The United Republic of Tanzania

President’s Office
Regional Administration and Local Government

Tanzania Strategic Cities Project (TSCP)

Proposed TSCP Additional Financing Project

Ref. No. TSCP/A/15 VOL II/4

Final Report

Abbreviated Resettlement Action Plan Report
For the Buffer Zone for the Mtwaru Mikindani Municipal Landfill

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April 2016
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>DC</td>
<td>District Commissioner</td>
</tr>
<tr>
<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
</tr>
<tr>
<td>GRC</td>
<td>Grievance Redress Committee</td>
</tr>
<tr>
<td>GoT</td>
<td>Government of Tanzania</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>LGAs</td>
<td>Local Government Authorities</td>
</tr>
<tr>
<td>MMMC</td>
<td>Mtwara-Mikindani Municipal Council</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>PAPs</td>
<td>Project Affected Persons</td>
</tr>
<tr>
<td>PO-RALG</td>
<td>President’s Office - Regional Administration and Local Government</td>
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<tr>
<td>RAPs</td>
<td>Resettlement Action Plans</td>
</tr>
<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
</tr>
<tr>
<td>TSCP</td>
<td>Tanzania Strategic Cities Project</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WB/OP</td>
<td>World Bank/Operational Policy</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENT

This Resettlement Action Plan (RAP) report was produced for PO-RALG for the proposed Additional Financing for the Tanzania Strategic Cities Project specifically for the buffer zone area of the Landfill in Mtwara Mikindani Municipal Council (MMMC).

Acknowledged are the contributions from government officials at PO-RALG especially from Eng. Shemangale, Eng. Jovin Bujulu, Dr. Mukuki Hante and Ms. Zainab Ngonyani.

Special thanks go to the Mtwara - Mikindani Municipal Director, as well as Ward and Mtaa officials for facilitating the stakeholder’s engagement and participating in the public meetings.

Furthermore, special thanks go to staff of the MMMC particularly those under the TSCP team for working together as a team to accomplish preparation of this RAP report.
EXECUTIVE SUMMARY

a) Description of the Project Setting
The Proposed land take is for creating a buffer zone for the Mtwara - Mikindani Municipality land fill which is located in the Mangambo area in the Mtwara Municipality in the Mtwara Region.

b) Objective of the RAP
The main objective of this Resettlement Action Plan (RAP) is to provide an agreed plan for the resettlement and compensation of persons affected by land acquisition for the purpose of creating a buffer zone of the MMMC land fill.

c) Methodology
Preparation of this RAP involved consultation with various stakeholders at different levels including National and municipal authorities, and local communities. Participatory methods including stakeholders’ consultative meetings, observations, valuation of affected properties and structured interviews were applied. Other relevant information was obtained through discussions with relevant stakeholders and by reviewing available literature, documentation and studies.

d) Methods of Valuing Affected Assets and Compensation Payments
The calculation of compensation and other resettlement allowances for displaced property owners based on current practices in Tanzania for valuation and compensation of properties as stipulated under the Land Act, 1999 and Land Regulations, 2001 only provide for compensation equivalent to the market value of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments. This approach to valuation is not consistent with the resettlement measures required by the World Bank OP 4.12 which requires that compensation is paid based on the full replacement value (not depreciated) of an asset. In addition, OP 4.12 strongly prefers the replacement of ‘land for land’ where appropriate for all PAPs (including those without title/squatters).

In order to meet the requirements for a RAP consistent with OP 4.12, the valuations have been done in compliance with the World Bank policy guidance that the compensation value is obtained from the Replacement Cost added with allowances.
e) Disclosure of the Resettlement Action Plan

The final ARAP will be approved by project implementers as well as all lenders relevant to this project. The approved ARAP report will be available to the public at the following places:

- PO-RALG Office/website
- Office of the MMMC
- Offices of the Mtaa Executive Officer (WEO) at Mangamba Juu
- World Bank info shop

f) Identification of Impacts

The planned land acquisition for the purpose of creating a buffer zone for the MMMC Land fill will be the only activity covered under this ARAP.

Categories of Impacts and entitlement

The affected properties are owned by 11 PAPs and the most affected type of property is permanent crops. The project will affect 908 compensable assets of which nine are farms, and 899 permanent crops; the most affected permanent crop being cashew nut tress (593 trees). Table 1 below summarises the affected assets.

