THE UNITED REPUBLIC OF TANZANIA

Ministry of Education And Culture

SECONDARY EDUCATION DEVELOPMENT PROGRAM (SEDP)

RESETTLEMENT POLICY FRAMEWORK (RPF)

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# TABLE OF CONTENTS

GLOSSARY OF KEY TERMS ............................................................................................................. II

1. INTRODUCTION .......................................................................................................................... 3

2. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION ......................................................................................................................... 8

3. DESCRIPTION OF THE PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS ............................................................................................................................................... 10

4. LAND ACQUISITION AND LIKELY CATEGORIES OF IMPACT ....................................................... 15

5. ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF PROJECT AFFECTED PERSONS ...................................................................................................................................... 19

6. A LEGAL FRAMEWORK REVIEWING THE FIT BETWEEN THE LAWS AND REGULATIONS OF THE UNITED REPUBLIC OF TANZANIA AND BANK POLICY REQUIREMENTS AND MEASURES PROPOSED TO BRIDGE ANY GAPS BETWEEN THEM ...................................................................................................................... 21

7. METHODS OF VALUING AFFECTED ASSETS ........................................................................... 24


9. A DESCRIPTION OF THE IMPLEMENTATION PROCESS, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS ........................................................................................................... 35

10. A DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS ...................................................... 37


12. A DESCRIPTION OF MECHANISMS FOR CONSULTATIONS WITH, AND PARTICIPATION OF, DISPLACED (ECONOMICALLY OR PHYSICALLY) PERSONS IN PLANNING, IMPLEMENTATION, AND MONITORING ......................................................................................... 40

13. ARRANGEMENTS FOR MONITORING BY THE IMPLEMENTATION AGENCY AND, IF REQUIRED, BY INDEPENDENT MONITORS ............................................................................................... 41

ANNEX 1 .......................................................................................................................................... 45

ANNEX 2: TEMPLATE FOR PREPARING RESETTLEMENT AND COMPENSATION PLANS (RAPS) ........................................................................................................................................ 46
GLOSSARY OF KEY TERMS

- Cut-off Date – refers to a day on and beyond which any person who occupies land required for project use, will not be eligible for compensation. The date is often the day when the assessment of persons and their property in the project area commences.

- Environmental and Social Management Framework (ESMF) - report is a safeguards instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of SEDP funded activities in the secondary school construction program, and then to set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with the RPF.

- Market rate – based on commercial terms according to Tanzania law for sale of land.

- Project Affected Person(s) (PAPs)– are persons affected by land use or acquisition needs of the School Boards. These person(s) are affected because they may lose shelter, lose, denied, or restricted access to economic assets, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.

- Resettlement and Compensation Plan (RAP), is also known as a Resettlement Action Plan or Resettlement Plan – is a resettlement instrument (document) to be prepared when school locations are identified, that require land acquisition that leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting people and livelihoods (in this case the school boards) in this manner and contain specific and legal binding requirements to be taken by that party to resettle and compensate the affected party before project activities causing this adverse impact are implemented.

- Resettlement Policy Framework (RPF): The RPF has been prepared as a resettlement instrument to be used throughout the SEDP implementation. The RPF will be disclosed to set out the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The RAP is prepared consistent with the provisions of the RPF.
1. INTRODUCTION

1.1 An exceedingly small proportion of the Tanzanian age group completes secondary education. At most 5% of the age group completes lower secondary and 1.5% completes upper secondary. As a result, less than 5% of the labor force has obtained secondary education. The main cause is restricted initial access and low retention. Only about one in four or five primary school completers proceeds to lower secondary education in Tanzania, compared with one out of two in Uganda (2001). Relatively high dropout rates in Forms II and III - 17% and 14%, respectively, in 1998 – reduce enrollments even further. Thus, the overall gross enrollment ratio for secondary education was only 7 percent in 2000, compared with a regional average of 28 percent. Only about one in four of those who successfully complete Form IV proceeds to the upper level. Currently participation rates are particularly low for low-income youth, rural students and for females (at the upper secondary level).

1.2 1% of the very poor were likely to have completed secondary education in the mid-1990s compared to over 11% from the highest income group. In terms of gender, the balance is almost even at the lower secondary level, but tips strongly in favor of males at upper secondary. At lower secondary female students comprise almost half of the students, but this drops to only a third of the students at the upper level. Dropout rates also tend to be significantly higher among students from the lower income quintile and for girls between lower and higher secondary levels.

1.3 The low coverage of secondary education reflects constraints on supply and demand for secondary school places. After independence Tanzania expanded secondary school places but the policy was still to restrict entry to secondary education so as to focus on universal primary education. Public secondary education was mainly provided in a few high quality boarding schools to which access was governed by strict selection procedures. This policy seems to have continued since the Government has financed no new secondary school construction over the past 15 years, although a number of existing schools have been expanded.

1.4 This limited provision of secondary education is unsustainable. The pressure to expand secondary school places is likely to mount rapidly in the coming years as more and more students complete their primary schooling -- especially with the introduction of free primary education that has raised the gross enrollment rate in primary education to 100% in 2002 compared to 77% in 2000. The government will have to transform secondary education progressively from one servicing a small, elite clientele into one catering to a larger and more diverse group of children. Managing the sub-sector’s expansion in a fiscally sustainable manner is a rapidly emerging policy issue.

1.5 The Government of Tanzania realizes this issue and is making a concerted effort to address it. Education is one of the priority sectors specified in the Government of Tanzania’s Vision 2025 and its PRSP. Within this context, the government is deepening a comprehensive Education Sector Development Program (ESDP). The ESDP has defined the following general priorities:

- Priority in spending on basic education;
- Improvement in equitable access to quality secondary education;
- Demand-driven and market-oriented post-secondary and higher education; and
1.6 As part of this strategy, the Government of Tanzania has asked the World Bank for support of its Secondary Education Development Program (SEDP). The Project Development Objective of the Secondary Education Development Program (SEDP) is to promote economic and social development and reduce poverty through human resource development at the secondary level, especially for disadvantaged groups.

The specific objectives of the SEDP are:

- To increase the proportion of the relevant age group completing secondary education, especially underserved groups.
- To improve learning outcomes of secondary students, especially at the lower level.
- To enable the public, including local authorities and private sectors to manage secondary education effectively.

1.7 To achieve these objectives, the program is structured into specifically linked sub-component activities per specific objectives as follows:

**Objective 1:** Increase the proportion of the relevant age group completing secondary education, especially underserved groups.

(indicator: achievement of targeted enrollment completion ratios by age group for lower and upper secondary).

**Objective 2:** Improve learning outcomes of students, especially at lower secondary level.

(indicator: raised educational attainment of students as shown by continuous assessments and performance on public examinations).

**Objective 3:** Enable the public administration to manage secondary education effectively.

(indicators: authority devolved and exercised well at LGA and school levels; better central policy development and standards setting for cost-effective delivery of quality of secondary education, and improved oversight).

1.8 Specifically, Component 1 (Objective 1) will finance the construction of new secondary schools and the expansion/rehabilitation of existing secondary schools, inter alia.

1.9 The identification of sites for secondary school construction will be based on the needs of local communities as expressed by them through their districts and regions and/or the findings from a soon to be commissioned school mapping exercise.
1.10 Under Component 1, therefore, land will have to be acquired to build these new schools on and to support the expansion of some existing schools. It is expected that in a vast majority of cases due to joint partnership manifested through effective participation and consultation between the GoT/MoE the Local Government Authorities (LGAs) and their local communities, land can be acquired using participatory techniques.

1.11 To this effect the GoT has prepared guidelines for the establishment of new secondary schools, which seeks community mobilization and participation and guidelines for identifying school sites.

