Nile Equatorial Lakes Subsidiary Action Program (NELSAP)

Kagera and Mara River Basin Management Projects

1. Ngono Valley WRD Project (Bukoba and Missenyi Districts, Kagera Basin)
2. Mara Valley WRD Project (Serengeti District, Mara Basin)

RESETTLEMENT POLICY FRAMEWORK

GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA

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List of Acronyms

AIDS Acquired Immune Deficiency Syndrome
BP Bank Procedures
CIWA Cooperation in International Waters in Africa Trust Fund
ESIA Environmental and Impact Assessment
GDP Gross Domestic Product
HIV Human Immunodeficiency Virus
MOW Ministry of Water
M&E Monitoring and Evaluation
MAAIF Ministry of Agriculture, Food Security and Cooperatives
NBI Nile Basin Initiative
NEL Nile Equatorial Lakes
NELSAP Nile Equatorial Lakes Subsidiary Action Program
NELSAP CU Nile Equatorial Lakes Subsidiary Action Program Coordination Unit
NEMC National Environmental Management Council, Tanzania
NIC National Irrigation Commission
PCDP Public Consultation and Disclosure Procedures
RAP Resettlement Action Plan
RPF Resettlement Policy Framework
RBM River Basin Management
WB World Bank
WfP Water for Production Department
WRD Water Resources Development
1. INTRODUCTION AND BACKGROUND

1.1. PROJECT DESCRIPTION AND OVERALL CONTEXT

Project Background
The proposed Ngono and Mara Valley multipurpose water resource development projects are part of the investment projects that were advanced by Tanzania to NELSAP for project preparation, and which were prioritized through the NEL MSIOA\(^1\). Their prefeasibility and diagnostic studies were completed in 2012 after which they were adopted in the NELSAP Strategic Plan of 2012-2016 (Jan 2012), and subsequently approved by the NEL Council of Ministers in January 2012 (NELCOM, Jan 2012). The projects were prioritized due to their anticipated impacts in boosting national and regional economic development through envisaged infrastructural and non-structural interventions in irrigation development, hydropower generation, potable and livestock water supply, flood control/protection, drought mitigation, aquaculture & fisheries development, and catchment improvement/enhancement in the project area catchments.

The projects are aligned to Tanzania’s National Water Policy (NAWAPO 2002), the 1997 Agriculture and Livestock Policy, the 2001 Agricultural Sector Development Strategy, the 2010 National Irrigation Policy, the 2005 National Water Sector Development Strategy, and National Vision 2025\(^2\). The projects will contribute towards improvement in water, food and energy security and restoration of related sub-catchments, and will also contribute towards achievement of the NELSAP objectives of poverty reduction, socio-economic development and reversal of environmental degradation.

NELSAP has acquired grant financing through the Cooperation in International Waters in Africa (CIWA) multi-donor trust fund, to prepare these potential investment projects to pipeline status through feasibility studies, detailed designs and independent ESIA and RAP studies (but this does not include financing for construction or implementation of the Mara Valley or the Ngono Valley water resource development projects).

\(^1\) NEL MSIOA – is a Multi-sectoral Investment Opportunity Analysis that was undertaken for the Nile Equatorial Lakes Region, which identified and prioritized growth potentials and constraints in developing and managing the region’s water resources.

\(^2\) The Tanzania Development Vision prepared in 2000, lays out the long-term development goals and perspectives. The Vision envisages that the people will be living by 2025 in a substantially developed society with a high quality of livelihood, having reached the level of a middle-income country. The economy will have been transformed from a low productivity agricultural economy to a semi-industrialized one led by modernized and highly productive agricultural as well as industrial and service activities in the rural and urban areas.
The objective of the CIWA trust fund is to strengthen cooperative management and development of international waters in Africa to facilitate sustainable climate resilient growth through investments. No decision has yet been taken by NELSAP-CU nor by the Government of Tanzania to undertake construction of the Mara Valley or the Ngono Valley water resource development projects, nor has financing been secured for this construction. The level of involvement, if any, of the World Bank in the proposed Mara Valley or the Ngono Valley WRD projects beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE project) is not yet known.

**Background to the NELSAP**
The Nile Equatorial Lakes sub-basin of the Nile river basin includes a great complex of lakes, wetlands and rivers/tributaries whose geographic location can be described as either “inter-country” (i.e. crossing an international border) or “in-country” (i.e. wholly within one country, but part of the wider Nile transboundary system). Significant water resources management and development projects on the rivers and lakes within the Nile Basin, are therefore ‘Nile projects’ since they will have some regional implications, to a greater or lesser extent. NELSAP promotes investments in power development and trade, water resources management and development, management of lakes and fisheries, agricultural development, and control of water hyacinth. The NELSAP mission is to contribute to the eradication of poverty, to promote economic growth, and to reverse environmental degradation in the NEL region. NELSAP oversees the implementation of the jointly identified subsidiary action programs and promotes cooperative inter-country and in-country investment projects related to the common use of the Nile Basin water resources. NELSAP countries include: Burundi, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Kenya, Rwanda, South Sudan, Sudan, Tanzania, and Uganda.

**Ngono Project Description**
Ngono valley is located in Bukoba Rural and Missenyi Districts of Kagera Region. The valley occupies an area of about 35,000 ha between Lake Ikimba in Bukoba Rural District and Kagera River in the north and the Kyaka – Katoro road in the west and the hilly areas in the east and north-east.
Location of Ngono valley
The proposed project is envisaged to include irrigation development of 11,342 ha in the Ngono Valley; with the irrigation water abstracted from Lake Ikimba, the main Ngono River and its 2 its tributaries of Ngono West and Ngono East, as well from a proposed 26m earthfill dam (Kalebe dam) across the Ngono East River. The project will help in reclamation of 7,000 ha that are currently swampy due to flooding and poor natural drainage in the Ngono valley, and will also allow for restoration of critically degraded ‘hotspots’ (areas experiencing high rates of degradation) in the project’s upstream catchment of 3,200 km2.

Mara Valley Project Description
The proposed Scheme lies in Ngoreme Division of Serengeti District in Mara Region and covers 10 sites in ten villages within the Mara Valley. All the irrigation areas are on the left bank of the Mara River in Serengeti District, Tanzania.
The proposed project is envisaged to include irrigation development of 8,340 ha, with the irrigation water abstracted from the Mara River. The project will also include restoration of critically degraded ‘hotspots’ (areas experiencing high rates of degradation) in the project’s upstream catchment of 13,750 km².

It is envisaged that both projects will trigger the World Bank Operational Policy on Involuntary Resettlement (OP 4.12), as a result of the created reservoir inundation, planned irrigation fields as well as any interventions towards restoration of critical hotspots (areas experiencing high rates of degradation).
1.2. RATIONALE AND OBJECTIVES OF THE RESETTLEMENT FRAMEWORK

1.2.1. Rationale

Although the preliminary studies and assessments recognized the positive social and economic impacts that the project is envisaged to generate, they also highlighted the potential negative social impacts and therefore the need for mitigation measures.

The activities of the proposed Ngono and Mara Valley multipurpose WRD projects would inevitably lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources. This will trigger the relevant laws and policies in the country and the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and as a result there is need for resettlement planning and implementation.

The development of a Resettlement Policy Framework will guide the preparation of the Resettlement Action Plans (RAP) or Abbreviated Resettlement Plans for the sites. This RPF will thus serve as the framework within which Resettlement Action Plans will be developed when the project is certain of the locations and specific impacts of the project.

1.2.2. Objectives

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

- Establish the resettlement and compensation principles and implementation arrangements for the Ngono and Mara Valley multipurpose WRD projects in Tanzania;
- Describe the legal and institutional framework underlying Tanzanian approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- Provide procedures for filing grievances and resolving disputes.

The RPF will apply to all sub projects and activities that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources.
The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in Monitoring and Evaluation (M&E). When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP 4.12), as described in Annex 1.

The RPF ensures that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being.

The Nile Cooperation for Results Project, which is financing the feasibility studies, designs, ESIA and RAP preparation for the Ngono and Mara Valley multipurpose WRD projects, does not contain financing for the implementation of the Ngono and Mara Valley multipurpose WRD projects. Neither NELSAP-CU nor the Government of Tanzania have made a decision to proceed with the implementation of the Ngono and Mara Valley multipurpose WRD projects, as the further study (financed through the NCORE project) is needed in order to make an investment decision. The involvement of the World Bank in the Ngono and Mara Valley multipurpose WRD projects beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE) project is not yet known.

### 1.2.3. Scope of the RPF

This RPF covers the following key areas.

- Project Description and Rationale
- Legal and Institutional Requirements
- World Bank Safeguards Policies
- Basic Socio-economic Information
- Estimated Population and Categories of Affected People
1.3. **Potential for Adverse Social Impacts**

Based on the prefeasibility studies conducted in 2012, the Ngono WRD project is classified as a large dam (WB OP 4.37) if the proposed 26m dam option is considered, and therefore has potential for adverse negative social impacts that will require land acquisition and resettlement. The Mara WRD project will however not involve any dam construction.

If implemented, the projects would have direct impacts on areas where reservoirs, irrigation & drainage infrastructure, mini-hydro power plants and water supply infrastructure will be constructed. Other negative impacts will be as a result of acquiring land for rock and soil disposal, construction of permanent camp sites and access roads. The people occupying or using the respective lands will be permanently displaced and they will lose assets and properties and access to natural resources such as land and forests. In addition, there will be loss of income and livelihoods. Vulnerable people within the project demarcations will be the most affected as the project is likely to deteriorate their already vulnerable situation.

In specific terms, the projects will have the following adverse impacts;

**Ngono WRD Project**

**Impact on land:** About 2.5 km² of land will be inundated by a 26m high dam. From observation, the area demarcated for the dam and its reservoir has low population, and mainly comprises of marshland with little crop cultivation and some scattered grazing.

**Impact on crops and trees:** The proposed Project will inundate very few crops and grazing areas, and is thus not expected to have significant negative impacts on the livelihoods and income of the people in the area.
Community infrastructure: The proposed dam axis would be along the existing Kalebe Bridge, so it could either inundate the bridge and road or be reinforced to improve the quality of that access point.

Impact on livelihood: This will be affected in form of loss of papyrus reeds along the river which are used by the local people to make crafts. Livelihood will also be affected through loss of land, crops and trees.

The specific impacts of the Project will be quantified in the Resettlement Action Plan.

**Mara Valley WRD Project**

Impact on land: The project will not inundate any land because it does not include a dam/impoundment. Water for irrigation is expected to be abstracted from the River Mara through diversion headworks and intake.

Impact on crops and trees: The proposed Project will not inundate any crops and grazing areas, because it will not include any dam constriction but will only have irrigation headworks to divert/abstract water from the River Mara, into the irrigation fields. Rather, the project is expected to increase the crop yields and improve livelihoods and income of the people in the area.

The specific impacts of the Project will be quantified through the feasibility study and ESIA process, and in the Resettlement Action Plan.
2. LEGAL AND INSTITUTIONAL FRAMEWORK

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania. This legal and institutional framework is presented in five sections: (i) Political economy and governance in Tanzania; (ii) Property and land rights, as defined by Tanzanian law and customary practice; (iii) Acquisition of land and other assets, including regulations over the buying and selling of these assets; (iv) Rights and compensation, in particular, the accepted norms influencing peoples’ basic rights to livelihood and social services; (v) Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and (vi) Comparison with World Bank OP4.12, using equivalence and acceptability standards.

2.1. LAWS ON PROPERTY AND LAND RIGHTS IN TANZANIA

The Constitution of the United Republic of Tanzania provides for the rights of citizens to own property and disallows the deprivation of one’s property held in accordance with the law, unless the owner is fairly and adequately compensated.

Article 24 (1) says: Every person is entitled to own property and has a right to the protection of his property held in accordance to the law.

Sub-article (2) further provides that; it shall be unlawful for any person to be deprived of property for the purposes of nationalization or any other purposes without the authority of the law which makes provision for fair and adequate compensation.

Ngono and Mara Valley WRD projects will require land and therefore the Constitution of Tanzania will be applied.

Land Act (No.4, 1999) was amended in 2008 to form Land (Local Registry) Regulations 2008, to provide for the forms to be used in the registration and application for land.

Village Land Act (No.5 of 1999)
The Village Land Act No. 5 of 1999 was enacted specifically to cater for the management and administration of land in villages, the role of local government in land administration, land allocation and occupation. The Act empowers the village council to manage all village lands in accordance with the principles of a trustee with the villagers being the
beneficiaries.

The Act also contains provisions of critical environmental importance. One of the important fundamental principles of the Land Act 1999 is; “to ensure that land is used productively and that any such use complies with the principles of sustainable development”.

The project is being developed with the intention of contributing to National sustainable development thus contributing to poverty alleviation. There will be measures in place to avoid excessive use of water especially during dry seasons. These measures if implemented will ensure that the project activities do not adversely affect the environment.

**Local Government (District Authorities) Act Cap 287 of 1982**
This act provides for a detailed responsibility for the District Councils on administration of day-to-day activities within its area of jurisdiction. Since the project area is within the jurisdiction of District Councils of Bukoba, Missenyi and Serengeti, the provisions under this act have to be followed or adhered to, and the project proponent shall liaise with the respective district councils in implementing the proposed project.

