LOCAL GOVERNMENT SUPPORT SUB-PROJECT
(IDA CREDIT NO. 4003-1-TA)

THE PROVISION OF CONSULTANCY SERVICES FOR PREPARATION OF
PRELIMINARY AND DETAILED ENGINEERING DESIGNS, COST ESTIMATES,
BIDDING DOCUMENTS AND ENVIRONMENTAL AND SOCIAL IMPACT
ASSESSMENTS FOR THE INVESTMENT SUB-PROJECTS IN TANGA CITY
UNDER THE PROPOSED TANZANIA STRATEGIC CITIES PROJECT

RESETTLEMENT ACTION PLAN (RAP)
FINAL REPORT

Consultants:

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EXECUTIVE SUMMARY

This is a Resettlement Action Plan that was prepared after identifying households likely to be affected by various sub-projects to be undertaken under the Proposed Tanzania Sustainable Cities Project (TSCP) within Tanga City Council. Detailed studies were carried out in the Project areas by two teams dealing with Environmental and Social Impact Studies and Resettlement Action Plan (RAP) team during November 2009. A total of 112 households were identified as likely to be directly affected by the proposed road upgrading and/or rehabilitation projects, construction of a new bus stand and lorry parking and storm drainage systems for Mabawa and Duga areas in Phase 1 of the Sub-Projects in Tanga. The head of each Project Affected Households was interviewed by the respective team members and their assets were inspected, measured and photographed. Asset data collected by Valuers were used to prepare valuation reports and schedules which form part of this Resettlement Plan Documentation. The total Resettlement cost is estimated at Tshs 422,309,000/=.

The environmental and social profile of the project areas is covered under a separate study report. This report deals with compensation and resettlement matters only. Out of the 112 PAPs identified by SIA study, a total of 15 structures will have to be demolished to pave way for the Project. Out of these, 3 are commercial structures and of the remaining 12, 10 are found along Mnyanjani road in Kwanjeka area. The local government (Ward Level) had agreed with the residents of Kwanjeka and the would-be affected owners of structures along Mnyanjani road in 2001 that each resident contributes Tshs 12,000 towards road infrastructure improvement in their areas and that those whose assets would be affected should pull down their structures at their own costs and should not expect compensation. In a meeting held on 19th September 2003 (appendix 1), it was reported that asset owners with properties within the planned corridor were pulling down their assets and they were being allocated plots of land where they were to resettle. Survey teams had by then planned and marked infrastructure lines boundaries. In a further communiqué on 20th November 2009, a community meeting was appraised that all but one individual in Kwanjeka Nyota area had been compensated for assets that would be impacted.
The individual had not agreed to the amount of money that the Community had set aside as his rightful compensation. While carrying out valuation field surveys for this project, the residents insisted that the 2003 agreement should be upheld while the affected individuals argued that they should in addition be compensated for the loss of their assets. The Village Executive Officer (Kwanjeka Street) convened meeting with the PAPs On 8th December 2009, and the 2003 Agreement was reiterated as binding to the PAPs. During February 2010, an agreement was reached to the effect that there would be neither compensation nor resettlement with respect to the 10 structures that would have to be pushed to give way to the project in Kwanjeka area. As a result therefore, the actual number of relocations in Tanga City is limited to 2 residences in Duga (Airport area) and one commercial unit along Karume/Donge Road (Mabawa).

There are also 177 graves that will need to be removed in Duga area within the Roman Catholic Church Cemetery. In January 2008, the City Council had paid for removal of 184 graves in the same area (appendix 1 lists the grave owners). The 177 graves excludes the 184 graves that the City Council had paid for.

Consistent with the Terms of Reference all possible care was taken to comply with the provisions of the World Bank Operational Policy 4.12 and the relevant land acquisition and compensation in Tanzania.
1.0 Introduction

This Resettlement Action Plan (RAP) report has been prepared as part of the Tanzania Strategic Cities Project studies carried out in Tanga. The studies were commissioned by The Permanent Secretary Prime Minister’s Office, Regional Administration and Local Government (PMO) to M/S UWP Consulting Limited. The overall objective was to evaluate identified Priority Investment Sub-Projects for financing under the Project. According to Project Plans drawn by the Client, PMO, the scope of works for the Tanga City Council that are covered by this report are as follows:

