THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF LANDS, HOUSING AND HUMAN SETTLEMENTS DEVELOPMENT

RESETTLEMENT POLICY FRAMEWORK (RPF)

LAND TENURE IMPROVEMENT PROJECT (LTIP)

DRAFT

April, 2020
DODOMA
EXECUTIVE SUMMARY

Introduction

The Government of Tanzania (GoT) through the Ministry for Lands, Housing and Human Settlements Development (MLHHSD) has requested the World Bank for financial support for LandTenure Improvement Project (LTIP). The Project (LTIP) aims to strengthen the land administration systems and increase tenure security for men and women, and thus promote land-based investment in the Country.

Scope and Applicability of Resettlement Policy Framework

This Resettlement Policy Framework (RPF) applies to permanent or temporary involuntary land take or restrictions from land use undertaken in connection with LTIP activities implementation. The framework provides guidance in the preparation and implementation of site-specific resettlement action plans (RAPs) and any livelihood restoration activities in cases where land acquisition or change in livelihoods of the people on that land may be required in the proposed LTIP. Similarly, the Framework will ensure that Project Affected Persons (PAPs) do not suffer any negative social or financial impacts through appropriate measures contained in this RPF. Its preparation follows the World Bank Environmental and Social Framework (ESF) particular focus on ESS1, ESS5, ESS7 and ESS10 and country policy and legal requirements.

Project Description

In summary, activities under LTIP will be structured into four main components:

Component 1: Increased Tenure Security. This component will support the issuance of CCROs, CROs, Residential Licences and other related activities. The activities under this Component will be done in an inclusive and participatory way to ensure gender equity, and protection of the rights of all groups including women, youth, hunter-gatherers, pastoralists, farmers, etc. The following regions selected to be covered include but not limited to 1: Dar es Salaam, Dodoma, Arusha, Tabora, Geita, Pwani, Mwanza, Shinyanga, Tanga and Morogoro. The Districts to be covered include, but are not limited to, Dodoma (Chamwino), Simiyu (Maswa), Ruvuma (Mbinga), Katavi (Mpanda), Songwe (Songwe) and Momba Rural District. This will cover 6-7 percent of the country. This component includes the following subcomponents:

Subcomponent 1.1: Rural mass certification and issuance of Certificates of Customary Rights of Occupancy (CCROs). This subcomponent will focus on upscaling successful pilots for the direct implementation of rural mass certification and issuance of CCROs. This requires, previous definition of the village boundaries, the planning of land uses, inclusive and participatory demarcation and adjudication processes, conflict resolution and issuance of certificates.

Subcomponent 1.2: Urban mass registration and issuance of Certificates of Rights of Occupancy (CROs) and Residential Licenses (RL). Urban land certification entails two distinct processes with different outputs: the formalization process to produce 1 million RLs, and the regularization of unplanned settlements to produce 1 million CROs. The formalization of land parcels through the issuance of RLs includes adjudication of land parcels, preparing an urban land register and
issuances of RLs. Similarly, the regularization process for unplanned settlements and issuance of CROs, involves the production of regularization schemes to ensure compliance with minimum urban standards (width of streets and pathways, availability of public spaces such as schools and other services).

Component 2: Land Information Management. This component will include the rollout of the Integrated Land Management Information System (ILMIS), improvements to the geodetic network, base mapping, generation of a property valuation database and establishment of a basis for National Spatial Data Infrastructure (NSDI) to strengthen accessibility and efficiency of land administration services. The ILMIS has been piloted and the project will improve, extend, and implement the system in the project areas in an effective way to reach all localities for maintenance of the land information. The enhanced geodetic framework and base maps will support not only the land registration operations but also a wide range of location-based applications underpinning social, economic and environmental benefits. This component entails the following subcomponents:

Subcomponent 2.1: Upgrading and upscaling of ILMIS. This subcomponent will finance the second phase of ILMIS development by upgrading functionalities for unified management of CCROs, CROs, RLs, including first registration and subsequent transactions. The ILMIS Rollout will be implemented in 26 regions where the same number of office building will be constructed and equipped to support the ILMIS upscaling.

Subcomponent 2.2: Production of base maps. This subcomponent will finance the outsourced production of base maps using either recent high-resolution satellite imagery or aerial photography in the project areas and additional districts that are in between project target districts to support mass land certification, land use planning and management.

Subcomponent 2.3: Enhancement of geodetic framework. This subcomponent will support the establishment of Continuously Operating Reference Stations (CORS), associated infrastructure, and geodetic control points needed for accurate and economically feasible Global Navigation Satellite System (GNSS) surveying and operation maintenance of network.

Subcomponent 2.4: Support for Valuation Systems: This subcomponent will involve mapping of land values across the country; establishing a property valuation information data base that can be used in mass appraisal of land values, taxes, compensation etc.

Component 3: Institutional Strengthening: This component will include capacity building and legal/regulatory reform activities, public awareness campaigns and other related activities to improve service delivery for land administration, including purchase of equipment and office construction to decentralize ILMIS, efficient land administration services and support for the Land and Housing Tribunals. This component entails the following subcomponents:

Subcomponent 3.1: Legal and regulatory review and support to policy implementation. This subcomponent will update and harmonize the policy, legal and regulatory framework for efficient land administration and mass systematic registration. This will be done through backgrounds studies and analysis, workshops and consultancies as needed.
**Subcomponent 3.2:** Capacity building for the land sector. This subcomponent will focus on capacity building for all relevant stakeholders at the central and at the local level. It will involve training of staff on various aspects associated with land sector development and the project (LTIP). The capacity needs assessment will be carried out to inform the training needs and gaps.

**Subcomponent 3.3: Support for the Land and Housing Tribunals:** This sub-component is meant to support the establishment and function of the land and housing ward tribunal in terms of adding new tribunals and councils, financial and human resource support for existing bodies, clearing backlogs, development of guidelines at the village and ward level as well as training and equipment.

**Subcomponent 3.4:** Physical development of the land administration system. This subcomponent will support the construction of 26 Regional Land Offices and renovation of 12 District Land Offices which are ILMIS compliant. A national land archive building will also be constructed. It will also procure the necessary equipment for these buildings and ensure connection of Local Area Network to the respective offices. An archive strategy will also be developed.

**Subcomponent 3.5: Public awareness:** This sub-component is meant to create awareness of the broader land administration system, LTIP activities and processes, land related policy and laws requirements, and land information systems to different stakeholders. Other areas for implementation includes preparation of the communications strategy, message development and testing for confidence building in understanding of, the land administration system. Other activities include training on safeguard documents (i.e. ESMF, VGPF, SEP, RPF) to various stakeholders at different levels during project implementation. Crucial focus will be made on women’s land rights and other vulnerable groups.

**Component 4: Project Management:** In this context, a Project Coordination Unit (PCU) has been established within the MLHHSD. The key tasks to be carried out by the PCU will be general project coordination, procurement, financial management, environmental and social supervision, and monitoring and evaluation. Capacity building for the Ministry staff will be necessary as the project will be the first World Bank funded standalone project to be implemented by the MLHHSD. Capacities exist within the Ministry will be strengthened to ensure successful project implementation. Likely, equipment, recruitment and training will be supported to upgrade the capacities of the Ministry.

**Approach Adopted in RFP Preparation**

The preparation of this RFP document was based on two main approaches: i) a review of the relevant literature, including national laws, ESS5, land acquisition processes on other projects etc. ii) Stakeholder consultations with a number of experts, officials, key informants etc. It should be clear that the RFP builds upon experiences, lessons and approaches of the past pilot projects and initiatives implemented in Tanzania (Dar es Salaam, Mwanza, Morogoro-LTSP, Property and Business Formalization Project (MKURABITA)) as well as global and regional experiences, to efficiently engage in regularization schemes preparation and implementation.
Policy and Legal Framework

Land use planning and management are a key variable for unlocking the potential for growth by making land accessible for productive uses in rural and urban areas. Land policy, as governed by the two Acts, namely, the Land Act 1999 and Village Land Act 1999, provides the legislative framework for facilitating land administration and tenure security in Tanzania.

Access to Land and Land Use

Access to land in Tanzania is either through a granted Right of Occupancy (CRO) or Certificate of Customary Right of Occupancy (CCRO). Granted Right of Occupancy is issued to surveyed urban areas where it is known as general land. In rural areas Certificate of Customary Right of Occupancy (CCRO) are issued on the village land. However, more than 70 percent of urban land is unplanned and thus its pattern of urban development has resulted in the dominance of unplanned settlements and neighbourhoods without basic social services and infrastructure. In rural areas, the limited number of villages with village land use plans and clear village boundaries are among the main sources of land use conflicts some of which have resulted into loss of property and life.

Causes of Resettlement

Land acquisition, restriction of land use or involuntary displacement may result from the following activities:

i) Construction of New Office Buildings: Construction of 26 Regional Land Offices and a National Land Archive Building will require land. It is anticipated that the land for these offices will be on government and currently owned by the Region. As such compensation for the land will not be required and MoU will be signed between the Ministry and LGAs. However, the existing land ownership and any existing land uses, including informal livelihood activities, will need to be verified and should there be displacement compensation will need to be provided in line with the entitlement’s matrix.

ii) Land regularization: Regularization functions may involve land take to establish community roads and right of way/ passage between existing land plots. The extent of land take will be minimised to the extent possible by limiting the width of these rights of passage in both rural and urban areas. Such land take will be provided via Voluntary Land Donation procedures or will need to be compensated in line with the entitlements matrix as outlined in this document.

Method of Valuing Affected Assets and Compensation Payments

The law and practice advocate for market, cost and income as bases for valuation depending on the nature of the asset and geographical location. The appropriate method of valuation for any given displacement will be determined based on these factors and presented in the RAP. The Market Value of affected property/asset may be arrived at using different methods and any additional assumptions and forms the basis for determining replacement cost. The Valuation and Valuers Registration Act 2016 and its Regulations, Valuation and Valuers (General) Regulations, 2018 and Part I - III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation in Mainland Tanzania.
The compensation for loss of interests in land shall include value of land, unexhausted improvements permanently affixed to land, transaction costs, disturbance allowance, accommodation allowance and loss of profit to achieve replacement cost. Project affected land users, households and individuals regarded as the apparent landowners shall be compensated either in kind or via cash compensation at replacement cost. The method of compensation used shall depend on the nature and extent of any losses, the potential for in kind compensation and the preferences of the PAP.

**Eligibility and Impacts**

In principle, the LTIP does not expect to undertake any land acquisition as it is expected that much of the land will be provided through Voluntary Land Donation. It is important that all categories of Project Affected Persons are identified and understand their options in relation to land take. Project Affected Persons (PAPs) are individuals or groups whose assets may be lost, through involuntary land take or/and restriction on land use and involuntary resettlement. In this context, based on the nature and locations of project activities the eligibility criteria for PAPs is defined as those:

a) Those who have formal rights to land or assets (including customary and traditional rights of occupancy recognized under the national law).

b) Those who do not have formal legal rights to land or assets (at the time the census begins) but have a claim over development to such land or assets that is recognized or recognizable under national law.

c) Those who have no recognizable legal right or claim to land or assets they occupy or use.

As a result of the construction of office buildings (26 Regional Land Offices and Archive Building) the following impacts could occur include loss of land-based livelihoods, in particular loss of land used for farming, natural resource collection or grazing which has been informally undertaken on the plot. Others include physical displacement of households (houses and other structures such as stores, kitchens, toilets etc) informally living on the land and Loss of economic immovable assets/ businesses and incomes including business structures such as shops and stalls which are located on the land plot. As a result of regularization the following impacts may occur include loss of land-based livelihoods, in particular loss of small areas of land used for farming, natural resource collection or grazing which has been informally undertaken on the plot and loss of immovable assets such as fencing, small structures (stores, toilets) etc.

**Stakeholder Engagement**

The engagement process during implementation stage will start with an introduction of the contractors, private firms and implementation teams to the regional and local government authorities. This will involve project introduction. At the national level, via the Stakeholder Engagement Forum the PCU will facilitate meetings with key permanent secretaries (i.e. Ministry of Land, Housing and Human Settlements Development, Presidents’ Office, Regional Administration and Local Government (PO –RALG), and Ministry of Finance and Planning) to discuss project progress, policy issues and other matters related to the project implementation. At these meetings the Project Coordinating Unit (PCU) will share project progress reports, discuss the
way forward and suggestions for improvement. This meeting will be held annually. However, extraordinary meetings may be held as the case may be.

The Project will facilitate sensitization and awareness meetings at the District level involving consultants, contractors, Participatory Land Use Management Team (PLUM), and Civil Society Organizations (CSOs) at the district level. The MSG at the district level, will amongst other issues, discuss project success, challenges and related matters. At the village level sensitization will be undertaken with all community members through village meetings and focus group discussions to ensure that all members of the community are aware of the Project and the requirements of the RPF.

**Requirements for Voluntary Land Donation**

Households may choose to voluntarily contribute land or assets without compensation. The following requirements will need to be met for voluntary land donation to be considered as per ESS5:

- a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;
- b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
- c) the amount of land being donated is minor and will not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels;
- d) no household relocation is involved;
- e) donor is expected to benefit directly from the project; and
- f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.

The village/mtaa will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation at replacement cost and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost in line with the entitlements matrix. They will be fully informed of their rights and access to grievance mechanisms described in this RPF.

**Procedure for Voluntary Land Donation**

The process for voluntary land donation associated with land registration and certification are presented in the table below.

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Conduct project awareness meeting with the Regional and Local Authorities. This will set a base for public awareness, processes, outcomes, benefits and shared responsibilities of different actors. The process will help the leaders at regional and district level to own the project process and understand the principles of resettlement and voluntary land donations.</td>
</tr>
<tr>
<td>2</td>
<td>Conduct meeting in the project sites. These will include call for Village Assembly (VA) and Mtaa meetings aiming to sensitize communities to make them aware of the Project components, design elements, scope and benefits. These meetings will also be used to sensitise the Village/Mtaa leadership and the community on the principles of</td>
</tr>
</tbody>
</table>
resettlement, compensation and voluntary land donation in line with this RPF. In particular communities will need to be informed about the planning process, the need to create roads and access ways and the potential for land take as a result. The requirements for Voluntary Land Donation will be explained including that affected people have the right to refuse to donate land, options for compensation and that they will not be excluded from receiving certificates if they refuse to donate land. Minutes of the meeting must be taken along with registers of participants.

<table>
<thead>
<tr>
<th>3</th>
<th>Members of the Mtaa and Village Communities to undertake Community Based Participatory Planning (CBPP) to develop village land use plans or town plans. This will be based on available information from the basemap that will be developed. During this process roads, tracks and paths needed to access plots as well as land for infrastructure, services, grazing etc will need to be developed. At this stage it will be possible to identify potential land take by the project and impacted households/landowners. During the meetings the community will be reminded about the resettlement and voluntary land donation processes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Identified affected landowners and users will be invited to a separate meeting during which the need to take land they own or use for public use will be discussed. The affected people will be advised in detail on the criteria and procedures for voluntary land donation, their right to refuse and the options available to them. During this meeting the affected people will be asked to indicate if they would be willing to donate this land voluntarily or not. This will be non-binding. Both women and men from the household affected must be present at the meeting and must agree on their willingness to donate.</td>
</tr>
</tbody>
</table>
| 5 | One on one consultations and negotiation will be undertaken with the landowner during the systematic adjudication process. At this time the landowner(s) can:  
   i. Indicate they are willing to proceed with Voluntary Land Donation and the relevant documentation can be produced.  
   ii. Refuse to donate land to the project and request compensation in line with the resettlement procedures  
   iii. Agree in principle to donate some or all of the required land, subject to certain measures. This may require negotiation with neighbours to adjust the amount of land each needs to donate, commitment from the community to support in rebuilding ancillary structures (chicken sheds, toilets etc) or to clear additional land for garden plots.  |
| 6 | Documentation will be produced indicating the amount of land being donated, the overall amount of land owned by the household, the % of land to be donated, if the household has any of the vulnerability characteristics that would exclude them from |
donating land and that no household relocation is involved and any other requirements agreed with the household.

For Privately owned land, a land donation form will be completed, this must be signed by all landowners (husbands and wives). This will comprise a formal statement of donation, establishing informed consent, confirming with signatories of neighbours that there is no boundary disputed and that there are no claims by renters, users, squatters, or encroachers, and signed by each owner or user involved.

The form will be filled, signed and stamped by the responsible authorities. The form should be witnessed by representatives of the landowner (family member), representative of the Village Council, and attested by the District Legal Officer.

**Preparation of Resettlement Action Plan (RAP)**

The need for a RAP will be determined based on the nature and extent of any displacement impacts associated with the construction of offices or regularisation. In most cases RAPs will be developed at a community level for the area undergoing regularisation. A participatory approach will be used in accomplishing this task. It is the best way of ensuring a successful completion and acceptance of the RAPs and addressing issues related to the RAPs. Once the RAP has been prepared, it will be shared with the Ministry to ensure alignment with this RPF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation.

**Entitlement Matrix**

The affected households will be eligible for the following entitlements associated with the potential impacts of resettlement due to LTIP. As part of individual RAP preparation, the eligibility and entitlements will be updated to address specific project resettlement impacts. Valuation of assets will be undertaken using a range of methods outlined in Tanzanian law but will be compatible with the principle of replacement cost (without depreciation).

**Resettlement Implementation**

The Project will develop individual household compensation packages which will be agreed with the PAP and signed off by the PAP/ the households (men and women). During implementation, PAP should be provided with the measures outlined in their compensation packages including:

a) compensation payments/ in kind compensation;

b) physical relocation including transitional support (as needed); and

c) implementation of livelihood restoration measures (as needed).

d) Compensation for tenants/ land users will be paid directly to these individuals as the owners of the asset or affected parties.

**Monitoring and Evaluation**

The Project will establish a monitoring system involving PCU staff at national and district levels, as well as communities to ensure effective implementation of RPF. In this context a set of monitoring indicators have been developed during implementation. For a project activities found to have potential negative impacts on land, PAAs experts, Ward Extension Staffs and the Village
Council will be engaged to verify information including specific documentation status and land acquisition agreements. If there will be a land dispute a corrective action which may include preparation of new agreement or updating the agreements clauses will be undertaken.

The RPF will be monitored through a number of indicators as mentioned below. The established GRM will assist in tracking the implementation of RPF by assessing land reported incidences and respective actions applied to resolve them. The GRM register will incorporate reported land grievances and set for amicable solution.

**Resettlement Planning Framework Implementation Arrangements**

The RPF is one among the safeguard documents to be implemented in the LTIP. The implementation will be guided by the Environmental and Social Management Unit (ESMU) in particular oversight of the RPF will be undertaken by the Social Officer who will be hired by LTIP. The Social Officer will work with the Districts and the Training Officer to assist local level stakeholders to identify the presence of vulnerable groups and the need to develop RAP in line with this RPF. Similarly, the stakeholders Engagement Plan provides for identification, means and methods applied to approach and engage each group into the Project activities and monitoring of level of engagement through continuous consultation in entire project implementation period following World Bank ESF and thus addressing ESS10.
# Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCRO</td>
<td>Certificate of Customary Right of Occupancy</td>
</tr>
<tr>
<td>CoC</td>
<td>Code of Conduct</td>
</tr>
<tr>
<td>CRO</td>
<td>Certificate of Right of Occupancy</td>
</tr>
<tr>
<td>DLHT</td>
<td>District Land and Housing Tribunal</td>
</tr>
<tr>
<td>E&amp;S</td>
<td>Environmental and Social</td>
</tr>
<tr>
<td>ESMU</td>
<td>Environmental and Social Management Unit</td>
</tr>
<tr>
<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
</tr>
<tr>
<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
</tr>
<tr>
<td>ESF</td>
<td>Environmental and Social Framework</td>
</tr>
<tr>
<td>ESS</td>
<td>Environmental and Social Standard</td>
</tr>
<tr>
<td>FPIC</td>
<td>Free Prior and Informed Consent</td>
</tr>
<tr>
<td>GBV</td>
<td>Gender Based Violence</td>
</tr>
<tr>
<td>GoT</td>
<td>Government of Tanzania</td>
</tr>
<tr>
<td>GRM</td>
<td>Grievance Redress Mechanism</td>
</tr>
<tr>
<td>ILMIS</td>
<td>Integrated Land Management Information System</td>
</tr>
<tr>
<td>LGAs</td>
<td>Local Government Authorities</td>
</tr>
<tr>
<td>LTIP</td>
<td>Land Tenure Improvement Project</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
</tr>
<tr>
<td>MLHHD</td>
<td>Ministry of Land, Housing and Human Settlement Development</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>PCU</td>
<td>Project Coordinating Unit</td>
</tr>
<tr>
<td>PLUM</td>
<td>Participatory Land Use Management</td>
</tr>
<tr>
<td>PO-RALG</td>
<td>President's Office Regional Administration and Local Government</td>
</tr>
<tr>
<td>RL</td>
<td>Residential License</td>
</tr>
<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
</tr>
<tr>
<td>SEA</td>
<td>Sexual Exploitation and Abuse</td>
</tr>
<tr>
<td>SEP</td>
<td>Stakeholder Engagement Plan</td>
</tr>
<tr>
<td>TOR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>URT</td>
<td>United Republic of Tanzania</td>
</tr>
<tr>
<td>VLUM</td>
<td>Village Land Use Management (Committee)</td>
</tr>
<tr>
<td>VLUP</td>
<td>Village Land Use Plan</td>
</tr>
<tr>
<td>VG</td>
<td>Vulnerable Groups</td>
</tr>
<tr>
<td>VGPF</td>
<td>Vulnerable Groups Planning Framework</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WEO</td>
<td>Ward Executive Officer</td>
</tr>
</tbody>
</table>
**Definition of Terms**

**Adjudication**: Is the process through which existing rights in a particular parcel of land are finally and authoritatively ascertained.

**Certification processes** – Procedures involved in certifying land use rights according to the 1999 Village Land Act and 1999 Land Act.

**Contractor** – a person or company that is hired on a contractual basis to complete a specific set of tasks for which they are paid according to the contract.

**Demarcation** – Identification and marking of land parcel boundaries involving also confirmation with neighbours.

**Environmental and Social Management Framework** - An instrument that examines the issues and impacts associated when a project consists of a program and/or series of activities, and the impacts cannot be determined until the program or activities details have been identified. The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social impacts. It contains measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts. The term "Environmental Management Framework" or "EMF" may also be used.

**Environmental Degradation**- Modification of a critical or other natural habitat that substantially reduces the habitat's ability to maintain viable populations of its native species.

**Free, Prior and Informed Consent (FPIC)** - refers to the process, under certain specific circumstances whereby Vulnerable Groups, will be consulted in good faith based on sufficient and timely information concerning the benefits and disadvantages of a project and how the anticipated activities occur. Consent refers to the collective support of affected VG for the project activities that affect them, reached through a culturally appropriate process.

**Formalization** – a simplified process of conducting an inventory of land parcels as they are without surveys or adjustments to conform with basic planning standards, determine who occupies each parcel, document such occupation and enter it into a public registry.

**Gender Sensitive/Equity** in this context implies seeking to understand and give consideration to socio-cultural norms and discriminations in order to acknowledge the different rights, roles and responsibilities of women and men in the community and the relationships between them, while ensuring that women are able to access land rights.

**General Land**- means all public land which is not reserved land or village land.

**Grievance Redress Mechanism** – A mechanism to receive and facilitate resolution of concerns and grievances promptly, effectively and in a transparent manner that is culturally appropriate and accessible without retribution.

**Livelihood** - refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, pastoralism, hunting/gathering natural resources and other natural resource-based livelihoods, petty trade, and bartering.
Marginalized Groups - Refers throughout these documents to women, people living disabilities, people living with albinism, youth and children who as may be discriminated against on the basis of these characteristics. In addition, pastoralists and hunter-gatherers may be considered to be marginalised.

Meaningful Consultation refers to provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.

Participatory Land Use Management Team (PLUM) – a team of district-level officials that has the role of overall supervision of all activities pertaining to land use in the respective district.

Peri-Urban Area- an area which is within a radius of ten kilometres outside the boundaries of an urban or semi built up area or within any large radius which may be prescribed in respect of any particular urban area by the Minister”

Pollution refers to any direct or indirect alteration of the physical, thermal, chemical, biological, or radio-active properties of any part of the environment by discharging, emitting, or depositing of wastes so as to adversely affect any beneficial use, to cause a condition which is hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to cause contravention of any condition, limitation, or restriction which is the subject to a licence under this Act’ (EMA 2004).

Public Right of Way:
(a) a right of way created for the benefit of the Government, a local authority, a public authority or any public corporate body to enable all such organizations, authorities and bodies to carry out its functions. Such rights of way are often referred to as a “way leave”; or
(b) a right of way created for the benefit of the public, often referred to i as a “communal right of way”.

Rangelands - Extensive areas of land that is occupied by native herbaceous or shrubby vegetation which is grazed by farm animals and wild animals.

Registration – Procedures for officially recording land rights provided under the Land Registration Act, Cap. 334.

Regularization -a process of public intervention where informal, unplanned occupation of land is legalized, giving occupiers legal rights to the land and bringing the land into compliance with applicable urban planning standards.

Reserved land - Land reserved for: forestry; national parks; public game parks; game reserves; public utilities, land declared by order of the minister to be hazardous; public recreation grounds; and land parcels within a natural drainage system from which water basins originate.

Resettlement – Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term (involuntary) resettlement refers to these impacts. Resettlement is
considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

**Residential License** - confers upon a long-term occupant the legal right to occupy General or Reserved land in an unplanned urban or peri-urban area for a defined period of time.

**Stakeholders** - persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. These may include but not limited to Government ministries and institutions, private sector, local communities, civil society organisations and Vulnerable Groups.

**Stakeholder Participation** - refers to meaningful involvement of people regarding all relevant rights, benefits or impacts throughout the process, and includes meaningful consultation.

**Supervision Consultancy** – Responsible for supervising construction activities undertaken by contractors on behalf of the construction unit at the MLHHSD

**Village Land Use Management Team (VLUM)** – a group of village-level officials has the statutory role of overall supervision of all activities pertaining to land use in the respective village.

**Voluntary Land Donation** - Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation, subject to fulfilling a number of conditions.

