RP257

THE UNITED REPUBLIC OF TANZANIA

TASAF II RESETTLEMENT POLICY FRAMEWORK

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July 2004

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LIST OF ACRONYMS

AIDS	-	Acquired Immune Deficiency Syndrome
ALAT	-	Association of Local Authorities in Tanzania
CBOs	-	Community Based Organizations
CDD	-	Community Driven Development
CDI	-	Community Development Initiatives
CMOs	-	Community Management Organizations
DC	-	District Commissioner
DED	-	District Executive Director
DL&HT	-	District Land and Housing Tribunal
DLO	-	District Land Officer
DPLUMT	-	DistrictParticipatory Land Use Management Team
DSC	-	District Steering Committee
DTP	-	District Town Planner
DV	-	District Valuer
EA	-	Environmental Assessment
ECD	-	Early Childhood Development
HBS	-	Household Budget Survey
HCLD	-	High Court Land Division
HIV	-	Human Immunodeficiency Virus
LAT	-	Land Tenure Act
LGAs	-	Local Government Authorities
MAFS	-	Ministry of Agriculture and Food Security
MANEC	-	Ministry of Agriculture, Natural Resource, Environment and Cooperative
MDGs	-	Millennium Development Goals
MLHS	-	Ministry of Lands and Human Settlement
MP	-	Member of Parliament
MT	-	Management Team
MWCEL	-	Ministry of Water, Construction, Energy and Land
NGOs	-	Non Government Organizations
NSC	-	National Steering Committee
OAs	-	Operational Areas
OD	-	Operational Directive
O-PRA	-	Open-ended Participatory Rural Appraisal
OP	-	Operational Policy
PADEP	-	Participatory Agriculture Development and Empowerment Program
PAPs	-	Project Affected Persons
PEDP	-	Primary Education Development Plan
PIAs	-	Project Implementing Agencies
PO- RALG	-	President's Office, Regional Administration and Local Government
PLUM	-	Participatory Land Use Management
PRS	-	Poverty Reduction Strategy
PWP	-	Public Works Program
RAP	-	Resettlement Action Plan

RO	-	Right of Occupancy
RPF	-	Resettlement Policy Frame
RWSS	-	Rural Water Supply and Sanitation
SC	-	Steering Committee
SSP	-	Social Support Program
TASAF	-	Tanzania Social Action Fund
TMU	-	TASAF Management Unit
VC	-	Village Council
VLC	-	Village Land Council
VLUMT	-	Village Land Use Management Team
WB	-	World Bank
WT	-	Ward Tribunal
WEO	-	Ward Executive Officer

ACKNOWLEDGEMENT

Preparation of this Resettlement Policy Framework is the result of contributions made by many people, working for a variety of projects and institutions from the grassroot to national levels who were consulted. Acknowledgement is given to all who contributed and made it possible to come up with the framework as presented in this document. The numerous staff of different Ministries who have been the source of experiences. The involved staff from different projects and institutions; and in particular the following who were fully involved in composing/writing the contents of the herein referred framework; Julius Shilungushela, Principal Hydrologist of National Land Use Planning Commission; Felician Komu, Board Member, International Valuation Standards Committee (Representative of Developing Countries), Registered/Licensed Valuer, Lecturer, UCLAS; Omari Malilo Programme Officer, Tanzania Social Action Fund and Makame J. Pandu a Legal/Land Officer for the Department of Lands and Registration Zanzibar.

Special thanks to TASAF Management Unit for the hard and tiredness job they did since the beginning till the end. Likewise, Violet Moshi the secretary from TASAF deserves credit for typing and putting the framework in the agreed manner, without her tireless efforts the framework could finish behind the schedule.

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DEFINITIONS

1. "An Environmental Impact Assessment (EIA)": An Environmental Assessment instrument to identify and assess major potential environmental impact of proposed sub projects, evaluate alternatives and design appropriate mitigation, management and monitoring measures

2. "District Council" means 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

3. "General land" means all public land which is not reserved land or village land and includes unoccupied or unused village land

4. "Hamlet" means a part or a division of a village and includes a part of a division of a township situated in an area under the jurisdiction of a District Council

5. "Local Government Authorities" means a district authority or an urban authority

6. "Market Value" means 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.

7. "Public land" means all land in Tanzania whether granted, customary or occupied

8. "Reserved Land" 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.

9. "Resettlement Policy Framework" is the instrument of the Government of Tanzania prepared in compliance with the World Bank Safeguard Policy whose purpose is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to sub project to be prepared during project implementation (see OP 4.12, paras. 26-28). Sub project resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see OP 4.12, para 29)

10. "Reproduction cost" means the cost of an area plus cost of land, labour and materials to replicate improvements

11. "School" means the meaning assigned to it by section 2(1) of the Education Act.

12. Township authority" means a township authority established under section 13 of the Local Government (District Authorities) Act No. 7 of 1982

13. "Township" means the area of jurisdiction of a township authority

14. "Urban Authorities" means a City Council, a Municipal Council or a Town Council

15. "Village Assembly" means a village assembly established under section No. 24 of the Local Government (District Authorities) Act No. 7 of 1982

16. "Village Council" means 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

17. "Village" means a village registered established under section 22 of the Local Government (District Authorities) Act. No. 7, 1982

18. "Village Land" means 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.

19. "Village Land Council" means the village land council established under section 60 of the Village Land Act. No. 5 of 1999.

EXECUTIVE SUMMARY

The Government of Tanzania established the Tanzania Social Action Fund (TASAF) in year 2000 through credit financing from the World Bank and from its own sources. The main purpose of the fund is to support poverty stricken communities on the principle of community demand-driven initiatives, with TASAF investment fund being managed by the communities themselves.

The implementation of TASAF I has confirmed that community strategies are viable for poverty alleviation in accelerating sustainable economic growth and human development. Social service delivery infrastructure have facilitated access to health, water and education services, of which, by 31st December 2003, over 1,300 poor communities involving an estimated population of about 1.6 million people have been supported and about 1,348 different types of social service delivery infrastructure (sub projects) completed. Evident implementation challenges from TASAF I which need to be addressed include: inadequate technical capacity and management skills in some districts on project planning, implementation and monitoring of progress in all aspects at community and district levels; insufficient community participation in some of operational areas due to other survival preoccupation activities negatively impacting implementation of sub projects; operationalisation of sector norms and standards in most of the districts and more incorporation of NGOs and CBOs. However, TASAF I is coming to an end, these challenges will have to be addressed in TASAF II.

TASAF II will be a project for empowering communities through decentralization. TASAF II will comprise of the National Village Fund and Mfuko wa Kijiji/Shehia/Mtaa. The National Village Fund will finance sub-projects identified by communities and implemented by CMOs elected by beneficiaries. Potential beneficiaries will be the short of service, need of safety nets, food security, vulnerable groups; and savers. A list of selected Millenium Development Goals (MDGs) indicator targets will provide the framework for determining eligibility of community sub projects for funding. The supported sub projects under this project are small in size and constructed in areas set aside for public use. Furthermore, this project supports small community sub projects that are identified, designed, implemented, commissioned and operated through a well defined participatory process, thus no extensive involuntary settlement is foreseen. However, in the event of exemptions, a resettlement framework and plan is necessary

Principles and resettlement measures which will be applied in all TASAF funded activities will be in accordance to this Resettlement Policy Framework (RPF) which is in compliance with World Bank Operational Policy 4.12 (Revised April 2004) and laws of the United Republic of Tanzania and the Government of Zanzibar. Sub projects to be undertaken may cover, but not limited to supporting activities in education sector; water supply and sanitation; health sector; economic infrastructure and environmental management. Assessment of sub-project's potential impacts on access to assets and livelihood and identification of affected groups/individuals shall be undertaken in a participatory manner by

fully involving all stakeholders with special emphasis on the affected communities especially the most vulnerable.

Prior to implementation of sub-projects in TASAF II, valuation of affected assets shall be undertaken using various methods including the Investment; Direct Comparison; and Residual and Replacement Cost methods. In assessing compensation, land acquired shall be compensated in a manner provided for in the United Republic of Tanzania Land Act No. 4. of 1999 and Government of Zanzibar Land Tenure Act. No. 12 of 1992 and other relevant Laws. Thorough consultations with affected groups/individuals shall be undertaken through public participation, notification, documentation of holdings and assets, agreements on compensation, preparation of contracts and compensation payments. Various procedures meant to be effective and relative to the level of resettlement shall be adhered to basing on the nature of resettlement. Responsible institutions will be engaged according to their respective responsibilities. Grievances resulting from resettlement and compensation shall be resolved using relevant Laws. Land related grievances shall be resolved using land laws and heirs related grievances shall be resolved using the Administration of Estates Ordinance Cap 375 and GN 463 of 1963.

Resettlement and compensation shall be the responsibility of the beneficiaries. Resettlement activities shall include: communication between TASAF and the district forming a district resettlement team; conducting of socio-economic study; identifying and resulting impacts on assets and livelihood; identifying affected groups/individuals; conducting a valuation exercise; preparing resettlement costs and submitting to appropriate authorities in the Government for funding; and compensating the concerned and feedback to TASAF.

Evaluation and monitoring shall be the fundamental components of the Resettlement Action Plan, which will be part of the pre-sub project cycle, sub project cycle and the post sub project cycle activities. The document for the Resettlement Action Plan when completed shall be widely disclosed. Disclosure approaches to be applied shall include: distributing as many copies as possible to different institutions and community levels for comments and suggestions; distributing to individuals and representative persons including Members of Parliament (MPs), House of Representatives, District Commissioners (DCs); Councilors, Shehas, e.t.c; conducting meeting and workshops and through inter-net for internal and external disclosure.

CHAPTER 1

1.0 BACKGROUND

The Government of the United Republic of Tanzania initiated the Tanzania Social Action Fund (TASAF) through a credit from the World Bank. The project became effective in November 2000 and will end in December 2004. The overall objective of this project was to contribute towards poverty alleviation through facilitating improvement in the delivery of socio-economic services and providing cash income so as to improve the living conditions of poor communities in targeted areas.

TASAF has been supporting implementation of community prioritized needs in 42 operational areas i.e. 40 districts in Tanzania Mainland and in Unguja and Pemba in Tanzania Zanzibar. TASAF has two main components: Community Development Initiatives (CDI) and Public Works Program (PWP); whereby for CDI more than 1600 different types of socio-economic infrastructures have been created responding to needs of over 5,378,854 men and women. In the PWP Component over 95,000 beneficiaries have gained temporary employment earning TShs. 3.3 billion. Following this successful implementation, the Government and IDA have agreed to prepare and implement a successor operation to be named TASAF II. TASAF II seeks to scale up its operations to cover the whole country and widen its response to community demands in the context of the Poverty Reduction Strategy (PRS).

1.2 Lessons Learned from TASAF I

TASAF project has been supporting communities to improve and create infrastructure based on their priorities while observing norms and standards of respective sectors. Infrastructure sub projects which are supported include; primary and secondary school classrooms and latrines, teachers' residential houses, dispensary OPD buildings, Clinical Officers and Nurses' residential houses and access roads in rural and peri-urban areas. Other sub projects are; construction and/or rehabilitation of foot paths and bridges, gullies dams, drainage systems, small earth dams, rainwater harvesting structure boreholes and shallow wells, smallholder irrigation schemes, market places, grain storage facilities and environmental protection/rehabilitation.