Table 1: TSCP Projects Description in Tanga

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Description of the Project</th>
<th>Unit of Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td><strong>Upgrading</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Karume Road</td>
<td>8.0 km</td>
</tr>
<tr>
<td></td>
<td>Nguvumali Road</td>
<td>2.5 km</td>
</tr>
<tr>
<td></td>
<td>Msambweni Road</td>
<td>3.3 km</td>
</tr>
<tr>
<td></td>
<td>Duga Airport Road</td>
<td>4.0 km</td>
</tr>
<tr>
<td></td>
<td>Mnyanjani Road</td>
<td>3.0 km</td>
</tr>
<tr>
<td>II</td>
<td><strong>Rehabilitation Works</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industrial Service Roads</td>
<td>2.3 km</td>
</tr>
<tr>
<td></td>
<td>Market Street Road</td>
<td>1.8 km</td>
</tr>
<tr>
<td></td>
<td>Mkwakwani/Ngamia Road</td>
<td>0.6 km</td>
</tr>
<tr>
<td></td>
<td>Makoko Road</td>
<td>1.8 km</td>
</tr>
<tr>
<td></td>
<td>Street No 8 Road</td>
<td>0.925 km</td>
</tr>
<tr>
<td></td>
<td>Jamatcan Road</td>
<td>1.025 km</td>
</tr>
<tr>
<td></td>
<td>Swahili B Street</td>
<td>1.225 km</td>
</tr>
<tr>
<td>III</td>
<td><strong>Construction Works</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Bus Stand</td>
<td>20000 sq. m</td>
</tr>
</tbody>
</table>
In the course of implementing the above sub, a total of 112 landowners will have their assets affected. Only 2 of these will need to be resettled elsewhere while the remaining will have to push back their properties from the developer (Local Government Authority (LGA) Wayleave. A total of 177 graves will also be affected by these sub projects.
2.0 Methodology and Data sources for the RAP documentation

2.1.1 Field Surveys

Preparation of the RAP commenced in mid-October 2009 and lasted till end of first week of December. M/S UWP Consulting Limited engaged services of registered valuers, urban planners and a team of experienced social scientists who carried out interviews with the identified affected people, local community leaders and government functionaries within the municipality of Tanga. These studies formed bases for preparing of Environmental and Social Impact Assessment (ESIA) and the Resettlement Action Plan (RAP). The field survey reports from the interviews and valuation of assets formed an important component of this Plan.

2.1.2 Consultations

There were two levels of consultation for the purpose of preparing the Resettlement Action Plan. The first level was through public consultation meetings in the area while the second level was the one-to-one consultation with the identified individual asset owners. In the first set of meetings, the general purpose of the Project was outlined in a meeting convened by the Ward Councillor and attended by communities in the project areas, the Consultant field staff and local leaders. After the briefings, the community/audience was allowed to ask questions. These questions sought clarification on issues that were explained by the Consultant staff and largely represented community concerns as reported under the Environmental Social Impact Assessment Chapter for this project.

In the second level of consultation, one property owner who had been identified by the Consultants jointly with LGA representatives and Mtaa
leaders (MEO) as having assets within the corridor of the Project. Wayleave was interviewed by the Consultant social scientists, before being turned over to the Valuation Consultant for further consultation. The Valuation Consultant was tasked to explain the compensation assessment processes and procedures, and to carry out identification of the assets to be affected, do measurement and take photos. This was only carried out in Mabawa and Duga Airport areas. In Kwanjeka, an agreement had been reached earlier between the Municipal government and the asset owners to the effect that in the implementation of the project there will not be compensation payments (see Appendix 1). In Duga, the affected properties belong to the Tanzania Airport Authority (TAA). Permission was sought from TAA which enabled the Valuation Team to carry out the valuation surveys and interviews.

Information obtained from the field surveys, was used to develop a resettlement eligibility matrix. It was then possible to reflect on the national laws and practices as well as World Bank OP 4.12 to determine the required resettlement levels in the project area.

2.1.3 Limitations

The field data were obtained within corridors of impact (COI) that is being proposed for the planned road projects. This corridor was identified to the Sociologists and Valuers by the Tanga City Planner, Engineer and Surveyors. In none of the project areas were exact alignments and width such as chainage pegs in place which would have indicated boundary points for the proposed works. The information that was compiled for the RAP is therefore only an indication of what might be the impacts of the projects should action taken in the context of identified assets.
However given the short distances covered by the different roads as listed above under Table 1, there is high probability that the affected assets will not change much when actual Corridors of Impact surveys are determined following detailed road design phases.

3.0 Community and individual entitlements rights to land

Any person whose user rights to land have been curtailed by the state in Tanzania is entitled to compensation as per Section 3(g) and Section 156 of the Land Act. The amount of compensation payable is to be assessed by a qualified valuer and the basis for assessment of the value of land and unexhausted improvement on the land is market value.

The Land Act specifically provides ‘...the market value of any land and unexhausted improvement shall be arrived at by use of comparative method evidenced by actual recent, sales of similar properties or by use of income approach or replacement cost method where the property is of special nature and not saleable.’ Section 4 of the Land (Assessment of the value for compensation) Regulations, 2001.

In the implementation of the envisaged road upgrading projects in Tanga, the Consultant employed services of qualified valuer who carried out the assessments. To ensure conformity with national laws and land office practice, the Valuer consulted with the City Valuer to deliberate on the appropriate rates. The City Valuer was also appraised on the requirements of the Project to comply with World Bank Safeguard Operational Policy (OP 4.12 Involuntary Resettlement). The results of these consultations and eventually assessed compensation values are presented under Appendix 2.
The Provision of Consultancy Services for Preparation of Preliminary and Detailed Engineering Designs, Cost Estimates, Bidding Documents and Environmental and Social Impact Assessments for the Investment Sub-Projects in TANGA CITY under the Proposed Tanzania Strategic Cities Project

UWP Consulting (Pty) Ltd South Africa in association with UWP Consulting (T) Ltd
3.1 Entitlement to Resettlement and compensation

Individuals owning land that is subject of acquisition have rights to be relocated. The national laws of Tanzania have no specific provision to this effect as discussed later in this report. Instead there are some references in the laws towards granting displacees with land of same value as an alternative to cash compensation (S.3 of Land Act No. 4 of 1999). In practice however, municipal governments do relocate such affected persons by granting them surveyed plots in addition to the compensation that they will have received. There have also been cases where the PAP’s use the amount of money compensated for land to purchase surveyed plots from municipalities.