The **National Land Policy, 2nd Edition 1997** of Tanzania provides guidance and directives on land ownership and tenure rights and taking of land and other land based assets. The policy stipulates organization and procedures for valuing assets and delivery of compensation. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for all its citizens. The following principles are the basis of the land policy:

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

A statement on women’s access to land is in section 4.2.5. It states that women will be entitled to acquire land in their own right not only through purchase but also through allocation but clan land will continue to be governed by customs and tradition as long as it is not contrary to the constitution and natural justice.

**National Land Use Planning Act [2007]**
The Act established the National Land Use Commission (NLUC) as the principal advisory organ of the government on all matters related to land
use. Among other things, it recommends measures to ensure that the government policies, including those for development and conservation of land, take adequate account of their effects on land use, seek the advancement of scientific knowledge of changes in land use and encourage development of technology to prevent, or minimise adverse effects that endanger human man’s health and welfare. The act also specifies standards, norms and criteria for the protection of beneficial uses and the maintenance of the quality of the land. Since there will be considerable change in land use at the proposed area for the reservoir, this Act will be applicable.

2.2. EXPROPRIATION / ACQUISITION OF LAND AND COMPENSATION OF LAND AND OTHER ASSETS

**The Land Act, 1999**

The Act provides for land holdings in accordance with the tenure systems in place. Compensation is made for acquisition of land. The Chief Government Valuer (CGV) is invited to assess the value of the land and developments for compensation purposes. According to Land (Assessment of Value of Land for Compensation) Regulations, 2001 one must be compensated for the value of property and land. In addition, accommodation allowance for a period of 36 months is awarded; loss of profit, disturbance allowance, and transport allowance are paid to enable the resettlement of a person whose land has been acquired.

Various methods of assessment of compensation are used: the comparative method where there is identical property or similar sales have taken place in the area in recent times; profit method where premises have been used commercially; replacement cost method which is also used to arrive at the actual market value. Prior to valuation the affected community is sensitized about the proposed project and its likely impact on them; the valuation process and what it will mean to them.

An affected person must be paid compensation within a period of six months from the date of the approval of the award. Failure to do so will attract compounded interest on the award sum at the market rate. If a person is dissatisfied with an award, they can appeal to the CGV; and if still not satisfied with the subsequent award can appeal to the Valuation Tribunal under the Ministry of Lands. A person reserves the right to appeal to the High court.

**Land Acquisition**

The Land Acquisition Act of 1967 stipulates the power and procedures for acquiring land and the required degree of compensation. Section 3 and 4 of the Act gives the President of Tanzania powers to acquire any
land for any estate or term where such land is required for public purpose such as exclusive government use, general public use, any government scheme, development of social services or commercial development of any kind including declamation. 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. Any dispute as to compensation payable is to be referred to the Attorney General or Court for decision.

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.

Under this Act, the government is required to pay compensation for the land taken. The compensation may be as agreed upon, or as determined under the Act. The government may in addition to compensation and with agreement of the person entitled to compensation pay compensation as well as give alternative land. There are situations where the government is compelled to give alternative land (e.g. in cases where land was used as a cemetery) in lieu or in addition to compensation. The land granted must be of the same value and held under the same terms as the land acquired, and must be in the same local government authority area unless the person whose land is being acquired consents to be given land elsewhere.

The Land (Assessment of the Value of land for compensation) Regulations, 2001
According to this Act Section 3-4, the basis of assessment of land and unexhausted improvement is market value of such land. This assessment is expected to be prepared by the qualified Valuer and is verified by the Chief Government Valuer (Section 5-6). Section 7 of the Act highlights what is included in compensation for any interest for loss of land as value of unexhausted improvement, disturbance allowance, transport allowance, accommodation allowance and loss of profits, details of which are specified in Section 8-11 of this Act.

The Act further indicates that transport and accommodation allowances and loss of profit shall not be payable for unoccupied land at the date of
loss of interest in land.

**Land Compensation Claims Regulations**
The Land Compensation Claims Regulations, 2001 under the Land Act no. 4 of 1999 applies to applications or claims for compensation against the government, local government authorities or any other public body or institution. This regulation gives guidance on who may claim compensation 4 (a-e) and further indicates compensation which may be claimed by occupier (5 (1-2)). The regulation emphasizes the application of *The Land (Assessment of Value for compensation) Regulations, 2001* in claiming for compensation by any person occupying the land. Section 6 stipulates that the Commissioner or authorized officer shall cause a notice to be published on public notice board and serve a notice in a prescribed form on every occupier.

Valuation for compensation purposes is sanctioned by the Commissioner or authorized officer (Section 7). The Commissioner shall further prepare the claim form (Section 8) and submit it to the Fund together with the claim for compensation which shall verify and accept project payment within not less than 30 days of receipt of the claim (9(1). Forms of compensation are also elaborated in Section 10 (1-2) of the regulation.

**The Graves Removal Act, 1968**
The Graveyard Removal Act of 1968 refers directly to grave removal and requirement for compensation. The Act provides for compensation of owners of graves and reburying of the remains elsewhere to pave way for development interventions. In case there are households with graves in the proposed area for project components, this Act will be triggered.

**Village Land Act (No.5 of 1999)**
Section 3 (f) of the Village Land Act stipulates that one has to take into account that Land has value and that value is taken into consideration for any transaction affecting that interest. This means if one acquired land he/she will have to compensate owners for bare land in addition to unexhausted improvements.

Section 3 (g) of the Act, requires “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 under this act or is acquired under the Land Acquisition Act.” Registered Professionals or Specialists will determine the amount of compensation payable on the market value of land or property.
2.3. **Grievance Resolution Mechanism**

Where there is a dispute, the government tries to reach an amicable solution through persuasion. If a solution is not found within six weeks, the *Land Acquisition Act, 1967*, application can be made to the High Court of Tanzania for the determination of the dispute.

Every suit instituted shall be governed insofar as the same may be applicable by the Civil Procedure Code and the decree of the High Court of Tanzania may be appealed against to the Court of Appeal.

Since the coming into operation of the *Courts (Land Disputes Settlements) Act, 2002*, disputes concerning land acquisition and compensation are dealt with by the Land Division of the High Court.

In the case of a dispute as to the amount to be paid, either the Minister or the person claiming compensation may refer such dispute to the Regional Commissioner for the region in which the land is situated and the decision of the Regional Commissioner shall be final.

The Minister should give notice of intention to acquire the land to the persons interested or claiming to be interested in such land, or to the persons entitled to sell or convey the same. The Minister may, by notice direct the persons to yield up possession of such land after the expiration of a period of not be less than six weeks from the date of the publication of the notice in the Gazette.


The World Bank policy on involuntary resettlement emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include.

WB OP 4.12.6a demands that the resettlement plan includes measures to ensure that displaced persons are (i) informed about their options and rights, (ii) consulted on, offered choices among others and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement costs.
WB OP 4.12 (8) requires that particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women and children and indigenous peoples and ethnic minorities.

WB OP4.12 (12a) states that payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

WB.OP 4.12 (13 a) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement.

In addition displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

2.5. COMPARISON BETWEEN NATIONAL LEGISLATION AND WB OP 4.12

There are some differences between the World Bank Policy and the Tanzanian Laws on this matter. Whereas the laws relating to land administration in Tanzania are broad and varied, entitlements for payment of compensation are essentially based on the right of ownership. The national legislation is silent on the rights of squatters and is not specific and precise on the rights of usufruct on public land. However, the Bank OP4.12 is specific and precise. It states that 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.

A comparison of the Tanzanian law and WB requirements regarding compensation is given in Table 1.
**Table I: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation**

<table>
<thead>
<tr>
<th>Types of affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>World Bank OP 4.12</th>
<th>Comparison/Gaps</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Owners</strong></td>
<td>The <em>Land Acquisition Act</em>, the <em>Land Act</em> 1999 and the <em>Village Land Act</em> 1999 have it clearly that land owners, with or without formal legal rights, are entitled to full, fair and prompt compensation. They also get disturbance allowance, transport allowance, accommodation allowance and loss of profit if they were in actual occupation of the acquired property. Lost assets are limited to “unexhausted improvements”, that is the land and developments on the land. The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process.</td>
<td>Displaced persons are classified into three groups: (a) those who have formal legal rights including customary and traditional rights; (b) those who do not have formal legal rights to the land but have a claim to such land or assets provided that such claims are recognized under the law of the country. (c) those who have no legal rights to the land they are occupying. Land owners under categories (a) and (b) above, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance. Socio-economic impacts to PAPs are taken into consideration in preparing the RAP.</td>
<td>There is no gap between Tanzania and OP 4.12 as far as those with formal legal rights and those without formal legal rights are concerned. However, the lost assets in Tanzania are restricted to land and developments on land, and where relevant, loss of profits. The lost assets under OP 4.12 are much wider than land and include loss of access to livelihoods and standard of living and seeks to improve them or at least to restore them to pre-displacement levels.</td>
</tr>
<tr>
<td><strong>Land Tenants/Squatters</strong></td>
<td>Tanzanian law does not recognize tenants as being entitled to compensation. Squatters may be paid compensation on the whims of the landlord.</td>
<td>Tenants would be under category (b) above and are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance. Squatters may fit category (c) above and are provided the same assistance.</td>
<td>WB OP 4.12 recognises a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietory rights. It does not include tenants. WB OP 4.12 includes squatters among the PAPs who are entitled.</td>
</tr>
<tr>
<td>Types of affected Persons/Lost Assets</td>
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<td>World Bank OP 4.12</td>
<td>Comparison/Gaps</td>
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<tr>
<td><strong>Government</strong></td>
<td>government.</td>
<td>resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance.</td>
<td>to resettlement assistance in lieu of the land they occupy, as well as other assistance.</td>
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<tr>
<td>In some cases however they are not paid. This include those who construct on road reserves</td>
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<td>This is different from the Tanzanian situation where such people are not entitled to any assistance.</td>
</tr>
<tr>
<td><strong>Land Users</strong></td>
<td>Tanzania law on compulsory acquisition and compensation is limited to those who can prove <em>de jure</em> or <em>de facto</em> land ownership. Users are not covered</td>
<td>WB OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying</td>
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<tr>
<td><strong>Owners of non-permanent buildings</strong></td>
<td>Tanzanian law makes no differentiation between owners of 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 approach is used, meaning that PAPs do not get the full replacement cost of the lost assets.</td>
<td>Under the WB OP 4.12 permanent and non-permanent buildings need to be compensated. Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</td>
<td>The gap between Tanzania and WB OP 4.12 is about eligibility, which is hinged upon formal or informal ownership.</td>
</tr>
<tr>
<td><strong>Owners of permanent buildings</strong></td>
<td>Tanzanian law requires that compensation be full, fair and</td>
<td>WB OP 4.12 displaced persons are provided prompt and</td>
<td>While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, WB OP 4.12 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost.</td>
</tr>
<tr>
<td><strong>Timing of compensation</strong></td>
<td>Tanzanian law requires that compensation be full, fair and</td>
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<tr>
<th>Types of affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>World Bank OP 4.12</th>
<th>Comparison/Gaps</th>
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</thead>
<tbody>
<tr>
<td>Payments</td>
<td>prompt. Prompt means it should be paid within six months, failure to do which attracts an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. Legally, compensation for the acquired land does not have to be paid before possession can be taken, but in current practice it is usually paid before existing occupiers are displaced. In practice, compensation is not paid promptly most of the time, and delays are not rectified paying the interest rate as required by the law.</td>
<td>effective compensation at full replacement cost for losses of assets directly attributable to the project.</td>
<td>require that compensation be paid promptly. This however, rarely happens in practice as can be testified from many projects that have involved large scale land acquisition.</td>
</tr>
<tr>
<td>Calculation of compensation and valuation</td>
<td>According to the <em>Land Assessment of the value of Land for Compensation</em> Regulations, 2001, as well as the <em>Village Land Regulations</em>, 2001, compensation for loss of any interest inland shall include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits. The basis for assessment any land and unexhausted improvement for purposes of compensation is the WB OP 4.12 requires that the displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be taken into account when applying this method.</td>
<td>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, accommodation, and accommodation allowance, and loss of profits where applicable. Since depreciation is applied, the amount paid does not in most cases amount to that required to replace the lost assets. Besides, other types of assets (besides</td>
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<tr>
<td>Types of affected Persons/Lost Assets</td>
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<td>market value of such land.</td>
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<td>The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties; or by the use of the income approach, or replacement cost method, where the property is of special nature and not saleable.</td>
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<tr>
<td>In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</td>
<td></td>
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<tr>
<td>Relocation and Resettlement</td>
<td>Tanzanian laws do not provide for relocation and resettlement. However, there are a few cases where the government has provided both compensation and alternative land, but this has been done at its discretion. In general however, the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced persons to reseettle and re-establish themselves elsewhere.</td>
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<tr>
<td>For losses that cannot easily be valued or compensated in monetary terms (eg access to public services, customers and suppliers, or to fishing, grazing or forest areas) attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</td>
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<tr>
<td>Tanzanian law provides for transport allowance for 12 tons of luggage for up to 12 kilometres from the acquired land, provided the displaced person was living on that land. In lieu of housing accommodation allowance is made in the form of rent for 36 months. Occasionally, in a discretionary manner alternative land is awarded.</td>
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<tr>
<td>WB OP 4.12 stipulate that where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as moving allowance) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages</td>
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<tr>
<td>Types of affected Persons/Lost Assets</td>
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<tr>
<td>Completion of resettlement and compensation</td>
<td>The government can, under the law, take possession of the acquired land at the end of the notice to acquire period, before paying compensation. Current practice however is such that possession is usually after the payment of compensation whereby the displaced persons are given time to vacate the land, which is usually as soon as possible</td>
<td>WB OP 4.12 stipulates that it is necessary to ensure that displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.</td>
<td>The <em>Land Acquisition Act</em>, 1967, allows the government to take possession of the acquired land before paying compensation. Current practice, endeavors to pay compensation before taking possession of the land.</td>
</tr>
<tr>
<td>Livelihood restoration and assistance</td>
<td>There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods. Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities. Moreover there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples</td>
<td>WB OP 4.12 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and, (ii) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.</td>
<td>There are no transitional measures provided for under Tanzanian law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. The Tanzanian law does not make provisions requiring the government to pay special attention to vulnerable groups in the administration of compensation</td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>There scanty provisions related to consultation and disclosure in Tanzanian law.</td>
<td>WB OP 4.12 requires that displaced persons are (i) informed about their options and</td>
<td>The provisions in WB OP 4.12 requiring consultation and disclosure have no equivalent in</td>
</tr>
<tr>
<td>Types of affected Persons/Lost Assets</td>
<td>Tanzanian Law</td>
<td>World Bank OP 4.12</td>
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<td></td>
<td>The notice, under the <em>Land Acquisition Act</em>, informs land owners about the President’s need to acquire their land, and their right to give objections. The Land Act allows displaced persons to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth. 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>rights pertaining to resettlement; and, (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.</td>
<td>Tanzanian law and practice</td>
</tr>
<tr>
<td>Grievance mechanism and dispute resolution</td>
<td>Under s. 13 of the <em>Land Acquisition Act</em>, where there is a dispute or disagreement relating to any of the following matters: (a) the amount of compensation; (b) the right to acquire the land; (c) the identity of persons entitled to compensation; (d) the application of section 12 to the land; (e) any right privilege or liability conferred or imposed by this Act; (f) the apportionment of</td>
<td>WB OP 4r.12 provides that displaced persons and their communities, and any host communities receiving them, are provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms must be established for these groups</td>
<td>The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</td>
</tr>
<tr>
<td>Types of affected Persons/Lost Assets</td>
<td>Tanzanian Law</td>
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<td>compensation between the persons entitled to the same and such dispute or disagreement 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.</td>
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<tr>
<td>In practice the government tries to resolve grievances through public meetings of the affected persons.</td>
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In regard to this project, land to be acquired will be subject to the Laws of Tanzania and the World Bank OP4.12. In the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply.
2.6. **PROJECT ORGANIZATION AND IMPLEMENTATION ARRANGEMENTS**