**Vulnerable Groups** - these are five known tribal groups which meet the World Bank criteria outlined in Environmental and Social Standard (ESS07. These groups include the Maasai, Akie, Barabaig, Hadzabe, and Sandawe
# TABLE OF CONTENTS

## EXECUTIVE SUMMARY

ABBREVIATIONS AND ACRONYMS

### CHAPTER ONE - INTRODUCTION

1.1 Background

1.2 The Project Description and Components

1.3 Policy Framework

1.4 The Resettlement Policy Framework

1.5 Methodology used to Prepare the RPF

### CHAPTER TWO – POLICY AND LEGAL FRAMEWORK

2.1 Introduction

2.2 MLHHSDD Mandate

2.3 Land Tenure, Occupancy and Legal Procedure Status in Tanzania

2.4 Policies and Legal Aspects for Resettlement in Tanzania

2.5 World Bank Environmental and Social Framework Requirements for Resettlement

2.6 Tanzania Legal and Regulatory Requirement in Comparison with World Bank ESS5

### CHAPTER THREE - METHODS OF VALUING AFFECTED ASSETS AND COMPENSATION PAYMENTS

3.1 Introduction

3.2 Basis for Valuation

3.3 Methods of Valuing Assets

3.3.1 Direct Comparison Method

3.3.2 Replacement Cost Approach

3.3.3 Income/Investment Method
3.3.4 The Profit Method ................................................................. 33
3.4 Compensation ........................................................................ 33
3.4.1 Compensation for Loss of Interest in Land ................................. 34
3.4.2 Valuation and Compensation of Crops ..................................... 34
3.4.3 Compensation of Buildings .................................................. 35
3.4.4 Compensation for Loss of Profit ............................................. 35
3.5 Allowances ............................................................................. 35

CHAPTER FOUR – ELIGIBILITY AND IMPACTS ............................................... 37
4.1 Introduction ............................................................................ 37
4.2 Eligibility .............................................................................. 37
4.3 Types of Impacts .................................................................... 37
4.3 Entitlements by PAP Category .................................................. 39

CHAPTER FIVE - CONSULTATION AND ENGAGEMENT OF STAKEHOLDERS ...... 41
5.1 Introduction ............................................................................ 41
5.2 Summary of Consultation to inform the RPF .................................. 41
5.2.1 Stakeholders Consulted .......................................................... 41
5.2.2 Outcomes of Consultation ...................................................... 41

Table 5.1 Outcomes of Consultation ...................................................... 41
5.3 Overview of Stakeholder Engagement for Land Registration and Certification .......... 43
5.4 Need for Consultation Associated with the RAP and VLD Development and Implementation ................................................................. 44
5.5 Disclosure .............................................................................. 46

CHAPTER SIX GRIEVANCE REDRESS MECHANISM ........................................ 47
6.1 Introduction ............................................................................ 47
6.2 Grievance Redress Mechanism Associated with Resettlement and Voluntary Land Donations ................................................................. 47
6.3 Vulnerable and other Marginalized Groups .................................... 49
6.4 Code of Conducts for Grievance Redress Organs ............................... 50

CHAPTER SEVEN – PROCEDURE FOR VOLUNTARY LAND DONATION .......... 51
7.1 Requirements for Voluntary Land Donation .................................... 51
7.2 Voluntary Land Donation Procedure ......................................... 52

CHAPTER EIGHT: PROCEDURES FOR PREPARATION AND IMPLEMENTATION OF
RESETTLEMENT ACTION PLANS (RAP) ...................................................... 55
8.1 Introduction ............................................................................ 55
8.2 RAP Development ................................................................. 55
8.3 Contents of RAP ................................................................. 57
8.4 Entitlements Matrix .............................................................. 58
8.5 Resettlement Implementation ..................................................... 63

CHAPTER NINE - MONITORING, EVALUATION AND REPORTING .................. 64
9.1 Introduction ............................................................................... 64
9.2 Monitoring, Evaluation and Reporting of RPF Implementation ..................... 64
9.3 RPF Monitoring Methodology ................................................................ 64
9.4 Ex-Post Documentation of Resettled PAPs ............................................... 65
9.5 Post- Resettlement Monitoring of Resettled PAPs ...................................... 65
9.6 Monitoring of RPF Implementation ......................................................... 65

CHAPTER TEN - IMPLEMENTATION ARRANGEMENTS AND BUDGET FOR LTIP ................................................ 68
10.1 Introduction .............................................................................. 68
10.2 Institutional Arrangements for LTIP Implementation ................................ 68
  10.2.1 Role of Committees and Project Units ................................................. 69
  10.2.2 District and Local Level ..................................................................... 70
10.3 Stakeholder Engagement Forum ......................................................... 73
  10.3.1 National Level .................................................................................. 73
  10.3.2 District Level .................................................................................. 74
10.4 Environment and Social Safeguard Implementation Arrangements ............. 74
10.5 Resettlement Planning Framework Implementation Arrangements ............ 74
10.6 Responsibility of Stakeholders during RAP Implementation Actors ............. 76
10.7 Budget for RPF and RAP Implementation ............................................... 77

ANNEXES ....................................................................................... 80
Annex 1: The Land Donation Agreement Form ............................................. 80
Annex 2: LTIP Land Donation Agreement ...................................................... 83
Annex 3: Grievance Reporting Form ............................................................. 86
Annex 4: Grievance Resolution Form ............................................................ 87
Annex 5: Guidelines for Preparation of RAP .................................................. 89

Appendix 6: Consultation ........................................................................... 91
  Annex 6.1 Resettlement Specific Consultation ............................................... 91
  Annex 6.2 LTSP Workshop Dodoma 18th February 2019 .............................. 94
  Annex 6.3 Meeting minutes Tike Mwambipile, Executive Director, TAWLA February 26, 2019
  Dar es Salaam, Tanzania ............................................................................ 98
Annex 6.4 Meetings with CSOs March 2018 ................................................................. 99
Annex 6.5 Morogoro Field Visit – LTSP Project September 2019 ................................ 103
Annex 6.6 Field Visit to Arusha – October 2019 ....................................................... 105
Annex 6.7 Meeting with CSOs Dodoma November 2019 ........................................... 116
Annex 6.8 Summary of Key Issues Raised and How They are Addressed in the Project
Documents ................................................................................................................... 124
CHAPTER ONE - INTRODUCTION

1.1 Background

The current National Second Five Year Development Plan 2016/17 – 2020/21 underpins the importance of the land sector in facilitating socio-economic agents to engage in productive sectors of the economy, to enable Tanzania to become a middle-income country by 2025 and provides for an overarching framework for all poverty alleviation and growth-related strategies. Urban Planning, Housing, Land Registration and Certification, and Human Settlements Development are part of the National FYDP II’s larger agenda. However, the document underscores some challenges that appeal for land administration reform to ensure proper land administration and enhancing land tenure security in Tanzania.

Land use planning and management are a key variable for unlocking the potential for growth by making land accessible for productive uses in rural and urban areas. Land policy, as governed by the two Acts, namely, the Land Act 1999 and Village Land Act 1999, provides the legislative framework for facilitating land administration and tenure security in Tanzania.

The Land Tenure Improvement Project (LTIP) seeks to implement activities that will enhance security of tenure and promote land-based investment. The anticipated benefits of this project include planned and serviced urban settlements with functioning town planning procedures including land use planning, surveying and land registration and certification in urban areas. The project will also support land use planning and registration in rural areas, leading to improved livelihood opportunities and increased land productivity.

The LTIP is built up from lessons and unresolved land insecurity issues on similar projects undertaken in Tanzania in the past decade. These projects include the Land Tenure Support Project (LTSP) the Land Tenure Assistance Project (LTAP), Creation of a Comprehensive Urban Land Property Register for Economic Empowerment of residents in Unplanned Settlements in Dar Es Salaam (URT 2005); the Twenty Thousand Plots Project in Dar Es Salaam, and others.

1.2 The Project Description and Components

1.2.1 Project Objectives

The Project (LTIP) aims to strengthen the land administration system and increase tenure security for both men and women.

1.2.3 Description of the Project Areas

The Project will be implemented in regions selected based on the following criteria: economic potential; demand and readiness for land registration; urban centres where master plans have been prepared or are in the process of preparation; potential or actual occurrence of land conflicts; rural areas with high agricultural potential; urban areas with high percentage of unplanned settlements; and Government priority areas as stipulated in medium and long term economic and physical plans. Based on these criteria and discussions between MLHHS and other stakeholders, the regions selected include but are not limited to: Dar es Salaam, Dodoma, Arusha, Tabora, Geita,
Pwani, Mwanza, Shinyanga, Tanga and Morogoro. The Districts to be covered include, but are not limited to, Dodoma (Chamwino), Simiyu (Maswa), Ruvuma (Mbinga), Katavi (Mpanda), Songwe (Songwe) and Momba Rural District. This will cover 6-7 percent of the country with tenure documents and will build important infrastructure and systems for a wider nation-wide rollout.

1.2.4 Project Beneficiaries
The project beneficiaries include landowners, including small scale farmers, commercial farmers, pastoralists, hunter-gatherers, the business community etc who will have their land planned, surveyed, registered and certificated. In addition, the government (in terms of revenue) and staff working in land sector through training will also benefit from the project.

1.2.5 Project Components Description
LTIP Activities will be implemented through, four main components namely-(1) Increased Tenure Security, (2) Land Information Management, (3) Institutional Strengthening and Skills Development and (4) Project Management, Monitoring and Evaluation (M&E). The description of each component are hereunder:

Component 1: Increased Tenure Security. This component will support the issuance of CCROs, CROs, Residential Licences and other related activities. The activities under this Component will be done in an inclusive and participatory way to ensure gender equity, and protection of the rights of all groups including women, youth, hunter-gatherers, pastoralists, farmers, etc. The following regions are selected including but not limited to 1: Dar es Salaam, Dodoma, Arusha, Tabora, Geita, Pwani, Mwanza, Shinyanga, Tanga and Morogoro. The Districts to be covered include, but are not limited to, Dodoma (Chamwino), Simiyu (Maswa), Ruvuma (Mbinga), Katavi (Mpanda), Songwe (Songwe) and Momba Rural District. This will cover 6-7 percent of the country. This component includes the following subcomponents:

Subcomponent 1.1: Rural mass certification and issuance of Certificates of Customary Rights of Occupancy (CCROs). This subcomponent will focus on upscaling successful pilots for the direct implementation of rural mass certification and issuance of CCROs. This requires, previous definition of the village boundaries, the planning of land uses, inclusive and participatory demarcation and adjudication processes, conflict resolution and issuance of certificates.

Subcomponent 1.2: Urban mass registration and issuance of Certificates of Rights of Occupancy (CROs) and Residential Licenses (RL). Urban land certification entails two distinct processes with different outputs: the formalization process to produce 1 million RLs, and the regularization of unplanned settlements to produce 1 million CROs. The formalization of land parcels through the issuance of RLs includes adjudication of land parcels, preparing an urban land register and issuances of RLs. Similarly, the regularization process for unplanned settlements and issuance of CROs, involves the production of regularization schemes to ensure compliance with minimum urban standards (width of streets and pathways, availability of public spaces such as schools and other services).
Component 2: Land Information Management. This component will include the rollout of the Integrated Land Management Information System (ILMIS), improvements to the geodetic network, base mapping, generation of a property valuation database and establishment of a basis for National Spatial Data Infrastructure (NSDI) to strengthen accessibility and efficiency of land administration services. The ILMIS has been piloted and the project will improve, extend, and implement the system in the project areas in an effective way to reach all localities for maintenance of the land information. The enhanced geodetic framework and base maps will support not only the land registration operations but also a wide range of location-based applications underpinning social, economic and environmental benefits. This component entails the following subcomponents:

Subcomponent 2.1: Upgrading and upscaling of ILMIS. This subcomponent will finance the second phase of ILMIS development by upgrading functionalities for unified management of CCROs, CROs, RLs, including first registration and subsequent transactions. The ILMIS Rollout will be implemented in 26 regions where the same number of office building will be constructed and equipped to support the ILMIS upscaling.

Subcomponent 2.2: Production of base maps. This subcomponent will finance the outsourced production of base maps using either recent high-resolution satellite imagery or aerial photography in the project areas and additional districts that are in between project target districts to support mass land certification, land use planning and management.

Subcomponent 2.3: Enhancement of geodetic framework. This subcomponent will support the establishment of Continuously Operating Reference Stations (CORS), associated infrastructure, and geodetic control points needed for accurate and economically feasible Global Navigation Satellite System (GNSS) surveying and operation maintenance of network.

Subcomponent 2.4: Support for Valuation Systems: This subcomponent will involve mapping of land values across the country; establishing a property valuation information data base that can be used in mass appraisal of land values, taxes, compensation etc.

Component 3: Institutional Strengthening: This component will include capacity building and legal/regulatory reform activities, public awareness campaigns and other related activities to improve service delivery for land administration, including purchase of equipment and office construction to decentralize ILMIS, efficient land administration services and support for the Land and Housing Tribunals. This component entails the following subcomponents:

Subcomponent 3.1: Legal and regulatory review and support to policy implementation. This subcomponent will update and harmonize the policy, legal and regulatory framework for efficient land administration and mass systematic registration. This will be done through backgrounds studies and analysis, workshops and consultancies as needed.

Subcomponent 3.2: Capacity building for the land sector. This subcomponent will focus on capacity building for all relevant stakeholders at the central and at the local level. It will involve training of staff on various aspects associated with land sector development and the project (LTIP). The capacity needs assessment will be carried out to inform the training needs and gaps.
Subcomponent 3.3: Support for the Land and Housing Tribunals: This sub-component is meant to support the establishment and function of the land and housing ward tribunal in terms of adding new tribunals and councils, financial and human resource support for existing bodies, clearing backlogs, development of guidelines at the village and ward level as well as training and equipment.

Subcomponent 3.4: Physical development of the land administration system. This subcomponent will support the construction of 26 Regional Land Offices and renovation of 12 District Land Offices which are ILMIS compliant. A national land archive building will also be constructed. It will also procure the necessary equipment for these buildings and ensure connection of Local Area Network to the respective offices. An archive strategy will also be developed.

Subcomponent 3.5: Public awareness: This sub-component is meant to create awareness of the broader land administration system, LTIP activities and processes, land related policy and laws requirements, and land information systems to different stakeholders. Other areas for implementation includes preparation of the communications strategy, message development and testing for confidence building in understanding of, the land administration system. Other activities include training on safeguard documents (i.e. ESMF, VGPF, SEP, RPF) to various stakeholders at different levels during project implementation. Crucial focus will be made on women’s land rights and other vulnerable groups.

Component 4: Project Management: In this context, a Project Coordination Unit (PCU) has been established within the MLHHSD. The key tasks to be carried out by the PCU will be general project coordination, procurement, financial management, environmental and social supervision, and monitoring and evaluation. Capacity building for the Ministry staff will be necessary as the project will be the first World Bank funded standalone project to be implemented by the MLHHSD. Capacities exist within the Ministry will be strengthened to ensure successful project implementation. Likely, equipment, recruitment and training will be supported to upgrade the capacities of the Ministry.

1.3 Policy Framework

This Resettlement Policy Framework (RPF) applies to permanent or temporary involuntary land take or restrictions from land use undertaken as part of the LTIP. The framework provides guidance in the preparation and implementation of site-specific resettlement action plans (RAPs) and any livelihood restoration activities in cases where land acquisition or change in livelihoods of the people on that land may be required in the proposed LTIP. Similarly, the Framework will ensure that Project Affected Persons (PAPs) do not suffer any negative social or financial impacts through appropriate measures contained in this RPF.

The RPF scope in the context of LTIP implementation covers all project elements notably land regularisation, formalization and construction interventions, which to large extent are likely to generate no substantial detrimental environmental and social impacts or cause resettlement. Thus, the RPF sets the road for preparedness and potential conditions in case resettlement actions occur. The positive and negative environmental and social impacts and risks associated with the LTIP are described clearly in the Environmental and Social Management Framework (ESMF) document of
the LTIP. In fact, where potential involuntary land take or restrictions on land use may occur, relevant provisions in the national legislative requirements and the World Bank ESS1 on Assessment and Management of Environmental and Social Risks and Impacts and ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement applies. In addition, ESS10 Stakeholder Engagement and Information Disclosure will be applied.

1.4 The Resettlement Policy Framework

1.4.1 Objective of the RPF

The Project will support activities that are likely to generate site-specific impacts that might include Land Acquisition, Restrictions on Land Use and Involuntary Resettlement of Project Affected Persons (PAPs). However, since the exact location of any displacement is unknown it is not currently possible to develop a Resettlement Action Plan (RAP) or Voluntary Land Donation (VLD) agreements.

As such, a Resettlement Policy Framework (RPF) has been prepared to outline the approach that will be taken to manage involuntary land take, land acquisition or restrictions on land use in line with national law and the requirements of ESS5. The RF establishes the acquisition and compensation principles, organizational arrangements and design criteria where necessary to be applied to meet the needs of the people including vulnerable groups as defined in ESS7 who may be affected by the project activities, when the actual sites are identified.

1.4.2 Access to Land and Land Use

Access to land in Tanzania is either through a granted Right of Occupancy (CRO) or Certificate of Customary Right of Occupancy (CCRO). Granted Right of Occupancy is issued to surveyed urban areas where it is known as general land. In rural areas Certificate of Customary Right of Occupancy (CCRO) are issued on the village land which includes communal land, occupied land (individual) and vacant land. However, more than 70 percent of urban land is unplanned and thus its pattern of urban development has resulted in the dominance of unplanned settlements and neighbourhoods without basic social services and infrastructure. In rural areas, the limited number of villages with village land use plans and clear village boundaries are among the main sources of land use conflicts some of which have resulted into loss of property and life.

Land use means the purpose for which any parcel of or structure erected on land, or part of it is or is intended to be used or occupied. Common land uses are for agriculture, pastoralism (usually communal), forestry, settlements, social services and commercial purposes depending nature of the area concerned and if the setting is rural or urban.

The common land uses of Vulnerable Groups (VG) including land that is historically owned by the VG or utilised for their livelihoods are for hunting activities, livestock grazing, forest and forest reserves, herbs and roots for medicine, bee keeping and honey collection and for food purposes. This is discussed further in the VGPF prepared for the Project.
1.4.3 Causes of Resettlement

Land acquisition, restriction of land use or involuntary displacement may result from the following activities:

i) Construction of New Office Buildings: Construction of Regional Land Offices and the Archive Building will require land. It is anticipated that the land for these offices will be on government and currently owned by the Region or District. As such compensation for the land will not be required and MoU will be signed between the Ministry and LGAs. However, the existing land ownership and any existing land uses, including informal livelihood activities, will need to be verified and should there be displacement compensation will need to be provided in line with the entitlement’s matrix.

ii) Land regularization: Regularization functions may involve land take to establish community roads and right of way/ passage between existing land plots. The extent of land take will be minimised to the extent possible by limiting the width of these rights of passage in both rural and urban areas. Such land take will be provided via Voluntary Land Donation procedures or will need to be compensated in line with the entitlements matrix or as outlined in this document.

1.5 Methodology used to Prepare the RPF

The preparation of this RPF document was based on two main approaches:

i. a review of the relevant literature, including national laws, ESS5, land acquisition processes on other projects etc.
ii. stakeholder consultations with a number of experts, officials, key informants etc

The RPF builds upon experiences, lessons and approaches of the past pilot projects and initiatives implemented in Tanzania (Dar es Salaam, Mwanza, Morogoro-LTSP, Property and Business Formalization Project (MKURABITA)) as well as global and regional experiences, to efficiently engage in regularization schemes preparation and implementation.

This RPF covers the following elements:
- Introduction and Project Description
- Policy and Legal Framework
- Methods of Valuing Affected Assets and Compensation Payments
- Eligibility and Project Induced Risks and Impacts
- Consultation and Engagement of Stakeholders
- Grievance Redress Mechanism
- Procedure for Voluntary Land Donation
- Procedures for Preparation and Implementation of Resettlement Action Plan
- Monitoring and Evaluation
- Implementation Arrangements and Budget
CHAPTER TWO – POLICY AND LEGAL FRAMEWORK

2.1 Introduction
Tanzania has an extensive policy, legal and institutional framework for managing social issues related to land and property acquisition and compensation enshrined in the National Constitution, the Land Policy and Land Acts as well as supporting local laws and by-laws. The Ministry of Lands, Housing and Human Settlement Development is responsible for formulation of land policy, regulation and coordinate matters pertaining to land in Tanzania Mainland.

This chapter presents overview of Tanzanian policy, legal and institutional framework of relevance to this RPF. Currently there is no specific resettlement policy in Tanzania. However, Tanzania has policies and a legal and institutional framework for the management of social issues related to land and property acquisition and requirements for full, fair and prompt compensation enshrined in the National Constitution, the Land Policy and Land Acts of 1999 as well as supporting laws and regulations – operating at various levels including local laws and by-laws.

2.2 MLHHSD Mandate
The Ministry of Lands, Housing and Human Settlement Development is responsible for formulation of Land policy, regulation and coordinating matters pertaining to land administration in Tanzania. Currently, there is no specific national resettlement policy framework in Tanzania, but the Country has a policy, legal and institutional framework for management of social issues related to urban and rural development, housing, land, and property acquisition. Requirements for compensation are enshrined in the National Constitution, the National Land Policy and Land Acts of 1999, the Land Acquisition Act of 1967 as well as supporting laws and regulations – operating at various levels including local laws and by-laws.

2.3 Land Tenure, Occupancy and Legal Procedure Status in Tanzania
The Constitution of the United Republic of Tanzania of 1977 (as amended), the Land Act (No. 4 of 1999), Village Land Act (No.5 of 1999), Land Acquisition Act (No. 47 of 1967), the Land Use Plan Act (No. 6 of 2007) and Urban Planning Act (No. 8 of 2007) and their regulations contain provisions related to land administration, tenure and ownership in Tanzania. Public land is categorized as general, village, or reserved land. Socio-economic activities are permitted on general and village land, and not permitted or are restricted in reserved land such as national parks, game reserves and forest reserves.

Tanzania mainland has a dual system of land tenure concerning public lands: (i) customary rights and (ii) Statutory rights of occupancy. Granted rights to land can be held by individuals or by Communities. Holdings of individuals can be covered by the following: (i) Right of occupancy for varying periods e.g. 33, 66, or 99 years; and (ii) Customary rights of occupancy for indefinite term. Approved land use plans or layouts and cadastral survey plans form the basis for plot allocations to individual landholders. Individuals are given certificates that provide the details on the plot size, use, development conditions, rent payable, duration of ownership and other covenants. The
landholders are required by law to prepare building plans according to uses/development conditions in the certificate and obtain a building permit from the local authority. A change of land use requires application of that change of use to local authorities and later on to be approved by the Director of rural and town planning.

Mechanisms for land tenure in plot allocations to individual landholders also apply to allocation to government lands intending to construct public buildings: i.e. requirements for approved land use plan, cadastral survey plan, application of change of use, building plans and building permit. Where the government fails to obtain land through the usual allocation procedures, the Land Acquisition Act No 47, 1967 gives power to the President to acquire “Land” from private occupants where such land is required for any public purpose. This Act provides that land shall be deemed to be required for a public purpose where it is for, among others, exclusive Government use, for general public use, any Government scheme, the development of agricultural land or for the provision of sites for industrial, agricultural or commercial development, social services, or housing.

The authorized person is allowed to enter upon and survey and take levels of any land in such locality; to do all other acts necessary to ascertain whether the land is adapted for such purpose; and to clear, set out and mark the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon. Also, the Land Acquisition Act must be read together with the Valuation and Valuers Registration Act of 2016 which provides how compensation should be calculated to compensate those whose interest on land has been acquired and directs the Government to pay for all damage done in consequence of the exercise.

2.4 Policies and Legal Aspects for Resettlement in Tanzania

This section lays out the legal and policy framework that will be applied to project activities implementation for the LTIP in case of acquisition of land and associated properties, compensation and resettlement procedures anticipated, thus set potential conditions for resettlement activities as per World Bank ESF requirements.

Constitution of the United Republic of Tanzania (1977 - as amended)

The Constitution provides for the protection of the rights and interests of citizens in matters concerning their property. It is stated in article 24 sub-article (1), that every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub-article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes, without the authority of law, which makes provision for fair and adequate compensation as prerequisite for resettlement. This is also in line with ESS5 of the World Bank ESF requirements.

National Land Policy of 1995

The Policy advocates equitable distribution and access to land by all citizens. It aims at ensuring that existing rights in land especially customary rights of small holders (i.e. peasants and herdsmen who form the majority of the country’s population) are recognized, clarified, and secured by law. Likely, the policy promotes and ensures a secure land tenure system in Tanzania that protects the rights in land for all its citizens. The policy provides that a dual system of tenure, which recognizes both customary and statutory rights of occupancy as being equal in law be established. With regard to land acquisition, the NLP restates the powers of the President to acquire land compulsorily in the public interest, and that owners of such acquired land will be paid compensation, which will be based on the concept of opportunity cost and to include: (i) Market value 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; vi) Any other costs or capital expenditure incurred in the development of the subject land; and, vii) Compensation should be paid promptly, and if not paid in time, interest at market rate will be charged.

Under the policy framework, land is to be put to its most productive use to promote rapid social and economic development of the country among other objectives. This implies that land that provides livelihood to community members is to be protected and made available for their use. This Project will ensure that there is no denial of access to land by Project participants, and that all community members enjoy equal rights to access resources within their possessed land.

**Land Act No. 4 of 1999**

The Land Act Cap. 113, establishes three categories of land: general, village and reserved. In addition, land may be declared ‘hazard land’ where its development might lead to environmental damage, e.g. locations such as wetlands, mangrove swamps and coral reefs, steep lands and other areas of environmental significance or fragility.

The Land Act specifies 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. The act states that where persons with a right of occupancy (including land which is occupied by persons under customary law) are to be moved or relocated, they must be compensated for loss of interest in the land and for other losses. They also have the right to reap crops that are sown before any notice for vacating that land is given.

According to the Land Act, assessment of compensation on land acquired shall be based on the following: i) Market value of the real property; ii) Disturbance allowance; iii) Transport allowance; iii) Loss of profit or accommodation; iv) Cost of acquiring or getting the subject land; v) Any other cost loss or capital expenditure incurred to the development of the subject land. Besides, interest at market rate will be payable on the outstanding amount, where the payment of compensation is delayed.

The wide definition of possible beneficiaries of compensation should be noted. This may have come about after the realisation that many land occupiers cannot prove their right to occupy that land in terms of a granted right of occupancy. The question of legality is no longer a key consideration. In practice, at least in recent days, compensation has been paid in all cases of people who claim to be landowners and who are adversely affected by the contemplated scheme. However, the definition of beneficiaries has been taken not to include tenants. Further considerations include the cost of acquiring the subject land. However, there are no provisions covering the cost of acquiring alternative new land. It may be noted as well that the focus is on what to pay the affected persons and not to resettle them or to restore their livelihoods.

The Act recognizes customary tenure as of equal status to granted rights of occupancy and allows livestock keepers to own pasture lands either individually or in groups. Importantly, the land act promotes gender equality by recognizing equal access to land ownership and use by all citizens - men and women alike and giving them equal representation on the land committees. The
application of this Act will enable soliciting land for project implementation in both rural and urban areas.

**The Village Land Act No. 5 of 1999**

The Village Land Act, (No. 5), 1999 was enacted specifically for the administration and management of land in villages. Under the provisions of this act, the Village Council is responsible for management of village land and is empowered to do so in accordance with the principles of a trustee managing property on behalf of a beneficiary. In addition, the Village Council is required to manage land by upholding the principles of sustainable development, relationship between land uses, other natural resources and the environment. Many LTIP activities shall be established and operated within the village lands.

Under Village Land Act, No 5 of 1999, Village Councils are responsible for administration of Village Land. The Village Land Act specifies that an interest in land has a realizable value and that value is taken into consideration in any transaction affecting that interest; the recognized land ownership is the granted 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 property in additional transport allowance; disturbance loss of profits and accommodation; cost of acquiring or getting the subject land; and interest at market rate will be charged or paid for the delayed compensation.

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 regarding in the process of land acquisition after proper compensation and resettlement has been undertaken.

**Land Acquisition Act, 1967 (Act No 47/1967)**

The Land Acquisition Act of 1967 is the principal legislation on compulsory land acquisition and provides the powers and procedures for acquiring land and the required need for compensation. Section 3 and 4 of the Act give the President of Tanzania powers to acquire any land for any estate or term where such land is required for public purposes which include:

a) exclusive Government use, for general public use, for any Government scheme, for the development of agricultural land or for the provision of sites for industrial, agricultural or commercial development, social services or housing;

b) for or in connection with the laying out of any new city, municipality, township or minor settlement or the extension or improvement of any existing city, municipality, township or minor settlement;

The Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land to determine its suitability for a public purpose. The Government of Tanzania is supposed to pay compensation to any person who
suffers damage as a result of any action. Compensation is as may be agreed upon, or as assessed under the Act. Any dispute as to compensation payable is to be referred to the Attorney General or court for decision. Action is stipulated, including the payment of interest, where the payment of compensation is delayed.