Infrastructure projects normally cause loss of land or loss of access to other resources, particularly in the case of new physical works or changes in the configuration of existing infrastructure, therefore lack of appropriate resettlement and compensation guidelines may lead to a cumulative displacement and resettlement over the lifespan of the project. The supported sub projects under this project are small in size and constructed in areas set aside for public use. Furthermore, this project supports small community sub projects that are identified, designed, implemented, commissioned and operated through a well defined participatory process, thus no extensive involuntary settlement is foreseen. However, in the event of exemptions, a resettlement framework and plan is necessary.

1.3 Program Development Objective

Wide spread poverty particularly in rural and peri-urban areas remains the challenge of development in Tanzania. The development objective of TASAF II is to empower poor communities to manage interventions that contribute to the sustainable achievement of specific MDG targets within the Tanzania Poverty Reduction Strategy.

1.4 Description of TASAF II

The program will support activities aimed at achieving the following:

i) ***Closing service gaps***. In poor and remote communities without access to health, education and water and sanitation services, the program will make available resources for these communities to improve access to social service (with a stipulated minimum community contribution)

ii) ***Strengthening safety nets.*** In those communities with severe and often seasonal food insecurity, the project will support public works projects that not only transfer cash using a self-targeting wage, but will also support the improved use of the resulting asset so that it can contribute to increased incomes for poor households in that community.

iii) ***Supporting the vulnerable.*** In a number of communities with high level of orphans, the disabled, the aged, the chronically ill, and others living in poor households, the program will make resources available for such foster households to work with NGOs and CBOs in implementing activities that can lead to increased incomes that benefit the vulnerable within the households.

iv) ***Fostering a saving culture.*** Many households who will participate in TASAF II funded activities will receive extra capacity building assistance so that they can mobilize their own savings as insurance against falling back into extreme poverty in the event of future shocks (such as weather, illness, etc.)

v) ***Enhancing capacities for transparency.*** There will be resources set aside to assist the improved workings of central government and District Councils in support of community efforts to get out of poverty.

The main approach in all TASAF interventions is through participatory processes centered on community sub project cycle.
The main thrust is to create a Village/Shehia Development Fund that flexibly responds to broad community demands for services and improved incomes

1.5 Categories of Beneficiaries

Potential beneficiaries will be the poor who (i) have inadequate access to services in education, health. Water, etc., (ii) have been made vulnerable by HIV/AIDS, old age, and

others identified in the PRS, (iii) are able-bodied but cannot find work to earn incomes, and (iv) have the potential to pool savings and later make investments. The first three classes of beneficiaries will get assistance to cope with shocks, but it is envisaged that such individuals will be poorly prepared to prevent and mitigate future shocks until they have joined the fourth category of beneficiaries.

Beneficiaries will be self-selecting and constitute a 'need-defined community' for purposes of TASAF funding. A list of selected MDG indicator targets will provide the framework for determining the eligibility of community subprojects for funding. Chapter 3 provides the list of types of interventions.

1.7 Project Location

The project is demand driven and national in coverage with interventions targeted on the basis of poverty assessment criteria. TASAF II will be a project to empower communities through decentralization. The Project through the National Village Fund will finance sub-projects identified by communities and implemented by CMOs elected by Village Assemblies under the supervision of a Village Council. Its locus will be at the Village/Shehia/Mtaa level i.e. the Lowest Local Government organ where Mtaa in the urban areas is synonymous with Village or Shehia. The Village/Shehia/Mtaa will be facilitated to establish a village fund. The name of the fund will be known as ''Mfuko wa Kijiji/Shehia/Mtaa''. The Village Government (made up of Village Council and Village Assembly) will delegate the management of subproject budgets to an elected CMO, with some supervision costs being retained by the Local Government Authority, the Village Council in the Mainland. In Zanzibar supervision cost will be retained by Shehia Advisory Council and designated offices in Pemba and Unguja, respectively.

1.8 Institutional Capacity

The project design and operational framework provides sufficient institutional arrangement to effect sufficient safeguard in line with existing country legislation and procedures and in compliance with the World Bank Resettlement Policy (OP 4.12) as revised in April 2004. Chapter 6 provides details of legal and institutional background.

1.9 Baseline information on Program Targets

Based on the Household Budget Survey (HBS) conducted in 2000/2001, poverty is still rampant in Tanzania. HBS revealed that 18.7 percent of the Tanzania population lives below food poverty line and 35.7 percent below the basic needs poverty line that is below US $ 1 per day. It also reveals the big disparity between urban and rural poverty, for both food and basic needs poverty lines. Poverty remains overwhelmingly rural where 87 percent of the people live. The HBS 2000/2001 also reveals the growing inequality as measured by a rise in the Gini co-efficient from 0.34 in 1991/1992 to 0.35 in 2000/2001.

In TASAF I communities identified, prepared and implemented sub projects in infrastructures development using designated community land, applying the CDD sub project cycle. Involuntary resettlement not rarely occurred and destruction of productive assets e.g. crops, etc. was insignificant. Similarly in TASAF II beneficiaries are expected to identify sub projects that will not cause appreciable involuntary resettlement, and

where resettlement is necessary, as much as possible any resettlement cost will be considered as part of communities' and beneficiaries' contribution to the total sub-projects costs. In the event of involuntary resettlement becoming necessary compliance with World Bank's Safeguard Policy, OP 4.12 and the laws of Tanzania will be complied with. Potential project impacts on assets and livelihood are describes in Chapter 4

CHAPTER 2

2.0 PRINCIPLES, OBJECTIVES AND PROCESS GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

2.1 Principles

Implementation of TASAF-II project may result in acquisition of land, loss of access and property which might cause involuntary resettlement. The World Bank Safeguard policy OP 4.12 (Revised April 2004), in most cases, is not triggered because people are being affected by physical displacement. It is triggered because the project activity causes land acquisition, whereby a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on the land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred. TASAF will only fund community sub projects whose resettlement obligations are fully addressed by the communities/beneficiaries.

2.2 Objectives

Therefore, the objectives of this policy are the following;

(i) Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.

(ii) Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits. Displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(iii) Displaced (economically or physically) and compensated persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

(See section on affected people and criteria for eligibility)

2.3 Process of Resettlement

2.3.1 Identification Stage

During the identification stage communities/beneficiaries will use forms RPF O1, 02 and 03 (Appendix I) to determine whether or not the proposed sub project will entail acquisition of land, required area and availability. They will then propose a sub project location and available alternatives and will be advise by the LGAs/Islands facilitators whether or not the resettlement policy will be triggered. At this stage communities may decide to drop the sub project on that basis. If they choose to continue with the sub project, then they will be advised and assisted to prepare a resettlement plan. Preparation of resettlement plan will entail undertaking socio-economic assessment to determine the impact of displacement, resettlement action plan and a valuation report of land assets and landed properties of the site.

The purpose of the socio-economic study is to collect baseline data within the project targeted areas thereby enabling the social assessment of potentially affected populations/communities. Under this study a comprehensive census would be carried out to identify potential affected individuals, households and vulnerable groups (children, the elderly, female headed households widow, widower, etc). The socio-economic assessment would focus on identification of stakeholders (demographic data), the participation process, identification of affected people, impact on their property, their production systems, the institutional analysis and the system for monitoring and evaluation. Detailed calculation of household economies and identification of all impact will be necessary in the socio-economic assessment and be determinant in the potential compensation process.

The resettlement action plan will include:

- Description of the sub project
- Potential impacts
- Sub project objectives
- Relevant findings of the socio-economic study
- Legal framework
- Institutional framework
- Eligibility
- Valuation of and compensation of losses
- Resettlement measures
- Site selection, site preparation and relocation
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Costs and budget
- Monitoring and evaluation

The Village Council/Shehia Advisory Council will then forward the resettlement action plan to LGA/Island MT for screening and appraisal.

2.3.2 Sub-project Screening and Appraisal

The Management Team (MT) will screen the proposed sub-project that it receives from the Village Council/Shehia Advisory Council. The screening process would take the form of:

1) General sub project sub sector classification and agro-ecological zone

2) Classifying the sub project by activities

3) Identifying and assessing potential impacts for the proposed sub project determining whether land is acquired and whether displacement or loss of access and/or property may occur.

4) Examining whether or not the involuntary resettlement policy will be triggered

5) Examining whether the RAP is adequate and feasible

6) Reviewing the environmental and social impacts assessment

Furthermore, the MT should consider the cumulative factor and not approve sub projects that have individual high impact intensity. For example, whether land acquisition is required to such an extent that it would require more than 20% of a community's or individual(s) household's total land under cultivation or when the mitigation measures are so cumbersome that their efficacy cannot be ensured or they cost more than 20% of the investment budget, district authorities should in general reject such proposal.

Upon completion of screening the MT will advise the beneficiaries/communities the outcome of the screening based on the option which may include acceptance or resubmission or rejection of the RAP. Communities/beneficiaries will then proceed accordingly.

2.3.3 Implementation of RAP

The implementation of Resettlement Action Plan start with:

a) Acquisition of land

Land Acquisition in Tanzania Mainland is governed by Land Act No. 4 of 1999, the Village Land Act No. 5 of 1999 while assessment for compensation is as per Act. No. 47 of 1967 and in Zanzibar Land Tenure Act. No. 12 of 1992 is applicable.

Furthermore, the Village Land Act provides that the Village Council, the organ upon which the President has delegated powers to manage village land is obliged to ensure that the village prepare an appropriate village land use plan for sustainable development, to enter into agreement with neighbouring villages, to ensure that joint Village Land use plans are prepared for areas which are used jointly. Preparation of such plans among other things includes setting aside areas for community uses including areas for schools, dispensaries, water catchments, water supply utilities, market places, burial areas, offices etc. Therefore, the Land Acts, especially the Village land Act No. 5 provides a basis for ensuring that resettlement is avoided completely or a few people as possible are resettled in the implementation of sub projects. Adherence to the Village Land Act. No. 5 will facilitate minimization or avoidance of resettlement problems, costs and grievances.

Also, the Land Acts provide procedure of resolving land conflicts. The Land Disputes Courts Act No. 2 of 2002 and the land Tribunal Act, 1994 provide the respective courts and their functions. This Resettlement Policy Framework underscores that 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. Beneficiaries will therefore be bounded by these Acts.

b) Compensation Assessment

Act No. 47 as it is commonly known provided for compulsory acquisition of land for public purposes as well as how compensation should be assessed to compensate those whose interest on land has been acquired. This is the current Act used nowadays in Tanzania and is the 'mother Act' when it comes to land acquisition. However, the proviso on assessment are elaborated by the new Land Act, Part II . Section 3(1) paragraph "g" of the Land Act No.4 of 1999 provides:

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

According to the new Land Act, assessment of compensation on land acquired shall be based on the following:

(i) Market value [1]of the real property
(ii) Disturbance allowance;
(iii) Transport allowance
(iv) Loss of profit or accommodation;
(v) Cost of acquiring or getting the subject land;

[1] Act No. 47 also provides that compensation shall be assessed on the market value basis. This concept is however contradicted in the method of assessment as provided by the Act. The new Act apparently redresses the situation.