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels. Coordination of the participating institutions is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the project cycle, so that all participating parties are made aware of each other’s responsibilities, lines of reporting, communication channels, expectations and authority limits.

**Nile Equatorial Lakes Subsidiary Action Program Coordination Unit (NELSAP CU):** facilitates project preparation and investment finance mobilization at sub-basin level, and has been a vehicle for diagnostic and preparation studies in the fields of power trade and development and water resources management and development. The NELSAP focus effective 2004 has been on pre-investment planning, establishment of frameworks for cooperation at sub-basin level, building sub-regional capacity and investment finance mobilization, with financing from the AfDB, the World Bank and bilateral financiers Sweden and Norway.

NELSAP CU will be responsible for overall technical and fiduciary oversight for the preparation of the proposed projects (feasibility study, design, ESIA and RAPs). It will be responsible for providing technical support to the country, fiduciary management and overall quality control. In implementing this project, the NELSAP CU will ensure close coordination with other on-going country and sub-basin projects, to ensure information exchange and to strengthen synergy.

**Ministry of Agriculture, Food Security and Cooperatives:** The overall function of the ministry is to enhance crop production, marketing and processing, land use and development, soil conservation, survey and control of pests and diseases. It is also mandated to provide agriculture development and extension services to smallholder farmers through its extension offices.

The functions of the Ministry of Agriculture Food Security and Cooperatives are as follows:-
- Formulating, coordinating, monitoring and evaluating the implementation of relevant policies in the agricultural sector and monitoring crop regulating institution;
- Collaboration with the private sector, local government and other service providers to provide relevant technical service in research, extension, irrigation, plant protection, crop promotion, land use,
mechanization, agricultural inputs, information services and cooperative development;

• Undertaking crop monitoring and early warning, maintaining strategic food reserves and promoting appropriate post harvest technologies,

• Encouraging, undertaking and coordinating research and development and training;

• Responding promptly to stakeholders’ needs by employing well trained and gender sensitive professional staff to maintain the highest standards of excellence, honesty and productivity.

Following the 2010 National Irrigation Policy, a National Irrigation Act was launched in mid-2013, and a National Irrigation Strategy is being finalized to guide implementation of the policy. As part of the recommendations of an irrigation institutional review, a National Irrigation Commission (NIC) is soon being formed and only awaits the President’s endorsement. Since the projects’ have primary uses of irrigation development, their lead proponent and implementer will be the Ministry of Agriculture, Food Security and Cooperatives, through the NIC, which will be responsible for the overall implementation, management, operation and maintenance of the projects’ irrigation sub-components, as well as providing the required extension and ancillary services.

**Ministry of Livestock and Fisheries Development:** The ministry is mandated with the following functions:-

• The formulation and implementation of appropriate livestock and marketing policies, including regulatory services;

• Monitoring and evaluation of projects that will contribute to sectoral development;

• The provision of training on livestock production such as artificial insemination, diseases and vectors control;

• Veterinary Laboratory Services, to undertake disease diagnosis, epidemiological surveys, quality assurance of veterinary inputs and acquire, test and adopt new technologies;

• Promotion of draft power for agriculture;

• Planning and demarcation of grazing areas in relation to irrigation schemes;

• Strategic in avoiding conflicts between the farmers and livestock especially in irrigated agriculture;

• Collaboration in the development of pasture irrigation and multipurpose dams including aquaculture.

Both projects are expected to include livestock and fisheries/aquaculture sub-components, which will be administered through this Ministry of Livestock and Fisheries Development. This ministry will work closely with the Ministry of Agriculture, Food Security and Cooperatives in resolving
any conflicts between farmers and livestock keepers, in management of rangelands and grazing areas, etc.

**Ministry of Industry, Trade and Marketing:** Development of irrigation intervention leads to high production and productivity. For farmers to realize more profit from their produce, this will result in more demand for agro-processing and marketing systems. The ministry is therefore responsible for formalising agricultural marketing systems, promoting agro-processing industries and promoting standard packaging of farm produce and products and identifying opportunities of markets locally, regionally and internationally.

**Ministry of Water:** The ministry is mandated with sustainable management and development of water resources for social and economic development, and to enhance sustainable irrigation development that drives to increase productivity, profitability, increased incomes, food security, and therefore contribute effectively in economic growth and poverty reduction. It is also mandated to facilitate participatory irrigation so as to enhance sustainable production and productivity, food security, poverty reduction and achieve national economic development.

This ministry will be responsible for ensuring that the projects’ anticipated water resources are managed in an integrated manner and that water is adequately supplied with acceptable quality to meet the requirements of proposed water uses.

**Ministry of Energy and Minerals:** Mandated to facilitate development of energy and mineral resources. The Ministry delivers various services related to development of energy and minerals resources through the participation of various stakeholders including public, private, public-private partnerships, local communities, NGOs and civil society.

The Ngono project has a hydropower component, therefore the Ministry of Energy and Minerals will have a stake and responsibility during its planning, implementation and operation.

**Ministry of Lands, Housing and Human Settlements Development:** is responsible for policy, regulation and coordination of matters pertaining to Land. The Commissioner of Lands administers most issues to do with land allocation, acquisition, registration and land management in general. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation have to be referred to the Commissioner.

**Survey and Mapping Division:** provides land survey services to
government agencies, maintains geodetic survey control networks, prepares and maintains cadastral and topographic maps for the entire country. The Director of Surveys is responsible for coordinating all public sector mapping activities and for maintaining records of all maps, plans and land surveys which are conducted by government agencies.

**Local Government Authorities**

Tanzania is divided into three levels of Local Governments and each level has statutory functions with respect to development planning. The three levels are District /Municipal /City Councils, Town Councils and Ward and Village/“Mtaa” Councils.

Each district is subdivided into Wards, that in turn are divided into Villages and these consist of Hamlets (“Vitongoji”). Municipal Councils are subdivided into Municipal Wards followed by sub-wards or /“Mtaa”.

The responsibility for planning, financing and implementing development programmes rests with the District Councils, City Councils, Municipal Councils and Village Councils. This is carried out through:

- Municipal/District Land Departments with sections/units for physical planning, surveying, valuation;
- District functional departments including Community Development (communities mobilization and sensitization); Environmental Management Offices (acts as appendages of national environmental authorities);
- Land Tribunals (District, Ward levels) for handling and resolving land-related disputes and grievances;
- Various multi-disciplinary, multi-sectoral technical teams and committees of Councilors responsible for social issues at local government levels.

**Ministry of Finance and Economic Affairs:** manages government revenue, expenditure and finance, and the Ministry provides government with advice on the financial and economic affairs in support of the Government’s economic and social objectives. It works closely with officials in other ministries, agencies and departments to ensure that the Government’s overarching poverty reductions strategy is implemented and objectives attained. The Ministry also actively engages in public consultations with the view that an open and accessible budget planning process is important for effective and responsible decision making. Ministry of State in the Prime Ministers’ office responsible for Regional Administration and Local Government is responsible for creating conditions for local government authorities to deliver quality services and effectively manage the interface between it and other Ministries as well as development partners, regional secretariats and local government
National Environmental Management Council (NEMC): The National Environmental Management Council (NEMC) is under the Vice-President Office and its principal functions are to advise the Government on all matters relating to the Environment, in particular relevant for this project:

(i). To ensure the requirement of the Act with regard to Environmental Impact Assessment

(ii). To review Environmental Impact Statement (EIS) through the Multi-Sectoral Technical Review Committee (TRC). Advice and recommend to the Minister responsible for environment to issue an Environmental Impact Assessment Certificate upon the EIS meeting the acceptable standard.

(iii). Follow up and monitoring of implementation of environmental mitigation measures as planned.

(iv). Advice on all environmental matters related to this project.

NEMC is vested with overall responsibility for screening (allocating the appropriate level of the impact assessment) and reviewing big investments and projects of national significance. NEMC constitutes multi-disciplinary, multi-sectoral Technical Review Committees to review adequacies of environmental impact statements (incl. Environmental Social Management Plans/ Environmental Social Monitoring Plans). NEMC issues recommendations to the government for approval of the investment projects.

Vice President’s Office Division of Environment (DoE): issues approval (EIA Certificates) for the project to proceed. Mitigation of impacts arising from land acquisition and fulfilment of compensation procedures constitute key project approval criteria.

Ministry of Community Development–Gender and Children: is responsible for community development programs related to women and children. This ministry will be important because the proposed project areas will directly and/or indirectly impact women and children.

National Focal Point Officer: A National Focal Point Officer and technical experts appointed by the Government of the Republic of Tanzania from the relevant ministries and agencies will coordinate national level activities and ensure project coordination with relevant national institutions and development projects.

Project Task Team: comprising government technical staff for each project component will be formed for all the project aspects to be
developed (i.e. from irrigation, hydropower, water supply, etc). Members of the team will meet as needed and will be responsible for monitoring project progress and resolving implementation constraints.

As the decision to proceed with the implementation of the Mara Valley and Ngono projects has not yet been taken (the studies to be conducted by NELSAP will help yield the information needed to make this investment decision), the organizational arrangements for the implementation of the projects have not yet been finalized. These will be further elaborated through the feasibility study/ESIA and RAP processes.

**Capacity Assessment and Capacity building**

The ESIA/RAP process will undertake an assessment of the capacity and capability of the indicated implementing agencies in managing and implementing the social safeguards (including the RPF and future RAPs and any other related social issues). The scope of assessment is to cover human resources -numbers and skills; tools; structural arrangements and operating environments. The ESIA/RAP will include information on how the gaps could be bridged and will be taken forward in advance of, and during, the RAP implementation.

In addition, the ESIA and RAP process shall include an analysis of performance of implementation of past RAPs in Tanzania, with lessons, challenges and recommendations (on management, implementation, monitoring and reporting, as well as practical challenges of financial commitments) on effective implementation of this RPF/RAP.
3. **SOCIO-ECONOMIC BACKGROUND**

3.1. **APPROACH FOR IDENTIFYING PROJECT AFFECTED PERSONS**

The project affected persons will be identified after all the locations of the different subprojects have been determined. A land survey demarcating the required project land will be undertaken after which the identification of project affected persons will be undertaken. The PAPs shall be classified into three groups namely:

a) Those who have formal legal rights to the land they occupy;

b) Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or

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

The following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts.