Project Impacted Assets and Magnitude of Impact

<table>
<thead>
<tr>
<th>Affected Category</th>
<th>No. Of Assets</th>
<th>Summary of Impacts/Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent crops and trees (owned by PAPs)</td>
<td>899</td>
<td>These include shelter and food tree mangoes and coconut of different maturity level and main cash crops that include cashew nuts</td>
</tr>
<tr>
<td>Land</td>
<td>11</td>
<td>It should be noted all PAPs will lose land of different size</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>910</strong></td>
<td>Most of the affected properties are permanent trees</td>
</tr>
</tbody>
</table>

Source: Socio-economic census and valuation report

Note: Size of land and amount received by each PAP is detailed in the valuation report
Table below provides a summary of the entitlement standards for PAPs affected by the land acquisition for the Mtwara - Mikindani Municipal Land Fill.

**Entitlement Standards for the PAPs with Fixed Assets**

<table>
<thead>
<tr>
<th>TYPE OF LOSS</th>
<th>ENTITLEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit of Entitlement</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Loss of permanent crops and trees</td>
<td>Household</td>
</tr>
<tr>
<td>Loss of Land</td>
<td>Household/Public</td>
</tr>
</tbody>
</table>

Note: For the Mtwara Landfill buffer zone only land and crops were affected

**g) Willingness to Relocate**

The PAPs affected by the project declared willingness to relocate should they receive prompt and fairly compensation. All the PAPs interviewed indicated their preference of relocating to farms close to their current homesteads, though they are not sure of availability of land within the area or if the compensation provided will allow them such opportunity. However, the PAPs should not only be compensated but also assisted to find alternative land this should be done by officials from the Municipal Council preferably Land office/social workers in collaboration with officials from Mtwara District Council unless the PAPs indicates that they are able to reallocate without any assistance.

**h) Cut-off Date**

The cut-off date was set as January 26th 2016 and communicated to each PAP during valuation. Any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. It should however be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6months from the date the valuation report is approved.
i) **Socio-economic survey of affected PAPs**

The proposed project is located within the outskirts of MMMC and therefore most of the basic social services are either available within the ward or can be easily accessed in the Municipal central business district which is about 10 kilometres from the project area. Social services available include schools, health facilities, water and roads;

The project has affected a total of 11 PAPs of which 5 are males, 5 female and one is a company; this is common in urban settings where women also own land as well as other assets as they are also engaged in various economic activities. It should however be noted that PAPs have alternative land within the project area as most own huge pieces of land and will therefore not require to relocate due to this lose. Most of the PAPs are married (60%), 20 % widows and the rest (20%) are either single or have separated from their spouse. Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. This ARAP ensured that women particularly those losing cash crops participate in the meetings and are aware of the compensation process. The average size of families in the project area is four members.

j) **Education level and economic activities of the PAPs**

The level of education of the PAPs in the project area is moderate with (80%) of respondents having the minimum primary education and 20% have not attended any formal education. It is therefore important during ARAP implementation to ensure that such PAPs are assisted; the assistance will include sensitization on how to use the money compensated, reading the valuation documents as well as handling bank process during receiving compensation payments.

It was revealed that most of the PAPs are mostly engaged in agricultural activities (50%), casual labourers and part-time employment (30%) and commercial/business activities (20%). Common perennial crops grown in the area include cashew nut which is the main cash crop and; coconut and mango trees used as food and cash crops.

k) **Land ownership and Category of land affected**

All PAPs affected by the project own the affected land as well as properties affected (crops and structures), there are mainly two categories of land ownership that include individual ownership (10 PAPs) and one PAP being a company. It should be noted that all affected land is currently used as farms.
1) Vulnerable Groups or Persons requiring Special Provisions

Among PAP head of household are people regarded as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them, maintain/improve their livelihoods or at least restore their livelihood to their pre-project conditions. Category of vulnerable PAPs includes widow, elderly or sick people; however for the Mtwara - Mikindani project only two PAPs fall under this category mainly widows. When asked if they will require special assistance they indicated that they are capable, but, the Community development Office from MMMC will follow-up on them during ARAP implementation as they will require special treatment.

m) Public participation and stakeholders consultation

Various methods were used to consult and engage stakeholders; these include notification of stakeholders, household interviews, public meetings as well as engaging stakeholders in demarcating the buffer zone and identifying PAPs. Various stakeholders were involved that include the local community in the project area and officials from MMMC. Key recommendations from stakeholders include

- Compensation/resettlement should be promptly and fairly done and all affected people should be involved in every stage of the ARAP process which should be transparent and participatory.
- The MMMC should ensure that all PAPs receive their compensation prior to acquiring the land for the buffer zone

n) ARAP implementation

The compensation process and ARAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committee, municipal office and its officials and local government officials at ward and street level. The overall responsibility for resettlement lies with MMMC, and payments will be made through the fiscal authority of the council as the project management body for this project, in accordance with its administrative and financial management rules and manuals.