1.12 For instance, a Secondary School Site must be large enough to accommodate the following:

- 16 classrooms/streams
- Assembly Hall
- 3 Science Laboratories (for Physics, Chemistry and Biology)
- 3 Special Classrooms (Geography etc.)
- Library
- 16 Staff Houses
- Administration Block (with offices for Head, D/Head, Staff rooms, Waiting areas, Secretariat etc.)
- Toilet Block
- Kitchen and Eatery
- Sporting Facilities

1.13 Because Tanzania is such a large country, approximately 945,000 km² of land, with a population of 36 m, the average population density being as low as 38 persons/ sq. km, significant efforts would be made to select these sites to avoid or minimize impacts on livelihoods, people, land, property and on access to natural and other economic resources, as far as possible.

1.14 Notwithstanding, land acquisition or land use by some school management boards to support their planned construction activities under this program, may lead to either the physical or economic displacement of people or their loss, denial or restriction of access to economic resources and therefore ultimately to resettlement and compensation of people in some, perhaps only a few minority of cases for the types of investments proposed in this program.

1.15 When this occurs, the World Bank Operational Policy OP4.12 on Involuntary Resettlement and certain laws of Tanzania will be triggered. This is possible because of the uneven and varying settlement patterns and population densities across Tanzania, since
significantly large portions of the country are designated as environmentally sensitive areas\(^1\), such as the national parks and the surrounding/adjacent areas of many wetlands, lakes and rivers, etc. The areas around national parks and game reserves are generally very lightly populated and those around wetlands, river and lakes are more densely populated due to livelihood opportunities for many Tanzanians, from use of economic resources in these ecosystems.

1.16 At this stage however, the Government of the Tanzania is not required to prepare a Resettlement Plan since the school locations have not yet been identified and therefore their land needs have consequently not been determined also. However, the Government of the Tanzania is required by the World Bank to prepare a Resettlement Policy Framework (RPF) during project preparation to be publicly disclosed in Tanzania and at the info shop of the Bank.

1.17 The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The RPF is prepared to the standards of the Government of the Tanzania’s own laws and policies on resettlement and the policy of the World Bank, OP4.12.

1.18 When the school mapping exercise is complete and the District Secondary Schools Development Plans (DSSDP) are finalized and approved for funding under the SEDP, specific planning information on the location of these schools would be available and land/sites will be identified, resettlement/compensation plans will be closely coordinated with the planning and implementation of civil works and then subsequently prepared consistent with this policy framework by the School Boards and will be submitted to the LGA, for approval before any land acquisition, resettlement, loss, denial of, and restriction to economic resources or any other impact on livelihood occurs.

1.19 This RPF covers the following sections;

1. Principles and objectives governing resettlement preparation and implementation.
2. A description of the process for preparing and approving resettlement plans.
3. Land acquisition and likely categories of impact.
4. Eligibility criteria for defining various categories of project affected persons.
5. A legal Framework reviewing the fit between the laws of Tanzania and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.
6. Methods of valuing affected assets.
7. Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.

\(^{1}\) Tanzania has a much bigger land surface area devoted to resource conservation (29%) than most countries. The hierarchical protected-area system consists of national parks (12), game reserves (28), the Ngorongoro Conservation Area (1), and game-controlled areas (38), comprising a total of 240,000 km\(^2\). In addition to the wildlife-protected areas, there are 540 forest reserves covering 132,000 km\(^2\), equivalent to 15% of the total woodland and forest area in Tanzania. There is also the Mafia Island Marine Park.
9. A description of the implementation process, linking resettlement implementation to civil works.

10. A description of the grievance redress mechanisms.

11. A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements.

12. A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring.

13. Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

1.20 This RPF governs all activities funded under the SEDP, and is to be used in conjunction with the Environmental and Social Management Framework (ESMF) that has also been prepared for this project as a separate stand alone document, also disclosed at the Bank info shop and in Tanzania.
2. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION.

2.1 The impacts due to involuntary resettlement from development projects, if left unmitigated, often gives rise to severe economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive skills may be less applicable and the competition for resources greater; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. The resettlement policy, in most cases, is not triggered because people are being affected by physical displacement. It is triggered because the project activity causes land acquisition, whereby a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on the land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred.

Therefore, the objectives of this policy are the following:

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

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

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

Affected people, according to the Bank policy, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by:

(a) the involuntary taking of land and other assets resulting in:
   a. relocation or loss of shelter
   b. loss of assets or access to assets
   c. loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

or

(b) the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the affected and/or displaced persons.
The Bank Safeguard Policy OP 4.12 applies to all components under the program, whether or not they are directly funded in whole or in part by the Bank.

2.2 The policy applies to all economically and/or physically displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those economically and/or physically displaced; especially those below the poverty line; the land less, the elderly, women and children, indigenous groups, ethnic minorities and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Tanzania’s Land compensation legislation.

2.3 In particular for SEDP, the policy also requires that the implementation of individual resettlement plans are a prerequisite for the implementation of the program activities requiring land acquisition, that is before any construction activity starts to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to affected and/or displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the affected and/or displaced persons are implemented in accordance with the resettlement plan of action.

2.4 It is particularly important to neutralize to the extent possible any socio-economic pressures in the communities that are likely to be exacerbated by involuntary resettlement, by facilitating the participation of those impacted in the construction activities. Therefore, offering impacted people the opportunity to continue to participate in the planning process that would lead to the preparation of Resettlement Plans is mandatory and Section L of this RPF deals with this requirement.

2.5 Also, offering impacted people the opportunity for employment during the construction of the schools will provide additional income generating opportunities to a significant number of impacted persons who may potentially have to be resettled. Therefore, the opportunity for employment of affected people by local building contractors is being taken advantage of in this RPF, by including it for discussion in the consultative process with the local communities.

2.6 Furthermore, it is worthy to note that rush migration to selected land/sites/areas may occur by those wishing to take advantage of the rules of eligibility described earlier in this Section. Were this to happen it would bring to bear additional pressures on the whole planning process and compensation budgets. This has major considerations therefore when establishing the cut-off dates.

2.7 A major object of this RPF is to ensure that affected individuals and households, and affected and/or displaced communities are meaningfully consulted, have participated in the planning process, are adequately compensated to the extent that at least their pre-displacement incomes have been restored and that the process has been a fair and transparent one.
3. DESCRIPTION OF THE PROCESS FOR PREPARING AND APPROVING
RESETTLEMENT PLANS.

3.1 As stated earlier, the World Bank policy on Involuntary Resettlement OP 4.12 is triggered because the SEDP will finance the construction of new secondary schools and the expansion/rehabilitation of others that may require land acquisition, potentially leading in a minority of cases to loss, denial, or restriction of access to economic resources. Since the location of these sites were not known at the time of the preparation of the project, the preparation and disclosure of this RPF is a conditionality for appraisal of this program. However, during implementation of this program, in a process defined here below, the selection of these sites would be made. When that happens, land would be acquired or access to economic resources may be lost, denied or restricted and people may then be affected. At that stage, OP 4.12 calls for the preparation of individual Resettlement Plans that must be consistent with this RPF.

3.2 To address the impacts under this policy, resettlement plans must include measures to ensure that the affected and/or displaced persons are;

(a) informed about their options and rights pertaining to resettlement.

(b) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.

(c) And provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the program.

(d) enabled to restore and preferably improve their living standards compared to program ones.

3.3 Therefore, the first stage in the process of preparing the individual resettlement plans is the screening process to identify the land acquisition and land use needs that will cause resettlement. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the land screening process.