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

**Project affected households** are groups of PAPs in one household and where one or more of its members are directly affected by the Ngono and Mara Valley projects. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

**Vulnerable groups of people.** From these households, the Ngono and Mara Valley projects will separately identify the vulnerable members, such as those who are too old or too ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support will also be identified. Similarly, households with elderly or seriously ill persons will be eligible for additional support.

3.2. **ESTIMATED POPULATION AND CATEGORIES OF AFFECTED PEOPLE**

The prefeasibility reports indicated that the land use in the Ngono and Mara Valley project areas are subsistence rain-fed agriculture in the cultivated areas and pasture for the uncultivated areas, with some settlements. It is therefore expected that there will be compensation costs
associated with the projects.

However, the exact number of persons that will be affected by the two projects will be determined through the socio-economic surveys and censuses when preparing the Resettlement Action Plan.

3.3. CREATION OF BASELINE INFORMATION ON PROJECT AFFECTED PERSONS

During feasibility and ESIA studies of the two projects, a social assessment will be carried out to identify the areas or sites with expected resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed.

(i) All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);

(ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and

(iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

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

RAP Preparation. As soon as the list is approved by the responsible agency implementing the two projects, a consultative and participatory process for preparing a RAP will be started, as follows:

(i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts.

(ii) The socio-economic study will be carried out to collect data in the selected sub-project sites.

(iii) The socio-economic assessment will focus on the potential affected communities, including demographic data of the affected households/persons, land size owned, vulnerability, access to social
services (education, health, water, and credit facility etc.), preferred options for compensation, lengthy of residence in the area, livelihoods and income etc. The baseline information gathered on each affected person or household shall be used when monitoring and evaluating the project impacts.

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

(i) Baseline Census;
(ii) Socio-Economic Survey;
(iii) Specific Compensation Rates and Standards;
(iv) Entitlements related to any additional impacts;
(v) Site Description;
(vi) Programs to Improve or Restore Livelihoods and Standards of Living;
(vii) Detailed cost estimates and Implementation Schedule.

3.4. SOCIO-ECONOMIC INFORMATION ON THE PROPOSED NGONO AND MARA VALLEY MULTIPURPOSE WRD AREAS

3.4.1. Social Characterization

Ngono

General

The proposed Ngono irrigation scheme covers areas within Missenyi and Kiziba Divisions of Missenyi District and Katerero and Rubale Divisions of Bukoba Rural District. A total of 10 villages in Missenyi District and 11 villages in Bukoba Rural District are within the various project sites.

<table>
<thead>
<tr>
<th>District</th>
<th>Division</th>
<th>Wards</th>
<th>Beneficiary Villages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missenyi</td>
<td>Missenyi</td>
<td>Kyaka</td>
<td>Kashaba</td>
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<td></td>
<td></td>
<td>Bugorora</td>
<td>Bugorora, Buchurago &amp; Bulembo</td>
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<td></td>
<td>Kiziba</td>
<td>Kitobo</td>
<td>Mbale, Kitobo, Kyazi, Kashasha &amp; Kajunja</td>
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<td></td>
<td></td>
<td>Bugandika</td>
<td>Butulage</td>
</tr>
<tr>
<td>Bukoba rural</td>
<td>Katerero</td>
<td>Katoro</td>
<td>Katoro, Ngarama &amp; Musila</td>
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<td></td>
<td></td>
<td>Kaibanja</td>
<td>Kaibanja, Kijongo, Nyakigando &amp; Kazinga</td>
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<td></td>
<td></td>
<td>Kasharu</td>
<td>Kashule</td>
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<tr>
<td></td>
<td>Rubale</td>
<td>Buterakuzi</td>
<td>Irango, Misheny &amp; Kitahya</td>
</tr>
</tbody>
</table>

Population Characteristics

The study community is relatively young; with population pyramid depicting a wider base, signifying a higher dependency rate. The mean household size in the project area is 6 people per household. The result is similar in both Missenyi and Bukoba rural scheme areas. This is above the national and a regional figure of 4.8 and 5.2 respectively. Higher household size has a better premium in terms of provision of farm labour. The mean age of household heads is 47.5 years. Similarly, 36.8%
of the population lies between ages 20-54 years. This presents a relatively high dependency ratio. The proportion of female headed households is 19.1% which is lower than the national average of 25%. Challenges that face female headed HH are more than those where both spouses are alive.

*Education*

It is estimated that over a 30% of adults in Tanzania have never had an education and the disparity between men and women continue to be large (30% for women and 17% for men). This study reveals that 6.7% of adults do not have an education. About 77% of adults have primary level education, 12% secondary education while 3.5% tertiary and university level education. Overall 7.7% of the household heads in the project area have not gone to school. Most (79.9%) of household heads in the project area have primary school as the highest education level completed.

The District has a total of 146 Primary Schools, 141 are public and 5 are privately owned schools. There are 36 Secondary Schools, whereby 30 are owned by the government and 6 are non-government. Two (2) vocational training institutions are found in the district. Most of the children (89.5%) of the primary going age attend primary school. This is higher than the national average of 84 percent.

*Sources of Energy*

Firewood is the main source of cooking fuel; 95.3 percent followed by charcoal (3.4%). In terms of lighting Kerosene lamp was the most prevalent 77.2 percent, followed by solar at 4.5 per cent. These figures are above the national figures, where 73 percent of households depend on firewood as the main source of energy for cooking with 23 percent using charcoal. Dependency on wood fuel has a diverse effect on environment as trees and bushes are cleared so that households get firewood. Similarly, 83 percent at national level use paraffin lamps for lighting.

*Employment and Income Sources*

Employment is categorised as paid employed, self employed, employer and unemployed. About 70% of adults in the area are self employed, 4.1% are paid employed while 26% are unemployed.

Agriculture is the main source of household income at 89.3%. This is followed at a distant second by income from trading at 7.5% and from salaries at 3.2%. This indicates that the community solely depends on agriculture, for their livelihood. In Kagera region, about 90% of the population depend on agriculture for subsistence. Missenyi and Bukoba rural District Councils depends on agriculture, which employs about 87 percent of its people. With irrigation, agriculture will generate more
income because farmers will be assured of the harvest.

**Income and Expenditure**
National per capita income in 2010 was estimated at Tshs. 770,464 (USD 490) as compared to regional per capita income of Tshs. 409,722 (USD 260). It is evident that the per capita income will increase with project implementation.

**Water Supplies**
In Tanzania, as in many other sub-Saharan African countries, most people do not have access to safe water. National statistics show that about 60 percent of the rural population depends on unprotected source of drinking water. In Kagera region, it is reported that about 66 percent of the population depend on unprotected water.

From the feasibility study, main sources of water in the project area are Borehole (58.7%), piped water (17.4%), spring (17.2%) and rain water collection (52%). The figure from the study is a little higher than both the regional and national figures.

Water is a scarce resource specifically during the dry season. Community members walk long distances to fetch water from seasonal wells. Thus, the time spent to collect water affects their production activities especially women and children.

**Sanitation**
National figure estimates that 90 percent of the rural households report having use of a pit latrine. Survey data indicate that all households interviewed mentioned use of pit latrines. This is a better indication that the area may have few reported cases of water washed diseases.

**Land Tenure/Ownership Preference**
Land tenure was categorized into three; government land, leased land, private land and communal land. Private ownership is the most common as reported by 85.5%. Communal land is owned by 2.1% while government land is occupied by 1.8% of the respondents

**Land Size and use**
Majority of the households are smallholders with 80 percent of respondents own between 0.5 to 5 acres of land. Only 20 percent of the respondents own over 5 acres of land. Most of the land is inherited with a few of the land being allocated by the village council.

**Gender and Land ownership**
In Tanzania women generally have inferior land rights relative to men, and their access to land is indirect and insecure. In allocating land
village councils have been guided by custom and have continued to discriminate against women by allocating land to heads of household who are usually men.

In relation to inheritance practices, the communities in the Scheme area follow a patrilineal system of inheritance and as such widows or households headed by female are entrusted with the land they cultivate or on which they live until their male children become adults.

*Agricultural Production*
Some of the crops grown in the area are: maize, beans, coffee, cassava, tomatoes, potatoes, and banana.

Despite maize being the dominant food security crop and also a source of income for many farmers, the overall average maize yield was only 10.7 sack (1 sack = 90 Kg) per household. Households produce on average about 9 bags and 28 bags of beans and coffee respectively. About 89% of households sell immediately after harvesting.

About 23% of the households mentioned undertaking small scale irrigated agriculture. Some challenges mentioned by farmers in relation to small scale irrigated agriculture are; lack of farm input, crop diseases, lack of enough water due to drought.

*Labour demand*
Demand for labour is prevalent in the months of August and September just before the beginning of the planting season and is at minimum in the month of May. Months of March and September also has a demand for labour due to land preparation.

The kind of labour according to their contribution indicates that family labour (82%) is the main type of labour used in the area followed by casual labour and the least being Permanent labour. Female labour (65.1%) was the major source of family labour used.

The daily wage rate for casual employees ranged from Tshs 1,000 to Tshs 15,000. The average daily wage rate was Tshs 2,067.

*Project Awareness and Willingness to Support the Project*
When asked about whether they were aware of the proposed scheme development, 53 percent of the respondents were affirmative. Majority of the respondents knew about the proposed scheme through series of meetings held by the Consultants (42%), government officials (38%) through neighbours (14 percent).

The survey reports that an overwhelming majority, 92.2% welcome the
proposed project. A lot of socioeconomic benefits have been highlighted by farmers including; better agricultural production, based on reliable farming techniques, increased employment opportunities, establishment of markets among others.

**Mara Valley**

**General**
The proposed Mara Valley Irrigation Scheme is situated in the Ngoreme Division, which is on the North west side of Serengeti District of Mara Region. Administratively, the scheme area covers four wards and ten villages. The population expected to benefit from the project is 26,208 people in the 10 villages, which is about 11.1% of the District population.

<table>
<thead>
<tr>
<th>District</th>
<th>Division</th>
<th>Ward</th>
<th>Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serengeti</td>
<td>Ngoreme</td>
<td>Kisaka</td>
<td>Borenga</td>
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<td>Nyiboko</td>
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<td>Buchanchari</td>
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<td>Nyansurumunti</td>
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<td>Majimoto</td>
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<td>Iseresere</td>
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<td>Nyamakobiti</td>
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<td>Majimoto</td>
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<td>Busawe</td>
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<td></td>
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<td>Busawe</td>
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<tr>
<td>Kenyamonta</td>
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<td></td>
<td>Magatini</td>
</tr>
</tbody>
</table>

**Population Characteristics**
The study community is relatively young; with population pyramid depicting a wider base signifying a higher dependency rate. The mean household size in the scheme area is 6 people per household. This is higher than the national average of 4.8 members per household. Across the villages, Magatini and Nyamakobiti have the highest household size while Busawe has the least household size. The mean age of household heads is 44.3 years. Household heads ages range between 21 and 80 years.

The proportion of female headed households is 24.4% which is almost similar to the national figure of 25%. Whereas the level of poverty pervades to all families, female headed households face bigger challenges to make ends meet and therefore live in relatively worse off conditions than families where both spouses are alive. Marriage relationship is the most predominant in the project area. This spousal support cushions livelihood.

The samples have almost equal females and males. This is a reflection of the figures provided at national level.
**Education**

It is estimated that over a 30% of adults in Tanzania have never had an education and the disparity between men and women continue to be large (30% for women and 17% for men). This study reveals that 7.7 percent of adults do not have an education. About 75 percent of adults have primary level education, 15 percent secondary education while 1.1 percent tertiary and university level education.

Overall 8.5% of the household heads in the project area have not gone to school. Most (82.5%) of household heads in the project area have primary school as the highest education level completed. Lack of education constraints socio economic and human capital development though its negative effect on cognitive, managerial and entrepreneurial skills. Inadequate education can be considered a form of poverty.

Most of the children (83.8%) of the primary going age attend primary school. Nyansurumunti recorded the lowest enrolment rate. One of the challenges observed during the study was the schools were very far hence access becoming an issue especially to the younger children. Implementation of this project will translate to greater employment opportunities to this community.

**Sources of Energy**

Firewood was the main source of cooking fuel; 91.8 percent (above national rural figure, 73%) followed by charcoal (8.2%). Like in the case of water, women and children are responsible for fuel wood collection. In terms of lighting, Kerosene lamps were the most prevalent, (83.6%), (similar to national rural figure, 83%) followed by solar and battery lamp at 14.5 percent and 1.9 percent respectively.

Dependency on wood fuel has a diverse effect on environment as trees and bushes are cleared so that households get firewood. In the long run, there is a likelihood of reduction in proportions of households using firewood and kerosene once the Scheme is implemented as a result of the shift towards modern energy sources.

**Employment and other Sources of Income**

Over half (57%) of the people in the scheme area are unemployed. Most of the people around the project area are unemployed with periodic involvement in informal activities such as “boda boda” and fishing among other activities.