The Land Acquisition Act does not go beyond compensation. It is not required under the Act to provide alternative land for the affected people by the project. Each affected person entitled to be compensated; on receipt of his/her compensation is expected to move and has no further claim. Once they are promptly and adequately compensated, then the obligations stop there. This Act also sets out the legal process for payment of compensation. Although under the Land Acquisition Act, in assessing compensation, vacant land is not to be considered, this situation has now been changed under the Land Act 1999 (as amended).

In realization of the problems of compensation assessed and paid under the Land Acquisition Act, the National Land Policy 1995 recommended an improvement in the compensation package which was taken care of in the Land Act 1999. Moreover, the Land Act 1999 generally clarifies and improves on the compensation package.

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

Land (Assessment of the Value of Compensation) Regulations, 2001 were made under section 179 of Land Act no. 4 of 1999. 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 practical guidelines on assessment of compensation. Full and fair compensation is assessed by including all components of land quality; and the market value should be used as basis for valuation of land and properties. Presently, in assessing the value of the unexhausted improvements for compensation purposes, the law emphasizes that the value should be the price which the said improvements can fetch if sold in the open market. But this, in normal circumstances, is lower than the replacement cost, but higher than the initial construction cost of the said improvements.

The regulation also details how to determine the factors to be taken into consideration in assessing compensation: These include:

(a) Disturbance allowance is equal to the value of the land multiplied by the average rate of interest offered by commercial banks on a 12 months fixed deposit at the time of loss of interest in land;

(b) Accommodation allowance is the market rent of the affected building per month multiplied by 36 months;

(c) Loss of profit allowance as per established net profit per month evidenced by audited accounts multiplied by 36 months;

(d) Transport allowance which is taken as the actual cost of transporting 12 tons of luggage by rail or road whichever is cheaper, within 20 kilometres from the point of displacement

(e) Interest at market rate in case of delay in the payment of compensation

Compensation must be paid within six months from the date of valuation otherwise interest should be charged. According to the Regulations, the valuation of the affected properties must be done by a
qualified and authorized Valuer, who is defined under the Valuation and Valuers Registration Act 2016.

Land (Compensation Claims) Regulations, 2001

The regulations apply to all applications or claims for compensation against the government or Local authority or any public body or Institution and they also cover compensation which may be claimed by an occupier. Section 4 of these Regulations defines the following categories of people as eligible compensation claimants.

a) The holder of a granted right of occupancy on general or reserved land which is transferred to village land;
b) The holder of a granted customary right of occupancy on land which is declared hazardous;
c) The holder of customary right of occupancy where land becomes subject to a grant of occupancy to another person and such holder is required to move or relocate;
d) The occupier of land which he has obtained under or as a consequence of a disposition by a holder of a granted or customary right of occupancy where such occupier is refused occupancy under section 54 of the land Act;
e) The occupier of land in urban or peri-urban areas where such land is acquired by the president under a scheme of regularization.

Section 6 of these Regulations, requires that the following procedures be followed to ensure participation and involvement of the occupiers of the land subject to compensation: (i) Publish a notice in a public notice board/gazette notifying the occupiers of land subject to compensation; ii) Occupiers to submit their claims for compensation and iii) Physical presence of the occupier during the assessment.

Section 9 of the Regulations recommends the preparation of a compensation schedule which will be submitted together with the compensation claims to the Land Compensation Fund for verification and consideration for compensation payment. Section 10 of the Regulations, recommends that compensation could be in monetary terms or shall take the form of all or a combination of any of the following: i) A plot of land of comparable quality, extent and productive potential ii) A building of comparable quality, extent and use iii) Plants and seedlings and iv) Regular supplies of food stuffs for a specified period of time

Land (Schemes of Regularization) Regulations, 2001

Under the Land Act, 1999 Section 60(1) an area can be declared to be a regularization area. Regularization of an area involves the following:

a) Arrangements for the survey, adjudication and recording of interests in land claimed by those persons occupying land in the regularization area.
b) Arrangements for the readjustment of boundaries of plots of land.
c) Better planning and layout of the land including pooling, sharing and redistribution of rights in land.
d) Arrangements for the involvement of the local authorities having jurisdiction in the regularization area in the implementation of the scheme.

e) Arrangement for involvement of the people whose land is the subject of the scheme of regularization in the implementation of the scheme.

f) Arrangement for the assessment and payment of any compensation that may be payable in connection with the implementation of the scheme.

Section 60(3) emphasizes that —For avoidance of doubt, no scheme or regularization shall be implemented until occupation and use of land by those persons living and working in the area have been recorded, adjudicated, classified and registered.

**Land Disputes Courts Act, 2002 (Act No. 2/2002)**

This Act provide for the establishment of land dispute settlement machinery and for matters incidental thereto. The machinery starts from the Village Land Council, to the Ward Tribunal, to the District Land and Housing Tribunals and thereafter, to the High Court and Court of Appeal. Village land councils have no limited pecuniary and land size jurisdictions as far as the disputed land is occupied under customary right of occupancy, the Ward Tribunals have limited jurisdictions-on the size of land and pecuniary is only 3 millions TZS as stipulated on s. 15 of the Land Disputes Courts Act No.2 of 2002.

The DLHTs jurisdiction is 100M and 80M TZS for immovable and movable property, respectively (s.33 (2) (a & b) read in line with s. 8 of the Written Laws (Miscellaneous Amendments) (No. 4) Act, 2017). This means that many people with land conflicts have to resort to the judicial system, beginning at the DLHT and proceeding beyond in case of an appeal. However, not all districts have courts in place, especially the District land and housing tribunals (DLHT). There only 53 DLHTs in the Country. Other established land disputes resolution machinery at lower levels are often inadequate.

It is therefore recommended that in each project district, these courts must be established under component three of the project. Before implementation of sub projects, any land conflicts existing in the areas shall be resolved through the appropriate land courts to ensure that harmony prevails in the intended undertaking. Project beneficiaries will therefore be bounded by these Acts. This follows the ESS5 Footnote10 and ESS10 as the world bank ESF requirements.

**Land Use Planning Act, 2007 (Act No. 6/2007)**

The Act provides for the procedures for preparation, administration and enforcement of land use plans; to repeal the National Land Use Planning Commission and to provide for related matters. Clearly the Act has distinctive authorities of land use planning in Tanzania laid down with their functions and powers. The power vested in authorities to enforce approved land use plans includes taking defaulters to court of law. This Act provides for procedures for preparation, administration and enforcement of land use plans and to provide for related matters as documented in Policy and land regularization regulations. Its focus is on rural land. A planning authority is defined under this Act to include (s. 18 (1)): i) A Village council, ii) A District Council, iii) National Land Use Commission, and, iv) Any such body or organ which the Minister may declare to be a planning authority. Planning authorities under this Act are given powers to cause land to be acquired
compulsorily when ordered by the President for planning purposes using the provisions of the Land Acquisition Act and those of the Land Act.


The Urban Planning Act No 8 of 2007 provides power for creating plans in advance of development and a comprehensive system of development control. It provides for the declaration of planning urban areas by the Minister responsible for Urban Planning. This is done in consultation with Local Authorities and constituting area Urban Planning committees and procedures for preparation of schemes and the approval by the Minister. The general planning schemes which came to be known popularly as master plans continued to be the primary planning and management tool for guiding urban development in Tanzania for more than forty years. These provided for overall planning through facilitating preparation of detailed schemes and project plans.

The Act provides for more involvement of and consultation with the public and owners in the execution of land use schemes. The Act provides for the orderly and sustainable development of land in urban areas; to preserve and improve amenities; to provide for the grant of consent to develop land and powers of control over the use of land and to provide for other related matters.

**Valuation and Valuers Registration Act 2016**

This Act has a number of provisions related to the valuation of property and payment of compensation. It provides for the cut-off date for valuation for compensation to be the date of the commencement of the valuation. This may contradict the Land Acquisition Act where the cut-off date is the date of declaration of an area to be subject to compulsory acquisition.

In general, under section 52 of this act the following are provided for:

a) The validity of valuation for compensation to be two years commencing from the date of endorsement of the valuation by the Chief Valuer (CV)

b) Prompt payment of compensation after the CV has approved the valuation, whereby "prompt" means within six months, and failure to do so means that an interest rate commensurate to the deposit rate paid by commercial banks will be paid, on top of the principal. If this is not paid within two years, the valuation will no longer have legal effect and has to be carried out anew.

**2.3.2 Sector Policies and Laws on Access, Use, and Management of Natural Resources**

Land-based natural resources that could be affected by land acquisition include agriculture resources (arable land), forests and contained biodiversity and beekeeping, non-renewable mineral resources (including construction materials such as gravel), surface and underground water resources. Each category is governed by one or a set of laws and regulations, but all invariably has taken measures to ensure access to use and enjoyment of all Tanzania citizens.

**2.3.3 The Graveyard Act, 1969 (Act No. 9/1969).**

Graveyard Removal Act of 1968 refers directly to grave removal and requirement for compensation. Section 3 of this Act, informs that where any land on which a grave is situated is
required for a public purpose the Minister may cause such grave and any dead body buried therein to be removed from the land and, in such case, shall take all such steps as may be requisite or convenient for the reinstatement of the grave and the reinstatement of the dead body in a place approved by him for the purpose. The act says the owners of graves should be compensated and paves way for development interventions.

2.3.4 The National Human Settlements Development Policy (2000)

The overall objective of the National Human Settlements Development Policy (NHSDP) is to promote the development of sustainable human settlements and to facilitate the provision of adequate and affordable shelter to all people, including the poor. The policy outlines a number of objectives including environmental protection within human settlements and protection of natural ecosystems against pollution, degradation and destruction. The NHSDP recognizes planning and management of human settlement areas as one of the broad human settlement issues. Within this regard, the NHSDP identifies environmental protection as one of the strategic issues in human settlement planning and development.

2.3.5 National Cultural Policy (1997)

The policy framework for culture in Tanzania includes the rather broad general Cultural Policy dating back to 1997, which covers heritage, arts and craft and other cultural sectors of activity. The National Strategy for Growth and Reduction of Poverty for Tanzania, MKUKUTA II, recognize the importance of culture in the national development strategy. Its Goal 5 indicates that “National culture and identity are at the heart of development policy”. The results targeted within this goal are:

(1) Social cohesion, belonging, and national identity promoted and enhanced;
(2) Attitude toward hardworking, self-confidence, and self-esteem, creativity, innovation and Moral integrity promoted and enhanced;
(3) Culture and heritage of the country preserved and promoted; and
(4) Principles of cultural diversity and inter-cultural dialogue upheld.

2.3.6 Antiquities Policy of 2008

Antiquities Policy of 2008 defines Physical Cultural Resources (PCRs) as any tangible material that represent contemporary, historic, and pre-historic human life ways. Antiquities Policy (2008) section 2.1 points out that already discovered PCRs shall be preserved and conserved in the National Museum of Tanzania as stipulated in Museum Act of 1980. In addition, the Antiquities Policy of 2008, sections 4.2.1 to 6, elaborates on how other stakeholders including government institutions, private sectors and public as a whole should be involved in all activities of conservation and management of PCRs.

Agriculture and Livestock Policy of 1997
The overall aim of the Policy is to promote and ensure a secure land tenure system to encourage optimal use of land resources and facilitate broad-based social and economic development without upsetting or endangering the ecological balance of the environment. The land use plan in the Project will be observed to protect the rights of hunters-gatherers, livestock keepers, and specific uses on Vulnerable Communities in the five communities aforementioned as per World Bank Environmental and Social Framework.

2.5 World Bank Environmental and Social Framework Requirements for Resettlement

Environmental and Social Standard 5 (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Such impacts can include loss of shelter or residential land (physical displacement) or loss of land, assets or access to assets affecting livelihoods (economic displacement). As such, ESS5 seeks to avoid involuntary resettlement. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented. The objectives of ESS5 are:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

The ESS applies to permanent or temporary displacement resulting from involuntary resettlement. The ESS does not apply to voluntary legally recorded market transactions when the seller is given a genuine right to refuse and is fully informed about their choices. The ESS does include consideration of voluntary land donation. When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, affected persons will be offered compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.
2.4 Tanzania Legal and Regulatory Requirement in Comparison with World Bank ESS5

Laws on land administration in Tanzania are comprehensive but differ in several ways with the ESS5. For example, entitlements for payment of compensation are essentially based on the right of ownership, which limits the rights of non-formal occupants like slum dwellers and tenants that the ESS5 recognizes. The provision that the affected persons are entitled to some form of compensation, whether or not they have legal title, if they occupy the land by a specified cut-off date is not explicit in Tanzanian laws. There are other gaps between the Tanzanian laws and the ESS5 which are summarized in the table below. The principle of this RF will adhere to the Tanzanian laws as noted above and the ESS5. In case of gaps/contradictions between the two policies, the stricter (i.e. that which provides greatest benefit to the PAPs will prevail).
Table 2.I: Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landholders/Owners</td>
<td>It is the constitutional right in Tanzania that if one's property is either acquired or nationalized, the individual will be compensated for any land acquired. Any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under the Land Act or acquired under the Land Acquisition Act, is entitled to a full, fair and prompt compensation. PAP include those who have certificates and those who do not have them as long as it cannot be argued that compensation for that land had been paid before, or occupiers are on public land (e.g. a road reserves). Tenants are not identified as PAPs.</td>
<td>Project affected persons may be classified as followed: (a)Who have formal legal rights to land or assets. (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) Who have no recognizable legal right or claim to the land or assets they occupy or use. PAPs under (a) or (b), are entitled to in-kind or cash compensation at replacement cost for land and assets on the land. PAPs under (c) will be provided with assistance to obtain adequate housing with security of tenure at an alternative site as well as compensation for assets on the land at replacement cost. In both cases if needed livelihood restoration and other resettlement assistance will be provided.</td>
<td>The legal right to resettlement is applicable only to those with proprietary interest in the affected land. It is unlikely that this project will displace households or individuals. However, if this happens, the provisions of ESS5 will be followed when determining eligible landholders/ owners who are entitled to compensation at full replacement cost.</td>
</tr>
<tr>
<td>Types of Affected Persons/Lost Assets</td>
<td>Tanzanian Law</td>
<td>ESS5</td>
<td>Comparison/Gaps and Their Closure</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------</td>
<td>------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Tenants</td>
<td>Tenants in general are not eligible for compensation</td>
<td>Renters and tenants of residential properties are eligible for relocation assistance. Renters of businesses and land are also eligible for relocation and other assistance. In addition, they are also eligible for compensation for any loss of income during the transition.</td>
<td>ESS5 recognizes a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights and does not include tenants. As such, during any resettlement process tenants will be identified and provided with resettlement assistance based on the nature and extent of their losses.</td>
</tr>
<tr>
<td>Squatters</td>
<td>Squatters may be paid compensation at the discretion of the government. In addition, those occupying land for over a certain amount of time are entitled to compensation. In some cases, however, they are not paid. In practice, those considered to be occupying land for which compensation has been paid before or land set aside for public infrastructure, even if they are unaware, may not be paid</td>
<td>Squatters who have no recognizable legal right or claim to the land or assets they occupy, or use are entitled to resettlement assistance as well as other relocation assistance in lieu of compensation.</td>
<td>Under Tanzanian law, squatters are generally not compensated, however ESS5 recognises their right to compensation and resettlement assistance. As such, as per ESS5 squatters occupying or using land prior to the cut-off date will be provided with compensation and resettlement assistance.</td>
</tr>
<tr>
<td>Land Users</td>
<td>Land users are not entitled to</td>
<td>Land users who have no recognizable legal</td>
<td>The Tanzania spectrum is limited to</td>
</tr>
<tr>
<td>Types of Affected Persons/Lost Assets</td>
<td>Tanzanian Law</td>
<td>ESS5</td>
<td>Comparison/Gaps and Their Closure</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Encroachers</td>
<td>Persons who encroach on the area are not entitled to compensation or any form of resettlement assistance. Encroachers have to demolish their asset without any compensation, if they refuse the authority concerned will demolish them at the encroachers’ cost. It is strictly prohibited to build a house or to plant permanent trees and crops within the unauthorized areas.</td>
<td>The Project is not required to compensate or assist those who encroach on the project area after the cut-off date for eligibility, provided the cut-off date has been clearly established and made public.</td>
<td>Both Tanzanian law and ESS5 do not require compensation to be paid to those who encroach onto the Project site. However, ESS5 requires the establishment and announcement of a cut of date. The Project will clearly announce a cut-off date followed by a census to allow for the identification of encroachers. Should the cut-off date not have been clearly established and made public then households who move into the...</td>
</tr>
</tbody>
</table>
## Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unknown/ Absentee Property Owners</td>
<td>The project implementer, valuer and local leaders must take all necessary effort to contact the landowner or their representative during the valuation. Local government leaders will represent the interest of the unknown/absentee owners and the payments will be retained by Director or District Executive Director while effort is taken to find the owner.</td>
<td>Absentee property owners are entitled to the same rights as other landowners. In case of absentee owners, effort should be made to contact the owner and involve them in the resettlement process. With prior agreement from the Bank compensation money including money for contingencies should be placed in an interest-bearing escrow or other deposit account where such owners cannot be identified.</td>
<td>Both ESS5 and Tanzanian law recognize the rights of absentee owners and require efforts to be made to contact absentee property owners as well as ensuring funds are available to provide compensation when they are located. As per ESS5, where such landowners cannot be contacted money will be held in an escrow account until such time as the matter is resolved.</td>
</tr>
<tr>
<td>Owners of non-Permanent Buildings</td>
<td>Tanzanian law makes no distinction between permanent and non-permanent buildings. As long as ownership can be proved, compensation is payable. Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost</td>
<td>ESS5 makes no distinction between permanent and non-permanent buildings. Owners are entitled to in-kind compensation or cash compensation at full replacement value (without depreciation) as well as other relevant resettlement assistance. In addition, affected people have the right to salvage materials associated with their assets.</td>
<td>Both Tanzanian law and ESS5 make no distinction between permanent and non-permanent buildings. However, variations exist in the approach to valuing the buildings which is based on market value in Tanzania (including depreciation) and on replacement cost (without depreciation) under ESS5.</td>
</tr>
<tr>
<td>Owners of Permanent Buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>approach is used, meaning that PAPs do not get the full replacement cost of lost assets.</td>
<td></td>
<td></td>
<td>Under LTIP both permanent and non-permanent buildings will be compensated at replacement cost (without depreciation).</td>
</tr>
<tr>
<td>Disputed Ownership</td>
<td>Disputed or unclear ownership rights are resolved by village or regional authorities where possible or if needed through administrative courts or ministries.</td>
<td>Disputed or unclear ownership need to be resolved first through the GRM, if that fails to resolve the issues, it will then be moved to tribunals, administrative courts or the Ministry</td>
<td>There is agreement between the two procedures on how to deal with disputed ownership cases</td>
</tr>
<tr>
<td>Cut Off Date</td>
<td>For purposes of any valuation, the cut-off date is the date of commencement of valuation. Upon commencement of valuation, a person shall not add or improve anything to the land or such premises</td>
<td>The Project will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal.</td>
<td>The principle of the cut-off date is the same between Tanzanian Law and ESS5. However, ESS5 requires the cut-off date to be documented and disseminated while Tanzanian law determines to be the date the valuation commences. The Project will apply ESS5 with the cut-off date being widely disseminated prior to the start of the valuation.</td>
</tr>
<tr>
<td>Census</td>
<td>Public calls for owners to be present at the time of valuation are usually made.</td>
<td>Where land acquisition or restriction on land use are unavoidable, a census will be</td>
<td>Tanzanian law does not require a census per se but does require the</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected landowners are required to fill in Form 70 where they state their stake in the land and what they think they should be paid as compensation. The forms require them to state whether they are married and whether they have children.</td>
<td>conducted to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.</td>
<td>identification of all affected people including spouses and children.</td>
<td>A census including socio-economic information is required understand who will be affected, inform the assessment of impacts and form the basis for monitoring resettlement impacts. As such the Project will undertake a census and socio-economic survey when resettlement is required.</td>
</tr>
</tbody>
</table>

**Calculation of Compensation and Valuation**

According to the 2001 Land Assessment of the Value of Land for Compensation Regulations as well as the 2001 Village Land Regulations, compensation for loss of any interest in land shall include the value of unexhausted improvements, a disturbance allowance, transport allowance, accommodation allowance, and loss of profits.

Tanzanian laws indicate that the current market values should be used.

When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.

In the case of physically displaced persons (category a or b) compensation will be in the form of replacement property of equal or higher value, with security of tenure, equivalent or better characteristics, and

Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance and accommodation allowance and loss of profits where applicable. Since depreciation is applied under Tanzanian laws, the amount paid in most cases does not amount to that required to replace the lost assets.

ESS5 requires that compensation is
### Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>as basis for valuation of land and properties. Regulation 3 of the <em>Land Policy</em> (Assessment of the Value of Land for Compensation) Regulations, 2001 and Part I-III of the <em>Village Land Regulations</em>, 2002 provide for various types of assistance – disturbance allowance, transport allowance. The basis for assessment of any land and unexhausted improvement for purposes of compensation is the market value of such land. The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties, or use of the income approach, or the replacement cost method if the property is of special nature and not saleable. In practice, for land, an attempt is made to establish market value from recent sales, but these are usually not</td>
<td>advantages of location, or cash compensation at replacement cost. Compensation in kind should be considered in lieu of cash. In the case of physically displaced persons (category c), the Borrower will provide arrangements to allow them to obtain adequate housing with security of tenure. Where these displaced persons own structures, the Borrower will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at replacement cost.</td>
<td>paid at full replacement cost without depreciation and that compensation should be provided either in kind or in cash to eligible groups. Resettlement assistance should also be provided to PAP as relevant in line with the requirements of the ESS5.</td>
</tr>
<tr>
<td>Types of Affected Persons/Lost Assets</td>
<td>Tanzanian Law</td>
<td>ESS5</td>
<td>Comparison/Gaps and Their Closure</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------</td>
<td>------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used.</td>
<td>The Project will take possession of acquired land and related assets only after compensation in accordance with this ESS has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation. In addition, livelihood restoration and improvement programs will commence in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.</td>
<td>In terms of timing, both Tanzanian laws and ESS5 require that compensation be paid promptly. This, however, in Tanzania rarely happens in practice. LTIP will as much as possible identify the sources of funding in advance of acquiring the required land to avoid delays in compensation and ensure compensation prior to displacement.</td>
<td></td>
</tr>
<tr>
<td>Timing of Compensation Payment</td>
<td>Tanzanian law requires that compensation be full, fair, and prompt. Prompt means it should be paid within six months, failure to do so incurs an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. Legally, compensation for the appropriated land does not have to be paid before taking possession, but in current practice, it is usually paid before existing occupiers are displaced.</td>
<td>To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihood and standards</td>
<td>Tanzanian laws do not make provisions for avoidance or minimizing of involuntary resettlement.</td>
</tr>
<tr>
<td>Relocation and Resettlement</td>
<td>Any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


## Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>their detriment by the State under the <em>Land Act</em> or acquired under the <em>Land Acquisition Act</em>, is entitled to a full, fair and prompt compensation.</td>
<td>of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</td>
<td>Under LTIP displacement will be avoided and minimized as much as possible through community negotiations and agreements on land use and where this is not possible, compensation (cash or replacement land) will be provided.</td>
<td></td>
</tr>
</tbody>
</table>

| Resettlement Options and Alternatives | PAPs are informed about their rights but have no chance to choose alternatives. Compensation on monetary bases provides equal opportunity to all PAPs to restore the assets lost. | PAPs are informed about their options and rights, offered choices, provided with technically and economically feasible resettlement alternatives | Under Tanzanian law, PAPs are given little say over resettlement options or alternatives. Provision of in-kind compensation is not always provided as an option. There are no discussions on options or alternatives to restore their livelihoods as required under ESS5. As such, PAPs will be given resettlement options and alternatives in order to support them to maintain their livelihoods. |

<p>| Forms of Payment | Compensation for land and assets in monetary basis and in kind. | Compensation for lost assets can be monetary, in-kind or a combination. Where there is physical displacement or loss of land consideration should be given to compensation in kind as the preferred option. | The Project will provide options for compensation (cash and in kind). Decisions on the appropriate forms of compensation will depend on the nature and extent of any losses and the preferences of the affected |</p>
<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment Mode</td>
<td>Compensation paying authorities discourages payments by cash and always insists on using bank accounts</td>
<td>WB discourages payments in cash. And recommends the use of bank accounts or similar.</td>
<td>There is agreement that payments should be through bank accounts and by cheque.</td>
</tr>
<tr>
<td>Banking or Transfer Fees (where relevant)</td>
<td>The government provides as part of the compensation package sufficient funds to cover any banking or transfer fees and transportation to the place of payments.</td>
<td>The Project will include in the resettlement package compensation for all transaction costs including administrative charges, registration or certification fees, reasonable moving expenses, and any similar costs imposed on affected persons which could include transfer fees and costs to access payment.</td>
<td>Both Tanzanian law and ESS5 require that compensation packages including transaction costs including banking or transfer fees.</td>
</tr>
<tr>
<td>Voluntary Land Donation</td>
<td>Land Act of 1999, Section 3 and 4 of the Act give the President of Tanzania powers to acquire any land for term, where such land is required for public purposes. The Act also requires the Government of Tanzania is supposed to pay compensation to any person who suffers damage as a result of any action on land displacement</td>
<td>Households may choose to voluntarily contribute land or assets without compensation. The following requirements will need to be met for voluntary land donation to be considered as per ESS5: a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; b) potential donors are aware that refusal is an option, and have confirmed in writing</td>
<td>Voluntary land donations can be undertaken in line with the requirements of ESS5 and national law. These processes will need to be carefully documented to demonstrate the land was given voluntarily.</td>
</tr>
</tbody>
</table>
## Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>their willingness to proceed with the donation; c) the amount of land being donated is minor and will not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels; d) no household relocation is involved; e) donor is expected to benefit directly from the project; and for community or collective land, donation can only occur with the consent of individuals using or occupying the land; and they will have access to a GRM as the local level.</td>
<td></td>
</tr>
<tr>
<td>Livelihood Restoration and Assistance</td>
<td>Livelihood restoration and assistance is not provided for under Tanzanian law.</td>
<td>In the case of projects affecting livelihoods or income generation, the Borrower’s plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The plan will</td>
<td>Tanzanian law does not require livelihood restoration and assistance whilst ESS5 requires measures to improve or at least restore affected peoples’ livelihoods. LTIP is not expected to displace households or individuals and therefore livelihood restoration may not be necessary. However, in the</td>
</tr>
</tbody>
</table>
### Comparison of Tanzanian Laws and Land Acquisition, Restriction on Land use and Resettlement (ESS5)

<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marginalised Households and Vulnerable Groups (ESS7)</td>
<td>Tanzanian law does not make provisions requiring the government to pay special attention to marginalised households or groups in the administration of compensation.</td>
<td>incorporate arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed. The mitigation of economic displacement will be considered complete when the completion audit concludes that affected persons or communities have received all of the assistance for which they are eligible and have been provided with adequate opportunity to re-establish their livelihoods.</td>
<td>event this happens an LRP will be put in place for the displaced households.</td>
</tr>
</tbody>
</table>

Marginalised Households and Vulnerable Groups (ESS7)

- Special assistance should be provided for the marginalised households such as women, the elderly, people living with disabilities etc.
- Vulnerable Groups, as defined by ESS7, require additional consultations in line with ESS7. Such groups seasonal rights and usage of land should be considered in resettlement planning.
- The Government will provide special assistance to marginalised households as required in line with ESS5.
- Vulnerable Groups will be considered in resettlement planning including additional consultations, consideration of seasonal usage and customary rights. If relevant Free Prior and Informed Consent will be informed in line with the requirements of the Vulnerable Groups Planning Framework.
<table>
<thead>
<tr>
<th>Types of Affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>ESS5</th>
<th>Comparison/Gaps and Their Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation and Disclosure</td>
<td>There are few provisions related to consultation/disclosure in Tanzanian law. The notice, under the 1967 Land Acquisition Act, informs the persons interested or claiming to be interested in such land, or to the persons entitled to sell or convey the same, about the President’s need to appropriate their land and their right to object. The 1999 Land Act allows displaced persons to fill in forms requiring that their land be valued and state their opinion as to what their assets are worth (Land Form 70). Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</td>
<td>The borrower will engage with affected communities. Decision making processes related to resettlement and livelihood restoration will include options for people to choose from. Consultation will take place during consideration of project design, planning, implementation and monitoring and evaluation process, livelihood restoration activities and relocation process. Women’s perspectives should be considered in the consultation process. Additional consultations are needed with Vulnerable Groups (ESS7) The Project should disclose all relevant instruments including this RPF and any subsequent RAPs in a timely manner.</td>
<td>Tanzanian law requires that PAP are provided with information on land acquisition but does not require consultation and disclosure as prescribed in ESS5 (and 10). Under LTIP consultations with the project affected people during resettlement planning and implementation as well as public disclosure of the process and RAP without names of the PAPs. In addition, the SEP prepared separately will also assist in engaging the wider stakeholders groups and ensuring the inclusion of women. This RPF and subsequent RAPs will be disclosed in line with WB requirements for disclosure.</td>
</tr>
<tr>
<td>Grievance mechanism and</td>
<td>Under section 13 of the 1967 Land Acquisition Act, if dispute or</td>
<td>Grievance mechanisms for the Project will be include as early as possible to address concerns</td>
<td>Resolution of grievances under Tanzanian law relies on legal</td>
</tr>
<tr>
<td>Types of Affected Persons/Lost Assets</td>
<td>Tanzanian Law</td>
<td>ESS5</td>
<td>Comparison/Gaps and Their Closure</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>--------------</td>
<td>------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>dispute resolution</td>
<td>disagreement regarding any of the matters listed below is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose, the minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute. • The amount of compensation; • The right to appropriate the land; • The identity of persons entitled to compensation; • The application of section 12 to the land; or, • Any right privilege or liability conferred or imposed by this act. In practice, the government tries to resolve Grievances through public meetings of the affected persons.</td>
<td>in a timely fashion. Where possible such mechanisms will use existing mechanisms.</td>
<td>resolution although in practice meetings are used to resolve grievances where possible. ESS5 requires a mechanism to be in place. Under LTIP both the Tanzania GRM and provisions of ESS5 will be applied to ensure smooth resolution of grievances.</td>
</tr>
</tbody>
</table>

In case of conflict between national laws and ESF standards, the latter will prevail.
3.1 Introduction

The Government of the United Republic of Tanzania guarantees free enjoyment of any landholder of Right of Occupancy. It is the constitutional right in Tanzania that if one's property is either acquired or nationalized, the individual will be compensated for any land acquired.