In determining eligibility for resettlement in the context of best land office practices in Tanzania, only those in occupation of the affected assets at the time of notice to acquire are considered. These are limited to residential occupiers and unfortunately do not include Tenants. Commercial users such as retail shops, entertainment houses, bars etc are not considered for resettlement mainly for historical reasons in Tanzania. These users can afford to relocate themselves where they can restore the lost business goodwill if they are fairly compensated.

However consistent with the TORs, we have considered tenants and proposed three-month equivalent rental payments. The TOR provides“…points in the National law contradicting the above eligibility principles will need to be waived…” (p.41). The three-month period is the usual time in law for serving notice to vacate. In practice, the affected landlord will not charge tenants after compensation nor will the tenants pay rent during the ‘notice to vacate’. In essence therefore, the proposal is effectively a six-months rental assistance to the tenants which we consider to be sufficient.
3.2 Nature and Type of assets to be affected

In the project areas, the type of assets found includes land and buildings, trees and graves. Removal of graves is governed by the Graves (Removal) Act No. 9 of 1969 which provides for removal of graves from land required for public purposes (referred later in this report). A total of 184 graves in Duga Airport area had been earlier in 2008 earmarked for removal and the City Council had paid the respective appointed administrators a sum of Tshs 100,000 per grave. In the valuation surveys, it was confirmed that an additional 177 graves in Duga (Roman Catholic Cemetery) will need to be removed. These are listed in Appendix 2 of this report as extracted from the Valuation Report.

The Land Act of 1999 accords the would-be ex-landowners the right to receive separate payments for the following compensateable items (see also the Valuation Reports – Appendix 2):

1. Compensation for the lost land
2. Compensation for structures erected on the land
3. Compensation for disturbance
4. Compensation for lost accommodation or loss of profit in the case of business operators
5. Compensation for transportation of personal belongings to another location

The basis for assessments of these compensation sums is detailed in the valuation report by the Valuer (Appendix 2).
Consideration of Historical Sites

None of the assets to be affected by the proposed works in the preliminary design works were found to have historical or such other cultural or ornamental value to warrant special consideration in Tanga.

3.3 Community Awareness about the Proposed Project

Despite the existence of several efforts related to the current proposed project, the SIA Study noted that the majority of the PAP’s are not aware of this proposed Project. Only one person out of 14 PAPs interviewed, who happen to be a member of the Task Force for the Sustainable Tanga Programme indicated to have had prior information about the project. The lack of awareness of the project by the PAP’s led to resistance to have their properties valued in Kwanjeka. Property owners in this area had earlier on agreed to pull down their properties to pave way for an upgrading project under the Sustainable Tanga Programme in 2003 (STP 2003) without compensation. The project was not implemented and the properties that would have been moved out by the STP 2003 would now be affected by the TSCP in Tanga. Individual owners are seeking cash compensation for the properties to be demolished arguing that the earlier agreement to forego compensation was specific for the STP 2003 project. However, a local community meeting held on 20th November 2009 was informed that all individuals with assets that would be affected by the project were compensated by the community except for one individual who could not agree with the amount set aside for his loss of assets (see appendix 1 - Kwanjeka Agreement).

Nonetheless, all PAP’s expressed willingness to allow their assets to be pulled down to pave way for the proposed sub projects (See ESIA Report).
3.4 Resettlement Objectives

Resettlement of affected population will follow immediately the individuals have been served notice to vacate their place of abode and upon being compensated. Procedures that are followed in the compensation and resettlement process in Tanzania have not been uniform and consistent for a number of reasons. Each project tends to have its own Resettlement Policy Framework largely influenced by the type of funding. In the present project, the Resettlement Action Plan is drawn from best practices in Tanzania and in line with the OP 4.12 as contained in the Terms of Reference.

The main objective of carrying out resettlement plan was to devise means of handling relocation of affected population in compliance with existing national, statutory and donor requirements.

The specific objectives include:

a. To identify all people directly or indirectly to be affected by the proposed projects both during the implementation stages and the life of the project.

b. To mitigate possible negative impacts of the project in the community

c. To identify affected persons who are eligible for relocation in accordance with national and donor requirements

d. To identify resettlement action that may be required

e. To liaise with municipal governments (LGA) and Project Affected People (PAPs) in developing comprehensive resettlement plan
3.5 Avoidance- Mitigation Measures

In an attempt to reduce negative impacts of the Project, the Consultant teams held several meetings as detailed in the Chapter on Social Impact Assessment. In these meetings, PAPs were informed of the project's needs to acquire the barest minimum corridor for the upgrading works. They were also assured of the opportunities to salvage re-useable building materials in the eventual event of demolitions.

