TANROADS;
- TANROADS shall also monitor RAP implementation and submit quarterly reports to the World Bank and Ministry of Works; and
- TANROADS shall prepare the RAP Implementation Completion Report.

The external monitoring agency should submit bi-annual reports directly to TANROADS, including a determination of whether RAP goals have been achieved and livelihoods restored and suitable recommendations for improvement.



## **12. IMPLEMENTATION SCHEDULE**

### **12.1 Introduction**

Implementation of this RAP consists of multiple activities. Efficient implementation of these activities will require certain measures to be taken prior to startup of implementation (e.g., the setting up of relevant committees at the district level and the hiring of an NGO or consultant). Project civil works may not start until all eligible PAPs have been fully compensated by the government through TANROADS. Acquisition of land and assets may only take place after compensation has been paid and other assistance required for relocation prior to displacement provided. The timeframe of 12 months for implementation ensures that no PAP or affected household will be displaced due to civil works activities before compensation is duly paid them and all necessary approvals have been obtained.

The key RAP implementation activities (also shown in Table 11 below) are:

- Second round of consultation and Information to PAPs;
- Asset Inventory and Census of PAPs;
- Socio-economic Baseline Survey;
- Finalization and Approval of RAP;
- Approval of compensation schedule;
- Signing of the Valuation Roll by District Commissioner;
- Update of RAP Compensation Database and Entitlements for PAPs;
- Verification of valuation Roll and entitlement by PAPs;
- RAP disclosure and circulation;
- PAPs opening of Bank Account;
- Grievance Redress Mechanisms set at Mtaa and District Levels (Grievances Redress Process);
- Compensation payment to PAPs made through Bank;
- Provision of notice period for relocation of property (public meetings);
- Land acquisition notices;
- Possession of site and Commencement of Civil Works;
- Monitoring and evaluation.

*RAP for Rehabilitation of the Lusahunga- Rusumo Road*

	Task/Activity						Timeline in Month(s)						
		M 1	M2	M 3	M 4	M 5	M 6	M 7	M 8	M 9	M 10	M 11	M 12
1	Stakeholder Consultation and PAP consultation and Sensitization												
2	Census of PAPs												
3	Land Acquisition Notices												
4	Asset inventory and valuation of affected property												
5	Preparation and Approval of RAP												
6	Approval of Compensation Schedules												
7	Second round of consultations and information dissemination												
8	Verification of Valuation Roll and Entitlements By PAP												
9	RAP Disclosure and circulation												
10	PAPs opening of Bank Account												
11	Update of RAP Compensation Database												
12	Grievance Redress Mechanisms set at Mtaa and District Levels (Grievance Redress Process)												
13	Compensation payment to PAPs made through Bank												
14	Provision of notice period for relocation of property (Public mee tings)												
15	Possession of Site and Commencement of Civil works												
16	Monitoring and evaluation												
	Key												

### **13. BUDGET**

The budget for implementing this RAP (presented in Table 10 below) is based on the number of PAPs presented in the Final Valuer's Report of April, 2018 and updated in 2019 (this RAP was prepared using the updated valuation of November 2021). The source of funds for resettlement and RAP implementation will be the Government of Tanzania to be delivered through TANROADS. TANROADS, through the Government of Tanzania, will be responsible for effecting compensation to all PAPs.

**Table 13.1: Resettlement Budget**

<b>Component</b>		<b>Estimated Cost (Tzs)</b>
<b>237 PAPs</b>	Compensation for Structures	<b>423,418,134.56/=</b>
	Trees and Crops	<b>204,112,973.45/=</b>
<b>Other Costs</b>		
Expenses for Three committees (sitting and transport allowances)		<b>6,000,000.00/=</b>
Livelihood Rehabilitation and Restoration Plan		<b>50,000,000.00</b>
Administrative Costs		<b>200,000,000.00</b>
<b>Grand Total</b>		<b>843,531,108.01/=</b>

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## Appendix 1. Questionnaire for Census

### TANTIP PROJECT RESETTLEMENT ACTION PLAN (RAP)

#### HOUSE HOLD QUESTIONNAIRE

Name of Enumerator.....Date..... Questionnaire No.....

1. Name of HHH.....

2. Gender of HHH.....

3. Age of HHH.....

4. Vulnerability of HHH.....

Code: Vulnerability: 1. Old 2. Sick 3. No education 4. Disabled 5. Widow 6. Orphan 7. Others.... Specify

#### 5. Other Household members' census information (Use the codes below to fill in)

No	Name	Sex	Age	Relation to HHH	Occupation	Education	Marital status	Vulnerable

#### Codes

Sex: 1=Male; 2= Female Age: Number of years

Relationship to Head: 1=Head; 2=Spouse; 3=Child; 4= Grandchild; 5= Parents, 6= Brother; 7=Sister; 8 = In-law; 9= Friend(s); 10= Other relative; 11= Other (specify).....

Type of Occupation/work: 1= Agricultural self-employed, 2 = Agricultural paid labour, 3=Manson, 4=Fisher, 5 = Salaried, 6= Commerce, 7=Petty trading, 8= Casual labourer, 9= Student 10. Other...Specify

Education level: 1=None; 2= Primary; 3= Secondary; 4= Collage; 5= Technical/ Vocation; 6 = Attending primary school; 7= Drop-out Primary school; 8= attending secondary school; 9= Drop-out Secondary school; 10= University

Marital status:1= Married; 2=Widowed; 3=Divorced; 4=Single; 5= Separated; 6= Cohabitation

Vulnerability : 1. Old 2. Sick 3. No education 4. Disabled 5. Widow 6. Orphan 7. Others....

6. Do you have a grazing land to be affected by the proposed project? 1=Yes 2=NO

7. Do you have agriculture land to be affected by the proposed project? If yes mention the size of land in acres.....

8. What livestock do you own? (*Use the codes below*)

Assets	Do you own?	Number of livestock	Purpose for keeping
Cattle			
Goats/ Sheep			
Poultry			
Other (specify).....			

**Codes**

**Do you own?** 1= yes 2=no

**Purpose for keeping:** 1=Mainly for food, 2=Mainly for cash, 3=Equally for cash and food, 4=For asset accumulation / prestige, etc. 5=For all use cash, food and asset accumulation / prestige, etc. 6= drawn animals

9. Availability, quality and distance to services

ID	Service	Availability 1= Yes 2= No	Status 1= Good, 2= Moderate; 3 = Bad	Distance (M)
1	Drinking water			
2	Shops			
3	Market			
4	Primary school			
5	Secondary school			
6	Health services			
7	Bus stop			

10. The preferred site to relocate

**Code** 1. In the same area 2. Outside the village / area 3. Outside the district 4. Other specify

11. Preferred mode of compensation

**Codes** 1. In kind compensation 2. Cash compensation

12. Are there cultural properties in your farms/ plots? 1. Yes 2. No

13. If yes which among these:

**Codes** 1. Grave (s) 2. Shrine (s) 3. Both 4. Cultural sites 5. Others

14. If graves how many.....

15. Do you have a bank Account? Yes..... No.... If yes which among these? 1. NMB 2. NBC 3. CRDB 4. OTHERS

16. Are there any renters in your house..... If Yes How many....