Farming (agriculture, livestock keeping) stands out as the main source of income for the households in the area targeted by the project at 91%. This is followed at a distant second by income from trading at 7.6% and income from salaries at 1.5%. With irrigation, agriculture will generate
more income because farmers will be assured of the harvest. The project will also address the marketing issues, hence better prices which will increase income hence improving livelihood.

*Income and Expenditure*
Mean household off farm income per capita stands at around TShs 82,336 per month. Off farm Per capita income appears lower than the national figure of TShs. 230,836 and the regional figure of TShs 182,428. It is evident that once the project is implemented the per capita income will increase. Such an increase, will definitely improve the livelihood of the people around the area.

The study revealed that household spends more income on medical/health care services than in agricultural inputs, a likely indication of rampant ill health. Poverty remains overwhelmingly a rural phenomenon with 83 percent of individuals below basic needs poverty.

*Household Ownership and Assets*
The most predominant asset is hand hoe reported by 78.6% of the households showing that most of the households are subsistence farmers. The use of hand hoe and other tedious and taxing farm processes have been blamed for discouraging rural youths from farming. This is followed by mobile phones reported by 53% of the households. Assets required for agricultural production are owned by 49.6%, 22.1% and 20.0% of households indicating possession of Ox plough, Oxen-cart and Oxen respectively. Ownership of specialized agricultural equipment is low in the scheme area meaning that uptake of mechanized farming is low in the area.

*Water Supplies*
National statistics show that about 60 percent of the rural population depend on unprotected source of drinking water. Overall main sources of domestic water in the project area are Boreholes while 33% of the respondents mentioned spring and rain water collection as a source. About 13% source water from the river. All these sources are classified as unprotected.

Women are often the primary users of water in domestic consumption, health and sanitation. As such they bear the brunt of collecting water. Time to water source is almost equally distributed with 38 % taking more than one hour to source water. Considering that it takes more than hour to get water which indeed is a burden to those who do this task, there is need to provide domestic water supply to ensure time saving for the farm activities.
Sanitation
National figure estimates that 90 percent of the rural households report using a pit latrine. About 77% of the households reported using the pit latrines, with least usage in Borenga, Majimoto and Nyiboko. There is need to sensitize the community on public health related issues to reduce chances of increased morbidity incidences caused by water washed and water borne diseases hence affecting farm labour supply.

Land Tenure/ Ownership Preference
Land tenure was categorized into three; government land, leased land, private land and communal land. Most of the respondents reported that they are private owners. Those who live on government land are 33 percent. Analysis by villages shows that Nyamakobiti, Busawe and Magatini have the highest concentration of private settlers, while Borenga, Nyansurumunti and Gentamome have the highest number of those living in government land.

Land Size and use
Forty nine percent of households interviewed own up to 4.9 acres of land. This figure corroborates the national figures where slightly over 50 percent own more than 5 acres. Average land size per village varies from 4.2 acres per household in Borenga, and Majimoto to 13.3 acres in Buchanchari and about 21 acres in Nyansurumunti. Most of the land is inherited with a few of the land being allocated by the village council. About 39 percent of respondents owned land elsewhere especially along the banks of River Mara.

Gender and land ownership
Under customary land law, women generally have inferior land rights relative to men, and their access to land is indirect and insecure. In allocating land village councils have been guided by custom that have continued to discriminate against women by allocating land to heads of household who are usually men. In relation to inheritance practices, the communities in the project follow a patrilineal system of inheritance and as such widows or households headed by female are entrusted with the land they cultivate or on which they live only until their male children become adults. Women not having rights over land have a direct relationship to their economic status in the area.

Agricultural Production
Survey identified nine crops grown in this area. These crops include; maize, cotton, sorghum, rice, beans, finger millet and cow peas. First five crops however, dominate in production.

Average maize yield was 7.1 bags per household. Households produce on average about 6 bags of Cotton and 9 bags of Sorghum.
Nearly half of the households sell their produce immediately after harvesting. This creates a serious food security crisis since production is not to take them throughout the year. Interestingly, households end up buying food crops that were immediately sold.

No household mentioned undertaking irrigated agriculture. Challenges as a result of rainfed agriculture are; Drought and flooding. Other challenges are crop diseases, lack of inputs, destructions by livestock.

With challenges that come with rainfed agriculture, there is a higher likelihood that the shift to irrigated agriculture will be beneficial to the communities around the project area.

**Labour demand and type**
Demand for labour is more prevalent in the months of February and March at the beginning of the planting season and is at minimum in the month of June. Months of September and October show high demands for labour as it is the start of the short rains.

The kind of labour according to their contribution indicates that family labour (84%) is the main type of labour used in the area followed by casual labour (29.8%) and the least being permanent labour. Woman labour (70.8%) was the main source of family labour used.

The daily wage rate for casual employees ranged from TShs2,000 to TShs15,000. The average daily wage rate was TShs 6,950.

By labour availability, 62.7% of the households were of the opinion that it would not be easy for them to get casual labour whenever needed.

**Project Awareness and Willingness to Support the Project**
When asked about whether they were aware of the proposed project, 43 percent of the respondents were affirmative. Majority of respondents knew about the project through government officials (80.1%), meetings held by the consultants (11.7 percent) and media (1.2 percent) as well as neighbours (3.6 percent).

Iseresere village did not participate in the study as the leaders opposed the project. However, 62 percent of the nine villages that participated in the study did welcome the project with 38 percent against the project. Borenga village has the highest proportion of those who were against the project.

Those who are against the project have one reason; that the government should sensitize them on the project so that they can have a better
understanding on how they will integrate irrigation and livestock keeping.

An intensive awareness campaign is required so as to provide accurate information to the local people to enhance acceptance of the project.

3.4.2. Social Capital and Mechanisms of Social Cohesion and Social Structure

The social capital and mechanisms of social cohesion for the people in Ngono and Mara Valley project areas include reliance on family, religious organizations, organized groups in form of associations and self-help groups.

In regard to social structure, in all rural communities in Tanzania, patrilineal kinship i.e. the successive link between the male parent and his children is the most basic structure organizing individuals into social groups. It is within and through these structures that marriage, property, inheritance, and community welfare of the social system are organized.

Like most rural societies, the two project areas are patrilineal in nature where the men are considered to be superior to the women. The men are major decision makers on several aspects including resources like land.

3.4.3. Possibility of conflict

The major causes of potential conflict can be noted as distribution of land among family members, contention of land boundaries with neighbors, and schisms between pastoralists and cultivators. The main mechanisms for resolving such conflicts include family/clan members, church leaders and local council leaders. The aggrieved parties usually go to court when the above mechanisms fail. Causes of conflict will be investigated further when preparing the RAP and proper grievance mechanisms shall have to be put in place.
4. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE

4.1. INTRODUCTION

This section sets out the eligibility criteria of the different categories of PAPs that will be affected by the Ngono and Mara Valley projects and other related sub projects for resettlement and benefits.

The involuntary taking of land, results in relocation or loss of shelter and loss of assets or access to assets or natural resources or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

(a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement action plan (itinerant farmers or sharecroppers) and;

(c) Those who have no recognizable legal right or claim to the land they are occupying.

PAPs 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 assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.
The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. All stakeholders including PAPs will be informed of the cut-off date and its implications. Information about the cut-off date will be disseminated mainly through public meetings, notices in local newspapers, radio announcements and through local authorities.

4.2. **Eligibility for Resettlement/Relocation**

Eligibility for resettlement will consider the following categories of PAPs:

- All those affected households whose family house (principle place of residence) is located within the proposed reservoir areas and any other sub-projects.
- Households whose land will be acquired by the project and the remaining piece is considered economically unviable.

4.3. **Eligibility for Community Compensation**

A Community may claim compensation as a group such as farmer's group/association. Communities permanently losing land and/or access to assets and or resources will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored.

4.4. **Loss of Income and Livelihood**

PAPs who will be affected by a reduction in income due to the project should be considered for livelihood restoration strategies. Where necessary, PAPs will be entitled to transitional assistance, which include moving expenses and temporary residence.

Livelihood restoration strategies will be implemented during the construction of the project. Monitoring of the strategies will commence about 3 months after their implementation and will continue after the construction phase for a period of about 2 years.

4.5. **Assistance to Vulnerable Groups**

The compensation principles shall entail special measures and assistance for vulnerable affected persons, such as female headed households, disabled persons and the poor. PAPs will be entitled to
compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards. An entitlement matrix is given in Table II below.

**Table II: Entitlement Matrix**

<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>Agricultural land</td>
<td>Less than 20% of land holding affected</td>
<td>Farmer/ title holder</td>
<td>Cash compensation for affected land equivalent to replacement value or Market value for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</td>
</tr>
<tr>
<td></td>
<td>Land remains economically viable.</td>
<td>Tenant/ lease holder</td>
<td></td>
</tr>
<tr>
<td>Greater than 20% of land holding lost</td>
<td>Farmer/ Title holder</td>
<td>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature). Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</td>
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</tr>
<tr>
<td></td>
<td>Tenant/Lease holder</td>
<td>Cash compensation equivalent to average of last 3 years’ market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature).</td>
<td></td>
</tr>
<tr>
<td>Commercial Land</td>
<td>Land used for business partially affected</td>
<td>Title holder/ business owner</td>
<td>Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact Affected</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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<tr>
<td></td>
<td>Business owner is lease holder</td>
<td></td>
<td>tax records from comparable business, or estimates where such records do not exist).</td>
</tr>
<tr>
<td></td>
<td>Assets used for business severely affected&lt;br&gt;If partially affected, the remaining assets become insufficient for business purposes</td>
<td>Title holder/business owner</td>
<td>Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).&lt;br&gt;Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs.&lt;br&gt;Relocation assistance (costs of shifting + allowance)&lt;br&gt;Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.&lt;br&gt;Relocation assistance (costs of shifting)&lt;br&gt;Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to reestablish the business.</td>
</tr>
<tr>
<td>Residential Land</td>
<td>Business person is lease holder</td>
<td></td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Cash compensation for affected land</td>
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<tr>
<td></td>
<td>Title holder</td>
<td></td>
<td>Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal).</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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</table>
|                |                 | Title holder       | Land for land replacement or compensation in cash according to PAP’s choice.  
|                |                 |                    | Land for land replacement shall be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.  
|                |                 |                    | When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.  
|                |                 |                    | Transfer of the land to the PAP shall be free of taxes, registration, and other costs.  
|                |                 |                    | Relocation assistance (costs of shifting + allowance) |
| Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws | Rental/lease holder | Refund of any lease/rental fees paid for time/use after date of removal.  
|                |                 |                    | Cash compensation equivalent to 3 months of lease/rental fee.  
|                |                 |                    | Assistance in rental/lease of alternative land/property.  
|                |                 |                    | Relocation assistance (costs of shifting + allowance) |
| Buildings and structures | Structures are partially affected Remaining structures viable for continued use | Owner | Cash compensation for affected building and other fixed assets.  
|                |                 |                    | Cash assistance to cover costs of restoration of the remaining structure |
|                |                 | Rental/lease holder | Cash compensation for affected assets (verifiable improvements to the property by the tenant).  
<p>|                |                 |                    | Disturbance compensation equivalent to two months rental costs |
| Entire structures are affected or partially affected Remaining structures not suitable for | Owner | Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. |</p>
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact Affected</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>continued use</td>
<td></td>
<td></td>
<td>Right to salvage materials without deduction from compensation</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + allowance)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
</tr>
<tr>
<td>Rental/lease holder</td>
<td></td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs).</td>
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<td>Assistance to help find alternative rental arrangements</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
</tr>
<tr>
<td>Squatter/informal dweller</td>
<td></td>
<td>Cash compensation for affected structure without depreciation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Right to salvage materials without deduction from compensation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + 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></td>
<td></td>
<td></td>
<td>Rehabilitation assistance if required assistance with job placement, skills training)</td>
</tr>
<tr>
<td>Street vendor (informal without title or lease to the stall or shop)</td>
<td></td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</td>
<td></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</td>
<td>PAP (whether owner, tenant, or</td>
<td>Cash compensation equivalent to average of last 3 years market value for the</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>temporary acquisition or easement</td>
<td>squatter</td>
<td>mature and harvested crop.</td>
<td></td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost</td>
<td>Title holder</td>
<td>Cash compensation based on type, age and productive value of affected trees plus 10% premium</td>
</tr>
<tr>
<td>Temporary Acquisition</td>
<td>Temporary acquisition</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)</td>
</tr>
<tr>
<td>Community property</td>
<td></td>
<td></td>
<td>In kind replacement or compensation at replacement cost for land and structures</td>
</tr>
</tbody>
</table>
5. METHODS FOR VALUING AFFECTED ASSETS

This section describes the methods to be used in valuing assets that will be eligible for compensation consistent with either Tanzanian laws or policies or World Bank policy on involuntary resettlement (OP 4.12).

5.1. DISTRICT COMPENSATION RATES / VALUATION TABLES

The Valuation Division in the Ministry of Lands and Human Settlement Development developed guidelines on methodologies for valuing properties and compensation rates for crop including various fruits; and these can be accessed from the respective Region/District Valuation offices.