At Project Management level, mitigating measures are considered on three levels:

1. During detailed design works every effort must be made to use as efficiently as is possible existing road/Wayleave. This can be achieved by strictly complying with the design standards.
2. During construction works, care must be exercised to avoid damage to people’s properties. The contractor shall be appraised of this need in the bid documents
3. In the compensation payment procedures, it is important a Valuer is present in the team to explain the assessment criteria and respond to queries about the assessment.

3.6 Compensation

The distribution of type of assets to be affected as per the ESIA Report is summed up in Table 3.
The Provision of Consultancy Services for Preparation of Preliminary and Detailed Engineering Designs, Cost Estimates, Bidding Documents and Environmental and Social Impact Assessments for the Investment Sub-Projects in
TANGA CITY under the Proposed Tanzania Strategic Cities Project

Table 3: Summary of Compensatable Items and Values (Tshillings)

<table>
<thead>
<tr>
<th>Road</th>
<th>Building Value</th>
<th>Altar (RChurch)</th>
<th>Crop Value</th>
<th>Land Value</th>
<th>Graves Value</th>
<th>Trans Allow'ce</th>
<th>Accommodation</th>
<th>Loss of Profit</th>
<th>Disturbance</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duga /Airport</td>
<td>63,504,000</td>
<td>945,000</td>
<td>945,000</td>
<td>4,000,000</td>
<td>67,890,000</td>
<td>240,000</td>
<td>3,600,000</td>
<td>0</td>
<td>4,914,542</td>
<td>146,052,292</td>
</tr>
<tr>
<td>Karume/Donge Road</td>
<td>9,472,000</td>
<td>0</td>
<td>77,500</td>
<td>2,000,000</td>
<td>120,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>762,267</td>
<td>12,431,767</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>72,976,000</strong></td>
<td><strong>945,000</strong></td>
<td><strong>1,036,250</strong></td>
<td><strong>6,000,000</strong></td>
<td><strong>67,890,000</strong></td>
<td><strong>360,000</strong></td>
<td><strong>3,600,000</strong></td>
<td><strong>0</strong></td>
<td><strong>762,267</strong></td>
<td><strong>158,484,059</strong></td>
</tr>
</tbody>
</table>

Source: Valuation Report (appendix 2)
3.7 Resettlement Sites

The vowed aim of the project is to assist all those affected irrespective of whether they occupied the planned road reserves illegally or legally to move to new areas. In the evaluation of resettlement needs, it has been determined that there will be no need for setting up comprehensive Resettlement Sites.

3.7.1 Type of Displacements

According to the surveys that were carried out along the project corridor, there will not be community relocation, but rather individual persons/households. The affected persons were interviewed and their consent sought on how they would be relocated. About 14% (2 interviewees) suggested that they had enough land that would remain after allowing for the LGA Wayleave and therefore did not need to be moved. Thus they will pull down the affected structures and recess these away from the acquired corridor.

3.7.2 Suitability of Resettlement Sites

Tanga City Council has surveyed a number of plots that can be purchased by the Project for resettling affected persons in Kange area. The new sites are within planned neighbourhoods but are at the moment not availed with any infrastructure such as access roads, water and electricity services. The municipal government were consulted and they indicated that plots will be available for the PAP’s to acquire using the amount paid to compensate then for land. It is normal practice in the government land sector to allocate land against premium payment by land seekers.

The number of Project Affected Families (PAFs) requiring relocation is 2.
This has been worked out from the ESIA Reports on the basis of assets owned and occupied. The third household that would be affected in Mabawa/Karume Road has a commercial structure which according to the criteria that was used would not qualify for relocation.

While it is suggestive from the TORs to consider vulnerable group/individuals, it is indicative that families in Tanga as in the case with most other urban centres tend to have a large family consisting of extended family members. The actual requirements of the individuals affected by the Project would be difficult to be gauged by observing the size of his family. In practice in the extended family networks, individuals are more likely to move to the next of kin when the current host is no more capable. In the analysis that was carried out from the survey results, it would appear if the family size is taken as criterion then subsequent projects by the LGA could be faced with problem of dealing with speculative claimants as individuals are likely to take advantage of such consideration. It was also felt that it would be for practical reasons difficult to maintain fair treatment of all affected population because of the strong tendency towards subjective assessments.

4.0 Description of the Resettlement Programme

The Resettlement Programme for Tanga sub projects is dependent on the City Council readiness to release 2 surveyed plots in the newly planned district for the PAPs. Procedures for acquiring these plots are outlined below with suggestions on responsibilities and tasks to be involved.

4.1.1 Organisational Responsibility for Resettlement Planning

The Tanga City Council (LAG) will be responsible for the actual Resettlement Plan within the framework provided in this report. The most possible arrangement would be for the Tanga City Council to set up a steering committee for handling
the Compensation Payment Procedures and Resettlement. The Committee should ideally be a high-powered unit within the City Council possibly chaired by the City Director with representatives from consulting firms for the Project. Its primary function would be supervisory and should be assisted by two technical units, Compensation and Resettlement Units:

1. Compensation Team members who will be responsible for supervising compensation payment procedures, giving explanations to PAPs where necessary on matters that they may raise, represent the Tanga LAG to relevant Lands Tribunal in case of litigation cases about the compensation or the land acquisition itself. The composition of members for this unit must include the City Valuer, City Solicitor, City Engineer/Contractor Representative, Project’ land acquisition/Valuer team members and at least one Ward Executive Officer.