To ensure timely completion of resettlement activities, Municipal authorities will facilitate the resettlement process and I will urge all PAPs to vacate within the time frame that will be agreed between the two parties. PAPs will be allowed to harvest matured crops and therefore it is important for the vacating date to take into consideration harvesting season particularly for cashew nuts.
o) ARAP Implementation Budget
The total compensation costs that will be provided under this ARAP, as per Compensation Schedules for PAPs with compensable assets is **TZS 160,472,054.43**. This includes payments for all affected properties as per the valuation report approved by the Government Chief Valuer on 4th February 2016. The MMMC has set aside 10 million shillings as additional costs for facilitating the implementation of resettlement activities. The table below summarises the compensation budget.

**Consolidated Valuation Summary for the Mtwara Land Fill Buffer Zone**

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>No of Assets</th>
<th>Cost in Tshs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total cost for land</td>
<td>11</td>
<td>61,044,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Total cost Crops</td>
<td>899</td>
<td>88,636,146.42</td>
</tr>
<tr>
<td></td>
<td><strong>Total Assets</strong></td>
<td><strong>910</strong></td>
<td><strong>160,472,054.43</strong></td>
</tr>
<tr>
<td>3</td>
<td>Disturbance allowance</td>
<td></td>
<td>10,791,908.01</td>
</tr>
<tr>
<td></td>
<td><strong>Total compensation costs</strong></td>
<td></td>
<td><strong>160,472,054.43</strong></td>
</tr>
</tbody>
</table>

p) Management of grievances and disputes
One of the major challenges in implementing ARAP is unsatisfactory of PAPs with amount compensated. Taking into account the complexity of resolving disputes and grievances, PAPs at the project area were informed about various grievance redress procedures and of their right to appeal if not satisfied. During surveys and inventory of PAPs and their properties and during consultation processes, concerned individuals or entities became fully aware of the extent of damages to properties, crops and commercial activities that the Project would entail.

ARAP implementation will be closely monitored to provide PO-RALG an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and progress reporting.

Monitoring the progress of ARAP execution will be carried out through internal monitoring processes by MMMC and through external monitoring involving other agencies as may be deemed appropriate by MMMC/PO-RALG. Currently under the MMMC there is an existing grievance redress mechanism for the TSCP projects and therefore a new committee has been established at the Magamba Juu to carter for these new PAPs while that at Municipal level already exists.
CHAPTER 1

INTRODUCTION AND OVERVIEW

1.1 Background of the overall Tanzania Strategic Cities Project (TSCP)

The Government of Tanzania (GoT) through the President’s Office, Regional Administration and Local Government (PO-RALG) has been implementing the Tanzania Strategic Cities Project (TSCP) in selected urban Local Government Authorities for 5 years financed by a World Bank (IDA) credit and a grant from the Government of the Kingdom of Denmark. The TSCP is an investment operation that provides finance for critical infrastructure in 4 cities of Mwanza, Tanga, Mbeya and Arusha; 4 Municipalities of Ilemela, Dodoma, Kigoma-Ujiji, Mtwara-Mikindani and the Capital Development Authority (CDA).

Works have involved upgrading/rehabilitation of a number of artery urban roads and drainage and associated structures such as drainage ditches, culverts/bridges, footpaths and street lighting and local infrastructure such as bus and lorry stands aimed to improve movement of people, goods and services in the urban areas. TSCP also fund development of infrastructure to improve solid waste management including solid waste collection centres, equipment for transportation and disposal, and the development or improvement of disposal sites.

In addition a number of infrastructures were not financed under the first phase TSCP due to limitation of available funds under the credit. Also Participating LGAs have identified new sub-projects important for functionality of existing sub-projects. Based on these identified gaps, GoT is preparing a credit – Tanzania Strategic Cities Project - Additional Financing with a view of financing these additional infrastructure investments and coupled improvements of management capability of the mentioned urban LGAs and CDA in Dodoma.