3.4 The land screening process presented here below is designed to be part of the School Boards' planning stage, thereby ensuring that their application for funding under the SEDP, which they would have to submit to their respective district also complies with the requirements of OP 4.12 and the laws of Tanzania relating to land acquisition/use and resettlement.

**The modus operandi for the identification of areas for construction of new secondary schools and expansion/rehabilitation of existing secondary schools would be:**

**Step 1:** This process starts when approval of the list of schools to be included in the construction program of District Secondary School Development Plan (DSSDP) is approved.

**Step 2:** For a new school, the school management board is appointed/elected. For existing schools who are approved for expansion/rehabilitation, it is assumed that they already have a School Board in place.

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2 In line with MoE guidelines, all secondary schools must elect/appoint a School Board, that will inter alia, provide management oversight for the school.
3 The decision on where a secondary school is to be built will be made by the districts.
4 Refer to Section 9, Fig 9.2, of the ESMF.
Step 3: The School Board will request suitable and appropriate land from the Village Administration\(^5\) of the village in which the school is to be located. Using Participatory methods, the Village Administration will consult with local communities within the schools boundary area, to select the required land to allocate to the School Board, using the following criteria:

- The site should normally not be within an Environmentally Sensitive Area (ESA)\(^6\).
- The site should ideally be located within 500 meters of a settlement area.
- There should be a sustainable source of potable water within 1 km of the site.
- The site should be at least 20,000m\(^2\) in size or large enough to accommodate the building schedule for a new secondary school. The building schedule is contained in Section A, Paragraph 12. of this RPF.
- The site owners and/or users if any are consulted and are invited to participate in the activities of the local community regarding the school.
- The School Board must be able to secure legal title to the land.
- The outer boundaries of the site should be clearly marked and the length of the sides should be measured in meters.
- There should not be any natural or manmade features on the site that could make construction difficult or that could pose danger to building structures or humans such as bedrock, gullies, water pipes, swamps, floodplains and rock falls.
- There should not be any natural or manmade features within 100 meters of the site that could pose danger to pupils once the school is established, e.g. very steep cliffs, electricity pylons, etc.
- The site must conform to and be consistent with the local development plan for that area/district.
- The site should not lead to either the physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or their loss, denial or restriction of access to economic resources. If it does impact any one of these, chose another site. If this is not possible then OP 4.12 is triggered and those affected must be compensated, consistent with the provisions of this RPF.

Step 4: If the School Board determines that the site is suitable because it satisfies the criteria above, then the allocated land/site would be accepted. Go To Step 10.

Step 5: If the site does not meet the criteria above the Village Administration will be advised to allocate another piece of land/site until a site is found that satisfies the screening criteria.

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\(^5\) The Village Administration is a Corporate Body under the Decentralization Law in Tanzania.

\(^6\) ESA - are defined in Annex 1
The LGAs will assist the School Board and the Village Administration if they so request that assistance.

**Step 6:** For situations where resettlement cannot be avoided, OP 4.12 will apply. For each parcel of land that has potential PAPs, so determined using the process described above, the cut-off date will be immediately established using participatory methods again, acceptable according to local traditions.

**Step 7:** For each parcel of land that has potential PAPs, the School Committee will request its service providers to carry out (i) a socio-economic study and (ii) a census to identify the potential PAPs on the individual, household and vulnerable groups level and to calculate their household incomes, as the first step in the preparation of the RAPs.

**Step 8:** On completion of the socio-economic study and the baseline census the School Board will prepare a Resettlement and Compensation Plan (RAP) for each site/parcel of land that is affected by resettlement and compensation. There will be as many RAPs as there are affected parcels of land.

3.5 Where the impacts on the entire displaced population are minor (i.e. if affected people are not physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced, and then the bank may approve the preparation of an Abbreviated Resettlement Plan (ARAP). The contents of the ARAP are to be:

(a) a census survey of displaced persons and valuation of assets.

(b) Description of compensation and other resettlement assistance to be provided.

(c) Consultations with displaced people about acceptable alternatives.

(d) Institutional responsibility for implementation and procedures for grievance redress

(e) Arrangements for monitoring and implementation, and

(f) A timetable and budget.

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7 The significance of establishing a cut of date is discussed in Section E.

8 The purpose of the socio-economic study is to collect base line data within the chosen/targeted sites/areas thereby enabling the social assessment of potentially affected populations/communities. The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation. Detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socio-economic study and be the determinant in the potential compensation process. Standard characteristics of the affected households, including a description of production systems, labor, and household organization, and baseline information on livelihoods (including production levels and incomes derived from both formal and informal economic activities) and standards of living and health status of the PAPs. Under this study a comprehensive base line census would be carried out to identify potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, black farm workers, HIV/AIDS affected persons etc.) and to discourage inflow of people ineligible for assistance.
3.6 For impacts that are not considered minor, the preparation of a Resettlement Action Plan (RAP) is required for each site. World bank OP 4.12 article 25 and Annex A sets the requirements of the RAP to include:

(a) Description of the project
(b) Potential Impacts
(c) Objectives
(d) Socioeconomic Studies
(e) Legal Framework
(f) Institutional Framework.
(g) Eligibility
(h) Valuation of and compensation for losses
(i) Resettlement measures
(j) Site selection, site preparation, and relocation
(k) Housing, infrastructure, and social services
(l) Environmental protection and management
(m) Community participation
(n) Integration with host populations
(o) Grievance procedures
(p) Organizational responsibilities
(q) Implementation schedule
(r) Cost and budget
(s) Monitoring and evaluation

3.7 The RAPs cover the elements above, as relevant. When any element is not relevant to the School Boards circumstances, it should be noted in the RAP.

Step 9: The School Board, then forwards the RAP together with the modified designs for screening and approval to the respective LGAs in compliance with the local planning laws and SEDP institutional and administrative requirements. All school construction activities that trigger OP4.12 and their resettlement plans would be subject to the final approval of the World Bank to ensure compliance with bank safeguards. Thus ensuring

9 See ESMF, Section 9.1(j)
that before land is actually acquired or access to resources is lost, denied or restricted, that the individual resettlement plans are consistent with this RPF.

**Step 10:** For School construction activities that do not have any resettlement issues and do not trigger OP 4.12, then the provisions of this RPF do not apply and the School Board is referred to the ESMF at this stage.

3.8 Approval of funding for any school construction activities that needs to acquire or use land under the SEDP, the School Board must first comply with all local laws and seek clearance of the local authorities to use/acquire the land for that purpose, consistent with the provisions of this RPF. For investments on land that is already owned or in use by the school board, the LGA and MoEC will only approve funding once it is satisfied that the provisions of this RPF were met in cases where OP 4.12 apply.

3.9 Furthermore, the LGAs should as a guideline considers the cumulative factor and not approve multiple sites that have individual high impact intensity. For example, where land acquisition is required to such an extent that it would require more than 20% of a community’s or individual’s total land under use or when the mitigation measures are so cumbersome that their efficacy cannot be predetermine or they cost more than 15% of the investment budget.

3.10 Before the decision to approve a site is taken, the respective LGAs would need to approve or disapprove the resettlement and compensation plans of the School Boards construction program in totality with the overall environmental and social screening process that has been applied for each of their proposed investments and to also approve or disapprove of the proposed mitigation measures, if any. The ESMF contains the environmental and social screening process.

3.11 The Capacity of the LGAs will be built by training and by providing technical assistance to allow the LGAs and School Boards to screen their proposed construction program for environmental and social concerns. This training will also include the capacity to develop mitigation measures to meet environmental and social impacts and to prepare implementation of such measures.

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10 Training Program in Section 8.0 of the ESMF.
4. LAND ACQUISITION AND LIKELY CATEGORIES OF IMPACT

4.1 Until the exact school location sites are identified/chosen, it will not be possible to estimate the likely number of people who may be affected since the technical details of the schools construction program have not yet been developed and are unknown.