3.2 Basis for Valuation

The law and practice advocate for market, cost and income as bases for valuation depending on the nature of the asset and geographical location. The appropriate method of valuation for any given displacement will be determined based on these factors and presented in the RAP. The Market Value of affected property/asset may be arrived at using different methods and any additional assumptions and forms the basis for determining replacement cost. The Valuation and Valuers Registration Act 2016 and its Regulations, Valuation and Valuers (General) Regulations, 2018 and Part I - III of the Village Land Regulations, 2002 provide for practical guidelines on assessment of compensation in Mainland Tanzania.

3.3 Methods of Valuing Assets

The basis for assessment of value of any land and any improvements for the purpose of compensation at replacement cost shall be arrived at by the use of the following methods of valuation in the implementation of Project and where resettlement is an issue:

3.3.1 Direct Comparison Method

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

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

3.3.2 Replacement Cost Approach

Where market sale and rental information is not available value can be arrived at by using the replacement 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’ playground, playgrounds, community halls and health centres. Costs may be obtained based upon the actual construction cost if the works have been recently completed, tender price, and bills of quantities prepared by a quantity surveyor or contractor, rough estimates based on unit costs e.g. cost per m$^2$, m$^3$ bed space etc and estimates of materials and labor 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 also be used when valuing partly completed buildings. This approach will be favoured for structures in rural areas where there is no current market information.

3.3.3 **Income/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. Crop Compensation Rates are determined by the average yielding capacity of the individual crop over a number of years as determined by the Office of the Chief Valuer taking into account the cost of producing the crop and marketing as outlined in more detail below.

3.3.4 **The Profit Method**

The Profit Method is used when neither the investment nor the cost approaches are suitable. The method is based on the theory that the value of an asset is determined by the benefit or future income streams it could 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.

For the purpose of compensation, all methods described above will be applied subject to the purpose of valuation, the location of the project activity and the assets to the valued.

3.4 **Compensation**

It is the constitutional right in Tanzania that if one's property is either acquired or nationalized, the individual will be compensated for any land acquired. Any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered to their detriment by the State under the Land Act or acquired under the Land Acquisition Act is entitled to a full, fair and prompt compensation. However, ESS5 requires that displaced persons are provided prompt and effective compensation at replacement cost for losses of assets directly attributable to the project. Further, 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 person(s). The Project will identify the sources of funding in advance of acquiring the
required land to avoid delays in compensation and ensure compensation prior to displacement.

If resettlement occurs, the Ministry of Lands will request budget to be set aside from the Central Government, although more effort will be made to avoid compensation of such kind. In the preparation of a site-specific Resettlement Action Plan (RAP) it will be important that the budget request will be made to allow the process to continue in line with project timelines and prior to any displacement, noting that Project funds cannot be used to pay compensation. Every site-specific RAP will have to include the information (above) i.e. the cost for mitigation measures (which may go beyond the payment of compensation e.g. livelihoods restoration measures) and the source of funding.

3.4.1 Compensation for Loss of Interest in Land
The compensation for loss of interests in land shall include value of land, unexhausted improvements\(^1\) permanently affixed to land, transaction costs, disturbance allowance, accommodation allowance and loss of profit to achieve replacement cost. Project affected land users, households and individuals regarded as the apparent landowners shall be compensated through either of the following:

- allocation of land with equivalent value and same use purposes; or
- cash compensation for acquired land at replacement cost.

The method of compensation used shall depend on the nature and extent of any losses, the availability of replacement land and the preferences of the PAP.

3.4.2 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.

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

The validity period for crop value schedule does not exceed five years. Nevertheless, The Chief Valuer have the mandate to review the crop value schedules of any location at any time before expiry of five years. Value rates for crops and plants including trees are listed in a per item, cluster or acre schedule.

Determination of the value for a plant shall include but not limited to the following:

(a) number of plants in an acre/hectare;
(b) age of the plant to optimum production;

---

\(^1\) means anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labour of an occupier or any person acting on his behalf and increasing the productive capacity, the utility, or the sustainability of its environmental quality and includes trees, standing crops and growing produce whether of and agricultural of horticultural nature.
(c) harvest seasons;
(d) production and operating costs;
(e) average yield per season;
(f) costs or prices of crop from production/collection point; and
(g) average interest rates for fixed deposit in central bank.

To achieve the requirements of ESS5, any additional measures, depending on the crop type, will be included to achieve the principle of replacement cost.

3.4.3 Compensations of Buildings

For buildings and structures, compensation can be paid by cash or an alternative building can be provided (in-kind compensation). Compensation will be provided for structures that are abandoned because of relocation or resettlement of an individual or household or directly damaged by construction activities. The replacement costs will be based on related structure and support services. Average replacement costs of different types of homestead buildings and structures should be based on collected market information on the numbers and types of material used, price of each item, transportation cost, labor cost and delivery of these items to the acquired land or building to construct different types of structures without depreciation.

3.4.4 Compensations for Loss of Profit

Loss of profit refers to damages payable to the owner of the business whose business is to be shut down to give way for implementation of a certain project. Value for each type of loss of profit will be paid to the affected person. The appraisal will cover the type and number of such losses that individual will suffer, in addition to total compensation payable in loss of land and improvement thereon. Compensation allows for 36 months of net profit, based on verification of audited accounting records or returns evidenced by Revenue Collection Authority. Where these records do not exist, a fixed assumption on value of profit can be adopted. These assumptions will need to be reasonable based on factors such as the type and location of the business and clearly stated as part of the RAP.

3.5 Allowances

Allowances shall be paid in addition to compensation, where relevant, to cover costs such as transportation or accommodation as well as general disturbance:

Transport Allowance: Shall be the actual cost of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty km from the point of displacement. In the event that transportation costs are greater these shall be met.

Accommodation Allowance: The market rent for the building shall be assessed and multiplied by thirty-six months in order to arrive at the accommodation allowance payable in addition to compensation when land is inhabited.

Disturbance Allowance: Paid in the following situations:

i. In the case of an individual property/landowner whose property/land is being acquired for the proposed project; or
ii. 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.

Disturbance allowances are calculated by multiplying the value of the land by the average percentage rate interest offered by the Central Bank on fixed deposit of twelve months at the time of loss of interest in land. Disturbance allowances shall be paid in addition to the compensation of value of land and improvements.

Under Tanzanian law:

i. Transport, accommodation and loss of profits allowances shall not be paid for unoccupied land.

ii. Accommodation and loss of profit shall not be paid concurrently over the same property.

iii. Accommodation and loss of profit shall only be paid to the property owner and not tenant(s).
CHAPTER FOUR – ELIGIBILITY AND IMPACTS

4.1 Introduction

In principle, the LTIP does not expect to undertake any land acquisition as it is expected that much of the land will be provided through Voluntary Land Donation. It is important that all categories of Project Affected Persons are identified and understand their options in relation to land take. This section outlines who the Project people are and who is eligible for compensation or consideration in a voluntary land donation process.

4.2 Eligibility

Project Affected Persons (PAPs) are individuals or groups whose assets may be lost, through involuntary land take or/and restriction on land use and involuntary resettlement.

In this context, based on the nature and locations of project activities the eligibility criteria for PAPs is defined as per EES5 as those:

d) Those who have formal rights to land or assets (including customary and traditional rights of occupancy recognized under the national law).

e) Those who do not have formal legal rights to land or assets (at the time the census begins) but have a claim over development to such land or assets that is recognized or recognizable under national law.

f) Those who have no recognizable legal right or claim to land or assets they occupy or use.

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other resettlement assistance provided they occupy the area before the cut-off date.

The first criterion for eligibility will be the cut-off date. If the household was identified through the census survey, the owner, user or occupant will be entitled for compensation for their losses and assistance with livelihood restoration if needed. On the other hand, if a person encroached into the project area after the cut-off date, they are not entitled to compensation.

The application of these criteria will follow national laws and regulations as well as the requirements of ESS5 outlined above and ESS7 where Vulnerable Groups are present

4.3 Types of Impacts

As a result of the construction of office buildings the following impacts could occur:

i. Loss of land-based livelihoods, in particular loss of land used for farming, natural resource collection or grazing which has been informally undertaken on the plot.

ii. Physical displacement of households (houses and other structures such as stores, kitchens, toilets etc) informally living on the land.
iii. Loss of economic immoveable assets/ businesses and incomes including business structures such as shops and stalls which are located on the land plot.

It is noted that the likelihood of these impacts is limited given that that the offices will be constructed on land owned by the LGA, but that people may still be utilizing vacant land informally and will therefore be impacted. Such households may also be vulnerable (e.g. female or child headed households, people living with disability, the elderly or the youth)

As a result of regularization, the following impacts may occur:

i. Loss of land-based livelihoods, in particular loss of small areas of land used for farming, natural resource collection or grazing which has been informally undertaken on the plot.

ii. Loss of immovable assets such as fencing, small structures (stores, toilets) etc.

Physical displacement of households and / or business structures will not occur as a result of the regularization process.

Formalization will not result in any displacement or restrictions on land use because the process will formalize existing land use patterns.

4.3.1 Protected Areas/ Reserved Land

Users of protected areas and reserved land have no legal rights to the land they occupy and use and are considered to be encroaching in both an urban and rural setting. Encroachers into protected areas or reserved land under Tanzanian Law do not have the right to claim adverse possession. Should people have encroached into protected areas or reserved land it will not be possible under law to issue CCROs or CROs. Consultation and negotiation will be undertaken to provide alternative land plots (which of a similar size and have equivalent locational advantages) in villages. Where large numbers of people are affected such negotiations may need to include other organisations who control these lands to determine the best approach to land use planning and management to minimise further encroachment. As per the ESMF screening will be undertaken to avoid undertaking land certification in such areas. For loss of access to protected areas or reserved land including impacts to livelihoods, a Process Framework may be required.

4.3.2 Communal Lands

Customary Certificate Right of Occupancy (CCROs) are provided after land use planning, demarcation and adjudication. According to the Country legal framework and guidelines, the participatory process is aligned with ESS10. Communal lands mainly are clan based and in most cases are not transferable to people who comes from outside the clan unless they become part of the clan through marriage. Land allocation is through chiefs or clan family agreements. Groups such as pastoralists and hunter-gatherers also utilise land communally for grazing, stock routes and access to natural resources. These land uses need to be understood by the project especially where they cross village boundaries. Thus, inclusion of groups who use land communally in the village land use planning process and the issuance of group CCROs will need to be undertaken. This is particularly relevant for Vulnerable Groups as defined in ESS5.
4.3.3 Risk of land being Reclassified from Village land to General Land.

Land reclassification is a legal procedure particularly when there is noted remarkable growth of the Village or where there is unused village land. In this respect the area (village) will be declared as a planning area. Landholders continue according to their existing land use rights and as such ESS5 is not applied. However, the transfer to general land has an implication on land uses and may change the permitted land use from agricultural to residential or commercial. In this respect it is important is to have the land planned and services provided in the area. Such transfers are reportedly unusual and are not anticipated as part of the project. Should it occur these risks should be managed under ESS1 and ESS10 (Stakeholder Engagement Information Disclosure) will be applied to ensure people understand the planning processes and their implications in the settlement growth processes. Where livelihoods of displaced persons are land based or where land is collectively owned such as those who have customary rights to their land an option for replacement land is possible.

4.3.4 Impact on Women, Smallholder Farmers, the Youth and Landless

Women, smallholder farmers, the youth and the landless are considered to be vulnerable to being excluded from the land use planning process and associated benefits. The consultation process will ensure that women, smallholder farmers, youth and landless perspectives are obtained, and their interests are factored into all aspects of the project including any resettlement planning and implementation. Addressing livelihood impacts of these groups of people may require intra-household analysis. The group preferences in terms of compensation mechanism such as replacement of land or alternative access to natural resources rather than in cash will be explored. Similarly, households with elderly or terminally ill persons are eligible for additional support. Compensation provisions will need to be provided on a case by case basis based on the nature of the impact to the individual households.

4.3 Entitlements by PAP Category

The Project expects to have very low number of PAPs as the land for project activities namely land regularisation, formalization and construction implementation will be acquired through a thorough consultation and negotiation involving all parties; the landholder donating land, local leaders and land recipient. However, in case of any PAPs, the VC will set for addressing arising issues by meeting with PAPs and set amicable alternative that will have consent from PAPs side. The alternative may include provision of another area/land that will serve for similar purposes as with previously was on lost asset as the case may happened according to ESS5 requirements. It will include resettlement budget if the case happened and implementation schedule and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to gender aspects and the needs of the poor and the vulnerable.

In case land acquisition or resettlement occur, (though not expected) the budgeting allocation will come from respective LGA own resources (local revenue collection from land related revenues). Thus, LGAs, will be assisted by the ministry to prepare for a site-specific
Resettlement Action Plan (RAP) to ensure that all PAPs are fairly compensated. This will be done according to the national compensation laws and guidelines.
CHAPTER FIVE - CONSULTATION AND ENGAGEMENT OF STAKEHOLDERS

5.1 Introduction
The implementation of the LTIP requires extensive consultation and engagement with affected persons communities and other interested stakeholders. Public consultation and engagement are essential in order to inform people about the regularization activities and include the participation of the whole community. As a matter of strategy, public consultation shall be an on-going activity taking place throughout the entire project cycle as detailed in the Regularization Manuals and the Stakeholder Engagement Plan (SEP). Particular attention will be paid to public consultation with potentially affected individuals/households when displacement may occur in order for households to make informed choices regarding compensation and/or voluntary land donation.

5.2 Summary of Consultation to inform the RPF

5.2.1 Stakeholders Consulted
During the preparation of the RPF engagement was undertaken to inform the development of the environmental and social instruments. The outcomes of this engagement are presented in Annex 6. In addition, specific engagement was undertaken with regards to the development of the RPF.

The following types of stakeholders were consulted:

- Government at the National, District and Local level including the lands commissioner, District Directors and National Housing Corporation.
- NGOs and CSOs including We Effect, Tanzania Land Alliance (TALA), Tanzania Women Lawyers Association (TAWLA), Ujamaa Community Resource Team, PINGOs Forum etc.
- Representatives of the Land Tenure Support Project.
- Beneficiaries of the Land Tenure Support Project including pastoralists, women and village leaders.
- Academia including land experts from Ardhi University and Law School of Tanzania.
- Community representatives at Terat Village and during the visit to LTSP Project in Morogoro.
- Experts including private valuers and former government officials.

5.2.2 Outcomes of Consultation
The following table summarizes the key issues raised and how these issues were addressed during the preparation of the RPF.

Table 5.1 Outcomes of Consultation
<table>
<thead>
<tr>
<th>Finding</th>
<th>Incorporation into the RPF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consideration of gender issues</td>
<td>Gender issues have been considered in all aspects of the Project to ensure that women are fully sensitised on the registration and certification process. This will include ensuring that women are informed on requirements for land donation and resettlement and participate in decision making on such issues. Female headed households have also been identified as potentially marginalised to ensure they receive appropriate consideration when agreeing on VLD or resettlement options. This is included in the SEP for the Project and in Chapter 5 of this RPF</td>
</tr>
<tr>
<td>Focus on urban typologies for issuance of CROs and Residential Licences in urban land registration</td>
<td>These matters will be considered during the piloting process where possible land take will be minimised or avoided especially in relation to RL to be outlined in the Field Manuals</td>
</tr>
<tr>
<td>Review pieces of land policies and legislation frameworks</td>
<td>The RPF has included a review of the current legal framework and comparison with the WB ESF as per Chapter 2.</td>
</tr>
<tr>
<td>To work together private firms with relative expertise and capacity in planning and surveying works.</td>
<td>This is included in the design of the project as per Chapter 1</td>
</tr>
<tr>
<td>Considering of market value of land.</td>
<td>Compensation will be paid at replacement value as outlined in the entitlements matrix in line with ESS5.</td>
</tr>
<tr>
<td>Streamline and simplify the process of issuance of right of occupancy by using advanced technology.</td>
<td>The use of technology has been considered in the Project design with the aim of simplifying the survey processes.</td>
</tr>
<tr>
<td>Avoid land taking to encourage mass legislation and minimisation compensation costs.</td>
<td>Land take will be minimised to the extent possible. Procedures have been put in place to minimise costs including through voluntary land donation.</td>
</tr>
<tr>
<td>Establish mechanisms to enable residents to collect and use their certificate to access loans from financial institutions.</td>
<td>This is beyond the scope of the project.</td>
</tr>
<tr>
<td>Simplification and integration of planning and survey process to avoid lengthy in issuance of right of occupancy.</td>
<td>The project has been designed to streamline the process to speed up the issuance of certificates. These are captured in the field manuals for the Project.</td>
</tr>
<tr>
<td>Set in place dispute and conflict resolution procedure and grievance handling in project areas.</td>
<td>A Grievance Redress Mechanism has been developed for the various processes (as outlined in the SEP) and for this RP Fans outlined in Chapter 6.</td>
</tr>
</tbody>
</table>
| Will enter into an MoU to provide land for Regional Office             | Construction of new offices will be on existing Government land and MOUs will be entered into with the relevant
<table>
<thead>
<tr>
<th>Building.</th>
<th>offices.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential licence not to be offered in peri-urban zone of the city where space is available. Negotiation with landholders need to be stressed to avoid compensation.</td>
<td>The certificates to be offered will depend on the nature of the area. The project will undertake sensitisation including on matters related to land take and will enter into discussions to minimise land take and where appropriate enter in voluntary land donation agreements.</td>
</tr>
<tr>
<td>Lack of district tribunals to resolve issues of concern</td>
<td>The GRM has been designed to minimise the use of tribunals acknowledging the challenges in their availability and capacity.</td>
</tr>
<tr>
<td>Women included in decision making.</td>
<td>The project includes (as outlined in Chapter 5) the need to sensitise women so they are empowered to fully participate in all elements of the Project including the resettlement processes.</td>
</tr>
<tr>
<td>Consideration of rental rights especially of women in urban areas.</td>
<td>Land users will be entitled to compensation for assets on the land in the case of resettlement as outlined in the entitlement matrix.</td>
</tr>
<tr>
<td>RAP process needs to be improved to include monitoring, clear process, payments and a GRM</td>
<td>The RPF requires that all these elements are included in the preparation of a RAP.</td>
</tr>
<tr>
<td>VLD is an option and is generally well accepted but parameters should be established e.g. larger plot holders should donate land.</td>
<td>A VLD has been prepared which includes requirements for when land can be donated including minimal land requirements as per Chapter 7</td>
</tr>
</tbody>
</table>

5.3 Overview of Stakeholder Engagement for Land Registration and Certification

During implementation the following stages of stakeholder engagement will be undertaken:

**Level One:** The engagement process during implementation stage will start with an introduction of the contractors, private firms and implementation teams to the regional and local government authorities. This will involve project introduction. During this stage also relevant project documents such as RPF, ESMF, VGPF and SEP aims, contents and procedure will be shared.

**Level Two:** At the national level, via the Stakeholder Engagement Forum the PCU will facilitate meetings with key permanent secretaries (i.e. Ministry of Land, Housing and Human Settlements Development, Presidents’ Office, Regional Administration and Local Government (PO–RALG), and Ministry of Finance and Planning) to discuss project progress, policy issues and other matters related to the project implementation. At these meetings the Project Coordinating Unit (PCU) will share project progress reports, discuss the way forward and suggestions for improvement. This meeting will be held annually. However, extraordinary meetings may be held as the case may be.

**Level Three:** The Project will facilitate sensitization and awareness meetings at the District level involving consultants, contractors, Participatory Land Use Management Team (PLUM), and
Civil Society Organizations (CSOs) at the district level. The MSG at the district level, will amongst other issues, discuss project success, challenges and related matters. This forum will be held quarterly. However, the MSG at this level may be held as many times as the circumstances require.

**Level Four**: Meetings with project beneficiaries and communities will be undertaken to implement the Project once the relevant national, regional, district and local authorities have been sensitized. The approach to engagement with communities and beneficiaries is described in Section 4.4 below and will involve community sensitization and awareness raising and engagement throughout the registration and certification or construction process as relevant. District Field Teams including the PLUM/VLUM team, project contractors and consultants as well as members of the adjudication committees and village and mtaa government will participate in these meetings and will present the findings to the District MSG as relevant.

These meetings will be used as a set-up of the project and sensitization in terms of awareness raising to the project, process, results and outcomes to different stakeholders. Meeting members will be drawn from the public institutions, elderly, women and youth owning land in the project areas.

### 5.4 Need for Consultation Associated with the RAP and VLD Development and Implementation

Consultation and participation with stakeholders are a key element of resettlement planning and implementation including for VLD. Engagement provides an opportunity for informing affected people about the project, creating a sense of ownership, providing an opportunity for people to present their views and receive feedback and influence project design and planning. It is essential that consultation takes into account the views of all stakeholders including women, the youth, elderly, people living disabilities, people living with albinism etc.

In case of resettlement or voluntary land donations are required/cannot be avoided, affected people will be consulted communally and at the individual level (one on one). This engagement will form part of the RAP/ VLD procedures which are described in Chapter Seven and Eight respectively. In order to ensure that affected people are aware of the VLD and RAP options the following consultation will need to be undertaken.

Implementation of the Project requires extensive consultation and engagement with communities in order to achieve the aim of registering land plots. As such, in order to avoid stakeholder fatigue information about land take will be incorporated into the wider engagement given the potential for many households in a given village to be impacted to varying degrees. This is presented in Table 5.2.

#### Table 5.2 Stakeholder Engagement

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity Description</th>
<th>Responsible Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Conduct meeting in the project sites. These will include call for Village Assembly (VA) and Mtaa meetings aiming to sensitize communities to make them aware of the Project components, design elements, scope</td>
<td>MLHSSD, LGAs, Village Council,</td>
</tr>
</tbody>
</table>
and benefits as well as any risks and the proposed mitigation. During this meeting communities will be advised of the potential for land take as a result of the project, the uses and the likely extent. The concept and principles of voluntary land donation will be explained along with the right to refuse to donate land which would lead to the need for resettlement and compensation i.e. the protocols presented in Chapter 7 and 8 respectively. During this meeting the community will have the opportunity to raise questions about the project, the proposed mitigation measures and the VLD/ RAP procedures.

<table>
<thead>
<tr>
<th></th>
<th><strong>Activity</strong></th>
<th><strong>Implementation Stakeholders</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Members of the Mtaa and Village Communities to undertake Community Based Participatory Planning (CBPP) to identify and prioritize land use planning, survey and certification issues according to their felt needs. During this stage communities should be advised to consider the resettlement implications associated with their decisions over land use to avoid and minimise the potential for land take resulting in the need for VLD or RAPs.</td>
<td>MLHSSD, WB, LGAs, Village Council, Community, NGOs, CBOs, Contractors and consultants</td>
</tr>
<tr>
<td>3</td>
<td>Presentation of the village land use plan/ town plan and identification of affected households will be undertaken. The affected people will be advised about the extent of the losses, the requirements of the Voluntary Land Donation procedure, their options regarding refusal and compensation via a RAP.</td>
<td>MLHSSD, WB, LGAs, Village Council, Community, NGOs, CBOs, Contractors and consultants</td>
</tr>
</tbody>
</table>

Following the activities outlined above the Project Affected People (PAPs) will have been identified and determined if they will provide land through VLD or if a RAP process is required. The PAP will be mapped to inform the nature of the stakeholder engagement that will need to be undertaken e.g. the need for focus groups with specific marginalised households, languages that meetings will need to be held in and the need to involve other stakeholders including the village council, relevant community organisations and district officials to support the resettlement planning and implementation process.

PAP who will be covered by the RAP will be invited to attend a community meeting during which they will be provided with information on the resettlement process including the need for a census and socio-economic survey, asset inventory and valuation, eligibility and entitlements and the likely timetable for completing these activities. During this meeting the PAP will be given the opportunity to ask questions about the process and receive feedback. In addition, information will be provided about the approach to engagement going forward and the Grievance Mechanism that they should use for resettlement related issues. It is essential that this meeting is attended by not only the head of the household but also their spouse(s) and if relevant their children to avoid future dispute over the loss of this land. Relevant community organisations who represent the rights of certain PAPs (e.g. gender, disabilities) will also be invited to attend to assist in representing the rights of these groups. If needed, additional focus groups will be held with PAPs (women, youth, disabled) to discuss their specific concerns.
Following this initial engagement, the socio-economic survey and asset inventory will be undertaken. During this process members of the Project Team will supervise the work of the surveyors and will be available to meet with the PAP to discuss specific issues related to the RAP process. In addition, surveyors will inform people of the next steps and remind them of the grievance mechanism.