(vi) Any other cost loss or capital expenditure incurred to the development of the subject land,
(vii) Interest at market rate will be charged,

c). Valuation Procedures

The guiding principles in assessing compensation value are those found in the Valuation Handbook[2] –These are:

(1) The Principle of Equivalence. Under this principle "The claimant should neither be better off, nor worse off as a result of the acquisition.

(2) The claimant should not suffer financially, at the same time; he should not gain a benefit or suffer a loss due to compensation.

(3) Compensation may be either in monetary or by issuance of some other equivalent parcel of land.

(4) Compensation should be fair and adequate.

(5) Additional considerations should be taken into account in assessing compensation. These include:

- **Severance**
  This is a division of land that results in a reduction of the land's area, usefulness; and profitability.

- **Injurious Affection**
  This refers to the loss in the value to the part retained, which is brought about by or will be brought about by the proposed development on the acquired part of the land.

- **Betterment**
  The is the reverse of injurious affection. It refers to the appreciation (increase) of the value of the land retained (not acquired) brought about by the proposed development on the acquired part of the land.

- **Disturbance**
  This is loss to the claimant that is not directly related to the market value of land.

d) Effecting Compensation

The Village Council will ensure that compensation is effected in line with the Law and World Bank Safeguard Policy in Involuntary Resettlement is sighted in Chapter 6 and Appendix III. The District Land Office will oversee the process. Similarly, the provision of Land Tenure Act. No. 12 of 1992 of Zanzibar will be applied accordingly.

[2] Valuation Division in the Ministry of Lands re-edited by Ahene, R. & S. Mundeme (1986).

e) Actual Resettlement of Affected Individual(s)/Group(s)

Chapter 5 provides details of groups, categories, criteria and assistance required

CHAPTER 3

3.0 NATURE OF SUB PROJECTS

3.1 Overview

The nature of sub-projects that qualify for funding will be those aiming at improving and/or closing service gaps in the socio-economic services that benefit communities. They will include projects that supporting activities in education sector; water supply and sanitation; health sector; economic infrastructure and environmental management and generally addressing the following schemes:
- Short of service,
- Need of safety nets,
- Food security,
- Vulnerable groups; and
- Savers

3.2 Sub-Projects

Sub-projects eligible for funding will be, but not limited to the following:

3.2.1 Education Sector

(i) Rehabilitation and expansion of primary and secondary school;
(ii) Equipping primary and secondary school with essentials;
(iii) Construction and rehabilitation of nursery and pre-school;
(iv) Rehabilitation, expansion and construction of community resource centres at Village/Shehia or Ward level; and
(v) Literacy drives
(vi) Manufacturing/supplying of furniture and equipment.

Financing the rehabilitation and construction of new educational facilitates such as classrooms, toilets, water points, etc to improve the learning environment will contribute positively to MDGs 2 and 3.

3.2.2 Water Supply and Sanitation

(i) Construction and rehabilitation of:
- Spring capping;
- Hand-dug wells with hand pump;
- Shallow wells with hand pump;
- Rain water harvesting facilities;
- Boreholes;
- Charco dams;
- Community small scale sewerage schemes

(ii) Public toilet facilities

(iii) Storm water drainage facilities

Financing the construction, rehabilitation and maintenance of systems such as piped water schemes, boreholes, wells, public toilet facilities etc, the water and sanitation service package will contribute to MDG 7

3.2.3 Health Sector

(i) Construction, rehabilitation or expansion and equipping of Primary Health Care facilities including improvement of health posts, village dispensaries and health centre;

(ii) Prevention-oriented activities for malaria and other water borne diseases through improvement of sanitation;

(iii) Sponsored activities related to ECD to increase the nutritional levels of poor communities through facilitating the establishment of small self sustaining day care centre for children.

Supporting communities in the construction and rehabilitation of health facilities such as dispensaries health centres, children care centres, etc will contribute to MDGs 4, 5, and 6.

3.2.4 Economic Infrastructure

(i) Construction and rehabilitation of:-

- Smallholder irrigation schemes;
- Community grain storage facilities;
- Small market places;
- Access roads;
- Foot and short span bridges;

Financing construction and rehabilitation of these facilities will facilitate making a contribution to meeting MDG1

3.2.5 Environment Management

Afforestation

- Establishing nurseries
- Three planning
- Rehabilitation of degraded lands

Financing environment rehabilitation activities will facilitate making a contribution to meeting MDG 7.

3.2.6 Construction of required infrastructures for savings schemes.

- Savers groups' houses
- Strong rooms

CHAPTER 4

4.0 POTENTIAL PROJECT IMPACTS ON ASSETS AND LIVELIHOOD

4.1 Overview

Impacts of the sub projects will vary in nature and degree depending on the situation at hand of the social, economic, administrative and environmental equilibrium. For example, if the project area is in a village with an appropriate land use plan which has been prepared and is implemented and reviewed by the villagers themselves according to the Village land Act No. 5 of 1999 through the Guidelines for Participatory Village Land Use Management, the resulting impacts of a sub project will be minimal as the area for the project will be already well determined in the plan, set aside and known to all stakeholders (including the villagers).

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

4.2 Generic Project Impacts on Assets and Livelihood

Assets to be impacted by the development positively or negatively may include human settlements (homesteads), infrastructure (i.e. pathways, roads, water supply network etc.) land, natural resources (vegetation cover, wildlife, soils, rocks etc) Livelihoods to be impact will mainly be on crop production areas livestock reering areas, settlement areas, firewood collecting areas, recreation areas etc. In summary, the general impacts on assets and livelihood that will result from the project to be undertaken are as follows:-

4.2.1 Positive Impacts

(i) Increased/improved welfare of the communities

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

(ii) Poverty Reduction

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

(iii) Appropriate Environmental Management

The project package also includes activities intended for appropriate environmental management. Projects such as construction of latrines and storm water drainage facilities have a significant positive impact on the environment. Also, projects to assist the villagers to rehabilitate degraded vegetal cover have very positive significance in managing the environment especially in the aspect of maintaining the hydrological cycle in its natural limits. The hydrological cycle is the natural control of the basic natural unifying resource of the environment i.e. water.

(iv) Improved Education Standards

Project undertaking in the education sector will improve learning of pupils, resulting into improved results enabling more pupils to continue with higher education. In the long-term these project have very positive results in national development endeavour.

(v) Improved Health

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

4.2.2. Negative Impacts

(i) Loss of natural resources

As a result of the project undertakings, in some instances, it shall be inevitable to remove vegetal cover. However, such actions shall be taken with utmost caution to ensure that as minimum as possible vegetation cover is removed. After completion of the construction that had necessitated the removal, environmental scenery rehabilitation shall be undertaken. The loss of vegetation cover will have appreciable negative impacts on the communities which initially depended on it.

(ii) Loss of habitual land uses

In some instances the projects will cause losses of habitual land uses especially in areas which do not yet have land use plans, in which land is used haphazardly. Notable losses include loss of cultivation land, firewood collecting areas, livestock grazing areas, recreation etc. However, even in villages with well prepared land use plans with area for various related sub-projects set aside. Normally, when the intended use is not yet in place, the area will always be put to some habitual land use although not the formal ones. Therefore, what ever the situation, the loss of habitual land uses will always be there.

4.3 Specific Impacts on Assets and Livelihood

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

- Loss of cultivating land
- Loss of shelter (houses)
- Loss habitual land uses
- Improved roads
- Improved water supply facilities
- Improved health services
- Improved education facilities
- Improved education performance in schools etc.

However, the notable negative impact might be overcome by ensuring that prior to the implementation of the respective sub-projects, the villages/shehia prepare appropriate land uses plans, which among other things will aim at setting aside areas for the intended sub-projects. The land use plans shall be prepared, implemented and revised by the villagers/stakeholders themselves as specified in the Village Land Act. No. 5 of 1999, in accordance to the PLUM guidelines.

CHAPTER 5

5.0 AFFECTED GROUPS/INDIVIDUALS

5.1 Identification of Affected Groups/ Individuals

Affected person(s) (group(s)/individual(s))are those who lose assets or are denied access to legally designated social economic services as a result of TASAF funded sub-project activities, whatever the extent of lose, lost assets may be land structures, crops and graves. These may include individuals, households, and vulnerable persons/groups. Special attention will be paid to these groups by identifying their needs from the socio-economic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.

5.2 Categories of Affected People

In line with the World Bank Safeguard policy on involuntary resettlement O.P. 4.12 the following will be categories of affected group(s) individual(s)

(i) Those who have formal legal rights (including customary and traditional rights recognized under the laws of Republic of Tanzania and Government of Zanzibar.

(ii) Those who do not have formal legal rights to land at the time of conducting census, but have a claim to such land or assets provided that such claims are recognized under the laws of Republic of Tanzania/Government of Zanzibar or become recognized through a process identified in the Village Government Act.

(iii) Those who have no recognized legal rights or claims to land they are occupying.

Those covered under i) and ii) above will be provided compensation for the land they lose, and other assistance in accordance with the policy. Persons covered under iii) above will be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by sub project sponsors in close consultation with the potential Project Affected Persons (PAPs) and the respective TASAF and local officials and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement

assistance. All persons included in i),ii) or iii) above are to be provided with compensation for loss of assets other than land.

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

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the sub-project beneficiaries have identified the land sites they would need and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut –off survey can estimate investment which should be compensated for in lieu of expenses (including labor) incurred until the cut – off date.

The establishment of a cut-off date is required to prevent opportunistic invasions /rush migration into the chosen land thereby posing a major risk to the sub-project. Therefore, establishment of a cut-off date is of critical importance. After the evaluation of the assets of the affected groups the Resettlement Task Team, the Village Council/Shehia Advisory Council will declare the cut off date which shall be the date during which the affected groups have been dully informed of their dues and the same information made public in a meeting attended at least 70% of the beneficiaries of the proposed sub project. The cut off date will also be displayed in public notice boards in the village/shehia offices.

5.3 Eligibility Criteria of Affected Groups/Individual

According to the World Bank safeguarding policies, eligible individual(s) are those who are directly affected socially and economically through TASAF funded sub-projects caused by:

(a) The involuntary taking of land and other assets resulting in
   - (i) Relocation or loss of shelter
   - (ii) Loss of assets or access to assets
   - (iii) Loss of income sources or means of livelihood whether or not the affected persons must move to another location

(b) The involuntary denied to access legally designated social economic services, such as parks and protections areas in adverse impacts on livelihood of the displaced individuals

5.4 Assistance to Affected Groups/ Individual

Assistance to affected individual(s) may include the following:

(i) Identification of effected individual(s) and identification of the cause and impacts of their loses, through direct interviews by Participatory Land Use Management.

(ii) Identification of required assistance at the various stages of the process, negotiation, compensation and moving

(iii) Implementation of the measures necessary to assist the affected individual(s)

(iv) Monitoring and continuation of assistance after resettlement and or compensation, if required

Depending on affected individuals, assistance may take the following forms:

(i) Compensation payment procedure (e.g. going to the bank with the person to cash the compensation cheque).