TSCP - AF in the Mtwara - Mikindani Municipal Council includes proposed works for enhancing the performance of completed and on-going works namely:

1. Additional of one landfill cell and one rainwater storage pond at the Mangamba landfill,
2. Additional drains along Port and Zambia roads and,
3. Additional drains and street lights along Chuno road.
The map below show the location of the landfill and the buffer zone for Mtwara Landfill:
CHAPTER 2

OBJECTIVES AND METHODOLOGY

2.1 Objectives of the Resettlement Action Plan

The main objective of this ARAP is to provide an agreed plan for the resettlement and compensation of persons affected by the land take for the purpose of creating a buffer zone for the Mtwara- Mikindani Landfill site. The plan provides a road map for resettlement and compensation of the PAPs and assets they own or use.

Specific objectives are to:

- Develop mitigation measures to ensure that the affected people are not worse off as a result of the project and at the least their livelihoods are restored to that of before the project.
- Engage PAPs and communities to gain understanding of project objectives and impacts
- Involve PAPs and other stakeholders in developing a plan for physical relocation and compensation for lost assets
- Provide information that will be used to implement the resettlement plan;
- Put down the grievance mechanisms which will be used during the ARAP implementation; and Outline institutional arrangements for the implementation of the ARAP
- The provision of timely and fair compensation, with the ultimate goal that all project-affected persons would be compensated at least to restore their pre-project living standard levels;
- Necessary assistance for relocation to all PAPs whose property/home will be totally demolished, prior to displacement.

2.2 Guiding Principles of the RAP

This ARAP has been prepared and is consistent with the applicable Tanzanian laws and the World Bank Policy on resettlement (OP 4.12). This ARAP has been prepared as the proposed project will involve land acquisition and displacement affecting shelter, livelihood and associated impacts.

The ARAP presents an inventory of people likely to be affected by the land acquisition and assets that are likely to be displaced by the project and the proposed compensation and resettlement packages.
Specifically the ARAP is prepared in order to:

a) Ensure that the land acquisition process is per the requirements of the World Bank and those of the Tanzanian Government
b) Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project;
c) Set out strategies to mitigate against adverse effects suffered by the PAP including provision of channels and platforms for negotiations;
d) Assess the potential extent of involuntary resettlement relating to the Project;  
e) Identify the possible impacts of such resettlement;
f) Identify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
g) Quantify different categories of PAPs who will require some form of assistance, compensation, rehabilitation or relocation;
h) Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project;
i) To establish, explain and put in place the mechanism for grievances; and 
j) Estimate the costs necessary for resettlement and compensation.

2.3 Methodology and Approaches

2.3.1 Overview

The general approach that were used in the preparation and completion of this ARAP took into consideration the nature of the project as only acquisition for buffer and not land for the main project and therefore not a green project, the size of land acquired is minimal as part of the land for the buffer zone was already acquired during previous project implementation. Though the number of PAPs affected is minimal, however the project area had a significant number of permanent crops that is a major source of livelihood for the affected PAPs.

2.3.2 Specific Methods and approaches.

A combination of deskwork review and field visits and stakeholder participation formed the basis of this RAP, approaches used include:

(a) Review of available data and Relevant Policies and acts documents includes:
   • Land Acquisition Act 1967
   • Land Act No. 4 of 1999
   • Village Land Act No. 5 of 1999
   • Land Regulations (Assessment of the Value of Land for Compensation; Compensation Claims: and Scheme of Regularization) of 2001
   • World Bank Operational Policies OP 4.11 and OP 4.12
(c) **Site Verification and assessment**

The team conducted a site visit mainly to determine the magnitude and type of impacts associated with the project, determine mechanisms to minimize magnitude of impact as well as verification of properties and consultation with the PAPs.

2.4 **Methodology for Undertaking PAP Census and Socio-Economic Profile**

A socio-economic survey was undertaken using a questionnaire for household in carrying of the census, questionnaires were administered to get specific information that define and characterize the affected persons’ assets. The questions include personal identification, ownership of assets found in the corridor of impact, household income, household size, gender and sex, marital status, age and levels of education and type and number of main and secondary occupations and land details, type of houses and magnitude of impact of the project at individual level.

2.5 **Methods of Valuing Affected Assets and Compensation Payments**

The calculation of compensation and other resettlement allowances for displaced property owners based on current practices in Tanzania for valuation and compensation of properties as stipulated under the Land Act, 1999 and Land Regulations, 2001 only provide for compensation equivalent to the market value of the affected land, structure or asset (direct comparison method) and standing crops (earnings approach) as determined by the valuation assessments. This approach to valuation is not consistent with the resettlement measures required by the World Bank OP 4.12 which requires that compensation is paid based on the full replacement value (not depreciated) of an asset. In addition, OP 4.12 strongly prefers the replacement of ‘land for land’ where appropriate for all PAPs (including those without title/squatters).