4.2 However, the likely displaced (economically or physically) persons can be categorized into these 3 groups, namely;

(i) **Affected Individual** – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources as a result of the SEDP activities and to whom compensation is due. For example, an affected individual is a person who farms a land or works and lives on a farm, pastoralists whose routes have been altered, or a person who has built a structure on land that has been demarcated and is now required by the School Boards. This will include affected individuals who have economic activity on customary land.

(ii) **Affected Household** – a household is affected if one or more of its members is affected by SEDP activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. This provides for:

   a. any members in the households, men, women, children, dependent relatives and friends, tenants;
   b. vulnerable individuals who may be too old or ill to farm along with the others;
   c. members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
   d. members of households who may not eat together but provide housekeeping, or reproductive services critical to the family’s maintenance; and
   e. other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

4.3 In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately.

4.4 Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the “household”. For example, among polygamous settings, each wife has her own home.

(iii) **Vulnerable Households** – vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them. This provides for;

   a. **unmarried women** – may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom...
s/he is linked in dependency as part of the household, resettlement will never sever this link.

b. **Elderly** – elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbors. Losing land will affect their economic viability. What would damage their economic viability even more than losing land is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

c. **AIDS afflicted persons** – Relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government (central and local), international organizations and the NGO community.

d. **Orphans** – due to the impacts of the AIDS crisis that plagues Tanzania today, there are a considerable number of orphaned children, whose parents have died from aids. These children today fall into three categories of care; (i) those being looked after by an uncle, aunt, grandparents or other close relative, (ii) those being looked after by the government, local authorities or ngos and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as paraffin selling, artisanal mining, water selling, exploitative employment etc.

e. Despite the laws of Tanzania and the International Labor Organization (ILO) prohibiting the exploitation of children, it is a reality that street children are either in paid employment or are on the streets in some areas in Tanzania. They tend to live in close proximity to large towns and cities.

f. Children in d. and e. above should they become impacted by this project in a way that means they have to be physically relocated, their compensation cannot be in cash. They would have to be put in a Unicef program or registered with one of the many children’s charities that are operating in Tanzania today. Their compensation would take the form of paying for their rehabilitation and training to acquire useful vocational skills.

g. **Women headed households**– may depend on husbands, sons, brothers, or others for support. However, in other cases too, women are the main breadwinners in their household even where the men have remained with the family. Women therefore need relatively easy access to health service facilities, as mothers and wives. For example, where the land being acquired is used by a woman with no formal rights to it or a woman who is dependent on a man other than her husband for her primary income. These women should not be resettled in a way that separates them from their households as
the very survival of their households may depend on them. Their compensation must take into account all these factors.

h. **Small-scale female farmers** - are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks such as ringing trees, clearing or ploughing land. Either male relative in other households help them voluntarily, or they hire men for cash, beer, (locally brewed) or food. Land compensation specifically includes the labor costs of preparing a new land, so these women are provided for by the compensation plan.

i. **Non-farming females** - these earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the sub-projects need for agricultural land. If a building of theirs lies on land needed by a subproject, they will receive replacement cost compensation. If someone on whom they depend is resettled, they are protected because the resettler can name them as part of the household.

4.5 These household types are not mutually exclusive, so that a female heading a household may be small-scale farmer or an orphan may be an aids afflicted person.

4.6 These groups are being identified as particularly vulnerable so that special attention would be paid to them by identifying their needs from the socio-economic and baseline study so that (i) they are individually consulted and given the opportunity (i.e. not left out) to participate in the project activities, (ii) that their resettlement and compensation is designed to improve their pre-project livelihood (iii) special attention is paid to monitor them to ensure that their pre-project livelihood is indeed improved upon (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project and (v) decisions concerning them are made in the shortest possible time.
5. ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF PROJECT AFFECTED PERSONS

5.1 The Bank’s OP4.12 suggests the following three criterion for eligibility;

(a) Those who have formal rights to land (including customary/village land, traditional and religious rights, recognized under Tanzanian Law).

(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 national and local laws of Tanzania or become recognized through a process identified in the resettlement plan.

(c) Those who have no recognizable legal right or claim to the land they are occupying, using, or getting their livelihood from.

5.2 Those covered under a) and b) above are to be provided compensation for the 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, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the school boards in close consultation with the potential PAPs, local community leaders and the respective Village Administration and the LGAs. 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.

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

Eligibility for Community Compensation

5.4 Communities (districts, towns, wards and villages) permanently losing land and/or access to assets and or resources under customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market place, taxi parks and health posts. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

Method to Determine the Cut – Off Dates

5.5 The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the school boards have identified the land sites they would need and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the cut –off survey can estimate investment, which should be compensated for in lieu of expenses (including labor) incurred until the cut – off date.
5.6 The establishment of a cut-off date is required to prevent opportunistic invasions /rush migration into the chosen land thereby posing a major risk to the project. Therefore, establishment of the cut-off date is of critical importance. Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP’s, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc.

5.7 This date is to be chosen in close consultation with the Village Administration, and the School Boards, as soon as possible after the affected land is identified. This process must be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAP’s and surrounding local communities.

5.8 The local community will play a crucial role in identifying users of land.
6. A LEGAL FRAMEWORK REVIEWING THE FIT BETWEEN THE LAWS AND REGULATIONS OF THE UNITED REPUBLIC OF TANZANIA AND BANK POLICY REQUIREMENTS AND MEASURES PROPOSED TO BRIDGE ANY GAPS BETWEEN THEM.

6.1 Land in Tanzania is owned by the state, and ownership is vested with the President as trustee. It is categorized as follows:

- general/public land on which socio-economic activities are permitted;
- reserved/restricted lands for national parks;
- Village Land;
- protected areas; and forest/wildlife reserves. About 25% of Tanzania falls into the category of reserved/restrictive. By international standards this is a high proportion of land under restriction. Only about 20% of potentially arable land is actually cultivated. Communities and individuals are not permitted to use reserved or restricted land for economic activities. Land is so designated by order of the President or the Minister charged with conservation of natural resources.

6.2 Tenure rights to land in the first category can be held by individuals and by communities. Village communities are allowed to hold land and to manage it, although they do not formally own the land. Holdings of individuals can be as follows:

- By leasehold right of occupancy for varying periods; e.g. for 33,66,99 years
- By customary lands i.e. in usufruct in perpetuity.

6.3 Tenure rights are defined by the Land Act No.4 of 1999 and the Village Act. The Village Act No. 5 of 1999 provides for village land to be administered and managed by the local communities. Land that is not village land can be allocated by the state to users under specified tenure regimes. In addition, Participatory Land Use Planning and Management (PLUM) is explicitly recognized in the Land Policy of 1995. The adjudication function on village lands is assigned to the village government.

6.4 Taxation is the prerogative of local authorities. Villagers hold rights of occupancy and use for an indefinite (i.e. unlimited) period. Village lands do not have to be titled for rights of users and occupants to be recognized, and are not subject to rental payments.

6.5 Village government has administrative control over the village land and acts as a liaison between the government and the inhabitants of the village. Within villages, use of land is controlled by various committees of village government.

6.6 At present, existing schools are operating on their own land. However, if School Boards (SB's) require more land, extension of their existing land or new land, they would have to acquire the land through the village government.
Comparison of Tanzanian Law and World Bank OP4.12 regarding compensation.