(ii) Providing transport assistance

(iii) Building providing materials, labour force or building house

(iv) Counseling services to compensatees before and after compensation

Other situations

(i) Where a proposed sub project partially affects a group/individual in such a way that the remaining piece of his land is so little as to be of no further use to the group/individual, compensation law permits the acquiring authority to acquire the severed land.

(ii) In the course of implementing if a sub project damaged assets will be valued and compensated for.

CHAPTER 6

6.0 LEGAL AND INSTITUTIONAL BACKGROUND

6.1 Overview

The Ministry of Lands and Human Settlement is responsible for policy, regulation and coordinate matters pertaining to land in Tanzania Mainland while in Zanzibar this responsibility is under the Ministry of Water, Construction, Energy and Lands. The Village Land Act which kept village land under central and administration of Village Council and the land Act where the Ministry of Land and Human Settlement afford control and management.

With the Land Act No. 4/1999, the Land Commissioner is the in-charge of holding and managing all Government Land and the Minister shall be responsible for policy formulation and ensuring the execution of the function concerned with the implementation of the National Land Policy.

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

Other Land related laws in Zanzibar include the Land Survey Act, 1989. The Land transfer Act, 1994. The land Tribunal Act 1994, Land Adjudication Act 1989 and the town and country planning Decre, Gap. 85 of the laws of Zanzibar.

The Ministry of State Local Government in Zanzibar plays vital role in controlling land development in areas where Municipal Council of Zanzibar can not exercise its powers. The functions are executed through land allocating committee in District level. The Municipal Council established under the Zanzibar Municipal Act. 1994 is responsible among other things to acquire and deal with the land, control of roads, naming and numbering of streets, to control public open spaces, power to undertake sewerage and drainage, public health and markets.

Applicable laws with relevance to Land Tenure compensation and resettlement are the following: (See also Appendix V)

- The Constitution of Zanzibar, 1984.
- The Land Tenure Act, 1992.
- The Land Survey Act, 1989.
- The Land Tribunal Act, 1994
- The Land Transfer Act, 1994
- The Registered Land Act,

- The Zanzibar Economic Zones Authority Act, 1992
- The Stone Town Conservation and Development Authority Act 1994
- The Land Adjudication Act. 1989

6.2 The Land Act of the Government of the United Republic of Tanzania

The Land Legislation of the Government of the United Republic of Tanzania includes the Land Act No. 4 of 1999 and the Village Land Act of 1999. The former is the principle land legislation on all land matters and the latter specially deals with village land. Land Acts continue to signify that land in Tanzania is public land and remain vested in the President as trustee for and on behalf of all citizens of Tanzania. Furthermore, the Act specify that an interest in land has a value and that value is taken into consideration in any transaction affecting that interest; the recognized land ownership is the granted right of occupancy and customary ownership; and that to pay full, fair and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State and the Acts or is acquired under the Land Acquisition Act No. 47 of 1967.

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

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

6.3 The Land Act of the Government of Zanzibar

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

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

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

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

6.4 World Bank Safeguard Policy on Involuntary Resettlement

The World Bank Operational Directive (OD) 4:30 on Involuntary Resettlement will be applicable to all projects with direct or indirect communication with resettlement. The main features of the directives which will be accommodated and used are:

(i) All viable alternative projects design shall be explored to avoid or minimize the needs for resettlement and when it cannot be avoided to minimize the scale and impacts of resettlement;

(ii) Resettlement measures will be conceived and executed was development activities providing sufficient resources to give the person displaced the opportunity in their efforts to improve former production levels, income earning capacity and living standards or at least restore them to levels they would leave without the projects;

(iii) Displaced persons will be

- Compensated at full replacement cost prior to the actual more
- Assisted with relocation
- Assisted and supported during the transition period

(iv) Particular attention will be given to vulnerable groups;

(v) Communities in different level will be given opportunities to participate in planning, implementing and monitoring their resettlement;

(vi) Resettlement will be linked to the main project implementation schedule, so that Project Affected People should be resettled and or compensated before being affected by the construction or sector activities;

(vii) There will be adequate measures of monitoring and evaluation replacement land; and

(viii) Land compensation will be encouraged and cash compensation may be appropriate when resident land holdings are economically viable. For households who lose assets/income large enough to make the remainder unviable, compensation will be provided as if entire holding had been taken. Other World Bank Safeguard Policies will be made applicable to relative projects under TASAF II.

CHAPTER 7

7.0 METHODS OF VALUING AFFECTED ASSETS AND COMPENSATION

7.1 Basis of Valuation

The law and practice in Tanzania (both Mainland and Islands) as well as World Bank Operational Directive No. 04.12 advocate Market Value as Basis for Valuation. Market Value of affected property/asset may be arrived at by different methods. Regulation 3 of the Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation. In short, it is pointed out that in the course of assessing compensation the Market value of any land and unexhausted improvement thereon shall be arrived at by the use of:-

1. By Use of Income/Earnings Approach
2. Comparative Method evidenced by the actual recent sales of similar property.
3. By use of Replacement Cost Method where the property is of special nature and not saleable.

7.2 Methods of Valuing Assets

During the implementation of TASAF II and where resettlement is at issue the following methods of valuing assets will be used.

7.2.1. Investment method

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

7.2.2. Direct Comparison Method

The method will be used to value assets by comparing like with like. It is a very reliable method if current market information is available on sale prices

and rentals. It is usual to reduce sales or rented information to unit price for compensation purpose. The common units used are like

(i) Agriculture land: ha, sq. m., number of trees
(ii) Vacant build able land: ha, sqm, standard plot
(iii) Beach plots: m, of beach frontage
(iv) Houses and apartments: floor area measured in sq. m, rooms
(v) Shops and houses: floor area measured in sqm, rooms
(vi) Industrial property: floor areas measured in sqm
(vii) Schools, hospitals, school place, bed space, seat etc.

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

7.2.3 Replacement Cost approach

Replacement Cost approach, where market sale and rental information is not available value can be arrived at by using the cost approach. The assumption is that the price is equivalent to the cost of replacing the asset with an equivalent one plus a reasonable and fair profit margin. The method is commonly used in valuing public properties like schools play ground, play ground, community halls and health centres. Costs may be obtained basing upon the actual construction cost if the works have been recently completed, tender price, and bills of quantities prepared by a quantity surveyor, estimates prepared by contractor, rough estimates based on unit costs e.g. cost per m^2, m^3 bed space etc and estimates of materials and labour costs prepared by the value after consulting local experts and suppliers. Additionally the method also considers professional fees for Architectural, engineering and other technical services, interest during construction, other charges like land rent, plan approval fees and developers profit when appropriate. The method can be used when valuing partly completed buildings.

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

7.2.4. The Residual Method

The Residual Method is used to value vacant sites and other properties with development potentials if direct comparisons method can not be applied due to lack of market information. The basic assumption is that the subject site could be developed to accommodate a specified development whose Development Value may be determined. The difference between the Development Value and Development Cost is the Residual which represents Land Value and hence the Compensation Value.

7.2.5 The Profit Method

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

7.2.6. The Regression method

Regression Model may be used to evaluate parameters/variables that are analysed in the case of the other methods of valuation.

7.3 Methods of Compensation

The common methods of compensation are as follows:

(a) Market value compensation based on Market value paid in private ownership and when there is relatively high volume of market transactions on land or assets. Market value is normally defined as the priced the interest in land or of assets would command in the open market assuming a willing-buyer-willing-seller situation.

(b) Compensation is based on value of improvements where land belongs to the State. Here compensation is normally based on the value of unexhausted improvements whose utility has not expired.

(c) Frozen values method of compensation and amount of compensation may be pegged to the market price at a particular historical date

(d) Existing value based on the market value of asset on its existing use and discounting any potential value attributable to development possibilities or changes in the market.

(e) Tanzania Mainland and Zanzibar compensation is tangible and understandable. The affected people have to see that they have received something substantive in return for their assets and the manner in which the amount was arrived is comprehensible.

7.4 Valuation and Compensation of Crops

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

Large tree like mangoes, coconuts and other fruit trees as a source of subsistence food for families, petty market income in same areas and shade. Crops have their

significance to the local subsistence economy which this project is to enhance, crops tree used for commercial purpose will be compensated under market value based on historical production records. If households choose to resettle they will be compensated for the labour invested in the tree they leave behind. The compensation rate will be based on information obtained from the socio-economic study. From this study a compensation schedule for tree can be developed incorporating the following goals.

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

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

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

7.5 Valuation and Compensation of Buildings

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

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

7.6 Valuation and Compensation of Loss for Economic Activities

Each economic activity will be listed and inscribed on a register. Value for each type of economic activities lost or affected will be pre-printed and shown to the affected person. The activity will be set against the type and number of such losses that the individual will suffer. The total compensation for the category of loss will be shown and the total of all losses will be shown as well. The inventory and

evaluation will be signed and a copy given on the spot to the affected person. The affected person of the economic activity due to resettlement will be notified that the inventory will not be official until a second signed copy verified by the project supervisory staff is returned to the affected persons.

7.7 Valuation of loss of access to socio-economic facilities

The socio-economic activities usually exchange hands, the valuation methods normally employed are replacement costs, going concern and profit method depending on type of property and availability of data of socio-economic activities. Value will be determined by the potential for future income growth which in turn will depend on location and quality of service provided. The business and physical characteristic will be observed and the valuer will examine the quality of management.

7.8 Disturbance Allowances

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

- In the case of an individual property/land owner whose property/land is being acquired for the proposed project or
- Where an earmarked project site has been subsequently abandoned in favour of another site and the landowner of the abandoned site was required to relinquish his interest over the land.
- Where during the course of executing the proposed project an individual's interest in land suffered proven physical damage/disturbance.

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

7.9 Compensation Payment

Compensation Payment refereed to by the "The new Land Acts" shall include:

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

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

2. Accommodation allowance = Market Rent of the affected building per month multiplied by 36 Months. i.e.

   Accommodation allowance = Rent/p.m. x 36 Months.

3. Loss of profit allowance is accessed by establishing Net profit per month evidenced by audited accounts multiplied by 36 Months. i.e.

   Loss of profit =Net Profit/p.m. x 36 Months.

4. Disturbance allowance is calculated by **value of Land** by average percentage rate of interest offered by commercial banks on 12 Months fixed deposit at the time of loss of interest in land i.e.

   Disturbance allowance = Land Value x i.
   Where: i. = interest rate offered by commercial banks on 12 Months fixed deposits.

5. Transport allowances shall be actual cost of transporting 12tons of luggage rail or road (whichever is cheaper) within 20 Kilometers from the point of displacement. I.e.

   Transport allowance = 12tons x Actual Cost/ton/km x 20km

NOTE

1. **Transport, Accommodation and Loss of profits allowances** shall not be paid for unoccupied land.
2. **Accommodation and Loss of profit** shall not be paid concurrently over the same property.
3. **Accommodation and Loss of profit** shall only be paid to the property owner and not tenant(s).
4. Incidences requiring compensation include:
   - Compulsory acquisition under the Land Acquisition, 1967.
   - Transfer of categories of land under section 4(7) & 5(7) of the Land Act, 1999.
   - Where land is declared to be hazardous land under section 7(8) of Act No. 4 of 1999
   - Where land is declared to be under regularization as per section 60(7)(f) & 60(3)(b) of the Act No. 4 of 1999.
   - Where revocation of a Right of Occupancy under section 49(3) of Act No. 4 of 1999.