2. Resettlement Unit: this unit will be responsible for reviewing proposals for resettlement, initiation of land acquisition in the resettlement areas, arrange land allocation to those recommended for relocation through issuing of letters of offer and respective land titles. Members of the Unit must include City Land Officer, City Planner or his representative and representative of the PAPs preferably a Ward Leader and the Projects’ SIAS and RAP consultants.

Financial Implications

The proposed organisational structure is for the administration of the RAP and draws its staff from those already in service at the Municipal level and the consultants’ representatives. The Steering Committee should be expected to meet at least once in a month during the implementation period while the technical units may have to have consultative meetings more frequently but not more than one in a week. The financial expenses related to these consultative meetings would relate to travel assistance to the community leaders and per diem for consultant team members.
The possible organisational structure is as shown in Figure 1 below:
Figure 1: Organisational Set Up for Overseeing the RAP Implementation
### Table No. 6: Categories of Affected People and their Entitlement

<table>
<thead>
<tr>
<th>Category of PAP</th>
<th>Type of Loss</th>
<th>Entitlement</th>
<th>Allowances</th>
</tr>
</thead>
</table>
| Landowner Land  | Market value| -           | • Disturbance allowance as % of assessed asset value  
                            • Refund survey and legal fees paid for acquiring title to land (in case of those with granted titles to land)  
                            • LGA may exercise option to compensate in kind (replacement plot) in lieu of cash |
| Building Building | Market Value/Replacement Cost (no depreciation) | If residential and in occupation | • Disturbance allowance as % of assessed asset value  
                            • Transport Allowance of up to 12 tons haulage over max distance of 20km  
                            • 36 months rent payments estimated on the basis of affected asset  
                            • Comply with Land Act No. 4, Act No. 47 of 1967 and WB OP 4.12 |
<p>| Crops           | Market Value- from a Schedule of Price (earnings approach) | -           | Cash compensation of the crop, there were no farm business which would have attracted allowances for loss |</p>
<table>
<thead>
<tr>
<th>Category of PAP</th>
<th>Type of Loss</th>
<th>Entitlement</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants</td>
<td>Lease to Land</td>
<td>No loss</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Lease to Building</td>
<td>No loss</td>
<td>-</td>
</tr>
<tr>
<td>Others e.g. grave owners</td>
<td>Land</td>
<td>No loss</td>
<td>-</td>
</tr>
<tr>
<td>Specially Vulnerable People</td>
<td>Land</td>
<td>As for others above</td>
<td>As for others above</td>
</tr>
</tbody>
</table>
4.1.2 Participatory measures in planning for the resettlement areas

1) Pre-implementation information campaign

While in Tanga, the SIAS and RAP Teams established contacts with the PAPs. The PAP’s were however noted to be misinformed about the proposed project. The Tanga City Council should make similar efforts to disseminate information on the proposed project through notice serving and holding of public meetings. Towards the implementation of the Programme, the City Council with the Compensation Team (see figure 1 above) will organise similar meetings for purpose of explaining the compensation and resettlement programmes to the affected people. These will be focused meetings with the affected people only.

2) Disclosing the RAP to PAPs

The proposed RAP shall need to be disclosed to the affected people, local and central government functionaries and the project financiers. There are two possible ways of disclosure. First is through making copies available both in the English and Swahili language. Enough copies should be deposited at the Tanga City Council office and at the respective ward offices in the affected areas. Information about personal entitlement to cash should not however published lest the individuals for safety reasons. The second method is to put the RAP on the World Bank sites which would be accessible to even a larger population.

3) Consultation when preparing

A 100% sampling interviews was carried out when looking for information to include in the RAP. By talking to the people and letting them ask questions, it was possible to list their concerns and report on them (See ESIA report). This consultation process must be continued throughout the remaining phases of
the Project and in particular during detailed design and demarcation of the Wayleave corridor.

4) **Names of participants**

The list of meetings and participants to the meetings and workshop is appended with the ESIA Report. Appendix 4 lists all those affected PAPs who were individually engaged in identifying the assets that are to be affected by the Project.

5) **Monitoring program**

To ensure that the RAP is implemented according to plan, high-ranking officials of the Tanga City Council must be involved. A monitoring team should be drawn from the proposed Steering Committee (see figure 1 above). This will be at project area level and will entail agreeing on a schedule of monitoring meetings. There must be at least one meeting every month.

Audit of the project by the Project Financiers should be encouraged. The proposed Schedule of Plans should be strictly adhered to as benchmarks for monitoring and review progress. The project financiers should expect regular reports from the Steering Committee.

4.1.3 **Handling Complaints and Grievances**

The set up of Land Tribunals in Tanzania in 2002 has eased out procedures for handling objections and disputes at ward level making it possible for the poor to present their cases not too far away from their place of abode. The Land Act No. 4 of 1999 does provide for appeal against decisions related to compensation payment. It is important to note that in Tanzania one cannot resist land acquisition where this has been done under the Land Acquisition Act of 1967.
The disputable items are limited to compensation sums, types and the time-framework through which the compensation is made.