<table>
<thead>
<tr>
<th>Category of PAPS/ Type of Lost Assets</th>
<th>Tanzanian Law</th>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value. Under statute. Land for Land under Customary Law</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based upon the amount of rights they hold upon land under relevant laws.</td>
<td>Are entitled to some form of compensation whatever the legal recognition of their occupancy.</td>
</tr>
<tr>
<td>Land Users</td>
<td>In some cases land users have some form of secured tenure extended to them under new laws. In other cases land users not entitled to compensation for land, entitled to compensation for crops and any other economic assets. Land for Land under customary</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.</td>
</tr>
<tr>
<td>Owners of “Non permanent” Buildings</td>
<td>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Owners of “Permanent” buildings</td>
<td>Cash Compensation is based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based upon rates calculated as an average net agricultural income.</td>
<td>As per section G of this RPF once approved by the Bank and disclosed in Tanzania and at the Bank infoshop.</td>
</tr>
</tbody>
</table>

Based on this comparison, the following presented entitlement matrix is so designed to assist the process by bridging the gaps between the requirements under Tanzania Law and the World Bank OP 4.12. The highest of the three standards is followed in this entitlement matrix, since this procedure also satisfies the requirements of the lesser two standards. The missing values in the entitlement matrix will be determined at the time the resettlement plans (RAPS) are being negotiated and prepared.

As a result, all land to be acquired by the School Boards for this program would be so acquired subject to the Laws of Tanzania and the Bank OP4.12.
### The Entitlement Matrix for Various Categories of PAPS

<table>
<thead>
<tr>
<th>Category of PAP</th>
<th>Type of Loss</th>
<th>Compensation for Loss of Structures</th>
<th>Compensation for Loss of Land and other Assets</th>
<th>Compensation for Loss of Income</th>
<th>Mo</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owners</td>
<td>Loss of Land</td>
<td>Replacement Costs at full replacement value</td>
<td>Land replacement at new site, plus land clearing by the project</td>
<td>crops at market rates in scarce season</td>
<td>Noi</td>
<td>Mo</td>
</tr>
<tr>
<td></td>
<td>Loss of Structure Residential or Business</td>
<td>Compensation at full replacement value not depreciated.</td>
<td>(Fences (blockwork, wire, wood) at US $ ... Wells at US $ ... Stores at US$ ...)</td>
<td>For lost rental income, Lump sum cash payment of 6 months rent per tenant.</td>
<td>Mo</td>
<td>dor pro</td>
</tr>
<tr>
<td>Residential Tenant:</td>
<td>Loss of rental accommodation</td>
<td>No loss of structure, no entitlement to housing at new site.</td>
<td>Replacement cost for non-movables if installation was agreed with owner.</td>
<td>No loss of income</td>
<td>Fre</td>
<td>not bef</td>
</tr>
<tr>
<td>Business Tenant</td>
<td>Loss of Premises</td>
<td>No Loss</td>
<td>Replacement cost for facilities that cannot be moved</td>
<td>For loss of business income, payment of half of turnover for 6 months</td>
<td>Fre</td>
<td>not bef</td>
</tr>
<tr>
<td>Encroachers (using Land)</td>
<td>Loss of Land</td>
<td>None</td>
<td>Where possible assistance in securing other access to land for crops growing subject to approval of local authorities/communities.</td>
<td>crops at market rates in scarce season. For street vendors on right of ways possible access to other sites/locations</td>
<td>Noi</td>
<td></td>
</tr>
<tr>
<td>Squatters (living on Site)</td>
<td>Loss of Shelter</td>
<td>Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent.</td>
<td>None</td>
<td>Payments in lieu of wages while rebuilding</td>
<td>Noi</td>
<td></td>
</tr>
</tbody>
</table>

*Nb: All payments to be made in Tanzania Shillings (TSh). Dollar values indicated in table to allow for international interpretation/conversion only.*
7. METHODS OF VALUING AFFECTED ASSETS.

7.1 Valuation methods for affected land and assets would depend on the type of asset. The land asset types identified under Tanzanian law are;

(i) State Land not within the jurisdiction of a village
(ii) Village Land, including customary rights of villagers

7.2 State owned land may be allocated free or sold on a commercial basis to School Board by the Minister responsible for land administration (perhaps except for processing and registration fees), the School Board would be expected to pay compensation to acquire land in this category in cases where the state-owned land is being used by farmers or for instance grazed upon, settled upon or otherwise being used. “Privately” owned property, would have to be acquired at the market value. The guiding principle is that whoever was using the land to be acquired would be provided other land of equal size and quality.

7.3 The SEDP project will require in the most cases, the use of village lands. Therefore, valuation methods for affected land and assets would depend on the type of asset and subject to customary laws. Land assets would be valued according to the following method and compensation paid for. The School Boards would compensate for assets and investments, including labor, crops, buildings, and other improvements, according to the provisions of the resettlement plan. Compensation rates would be market rates as of the date and time that the replacement is to be provided. The market prices for cash crops would have to be determined. Calculations for compensation would not be made after the entitlement cut-off date in compliance with this policy. For community land held under customary law, the permanent loss of any such land will be covered by community compensation, which will be in-kind, only. However, because the bank policy on resettlement, OP4.12, makes no distinction between statute and customary rights, not only assets and investments will be compensated for, but also land. Thus, a customary land owner or land user on state owned land will be compensated for land, assets, investments, loss of access etc. at market rates at the time of the loss.

Compensation Payments and Related Considerations.

7.4 Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more that 20% of the total loss of subsistence assets.

<table>
<thead>
<tr>
<th>FORMS OF COMPENSATION</th>
<th>Compensation will be calculated in Tanzania Shillings. Rates will be adjusted for inflation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Payments</td>
<td>Compensations may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.</td>
</tr>
<tr>
<td>In-kind Compensation</td>
<td>Assistance may include moving allowance, transportation and labor.</td>
</tr>
</tbody>
</table>

7.5 Making compensation payments raises some issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur, thus
market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments needs to be addressed by the local administration. Local banks and micro finance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the School Boards and the LGAs. Monetary payments should be paid at a time in relation to the seasonal calendar.

Compensation for Land

7.6 Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes with compensation for land labor and crop loss. For this reason, and for transparency, “Land” is defined as an area or Homestead:

- In cultivation
- Being prepared for cultivation, or
- Cultivated during the last agricultural season

7.7 This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labor. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labor put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labor invested as well as the market price of the crop lost.

Land measurement

7.8 For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers. Therefore, in rural areas if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc. as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement for him/herself, the size of land that is being lost. Ensuring that this occurs maintains transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas. For instance, a farmer losing a certain piece of land should know exactly how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost, determinable by the farmer.

Calculation of Crops Compensation Rate

7.9 The current prices for cash crops would have to be determined. All crops to be compensated using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labor invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which
compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year’s land (land in which a farmer has already invested labor) and land that have been planted but have not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid. The following example, which is based on 2003 data, derives a total value for a one hectare land from the value of the crops on the land and the value of labor invested in preparing a replacement land.

### EXAMPLE OF METHOD TO BE USED TO DETERMINE A MONETARY COMPENSATION RATE FOR LAND*

*(Based on 2003 data. Tanzania Shillings payments will be revised to reflect crop values and labor rates in effect at the time of compensation)*

<table>
<thead>
<tr>
<th>Item Compensated</th>
<th>Basis of Value</th>
<th>Tanzania Shillings/ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Crops</td>
<td>Average of the highest 2003 official and market survey land prices per ha of staple food crops (maize, rice etc.), plus cash crops (e.g. sugar cane, corn).</td>
<td></td>
</tr>
<tr>
<td>Labor Invested</td>
<td>Labor costs of preparing a replacement land.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Replacement value of crops plus labor.</td>
<td></td>
</tr>
</tbody>
</table>

*Note: This example assumes a one-hectare land.