CHAPTER 8

8.0 ORGANIZATION, PROCEDURES AND RESPONSIBILITIES

8.1 Overview

Prior to implementation of any sub-project, PAPs will be compensated in accordance with the resettlement policy framework. For sub projects involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. For sub-project activities requiring relocation or loss of shelter, measures to assist the displaced persons are to be implemented in accordance with the individual RAP.

The measures to ensure compliance with this requirement will be included in the RAP that would be prepared for each land involving resettlement or compensation. Precise details will be provided in the "Implementation Schedule" for each RAP prepared by the sub project beneficiaries. The schedule for the implementation of activities agreed to between the sub project beneficiaries and the PAPs will include, target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs will use (this date will be after the transfer date for completed civil works to PAPs and payments of all compensation) , and how these activities will link to the implementation of the overall activities of the sub project.

When the RAPs are submitted for MT appraisal, part of the screening process to approve recommended land would be to confirm that the RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this requirement. The timing mechanism of these measures would ensure that no individual or affected household would be displaced due to civil works activity before compensation is effected and resettlement sites with adequate facilities are prepared and provided for to the individual or household affected.

8.2 Methods for consultation with Affected Groups/Individuals

The affected groups or individuals will be consulted and the process of consultation will involve various steps as shown hereunder:

(i) Public participation

Local communities would initiate assessment of the appropriateness of compensation at the concept stage of the project or sub project. The affected individual will be invited and involved from the early stage of designing the activities

(ii) Notification

The affected individual's identification will be made during the process. There will be both formal and informal notification

(iii) Documentation of holdings and Assets

Village officials which include Shehas and District Officers will have direct involvement in arranging the meetings with affected individual or group

(iv) Agreement on Compensation and Preparation of Contracts

All types of compensation will be clearly explained to the individual or group. Village officials/ Shehas. The Districts project office will draw up a contract listing all properties to be surrendered and the type of compensation selected.

(v) Compensation Payments

All payments and transfers in kind will be made in the presence of the affected parties and Village Authorities/Shehia.

8.3 Procedures

Various procedures meant to be effective and relative to the level of resettlement will be implied basing on the nature of resettlement

(i) The consultation with affected group or individual will be carried out jointly by the District Participatory Land Use Management Team (DPLUM), Village Land Use Management Team (VLUM) and affected individuals the assets will be assessed by competent valuers linked with the project or independent valuer who will advance the costs to both the affected group or individuals for the information and the project for payment. The compensation documents and transfer deeds relating to resettled assets will be signed by both affected groups individually or under representative and the projects.

(ii) Disclosure and meetings

Meetings will be conducted and organized at the affected area. The principle for compensation for the various types of loss will be detailed. The list of proportion and assets affected will be mentioned in such meetings which will include the names of the affected ones and the consultation meeting with all affected individual in the list.

(iii) Amicable discussion will go hand-in-hand with the whole process of compensation and resettlement. The disputes settlement procedures will

be presented and legal as well community elders will be made available to resolve the same.

(iv) Individual Meeting
Individual(s)-based meeting will be conducted with each affected house hold either centred at the affected house or sub-office of the project. The affected group or individual will be free to acquire assistance from any competent valuer, lawyer or legal counselors during the assessment or meeting relating to assessment of assets.

(v) The value and compensation for the assets will be detailed and transparent that will call for the expedite of the process and when deemed necessary and appropriate various compensated items will be discussed together.

(vi) The process will be made in accordance with the laws and procedures applicable, once affected person have agreed, a compensation report or certificate/agreement will be signed by the parties involved.

(vii) Compensation Options
The options of compensation for resettlement will be exposed to the affected group(s) or individual(s) for them to choose. All parties will sign a compensation certificate which will clearly describe the mode and scope of the compensation on the one hand, and their responsibilities of the parties on the other hand.

8.4 Implementation Responsibilities

The general organization of the resettlement will depend upon the inputs from the following institutions

(i) TASAF will support sensitization of stakeholders on RPF, preparation of monitoring of RAPs.

(ii) LGAs/Islands will sensitize communities on RPF, provide technical support in preparation of RAPs, screen and appraise and monitor the implementation of RAPs

(iii) Communities, Villages, Shehia/Mtaa, affected groups as the final owner of land, landed properties and assets to be acquired or affected and the beneficiaries of the encumbrances will be the participants and responsible for the implementation of the RAPs.

(iv) PO-RALG will be responsible for the oversight of implementation of the RPF and providing enabling environment for the same. In Zanzibar the Ministry of State Local Government and special departments shall have the overall responsibility.

(v) Independent NGOs/CBOs and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process

(vi) External Audits will include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:
- Resettlement conditions where relevant
- Consultation on compensation options, process and procedures
- Adequacy of compensation
- Adequacy of specific measures targeting vulnerable people

8.5 Resettlement Action Plan Matrix

S/No	Elements	Activities	Responsible
1	Description of the Project & Its Land Impact	General Description of the project and identification of the project area	VPLUM Team
		Potential Impact, identification	DPLUM and VPLUM Teams
2	Project Objectives	Main Objectives of the Resettlement	DPLUM and VPLUM Teams
		Specific Objectives	DPLUM and VPLUM Teams
3	Socio-Economic Studies/Census	Household size/Numbers	DPLUM and VPLUM Teams
		Affected Assets	DPLUM and VPLUM Teams
		Impact	DPLUM and VPLUM Teams
4	Legal/Institutional Framework	Land Legislation	DPLUM and VPLUM Teams
		Environmental Legislation	DPLUM and VPLUM Teams
5	Eligibility and Entitlements	Proven Ownership(title)	DPLUM and VPLUM Teams
		Recognized Ownership	DPLUM and VPLUM Teams
		Recognized Occupation	DPLUM and VPLUM Teams
6	Compensation Assessment	Involvement of affected persons	VC, WEO/SHEHIA and DLO
		Identification and Valuation of affected assets	Affected People, VC and Valuer
		Approval Procedures	Valuer, DLO
7	Resettlement Plan	Land Acquisition	VC and D Council
		Drawing up the Plan	VC and D Council
		Approval of Plan	VC and D Council
		Cadastre[3]	VC and D Council
8	Grievances Procedures	Formation of Committees(GRC)	DED
		Hearing of objections	GRC
		Appeal Measures	District Council[4]

[3] Land Surveying in the resettlement areas should be undertaken in the case of urban areas.
[4] District functionaries in the Lands and Environment

9	Organizational Responsibilities	Funds Disbursement Plan	TMU, NSC, DSC, VC, CMO
		Coordination	TMU, NSC, DSC, VC, CMO
10	Costs and Budgets	Project Cost Estimates and Approval Procedures	TMU, NSC, DSC, VC, CMO
		Project Supervision	TMU, VC, CMO
11	Monitoring and Evaluation	Progress Report	DSC, VC, CMO
		Project Audit	Internal and External Consultants

8.6 Schedule of implementing Resettlement provision

S/No	Activity	Time Allocation (weeks)	Prerequisite	Output	Actor
1	Conduct PRA or O& OD at Village Level	2		Resettlement Project Proposal	DPLO/MPLO
2	Appointment of Resettlement Coordinator(RC)	2	Orientation	RC in place	DED/MD/CMO
3	Socio-economic studies of the sub-project Area (census)	4	Enlist Environment considerations	Study Report	DED/MD/CMO
4	Screening and Evaluation of affected people	2	Socio-economic Study	Number of Eligible Resettlers	DED/MD/CMO
5	Consultation with affected people	4	Final List of Resettlers	Positive Consensus	DED/MD/CMO/ Valuer
6	Land Acquisition and Assessment of Compensation	4	Applicable laws	Compensation Schedule	DED/MD/CMO
7	Handling Grievances	6	Received Objections	Consensus	VLC/WT/DL&HT/HC LD
8	Resettlement Plan	4	Consensus Final List of Resettlers	Resettlement Plan	DED/MD/CMO/Town Planner
9	Implementation of the Plan	4	Release of Funds	Compensatees paid and Resetlers settled	DED/MD/CMO
10	Monitoring and Evaluation	6	Resettlement Plan	Final Reports	TASAF/External Auditor

8.7 Resource, Technical Support and Capacity Enhancement

Element	Requirements	Status	Remarks
Resource	Human Resources:	At District: DV,DLO, DTP Zanzibar: At Ministerial Dept level only –	Adequate and in case of extra needs, outsourcing is possible; there are more than 30 private valuation, surveying and planning firms in Tanzania
	Training Needs	At Village/Shehia and Ward levels, available manpower have not training in land/resettlement matters	DPLUM and VLUM[5] teams should be availed with basic training on Resettlement Matters. Consultants available from local training institutions
	Materials	Available at District Level	District/Private institutions have basic materials and equipment for the resettlement works
	Funding	Available as per approved Government decision	Prompt disbursement of funds is mandatory for compensation purposes (S3 of Act No. 4 of 1999)
Technical Support	Skills- consultancy services	Skills available at District and Ministerial level	Village/Shehia to get prompt support from District and Ministerial levels
	Equipment	For small and medium projects, equipment available at District and Ministerial level	Hire necessary equipment(e.g Survey Equipment) for large projects from Private Sector
Capacity Enhancement	Orientation	Not being done	TASAF District Coordinator to introduce orientation workshop at Ward levels
	Study Visits (good practice)	Not being done	TASAF District Coordinator to arrange

[5] VLUM = Village Land Use Management Team

CHAPTER 9

9.0 GRIEVANCE MANAGEMENT AND REDRESS MECHANISM

9.1 Potential Grievance/Disputes

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

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

9.2 Proposed Grievance Management and Redress Mechanism

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

(i) Resolution of Land related grievances

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

(ii) Resolution of Heirs related grievances

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

9.3 Administrative Mechanism

At the Village/Ward level there is Village Land Council and Tribunal (Baraza la Usuluhisho). Court of law will be the last resort which in principle should only be triggered where first instant amicable mechanisms have failed to settle the grievance/dispute. However the United Republic of Tanzania allows any grievance/disputed individual(s) the right of access to court of law.

9.3.1 Assistance to vulnerable people

Vulnerable people may be such prior to the compensation process because of a disability or disadvantage, and/or may be made4 more vulnerable as a result of the compensation process. Vulnerable people includes orphans, people with disabilities, elderly persons, HIV/AIDS affected/or infected, widows, widowers, people suffering from serious illnesses, women and children at risk of being dispossessed of their productive assets-land-as a result of the land compensation process that may benefit the sole male household head and malnourished children.

Safety Mechanism

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

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

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

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

CHAPTER 10

10.0 BUDGET AND COMPENSATION ARRANGEMENT

10.1 Budget and Resettlement Activities

10.1.1 Budget

The estimate of the overall cost of resettlement and compensation cannot be determined prior to identification of the sub project, but will be determined during the socio-economic study. The compensation modality will be agreed upon between the PAPs, beneficiaries/communities and Village Council/Shehia Advisory Council prior to submission an application for the sub project to be funded by TASAF. The land and any resettlement costs will usually be part of beneficiaries/communities contribution to the sub project costs.