1) Procedures of reporting

An aggrieved PAP may lodge his appeal to the respective District Land Officer and if not satisfied filed a case to Ward or District Land Tribunal. The usual practice is however that a claimant first approaches the Project Executors in this case the Tanga City Council (LGA). The aggrieved person would be directed to the officer-responsible for the particular compensation exercise usually the Municipal Valuer who will then check records and advise the Claimant. This procedure has tended to discourage many claimants on account of the bureaucratic strings attached to it and many times the Municipal Valuer may not have been involved and hence waste of time for the claimant.

For purpose of the TSCP, it is recommended:

i. To mitigate incidence of complaints, enough educational program must be carried out before effecting compensation payment. Most of the complaints tend to be on ignorance on the compensation sum paid. By explaining to the asset owner what his compensation payment is constituted of and his rights before he collects the money, a great number of complaints will have been reduced.

ii. To set up a dedicated desk possibly at Ward level for the first two weeks staffed with a skilled person able to explain matters that are brought to his or her attention. The desk officer should be warned of possibilities of over committing to demands by the PAPs and need to channel some of the difficult cases for review by higher authorities.

iii. Setting up a Dispute Resolution Team – the Compensation team that was suggested (Fig 1 above) can also discharge services that address disputes related to compensation, entitlement to resettlement, address affected people on redress mechanisms where the team is unable to
resolve problems with the PAPs. For purpose of handling grievances by the Committee it may be necessary when the Committee sits to resolve such cases to involve an independent legal expert other those in the employment of Tanga City Council.

2) **Handling Delays**

In the national laws any compensation payment delayed for more than six months attracts a penalty that is calculated at the commercial bank deposit rates over the delayed time. Information about delayed compensation has been a hot subject in the media during 2009 and the Project executors should be wary of this. Prompt payment of compensation is one of the cardinal principles of the Land Act that must be adhered to.
5.0 Framework for Compensation and Resettlement


OP 4.12 as revised in 2004 lays down a number of conditions, which must be complied with if a member state of the World Bank desires funding from the Bank. Article 2 of the OP 4.12 asserts that an ill-conceived involuntary resettlement may cause severe long-term hardship, impoverishment and environment damage. OP 4.12 then lists three basic policy objectives, which must be pursued:

1. Involuntary Resettlement should be avoided where feasible or minimized
2. Resettlement activities should be conceived and executed as sustainable development programs that seek to enable the persons displaced by a project to share in the project benefits. Affected persons should be “…meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs…” (Article 2(b)).
3. Displaced persons should be assisted to “…improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher…”.

These principles were adopted as guidelines when preparing valuation reports and resettlement entitlement matrix in Tanga. There is very little opportunity for alternative designs for road widths in the areas as the areas are already constricted with developments and the need to ensure minimal width standards by the road engineers shall pose challenge to the design team. The PAPs however consider the benefits accruing from the implementation of the project as extremely important for them and had no problems with being asked to relocate or push their building structures farther away from the proposed widened road corridors.
5.1.1 Assessment of Compensation

The World Bank OP 4.12 makes reference to value assessment for compensation. Article 7 of the Involuntary Resettlement Instruments (OP4.12 Annexe A), requires submission on the applicable legal framework covering valuation of assets and losses, compensation and indeed the extent to which the applicant can influence the nature of compensation and the valuation methodology to be deployed. Article 10(ibid) is even more explicit on the valuation methodology as reproduced below:

“…the methodology to be used in valuing losses to determine their replacement cost; and description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve their replacement cost for lost assets…”

OP 4.12 defines Replacement Cost from three perspectives:

1) **For Agricultural Land:** it is the higher pre-project/displacement market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, the cost of any registration and transfer taxes.

2) **For Urban Land:** it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

3) **For Houses and other structures:** it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration and transfer taxes.
The Valuer who carried out the Valuation assessment has considered the guideline and adopted Replacement Cost without allowing for depreciation.

5.1.2 Dealing with Vulnerable groups

Throughout the surveys, no vulnerable groups were identified in the sense of disability, ageing or HIV/AIDS patients or indigenous communities. There are however tenants in some of the houses. These hold informal leases with the houseowners. None of the tenants had special contractual relationship with their landlords which would warrant consideration for sharing asset value compensation.

In the recommendations (see Table 6 above), it was suggested that tenants be assisted by allowing a disruption allowance equivalent to three months rent for the respective premises they are currently occupying. This will be in addition to being given three-months notice by their respective landlords. This suggestion is not tenable in the national laws of Tanzania but is a requirement in the OP 4.12. There are however precedents where tenants have been considered in a number of projects in Tanzania.

5.2 Legislative Measures in Tanzania

Land Acquisition and Compensation matters are regulated by the Land Acquisition Act No. 47 of 1967 while assessment of compensation is specifically provided under Land Regulations made under Section 179 of the Land Act no 4 of 1999. Details of the statutory provisions are provided in Appendix 2 of this Report (Valuation Notes).