### 7.10 Crop values will be determined based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.

- The value of stable crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of these factors:
  - Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.
  - Farmers most often purchase cereals when they have run out, during the “hungry season” when prices are high. Compensating at a lower value might put the individual or household at risk.
Averaging the highest price of stable foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly intercropped with staples, but are almost impossible to measure for compensation.

- The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labor costs will be paid in Tanzania Shillings at the prevailing market rates.

7.11 The following table presents an example of a compensation schedule for a one-hectare land. The Tanzania Shillings values are based on arbitrary labor rates, which will need to be validated at the time payments are made.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Month Paid (generic, may be different depending on climate zones)</th>
<th>Labor in Tanzania Shillings/ha Rate Cost/day x no. Of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear</td>
<td>March</td>
<td></td>
</tr>
<tr>
<td>Plough</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Sow</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Weed</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Harvest</td>
<td>November</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7.12 All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date of March (generic date, may be different in Tanzania and across climate zones) when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labor intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that s/he can pay for sowing, weeding and harvesting.

Compensation for Buildings and Structures.

7.13 Compensation will be paid by replacing structures such as huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost, that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.
Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household,

Or

- Directly damaged by construction activities.

7.14 Replacement values will be based on:

- Drawings of individual’s house and all its related structures and support services,

- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. bricks, rafters, bundles of straw, doors etc.),

- Prices of these items collected in different local markets,

- Costs for transportation and delivery of these items to acquired/replacement land or building site,

- Estimates of construction of new buildings including labor required.

### COMPENSATION FOR BUILDINGS AND STRUCTURES

Buildings and structures will be replaced by an equivalent structure or, on an exception basis, cash and/or credits will be paid based on replacement costs.

<table>
<thead>
<tr>
<th>Item</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>Raw or Baked brick, Straw or tin roof, Varying sizes (small, medium large)</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Open, closed</td>
</tr>
<tr>
<td>Stables/sheds/pens</td>
<td>Cattle, goat, donkey, sheep, other</td>
</tr>
<tr>
<td>Coops</td>
<td>Chicken, duck, other</td>
</tr>
<tr>
<td>Fence</td>
<td>Straw/poles (per unit poles &amp; mat), raw and/or baked brick/cement blocks (per 1-m length)</td>
</tr>
<tr>
<td>Private Bathing</td>
<td></td>
</tr>
<tr>
<td>Latrine</td>
<td>Replacement latrines will be similar to those currently operational and financed by the bank or other donor agencies at health centers, schools.</td>
</tr>
<tr>
<td>Open well</td>
<td>Internally lined with concrete rings and provided with a hand driven pump.</td>
</tr>
<tr>
<td>Storage building</td>
<td>Cement/sand block walls with thatched roof on z-profiled metal sheets.</td>
</tr>
<tr>
<td>Sun Screen open huts/shades</td>
<td>Similar to those replaced, on thatched roof on wood poles.</td>
</tr>
</tbody>
</table>

#### Compensation for Sacred Sites

7.15 This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred sites include but not restricted only to; altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid
any possible conflicts between individuals and/or communities/homesteads/village government
the use of sacred sites for any project activity is not permitted under this project.

Compensation for vegetable gardens and beehives

7.16 These are planted with vegetable and ingredients for daily use. Until a replacement
garden starts to bear, the family displaced (economically or physically) as a result of the project
land needs will have to purchase these items in the market. The replacement costs therefore, will
be calculated based on the average amount that an average town dweller spends on buying these
items for one year per adult from the local market.

7.17 Beehives are placed in various locations in the bush by some individuals that specialize in
honey gathering. If such hives would be disturbed by the project activities, or access to hives is
denied, beekeepers can move them, and the bees will adapt to the new locations. Beekeepers
would be compensated by the value of one season’s production costs of honey for each hive that
is moved and any reasonable costs associated with moving the hive.

Compensation for Horticultural, Floricultural and Fruit trees

7.18 With Tanzania’s highly variable weather patterns, water costs and the fact that much of
the land is not suitable for growing fruits, village areas are sparsely populated with certain types
of fruit trees.

7.19 Where they exist on affected land the following example, on Mango trees for instance
will serve as a guide on how to value fruit trees and other trees of nutritional, medicinal and other
significant economic value.

7.20 They are primarily important as a source of:

- Subsistence food for families
- Cash produce that contribute to the local and export economy
- Petty market income in some areas, and
- Shade (in the case of mango and some guava trees).
- Traditional medicinal value.

7.21 Given their significance to the local subsistence economy, which this project intends to
positively impact, fruit trees will be compensated on a combined replacement/market value. Fruit
trees used for commercial purposes will be compensated at market value based on historical
production records. If households chose to resettle, they will be compensated for the labor
invested in the trees they leave behind, because they will continue to own the trees left behind
under customary rights. It is not uncommon for individuals to own trees in other villages in which
they formally lived and, in some cases, to continue to harvest fruit from those trees for
subsistence purposes and/or sale to traders. If a household/individual chooses to transfer
ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation
rate will be based on information obtained from the socio-economic information. Based on the
information, a compensation schedule for guava and mango trees can be developed incorporating
the following goals:
• Replace subsistence Fruit (e.g. guava/mango) production yields as quickly as possible.

• Provide subsistence farmers with trees to extend the number of months of the year during which the fruit (e.g. guavas/mangoes) are produced and can be harvested as a supplemental source of food for their families during their “hungry season”.

• Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods.

• Provide cash payments to farmers to replace pre-project income derived from the sale of excess guava or mango production until replacement trees produce the equivalent (or more) in projected cash income.

7.22 The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. The schedule could assume the following (the figures in TSH (x no.):

<table>
<thead>
<tr>
<th>Local Fruit Trees, e.g. Guava/ Mangoes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Avg. Fruit Yield (kg) of Mature tree</td>
</tr>
<tr>
<td>Estimated Yield used</td>
</tr>
<tr>
<td>Market Price,</td>
</tr>
<tr>
<td>▪ Height of harvest season (March/April)</td>
</tr>
<tr>
<td>▪ End of season (late May)</td>
</tr>
<tr>
<td>Price used as basis of this estimate</td>
</tr>
<tr>
<td>Years to Production</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
</tr>
<tr>
<td>Costs of Sapling</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grafted Fruit Trees, e.g. Mangoes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Avg. Fruit Yield (kg) of Mature tree</td>
</tr>
<tr>
<td>Estimated Yield used</td>
</tr>
<tr>
<td>Market Price, (varies according to variety)</td>
</tr>
<tr>
<td>▪ Height of harvest season (June/September)</td>
</tr>
<tr>
<td>Price used as basis of this estimate</td>
</tr>
<tr>
<td>Years to Production</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
</tr>
<tr>
<td>Costs of Sapling</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Schedule for Fruit (e.g. Guava or Mango) Trees Cut Down</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type/Age of Tree</td>
</tr>
<tr>
<td>Sapling Trees planted after project cut-off date in area will not be eligible for compensation</td>
</tr>
<tr>
<td>▪ Choice of two guava or mango trees</td>
</tr>
<tr>
<td>▪ (local and/or improved grafted)</td>
</tr>
<tr>
<td>▪ Supplies: fencing to protect</td>
</tr>
<tr>
<td>▪ Tree, a bucket for watering, and a spade.</td>
</tr>
<tr>
<td>Sapling/Young Tree</td>
</tr>
</tbody>
</table>
First minor production
12-50 fruits occurs
about age 4-5

- Choice of two guava or mango
trees
- (local and/or improved grafted)
- Supplies: fencing to protect Tree,
a bucket for watering, and a
Spade

TSH in credits or other
financial support for
labor invested in
planting, fencing, and
watering, made in one
payment.