Following on from the socio-economic survey and asset inventory the entitlements matrix will be reviewed and updated as needed. If significant changes have to be made to the entitlements matrix based on local conditions a further community meeting with all PAPs will be held to discuss the entitlements. If the entitlements matrix remains unchanged, PAPs will be met at the household level (head of house and spouses) to discuss their individual entitlements and any concerns they may have.

Following this the RAP report will be developed as per Chapter Eight and will be disclosed to the PAP as well as on the ministry website and the WB website. Stakeholders will be invited to comment on the RAP and any comments will be incorporated into the final version which will then be updated and redisclosed as outlined below.

5.5 Disclosure
Prior to disclosure all instruments including this RPF and any subsequent RAPs will be cleared by the Government of Tanzania and the World Bank. Any changes or updates to these documents will be subject to the same clearance and disclosure protocols.

The project documents including RPF will be disclosed locally through the websites of the Ministry and the WB and at additional public areas easily accessible. Each region where the project will be implemented will be served with all project documents including this RPF. Likewise, CSOs, private firms and consultants who were consulted during the preparation of this RPF will be served with all necessary documents for the project including the RPF. Stakeholders and community engagement will continue throughout the project cycle so that the new unforeseen challenges and concerns are adequately addressed and increase project acceptability. Should RAPs be developed as part of project implementation these will be disclosed at the suitable time locally within the village and at the district level. The RAPs will also be disclosed on the project website and the WB website. The RPF summary has been translated into local language prior to disclosure. RAPs will also be translated prior to disclosure.
CHAPTER SIX GRIEVANCE REDRESS MECHANISM

6.1 Introduction

This section outlines the grievance redress mechanism (GRM) for addressing complaints related to involuntary resettlement and voluntary land donation. The project has developed other grievance redress mechanisms for land related grievances not linked to resettlement and for general grievances which are presented in the Stakeholder Engagement Plan. The stakeholder engagement process will ensure that the PAPs are adequately informed of the procedure.

6.2 Types of Grievances to be Addressed Through this GRM

This GRM will address complaints associated with Resettlement and Voluntary Land Donation Procedures. This is separate to the other GRM which will mediate on other issues and involves community members as these issues are traditionally raised with Village or Mtaa leaders and if related to issues such a compensation etc may not be suitable for discussion with members of the community. The types of issues that could be raised include, but are not limited to:

1) lack of consultation with PAP about the Project;
2) valuation approach;
3) failure to capture all assets in inventories;
4) compensation amounts (for individual assets or overall);
5) exclusion from the resettlement or VLD process (for whole households or for spouses, women, youth etc.);
6) lack of information over resettlement options eg VLD or Compensation, type of compensation etc.;
7) delays in resettlement process; and
8) delays in payment of compensation.

6.2 Grievance Redress Mechanism Associated with Resettlement and Voluntary Land Donations

The project will adopt a grievance redresses mechanisms (GRM) that will be transparent, objective and unbiased. Steps to file grievances and seek action shall be simple enough for communities to understand and will include the following steps. The village executive officer (VEO) or Mtaa Executive Officer (MEO) or village/street chairperson will be responsible for interacting and responding to the complainant when vulnerable individuals or groups are involved they should do this with the support of the relevant community organisation or the female member of the village council.

Step 1 Submission of Grievance: The complainant will submit the grievance via the village
executive officer (VEO) or *Mtaa* Executive Officer (MEO) or village/street chairperson. One female member of the Village Council will also be nominated to receive grievances related to gender issues to ensure that women are able to raise grievances. Grievances can be submitted in a variety of means including in person, in writing, during meetings etc.

Step 2 Grievance Response: The VEO/ MEO or chairperson will acknowledge the grievance within 48 hours of receipt and will record the grievance on the form presented in (Annex 2). Where the grievance was submitted to the female member of the village council, she will be responsible for informing the VEO/MEO or chairperson of the grievance and monitoring that the grievance is addressed in a timely manner.

Step 3 Grievance Investigation: The VEO/MEO or chairperson will call a meeting of the village government. The meeting will be held within 3 days of the grievance being acknowledge. The meeting must include at least 7 members of the village or *mtaa* government including at least one woman\(^2\). In addition, the team leader from the implementing team (government or private contractor) should also be present, along with any community organisations that are facilitating the LTIP (to represent the rights of the marginalised households/ persons in the grievance handling process). The complainant will also be present and will be given the right of audience at the proceedings. Minutes of the meeting should be recorded and summarised in the grievance form.

Step 4 Grievance Resolution: If possible, during the meeting the grievance should be resolved. The VEO/MEO should present the proposed solution to the complainant, who has the right to refuse, ask for time to consider the proposed solution or agree. If needed, additional meetings or investigations should be scheduled to allow for the grievance to be fully investigated.

Step 5: Grievance Closure: Once the complainant is satisfied with the resolution proposed this should be recorded on the grievance form and signed off by the complainant, the VEO/MEO and the representatives of the implementing team (private firm or government representative).

Shall the village or Mtaa government, as the case may be, fail to resolve (mediate) the matter presented before it, the affected individual will be directed to present his/her complain to the district commissioner via the VEO/MEO or village/*mtaa* chairperson. The district commissioner shall mediate the matter in not more than seven days from the date the matter is presented. This process does not involve any costs to the complainant. The affected individual shall be afforded with an opportunity to present his/her concerns. If resolution can be found this should be recorded and implemented.

Following mediation by the District Commissioner if the complainant is not satisfied, they have the right to file a case with the District Lands and Housing Tribunal which is located within the District headquarters. Following this, cases can be taken to the High Court – Lands Division which is represented in each Regional Centre and then the Court of Appeal. The costs of

\(^2\) Village Bylaws nationally state that at least 7 out of the 25 members of the Village Council must be women. From the available representatives one woman will be trained to receive the grievances of women and represent their interests during grievance review meetings.
bringing a case to the Tribunal or High Court are the responsibility of the complainant but if the Tribunal/Court finds in their favour these costs are covered as part of the settlement. This process is summarised in Figure 6.1.

Figure 6.1: Levels of Grievance Management

The Ministry will monitor how grievances in both voluntary land donations and resettlement are handled with a view of increasing public awareness on the importance of the project to the community and the need for the aggrieved individuals to amicably mediate the grievances. The Ministry will also be offering trainings to the individuals involved in addressing grievances. Public meetings and other channels to use in awareness raising to be carried out in the project areas will disclose these mechanisms.

6.3 Vulnerable and other Marginalized Groups

Vulnerable (ESS7) and marginalised groups such as orphans, persons living with disabilities, elderly, HIV/AIDS affected/or infected, widows, people suffering from chronic illnesses, and women may be affected during compensation processes and voluntary land donation exercise. Mindful of this eminent risk to the vulnerable groups and other marginalised persons during land acquisition and Voluntary Land Donation, the LTIP has prepared a special assistance procedure to assist these groups to access grievance mechanisms to address their rights infringed as follows:

a) during the Project awareness raising sessions, the project will introduce the GM designed for the project;
b) the Project will, identify vulnerable groups and marginalized people and provide additional sensitisation on possible voluntary land donation and resettlement. This step is critical because often vulnerable groups and marginalized people do not participate in community meetings, and their disability/vulnerability may remain unknown or disregarded.
c) the project team (VLUM, PLUM, and social safeguards) will monitor if any of the groups identified are likely to be affected by the project through voluntary land donation and resettlement.
d) the project team will assist the affected persons or communities to present their complaints before the established GM. The assistance will include referring the matter to the next available options shall the vulnerable group or marginalized people dissatisfied with the outcomes.
e) including the vulnerable groups traditional leaders in the GM as appropriate.
In particular the following assistances are contemplated to be offered to the vulnerable groups and marginalized people to access the project GM:

a) assistance in accessing the established GM, including presenting the complaint;

b) assistance from trusted individuals including traditional leaders while presenting the complaint at the right established forum;

c) assistance in referring the matter to other higher level referral; and

d) any other assistance related to the grievance mechanism accessibility.

6.4 Code of Conducts for Grievance Redress Organs

Grievance Redress Organs (GRO) at each level will be required to abide to the following codes of conduct:

a) the decision made by each grievance redress organ will be treated as confidential and will not be shared with none concerned persons except with the consent of the parties involved;

b) the complainant will not be penalised, harassed or subjected to any unnecessary in any ways for lodging a complains;

c) no any fee will be charged during lodging and hearing of any complain so logged;

d) grievance will be required to be addressed within eight (8) days from the day it was logged;

e) no any complain will be addressed if the forum has not met;

f) every organ, at lower level, will be required to report all unresolved grievance to the higher level;

g) every GRO will be required to record and keep all grievances lodged at their levels and proceedings on how it was addressed (in the form of minutes to avoid technicalities in dealing with grievances); and

h) The complainant will be required to be provided with feedback on resolution status within eight (8) days.
CHAPTER SEVEN – PROCEDURE FOR VOLUNTARY LAND DONATION

7.1 Requirements for Voluntary Land Donation

Households may choose to voluntarily contribute land or assets without compensation. The following requirements will need to be met for voluntary land donation to be considered as per ESS5:

a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;
b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
c) the amount of land being donated is minor and will not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels;
d) no household relocation is involved;
e) donor is expected to benefit directly from the project; and
f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land.

For the purposes of this RPF minor (as per point c) is defined as not more than 5% of a person’s land where the land plot is at least 600 square meters in urban areas; 4,900 square meters in rural settlement areas and 20,000 square meters in rural agricultural areas. However, for smaller plots then voluntary land take should be avoided.

The village/mtaa will assure that voluntary contributions are made with the prior knowledge that other options are available including compensation at replacement cost and are obtained without coercion or duress. PAPs have the right to refuse to donate assets and receive their entitlement and compensation for their land and assets lost in line with the entitlements matrix. They will be fully informed of their rights and have access to the grievance mechanism described in this RPF should they have any concerns about the VLD procedure. In addition, land donation will not be accepted in cases where the donation will have a disparate impact on marginalized households, which will be determined on a case by case basis.

Marginalized households refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. Examples of such marginalized households include:

- very poor households (this would include households that receive Social Protection Payments from the Government);
- the elderly;
- people living with disabilities;
- female or child headed households;
- those with small land plots or land plots with low productivity potential;
• the youth; and
• minority groups.

Vulnerable Groups, as defined by ESS7, may also be requested to donate land if needed as part of the registration and certification processes. In these cases additional care must be taken to ensure that household livelihoods are not affected by the donation and for (untitled) communal land that the consent of individuals using the land has been achieved\(^3\). It should also be noted that when land is donated to form rights of way in the village unless they are formal wayleaves (usually for larger roads, transmissions lines etc) they remain under the administration of the village as (titled) communal land which everyone has the right to use.

### 7.2 Voluntary Land Donation Procedure

The LTIP involves three main processes that may require land for various activities implementation. These processes are for land registration and certification. The process for voluntary land donation are presented in the table below (Table 7.1):

#### Table 7.1: Voluntary Land Donation Procedures

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity Description</th>
<th>Responsible Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Conduct project awareness meeting with the Regional and Local Authorities. This will set a base for public awareness, processes, outcomes, benefits and shared responsibilities of different actors. The process will help the leaders at regional and district level to own the project process and understand the principles of resettlement and voluntary land donations.</td>
<td>MLHSSD, WB, LGAs, Village Council, Community, NGOs, CBOs, Contractors</td>
</tr>
<tr>
<td>2</td>
<td>Conduct meeting in the project sites. These will include call for Village Assembly (VA) and Mtaa meetings aiming to sensitize communities to make them aware of the Project components, design elements, scope and benefits. These meetings will also be used to sensitize the Village/Mtaa leadership and the community on the principles of resettlement, compensation and voluntary land donation in line with this RPF. In particular communities will need to be informed about the planning process, the need to create roads and access ways and the potential for land take as a result. The requirements for Voluntary Land Donation will be explained including that affected people have the right to refuse to donate land, options for compensation and that they will not be excluded from receiving certificates if they refuse to donate land. Minutes of the meeting must be taken along with registers of participants.</td>
<td>MLHSSD, LGAs, Village Council, Community, NGOs and CBOs</td>
</tr>
<tr>
<td>3</td>
<td>Members of the Mtaa and Village Communities to undertake Community Based Participatory Planning (CBPP) to develop</td>
<td>MLHSSD, WB, LGAs, Village Council</td>
</tr>
</tbody>
</table>

\(^3\) In line with national laws.
village land use plans or town plans. This will be based on available information from the basemap that will be developed.

During this process roads, tracks and paths needed to access plots as well as land for infrastructure, services, grazing etc will need to be developed. At this stage it will be possible to identify potential land take by the project and impacted households/land owners.

Where possible alternatives will be proposed to minimise land take and involuntary resettlement.

During the meetings the community will be reminded about the resettlement and voluntary land donation processes.

<table>
<thead>
<tr>
<th>4</th>
<th>Identified affected landowners and users will be invited to a separate meeting during which the need to take land they own or use for public use will be discussed. The affected people will be advised in detail on the criteria and procedures for voluntary land donation, their right to refuse and the options available to them. During this meeting the affected people will be asked to indicate if they would be willing to donate this land voluntarily or not. This will be non-binding. Both women and men from the household affected must be present at the meeting and must agree on their willingness to donate.</th>
<th>MLHSSD, WB, LGAs, Village Council, Community, NGOs, CBOs, Contractors and consultants</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>One on one consultations and negotiation will be undertaken with the landowner during the systematic adjudication process. At this time the landowner(s) can: iv. Indicate they are willing to proceed with Voluntary Land Donation and the relevant documentation can be produced. v. Refuse to donate land to the project and request compensation in line with the resettlement procedures presented in Section 7.2 vi. Agree in principle to donate some or all of the required land, subject to certain measures. This may require negotiation with neighbours to adjust the amount of land each needs to donate, commitment from the community to support in rebuilding ancillary structures (chicken sheds, toilets etc) or to clear additional land for garden plots.</td>
<td>MLHSSD, WB, LGAs, Village Council, Community, NGOs, CBOs, Contractors and consultants</td>
</tr>
<tr>
<td>6</td>
<td>Documentation will be produced indicating the amount of land being donated, the overall amount of land owned by the household, the % of land to be donated, if the household has any of the vulnerability characteristics that would exclude</td>
<td>MLHSSD, WB, LGAs, Village Council, Community, NGOs, CBOs, Contractors and consultants</td>
</tr>
</tbody>
</table>
them from donating land and that no household relocation is involved and any other requirements agreed with the household in line with the requirements outlined above.

For Privately owned land, a land donation form will be completed, this must be signed by all landowners (husbands and wives). This will comprise a formal statement of donation, establishing informed consent, confirming with signatories of neighbours that there is no boundary disputed and that there are no claims by renters, users, squatters, or encroachers, and signed by each owner or user involved.

The form will be filled, signed and stamped by the responsible authorities. The form should be witnessed by representatives of the landowner (family member), representative of the Village Council, and attested by the District Legal Officer
CHAPTER EIGHT: PROCEDURES FOR PREPARATION AND IMPLEMENTATION OF RESETTLEMENT ACTION PLANS (RAP)

8.1 Introduction

To address the impacts of displacement and where Voluntary Land Donation (VLD) is not appropriate or the PAP does not agree to VLD resettlement, acquisition and compensation plans must include measures to ensure that PAPs are:

i. informed about their options and rights pertaining to resettlement and compensation;

ii. consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives; and

iii. provided prompt and effective compensation at replacement cost for losses of assets and access, attributable to the project.

8.2 RAP Development

8.2.1 Determining the Need for a RAP

The need for a RAP will be determined based on the nature and extent of any displacement impacts associated with the construction of offices, registration and certification.

The Project will be constructing 26 Regional Land Offices and One Archives Building in Dodoma. These buildings will be constructed in Government premises where land belongs to the Government. Procedures that will be followed include:

a) Site identification;

b) Confirmation of the government ownership; and

c) Confirmation that there are no existing occupants and thus no need for resettlement.

The screening will be undertaken by the Environmental and Social Specialists who form part of the Environmental and Social Management Unit once the sites have been identified. This screening process is described in the ESMF and will involve a site visit to determine the risks and impacts including resettlement and the need to develop a RAP.

For PAP that do not agree to VLD as outlined above then there will be a need to develop RAPs for those households in any given community.

8.2.2 Approach

A participatory approach will be used in accomplishing this task. It is the best way of ensuring a successful completion and acceptance of the RAPs and addressing issues related to the RAPs.

Once the RAP has been prepared, it will be shared with the Ministry to ensure alignment with this RPF. The RAP will then be shared with the World Bank for clearance prior to commencement of the RAP implementation. The key steps that should be followed in the
resettlement process are outlined in Table 8.1. It should be noted that these steps will not necessarily be undertaken sequentially and that some activities will be undertaken in parallel.

**Table 8.1: Implementation Schedule**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Activities to be Undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td></td>
</tr>
<tr>
<td>Mark out Affected Areas</td>
<td>Affected areas will be identified and marked out based on the need for rights of way etc.</td>
</tr>
<tr>
<td>Establish Institutional Framework</td>
<td>Establish a framework that clearly identifies responsibilities of the LGAs, Village Council and Valuers as well as the community.</td>
</tr>
<tr>
<td>Stakeholder Engagement</td>
<td>Throughout the RAP development stakeholder engagement will be undertaken. As outlined in Chapter 5 communities/affected individuals will be informed about the land take/displacement and their options in relation to resettlement and voluntary land donation. The entitlements matrix will be presented to allow people to make informed choices and to start the process of validating its appropriateness in the community. The PAPs will also be informed of the RAP process, the Grievance Mechanism and the activities that will be undertaken. PAP will be informed of the need to undertake data collection the use of the data and provide further information on the project as needed. Disclosure of the RAPs will need to be undertaken locally in appropriate culturally appropriate formats.</td>
</tr>
<tr>
<td>Grievance Redress Mechanism</td>
<td>Implement the grievance mechanism which should stay in place throughout the planning and implementation phases. The Grievance Redress Mechanism should be shared with PAPs throughout the stakeholder engagement process.</td>
</tr>
<tr>
<td>Announce Cut Off Date</td>
<td>Announce a Cut-off Date, after which individuals will not be eligible for compensation (to coincide with the below activity).</td>
</tr>
<tr>
<td>Socio-Economic Baseline Data Gathering, Census</td>
<td>The socio-economic study will be carried out by a study team, to collect base line data within the selected sites thereby enabling the social impact assessment of potentially affected populations/communities. The socio-economic impact assessment would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and baseline information on livelihoods and income, in addition to landholding.</td>
</tr>
<tr>
<td>Asset Inventory</td>
<td>An inventory of all impacted assets will be undertaken to inform the valuation of assets/provision of replacement land etc.</td>
</tr>
<tr>
<td>Stage</td>
<td>Activities to be Undertaken</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Valuation</td>
<td>Determine the market rates of land and assets and therefore replacement cost without consideration of depreciation to feed into the entitlements matrix to be agreed with affected people.</td>
</tr>
<tr>
<td>Impact Assessment</td>
<td>Undertake an assessment of resettlement impacts associated with the project, based on the socio-economic baseline data collection and asset inventory as well as the outcomes of additional stakeholder engagement undertaken to inform the eligibility and entitlements.</td>
</tr>
<tr>
<td>Identify Resettlement Sites and / or Replacement Land (if required)</td>
<td>Undertake a process to identify resettlement sites and/or replacement land as required and where possible. This should include the process of identifying alternative sites, consultation with communities in host areas and with PAPs, environmental assessments of host sites (as required), plans for new structures etc. As part of this consideration should be given to how this land will be acquired and security of tenure for affected people.</td>
</tr>
<tr>
<td>Livelihood Restoration Planning</td>
<td>Develop livelihood restoration measures to restore livelihoods of displaced people including consideration of vulnerable groups. Livelihood restoration should include provision of appropriate training, inputs, mentoring and advice to the affected PAPs, in order to help them re-establish and enhance their livelihoods. If needed alternative livelihood strategies should be developed and implemented.</td>
</tr>
<tr>
<td>Budget and Schedule</td>
<td>Detail the budget and associated implementation schedule. The valuation report will need to be approved by the chief valuer.</td>
</tr>
<tr>
<td>RAP Document and Disclosure</td>
<td>All of the activities shall be captured in the RAP Document which will be disclosed to the community, project affected stakeholders etc in line with the WB requirements for Disclosure.</td>
</tr>
</tbody>
</table>

### 8.3 Contents of RAP

The basic elements of a RAP, as outlined in ESS5 includes but not limited to the following:

- Description of the activities being undertaken;
- Identification of project impacts and affected populations;
- Baseline socio-economic data and census of PAPs households, including information on vulnerable groups;
- Eligibility of displaced persons for compensation and other resettlement assistance and/or entitlements;
- Description of resettlement assistance and livelihood restoration activities;
- Stakeholder engagement and grievance redress mechanism;
- Detailed budget;
- Implementation schedule;
• Consultation activities; and
• Monitoring, evaluation, and reporting.

The Project will develop a standard format for all RAPs documentation to ensure that the required information is captured in line with this RPF. This will simplify the production and review process for all RAPs.

8.4 Entitlements Matrix

The affected households will be eligible for the following entitlements associated with the potential impacts of resettlement due to LTIP. As part of individual RAP preparation, the eligibility and entitlements will be updated to address specific project resettlement impacts. Valuation of assets will be undertaken using a range of methods outlined in Tanzanian law but will be compatible with the principle of replacement cost (without depreciation).
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of agricultural land</td>
<td>Loss of land under cultivation or used for pasture. Includes any remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</td>
<td>Landowner (formal or no formal claim)</td>
<td>Compensation (cash or in kind as selected by the PAP) for affected land equivalent at replacement cost (without depreciation) and including any transactional costs. In the case of in-kind compensation, the replacement land should be equivalent (productive potential, locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost. Where PAPs are losing more than 10% of their total land holding in kind compensation must be offered. Disturbance allowance. Livelihood restoration: Appropriate livelihood restoration measures will be developed and implemented in consultation with PAPs and will include support to re-establish agricultural land or other activities as appropriate. (NB): Additional specific measures will need to be included for Vulnerable Groups when their use of land and impacts to them are fully understood. These measures may include allowing vulnerable groups to maintain pre-existing usage rights, ensuring access is maintained to natural resources including those that are seasonally available or identification of alternative resources and provision of usage or access rights. Those who have no claim to land they are occupying or using. Compensation for the developments on the land in cash or in kind Resettlement assistance (cash or in-kind as selected by the PAP) to allow the affected person to re-establish their livelihoods.</td>
</tr>
<tr>
<td>Loss of residential land</td>
<td>Loss of land used for residences. Includes any</td>
<td>Landowner (formal or no formal claim)</td>
<td>Compensation (cash or in kind as selected by the PAP) for affected land at market rate plus compensation for any transactional costs to achieve replacement cost. In the case of in-kind compensation, the replacement land...</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</td>
<td>Those who have no claim to land they are occupying or using.</td>
<td>should be equivalent (locational advantages etc) to the land which is lost with security of tenure to achieve the principle of replacement cost. Disturbance allowance Transport allowance</td>
<td></td>
</tr>
<tr>
<td>Loss of Leased Land</td>
<td>Loss of land used by tenants (formal or informal) for housing or livelihood activities</td>
<td>Rental/lease holder</td>
<td>Resettlement assistance (cash or in-kind (replacement site and house) as selected by the PAP) to allow the affected person to re-establish their housing at an alternative site. Compensation for the developments on the land (cash or in-kind) at replacement cost.</td>
</tr>
<tr>
<td>Loss of structures</td>
<td>Structures are partially affected and are viable for continued use</td>
<td>Owner of structure</td>
<td>Compensation in cash or in-kind for affected building and other fixed assets, without depreciation (replacement cost). Assistance to cover costs of restoration of the remaining structure. Right to salvage materials without deduction from compensation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental/lease holder</td>
<td>Compensation for affected assets (verifiable improvements to the property by the tenant) without depreciation. Disturbance compensation equivalent to two months rental costs or time of use interruption whichever is greater.</td>
</tr>
<tr>
<td>Entire structures are affected and not viable for continued use.</td>
<td>Owner</td>
<td>Compensation for entire structure and other fixed assets without depreciation (replacement cost), or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP, as per the preference of the PAP. Right to salvage materials without deduction from compensation</td>
<td></td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------</td>
<td>----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental/lease holder</td>
<td>Relocation assistance (Disturbance Allowance + Transport Allowance + Accommodation Allowance as relevant).</td>
</tr>
<tr>
<td>Loss of structure in part of full</td>
<td>Squatter/informal dweller</td>
<td>Compensate for affected structure without depreciation (replacement cost).</td>
<td>Right to salvage materials without deduction from compensation. Relocation assistance (Disturbance Allowance + Transport Allowance + Accommodation Allowance as relevant) and assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, (if available).</td>
</tr>
<tr>
<td>Loss of structure in part of full</td>
<td>Street vendor / business owner (informal without title or lease to the stall or shop or with lease)</td>
<td>Opportunity cost compensation equivalent to 2 months net income or time needed for reestablishment of the activities based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business.</td>
<td></td>
</tr>
<tr>
<td>Loss of structure in part of full</td>
<td>Business owner (formal owner)</td>
<td>Compensation for affected structure without depreciation (replacement cost) in cash or in kind (as selected by the PAP) Right to salvage materials without deduction from compensation. Opportunity cost compensation equivalent to 2 months net income or time needed for reestablishment of the activities based on tax records for previous year (or tax records from comparable business, or estimates), or the</td>
<td></td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>relocation allowance, whichever is higher.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Assistance to obtain alternative site to re-establish the business</td>
</tr>
<tr>
<td>Standing crops</td>
<td>Crops affected by land acquisition or temporary acquisition or easement</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop or current replacement cost and where possible, PAP will be allowed to harvest standing crops (annual and perennial) prior to displacement. Livelihood restoration assistance as required either in the form of alternative livelihood such as assistance with job placement, skills training or reestablishment of farming activities at an alternative site.</td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation based on type, age and productive value of affected trees plus disturbance allowance. Rehabilitation assistance if required (assistance with job placement, skills training, reestablishment of farming activities etc).</td>
</tr>
<tr>
<td>Mobile business</td>
<td>Business, parking for taxi, bikes</td>
<td>Business owner, workers</td>
<td>Alternative site within the area to continue business will be identified, transport cost where applicable, affected property where applicable, loss of business (3 months) where applicable. Transport Allowance + Disturbance Allowance</td>
</tr>
</tbody>
</table>
8.5 Resettlement Implementation

The Project will develop individual household compensation packages which will be agreed with the PAP and signed off by the PAP/ the households (men and women).

During implementation, PAP should be provided with the measures outlined in their compensation packages including

a) compensation payments/ in kind compensation;
b) physical relocation including transitional support (as needed); and
c) implementation of livelihood restoration measures (as needed).

d) Compensation for tenants/ land users will be paid directly to these individuals as the owners of the asset or affected parties.

In addition, there should be continuous engagement with PAP, including opportunities for participation. Access to a grievance mechanism for PAP to raise complaints and concerns should also be provided.

Current practice in Tanzania is that the compensation payments are deposited into bank accounts to avoid speculations, theft, amongst others, to ensure safety of households' compensation money. The amount of compensation must be disclosed to the whole relevant household. PAPs without bank accounts will be required and assisted to open one. For households with both man and woman present, they will be required to open a joint bank account. The potential PAPs will be sensitized to open joint accounts during sensitization meetings and that the institution responsible for triggering ESS10 will be required to have an individual to follow up on the opening of joint accounts. The government, through institutions responsible, will facilitate the opening of the bank account. The compensation package payable to the PAPs should include costs associated with opening a bank account. The PAPs should have a choice on what bank to use.
CHAPTER NINE - MONITORING, EVALUATION AND REPORTING

9.1 Introduction

At PAA level the LTIP coordinator will constitute a team composed of Officer responsible for Grievance, Environmental Officer, Land Officer and Community Development Officer to oversee implementation of all land issues. This team will develop a Monitoring and Evaluation Plan (MEP) as presented in other safeguard documents (SEP, VGPF) and project document.