In order to meet the requirements for a ARAP consistent with OP 4.12, the valuations have been done in compliance with the World Bank policy guidance that the compensation value is obtained from the Full Replacement Cost added with allowances. OP 4.12 provides that, if the impacts include physical relocation, compensator must ensure that the displaced persons entitlement must include:

- Relocation or loss of shelter
- Moving allowances during relocation
- Loss of assets or access to assets
- Loss of income sources or means of livelihood, whether or not the affected persons must move to another location and/or Provided with residential housing, or housing sites, or as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site. For all affected properties market surveys was conducted to determine current replacement costs such as cost of construction materials, price of buying and
selling land, transportation costs, and labour costs at the date of valuation as well as rates of compensating permanent crops.

The valuation also considered the following allowances as part of the valuation procedure:

**Disturbance allowance** This is calculated by applying value of real property by average percentage rate of interest offered by commercial banks on deposits for 12 months. The current average rate of the interest obtained on fixed deposits is 8%. Therefore the total compensation value, then obtain the 8% of the value and add to the previous total. All PAPs that are illegible for any kind of compensation shall receive a disturbance allowance.

It should be noted that other allowance as stipulated in the law that include **Transport Allowance** (actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometres from the point of displacement) and **Loss of accommodation** (I.e. Accommodation allowance = Rent/p.m. x 36 months) will not be applicable for this ARAP as none of the PAP is losing a residential structure.

### 2.5 Disclosure of the Resettlement Action Plan

The final ARAP will be approved by project implementers as well as all lenders relevant to this project. The approved RAP report will be available to the public at the following places:

- PO-RALG Office/website: [www.tamisemi.go.tz](http://www.tamisemi.go.tz)
- Office of the MMMC
- Offices of the Ward Executive Officer (WEO) at Mangamba Juu
- World Bank info shop
CHAPTER 3

IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT

3.1 Activities that will lead to Resettlement Impact

The planned land acquisition for the purpose of creating a buffer zone of the Mtwara - Mikindani landfill will have land acquisition impacts; therefore the only activity that will lead to land take under this RAP is development of buffer zone.

3.2 Categories of Impacts

This section provides a detail of categories of impacts and census of PAPs and assets that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the PAP census and the valuation exercise.

The affected properties are owned by 11 PAPs and the most affected property is permanent crops. The project will affect 908 compensable assets of which nine are farms, and 899 permanent crops; the most affected permanent crop being cashew nut tress (593 trees). Table 1 below summarises the affected assets.

3.2.1 Loss of Structures

There will be no structures affected by the proposed land take at MMMC Land fill and therefore no PAP will be physically relocated under this RAP.

3.2.3 Loss of Productive Land and Resources

The land take for buffer zone for the Mtwara- Mikindani landfill site will result into loss of land used by PAPs as farms mainly for permanent crops. It should be noted that all 11 PAPs under this sub-project will lose land pieces of different sizes. The valuation of properties involved measuring the actual size of land loss by each PAP and compensation will be determined by size of loss of land. A total of 16.74acres will be affected by the project.

All PAPs who will lose land will receive the following compensation:

- Compensation of the land according to the replacement cost if the PAP owns the land
- Disturbance allowance
3.2.4 Impact on Permanent Crops/Trees

Permanent crops include those taking more than a year to reach full maturity and can be harvested over a long period of time. The affected project area is mainly farms with permanent trees most with 100% maturity level and therefore used by PAPs as source of income as well as food. The most affected permanent crop is cashew nut tress (593) while other permanent crops such as coconut trees (73), mango (66), banana, and timber tress, sisal etc, counting to 167 have been affected. Therefore a total of 899 permanent crops will be affected. PAPs with standing crops and trees on their farms within the defined sub-project area are entitled to compensation. Each tree is counted and compensated according to its market value and age of maturity.

PAPs losing permanent crops are entitled to the following compensation:

- Compensation of value of each crop/ tree according to the market value and level of maturity as explained above.
- Compensation of land where the crops are grown according to the replacement cost if under the ownership of the PAP
- Disturbance allowance

Table 1 below summarises the affected assets.