10.1.2 Resettlement Activities

For each sub-project, several activities shall be undertaken in the resettlement exercise. Major activities shall include the following: communication between LGAs/Islands and communities, forming a district resettlement team; conducting a socio-economic study; identifying and assessing resulting impacts on assets and livelihood; identifying affected groups and individuals; conducting a valuation exercise; preparing modalities for compensation; and compensating the concerned.

(i) Communication between LGA/Island and Beneficiaries

The concerned LGA/Island shall ensure that the cost of resettlement remain the responsibilities of the beneficiaries of the sub projects. TASAF shall not fund any sub project whose resettlement obligations are not fully addressed at the community or LGA/Island level.

(ii) Forming a LGA/Island Resettlement Team

The LGAs/Island shall form a LGA/Island Resettlement team for ensuring that the resettlement process is undertaken in line to the legislation and appropriate procedure; i.e. observes all existing Acts and regulations. The DPLUM Team shall establish a District Resettlement Team.

10.1.3 Conducting a socio-economic study

After forming the Resettlement Team, the District Council shall conduct a socio-economic study of the area of the sub-project to establish social and environmental equilibrium; potentials and opportunities. The Village Government through the Village Council shall be fully involved. The District Participatory Land Use Management team (PLUM) shall coordinate the exercise, while relevant district experts shall be fully

involved in assisting the Village Land Use Management team (VLUM) to appropriately undertake the exercise

10.1.4 Identifying and assessing resulting impacts on assets and livelihood

The result of socio-economic study shall be used in identifying and assessing resulting impacts on assets and livelihood. This exercise shall be undertaken by LGA/Island experts with full incorporation of the Village Government through the Village Council. The VLUM team shall work with the experts to ensure that the activities are appropriately achieved. Where the project involves more than one village the concerned villages shall be accordingly represented in the respective teams.

10.1.5 Identifying affected groups and individuals

Affected groups and individuals shall be identified by the Village Council(s) in close consultation with the LGA/Island.

10.1.6 Conducting a valuation exercise

A valuation exercise shall be conducted by a registered valuer to determine the costs of negative impacts which shall be compensated. Reference shall be made to the Land Act No. 4 of 1999 and Village Land Act No. 5 1999 and their respective regulations; the country and Town Planning Ordinance, Cap 378; Land Acquisition Act No. 47 of 1967 and Local Government and Urban Authorities Act, No. 7 of 1982

10.1.7 Preparing Resettlement costs and Funding

The LGA/Island shall prepare a detailed list of resettlement cost and ensure that it is included in the community contributions towards sub projects funding.

10.1.8 Compensating the Concerned and Feedback to TASAF

The LGA/Island shall ensure that all concerned people/groups are compensated appropriately. Other parties to take part in ensuring that all concerned people receive their compensation include the District Commissioner; Ward Executive Officer(s) of the area(s); Councilors(s) of the area and Village Council(s) of the area. The LGA/Island shall prepare forms which shall be signed by the concerned and submitted to TASAF for signifying that the concerned have really received the compensation.

10.2 Compensation procedure

Where compensation is necessary the LGA/Island shall cause a Village Council/Shehia Advisory Council to effect the compensation according to administrative and legal procedures as agreed in the RPF. The LGA/Island will submit report to TASAF confirming that the compensation has been effected fully.

CHAPTER 11

11.0 MONITORING AND EVALUATION ARRANGEMENTS

11.1 General Objectives of Monitoring and Evaluation

Evaluation and monitoring are fundamental components of the Resettlement Action Plan. It is going to be part of the whole programme under TASAF II responsibility operating in Tanzania Mainland and Zanzibar.

The monitoring and evaluation procedures will include external and internal evaluation of the compliance of the actual implementation with objectives and method as agreed, and monitoring of specific situations of economical difficulties from the compensation.

11.2 Monitoring

There will be monitoring made during the implementation of resettlement plan. The monitoring system will:

(a) alert LGAs/Islands and TASAF Management Unit on the necessity for land acquisition in any sub-project proposal,
(b) provide timely information about the valuation and negotiation process,
(c) report any grievances that require resolution, and
(d) document timely completion of the sub-project resettlement obligations for all permanent and temporary loses, as well as unanticipated, additional construction damages.

The objective of monitoring will be to make a final evaluation in order to determine;

(i) if affected people have been fully compensated prior to implementation of the sub-project activities
(ii) if the people who were affected by the sub project are now living a higher standard than before or living at the same standard as before or they are poorer than before.

The following indicators will be used to determine the status of affected people:

- land being used compared to before;
- standard of house compared to before;
- level of participation in sub project activities compared to before;
- how many children in school compared to before; and
- health standards, etc).

Therefore, the resettlement and compensation plans will set key socio-economic goals by which to evaluate its success, such as whether:

- Affected individuals, households, and communities are able to maintain their pre-subproject standard of living, and even improve on it; and
- Local communities remain supportive of the project.
- There is an absence or prevalence of conflicts.

In order to assess whether these goals are met, the RAPs will use the following parameters and verifiable indicators to measure the resettlement and compensation plans performance;

- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments
- The number of contention cases out of the total cases
- The number of grievances and time and quality of resolution
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes
- Pastoral and Agricultural productivity of new lands
- Number of impacted locals employed by the civil works contractors
- Seasonal or inter annual fluctuation on key foodstuffs
- General relations between TASAF and the local communities

A questionnaire data will be entered into a database for comparative analysis at all levels of TASAF/Local governance, each affected individual will sign compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received. TASAF and sub-project beneficiaries will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages

The following indicators will be used to monitor and evaluate the implementation of resettlement and compensation plans;

VERIFIABLE INDICATORS	
Monitoring	**Evaluation**
Number of outstanding compensation or resettlement contracts not completed before next agricultural season.	Number of outstanding individual compensation or resettlement contracts.
Number of communities unable to effect village-level compensation after two years.	Number of outstanding village compensation contracts.
Number of Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups	Higher post- project income of vulnerable individuals.

LGAs/Islands in an agreement with TASAF will maintain a Resettlement Task Force after a completion of this RAP. The task force will be based in all Districts in both Tanzania Mainland and Zanzibar and will be made available to respond to any specific situation that may be presented to them.

11.3 Evaluation

The process of evaluation will be raised and the reference will be made from the Resettlement Action Plan (RAP) and its possible amendment required as a result final consultation and public release in World Bank, Info-shop, the Tanzania law and regulations and World Bank operational (Manual) Policies on Involuntary Resettlement (Revised April 2004). The following are the objectives of the valuation:

(i) General assessment of the compliance of the implementation of the Resettlement Action Plan with general objectives and methods as set in this documents.

(ii) Assessment of the compliance of the implementation of the Resettlement Action Plan with laws, regulations and safeguard policies.

(iii) Assessment of the consultation procedures that took place at individual and community level, together with the Central Government and Local Government levels in both Tanzania Mainland and Zanzibar.

(iv) Assessment of fair, adequate and prompt compensation as they have been implemented.

(v) Evaluation of the impact of the compensation on income and standard of living

(vi) Identification of actions as part of the on-going monitoring to improve the positive impact of the programme and mitigate its possible negative impact if any.

In summary the roles of key actors in this process are:

Action/Activity		Roles			
		Communities/ Beneficiaries	**Village/Shehia Council**	**LGA/Island**	**TMU/NSC**
1	Sensitize communities and stakeholders on Resettlement Policy Framework	Participate on the sensitization meetings	Participate and organize sensitization meetings	Participate in the Training of Trainer on RPF sensitization and carry out sensitization at the community level	Organize TOT on RPF sensitization, prepare development communication materials on RPF and finance TOT and sensitization
2	Determining land resources and requirements, accessing potential lose of property and access	Provide required information during sub project identification	Oversee and confirm provided information	Provide technical support	Provide funds for sub project identification
3	Preparation of Resettlement Action Plan	• Participate in the process • PAPs participate in discussion on the modalities and scope of compensation	Supervise on the preparation of RAP	Monitor and technical support	Provide funds for preparation for RAP
4	Screening and appraisal of the RAP	Participate and reconfirm the content of RAP	Participate, facilitate and reconfirm the content of RAP	Screening and appraising	Provide funds for screening and appraisal
5	Implementation of the RAP if it has been accepted during appraisal	• PAPs accept agreed compensation • Participate in effecting compensation and resettling	Effect compensation and resettlement	Oversee and provide technical support	Monitor
6	Monitoring and evaluation	Participate and providing required information as per predetermined	Prepare and submit report on implementation of RAP	Certifying implementation of RAP	Monitor as per set indicators

		indicators			

CHAPTER 12

12.0 CONSULTATION AND DISCLOSURE PROCEDURE

12.1 Consultation on the Resettlement Policy Framework

As provided under World Bank policyOP. 4.12 information and consultation on the TASAF Resettlement Policy Framework shall be organized as follows:

(i) Organize Resettlement Policy Framework validation workshop for all relevant stakeholder for comments
(ii) Shared with the World Bank for comments
(iii) Incorporation of stakeholders and World Bank comments
(iv) Presentation of the executive summary of the draft Resettlement Policy Framework to (PO-RALG), Association of Local Government Authorities in Tanzania (ALAT) and Ministry of State Local Government and Special Departments for Zanzibar.
(v) Translation of the resettlement policy into Swahili Language

12.2 Consultation on Resettlement Action Plan (RAP)

Consultation with the public on the entire process of resettlement is essential as it offers the affected person an opportunity to participate and contribute to both design and implementation of the project activities. In principal, the socio-economic situation in Tanzania makes public consultation indispensable. The local communities are the owner of the projects without the participation, there will be failure of reaching the project ultimate goals. Public consultation is mandatory because of the nature of TASAF II projects which through its implementation and design ensure continuous public participatory involvement at local level.

Public participatory consultation will be done through stakeholders' meetings and workshop at suitable locations like at the official residence or offices of the local leaders. The information will be made to each household on entitlement eligibility criteria, modes of compensation complaints and grievances under procedures.

12.3 Disclosure Requirements

The document for the Resettlement Action Plan when completed will be widely disclosed. Methods used to disclosure of the document are as follows

(i) Distribution of as many copies as possible to different institutions and community levels for comments and suggestions.
(ii) Distribution to individuals and representative persons like Members of Parliament (MPs) House of Representative, District Commissioners (DCs), Village Councilors, Sheha and the like.

(iii) Conducting meetings and workshops for discussion of the plan. The meeting and workshops will be conducted at various places including the place where the resettlement will take place.

(iv) Through inter-net for the internal and external disclosure of the plan.