9.2 Monitoring, Evaluation and Reporting of RPF Implementation

The Project will establish a monitoring system involving PCU staff at national and district levels, as well as communities to ensure effective implementation of RPF. In this context a set of monitoring indicators have been developed during implementation.

For activities found to have potential negative impacts on land, PAAs experts, Ward Extension Staff and the Village Council will be engaged to verify information including the specific documentation status and land acquisition agreements. If there will be a land dispute a corrective action which may include preparation of new agreement or updating the agreements clauses will be undertaken.

9.3 RPF Monitoring Methodology

The RPF will be monitored through a number of indicators as mentioned below. The established GRM will assist in tracking the implementation of RPF by assessing land reported incidences and respective actions applied to resolve them. The GRM register will incorporate reported land grievances and set for amicable solution.

Monitoring Indicators:
Several key indicators and subjects for monitoring and evaluation of RPF at community levels will be applied including

i) Number of meetings and consultations held with gender consideration;
ii) Number of conflicts and grievance handled.
iii) Total number of resettled landholders of which
   i. Number of women
   ii. Number from Vulnerable Groups
iv) Number of landholders donated land on voluntary basis of which
   i. Number of women
   ii. Number from Vulnerable Groups
   iii. Number from Marginalized Households
v) Number of displaced persons -physically displaced only of which
i. Number of women
ii. Number from Vulnerable Groups

vi) Number of displaced persons - economically displaced only of which
   i. Number of women
   ii. Number from Vulnerable Groups

vii) Number of displaced persons – both physically and economically displaced of which
   i. Number of women
   ii. Number from Vulnerable Groups

viii) Number of parcels of land/households who provide land via voluntary land donation.

ix) Number of land donation forms appropriately completed.

x) Increased perception of tenure security (gender disaggregated)

Required data/information will be collected and analysed regularly to indicate progress on implementation of RPF, project outputs, outcomes and impacts on land issues. Results of analysis will be part of annual progress report which will be submitted to the Bank.

**Quarterly Reporting and Performance Review**

Quarterly progress reports will be prepared by the LTIP Coordinator and the preparation of the progress reports will be supported by the environmental and social safeguards experts in the project at community levels. These reports will be submitted to the PCU and will form part of overall safeguards report to the Bank.

**9.4 Ex-Post Documentation of Resettled PAPs**

The documentation of resettled PAPs will form an essential basis of making follow-ups on implementation of RAP. This document will be used to determine the payment schedules amount and where number of PAPs who have already been compensated in a specified period of time.

**9.5 Post- Resettlement Monitoring of Resettled PAPs**

Monitoring will be done to Resettled PAPs evaluating the rate of copying with new settlements and livelihood thereof, it is expected that the resettled PAPs will improve or at least remain in an economic and social position they had before resettlement. This monitoring will provide information of the existing status and propose mitigation measures towards positive improvements to enhance livelihood of resettled PAPs. This is the case of monitoring for a no loss of livelihood, which is a key for this project implementation.

**9.6 Monitoring of RPF Implementation**

Consultation and Participation of stakeholders will be monitored throughout the Project implementation. The monitoring will be conducted using a number of selected indicators to
monitor public participation and involvement into the Project as indicated in terms of table below.

**Table 9.1: Monitoring and Evaluation Indicators**

<table>
<thead>
<tr>
<th>Issues</th>
<th>Indicator</th>
<th>Responsibility</th>
<th>Data Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity Building for staff on RPF and VLD</td>
<td>- Number of individuals and institutions trained&lt;br&gt;- List of participants&lt;br&gt;- Training reports</td>
<td>PCU, WB and Consultants</td>
<td>Training sessions reports</td>
</tr>
<tr>
<td>Community Orientation and Mobilization meetings</td>
<td>- Number of meetings conducted&lt;br&gt;- Number of community members sensitized by gender&lt;br&gt;- Number of groups involved</td>
<td>PCU, LGAs community members, NGOs, CBOs, WB</td>
<td>Reconnaissance survey reports&lt;br&gt;Community meeting reports</td>
</tr>
<tr>
<td>Consultations with Community members</td>
<td>- Attendance of PRA/RRA&lt;br&gt;- PRA reports acceptable to the Community&lt;br&gt;- Participation by gender of community member</td>
<td>PCU, LGAs community members, NGOs, CBOs, WB</td>
<td>RRA reports&lt;br&gt;PRA reports</td>
</tr>
<tr>
<td>Mapping of community resources critical to the Community</td>
<td>- List of community member participated&lt;br&gt;- Land ownership reports verified and accepted by community members&lt;br&gt;- Participation by gender</td>
<td>PCU, LGAs community members, NGOs, CBOs, WB</td>
<td>Baseline survey reports&lt;br&gt;Community transect reports</td>
</tr>
<tr>
<td>Development of strategies for participation of Community in addressing land related grievances and mitigation measures</td>
<td>- Number of project activities implemented&lt;br&gt;- Participation by gender - Number/proportion of participant&lt;br&gt;- Number and type of complaints registered&lt;br&gt;- Number of complaints resolved</td>
<td>PCU, LGAs, community members, NGOs, CBOs, WB</td>
<td>PCU progress reports</td>
</tr>
<tr>
<td>Capacity Building for</td>
<td>- Number of Trainings</td>
<td>PCU, PCU, LGAs</td>
<td>Training reports</td>
</tr>
<tr>
<td>Issues</td>
<td>Indicator</td>
<td>Responsibility</td>
<td>Data Sources</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>--------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>the community</td>
<td>- Attendance by Community member by gender</td>
<td>WB, Consultant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Training report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equitable representation by gender of Community members in decision making organs</td>
<td>- Number of representation gender wise in meetings by Community members</td>
<td>PCU, VCs, Community members</td>
<td>NSC reports</td>
</tr>
<tr>
<td></td>
<td>- Number of representative female in Village Land Committees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participatory M&amp;E</td>
<td>- Number of consultation meeting held</td>
<td>PCU, Disadvantaged Community</td>
<td>M&amp;E reports</td>
</tr>
<tr>
<td></td>
<td>- Minutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Attendance by gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- M&amp;E report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER TEN - IMPLEMENTATION ARRANGEMENTS AND BUDGET FOR LTIP

10.1 Introduction
This section presents the implementation arrangements for the LTIP in General and the RPF, required budget needed and any subsequent RAPs.

10.2 Institutional Arrangements for LTIP Implementation
The project implementation structure is designed to enable smooth achievement of its deliverables in an effective and efficient way. The PCU will be in place for the entire duration of the project, but field-based work associated with the issuance of CROs, CCROs and RLs will be undertaken by the field team or teams working in a sequential manner through priority areas. The implementation structure consists of three levels at the national, technical and local level. At the national level there is a Steering Committee, Technical Committee, Project Coordinating Unit (PCU) and Stakeholder Engagement Forum (SEF).

The technical level is coordinated by the Project Coordinating Unit (PCU) and consists of a Project Coordinator (PC) who will be assisted with recruited staff from financial, procurement, Programme Officer (PO), M&E Officer, Environmental and Social Management Unit (ESMU), Legal Officer and Training Officer. Under the PCU there will exist six units lead by Managers. These units include Survey and Mapping Unit, Urban Land Certification Unit, Rural Land Certification Unit, Quality Control Unit, Communication and Publication Unit, System Manager and Construction Unit. Under these Units the Local Government Authorities level exists.

At local level the structure comprises one Unit namely the District Field Coordinating Unit. The District Field Coordinating Unit is led by the District Field Manager who plays both implementing and supervisory roles. Under the District level in rural land certification the structure will have field teams and supervisors under the Ministry coordination. Under urban land registration, the field supervisor who is under the District Field Manager will supervise both private firms contracted during land registration and certification. The field teams will be supervised by the Ministry. The District Field Managers are government employee who will be seconded in these Districts. Likely, construction units will coordinate and supervise all construction works as per WB and national procedures and standard requirements.

The District Field Manager will come from the Central Ministry or Local Authority level (one member among PLUM team) as may be determined and necessary to coordinate the implementation and supervision of all field activities. There will be field supervisors who will work with field teams in each District/Village. Each Project LGA will comprise of at least 10 people in field teams. Each team will comprise of Para-surveyors (2), Recorder and GIS expert (1).
10.2.1 Role of Committees and Project Units

Steering Committee: Steering Committee which will be responsible for approval of annual budget, annual plans, reviewing reports and responding to any incoming issues. The committee will meet annually. The committee will consist of permanent members: a) Permanent Secretary MLHHSD b) Permanent Secretary MoFP and c) Permanent Secretary PO-RALG. The Steering Committee may co-opt other members whenever it may deem appropriate.

Technical Committee: Technical Committee will be responsible for all technical activities of the project and advising the Steering Committee on all technical matters related to the project. It will also be responsible for receiving, discussing project reports from the Project Coordinating Unit. The Committee will consist of all heads of departments and units of the MLHHDS. There will also be an appointed permanent member from the LGAs and Ministry of Planning and Finance who will be part of the Technical committee. This committee may meet from time to time as may be deemed necessary. Likely, reports from the project implementation will be submitted by the PCU on quarterly basis.

Project Coordinating Unit: The PCU will be responsible for the full-time day to day management operations of the project. This PCU will have management oversight and reporting responsibilities for all components of the Project. This entity will integrate the financial and technical progress reports from each Regions and District Councils implementing the project. The full staffing of this PCU as set out in the Operational Manual (OM) will be required to ensure project effectiveness and will include seasoned experienced staff. The PCU will prepare project budget for implementation and submit to the Steering Committee for approval. Likely, the PCU will play a role to disseminate information to beneficiaries, liaising with technical officers on complaints, grievance and case updates, generating lists of beneficiaries facilitate follow-up etc. The Unit will also ensure that VGs are part of the project implementation so that their specific needs and concerns are identified and addressed.

Environment and Social Management Unit (ESMU) – The project will establish an Environment and Social Management Unit within the PCU which will consist of 1 Environmental Expert, 1 Social Expert who will be hired and 1 environmental officer and 1 social officer who will be transferred into the team. In additional a GBV specialist will be contracted to assist in managing GBV/SEA related issues during project implementation. This unit will oversee all environmental and social issues during implementation of the project.

Survey and Mapping Unit: This will be led by the Survey and Mapping Manager with a number of staff as included in Figure 10.1. The staff will be transferred within the Government. The Unit will be responsible for mapping activities, coordinating survey and mapping activities in the project areas. Likely, they will form part of the quality assurance.

Urban Land Certification Unit: This will be led by the Urban Land Certification Manager with a number of Staff as included in Figure 10.1. The manager will be transferred within the Government. The manager will be responsible for coordinating all activities for land registration
in urban areas. She/he will be assisted by the District Field Manager at the local level in implementing project activities.

**Rural Land Certification Unit:** This will be led by the Rural Land Certification Manager with a number of Staff as included in Figure 10.1. The manager will be transferred within the Government. The manager will be responsible for coordinating all activities for land registration in rural areas. She/he will assist the District Field Manager at the local level in implementing project activities.

**Quality Control Unit:** This will be led by the Quality Control and Assurance Manager with a number of Staff as included in Figure 10.1. He/she will be transferred within the Government. The manager will be responsible for ensuring quality of products and other associated activities during project implementation.

**Communication and Publication Unit:** This will be led by the Communication Manager with a number of Staff as included in Figure 10.1. The manager will be transferred within the Government. The manager will be responsible for coordinating all activities for associated with communication and publication activities for the projects. The unit will involve in carrying out sensitization and awareness raising campaigns and facilitate communication between Project, District, CSOs,

**Construction Unit:** This will be led by the Construction Manager with a number of Staff. He/she will be transferred within the Government. The manager will be responsible for supervising all construction works.

### 10.2.2 District and Local Level

**District Field Coordinating Unit:** This unit will be led by the District Field Coordinating Manager. He/she will be transferred within the Government. The manager will be responsible for leading all field works implementation and private firms’ supervision and other project related activities at the lower level.

**Village, Ward and NGOs at Local Levels:** Village Council and NGOs will be responsible for ensuring all stakeholders are engaged in the project activities in their respective areas including awareness raising, facilitate meetings, maintain database registry and assisting the community in the process of preparing activities at community level. At Ward/Village level, Ward and Village Executive Officers will lead the sensitization process, training and participatory planning with oversight support from Local Authority. Specialized sensitization and training will cover area like project identification, micro-planning, environmental and social issues and management of projects at community level. With this institutional framework it is imperative that capacity building and training is required especially at the ward and Village level to ensure adequate implementation of this project.
Private Firms: Private firms will be responsible for actual implementation of the project in urban areas. Private firms will be responsible for preparation of town planning maps and survey drawing and submission to the district authorities for further approval as per the project manuals. The work of the private firms will be closely supervised by the District Field Manager to ensure they deliver as per their contractual requirements. Private firms will also be responsible for ensuring compliance with National and WB policies, laws and regulations.

Contractors: These will be responsible for the construction of 26 Regional Land Offices and One Archives Building in Dodoma as well as the renovation of 6 District Land Offices. These will collaborate with the regional administration and will be supervised by the construction supervision consultants. The line of reporting will be from contractors to supervision consultants to construction unit at the MLHHSD.

Supervision Consultants: These will be responsible for supervising construction activities undertaken by contractors on behalf of the construction unit at the MLHHSD. Supervision consultants will be the bridge between contractors and the MLHHSD and will ensure the quality of works performed on the site. The supervision consultants will receive reports from contractors, review them, provide comments and approve them. The approved reports will be submitted to the PCU at the MLHHSD who will share with the WB for noting.
Figure 10.1: LTIP Project Implementation Structure

Project Steering Committee

Technical Committee - Technical Activities implemented by the Ministry Departments, such as building construction, ILMIS, base mapping, CORs, as well as technical supervision

PCU - project coordination, procurement, financial management, safeguards, M&E, communications, training; including ESMU

Field Teams working at District, village and community level (urban and rural)

Stakeholder Engagement Forum
10.3 Stakeholder Engagement Forum

10.3.1 National Level

A stakeholder engagement forum will be established at the national level. The PCU will act as the secretariat for the forum which will be chaired by MLHHS (at the level of the Deputy Permanent Secretary of higher). The forum will consist of the following representatives:

- MLHHS;
- Project Coordination Unit;
- Representatives of other ministries such as PO-RALG, Ministry of Agriculture, Ministry of Livestock and Fisheries etc;
- Representatives from District Field Teams/ Private Firms involved in implementation;
- Civil Society Organizations related to issues on land, environment, gender and vulnerable groups;\(^4\)
- Representatives of LGAs from the Project areas where activities are being undertaken/ planned; and
- Political leaders from the Project areas where activities are being undertaken/ planned.

The forum will be structured to ensure that all participants views can be heard equitably, the mechanisms to achieve this will be discussed and agreed between all stakeholders when establishing the Terms of Reference for the Forum. In addition, a member of the World Bank project team will attend the meetings as an observer and to inform implementation monitoring and support.

The first meeting will be held within the first 6 months of project implementation with subsequent meetings being held at least every 6 months thereafter for the duration of the project. The final meeting will need to be held at least 3 months prior to Project closure to ensure that any outstanding issues can be addressed.

During the first meeting the following issues will be presented and / or agreed:

- Establishing a common understanding of the LTIP including its outcomes, proposed approach, implementation arrangements etc;
- Terms of Reference for the Stakeholder Engagement Forum including but not limited to:
  - Participation;
  - Frequency of meeting;
  - Rules of engagement;
  - Accountability;
  - Flow of information from the district to the national level;
  - Implementation mechanisms for decisions for the forum; and
  - Requirements for minutes.

Subsequent meetings will focus on a two-way dialogue where issues related to Project implementation are discussed (activities since the last meeting, planned activities, upcoming

\(^4\) The SEF will make use of existing multi-stakeholder platforms within the country, such as the Tanzania Land Alliance (TALA), which includes a number of key civil society organizations including Tanzania Women Lawyers Association, Tanzania Natural Resource Forum, PINGOS Forum (pastoralist and hunter-gatherer organization). [https://www.tala.or.tz/all-members](https://www.tala.or.tz/all-members)
challenges, lessons learnt, stakeholder feedback on implementation etc); activities implemented by the CSOs; emerging issues in land sector relevant to project implementation; emerging thematic issues (VG, women’s land rights, environmental concerns) which may affect project implementation; opportunities to collaborate; avoidance of duplication of effort; etc so that good practices can be shared and joint solutions for challenges proposed.

At least one month prior to each meeting (the date and location of which will be agreed during the previous meeting) information will be shared by the PCU with all participants to allow for review of the implementation progress and for participants (notably CSOs where umbrella organisations may be representing multiple groups) time to gather views and feedback from their colleagues.

All participants would be provided with a per diem to attend the meeting commensurate with the costs associated with the location of the meeting (routinely Dodoma but may include meetings in the field or Dar es Salaam as appropriate).

### 10.3.2 District Level

At the District level a Multi-Stakeholder Group (MSG) will be established to support project implementation activities within the district. The District MSG will be organized by the PLUM team and is likely to be chaired by the District Commissioner. Participants in the MSG will include:

- District Officials;
- District Field Teams (PLUM)
- Ward and Village Leaders
- Political Leaders
- Community Organization involved in implementation support/ sensitization
- Local experts or influential people such as traditional leaders, religious leaders, respected people etc.

The aim of the District MSG will be to provide a forum in which those involved in project implementation within a given District can come together to discuss:

- The proposed project activities for the given period;
- The implementation approach including roles and responsibilities, mechanisms for working together, development of environmental and social management instruments;
- Solutions to implementation challenges within the district; and
- Emerging issues in the district which may impact on implementation.

The first meeting will be held prior to activities commencing in the District and will serve to provide a common understanding of the approach and roles and responsibilities. Subsequent meetings will be held quarterly or as needed during project implementation. A final meeting will be held 3 months prior to completion of activities in a given district to identify any outstanding issues and allow time for any required measures to be implemented before activities end in the district.

### 10.4 Environment and Social Safeguard Implementation Arrangements
For this project, the Environmental and Social Management Unit (ESMU) will consist of the following:

a) Environmental Specialist (1) who will be hired by the PCU to facilitate and provide technical support on the management of environmental issues including the development of Project Briefs for the ESMPs, supervision of construction activities etc. The specialist will also be responsible for increasing the capacity of the MLHSD environmental officer,

b) Social Specialist (1) who will be hired by the PCU to facilitate and provide technical support on the management of social issues including the development of Vulnerable Groups Plans, Stakeholder Engagement Plans, and management of land take (resettlement, voluntary land donation) etc. The specialist will also be responsible for increasing the capacity of the MLHSD social officer,

c) The project will contract a GBV/ specialist to assist the project in developing and implementing a GBV action plan including training and capacity building as well as case handling as needed. This specialist will be contracted to support the Project as needed throughout implementation.

d) From the within the MLHSD two officers with environmental (1) and social (1) expertise will be transferred to the Project. They will support the Specialists in the day to day implementation of the project.

This unit will sit within the PCU at the national level.

At the District level, the Environmental Officer and Community Development Officer will act as the field supervisors and will be responsible for overseeing environmental and social issues under the guidance of the environmental and social management unit. The Project will hire additional Environmental Officers and Community Development Officers to support implementation based on the implementation schedule\(^5\) for the project.

In the Urban Areas, private firms will be contracted and will be required to include in their teams as key staff an Environmental Officer and Community Development Officer for each area within which they are working. This requirement will be included as a mandatory role in the Terms of Reference issued for the contract.

The contractors hired to construct the office buildings will be required to hire an Environmental, Health and Safety and Social (EHSS) Manager to oversee the day to day construction activities and ensure compliance with the Environment and Social Management Plan (ESMP), the SEP, GRM and any other instruments prepared for the project. The contractor will be required to submit a monthly report to supervision consultants for comments and approval. After approval the supervision consultant will submit the report to the PCU who will share with the WB for further comments (if any) and for noting. A Supervision Consultant will be hired to oversee construction of office buildings. The supervision consultant will be required to include as key staff one Environmental Specialist and one Social Specialist to ensure compliance with the project environmental and social instruments, national legislation and the WB ESF requirements.

---

\(^5\) The Project is unlikely to be working in all the target districts at once, an implementation plan will be developed which will see the project being rolled out sequentially within the districts. Initially, it is anticipated that the Project will be implemented in one to two districts.
They will submit monthly reports to the Environmental and Social Management Unit in the PCU for review and action.

**Figure 10.2:** Stipulates the implementation arrangement for environmental and social management which is extracted from the overall project implementation arrangement.

10.5 Resettlement Planning Framework Implementation Arrangements

The RPF is one among the safeguard documents to be implemented in the LTIP. The implementation will be guided by the Environmental and Social Management Unit (ESMU) in particular oversight of the RPF will be undertaken by the Social Officer who will be hired by LTIP. The Social Officer will work with the Districts and the Training Officer to assist local level stakeholders to identify the presence of vulnerable groups and the need to develop RAP in line with this RPF.

10.6 Responsibility of Stakeholders during RAP Implementation Actors

Different stakeholders will play different roles and responsibilities in relation to the planning and implementation of project specific Resettlement Action Plans as follows:

**Village and Ward levels**

Village Councils are responsible for the planning, implementation, monitoring and evaluation of project specific RAP. Specific responsibilities include:

a) Awareness creation in the community about the RAP;
b) Participating in data collection from the community;
c) Facilitating meetings with Vulnerable affected;
d) Participating in the planning, implementation, monitoring and evaluation of project specific RAP in urban and rural areas as the case may be;
e) Establishing and maintaining displacement databases for the PAP; and
f) Addressing grievances and alternatives options for People Affected with the Projects.

**District Level**
The District Authority level will be responsible for overall planning and management of the RAPs as follows:

a) Awareness creation at Ward and Village level about the RAP;
b) Facilitating community identification of key activities to be included into specific RAPs;
c) Providing technical assistance to village leaders, VG and local communities as needed in the preparation of specific RAPs;
d) Participating in the planning, implementation, monitoring and evaluation of specific RAP at LGAs levels;
e) Reviewing and compiling quarterly progress reports on the implementation of RAP;
f) Establishing and maintaining updated grievance databases
g) Monitoring and evaluation of the implementation of the RAP; and
h) Undertaking Social Screening and negotiation for RAP.

**National Level**
At the national level, there will be three bodies, namely the, Steering Committee, technical Committee and PCU and their roles will be as follows:

i) Ensuring compliance of the RAPs with safeguards requirements;
ii) Providing technical support and capacity building for LGAs, community and other stakeholders on the implementations of the RAP;
iii) Monitoring and evaluation of the impacts of RAP implementation at the community level;
iv) Ensuring that RAPs are mainstreamed into MLHHSD Budget;
v) Reviewing and compiling quarterly progress report for the implementation of the RAP
vi) Knowledge management mechanism
vii) Establish appropriate system for Monitoring and evaluation

**Community Organisations**
The project anticipates working with selected Community Based Organisations such as NGOs and Civil Society Organisations. These organisations will undertake community sensitisation and support implementation of project activities in particular in areas where they have experience in community mobilisation. These NGOs and CSO in collaboration with PCU will lead the sensitization, training of community members, WDCs and VCs as part of capacity building.

**10.7 Budget for RPF and RAP Implementation**
In principle, the LTIP does not intend to trigger any resettlement. Funding for RAP implementation will be obtained from the annual Land Compensation Fund which is agreed between the MLHHSD and MoFP for land development improvement. This annual budget is agreed based on the extent of planned activities in a given year. Going forward this would
include the LTIP as well as other programs being implemented by the Ministry. Budgets for 2020 have been agreed along with estimates for 2020/2021 and 2021/2022 periods. In addition, respective LGAs or villages/mtaa where project is executed may also have access to budgets for resettlement and as per the entitlements matrix will be asked to provide compensation in-kind where relevant. However, the public awareness and other screening activities its budget is provided in the ESMF of the LTIP.

Similarly, LGAs and village councils, as the case may be, with assistance of a valuation expert from LGAs will determine the extent of the land required, and the amount of unexhausted improvement on that land. This will enable the LGAs/village Council/MTaa/MTaa committees to determine an appropriate cost for resettlement by providing options and or alternatives. This will be done through national laws and consideration of the ESS5 requirements for compensation requirements and land donations. Table 8.1 presents indicative RAP budget format.

Table 10.3: Indicative format of a RAP Budget

<table>
<thead>
<tr>
<th>Asset acquisition</th>
<th>Amount or number</th>
<th>Total estimated cost</th>
<th>Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops and economic tress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Land Acquisition and Preparation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops areas and others</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Relocations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer of possessions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Economic Rehabilitation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Investments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Assumption for costing may follow this format.

<table>
<thead>
<tr>
<th>#</th>
<th>Item</th>
<th>Costs</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land</td>
<td>/hectare</td>
<td>For land acquisition purposes, based on Tanzanian average market cost, or from similar projects</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops</td>
<td>/hectare of farm lost</td>
<td>Includes costs of labor invested and average of highest price of staple food crops and Tanzanian market prices</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for loss of access to pastoralists</td>
<td>If applicable</td>
<td>Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)</td>
</tr>
<tr>
<td>4</td>
<td>Compensation for loss of access to fishing resources.</td>
<td>If applicable</td>
<td>Data provided from the revised socio-economic study will determine market values of catch, fish products etc.</td>
</tr>
<tr>
<td>5</td>
<td>Compensation for Buildings and Structures</td>
<td>If applicable</td>
<td>This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.</td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Trees</td>
<td>/year/tree</td>
<td>Includes costs of labor invested and average of highest price of trees (and tree products) and Tanzanian market prices</td>
</tr>
<tr>
<td>7</td>
<td>Cost of Relocation Assistance/Expenses</td>
<td>/household</td>
<td>This cost reflects the moving and transportation allowance</td>
</tr>
</tbody>
</table>
ANNEXES

Annex 1: The Land Donation Agreement Form

A: PRIVATELY OWNED LAND:

This agreement is made this ............. Day of ............ 20.......... between .................................................... (herein after referred as “Donor”) of Tell phone: .....................Email Address if any.................... Street ...........and

The Name of Village/District/Municipal/City Council ...................................................(herein after referred as “Donee”) of P.O Box .........................................

WHEREAS

The Donor is a lawful owner of a piece of land situated at ......................... Village/street/Mtaa ........................................ Ward................................ District Authority ..................................... Region ..................... (herein after referred as the Property)

That size of land donated is .........................(m²/ km² hkt²) and it is held with a right of occupancy for a period of .........................

NOW THEREFORE THE AGREEMENT WITNESSES AS FOLLOWS:-

1. That the donor hereby willingly and desirous of donating the land to the Donee permanently..................... commencing from ......................... to .................................................. for implementation LTIP.

2. That the Land to be donated is identified and determined by boundaries of pieces of land adjacent to it and under the ownership of :

   East  ..............................................

   West  ..............................................

   North ..............................................

   South ..............................................
3. That the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them,

4. That the potential donors are aware that refusal is an option and have been confirmed in writings their willingness to proceed with the donation,

5. That the amount of land being donated is minor and will not reduce the donors remaining land area below that required to maintain the donors’ livelihood at current levels,

6. No household relocation is involved,

7. The donor is expected to benefit direct from the project,

8. For community or collected land donation can only occur with the consent of individuals using or occupying and land.

VERIFICATION

I …………………………………………………………………………………………………………………. with sound mind and without any undue influence whatsoever has voluntarily decided to donate the above mentioned piece of land to the Village Council/Mtaa/District of …………………………………………………………………………………………………………………. for implementation of LTIP.