The Valuer shall conduct market survey to determine the current replacement costs and open market values. The Valuer shall adopt the Replacement Cost Method i.e. cost of replacement or selling the affected property (e.g. cost of construction materials, price of buying and selling land and transportation costs, labour) at the date of valuation. To this various allowances will be added according to legitimate claims, and the type of loss incurred.

The compensation rates / valuation tables should be acceptable to the Donor Agency (WB), the Government of the Republic of Tanzania and other stakeholders.

5.2. REPLACEMENT COST

Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. Replacement cost will be used when valuing all the developments on land.

5.3. METHOD FOR TAKING INVENTORY OF ASSETS AND PAPs

In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected persons inventory in the designated areas for the different project components is done. Such an inventory will be conducted by a multidisciplinary team composed of the following types of persons: - a Project Team Leader, Surveyor, Valuation Expert and Sociologist. In addition to this team, respective village leaders, a District Land Representative and a Representative of the Local Authority will be present to witness the process.
Valuation Procedure
At each affected land/plot, the Valuer will take careful count of all crops and trees. In addition, the Valuer will count and measure all the affected buildings / structures in the presence of the affected person and a local leader. A Compensation Assessment Form will be filled to record all the properties affected. The licensees or sharecroppers crops will also be noted and recorded on a separate Compensation Form bearing the names of the licensee or sharecropper. The property of the sharecropper/licensee will be recorded in the presence of the landowner, the licensee/sharecropper and the area leader. All the participating parties will verify the contents of the Compensation Assessment Form and will thereafter append their signatures to this form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

Land Survey
A land surveyor will demarcate the boundary of the project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The output of the location survey will be a Strip Map showing affected persons’ land parcels and structures. The surveyor will work hand in hand with the affected persons, other community members and the Local authorities. This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall.

Socio-economic Profile of Each PAP
Structured questionnaires will be administered by a team of trained Research Assistants in order to document each Project Affected Person’s profile. The team will be supervised by a Resettlement Expert. The questionnaires will be entered in a database and analysed to estimate the magnitude of the impacts and for monitoring purposes.

The socio-economic survey will reveal a substantial amount of information on the economy and social organisation of the affected community. The Resettlement Expert is expected to review this data so as to identify appropriate and sustainable interventions. Special attention will be paid to the needs of vulnerable people among the PAPs especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children, and other disadvantaged groups.

For these reasons, the project sponsor should bear in mind that
resettlement may provide opportunities to an affected community to improve housing, public infrastructure and services and to engage in land use planning that contributes to the long term development objectives.

5.4. **Computation of Compensation Packages**

Valuation and Calculation of the affected property will be based on the following:

**Land**

Valuation and calculation of compensation for land will be based upon market value of unimproved land disturbance allowance. In addition, transport allowance, accommodation allowances and loss of profit shall be payable for occupied land the date of loss of interest in land.

**Crops and Trees**

Valuation and calculation of compensation for crops and trees will be based upon the official regional/district approved compensation rates plus disturbance allowance.

**Structures/Buildings**

Valuation and computation of compensation packages will be based upon the Replacement Cost Method i.e. cost of replacement or selling the affected property at the date of valuation plus additional allowances (disturbance allowance, transport allowance, accommodation allowances and loss of profit).

**Inflation Tendencies**

The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs.

5.5. **Forms of Compensation**

Compensation shall be done in the following forms

- Cash Compensation will be in Tanzanian local currency
- In-kind compensation shall include items such as land, houses, building materials, seedlings, agricultural input etc.
- Additional assistance may include, moving allowances, labour, food and rent during the transition period etc.
5.6. CONSULTATION AND PARTICIPATORY APPROACHES

For all stages of the RAP all the relevant stakeholders including the PAPs will be consulted and sensitized. This will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed will clearly be explained to the individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given a chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns raised will be taken into consideration when preparing the Resettlement Action Plans.

5.7. DISCLOSURE AND NOTIFICATION

All eligible PAPs will be informed about the 2 proposed Ngono and Mara Valley projects and the RAP process. Disclosure and notification of entitlements will be carried out by the compensation teams responsible for implementing the respective RAPs to enable the dissemination of the results of the land and property compensation assessment process. The individual household database will be updated after individual consultation disclosure.

Notification about the intended disclosure will be done through media announcements and formal notification (written and verbal) and through local leaders.

There are three disclosure stages that are proposed as shown below.

i) The first disclosure meetings by the verification team will be organized at any convenient place in the affected area with the area leaders of all affected villages, detailing the principles of compensation for the different types of loss.

ii) The second stage disclosure meetings will be at village level with PAPs. The list of each affected individual will be published. However, no amounts shall be indicated against each PAP. At this stage PAPs will be expected to make all the necessary corrections to items like names, villages etc.

iii) The third disclosure meetings will involve meetings that will be held on individual basis with each affected person at an appropriate gazetted place in the affected village. The proposed compensation for land and other affected properties will be discussed. Family members that is, spouse and children of majority age have to express their written consent at this level as required by the Land Act 1999.
5.8. DOCUMENTATION AND VERIFICATION OF LAND AND OTHER ASSETS

The inventory of all assets and persons shall be compiled in a Valuation Report and a Strip map which shall be submitted to the CGV for approval. A RAP Report shall also be prepared and submitted to the implementing agency and donor agencies for approval. The RAP report will contain all the 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.

The verification of ownership of land and other assets shall be done with the help of local authorities, neighbours, clan members, family members and documents like land titles and land sale agreements.

A form (Consent Form) detailing the quantities of the affected properties and the total compensation shall be signed by each PAP and witnessed by a spouse, or child above 18 years or any other person as chosen by the PAP. In addition, the respective village leaders, the implementing agency’s representative and relevant representatives of the Districts will also append their signatures to the consent form.

The implementing agency will keep all copies of the documentation of the whole process. The documents will be referred to during monitoring and evaluation of the resettlement activities.

5.9. INDIVIDUAL / HOUSEHOLD COMPENSATION

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice. However, PAPs will be advised on the importance of accepting in-kind compensation especially when more than 20% of the land has been affected as stated in OP 4.12. All in kind compensation will be handed over to the PAP in the presence of the local leaders, district representatives and representatives of the implementing agency.

5.10. COMMUNITY PAYMENTS

Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least
to the same standard or equivalent or better standard required by local planning regulation.

5.11. **PROCEDURES FOR DELIVERY OF COMPENSATION**

It is recommended that compensation be made through reputable local banks. This will ensure security of the PAPs money especially for those receiving large sums. Forms acknowledging receipt of the compensation packages shall be signed by each PAP.
6. PUBLIC CONSULTATION AND DISCLOSURE PLAN

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

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

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. A partial list of consultations on the project held to date are included in Annex 7. Future consultations related to the RAP are included in this section.

6.1. DATA COLLECTING PHASE

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-projects. The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers’ associations, individuals who own farms, etc. as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.
6.2. **IMPLEMENTATION PHASE**

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

6.3. **MONITORING AND EVALUATION PHASE**

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

7.1. INTRODUCTION

During the implementation of the project activities it is likely that disputes/disagreements between the project implementers and the affected persons will occur especially in terms of boundaries, ownership of crops or land or use of land/ properties, compensation values, delay in disbursement of the compensation packages. It will therefore be necessary to establish channels through which aggrieved people could file their complaints so as to ensure successful project development and implementation. The RAP team will establish grievance redress mechanisms in accordance to those outlined in the RPF.

The grievance redress procedures will provide opportunity for PAPs to settle their complaints and grievances amicably. The procedure to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative and legal procedures. This may be set up through Local Authorities, including a Resettlement Committee and through community leaders.

The grievance mechanisms should:
- Provide an effective avenue for expressing concerns and achieving remedies for communities
- Promote a mutually constructive relationship between the project and the community or PAPs.
- Prevent and address community concerns

7.2. GRIEVANCE MECHANISMS

The projects will respect the existing customary laws and procedures of solving grievances in the respective areas. This will simplify the process of grievance resolution as it is what the people are used to and understand. The grievance procedure will thus be simple, administered as far as possible at the local levels to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate requiring a speedy, just and fair resolution of their grievances. Below are the levels of grievance resolution that will be followed during the implementation of the project.

(i). The Village Council

Grievances will first be reported to the village council which will verify the complaint and inform the aggrieved party of the decision in the shortest time possible. The composition of the village council includes Village Chairperson, Village Executive Officer, Chairpersons of the respective
sub villages and Extension Officers who will provide technical advice. The Village Council will take all measures necessary to resolve the problem at this level. However, if it fails or if the PAP is not satisfied with the outcome, then the complaint will be referred to Ward Development Committee.

(iii). The Ward Development Committee
At the Ward level, the Ward Development Committee will be responsible for solving any grievances forwarded by the Village Council or the PAP. The Ward Development Committee comprises of the Councilor who is the Chairperson of the committee, the Ward Executive Officer, The Chairpersons of the concerned villages, Extension Officers and Ward Heads of Department. The Head of Department in which the complaint falls will be the one required to attend the mediation. Again all measures shall be undertaken to solve the grievance at this stage. If unresolved the grievance will be forwarded to the Council Management Team.

(iii). The District Council Management Team
The District Council Management Team will try to solve the problem at the district level. Members of this council will include the District Council Chairperson, the District Executive Director, respective Heads of Departments, Division officers the Ward Executive Directors and Councilors from the affected Wards. All measures will be taken to ensure that the case does not go beyond this level and PAPs will be advised accordingly.

(iv). The District Land and Housing Tribunal
If the PAP is not satisfied with the decision of the District Council Management Team, then he/she will resort to the District Land and Housing Tribunal which will make investigations of the case and inform the PAP of its decisions in writing. The Tribunal will make all efforts to solve the grievance at this stage. However, if unresolved the case will then be forwarded to the High Court and the Court of Appeal of Tanzania.

(v). High Court and the Court of Appeal of Tanzania
The constitution allows a right of access to courts of law (The High Court and the Court of Appeal of Tanzania) by any person who has an interest or right over property. Therefore the PAP as a last resort may submit the case to courts of law. However, this will be after all channels have failed. The Court of Appeals of Tanzania will be the highest appellate “judge” and its decision would be final.
7.3. GRIEVANCE RESOLUTION PROCESS

Through sensitization meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfactions. All Complaints will be filled in a Grievance Resolution Form and handed to the Village Council (Sample attached as Appendix II.). A copy of the complaint will also be given to the project implementation team.

After registration of the complaint, an investigation will be carried out by the committee members to verify its authenticity thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance. Grievances shall be resolved within a maximum of period of 60 days after the date of registration.

7.4. MONITORING COMPLAINTS

In addition to the Grievance Resolution Form, a Grievance Log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the complaint. The Project Liaison Officer or RAP Specialist for each sub project will monitor and document the progress of all complaints through weekly or monthly grievance resolution reports.
8. IMPLEMENTATION SCHEDULE

8.1. TIME SCHEDULE FOR THE IMPLEMENTATION OF THE RAP

Upon review and approval of the RAP by all stakeholders, the implementing agency will embark on the process of RAP implementation. This process will be conducted prior to the commencement of the construction activities. Efforts will be made to ensure that PAPs are allowed sufficient time for relocation or handover of land. PAPs will only be required to move after receipt of their total compensation packages including replacement land and structures whenever applicable. However, the processing of registration documents is sometimes lengthy and highly bureaucratic. Therefore, these may be distributed long after or deep into the construction phase but not beyond commissioning. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the RAP.

8.2. LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

For each project, the resettlement schedules will be coordinated with construction schedules. Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Tanzanian and World Bank resettlement laws, regulations and guidelines as set in this RPF. In other words, no individual or affected household should be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

The land acquisition (both construction and relocation) and demolition of houses should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works.

The schedule is thus expected to ensure that all PAPs, prior to their physical relocation will;

- have been adequately consulted about the project, its impacts and compensation entitlements;
- have received compensation entitlements in a timely manner;
- have been provided with means to establishing livelihoods.
9. BUDGET AND FUNDING ARRANGEMENTS

9.1. Estimated Budget

An itemized budget is required for the implementation of resettlement activities including compensation. Thus the specific RAPs prepared for the two projects must provide a budget as this will be crucial for planning and implementation purposes.

Since the specific locations of the different project components are not yet determined, the number of PAPs not yet determined and the technical designs not yet developed, it is not possible to provide an estimated budget for the total costs of resettlement that will be associated with the implementation of the 2 projects. Thus this RPF only provides the contents of the expected budget for each RAP that will be prepared.

The budgets will give itemized budgets for the different categories of compensation packages, community development activities, income restoration strategies, provisions for inflation, administrative costs, estimated implementing costs, inflation and any contingencies. Once the budgets for the respective projects are finalized, they will be subject to approval by the World Bank, if the World Bank is to finance any of the project implementation. Table III shows an indicative outline of a RAP budget.