Guava/Mango Trees
Fruit Producing
6-30+
Deliver to farmer:
- Choice of two guava or mango
trees
- (local and/or improved grafted)
- Supplies: fencing to protect Tree,
a bucket for watering, and a
Spade

Equivalent of X no.
TSH in credits or other
financial support for
labor invested in
planting, fencing, and
watering, made in one
payment.

Mature Trees – Low or
Non-Fruit Producing
30+
Same as for mature trees above
Same as above

7.23 No compensation will be paid for minor pruning of trees. Compensation for removal of
limbs will be prorated on the basis of the number of square metres of surface area removed. The
total surface area of the tree will be calculated using the following formula: (½ diameter of
canopy )² x 3.14.

Other domestic fruit and shade trees.

7.24 These trees have recognized local market values, depending upon the species and age.
Individual compensation for wild trees “owned” by individuals, which are located in lands as
defined in this policy will be paid. Note that wild, productive trees belong to the community when
they occur in the true bush as opposed to a fallow land. These trees will be compensated for under
the umbrella of the village or community compensation.

7.25 No compensation will be paid for minor pruning of trees. Compensation for removal of
limbs will be prorated on the basis of the number of square metres of surface area removed. The
total surface area of the tree will be calculated using the following formula: (½ diameter of
canopy )² x 3.14.

8.1 Compensation (and resettlement) will be funded like any other activity eligible under the projects' administrative and financial management rules and manuals.

8.2 Funding would be processed and effected through the School Boards financial processing arrangements.

8.3 The compensation process which will involve several steps would be in accordance with the individual School Board's resettlement and compensation plans, significantly;

- Public Participation with the PAPs would initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. This would ensure that no affected individual/household is simply "notified" one day that they are affected in this way. Instead, this process seeks their involvement and wishes to involve PAPs in a participatory approach with the project, from the beginning as outlined in item k. of this report.

- Notification of land resource holders — in cases where there is clearly no identified owner/user, the respective regional land boards and the traditional leaders having been involved in identifying the land that the management committee's require will notify the community leaders and representatives who will help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both a formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representative. In addition, representatives of traditional leaders, religious leaders, other elders and individuals who control pastoral routes, fishing areas, wild trees, or beehives, hunting areas will accompany the survey teams to identify sensitive areas.

- Documentation of Holdings and Assets — the regional land board and traditional leaders and officials of the management committee will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, officials of the School Board completes a compensation dossier containing necessary personal information on, the affected party and those that s/he claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by regional land board, traditional leaders or their representatives. Dossiers will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time. All claims and assets will be documented in writing.

- Agreement on Compensation and Preparation of Contracts — All types of compensation are to be clearly explained to the individual and households
involved. The respective management committee draws up a contract listing all property and land being surrendered, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party and the representative of the regional land board and the traditional leaders prior to signing.

- Compensation Payments – All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, the traditional leaders and their officials and representative of the local government administration.

Community Compensation Payments

8.4 Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard required by local planning regulation. Examples of community compensation include:

- School Building (public or religious)
- Public Toilets
- Well or Pump
- Market Place
- Road
- Storage warehouse.

8.5 Community compensation may in itself require land take and people may be affected, thus a change of impacts which will be compensated for.
9. A DESCRIPTION OF THE IMPLEMENTATION PROCESS, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS.

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

9.2 The measures to ensure compliance with this policy directive would be included in the resettlement plans that would be prepared for each land involving resettlement or compensation.

9.3 Specifically, precise details must be provided in Section q. Implementation Schedule (see page 14) for each RAP or Section e. Arrangements for Monitoring and Implementation for each ARAP that is prepared by the management committee. In both of these sections the schedule for the implementation of activities agreed to between the School Board and the PAPs must be included, such as target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and payments of all compensation), and how these activities are linked to the implementation of the overall sub project.

9.4 When the School Board present their resettlement and compensation plans to their LGAs for approval, part of the screening process that he would use to approve recommended land would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) 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. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the LGA, region and MOEC for final review and approval.
10. **A DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS.**

10.1 At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and households would have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, administered as far as possible at the local levels to facilitate access.

10.2 The School Board being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the Village Government.

10.3 If the verdict rendered by the Village Government is not acceptable to either the individual affected or the School Management Board, then the parties in their compensation contract would have agreed that the matter would be appealed to the LGAs and other higher levels.

10.4 Notwithstanding that the grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under statute, but it also recognizes that customary law is the law that governs land administration and tenure in the rural/village areas and is what most Tanzanians living in these areas are used to and understand.

10.5 The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the Tribunal for resolution which would otherwise take a considerably longer time.

10.6 Also, in the local communities it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

10.7 All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their village government. The Village Government will inform and consult with the School Board, the LGAs to determine claims validity. If valid, the Village Government will notify the complainant and s/he will be settled. If the complainants' claim is rejected, then the matter will be brought before the LGAs for settlement. The decision of the LGAs would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

10.8 If a complaint pattern emerges, the school board, LGA, with the village governments will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. The school boards, the LGAs, and Village Government will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

11.1 The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. The School Boards would have to finance the resettlement compensation because they are the parties who would be impacting livelihoods. At this stage, it is not possible to estimate the likely number of people who may be affected since the technical designs/details have not yet been developed and land needs have not yet been identified. When these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available, thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The management committee will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the SEDP. This budget will be subject to the approval by MoEC.

11.2 At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows:

<table>
<thead>
<tr>
<th>#</th>
<th>Item Description</th>
<th>Costs (in TSH)*</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land</td>
<td>/hectare</td>
<td>For land acquisition purposes, based on cost realized in projects involving similar issues in Tanzania.</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops</td>
<td>/hectare of farm lost</td>
<td>Includes costs of labor invested and average of highest price of staple food crops as per methods described in Section G of this RPF.</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for loss of access to pastoralists</td>
<td>N/a</td>
<td>Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all).</td>
</tr>
<tr>
<td>4</td>
<td>Compensation for loss of access to fishing resources.</td>
<td>Say, /fishmonger</td>
<td>Data provided from revised socio-economic study will determine market values of catch, fish products etc. that is produced.</td>
</tr>
<tr>
<td>5</td>
<td>Compensation for Buildings and Structures</td>
<td></td>
<td>This compensation would be in-kind. These new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage.</td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Trees</td>
<td>/year/tree</td>
<td>Based on methods described on page 28-29 of this RPF for compensation for trees.</td>
</tr>
<tr>
<td>7</td>
<td>Cost of Relocation Assistance/Expenses</td>
<td>/household</td>
<td>This cost is to facilitate transportation, etc.</td>
</tr>
<tr>
<td>8</td>
<td>Cost of Restoration of Individual Income</td>
<td>Say</td>
<td>Assumed to be higher than the GDP/capita.</td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Household Income</td>
<td>Say</td>
<td>Through employment in Program Activities.</td>
</tr>
<tr>
<td>10</td>
<td>Cost of Training Farmers, pastoralists and other PAPs</td>
<td></td>
<td>This is a mitigation measure, which seeks to involve those affected by the project activities. This figure represents a costs of around TSH/person.</td>
</tr>
</tbody>
</table>

* These costs are to be confirmed during the socio-economic study and revised at the time the payments are made.
12. A DESCRIPTION OF MECHANISMS FOR CONSULTATIONS WITH, AND PARTICIPATION OF, DISPLACED (ECONOMICALLY OR PHYSICALLY) PERSONS IN PLANNING, IMPLEMENTATION, AND MONITORING.