LIST OF APPENDICES

Appendix 1: SUB PROJECT LAND REQUIREMENT AND ACQUISITION FORMS

Form No. RPF 01

EXISTING LAND RESOURCES: …… Ha

1. Name of Village/Shehia/Mtaa:
   ……Ward:…….
   District: ……. Region

……

2. Current land tenure/ownership in the village Ha.
   - Individual land ……ha
   - Group(s) (CBOs, NGOs): ……ha
   - Village land (under Village Government): ……ha
   - Public land (under Central Government) ……ha

TOTAL LAND RESOURCES ……Ha

3. Sub project land requirement……Ha
4. Agreement to meet subproject land requirement, as per Village Council/Shehia Advisory Council Meeting of ……/…/……(day/month/year) and confirmed by Village Assembly of …../…/…. (day/month/year)

Form No. RPT 02

Sample form for agreement regarding identification of land needed for a sub project:

	With Compensation Ha	Without Compensation Ha	Sub total Ha
Whole from village land			
Party as follows: ▪ From individual land			
▪ From group(s) land			
▪ From community land			
▪ From Village/Shehia/Mtaa land			
▪ From Public land			
Grand total allocation			

Assessment of overall current land use

Tenure system	Current land use in Ha							Remarks
	Fallow	Cropper			Grazing/ pasture	Forest	Mixed (specific)	
Individual land								
Group(s) land								
Community land								
Village/Shehia/Mtaa land								
Public land								
Total								

Assessing current use of earmarked land

Tenure system	Current land use in Ha							Remarks
	Fallow	Cropper			Grazing/ pasture	Forest	Mixed (specific)	
Individual land								
Group(s) land								
Community land								
Village/Shehia/Mtaa land								
Government land								
Total								

Form No. RPF 03

Analyzing sub project land allocation from individual land with corresponding compensation

Name of individual		With Compensation Ha	Compensation rate/Ha Tshs	Compensation per individual Tshs.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
Total				

The first table above gives an overview of the land resources available in the village. The next table shows the current land use in overall terms while the next gives the current land use of that land which is earmarked for allocation to the development sub-project. The last specifies the contribution of individuals to the land earmarked for the sub-project, and the agreed compensation.

Appendix II: **List of Documents Used**

1. *Property Valuation, A Handbook for Valuers Practicing in Zanzibar, Commission for Lands and Environmental Zanzibar and Finnida: By Saad S. Yahaya, PhD, FRICS*

2. *Bujagalio Project (Vol 1), Hydropower facilities Uganda, Resettlement and Community Development Action Plan (RCDAP), March 200: By ESG International Inc. Guelph, Canada*

3. *Participatory Agriculture Development and Empowerment Project (PADEP),*
Resettlement Polcity Framework: By the United Republic of Tanzania, Ministry of Agriculture and Food Security, February 2003

4. *Operational Policies Involuntary Resettlement (Revised April 2004): By World Bank*

5. *Documents and Reports, Resettlement Policy Framework-distribution reinforcement and upgrade Vol. 1 and 2: By Log Associates, Nairobi, February 2004.*

6. *Guidelines for Participatory Village Land Use Management In Tanzania: By National Land Use Planning Commission, Ministry of Land and Human Settlement Development, December, 1998*

7. *Local Government (District Authorities) Act. No. 7 of 1982*

8. *Land Act. No. 4 of 1999*

9. *Village Land Act. No. 5 1999*

10. *Village Land Act No. 5 Regulation (Supp. No. 65 of 2002)*

11. *Dar es Salaam Water and Sewage Authorities, Dar es Salaam Water Supply and Sanitation Project, Policy Frame Work for Resettlement of Project affected families, January 2003: By Dar es Salaam Water and Sewage Authorities Tanzania.*

12. *Land Act No. 4 Regulations 2001 subsidiary Legislation (Supp. No. 16 of 4th May 2001)*

13. *The Constitution of the United Republic of Tanzania of 1977*

14. *National Land Policy, second 1997*

15. *The Land Disputes Court Act. 2002 (Act N0.2 of 2002)*

16. *Administration of Estates Ordinance Cap 375*

17. *Komu F (2001) compensation assessment in Tanzania the law and practice, paper presented at AFRES III, African Real Estate Conference, Arusha, Tanzania, October 2001*

18. *GN 463 of 1963: Administration of Customary Estates et al*

19. *United Republic of Tanzania – President's Office Regional Administration and Local Government (2003)Local Government Support Programme (LGSP) – Resettlement Policy Frame Work- Dar es Salaam*

20. *Government of Zanzibar, Constitutional of Zanzibar, 1984*

21. *Government of Zanzibar, Land Tenure Act, 12 of 1992*

22. *The Land Adjudication Act*

23. *The land Tribunal Act, 1994*

24. *The Land Survey Act, 1989*

25. *Registered Land Act 1989*

26. *The Land Transfer Act, 1994*

Appendix III: World Bank Policy on Involuntary Resettlement (Revised April 2004)

Note: OP and BP 4.12 together replace OD 4.30, *Involuntary Resettlement*. This OP and BP apply to all projects for which a Project Concept Review takes place on or after January 1, 2002. Questions may be addressed to the Director,Social Development Department (SDV).

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1. Bank[1]. experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. Thispolicy includes safeguards to address and mitigate these impoverishment risks.

Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:
   a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.[2]
   b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived andexecuted as sustainable development programs, providing sufficient investment resources to enablepersons displaced by the project to share in project benefits. Displaced persons[3] should be meaning fully consulted and should have opportunities to participate in planning and implementing resettlement programs.
   c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards ofliving or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior the beginning of project implementation, whichever is higher.[4]

Impacts Covered

3. This policy covers direct economic and social impacts[5] that both result from Bank-assisted investment projects[6] , and are caused by
   (a) the involuntary[7] taking of land[8] resulting in
      (i) relocation or loss of shelter;
      (ii) lost of assets or access to assets; or
      (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
   (b) the involuntary restriction of access[9] to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary

resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see BP 4.12, para. 7).[10]

Required Measures

6. To address the impacts covered under para. 3 (a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:
   (a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
      (i) informed about their options and rights pertaining to resettlement;
      (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
      (iii) provided prompt and effective compensation at full replacement cost[11] for losses of assets[12] attributable directly to the project.

   (b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
      (i) provided assistance (such as moving allowances) during relocation; and
      (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.[13]

   (c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are
      (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;[14] and
      (ii) provided with development assistance in addition to compensation measures described in paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

   (a) specific components of the project will be prepared and implemented;
   (b) the criteria for eligibility of displaced persons will be determined;

(c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and
(d) potential conflicts involving displaced persons will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples,[15] ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see Annex A, para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons. For impacts covered in para. 3(b) of this policy, the measures to assist the displaced persons are implemented in accordance with the plan of action as part of the project (see para. 30).

11. Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, the provision of land would adversely affect the sustainability of a park or protected area,[16] or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are landbased but the land taken for the project is a small fraction[17] of the affected asset and the

residual is economically viable; (b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:
    (a) Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.
    (b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).
    (c) Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

Eligibility for Benefits[18]

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the Annex A, para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. *Criteria for Eligibility*. Displaced persons may be classified in one of the following three groups:
    (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
    (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and[19]
    (c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistanc[20] in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the

project area prior to a cut-off date established by the borrower and acceptable to the Bank.[21] Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

Resettlement Planning, Implementation, and Monitoring

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:
    (a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A);
    (b) a resettlement policy framework is required for operations referred to in paras. 26 30 that may entail involuntary resettlement, unless otherwise specified (see Annex A); and
    (c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.[22] The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design. 20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public

through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.[23]

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

Resettlement Instruments

Resettlement Plan

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see Annex A, paras. 2-21) for projects referred to in para. 17(a) above.[24] However, where impacts on the entire displaced population are minor,[25] or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed with the borrower (see Annex A, para. 22). The information disclosure procedures set forth in para. 22 apply.

Resettlement Policy Framework

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential subborrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects[26] that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

Process Framework

31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before to enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the displaced persons and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

Assistance to the Borrower

32. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing
    (a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
    (b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
    (c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and
    (d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionalities, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

34. The Bank does not disburse against cash compensation and other resettlement assistance paid in cash, or against the cost of land (including compensation for land acquisition). However, it may finance the cost of land improvement associated with resettlement activities.

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1. "Bank" includes IDA; "loans" includes credits, guarantees, Project Preparation Facility (PPF) advances and grants; and"projects" includes projects under (a) adaptable program lending; (b) learning and innovation loans; (c) PPFs and InstitutionalDevelopment Funds (IDFs), if they include investment activities; (d) grants under the Global Environment Facility andMontreal Protocol, for which the Bank is the implementing/executing agency; and (e) grants or loans provided by otherdonors that are administered by the Bank. The term "project" does not include programs under adjustment operations. "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.
2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include OP 4.01 *Environmental Assessment*, OP 4.04 *Natural Habitats*, OP 4.11 *Safeguarding Cultural Property in Bank-Assisted Projects*, and OD 4.20 *Indigenous Peoples*.
3. The term "displaced persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.
4. Displaced persons under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.
5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.
6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see OP/BP 8.50, *Emergency Recovery Assistance*).
7. For purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.
8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.
9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).
10. The *Resettlement Sourcebook* (forthcoming) provides good practice guidance to staff on the policy.
11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see Annex A, footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services,

customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.

12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.
13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.
14 Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements
15. See OD 4.20, *Indigenous Peoples.*
16. See OP 4.04, *Natural Habitats.*
17. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.
18 Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for displaced persons under 3 (b) are covered under the process framework (see paras. 7 and 30).
19. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.
20. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.
21. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
22. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under OP 4.01, *Environmental Assessment*, the resettlement panel may form part of the environmental panel of experts. See BP 17.50, *Disclosure of Operational Information* (forthcoming) for detailed disclosure procedures.
24. An exception to this requirement may be made in highly unusual circumstances (such as emergency recovery operations) with the approval of Bank Management (see BP 4.12, para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.
25. Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost.
26. For purpose of this paragraph, the term "subprojects" includes components and subcomponents.

Appendix IV: Outline of Resettlement Action Plan

S/No	Elements	Activities
1	Description of the Project	Define the Project, and its components and the Project Site
		Determine whether the Project will require land acquisition and relocation of persons
		Describe the amount of land acquisition and resettlement required
		Identify options of reducing amount of resettlement
		Quantify the options of minimizing resettlement
2	Project Objectives	Formulate the main objectives of the Project
		Identify Specific Objectives
3	Socio-Economic Studies/Census	Carry out census of affected community/individual and their assets.
		Determine income levels and livelihood patterns of the affected persons
		Identify alternatives of restoring income for the displaced population
		Define magnitude of the impacts with special reference to vulnerable groups(aged, HIV and other ailed persons, female-headed households, the poor etc)
		Document landholding tenure system in place, lot sizes and any cultural heritages/values that may be restricted by the project
		Describe any social organizations in place that may be impacted
		Document type and size of infrastructure and other services that may be impacted
		Summarize impacts of the project for each categories of affected groups
		Provide mechanism for updating information on the displaced population
4	Legal/Institutional Framework	Define the Project affected Persons
		Identify local agencies responsible for resettlement
		Discuss staffing of the Project Resettlement Unit
		Assess capacity of the agencies to handle the magnitude of the resettlement
		Comply with national and local legislation on matters relating to land and environment
		Describe plan to inform the affected population
5	Eligibility and Entitlements	Set criteria for the displaced persons to be eligible for compensation and resettlement
		Prepare Entitlement Matrix
		Determine Assistance required for resettlement
6	Compensation Assessment	Appoint Registered/District Valuer for compensation purposes
		Carry out consultation with affected persons