It is important to note that generally the legislative measures available in Tanzania are in conformity with the World Bank OP 4.12 in so far as compensation matters are concerned. The reference to Market Value in Land Act...
No 4 as opposed to Replacement Cost has tended to give impression that the two directives are at odds with one another. While the OP 4.12 insists on Replacement Cost as the ‘…amount of money needed to buy land or houses of equal make, dimension and location…’, Land Act No. 4 provides Market Value as the best price the landowner would obtain in a free market operations but in addition provides for payment of allowances as rehabilitation to the affected persons. These are listed in Table 6 above but include the following:

- Disturbance Allowances
- Transport Allowance
- Loss of accommodation (36 months rent) in case of residential houses
- Loss of profit in case of business premises

5.2.1 Removal of Grave/Tombstones

Despite serious efforts to avoid graveyards, possibility exists to encounter these depending on where a project is situated. Some communities bury their dead to the front of their premises facing road infrastructure, some place them far away from sight in the backside of their settlement. In Tanga, 177 graves were identified and booked against the Roman Catholic Church Mission at Duga. Each of these grave is listed against an appointee of the deceased relatives who was identified to us by the RC Church Mission. According to the Grave (Removal) Act No. 9 of 1969, the relatives of the deceased have a right to receive assistance funds to arrange for removal of the graves from the planned Wayleave. The assistance is to meet expenses of exhumation, reburial and rituals. While the relatives may receive funds for the stated expenses, the municipal government may have to arrange sites for re-burial or carry out the actual reburials in existing cemeteries. Handling grave removal is both sentimental and sensitive matter to both the Agency Staff and relatives. Information received from the Tanga City Council indicates that compensation for removal of 184 graves was effected by the council in the same area in January 2008. This information has been counterchecked and confirmed that the 184 graves paid for removals in 2008 do...
not include the current list of 177 graves which are within the RC Cemetery. We have counter-checked the information by comparing the names of the deceased and those from the Valuation Report.
6.0 Management of the Resettlement Programme

6.1 Management Structure

Under Figure 1 above, it was proposed that the Coordinator of the Tanzania Sustainable Cities Project (Tanga) would be the overall in charge of the Resettlement Program assisted by a Steering Committee that would be chaired possibly by the City Director of Planner. The Committee will have two major functions, first to oversee the Compensation Payment Procedures and secondly to supervise the resettlement process.

The amount of resettlement required for this project is not sufficiently large to warrant consideration of staffing. It is however important Committee-level contacts are maintained at all times during the planning phase of the project to ensure that resettlement sites/plots are immediately available when compensation is effected. It is also important to insist that the available plots/sites as far as is possible should be within one neighbourhood so that those to be resettled should not suffer further social ties amongst themselves.

6.2 Training Needs and Income Restoration

An important area that needs attention in the implementation of the project is to ensure that the project impacts benefit the community and the affected individuals, are shared between and amongst family members and contribute to the welfare of the families. In practice however the amount of money paid as compensation tends to be the largest lumpsum money that an individual may have received in his lifetime. Frivolity in spending tends to be the norm in several cases. This poses risk for impoverishment of the individuals and their families. It is therefore important that Compensation front team takes up the challenge and organise educational program on wisdom of spending money by those who will be receiving compensation. There are two possibilities of doing these:
1. To arrange with a financial institution such as a Bank who will arrange payment to the affected persons. The Bank may be tasked to counsel the beneficiaries on saving benefits. These can help the involved families to restore their income levels and improve on their economy.

2. To carry out sensitisation meetings where both spouses attend. This can be an effective way of protecting funds from being misused by a member of family.

Most of the interviewed PAPs had indicated that they had apart from their current occupation an additional activity that was a source of income to the families. With improved infrastructure and fast connection to the rest of the City and as affirmed by the respondents, general welfare of the population is likely to improve as more and more income generation activities are attracted to the area.

A large part of the Affected Persons are losing only small strips of their land and thus are more likely to enjoy the usual benefits flowing from an infrastructure project.

The Construction works will attract employment opportunities that may benefit the resident population. They will also attract emigrant labourers who will spend money in the area again generating further income.
7.0 Implementation Schedule and Budgets

The total project duration is nine calendar months. Compensation and resettlement Components of the Project must be accomplished not more than six months from the date a Contractor will have been appointed to take up the construction works. This is crucial as the Contractor shall need to be handed over sites clear from third party rights for road works. Secondly, enough time must be allowed (at least 90 days) to allow relocation of the displaced persons (PAPs). These are the two most important key milestones for the implementation of the RAP. The other milestones and time duration are summed up in Table 6. It is possible to let the willing PAPs to demolish their own structures and in effect salvage whatever is salvageable for use in new constructions.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Approval of Road Design</td>
<td>Week 6 (February 2010)</td>
</tr>
<tr>
<td>2 Fixing Road Centre line points and boundaries</td>
<td>Week 8</td>
</tr>
<tr>
<td>2 Wayleave Acquisition Component</td>
<td>Week 10-22</td>
</tr>
<tr>
<td>3 Review and updating Compensation Assessment</td>
<td>Week 14-16</td>
</tr>
<tr>
<td>4 Baseline checks, Claims and Dispute Resolution</td>
<td>Week 10-22</td>
</tr>
<tr>
<td>5 Approval processes for compensation schedules</td>
<td>Week 16-18</td>
</tr>
<tr>
<td>6 Compensation Payment Procedures</td>
<td>Week 19-20</td>
</tr>
<tr>
<td>7 Resettlement Component</td>
<td>Week 13-16</td>
</tr>
<tr>
<td>8 Operational Plans</td>
<td>Week 13</td>
</tr>
<tr>
<td>9 Plot Acquisition and Allocation</td>
<td>Week 16-18</td>
</tr>
<tr>
<td>10 Review of relocation</td>
<td>Week 21-22</td>
</tr>
</tbody>
</table>
7.1 Resources Requirements