Table III: Indicative Outline of a RAP Budget

<table>
<thead>
<tr>
<th>Asset acquisition</th>
<th>Amount or number</th>
<th>Total estimated cost</th>
<th>Agency 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>Land Acquisition and Preparation</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>Relocations</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3 As noted earlier, neither NELSAP-CU nor the Government of Tanzania had made a decision to proceed with the implementation of the Mara Valley and Ngono Valley WRD projects, as the feasibility studies (financed through the NCORE project) are needed in order to make an investment decision. As such, implementation financing for the Mara and Ngono Valley WRD projects has not yet been secured. The level of involvement, if any, of the World Bank in the Mara and Ngono Valley WRD projects beyond the financing of the Feasibility Studies, Designs, ESIAs and RAPs (through the NCORE project) is not yet known.
<table>
<thead>
<tr>
<th>Transfer of possessions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation costs</td>
<td></td>
</tr>
<tr>
<td><strong>Economic Rehabilitation</strong></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td></td>
</tr>
<tr>
<td>Capital Investments</td>
<td></td>
</tr>
<tr>
<td>Technical Assistance</td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td></td>
</tr>
</tbody>
</table>

Under the NCORE project, NELSAP will be conducting a social safeguards training course, including capacity building on land acquisition and resettlement procedures for targeted officials from key agencies and utilities of its member governments that are involved in design, preparation and implementation of NELSAP projects. It currently has $100,000 for this training, and is seeking additional funds to augment this budget.

**9.2. Source of Funding**

The respective resettlement budgets will be financed in-country through the administrative and financial management rules and manuals issued by the Government of the Republic of Tanzania.
10. MONITORING AND EVALUATION

The RAP team will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these impacts, the RAP will identify the specific indicators to be monitored; define how they will be measured on a regular basis; and identify key monitoring milestones (e.g. at mid-point of the RAP implementation process).

10.1. ARRANGEMENTS FOR MONITORING BY IMPLEMENTING AGENCY

The WB’s safeguard policy (OP 4.12) states that the project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

The Project Implementing Unit (PIU) will establish a reporting system for the sub-project RAP that will:

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

10.2. INTERNAL AND EXTERNAL MONITORING

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness.
Internal Monitoring
For internal monitoring, the resettlement offices of the executing agency, in partnership with the paying consultant will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with some of the districts’ staff, the PAPs representatives and will be done say after every six weeks. Post resettlement monitoring will be undertaken internally like every three months.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

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

The PIU will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIU, to determine the final cost of RAP implementation.

Indicators
The following indicators (in Table IV) can be used to monitor implementation of the RAP.

Table IV: Indicators of RAP Impacts

<table>
<thead>
<tr>
<th>Monitoring (of Issues)</th>
<th>Evaluation (of Impacts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of compensation (and valuation) not completed</td>
<td>Changes (+/-) in PAPs conditions during transition process</td>
</tr>
<tr>
<td>Number of sub-projects unable to settle compensation after two years</td>
<td>Changes (+/-) in PAPs income and livelihood conditions</td>
</tr>
<tr>
<td>Number of grievances filed</td>
<td>Nature of grievances or disputes resolved</td>
</tr>
<tr>
<td>Number of livelihood restoration programs</td>
<td>Changes (+/-) in affected households</td>
</tr>
<tr>
<td>Monitoring (of Issues)</td>
<td>Evaluation (of Impacts)</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>completed</td>
<td>income levels</td>
</tr>
<tr>
<td>Pre project production versus present production levels ( crops for crops, land for land)</td>
<td>Equal or improved production per affected household/homestead</td>
</tr>
</tbody>
</table>

**External Monitoring**

External monitoring will be undertaken by an independent agency or Consultant. These will have extensive experience in social surveys and resettlement monitoring. External monitoring will be done at least 2 years after completion of the construction phase. Journalists and Civil Society Organizations may be involved in this exercise.

External monitoring will include an independent impact evaluation that will determine:

(i) If compensation payments have been completed in a satisfactory manner; and

(ii) If there are improvements in livelihoods and well-being of PAPs.

**Indicators**

Several indicators will be used to measure these impacts. These will include, among others:

- A comparison of income levels before-and-after;
- Access to livelihoods and employment;
- Changes in standards of housing and living conditions;
- And improvements in level of participation in sub-project activities.

Specific indicators may include the following:

- Yield / produce quantity/quality from farming
- Access/ distance/ quality of agricultural plots
- Quality of, and access to, water
- Source of income
- Number of households engaged in fish farming
- Number of households with access to electricity
- Number of tourists
- Number of children in-school
- Changes in health standards;
- Changes in access to markets or roads – all of which may reflect overall improvements in standards of living.
- Number of ‘vulnerable’ people
- Yield/ produce quantity/quality from livestock
- Number of PAPs employed by the project
- Number of people with agricultural plots
- General relations between the project and local communities

**Methods for Measuring Impacts**

The following methods will be used for measuring impacts:

(i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
(ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
(iii) Relocation/resettlement and Compensation Reports.
(iv) Consultations

It is important to note that monitoring is continuous throughout the project while evaluation is at a given point.

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

**10.3. Annual Audit**

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

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

Finally, the audit will ascertain whether the resettlement entitlements were appropriate as defined in the RPF guidelines. If the implementation (construction) of the either Mara or Ngono Valley WRD projects is eventually funded by the World Bank, the corresponding annual audit
report for the project financed by the World Bank will be submitted for scrutiny to the World Bank. If the project is financed by a body other than the World Bank, an adequate review mechanism should be established by the project.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

10.4. **Socio-economic Assessment**

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

The socio-economic assessments will use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment will be made for each project. Additionally, since a baseline household survey will have been completed during RAP preparation, the end-RAP assessment will measure changes from this baseline.
LIST OF ANNEXES:

Annex 1: World Bank Resettlement Policy Framework
Annex 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP)
Annex 3: Sample Grievance and Resolution Form
Annex 4: Sample Table of Contents for Consultation Reports
Annex 5: Glossary of Terms
Annex 6: Relevant Laws
Annex 7: Summary of Project Consultations to Date
ANNEX 1: WORLD BANK RESettlement POLICY FRAMEWORK


These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by OP / BP 6.00, Bank Financing - that is, those in countries with approved country financing parameters. Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.

Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.

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

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

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

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

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that sub-project resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity’s approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.
ANNEX 2: ANNOTATED OUTLINE FOR PREPARING A RESETTLEMENT ACTION PLAN (RAP)

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website [web.worldbank.org].

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

Description of the sub-project: General description of the sub-project and identification of sub-project area or areas.

Potential Impacts: Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program as these apply to the sub-projects.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

(i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
(ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
(iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
(iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
(v) Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available.
at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

(i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;

(ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;

(iii) Public infrastructure and social services that will be affected; and

(iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The analysis of the legal and institutional framework should cover the following:

(i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;

(ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;

(iii) Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;

(iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;

(v) Gaps, if any, between local laws covering resettlement and the Bank’s resettlement policy, and the mechanisms for addressing such gaps; and

(vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

(i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
(ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
(iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

**Eligibility:** Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

**Valuation of and compensation for losses:** The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

**Resettlement Measures:** A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

**Site selection, site preparation, and relocation:** Alternative relocation sites should be described and cover the following:

(i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
(ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
(iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
(iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

**Housing, infrastructure, and social services:** Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

**Environmental protection and management.** A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
Community Participation: Consistent with the World Bank’s policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

(i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
(ii) Summary of the consultations and how PAPs’ views were taken into account in preparing the resettlement plan; and
(iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
(iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

(i) Consultations with host communities and local governments;
(ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
(iii) Conflict resolution involving PAPs and host communities; and
(iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Grievance procedures: The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies’ capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

Implementation Schedule: An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule
should indicate how the RAP activities are linked to the implementation of the overall project.

Costs and budget: The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs’ livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.
ANNEX 3: SAMPLE GRIEVANCE AND RESOLUTION FORM

Name (Filer of Complaint): ________________________________
ID Number: ________________________________ (PAPs ID number)
Contact Information: ________________________________ (Village; mobile phone)
Nature of Grievance or Complaint: _________________________________________________________________

<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>

Signature ______________________ Date: ____________

Signed (Filer of Complaint): ________________________________
Name of Person Filing Complaint: _________________________ (if different from Filer)
Position or Relationship to Filer: ____________________________

**Review/Resolution**
Date of Conciliation Session: ________________________________
Was Filer 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 (Conciliator): ______________________ Signed (Filer): ____________

Signed: __________________________________
Independent Observer

Date: ________________________________
ANNEX 4: SAMPLE TABLE OF CONTENTS FOR FUTURE CONSULTATION REPORTS

1.0 Introduction.
   1.1 Project Description
   1.2 Applicable Laws, Regulations, and Policies to Public Engagement
   1.3 Project Lenders

2.0 Stakeholder Analysis
   2.1 Areas of Influence/Stakeholders
   2.2 Description of Stakeholders

3.0 Stakeholder Engagement
   3.1 Previous Consultation Activities
   3.2 Implemented Community Engagement Activities
   3.3 Project Sponsor’s Community Engagement Plan
       3.3.1 Phase 1 – Initial Stakeholder Consultation
       3.3.2 Phase 2 – Release of the SEA Terms of Reference and Draft PCDP
       3.3.3 Phase 3 – Release of SEA Consultation Summary Report

4.0 Summary of Key Issues

5.0 Future Consultation Events
   5.1 Phase 4 – Release of the SEA Report and Action Plans
   5.2 Phase 5 – RCDAP Planning Consultation
   5.3 Phase 6 - Ongoing Project Communication

6.0 Disclosure Plan

Tables
   Table 2.1: Consultation Activity Summary
   Table 3.1: Initial Government Agency Consultations
   Table 3.2: Summary of NGO Meetings
   Table 3.3: Sub-County Committee Composition
   Table 3.4: Summary of Community Discussions
   Table 3.5: Local Community Comments
   Table 4.1: Summary of Key Issues and Responses
   Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

<table>
<thead>
<tr>
<th>Location and Communities Represented</th>
<th>Meeting Dates</th>
<th>Attendees</th>
<th>Discussion Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## ANNEX 5: GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Census</strong></td>
<td>A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.</td>
</tr>
<tr>
<td><strong>Compensation</strong></td>
<td>The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.</td>
</tr>
<tr>
<td><strong>Cut-off Date</strong></td>
<td>Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.</td>
</tr>
<tr>
<td><strong>Directly Affected Persons</strong></td>
<td>All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components.</td>
</tr>
<tr>
<td><strong>Involuntary Resettlement</strong></td>
<td>The unavoidable displacement of people arising from development projects that creates the need for rebuilding their livelihood, income and asset bases in another location. It includes impacts on people whose livelihood and assets may be affected without displacement.</td>
</tr>
<tr>
<td><strong>Land Acquisition</strong></td>
<td>The possession of or alienation of land, buildings, or other assets thereon for purposes of the project.</td>
</tr>
<tr>
<td><strong>Project Affected Persons (PAPs) or Displaced Persons (DPs)</strong></td>
<td>Persons affected by land and other assets loss as a result of project activities. These persons are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.</td>
</tr>
<tr>
<td><strong>Project Impacts</strong></td>
<td>Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities, assessed as part of the overall evaluation of the project.</td>
</tr>
<tr>
<td><strong>Physical displacement</strong></td>
<td>Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.</td>
</tr>
<tr>
<td><strong>Rehabilitation Assistance</strong></td>
<td>Provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, to assist PAPs or DPs to restore their livelihoods.</td>
</tr>
</tbody>
</table>
| **Replacement**                                                     | The amount sufficient to cover full recovery of lost assets and related
<table>
<thead>
<tr>
<th>Cost</th>
<th>transaction costs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resettlement Action Plan (RAP)</td>
<td>The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.</td>
</tr>
<tr>
<td>Stakeholders</td>
<td>Any individuals, groups, organizations and institutions interested in and potentially affected by a project or having the ability to influence the project.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.</td>
</tr>
</tbody>
</table>
### Property Rights and Land Rights

<table>
<thead>
<tr>
<th>Law / Regulation</th>
<th>ANNEX 6: RELEVANT LAWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Constitution provides for the protection of the rights and interest of citizens in matters concerning their property and acquisition. Under article 24 (1), every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. Sub-article (2) prescribes that it is unlawful for any person to be deprived of property for any purposes without the authority of law, which makes provision for fair and adequate compensation.</td>
<td>Constitution (1977)</td>
</tr>
<tr>
<td>The National Land policy provides guidance and directives on land ownership and tenure rights and taking of land and other land based assets. The policy stipulates organization and procedures for valuing assets and delivery of compensation. The overall aim is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land for all its citizen. The following are the basic land policy tenets:</td>
<td>National Land Policy (1996)</td>
</tr>
</tbody>
</table>
| - All land in Tanzania is public land vested in the President as trustee on behalf of all citizen;  
- Land has value;  
- The rights and interest of citizens in land shall not be taken without due process of law; and  
- Full, fair and prompt compensation shall be paid when land is acquired. | |
<p>| Land tenure and ownership in Tanzania is governed by these statutes as well as the 1977 Constitution of the United Republic of Tanzania, (as amended) Land in Tanzania is owned by the state. Public land in Tanzania is either general land or village land or reserved land. Socio-economic activities are permitted on general/village land and not permitted or restricted in land reserved for national parks, protected areas and forest reserves. | National Land Act (No. 4 of 1999), Village Land Act (No.5 of 1999), Land Regulations 2001 Subsidiary Legislation, Land Acquisition Act (1967), Land Ordinance (1923 Cap. 113) and Town and Country Planning Ordinance (1956 Cap. 378). |
| Tanzania has a dual system of land tenure: customary and statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be (i) by leasehold right of occupancy for varying periods e.g. 33, 66, or 99 years which must be confirmed by a certificate of occupancy; (ii) by customary rights of occupancy that must be confirmed by a certificate of Customary Right of Occupancy (Hati ya Ardhi ya Mila) and have no term limit. Communities (Villages) are allowed to hold land and to manage it, although they do not formally own the land. | |
| The Land Acquisition Act further empowers authorized Government officials (which is applicable to MJCA, PO-PSM and the Judiciary) to investigate the land in any locality for its possible acquisition for any public purpose. The authorized person is allowed to enter upon and survey and take levels of any land in such locality; to do all other acts necessary to ascertain whether the land is adapted for such purpose; and to clear, set out and mark the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon | Land Acquisition Act (1967) |
| Tanzania laws indicate that market value should be used as basis for valuation of land and properties. The laws provide for practical guidelines on assessment of | Regulation 3 of the Land (Assessment of |</p>
<table>
<thead>
<tr>
<th><strong>Property Rights and Land Rights</strong></th>
<th><strong>Law / Regulation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>compensation. The full and fair compensation is only assessed by including all components of land quality. Presently in assessing the value of the unexhausted improvements for compensation purposes, the law emphasizes that the value should be the price that which the said improvements can fetch if sold in the open market. But this in normal circumstances is lower than the replacement value but higher than the initial construction cost of the said improvements.</td>
<td>the Value of Land for Compensation) Regulations, 2001 and Part III of the Village Land Regulations, 2002</td>
</tr>
</tbody>
</table>

The Acts stipulate in detail functions of District/Urban councils. Issues of land are included as objectives of functions and therefore part of the mandates of local government in their respective areas.