12.1 Public consultation and participation are essential because they afford potential PAPS the opportunity to contribute to both the design and implementation of the program activities and reduce the likelihood for conflicts between and among PAPs and the management committees. The way land administration is undertaken in Tanzania today based on long standing traditional and cultural practices make public consultation with the rural communities, indispensable. Furthermore, as the rural communities are the intended ultimate beneficiaries of this project, effective and close consultation with them is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

12.2 Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan and (iv) the preparation of the District Secondary Schools Development Plan (v) during the drafting and reading of the compensation contract.

12.3 Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/application forms, public readings and explanations of project ideas and requirements, making public documents available at the National, local and homestead levels at suitable locations like the official residences/offices of village governments/elders. These measures would take into account the low literacy levels prevalent in these rural communities by allowing enough time for responses and feedback.

12.4 Notwithstanding, the best guarantor for public interest is the Village Government and other local leaders who are responsible members of their local communities and can inadvertently be part of the potentially displaced (economically or physically) individuals/households either in part or in whole.

12.5 Monitoring of this process would be through the Village Government as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire program. This requirement is line with the Bank policy on disclosure.
13. ARRANGEMENTS FOR MONITORING BY THE IMPLEMENTATION AGENCY AND, IF REQUIRED, BY INDEPENDENT MONITORS.

13.1 The arrangements for monitoring would fit the overall monitoring plan of the entire SEDP, which would be through the Ministry of Education and Culture (MoEC).

13.2 The SEDP will institute an administrative reporting system that:

(a) alerts project authorities to the necessity for land acquisition in a School Board’s design/application package and its technical requirements,

(b) provides timely information about the valuation and negotiation process,

(c) reports any grievances that require resolution, and

(d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

13.3 Consistent with the Environmental and Social Management Framework, the School Boards and District Engineer would be responsible for periodically transferring the information compiled “on the ground” to the MoEC, so that it is alerted in a timely manner to any difficulties arising at the local level.

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

(i) if affected people have been paid in full and before implementation of the sub project activities,

(ii) if the people who were affected by the program have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

13.5 A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and

- The local communities remain supportive of the project.

- The absence or prevalence of conflicts
13.6 In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

13.7 The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Government,
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received,
- The School Boards will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages,
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments,
- The number of contention cases out of the total cases,
- The number of grievances and time and quality of resolution,
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes,
- Pastoral and Agricultural productivity of new lands,
- Wildlife Conservation, eco-tourism activity on acquired land as per plan,
- Number of impacted locals employed by the School Boards civil works contractors,
- Seasonal or inter annual fluctuation on key foodstuffs,
- General relations between the project and the local communities.

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

<table>
<thead>
<tr>
<th><strong>VERIFIABLE INDICATORS</strong></th>
<th><strong>MONITORING</strong></th>
<th><strong>EVALUATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding compensation or resettlement contracts not completed before next agricultural season.</td>
<td>Outstanding individual compensation or resettlement contracts.</td>
<td></td>
</tr>
<tr>
<td>Communities unable to set village-level compensation after two years.</td>
<td>Outstanding village compensation contracts.</td>
<td></td>
</tr>
<tr>
<td>Grievances recognized as legitimate out of all</td>
<td>All legitimate grievances rectified</td>
<td></td>
</tr>
</tbody>
</table>
complaints lodged.

| Pre-project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved agricultural techniques. | Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation. |
| Pre-project production versus present production (crop for crop, land for land). | Equal or improved production per affected household/homestead. |
| Pre-project income of vulnerable individuals identified versus present income of vulnerable groups | Higher post-project income of vulnerable individuals. |

13.9 Financial records will be maintained by the School Boards, the LGAs and the MoEC, to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- Individual biological information,
- Number of people s/he claims as household/homestead dependents
- Amount of land available to the individual or household when the dossier is opened.

13.10 Additional information will be acquired for individuals eligible for resettlement and/or compensation:

- Level of income and of production
- Inventory of material assets and improvements in land, and
- Debts.

13.11 Each time land is used/acquired by a School Board, the dossier will be updated to determine if the individual or household/homestead is being affected to the point of economic non-viability and eligibility for compensation/resettlement or its alternatives. These dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

13.12 It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. The School Boards, the LGAs and the MoEC, will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project/program, which will require feedback from:

- Indicators monitored by the local regional governments to determine whether goals are being met, and
- a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

13.13 This framework is suggesting that the office of the Regional Governments are structured into the whole M&E component of the project/program. This would take the form of giving the regions the mandate to carry out independent monitoring of the implementation of the
resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life. Their report would then be sent to the LGAs and MoEC, and the School Boards and become part of the official documents of the program.
ANNEX 1.11

ENVIRONMENTALLY SENSITIVE AREAS (ESA'S) and ECOSYSTEMS

1. Areas prone to natural disasters (geological hazards, floods, rain storms, earthquakes, landslides, volcanic activity, etc.)

2. Wetlands: (Flood plains, Swamps, lakes, rivers, etc.) water bodies.

3. Areas susceptible to erosion e.g. (a) hilly areas with critical slopes and (b) unprotected or bare lands.

4. Areas of importance to threatened cultural groups.

5. Areas with rare/endangered/or threatened plants and animals.

6. Areas of unique socio-cultural, historic archaeological, scientific, tourist areas.

7. Polluted areas.

8. Area subject to desertification and bush fires.

9. Coastal areas and Marine ecosystems, such as coral reefs, Islands, lagoons and estuaries, continental shelves, beach fronts and inter tidal zones.

10. Areas declared as, national parks, water shed reserves, forest reserves, wildlife reserves and sanctuaries, sacred areas wildlife corridors and hot spring areas.

11. Mountainous areas, water catchment areas and recharge areas of aquifers.

12. Areas classified as prime agricultural lands or range lands.

13. Green belts or public open spaces in urban areas.


15. Areas declared as, national parks, water shed reserves, forest reserves, wildlife reserves and sanctuaries, sacred areas wildlife corridors and hot spring areas.

13.14 Mountainous areas, water catchment areas and recharge areas of aquifers.

13.15 Areas classified as prime agricultural lands or range lands.

13.16 Green belts or public open spaces in urban areas.

13.17 Burial sites and graves.

ANNEX 2: TEMPLATE FOR PREPARING RESETTLEMENT AND COMPENSATION PLANS (RAPs).


This template is extracted from OP 4.12 Annex A which can also be found on the Banks website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

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

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

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 displaced people, including;

(a) the results of a census survey covering;

(i) current occupants of the affected area to establish a basis for design of the resettlement program and 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) the 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.

(b) Other studies describing the following:

(i) land tenure 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) The 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, including a description of formal and informal institutions (e.g., community organizations, ritual groups, non-governmental organizations (NGO’s) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**Legal Framework:** The findings of an analysis of the legal framework, covering;

(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,

(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,

(d) laws and regulations relating to the agencies responsible for implementing resettlement activities,

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank’s resettlement policy, and the mechanisms to bridge such gaps, and,

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

**Institutional Framework:** The findings of any analysis of the institutional framework covering;
(a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;

(b) an assessment of the institutional capacity of such agencies and NGOs; and

(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons 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 in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

(a) 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,

(b) any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,

(c) procedure for physical relocation under the project, including timetables for site preparation and transfer; and

(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

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

Environmental protection and management: A description of the boundaries of the relocation area; and 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: a description of the strategy for consultation with and participation of resettlers and host communities, including
(a) description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,

(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan,

(c) a review of the resettlement alternatives presented and the choices made by displaced persons 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

(d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including,

(a) consultations with host communities and local governments,

(b) arrangements for prompt tendering of any payment due to hosts for land or other assets provided to resettlers,

(c) arrangements for addressing any conflict that may arise between resettlers and host communities, and

(d) any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule
should indicate how the resettlement activities are linked to the implementation of the overall project.

**Costs and budget:** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

**Monitoring and evaluation:** Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.