The estimated budget for implementing the resettlement plan will be approximately Tanzania Shillings 163,984,000/= as summed up in Table No. 7. The Resettlement component cost refers to funds that would have to be paid to the Tanga Municipality as cost recovery measures for release of 2 plots of land. Miscellaneous expenses would cover for the temporary hiring of expert skills in handling the resettlement program, operational plans and meeting expenses in resolving disputes.

Table No. 7: Estimated Resettlement Costs for Tanga TSCP Sub-projects

<table>
<thead>
<tr>
<th>Road</th>
<th>Land/Building/ Crops</th>
<th>Allowances</th>
<th>Graves &amp; Altar</th>
<th>Purchase Resettlement</th>
<th>Misc Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duga /Airport</td>
<td>68,462,750</td>
<td>8,754,542</td>
<td>68,835,000</td>
<td>4,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Karume/Donge</td>
<td>11,549,500</td>
<td>882,267</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
</tr>
<tr>
<td>Total</td>
<td>80,012,250</td>
<td>9,636,809</td>
<td>68,835,000</td>
<td>4,000,000</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>163,984,059</td>
</tr>
</tbody>
</table>
8.0 APPENDICES

(i) Appendix 1: Minutes of Meetings
(ii) Appendix 2: Valuation Report
(iii) Appendix 3: Compensation Schedules
(iv) Appendix 4: Resettlement Needs Analysis (List of PAPs)
(v) Appendix 5: Entitlement Matrix
Appendix 5: Entitlement Matrix
## TYPICAL MATRIX OF COMPENSATION ASSESSMENT AND PAYMENT

<table>
<thead>
<tr>
<th>Item</th>
<th>Activity/Responsibilities</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice to Acquire Land</td>
<td>• Sensitization Workshop – Expropriated Landowners&lt;br&gt;• Authorized Officer serves Land Form No. 69 &amp; 70&lt;br&gt;• Land Owner submits LF 70</td>
<td>Involve local leaders and identified landowners</td>
</tr>
<tr>
<td>Valuation Surveys</td>
<td>• Appointment&lt;br&gt;• Adjudicator Maps the Farm/Property&lt;br&gt;• Actual Surveys (counting and Measurement, taking notes&lt;br&gt;• Landowner signs the Val Data Sheet in agreement&lt;br&gt;• Village Leader counter signs</td>
<td>Valuers and surveyors involved in measuring assets</td>
</tr>
<tr>
<td>Valuation Assessment</td>
<td>• Report Writing&lt;br&gt;• Application of Rates&lt;br&gt;• Certification of Valuation Computation</td>
<td></td>
</tr>
<tr>
<td>Valuation Approval</td>
<td>• Submission of Valuation Report to Chief Govt Valuer&lt;br&gt;• Receipt of Approved Valuation</td>
<td>Approval Fees – 0.1% of the assessed value</td>
</tr>
<tr>
<td>Compensation Schedules</td>
<td>• Preparation of Schedule on Pre-formatted Form&lt;br&gt;• Certification of Schedule by WEO, DLO, DC and RC</td>
<td>Client arranges payment</td>
</tr>
<tr>
<td>Budgeting and Payment</td>
<td>• Compensator (acquiring authority)&lt;br&gt;• Payment Arrangement - either through the DLO or with DLO Consent – self&lt;br&gt;• Landowner countersigns and thumbprint&lt;br&gt;• Submit fully executed schedule to DLO</td>
<td>In case of disputes, it suffices to deposit the sums payable with DLO or District Court and proceed with acquisition</td>
</tr>
<tr>
<td>Resettlement Plan Implementation</td>
<td>• Selection and acquisition of Resettlement Area&lt;br&gt;• Prepare land use plan of the resettlement area&lt;br&gt;• Obtain approval from Local Planning Office, arrange cadastre&lt;br&gt;• Clear third party interests but accommodate 100% of landowners if any&lt;br&gt;• Initiate Plot Allocation Process in favour of the new settlers through local land office</td>
<td>• Initiate land acquisition or arrange to purchase available plots from respective local authority</td>
</tr>
</tbody>
</table>
The Provision of Consultancy Services for Preparation of Preliminary and Detailed Engineering Designs, Cost Estimates, Bidding Documents and Environmental and Social Impact Assessments for the Investment Sub-Projects in TANGA CITY under the Proposed Tanzania Strategic Cities Project