The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance of the fact most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. The Local Government Authorities not being a party to the contracts would be the best office to receive handle and rule on disputes. Failure of the Councils to settle the disputes, the grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation will be addressed to the existing local courts system of administration of justice in the Districts. Local NGO’s will be engaged by the Designated Sector Environmental Coordinators to mediate disputes.

If the complainant’s claim is rejected, then the matter will be brought before the Land Tribunals and/or the local courts for settlement. If the matter cannot be settled by the local courts and/or the District Land Tribunals, the matter will go the High Court for resolution. The High Court of Tanzania will be the highest appellate “judge” in this system. The decision of the High Court would be final and all effort should be made to ensure decisions are reached within a full growing season after the complaint is lodged.

| | Cited in Resettlement Policy Framework, Tanzania Accountability, Transparency and Integrity Project (ATIP), October (2005) |
| | |
# ANNEX 7: SUMMARY OF PROJECT CONSULTATIONS TO DATE

<table>
<thead>
<tr>
<th>CONSULTATIONS MEETING CONDUCTED</th>
<th>DATE</th>
<th>STAKEHOLDERS</th>
<th>Decisions/discussion points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Consultation meeting with community officials along the proposed Ngono valley irrigation and watershed project.</td>
<td>January 2011 Misenyi District</td>
<td>DED Misenyi, Task team members</td>
<td>From the observations made on the proposed irrigation site, the living conditions of the population around the schemes, the topography and soils of the proposed sites, the site was found adequate to carry out the pre-feasibility studies of the sites as they are very promising for irrigation development.</td>
</tr>
<tr>
<td>2. Consultation meeting with community officials along the proposed Ngono valley irrigation and watershed project.</td>
<td>January 2011 Bukoba / Bukoba Rural District</td>
<td>DED/Bukoba Rural, Task team members for the project</td>
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<td>3. Consultation meeting with community living along the proposed Ngono valley irrigation and watershed project.</td>
<td>November 2011 Misenyi District</td>
<td>DED Misenyi, Task team members for the project, Beneficiaries and village council representatives</td>
<td>Official communication from the government of Tanzania was deemed necessary to allow the consultant to undertake field works, Discussed fieldwork recommendations on irrigation selected areas, Met beneficiaries and village council reps, Assessment of irrigation areas and related water sources and conveyance routes, Preliminary layout discussion and agreement, Determination and agreement on beneficiary villages / members</td>
</tr>
<tr>
<td>4. Consultation meeting with community living along the proposed Ngono valley irrigation and watershed project.</td>
<td>November 2011 Bukoba / Bukoba Rural District</td>
<td>RAS, DED/Bukoba Rural, Task team members for the project, Beneficiaries and village council representatives</td>
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<tr>
<td>5. Consultations for the “Mara Valley Irrigation Development and Watershed Management Preliminary Environmental And Social Impact Assessment Report”</td>
<td>June 2012</td>
<td>Officers from the Mara region: Assistant administrative Secretary; Game officer; Water Engineer; Livestock officer; Agricultural Engineer – Serengeti District Officers; Serengeti District Forest Officer; District Water Engineer; District Lands and Natural Resources Officer; District Land Use Planning Agricultural Officer; District Fisheries Officer; District Health Officer and the District Environmental</td>
<td>The project would attract job opportunities to the locals which would result to increase in human population that may lead to destruction of surrounding forest ecosystems, The flora and fauna in such forest ecosystems could be destroyed due to the project or population influx - from need to obtain construction materials (wood), energy (firewood/charcoal), Introduction of land management systems to regulate land use in the region hence reducing land use conflicts; Development of by-laws that would enable the protection of</td>
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**NGONO AND MARA VALLEY IRRIGATION PROJECTS (TANZANIA)**
<table>
<thead>
<tr>
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<tr>
<td></td>
<td></td>
<td>Management Officer.</td>
<td>▶ Benefits of project are needed: flood, agriculture</td>
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<td>▶ Request that canals should be lined to reduce water waste</td>
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<td>▶ Detailed consultations before the project should include land loss, compensation, grievance mechanism</td>
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<td>▶ Study tours could help improve local knowledge, practice</td>
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<td>▶ the Common top 10 diseases in the district: Malaria; URTI (upper respiratory tract infection); Diarrhea; Intestinal worms; Pneumonia; Skin disease; Eye infection; Anaemia for under 5 population; Schistosomiasis; Dysentery; Typhoid fever.</td>
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<td>▶ Settlements should be located 2 km from irrigation area to avoid possible diseases.</td>
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<td>▶ Baseline survey will help identify training needs in the community in relation to the project from the highest authority to village level using a range of communications methods.</td>
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<td>▶ Village land use systems should be encouraged where separate areas for grazing, farming, residential and water points should be allocated so as to reduce land use conflicts in the proposed project land area.</td>
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<td>▶ The ministries should work together.</td>
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<td>▶ When asked about whether they were aware of the proposed project, 43% of the respondents were affirmative. The majority of respondents knew about the project through government officials (80.1%), meetings held by the consultants (11.7%) and media (1.2%) as well as neighbours (3.6%). Iseresere village did not participate in this study as the leaders opposed the project. However, 62% of the nine villages that participated in the study did welcome the project with 38% against the project. Borenga village has the highest proportion of those who were against the project citing the fact that the government should sensitize them on the project so that they can have a better understanding on how they will integrate irrigation and livestock keeping. An intensive awareness campaign is required so as to provide accurate information to the local people to enhance acceptance of the project.</td>
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6. Ngono Project – Consultations for the Preliminary ESIA | July 2012 | ▶ Regional Level: Kagera Region Agricultural and Irrigation Engineer; Kagera Region Social Welfare | ▶ Land related issues are sensitive and therefore there is need to know the tenure system of the project area |
<p>|                                                         |           |                                  | ▶ The use of fertilizers and quality seed breeds will |</p>
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|                                 |            | Office; and Kagera Region Youth Office.  
|                                 |            | ‣ District Level: Kagera Region Youth Office; Forests and Natural Resources Office; District Level Community Development Officers; District Water Engineers; District Irrigation Engineers; District Agriculture and Livestock Development; District Water Technicians; District Social Welfare Officers; District Youth Development Officers  
|                                 |            | ‣ Regional Administrative Offices  
|                                 |            | ‣ District Executive Director’s Offices.  
|                                 |            | ‣ Farmer and village representatives through workshops;  
|                                 |            | ‣ Collection of comments on the Project from sample households in villages within and around the proposed project through household questionnaires.                                                                 |
| 7. Consultations with stakeholders for the reviewed and approved the study reports, and confirmation of the need for the project. | October 2012, Mwanza, Bukoba, Missenyi Districts | Ministry of Agriculture, Food Security and Cooperatives  
|                                 |            | ‣ National Irrigation Department  
|                                 |            | ‣ Mwanza Irrigation Zonal Office  
|                                 |            | ‣ Ministry of Water (MOW)  
|                                 |            | ‣ Lake Victoria Basin Office (Mwanza)  
|                                 |            | ‣ Kagera Regional Irrigation Office                                                                                                                 | boost agricultural productivity and reduce the effects of pests  
|                                 |            | ‣ Seasonal migration of pastoralist into the wetlands during dry Season may interrupt the crop output.                                                                                                     | Seasonal migration of pastoralist into the wetlands during dry Season may interrupt the crop output.  
|                                 |            | ‣ Bush fires can also lead to destruction of food crops in the field.                                                                                                                                        | Bush fires can also lead to destruction of food crops in the field.  
|                                 |            | ‣ Diseases reduce the crop productivity as well as posing health risk to those consuming them.                                                                                                               | Diseases reduce the crop productivity as well as posing health risk to those consuming them.  
|                                 |            | ‣ Flooding occurs periodically leading to massive destruction of crops and existing facilities.                                                                                                              | Flooding occurs periodically leading to massive destruction of crops and existing facilities.  
|                                 |            | ‣ Drought can lead to massive loss of life if proper mitigation measures are not in place.                                                                                                               | Drought can lead to massive loss of life if proper mitigation measures are not in place.  
|                                 |            | ‣ The loss of vegetation cover during the construction phase will expose the soils to agents of erosion leading to soil infertility.                                                                                           | The loss of vegetation cover during the construction phase will expose the soils to agents of erosion leading to soil infertility.  
|                                 |            | ‣ The community plays an important role in ensuring the long-term Sustainability of the project.                                                                                                           | The community plays an important role in ensuring the long-term Sustainability of the project.  
|                                 |            | ‣ Land will be acquired and some properties will be affected for the smooth operations during construction and for safety of the families within the project area.                                                   | Land will be acquired and some properties will be affected for the smooth operations during construction and for safety of the families within the project area. |
| 8. Reconnaissance visits to the project area and consultations with local stakeholders | July 2013, Bukoba, Missenyi Districts | Bukoba and Missenyi District Executive Offices  
|                                 |            | ‣ Mwanza Irrigation Zonal Office  
|                                 |            | ‣ Lake Victoria Basin Office (Mwanza)  
|                                 |            | ‣ Kagera Regional Irrigation Office                                                                                                                   | The final reports should have a chapter or a section identifying and clearly describing the kind of activities to be undertaken during the feasibility and design stages.  
|                                 |            | ‣ The development planning should be considerate of the livestock resources and so the investment costs, and financial and economic analysis should include options showing with and without livestock conditions.  
|                                 |            | ‣ Since the whole objective of developing the irrigation schemes is to improve livelihoods and food security and reduce poverty, the irrigation scheme development process should look at fishery development program as part of the dam, reservoirs, main canal or individual rice fields or a separate aquaculture program in the peripheral areas of the scheme where some of the drainage water is disposed. This will have an added value in terms of nutritional supplement or income generation.  
|                                 |            | ‣ The visit to the district offices and the project area was to update the district leaders of the next steps for the planned Ngono project, and to conduct joint reconnaissance visits to the project area with District leadership and technocrats.  

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<td>‣ Bukoba Sub-basin Water Office (covering the Kagera sub-basin in Tanzania)</td>
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</table>
| 9. Consultation meeting with community living along the proposed Mara valley irrigation and watershed project. | 03<sup>rd</sup> – 04<sup>th</sup> February, 2014, Wegero, Hekwe/Magatini, Busawe and Kisaka villages. | Mara Regional Commissioner, members of Regional Security Committee, District Commissioners for Butiama and Serengeti, District Executive Directors for Serengeti and Butiama, Regional Secretariat and Council Officers from Land, Water, Agriculture and Community Development sectors;  
‣ Ward councilors of Buswahili, Kisaka, Kenyamonta and Busawe;  
‣ Village Government Council members and Opinion/Influential leaders from Hekwe/Magatini, Wegero, Buswahili, Busawe and Kisaka villages (villages under proposed Mara valley irrigation project). Village general assemblies were also conducted in respective villages;  
‣ Divisional Secretary, Ward and Village Executive Officers. | Increased knowledge on protection and management of the investment projects current being undertaken;  
‣ Improved communities’ awareness and capacity on proposed projects to enhance and increase their food productivity in sustainable livelihood manner;  
‣ Need for more project awareness to Buswahili, Kongoto and Wegero community;  
‣ Increased community willingness to accept the proposed projects; and  
‣ Increased communities’ awareness on the objectives of Mara RBM Project as well as NELSAP and NBI. |