Owner’s/ Donor’s

Name 6…………………….. Signature ……………………. Date …………………

Phone Number…………………………

Donor’s Witness

1. Name……………………Signature ………………………..date …………………

Phone Number…………………………

2. Name……………………Signature ………………………..date …………………

Phone Number…………………………

6 If the piece of land is co-owned, each owner should fill in the form.
Village/Mtaa/Street Representative

1. Name........................................Signature ..................date .........................
   Phone Number....................................

2. Name........................................Signature ..................date .........................
   Phone Number ..................................

Before Me:

1. Village Chairman.......................... Signature ..................date .........................
   Phone Number....................................

2. Village Executive Officer/Street/Mtaa...........................................
   Signature........................................ Stamp
   Phone Number....................................

(Note: Attach the Meeting Minutes)
Annex 2: LTIP Land Donation Agreement

B: CO-OWNED LAND:

This agreement is made this ............. Day of ............ 20.......... between
……………………………………………………….And…………………………………………
……………………………………………………………………………………………………
……………………………………….being the lawful
owners of…………………………………………………………………………………( herein after referred as “Donor” ) of
P.O Box…………………………………………

and

The Village Council of/Mtaa/Street/District ................................................. (herein after referred as “Donee”) of P.O. Box .................................

WHEREAS

The donors are lawful owners of a piece of land situated at .........................
Village/street/Mtaa ............................................. Ward....................................
District..................................................Region...........................................

That the land size to be donated is of ................................................ (m²/ km² hkt²/) and it is
held with a right of occupancy for a period of .................................

NOW THEREFORE THE AGREEMENT WITNESSES AS FOLLOWS: -

1. That the donor hereby willingly and desirous of donating land to the donee permanently
commencing from.................................to ................................................
for implementation of LTIP.

2. That the Land boundaries are identified and determined by boundaries of pieces of land
adjacent to it and under the ownership of:
3 That the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them,

4 That the potential donors are aware that refusal is an option and have been confirmed in writings their willingness to proceed with the donation,

5 That the amount of land being donated is minor and will not reduce the donors' remaining land area below that required to maintain the donors' livelihood at current levels,

6 No household relocation is involved

7 The donor is expected to benefit directly from the project

8 For community or collected land donation can only occur with the consent of individuals using or occupying and land.

VERIFICATION

I .......................................................................................... with sound mind and without any undue influence whatsoever has voluntarily decided to donate the above mentioned piece of land to the Village Council/Mttaa/District of ........................................................................................................ for the implementation of LTIP.

Owner’s/ Donor’s

Name 7 ........................................ Signature ....................... Date ............... 

Phone Number...........................................

7 If the piece of land is co-owned, each owner should fill in the form.
Donor’s Witness

3. Name……………………Signature ..........................date ............... Phone Number.................................

4. Name……………………Signature ..........................date ............... Phone Number.................................

Village/Mtta/Street Representative

3. Name……………………Signature ..........................date ............... Phone Number.................................

4. Name……………………Signature ..........................date ............... Phone Number.................................

Before Me:

3. Village /Mtta Chairman ......................... Signature ..........................date ............... Phone Number.................................

4. Village Executive Officer/Street/Mtta................................................................. Signature .......................... Stamp Phone Number.................................

{Note: Attach the Meeting Minutes}
Annex 3: Grievance Reporting Form

**Grievance Reporting Form**

<table>
<thead>
<tr>
<th>Grievance Reference Number (to be filled in by [name ]):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Details</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Tel:</td>
</tr>
<tr>
<td>e-mail:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>How would you prefer to be contacted?</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>By post</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
</tr>
</tbody>
</table>

Details of your grievance. Please describe the problems, how it happened, when, where and how many times, as relevant

What is your suggested resolution for the grievance?

How to submit this form to

| By Post to: ................. |
| By hand: please drop this form at ....... |
| By e-mail: Please email your grievance, suggested resolution and preferred contact details to: |

Signature  Date
Annex 4: Grievance Resolution Form

Sample Grievance Resolution Form

<table>
<thead>
<tr>
<th>Date</th>
<th>Individuals Contacted</th>
<th>Summary of Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name (of Complaint): __________________________________________________________
ID Number: __________________________ (PAPs ID number)
Contact Address: __________________________ (Village/Street/Mtaa; mobile phone)
Nature of Grievance or Complaint: __________________________________________________________

Date
 Individuals Contacted
Summary of Discussion

Signature____________________________________________ Date: ____________
Signed (of Complainant): ________________
Name of Person Filing Complaint: __________________________ (if different from complainant)
Position or Relationship to Filer: __________________________

Review/Resolution
Date of Conciliation Session: __________________________
Was complainant Present?: Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation: __________________________________________________________

Summary of Conciliation Session Discussion:

Issues __________________________________________________________

Was agreement reached on the issues? Yes No
If agreement was reached, detail the agreement below:
If agreement was not reached, specify the points of disagreement below:

Signed (Arbitrator): __________________________ Signed (Complainant):

Signed: __________________________
Independent Observer
Date: __________________________
Annex 5: Guidelines for Preparation of RAP

The following generic guidelines will be used when preparing RAP.

(i) Consultation and participatory approaches. A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.

(ii) Disclosure and notification. All eligible PAPs are informed about the project and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

(iii) Documentation and verification of land and other assets. The government authorities at both national and local levels; community elders and leaders will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

(iv) Compensation and valuation. All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the respective PAA will produce a Contract or Agreement that lists all property and assets being acquired by the project and the types of compensation selected. Table II below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.
(v) Community payments. Although most projects do not normally take land and other assets belonging to a community, such as a community centre, school, or sacred site, if this occurs in a project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of marketplaces; and reconstruction of community roads.

(vi) Grievance mechanism. The project RAP team within the PAA will establish an independent grievance mechanism. This may be set up through Local Authorities, including a Resettlement or Land Committee and through Village Council. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation, relocation and in case of grievance fill in Grievance Form. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed, the dispute resolution process should include Tanzanian Courts of Law, but traditional institutions can be an effective first step in both receiving and resolving grievances.
## Appendix 6: Consultation

### Annex 6.1 Resettlement Specific Consultation

<table>
<thead>
<tr>
<th>S/N O</th>
<th>NAME</th>
<th>POSITION AND INSTITUTION</th>
<th>EXPERTISE</th>
<th>ISSUES RAISED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dr Felician Komu</td>
<td>Lecturer, Ardhi University</td>
<td>Resettlement and Compensation expert</td>
<td>Mainstreaming of gender issues during project design and implementation.</td>
</tr>
<tr>
<td>2.</td>
<td>Professor Alphonce G. Kyessi</td>
<td>Lecturer, Ardhi University</td>
<td>Professor of Rural and Urban Planning, Ardhi University</td>
<td>Explore urban typologies toward distinguishing formalisation and regularization settlement characteristics towards issuance of CROs an RL.</td>
</tr>
<tr>
<td>3.</td>
<td>Dr Sisti Mramba</td>
<td>Lecturer, Law School of Tanzania</td>
<td>Land Law Expert, Tanzania School of Law</td>
<td>Review of pieces of land polices and legislative frameworks.</td>
</tr>
<tr>
<td>4.</td>
<td>Mr Gerson Marisa</td>
<td></td>
<td>Real Estate Expert, Private sector</td>
<td>To work together private firms with relative expertise and capacity in planning and surveying works.</td>
</tr>
<tr>
<td>6.</td>
<td>Mr Charles Kitalya</td>
<td>Independent Land Management and</td>
<td></td>
<td>Streamline and simplify the process</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Institution/Role</td>
<td>Summary</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Dr Cletus Ndjovu</td>
<td>Lecturer, Ardhi University</td>
<td>Administration expert of issuance of right of occupancy by using advanced technology.</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Mr Jackson Lohay</td>
<td>Azania Bank, Dar es Salaam</td>
<td>Avoid land taking to encourage mass legislation and minimisation compensation costs.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Mr Philemon Mutashubirwa</td>
<td>Former UNDP, Country Office Coordinator &amp; DG Unserviced and Underserved Settlements (TAFSUS)</td>
<td>Establish mechanisms to enable residents to collect and use their certificate to access loans from financial institutions.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Mr Martin Madekwe</td>
<td>Former Director General, National Housing Cooperation (NHC)</td>
<td>Simplification and integration of planning and survey process to avoid lengthy in issuance of right of occupancy.</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Dr Maulid Banyani</td>
<td>Director General, National Housing Cooperation (NHC)</td>
<td>Set in place dispute and conflict resolution procedure and grievance handling in project areas.</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Mr. Daudi Mayeje,</td>
<td>Director, Tanga City Council</td>
<td>Plans to consider accessibility issues during formalization.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Dr. Wilson Charles Mahella</td>
<td>Former, Director, Arusha City Council</td>
<td>Will enter into an MoU to provide land for Regional Office Building.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Residential licence not to be offered in peri-urban zone of the city where space is available. Negotiation with</td>
<td></td>
</tr>
</tbody>
</table>
landholders need to be stressed to avoid compensation.

<table>
<thead>
<tr>
<th></th>
<th>Mr. Godwin Kunambi</th>
<th>Director, Dodoma City Council</th>
<th>City Director</th>
<th>Issue of house construction permit to be included in ILMS</th>
</tr>
</thead>
</table>
Annex 6.2 LTSP Workshop Dodoma 18th February 2019

- **Land Commissioner representative PPT**
  - New land policy – new technologies and accommodation of mass land registration in whole country; policy statements remain valid and aren’t fully achieved

- **LTSP progress PPT**
  - 310k landowners = target in 164 villages
  - Cooperate with financial institutions to accept CCROs as collateral
  - Village, ward, district tribunal capacity building to reduce disputes
  - Final draft of LTR manual prepared in cooperation with LTA
  - 98k CCROs distributed; 8k CCROs collected
  - CCROs issued in the name of: 26% women as individuals; men 41%; joint 33%
  - Use of CCRO as collateral: 1.3b TSh so far
  - Costs = $10 per CCRO
  - 13 MLHHS staff trained in modern survey equipment (RTK); 70 para surveyors trained in MAST; 130 VAC members trained on adjudication of parcels; 32 district staff trained in VLUPs
  - 66 ward tribunals received capacity building
  - 121 VLCs capacity building completed
  - 58 land disputes resolved (out of 70)
  - Draft study on typologies, causes, and resolution of land disputes
  - Draft manual for land dispute resolution
  - Participatory land use planning guidelines
  - Translated Land Act 1999 and land disputes courts act no 2 of 2002 to Swahili
  - Challenges – land disputes; heavy rains; shortage of land sector LGA staff; presence of wild animals
  - 30 village land registries to be build/renovated
  - Want to conduct study on benefit sharing models on large scale land-based investments
  - Web based M&E database to be developed

- **LTSP CSO Programme PPT (We Effect, TALA, TAWLA) (Bernard – TALA)**
  - TALA = Tanzania Land Alliance– 14 CSOs; worked on LTSP through thematic groups (smallholder farmers; women; environment & natural resources; pastoralism; policy reforms; human rights)
  - Awareness raising conducted; Conducted baseline surveys – presented to local government authorities; Trained 20 members of community based CSOs
  - Mobile legal aid clinics conducted; 256 people received services; 156 female – 98 male; 103 cases based on land
  - LTSP implementation issues
    - Still many land disputes despite CCROs and VLUPs
- No compensation for villagers who lost land for public use (schools etc.)
- Challenges regarding participation of pastoralists and women in VLUP process (poor awareness raising)
- Misconception between land regularization, formalization, and land allocation
- Little education on CCROs as communities understand CCROs mainly as tool to access credits from banks

  o Recommendations
    - Use joint VLUPs for securing pastoralists’ tenure
    - Identify land for urban planning in villages properly
    - Compensate villages whose land was demarcated for public use during VLUP process

- **LTSP CSO PPT (Kaniki – TAWLA)**
  - Trained 200 Trainers of Trainers – reached 12k people
  - Trained 60 paralegals – 929 people received legal aid
  - Coordinated 17 local radio talk shows on WLRs and LTSP – 514k tuned in; 1908 responded through SMS; 178 calls at TAWLA hotline
  - Trained 140 religious and traditional leaders, especially on WLR – 15k people reached
  - Facilitated meetings of women forums in 20 villages – 2651 people reached
  - Established land rights club to hold conversation on WLR – 3129 people reached
  - Supported district level women forums meetings twice a year – 5k women registered
  - Needs assessment of 20 village land councils conducted; trained 120 member of villages land councils
  - 44 disputes registered, 27 resolved
  - Assisted with preparing gender sensitive local bylaws
  - Trained 60 paralegals and provided tools (bicycles; reporting book); provided legal services to 553 people; 2651 people reached with legal education
  - Challenges: absence of district tribunals; high costs to access justice; hard to include pastoralist community in processes (isolated themselves from community and did not participate in village meetings); project area accessibility an issue for their teams, especially in rainy season; conflicts delays land regularization processes

- **Q&A**
  - Low CCRO pick up rate caused by rumors that CCRO holders need to pay taxes; absence of landholders
  - Process of NLP approval still going in government machinery and once approved direction will be known…. (no answer to question on what NLP direction is)
  - Dataflows – LTSP data was provided to ILMIS team and they used data to create data model; rural registration initially nor covered by ILMIS; all data to be transferred to ILMIS
• Use of CCROs as collateral: financial institutions not willing to accept CCROs (village land cannot be sold to outsiders); issue = district land registries not linked to central ILMIS; new land policy supposed to make use of CCROs as collateral easier.

• PPT on experience with technologies for village boundary surveys (Samuel Katambi -Director of Surveys and Mapping)
  o Process starts with ‘seminar’ conducted by surveying team with Councilors; Division officers; ward officers; village leaders – process explained to them and advised to resolve disputes; those with knowledge of boundaries chosen to accompany survey team
  o They establish village boundary pillars
  o Demarcation done by using localized GPS Pathfinders
  o Deed plan prepared after surveying
  o Challenges: “lack of villagers’ knowledge on importance of surveying their villages” – some didn’t participate; establishment of new villages – new boundaries not demarcated; inaccessibility of some village boundary points hinder process; most village conflicts thought to be boundary disputes but they are related to land use; conflicts between villages and reserves; political intervention on village boundary surveys

• PPT on LTSP experience on village boundary survey by Beatrice Gowele – Field Manager LTSP
  o LTSP conducted audit for village boundary status before starting activities
  o Use of 4 villagers who are familiar with boundaries; field team leader = registered surveyor
  o Introduction of large conspicuous beacons; intervals between boundary beacons (reduced from about 5km to 1.5km); village agreement forms used

• PPT on technologies for preparing VLUPs by LTSP staff
  o Framework: Land use planning act 2007; 2012 guidelines for participatory village land use planning; Local government act 1982; environmental management act 2004
  o Village council; village general assembly; village land use management committee
  o 110 VLUPs prepared under LTSP (out of 126)
  o 1st phase: TSh14m per village; 2nd phase: Tsh7.4m per village (reduced by using district PLUM team instead of National Land Use Planning Commission staff)

• PPT on VLUPs by Ujamaa Community Resources Team
  o CCRO for securing community land tenure in Northern Tanzania (Hadza people)
  o Issues = increased agricultural land use; urbanization; investors coming in
  o Demarcation of villages; harmonization of zoning; bylaws to enforce VLUP implementation
Community elects committee to manage community CCRO
Working in 36 villages – 2m ha of land (77% grazing land); 17 CVLs.

- **PPT on issues direct and indirect costs of VLUPs (National Land Use Planning Commission)**
  - 2013 national land use framework plan; Zonal land use framework plans; District land use framework; Joint VLUPs; VLUPs
  - Preparation of community action plans (?)
  - Direct Costs: technology; stationary; meetings/training at district and village level; transport; registry facilities; awareness raising; DSAs; utilities; …
  - Indirect costs: international TA; sensitization at different levels; conflict resolution; M&E; meetings; office space; stakeholder engagement.

- **PPT: Participatory mapping & planning technologies for VLUP process (Embassy Finland; private forestry Programme)**
  - Use of satellite imagery 1:7500 for mapping exercises in villages (incl. identification of village boundaries); drawing on plastic sheets on top of imagery; district planners digitize maps
  - Village boundary demarcation only includes villagers – no local government representatives; use of google earth imagery; printing costs; facilitation to bring villages together; reduced number of people that are walking boundaries by using general boundary approach with imagery; bring all village leaders together in one place instead of walking each village boundary
  - Practitioner’s manual on participatory mapping developed in 2018 (see NLUPC website) – manual is supplemental to guidelines developed by LTSP

- **Q&A**
  - NLUPC not giving an average number per VLUP due to too many influencing factors (location; size; geography of a village) and due to indirect costs, that they find hard to calculate; they think that districts should provide specifics and numbers
Annex 6.3 Meeting minutes Tike Mwambipile, Executive Director, TAWLA February 26, 2019
Dar es Salaam, Tanzania

The Tanzania Women Lawyers Assoc (TAWLA) was formed in the 1980s by Tanzanian women lawyers to provide support to women lawyers in a male-dominated profession and also to give back to the community. TAWLA supports:

- Career advancement for women lawyers
- Advocacy on women’s rights issues (including land rights)
- Education for women on legal issues
- Legal aid programs

Women face a number of difficulties in accessing land and rights to land as well as actions that can be taken to respond, based on the experience of TAWLA.

1. Values – this may also be called tradition or culture, but really comes down to values expressed within the community. If women are not expected to own land and this is expressed regularly within the community, women believe it especially if they are not exposed to other views.

TAWLA has found that this requires a medium-term investment of time and engagement to sensitize communities, community and traditional leaders and expose women to other viewpoints. TAWLA indicated that “land is life” for women in Tanzania and it is important to continue this longer-term work.

2. Decision making and empowerment – women are often not included in decision making and are often not empowered even when they are present. By law women are expected to make up a % of village councils and other village/local level bodies. However, this participation must be active and that may require training and capacity building for the women to feel empowered to express their views. Also, an issue of time as women often have many household activities and this prevents them from participating. The Project will have to ensure that women are included and actively participate in the process.

The above issues are more focused on rural areas, as in urban areas women are more empowered and participate more, however time remains an issue and therefore again, women’s active participation must be ensured.

3. A further issue that may impact urban land activities, is that women are more likely to be renting land and housing and therefore extra care should be taken to protect their rental rights.

TAWLA is the chair of the Tanzania committee for the Global Campaign for Women’s Land Rights which is supported by the World Bank.
Annex 6.4 Meetings with CSOs March 2018

Meeting with Tanzania Women’s Lawyer’s Association-March 5, 2018

Generally, they think that scaling up the CCROs and CROs is a positive step for women because having titles makes their tenure more secure and gives them access to loans.

There are challenges, of course. There are still cases where titles end up in the name of the husband only. In clan land they wonder whose name will actually be on titles due to the customary practices. CROs, in particular, can take years to issue because of bureaucracy. There are also concerns about corruption.

The land tribunals under the Ministry of Lands have not worked well. There are not enough of them (only about 20) and the tribunals do not have judges who are well-trained. However, there are still huge backlogs in the courts. The courts will need far more resources and training to be able to handle all of the land disputes.

The benefits do outweigh costs of land rent and municipal tax for CROs. Having a CRO means they will be compensated if government takes their land and also will make it easier for them to obtain loans secured by their land.

On the other hand, TAWLA do have some concerns about ensuring that women are able to get CROs in their own name or jointly titled. They are representing women in urban areas who are trying to do that. There is an awareness-building effort that needs to be done. They use the media and community conversations in cooperation with the wards to try to do this. They think it should be possible to scale up a program of awareness-building in cooperation with these wards.

It seems that the wards can play an important role in governance in relation to scaling up the issuance of the certificates. They can adopt bylaws to govern their affairs. For example, some provide that women must represent at least half of a quorum if decisions are to be made. The Local Government Act does not require these bylaws, but wards have the power to adopt them. In village areas there is a requirement that a certain number of women serve on village committees. The awareness building can happen with wards in urban areas. This is something TAWLA is doing in urban neighbourhoods in relation to housing. A set of model bylaws that could be adopted by the wards on this may help. There could be one set for rural areas and one for urban areas.

Regarding CCROs, they are concerned that the government will start charging land rent and property tax to those who get them. They are aware of statements by the government that this is something they may do. Property taxes are now collected by the Tanzania Revenue Authority which is under the Ministry of Finance.

In their work, they have not seen cases where women are losing out when CCROs are issued. They have heard of such cases in Dodoma but not in the pilot areas. They pointed out, however, that the registrar simply reacts to whoever is the applicant for the CCRO. If the husband is the only one there or influences the wife not to be involved, the wife can lose out.
Their organization is involved in an awareness-building pilot program under the LTSP. This involves capacity building for paralegals, establishing women’s forums in the villages and building capacity of the village land officials. It is happening in 20 villages. One goal is to ensure that women are represented in village government as provided by law. They are doing this in cooperation with the LTSP. They think something like this must be done in other areas where CCRO’s are to be issued.

**Naseku Kisambu, We Effect Tanzania-March 5, 2018**

The organization supports local producers and farmers organizations. It is a member-based organization. They have focused on 4 areas: gender, financial inclusion, sustainable rural development and adequate housing. The latter two will be the main focus in the next few years.

They are working with TAWLA and the LTSP in a program of community engagement and awareness and capacity building. Their work is supported by SIDA while TAWLA’s work is supported by DANIDA. The three are together in a working group.

The working group was created to address the problem of communities not understanding the importance of obtaining CCROs. Communities have been inadequately prepared. The working group will do a number of things. First, they will ensure that communities are more engaged. Second, they’re working to help them better respond to investments. Third, they are building capacity within village institutions and officials up to the ward level. Fourth, they are reviewing a training curriculum with the aim of establishing a uniform curriculum. The awareness-building also focuses on training of trainers, among other things.

There is a need to have a standardized institution-building and awareness-building program if the scale up is to be possible. NGOs and CSO’s are not coordinating among themselves or with government. This needs to improve.

Regarding dispute resolution, the current system should mostly be retained because of the huge backlog in the court system. But it will be necessary to improve the land tribunal system. There are not enough of the land tribunals.

The various land laws are better harmonized. Some of the definitions are inconsistent, in particular the problem between the Village Land Act and the Land Act regarding unused and unoccupied village land.

**Meeting with Rugemeleza Nshala, Lawyers Environmental Action Team-March 5, 2018**

CCROs are not sufficiently like CROs in terms of their content and legal power but should be so you should be able to do the same thing with a CCRO as you can with a CRO.
Land rent - all citizens should be paying their fair share of taxes, but many people will not think that the benefits outweigh the costs, at least at the outset.

Villages need to be empowered to better manage their land. They need more resources for this. He noted that the village executive officer is actually employed by the district rather than by the village.

It would be a good idea to have all land disputes resolved within the judicial system. Primary courts are everywhere and are controlled by local governments. They were not enough of the land tribunals.

Meeting with Monica Mohja (country director) and Godfrey Massay (advocacy manager), Landesa, March 6, 2018

Concerns about the low level of awareness and consultation in the urban areas re issuing CCROs and CRs. Awareness-building will be crucial and should be done with a standardized approach, although the approach in rural areas will probably have to be different than in urban areas. In the urban areas the ward councils are generally trusted by people and it could be possible to work through them. In some places there may be religious institutions that can assist.

If there is an extensive amount of land acquisition for roads and other infrastructure the process has to be greatly improved. It needs better monitoring, and improve process, payments, a better grievance mechanism and overall needs to be simplified.

Polygamous marriages need consideration when it comes to issuing the certificates. These occur in both urban and rule areas and there needs to be a process to deal with them fairly.

Land Disputes: Accountability is currently an issue in that the land tribunal judges do not always obey orders from the higher courts. Those courts do have jurisdiction and can accept appeals from decisions by the district land tribunals.

A multi-stakeholder group was established within the LTSP. It has quarterly meetings to review progress reports from the program.

There needs to be a specific emphasis on gender and that this is included in the monitoring.

Meeting with Dr. Felician Komu and Dr. Agnes Mwasumbi of Ardhi University and with Sosthenes Katwale of NELGA-March 7, 2018

There is a need to do a better job of harmonizing the various laws related to land. One example relates to the Highway Act of 2007. Apparently, it omitted any reference to providing compensation for those houses that are demolished to make way for road construction. The Land Use Planning Act and the Land Survey Act may have inconsistencies with broader laws such as the Land Act and the Village Land Act.
The government lacks a sufficient number of valuers, surveyors and planners to do the work they currently have, much less what they would have to do as part of scaling up the issuance of the certificates. There are enough trained individuals in fields in the country if the government uses private firms and individuals. (Ardhi University graduates 100 new surveyors every year.) They mentioned that procurement of such services is very inefficient and that would have to be improved if the project is to rely on the private sector for a lot of this work.

They also noted significant shortages when it comes to the necessary equipment as well as capacity within the government to actually use modern equipment related to land administration.

While recognizing the trend towards recentralizing control of land and other issues in Tanzania, they think the municipalities need more powers. This would allow them to do a better job of coordinating planning, land administration, the provision of infrastructure and utilities, etc.

Indicated there are challenges regarding inheritance and CCROs. What happens if the holder of a CCRO has four children. Can the CCRO affectively be subdivided into four? How easily and costly?
During the field visit the team met with representatives from LTSP and the villages where LTSP had been implementing their activities. The following points were raised during these discussions.

**Village Land Use Planning**

- Key to securing the interests of groups and associations in land including pastoralists.
- The sensitisation elements needs to start before the VLUP is developed to ensure that the needs of hunter gatherers and pastoralists are considered and that their needs are met.
- Involvement by the technical teams in the district can be challenging and lack of involvement in a timely manner can lead to inappropriate land allocation (flood lands for grazing or agriculture). This reflects the extensive workload of the District and Ward Environmental and Community Officers.

**Grievance Redress/Conflict Resolution**

- Existing system on LTSP using community level mechanism and then referral to the land tribunals.
- However, important that those households involved in grievances don’t get left behind / excluded as the project moves on given the ambitious timelines for adjudication.
- Project will need to include commitments/ mechanism for ‘mopping up’ those involved in such disputes.

**Sensitisation**

- Sensitisation of communities is key to ensure speedy implementation and inclusion of women, polygamous marriages, disabled, youth, pastoralists and hunter-gatherers.
- Timing also needs to be considered especially as it is important that the needs of pastoralists (and hunter-gatherers) are taken into account in any land use planning. This requires their representation in the VLUM which is responsible for land use planning.
- The role of local CSOs (CBOs) is a key component of the sensitisation process as they understand local community dynamics, are able to earn the trust of the relevant group as they understand the issues and can quickly mobilise to site.

**Pastoralists**

- The needs of pastoralists in land use planning are considered to a limited extent but based on the villages visited the land allocated to them is insufficient particularly if their herds grow in size or additional people enter the area.
- It is essential to involve traditional leaders in this process.
- In the districts covered by LTSP no joint land use planning between villages is undertaken such that corridors for pastoralists are not provided for.
• Given the above, while there has been some reduction in conflict, the potential for future conflict is acknowledged.

**Displacement from Protected Areas**

In villages that boarder protected areas encroachment by humans into the boundaries can occur. LTSP indicated that when this occurs they entered into discussions with the Ministry of Natural Resources to agree on the approach. Usually when community infrastructure and houses were in the protected areas the land was converted to village land. In case of only economic activities the Ministry retained the boundary and the households were told to cease the activities. No compensation was provided as this is an illegal activity.