S/No	Elements	Activities
		Identify and inspect affected assets for valuation
		Process Valuation Report and prepare Compensation Schedule
		Determine whether additional income assistance is necessary
7	Resettlement Plan	Determine need for relocation and discuss with affected person
		Select site for relocation and make arrangement for land titling in favour of resettlers
		In consultation with respective District Settlement Planning Department, prepare Resettlement Plan
		Discuss outsourced services if any and draw up cost implications
		Ensure Plan comply with environmental consideration
		Evaluate the impact of the Plan on host community
		Determine any special assistance measures necessary to vulnerable groups
		Identify risks associated with the Plan and chart out ways of overcoming them
		Provide information on updating of the Plan
8	Grievances Procedures	Design system for recording grievances and establish response time
		Discuss mechanism for hearing grievances
		Discuss appeal Measures
9	Organizational Responsibilities	Prepare implementation schedule indicating target dates and backstopping measures
		Discuss arrangements for coordinating agencies and other jurisdictions
		Describe measures of transferring responsibilities of resettlement sites back to respective authorities
10	Costs and Budgets	Prepare a financial plan with emphasis on responsibilities and accountability
		List sources of funds
		Identify components of the sub-project that may require additional external funding
		Discuss provisions for handling price fluctuations, contingencies and excess expenditure
		Prepare a template for Project Cost Estimate/budget
11	Monitoring and Evaluation	Discuss measures for external and internal monitoring
		Define monitoring indicators
		Determine mode and frequency of reporting and content of internal monitoring
		Discuss feedback mechanism

Appendix V: Typical Matrix of Compensation

Main Activity	Tasks	**Remarks**
Notice to Acquire Land	• Sensitization Workshop – Expropriated Landowners • Authorized Officer serves Land Form No. 69 & 70 • Land Owner submits LF 70	
Valuation Surveys	• Appointment • Adjudicator Maps the Farm/Property • Actual Surveys(counting and Measurement, taking notes • Landowner signs the Val Data Sheet in agreement • Village Leader counter signs	
Valuation Assessment	• Report Writing • Application of Rates • Certification of Valuation Computation	
Valuation Approval	• Submission of Valuation Report to Chief Govt Valuer • Receipt of Approved Valuation	Approval Fees – 0.1% of the assessed value
Compensation Schedules	• Preparation of Schedule on Pre-formatted Form • Certification of Schedule by WEO, DLO, DC and RC	Client arranges payment
Budgeting and Payment	• Compensator(acquiring authority) • Payment Arrangement- either through the DLO or with DLO Consent –self • Landowner countersigns and thumbprint • Submit fully executed schedule to DLO	In case of disputes, it suffices to deposit the sums payable with DLO or District Court and proceed with acquisition
Resettlement Plan Implementation	• Identifying landowners to be resettled • Determine land requirements • Search and Acquire/purchase land • Decide on servicing of the resettlement area	

Appendix VI: Tanzania Mainland – Involution Of Land Tenure

Before Tanzania was colonized by the German and then the British, the general structure of landholding was based on traditional law and culture of each respective tribe in an area. The individual as a member of a family, clan or tribe acquired rights of use in the arable land he and his family could clear, cultivate and manage. However, when the land showed sign of exhaustion, then shifting cultivation was practiced. In many of these areas, there was and there is still communal land for grazing and forest land for cutting/collecting firewood. This type of extensive cultivation was acceptable and viable under conditions of low population densities, abundance of land and subsistence agriculture.

Initially, each tribe had chiefs and elders or headmen who controlled and allocated land to individuals (i.e members of the tribe) on behalf of the tribe in a fiduciary capacity. This system was continued even during German and British Colonial rule. However, following the abolition of chieftaincy by the African Chiefs Ordinance (Repeal) Act No. 13 of 1963 (Cap.51) after Tanzania obtained independence in 1961, the controlling power of chiefs over land which was one of their traditional functions was rendered obsolete. When land was held under family tenure, each member or/and heir of that family had a definite share in that property. Each member of the family could not dispose of his share without either getting the consent of other family members and a right of preemption to other heirs. Similarly, where land was held in a clan, the owner did not dispose of it to a non clan member without first getting the permission of the clan elders.

The introduction and promotion of plantation agriculture under Germany administration introduced a different land tenure system in the country, whereby land, mainly prime agriculture land was allocated in freeholds, mostly to settlers. Alienation of land, save that which was in private ownership or possessed by chiefs or indigenous communities, was facilitated by the passing of the Imperial Decree "Regarding Creation, Acquisition and Conveyance of Crown Land" in 1895 which declared all land as Crown land vested in the German Empire. This was indeed the beginning of nationalization of land. Transfer of crown land could only be effected through the Governor either by conveyance of ownership or lease. However, in order to protect the land rights of natives, although in practice it failed to stop land grabbing, the Decree stated that transfer of ownership or lease of township land of more than one hectare, and all other lands, by natives to non-natives for a period exceeding fifteen years, could not take place without the consent of the Governor.

Under British Administration, the system of land holding continued to change. Following the enactment of the Land Tenure Ordinance No. 3 of 1923 (which is called Land Ordinance Chapter 113) all land in Tanzania whether occupied or unoccupied was declared to be public land. This ordinance introduced the concept of "rights of occupancy" in the country. Under this new land tenure system, right over or in land were placed under the control of the Governor to be held, used or disposed of as right of occupancy for the benefit of the indigenous people of Tanzania. In an attempt to protect native rights in land, in 1928, a right of occupancy was redefined to include the "title of a native community lawfully using or occupying land in accordance with customary law". The word native was defined to mean any "native of Africa not being of European or Asiatic origin or descent and includes a Swahili but not a Somali. However, this Ordinance and its definitions failed to protect native rights in their land because it could

not prevent compulsory acquisition of native lands by the colonial government for the benefit of immigrants.

In order to avoid the creation of a small landed class after the attainment of independence in 1961, Freehold Titles were converted into leaseholds under the "Freehold Tittles (Conversion) and Government Act (Cap. 523) of 1963 and were later changed into rights of occupancy under the Government Leaseholds (Conversion of Right of Occupancy) Act No. 44 of 1969.

The following are the main characteristics of freehold titles which gave the Government little control over such land.

i) A freehold entails the exclusive possession of land rights in perpetuity

ii) Under a freehold title, there is no term on the holding of land imposed on the owner

iii) The owner has the right to subdivided or lease the land etc, so long as these actions do not violate land use policies as stipulated by zoning regulations and local by-laws.

iv) There are no development conditions imposed on the title of the owner

v) The Government has no right to interfere with the legal occupation and use of that right or land

vi) The Government retained the Right of Occupancy type of land tenure which has the following characteristics:-

vii) There is a definite term for the occupation and use of the land granted

viii) Development conditions are imposed on the holder of that land

ix) The holder of that land has no right to subdivided, transfer or mortgage the same without the consent of the commissioner for lands

x) The holder has to pay rent to the Government

xi) The President of the United Republic of Tanzania may revoke the Right of Occupancy of the landholder

Need for the Land Policy

Since Tanzania attained political independence in 1961, there has been the need to have a comprehensive land policy that would govern land tenure, land use management and administration. In particular, the following developments have made it imperative to have the new National Land Policy enacted in 1995:-

i) Changes in land use and the increase in human population after independence increased the demand for land and competition especially in and around major urban centre.

ii) Growth in the already large livestock population areas had raised the demand for grazing land (including that now under cultivation) and has created serious increased soil erosion problems in some areas like Nzega, Dodoma and Kondoa districts, Shinyanga and Mwanza Region where the effects of overgrazing on the ecosystems are most vivid.

iii) On the other hand, population increases mentioned in (i) and (ii) above and government policies since 1967 favoring agriculture, resulted in the extension of cultivation to marginal land areas. Such encroachments have resulted in a reduction of areas available for pastoralists and transhumancy particularly in Mwanza, Shinyanga, Tabora, Arusha and Singida Regions.

iv) The increased movements of large herds of livestock from traditional livestock keeping areas to low livestock population areas such as Mbeya, Iringa, Morogoro, Rukwa and Ruvuma Regions is creating land use conflicts in the receiving areas.

v) Increased urbanization requiring more land for settlements, industries, commerce etc. on one hand and the need to preserve viable agricultural land on the other, have intensified competition for land in and around urban centres since independence.

vi) The recent upsurge of prospective investors wishing to acquire large pieces of land in various parts of the country in response to the country's investment promotion policy ha increased competition for arable land and increased conflicts with villagers in some districts.

vii) Creation, relocation and expansion of villages under the 1971 to 1976 villagization programme (Operation Vijiji) affected customary land tenure in may rural areas making it sometimes difficult to determine with certainty the kind of land tenure system now operational in these areas.

viii) Increasing awareness amongst the population of the value of land and property (buildings) also cause land conflicts in both rural and urban areas, especially as more people compete for the limited number of demarcated plots or land each year acquired through purchase, inheritance or allocation by the local leadership

ix) Land markets are developing in and around urban centres and require recognition and regulation to enable the government to capture gains from market transactions.

x) Within villages and fringes of major urban centres and depending on their proximity to urban areas and the communication networks, land transactions have been taking place with prices reflecting locational advantages and land quality although then existing land legislation did not allow transactions such that a need arised to have a clear policy on land markets and transactions.

xi) The evaluation of customary tenure towards more individualized ownership has been accompanied by the development of land market especially in areas with high agricultural potential. As a result areas such as Kilimanjaro Region, Bukoba and Rungwe, Arusha and Arumeru districts where land is scarce and cash crops like coffee, tea and wheat are grown

mainly on individual holdings calls for pragmatic land policies to accommodate the aspirations of the people and the needs of the economy.

xii) Adoption of political pluralism, new economic and social policies and uncertainty in land rights called for a different approach for protecting land rights of individuals and organizations to ensure continuity.

xiii) Finally, The Court of Appeal's decisions affirming customary tenure rights in areas affected by villagization provided guidance for addressing such land tenure problems in a fasion compatible with the basic value and ideals of the nation.

These factors call for a comprehensive policy which does not only guide the allocation, ownership and use of land, but also facilitate resolving any recurring land conflicts. However, the current policy reiterates and retains the four central land tenure tenets in a modified form that land is publicity owned and vested in the President as a trustee on behalf of the citizens; speculation in land will be controlled; right of occupancy whether statutory or customary are and will continue to be the only recognized types of land tenure; and rights and title to land under any consolidated or new land law will continue to be based mainly on use and occupation.

Objectives of the National Land Policy

The overall aim of National Land Policy is to promote and ensure a secure land tenure system, to encourage the optimal use of land resources, and to facilitate broad based social and economic development without upsetting or endangering the ecological balance of the environment. The specific objectives of the National Land Policy are to:

i) Promote an equitable distribution of and access to land by all citizens.

ii) Ensure that existing rights in land, especially customary rights of smallholders (i.e. peasant and herdsman who are the majority of the population in the country) are recognized, clarified and secured in law.

iii) Set ceilings on land ownership which will latter be translated into statutory ceilings to prevent or avoid the phenomenon of land concentration (i.e land grabbing).

iv) Ensure that land is put to its most productive use to promote rapid social and economic development in the country.

v) Modify and streamline the existing land management systems and improve the efficiency of land delivery systems.

vi) Streamline the institutional arrangements in land administration and land dispute adjudication and also make them more transparent

vii) Promote sound land information management

viii) Protect land resources from degradation for sustainable development