**Voluntary Land Donation**

In rural communities between agricultural plots 1.5mtr wide tracks are included to provide access with 8mtr wide roads. There is discussion and agreement within the village and it was mentioned that there had been no issues establishing these tracks without compensation and in many cases they exist informally anyway. In case of people with small plots those with larger land areas are asked to donate more for the paths.
Annex 6.6 Field Visit to Arusha – October 2019

1. Objective of the Visit

The trip, *interalia*, aimed to:

a) gather facts and evidences on how communal land rights (joint titles are secured processes) to provide inputs in developing and shaping social and environmental guidelines for the Land Tenure Improvement Project (LTIP);
b) understand the needs of traditional local communities (vulnerable groups) in relation to land tenure and use; and
c) learn how non-state actors (CSOs) have been engaging communities (vulnerable groups) in land registration (LUP and registration), especially communal lands and related matters.

2. Non-State Actors/CSOs Visited

The team visited the following CSOs/non-state actors:

<table>
<thead>
<tr>
<th>No</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tanzania Natural Resources Forum-TNRF</td>
</tr>
<tr>
<td>2</td>
<td>Ujamaa Community Resources Team-UCRT</td>
</tr>
<tr>
<td>3</td>
<td>The Pastoralists Indigenous Non-Governmental Organizations-PINGOs Forum</td>
</tr>
<tr>
<td>4</td>
<td>Pastoral Women's Council-PWC</td>
</tr>
</tbody>
</table>

3. Village/Site Visited

The team visited Terrat village in Simanjiro district (Manyara region) where communal and individual land certificates had been issued. The village has 3 different communal CCROs issued in the name of the village, Terrat, as the owner of the land. Land is divided into three categories: land for settlements where CCROs are now prepared for villagers; communal land with CCROs bearing the names of the village, Terrat; and agricultural land. The Terrat village initiated individual CCROs for individual lands while UCRT pioneered the issuance of communal CCROs.

4. Key Findings

4.1. Dispute Resolution

From meetings with the CSOs and Terrat village, the team was informed that there were different types of land-based conflicts encountered in the course of land certification. The commonly land typologies listed include:
- Individual vs individual land-based conflicts—mainly border conflicts between neighbouring landowners/holders;
- Village vs villages on border conflicts— for example Terrat village borders 8 villages, formerly all formed part of Terrat village; and
- Village vs national parks / wildlife areas e.g. Terrat Village borders Tarangire National Park (TANAPA).

In dealing with the land-based conflicts (supra), various approaches were employed:

<table>
<thead>
<tr>
<th>No</th>
<th>Land Conflict Typology</th>
<th>Approach/Mechanisms Employed</th>
</tr>
</thead>
</table>
| 1  | Individual vs individual | i. The conflict is reported to VEO who will call the conflicting parts and resolve the conflict in question amicably through negotiations  
ii. VEO refers the conflict to the Social welfare committees of the village, if (s)he fails to mediate between the conflicting parties.  
iii. If the conflicting parties fails to be mediated by the Social welfare committees advises the parties to go to the VLC, Ward tribunal, DLHT and later ordinary courts. |
| 2  | Village vs other neighbouring villages \(^8\) | i. Village, through few selected villagers (elders) and village government amicably resolved conflicts with other villages through "talks"- to negotiate the disputed boundaries. Other leaders (DC, RC, NLUPC, Counsellors were engaged at some points). Once agreed land officers came to mark the boundaries with GPS and permanent markers.  
ii. The unsolved conflict was taken to court (probably high court). However, in the case of Terrat they were advised by the court to amicably resolve the conflict outside the court-"talks". The conflict was resolved, and the resolution was endorsed by the court. \(^9\) |
| 3  | Village vs National Park | i. Conflicts are addressed through management approaches facilitated by stakeholders such as UCRT, the Ministry of Natural Resources and Tourism.  
ii. In the case of Terrat the two conflicting parties have a management |

---

\(^8\) Other 8 villages were also under the project-land titling, so it was relatively easy for the conflicting villages to reach consensus on the matter.

\(^9\) The team did not have an opportunity to examine the contents of the resolutions/agreed matters.
plan for the land. During rain seasons, which is the breeding season for the wild best, villagers refrain from using the land for grazing. Grazing takes place during the dry season.

4.2. Community/Stakeholder Engagement During Land Registration and Village Land Use Plans Preparation

All the CSOs and Terrat village indicated that collaboration is crucial and must involve all stakeholders. From District to village planning there is a need to identify grazing areas and stock routes in land use planning.

In course of land registration and VLUP preparation, different stakeholders were engaged:

- villagers (primary stakeholders and beneficiaries) -for owning the project/exercises;
- VLUM (formed by villagers during village meetings);
- PLUM teams (composed of all departments under DC);
- village government (not more than 25 or less than 15 people);
- the elders (especially in addressing village vs village conflicts);
- experts (from DC-PLUM and NLPUC in some instances);
- DC, RC, and counsellors (occasionally); and
- non-state actors (UCRT)-mobilizing and offered resources for communal CCROs.

A number of approaches were used in mobilizing stakeholders/villagers:

- hold village meetings (all villagers)-several meetings are held;
- the use of elders (dispute settlements and buy in the project);
- hold meetings with village government (to buy in the project);
- hold meetings with RC, DC, Counsellors; and
- hold specialized trainings at the village level (with targeted groups-women, men, elders, VLC, VLUM, for example).

The following risks were identified in relation to engagement:
• Where vulnerable groups are in the minority they will often not attend village council meetings as their voices are not heard and if decisions are made when they are present this is seen as acceptance.

• Timing of the meetings and announcement of the meeting is important. If meetings are announced/ held in village centres in the evening that often pastoralists will not be there to hear about the meetings.

4.3. Stakeholders Engagement Approach (preparation and ultimately issuance of communal CCROs, Individual CCROs, and LUPs):\textsuperscript{10}

• **Step 1:** CSOs meet relevant districts governments (LGAs) and inform them of the intended project, preparation of LUPs and ultimately issuance of CCROs-communal CCROs (UCRT, PINGOS Forum and TNRF (in securing rangelands for pastoralists). This is an important action as the experts from the respective LGA will be used in the entire work, and the PLUM team will be made from.

• **Step 2:** CSOs meet relevant village governments (LGAs) and inform them of the intended project, preparation of LUPs and ultimately issuance of CCROs-communal CCROs. CSOs also trains village governments on the need for LUPs, communal CCROs, and others. Few traditional leaders may be invited.

• **Step 3:** CSOs meet villagers through village meetings where the project is explained and discussions on the matter are held concerns and interests are taken into consideration. This allows villagers to have an opportunity to understand the exercise and own the project.

• **Step 4:** Series of meetings are conducted for enhancing villagers' participation and ownership of the project. The formation of VLUM and VAC (VLC if not in place is also formed) are also facilitated. Different officials and experts from the respective LGAs, and in some instances NLUPC are facilitated to attend these meetings.

• **Step 5:** The organs created above are trained and their capacity enhanced.

• **Step 6:** The actual work is carried out as per the principles enshrined in the Participatory Land Use Planning issued by the NLUPC.

In many cases as part of Step 6 assessments are undertaken such as Rangeland Assessment or Social Assessment to inform the land use plans. These are participatory assessments to identify land users, land types, livelihoods, natural resources etc. Producing these across several villages is helpful as it allows for a fuller understanding of livelihoods. An example was given of Kiteto

\textsuperscript{10} Gathered from the interviews from UCRT, TNRF, PINGOS Forum, and PWC
District where villages came together to perform this activity. TNRF reported they could undertake such assessments in a month (on average) and the joint VLUP in 2 months.

In addition, CCROs can be issued to the village (in the case of Terrat) but also to associations that are formed in the case of the Kiteto example presented by TNRF. The registration of associations is a separate process. The timing of which is subject to a variety of external factors.

In some cases, the creation of stock routes resulted in the displacement of agricultural land. Such individuals were compensated with the provision of replacement land.

4.4 Gender and Youth

The CSOs indicated the following key issues in relation to women and the youth:

- Within vulnerable groups women and the youth’s rights/ voices are often not respected in general but particularly in relation to land.
- GBV (FGM, early marriage) is relatively common in these groups and is normalized in their societies.
- Women can only be effectively engaged with the ‘agreement’ of (male) traditional leaders. Even so it is challenging for their voices to be heard and it is important to involve influential women to increase leverage over decision making.
- It is important to understand social norms which hinder women’s access to land. Even when a woman has a title deed this does not mean she has full rights over that land and is able to transfer and utilize it as she wishes.
- Polygamy needs to be considered in issuing land titles so that all wives rights to land are considered and not just the more influential / powerful wives (usually the first wife).

4.5 Concerns Over CCROs

During the meetings the following points/ perceptions regarding CCROs were raised:

- CCROs should be a shield to protect the community but the village has limited powers of enforcement meaning that other people can encroach onto the land.
- The Govt. can demand that the village surrender the CCRO in favour of other land uses including wildlife protection areas, development areas, the military etc. Even if villagers take the case to court the outcomes are not respected when they find in favour of the village.
- Concern that if villages hold land parcels over 40 acres, they will be dispossessed of them— an example of this happening in Singidia was presented.

4.6 Views on Land

- For pastoralists there is no such thing as spare or empty land as it has the potential to be used for grazing or agriculture. Much of their traditional land is now included in national parks, wildlife protection areas etc which puts them in conflict with TANAPA. Pastureland is sometimes viewed as empty land and therefore taken by parks, developers etc.
• There is a need for policy to change to recognize transhumance as a way of life including the seasonal use of rangeland and national resources. Alloting land for pasture does not recognize this seasonal use and places too much emphasis on carrying capacity.
• Increasingly due to pressures on land, natural resources and climate change pastoralists and hunter gatherers ways of life are changing to include permanent settlements and agriculture.
• For hunter-gatherers their concerns over land are not limited to hunting rights – they also want to maintain control over their traditional lands.

4.7 Project Design

In designing the project, the following elements need to be considered:

• The livelihoods of pastoralists need to be recognized and their rangelands protected from encroachment (potentially through protections).
• Need for involvement of numerous ministries including livestock and natural resources to inform decision making and avoid potential future land conflicts.
• It is essential to respect the traditional decision-making processes of vulnerable groups and to earn the respect and trust of the communities to allow the land use planning to be undertaken effectively (especially when the vulnerable groups are in the minority).
• Gender mainstreaming is important and should be part of the project design and included in the E&S documents. Women in Vulnerable Groups should have say over land and rights to individual titles for their livelihood activities. Communal CCROs need to be issued but important that women are included in associations, informal justice mechanism etc and their voices are heard.

5. Key Lessons Learnt

• Women land rights-land for settlements (private land) few women were said to have applied and granted land by the village government (Terrat) especially non-indigenous people (Swahili-non Maasai), thus a need for more efforts at least to make sure that joint ownership, CCROs bearing the name of couples (wife/wives and husband), of land can be secured;

• Communal land- is well managed used traditional approaches and knowledge with VSG (village security guards given special mandate to oversee the enforcement. By laws are made by the village to make the traditional means of managed land enforceable;

• Non-state actors a vital role in community mobilization (resources for land registration and certification too); and

• In addressing grievances during land registration and certification, a blended model (formal and informal) may suit best;
• securing communal lands via CCROs takes a lot of resources, time and patient (and well-organized approaches borrowing experiences from the existing models-the Terrat model and the Olengapa model; for example.

Meeting with UCRT
Meeting with PINGOs Forum
### Attendance Register – PINGOs Forum

<table>
<thead>
<tr>
<th>SN</th>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>UN/EMAIL</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Abdullah Ngwirira</td>
<td>MLH TS</td>
<td>0784797876</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Tumaini K. Sifukha</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Suzanne G. Namugasa</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Collin Phillips</td>
<td>WORLD BANK</td>
<td>07650086500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Stanley Njiru</td>
<td></td>
<td>0786455990</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Evis Chansa</td>
<td>PINGOs Forum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Nalimugye Tupy</td>
<td>PINGOs Forum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Naweza Ndakasi</td>
<td></td>
<td>0784797876</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Emmanuel Sanga</td>
<td>PINGOs Forum</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Attendance Register UCRT

<table>
<thead>
<tr>
<th>SN</th>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>UN/EMAIL</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CPJ Jeremiah Timothy</td>
<td>UCRT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Dismas Mekonya</td>
<td></td>
<td>0784304413</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Eduardo Ole Lekata</td>
<td>UCRT</td>
<td>0786455590</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Paul Ebulaha</td>
<td>UCRT</td>
<td>078650086500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Tumaini K. Sifukha</td>
<td>MLH HSA</td>
<td>0784797876</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Suzanne G. Namugasa</td>
<td>MLH HSA</td>
<td>0784797876</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Stanley Njiru</td>
<td></td>
<td>0786455990</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Collin Phillips</td>
<td>WORLD BANK</td>
<td>07650086500</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Abdullah Ngwirira</td>
<td>MLH HSA</td>
<td>0784797876</td>
<td></td>
</tr>
<tr>
<td>S/N</td>
<td>Name</td>
<td>Organization</td>
<td>Contact/Email</td>
<td>Signature</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>-----------------------</td>
<td>------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>1</td>
<td>Stephen Mponyi</td>
<td>TNRF-Finance</td>
<td>0715-907495</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Stephen Nyahua</td>
<td>TNRF - Comm. Dept.</td>
<td>0762-283562</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Florentina Julius</td>
<td>TNRF - General Dept.</td>
<td>0784-392042</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Doreen Dume</td>
<td>TNRF- BMI</td>
<td>0784-584467</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Cassandra Fausia</td>
<td>TNRF - General Dept.</td>
<td>0762-654675</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Carlie Phillips</td>
<td>WWS Africa</td>
<td>0722-808534</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Steven Nambah</td>
<td>WWS Berlin</td>
<td>0766-923326</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Suzana Mwajulu</td>
<td>MUTHS03</td>
<td>0786-285879</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Tomamuli Serimbi</td>
<td></td>
<td>0784-797819</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Abdullah Magombe</td>
<td></td>
<td>0784-797819</td>
<td></td>
</tr>
<tr>
<td>SN</td>
<td>Name</td>
<td>Position/ Organization</td>
<td>Phone</td>
<td>Signature</td>
</tr>
<tr>
<td>----</td>
<td>--------------</td>
<td>-------------------------</td>
<td>-------</td>
<td>-----------</td>
</tr>
<tr>
<td>1</td>
<td>Godson Nauya</td>
<td>Tana River Community</td>
<td>0755840710</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Nh plotter</td>
<td>Ping'os Forest</td>
<td>071680960</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Nemaat Silva</td>
<td>WB</td>
<td>0716802304</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Dante Phillips</td>
<td>WB</td>
<td>41202405934</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Susan G Mbiru</td>
<td>MLHHS</td>
<td>0786288949</td>
<td></td>
</tr>
</tbody>
</table>

Attendance Register – Terrat Village Simanjiro
Annex 6.7 Meeting with CSOs Dodoma November 2019

<table>
<thead>
<tr>
<th>S/N</th>
<th>NAME OF PARTICIPANT</th>
<th>ORGANIZATION</th>
<th>ISSUES/COMMENT ON LTIP</th>
<th>REMARKS ON HOW THE COMMENT WAS ADDRESSED IN THE DOCUMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Masalu Luhula</td>
<td>TNRF</td>
<td>Land Use Planning</td>
<td>This is explained in the baseline chapter under land uses patterns</td>
</tr>
<tr>
<td>2.</td>
<td>Isaack Luambano</td>
<td>ILRI</td>
<td>-Land use plans should be in different context e.g. For pastoralist communities joint land use planning in areas that should be done.</td>
<td>Legal procedures will be followed during preparation of LUP</td>
</tr>
<tr>
<td>3.</td>
<td>Nasieku Kisambu</td>
<td>WE EEFECT</td>
<td>-Should follow legal procedure and LUP guidelines</td>
<td>This will be considered in later stages</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Domestic best practices from FAO guidelines VGGT</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Bernard Paul Baha</td>
<td>TALA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Emmanuel Saringe</td>
<td>PINGOs Forum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Nakamo Tenende</td>
<td>LEAT</td>
<td>-Awareness creation and mobilization should be done at initial stages</td>
<td>This is ongoing. Significant awareness campaign has been conducted to VGs and other stakeholders.</td>
</tr>
<tr>
<td>7.</td>
<td>Jambui Baramayegu</td>
<td>U - CRT</td>
<td></td>
<td>FGPF and SEP have been prepared</td>
</tr>
<tr>
<td>S/N</td>
<td>NAME OF PARTICIPANT</td>
<td>ORGANIZATION</td>
<td>ISSUES/COMMENT ON LTIP</td>
<td>REMARKS ON HOW THE COMMENT WAS ADDRESSED IN THE DOCUMENT</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------</td>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------</td>
</tr>
<tr>
<td>8</td>
<td>Godfrey Massay</td>
<td>Landesa</td>
<td>Consideration of Rangeland/grazing, cultural set up of communities VGs</td>
<td>This will be considered during project implementation</td>
</tr>
<tr>
<td>9</td>
<td>Valentine Ngorisa</td>
<td>MVIWATA</td>
<td>-Should be participatory and friendly to all targeted communities</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Kuyunga Yonga</td>
<td>MVIWATA</td>
<td>Cadastral Survey</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Baseline Survey should include women’s, Pastoralist and H- GR priorities</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Mary Ndaro</td>
<td>Care International</td>
<td>Cadastral Survey System should be simple and approval of the survey maps should be coordinated accordingly.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Jamal Juma</td>
<td>Tanzania Land Alliance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Zakaria Faustin</td>
<td>Tanzania Natural Resource Forum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Joyce Peter</td>
<td>Morogoro Paralegal Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Pierre Nyakwaka</td>
<td>DONET</td>
<td>Cadastral Survey System should be simple and approval of the survey maps should be coordinated accordingly.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Gidufana Gafufen</td>
<td>HELP Foundation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Isaack Luambano</td>
<td>International Livestock Research Institute</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Abraham Akilimali</td>
<td>KINNAPPA Development Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Lembulung Ole Kosyando</td>
<td>NAADUTARO</td>
<td>Insurance of CROS, CCROs, RLs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-The process should develop an opportunities that allow people to clear understand the incidence of the CCROs, CROs, and RLs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Should focus on Livestock Keepers Association rather than individuals</td>
<td></td>
</tr>
<tr>
<td>S/N</td>
<td>NAME OF PARTICIPANT</td>
<td>ORGANIZATION</td>
<td>ISSUES/COMMENT ON LTIP</td>
<td>REMARKS ON HOW THE COMMENT WAS ADDRESSED IN THE DOCUMENT</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>--------------</td>
<td>------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CCROs</td>
<td>This has been clearly detailed in the VGPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Joint titles and security of women land</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Post – transaction – land transaction after formalization of Land</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Consider Co – ownership of land to polygamous families</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Land Registry should be introduced at project area</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- The intention of the CCROs should be tenure security and not commercial purposes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Vulnerable group planning framework</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Categorization of VGs should be done at early stage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Should Identify and analyse the level of vulnerability</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Cultural set up of use of land be</td>
<td></td>
</tr>
<tr>
<td>S/N</td>
<td>NAME OF PARTICIPANT</td>
<td>ORGANIZATION</td>
<td>ISSUES/COMMENT ON LTIP</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>--------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Stakeholder Engagement Plan (SEP)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- SEP should develop by all interested and those likely to be affected by the project</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Identification of potential stakeholders should consider the level of its participation in the process</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Should participate in National Steering Committee</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- CSOs participation from planning to the implementation basing on expertise</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Level of Stakeholders engagement should reach at the grassroots so as to obtain actual situation in village level</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- All stakeholders should be on board in planning and implementation of</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>This has been clearly stipulated in the SEP. Preparation of SEP was participatory and both VG, NGOs, CSOs, Government departments and other stakeholders were involved at various stages during preparation of SEP.</td>
<td></td>
</tr>
<tr>
<td>S/N</td>
<td>NAME OF PARTICIPANT</td>
<td>ORGANIZATION</td>
<td>ISSUES/COMMENT ON LTIP</td>
<td>REMARKS ON HOW THE COMMENT WAS ADDRESSED IN THE DOCUMENT</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>--------------</td>
<td>------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the project</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Resettlement Policy Framework (RPF)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- RPF is very critical to and unnecessary conflicts</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Project Management and Success should be open and engage stakeholders effectively</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- CSOs should also contribute in shaping the document</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Be participatory, transparent and provides alternative lands and compensation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- The laws governing land in Tanzania should be adhere</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Project Quick Win Results (PQWR)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Up scaling of Joint Village Land use plans in other districts – clusters</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Areas where the process of certification had started but could not be completed have been considered in the project as Quick</td>
</tr>
</tbody>
</table>
## Project Management and Success (PMS)

- Transparency should be principal of success
- Take stock of what has worked well in other settings and scale up.
- Strategically engage the civil society organizations
- Set simple Strategies to identify success
- Continuing Monitoring and evaluation
- Important skills legal officers, gender expert, surveyors, social welfare expert, statistician
- Renew Meeting – Quarterly
- Annual Review – All Stakeholders
- High level tasks force – Ministries, PCU, Donors and CSOs

Both safeguard documents and project implementation manuals have provisions for transparency during project implementation. Participatory approach as well as stakeholder engagement will be key to project success.
<table>
<thead>
<tr>
<th>S/N</th>
<th>NAME OF PARTICIPANT</th>
<th>ORGANIZATION</th>
<th>ISSUES/COMMENT ON LTIP</th>
<th>REMARKS ON HOW THE COMMENT WAS ADDRESSED IN THE DOCUMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>representatives</td>
<td>All potential impacts have been addressed in this ESMF and mitigation measures provided</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Project should have steering committee at National, Regional, as well as District levels</td>
<td>The cultural and social impacts have been addressed in this ESMF as well as in VGPF and SEP.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Environmental and Social Management Framework (ESMF)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Issues of Environment should be taken into account accordingly</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>-Consider social and cultural impacts especially to VGs</td>
<td></td>
</tr>
</tbody>
</table>
### Attendee Register - Meeting Between MLHSD and CSOs Dodoma November 2019

**Activity:** SIDE MEETING BWN THE MLHSD & CSOs

**Place of Implementation:** Royal Village Hotel

**Region:** Dodoma District

<table>
<thead>
<tr>
<th>S/N</th>
<th>Names</th>
<th>Sex</th>
<th>Organisation</th>
<th>Title</th>
<th>Place</th>
<th>Phone Number</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tumaini Jetlimbi</td>
<td>F</td>
<td>Ministry of Lands</td>
<td>CDO</td>
<td>Dodoma</td>
<td>0736590619</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Silly Repent</td>
<td>M</td>
<td>Ministry of Lands</td>
<td>ARCHIT</td>
<td>Dodoma</td>
<td>0714219767</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Abigail Magamboana</td>
<td>M</td>
<td>Ministry of Lands</td>
<td>STP</td>
<td>Dodoma</td>
<td>0784719787</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Wachira Moshi</td>
<td>M</td>
<td>Ministry of Lands</td>
<td>PA-AR</td>
<td>-</td>
<td>0762722272</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Andrew Mariki</td>
<td>M</td>
<td>Ministry of Lands</td>
<td>LEAT</td>
<td>Dodoma</td>
<td>0741112431</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Nakambo Temende</td>
<td>M</td>
<td>Ministry of Lands</td>
<td>LEAD</td>
<td>Dodoma</td>
<td>0745851140</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Emmanuel Santiago</td>
<td>M</td>
<td>PLANT FORUM</td>
<td>Co-TRM</td>
<td>ARUSHA</td>
<td>0753517322</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Jamal Juma</td>
<td>M</td>
<td>TALA</td>
<td>PO</td>
<td>DSM</td>
<td>0739740302</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Jemboi Baragamo</td>
<td>M</td>
<td>UCRT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Lusaka Lwanda</td>
<td>M</td>
<td>TWRF</td>
<td>Coordinator</td>
<td>Arusha</td>
<td>0752620206</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Bernard Bahs</td>
<td>M</td>
<td>TALA</td>
<td>Coordinato</td>
<td>DSM</td>
<td>068420116</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Nestor Luchmann</td>
<td>M</td>
<td>SMP- KRI</td>
<td>Host Manager</td>
<td>DSM</td>
<td>0784629094</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Nangieku Kumbi</td>
<td>F</td>
<td>WE EFFECT</td>
<td>CoR</td>
<td>DSM</td>
<td>078578444</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Mary Nkoro</td>
<td>F</td>
<td>CARE INTR coord</td>
<td>DSM</td>
<td></td>
<td>0785785872</td>
<td></td>
</tr>
</tbody>
</table>
### Annex 6.8 Summary of Key Issues Raised and How They are Addressed in the Project Documents

<table>
<thead>
<tr>
<th>Summary of Issue</th>
<th>Addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Importance of early sensitisation on the Project, benefits, process which is inclusive</td>
<td>The SEP outlines the need for early sensitisation of all stakeholders (district officials, ward and village representatives and beneficiaries) on all issues related to the Project. Where needed separate focus groups have been proposed for marginalised groups to avoid exclusion (notably women, those in polygamous marriages etc). The VGPF provides for specific measures to include VGs including through the use of traditional leaders.</td>
</tr>
<tr>
<td>Need for an inclusive and timely land use planning process</td>
<td>The SEP and VGPF require there to be a participatory process for VLUP (in line with national law). Where needed social baselines/ assessments will be undertaken to inform this process. There is a requirement for District experts to be included in this process along with guidance from the social expert from the ESMU to ensure consideration of vulnerable and marginalised groups. The VGPF requires consideration of communal land and land uses across village boundaries.</td>
</tr>
<tr>
<td>Inclusion of VG and Marginalised Groups</td>
<td>Stakeholders have indicated that the need of various groups (women, women in polygamous marriages, vulnerable groups, youth, disabled etc) need to be considered to ensure that they are included in the process and their needs are met. The approach to engaging these groups is presented in both the SEP and VGPF. The documents also require that communal and joint CCROs are issued as appropriate to meet the needs of these groups and monitoring indicators have been included in the ESMF and VGPF (as well as the overall project) to measure implementation.</td>
</tr>
<tr>
<td>Issuance of CCROs and CROs is to enable commercial environment</td>
<td>The Project documents make it clear that the intention is to issue certificates to increase tenure security and not to ease the sale/acquisition of land for commercial purposes.</td>
</tr>
<tr>
<td>Need to include CSOs in the process</td>
<td>CSOs have been included in the project both in terms of implementation to support with sensitisation especially with vulnerable and marginalised groups as outlined in the SEP and the VGPF and as key members of the Stakeholder Engagement Forums at the National and District</td>
</tr>
<tr>
<td>Issue</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Transparent and simple approach to land take in line with national law is needed.</td>
<td>The RPF has been developed to address the potential for land take in line with ESS5 and Tanzanian law. This document details the approach to VLD and compensation.</td>
</tr>
<tr>
<td>Institutional capacity constraints to implement elements of the project</td>
<td>The PCU has included additional capacity to implement environmental and social requirements as outlined in the ESMF which includes hiring an environmental and a social specialist as well as contracting a GBV expert to support implementation. These individuals will lead on training and capacity building at all levels (national, district and local) during implementation. In addition, sensitisation will be undertaken with the support of CSOs with knowledge of the local areas and issues.</td>
</tr>
<tr>
<td>Grievance Management – need for a consistent, fair and transparent approach</td>
<td>Mechanisms for redressing grievances have been proposed in the RPF (for land acquisition and VLD), the SEP for land and general grievances and the VGPF to adapt the other mechanisms to the need of vulnerable groups. The entry point for grievances is via existing village structures which are trusted by local people but will then be addressed by different organs as described in the various documents depending on the issue to be addressed.</td>
</tr>
<tr>
<td>Issuance of Communal or Joint CCROs as appropriate</td>
<td>The ESMF, SEP and VGPF as well as overall project documents all include the need to issue these types of CCROs as appropriate and ensure that engagement and planning processes included consideration of these requirements to minimise impacts to livelihoods and ensure the rights of women.</td>
</tr>
</tbody>
</table>