Table 1: Project Impacted Assets and Magnitude of Impact

<table>
<thead>
<tr>
<th>Affected Category</th>
<th>No. Of Assets</th>
<th>Summary of Impacts/Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent crops and trees (owned by PAPs)</td>
<td>899</td>
<td>These include cashew nut, mangoes and coconut trees of different maturity level and main cash crops that include cashew nuts</td>
</tr>
<tr>
<td>Land only</td>
<td>11</td>
<td>It should be noted all PAPs will lose land of different size with a total of 16.74acres</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>910</strong></td>
<td>Most of the affected properties are permanent structures</td>
</tr>
</tbody>
</table>

Source: Socio-economic census and valuation report

Note: Size of land for each PAP is detailed in the valuation report

Table below provides a summary of the entitlement standards for PAPs affected by the land acquisition for the Mtwar - Mikindani Municipal Land Fill.
Table 2: Entitlement Standards for the PAPs with Fixed Assets

<table>
<thead>
<tr>
<th>TYPE OF LOSS</th>
<th>ENTITLEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit of Entitlement</td>
</tr>
<tr>
<td>Loss of permanent crops and trees</td>
<td>Household</td>
</tr>
<tr>
<td>Loss of Land</td>
<td>Household/Public</td>
</tr>
</tbody>
</table>

3.3 Willingness to Relocate

The households affected by the project declared willingness to relocate should they receive prompt and fairly compensation. All the PAPs indicated their preference of buying land close to their current homesteads, though they are not sure of availability of farms within the Mtwara - Mikindani Municipal as within Municipalities one cannot own farms. However, the PAPs should not only be compensated but also assisted to find alternative land this should be done by officials from the Municipal Council preferably land office/social workers unless the PAP indicates that he/she is able to reallocate without any assistance.

3.4 Eligibility for Compensation and Resettlement Assistance

Tanzanian legislation provides valuation of properties at market values for land, houses and structures affected by a project however, for project funded by World Bank, and other international financial institutions, World Bank policies and guidelines on compensation and resettlement issues are followed. The World Bank policies and guideline for instance, favours providing compensation through in-kind methods (e.g., house-for-house, or alternative land for land). World Bank OP 4.12 also requires the use of "replacement cost methods" for calculating compensation amounts that don’t account for depreciation when determining the value of a structure.

Eligibility for compensation is defined in the provisions of the Land Acts and the Land Acquisition Act; according to these laws, all owners of properties located within the proposed corridor of impact at the time of inspection and valuation will be eligible for compensation. Notices to claim compensation were served to all owners of affected properties using Land Form No.14. The "cut-off" date for eligibility for compensation and resettlement measures was
determined by the date on which these notifications were served. In this case the cut-off date for this project was 22nd December 2015-Jan 26th 2016, when valuations activities were completed.

3.6 Cut-off Date

The cut-off date was set as January 26th 2016 and communicated with each PAP during valuation. Any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. It should however be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6months from the date the valuation report is approved.

According to this ARAP the project implementer needs to have frequent communication with PAPs through the resettlement committee up dating PAPs on when they should expect to receive their compensation or any other changes associated with implementation of the project.

3.7 Forms of Compensation

To compensate the PAPs for their lost assets, the Project has two options for different payment modalities based on individual’s choice. These are:

(i) Cash payments - calculated and paid to compensate for land, assets, or to cover allowances such as disturbance, accommodation, transportation, loss of profit,

(ii) In-kind compensation mainly for community/public properties

For this particular project all individual PAPs have opted for cash compensation
CHAPTER 4

SOCIO-ECONOMIC SURVEY OF AFFECTED PEOPLE AND COMMUNITIES

4.1 Introduction and Overview of Social Services in the project area

The proposed project is located within the out skirts of Mtwara - Municipal Council and therefore most of the basic social services are either available within the ward or can be easily assessed in the town centre which is about 10 kilometres from the sub-project area. Social services available include schools, health facilities, water and roads.

4.2 Socio Economic profile of the Project Affected Persons

This section describes the socio-economic characteristics of the PAPs that will be affected by the proposed land-take for a buffer zone of the Mtwara - Mikindani landfill. The purpose is to get data for baseline socio-economic conditions (demographic data, vulnerability, economic activities and social services) to enable resettlement planning and generating of data categories of affected people (PAPs) and their properties. Also, is for establishing an enabling and a well-informed resettlement assistance or support for future monitoring of the achievement of the ARAP implementation. The general characteristic of the project area is of a peri-urban set-up that has a combination of squatters and farms. The area also comprises of various economic activities that include petty business, farming cultivating seasonal and permanent crops.

4.5.1 PAP Head of House Hold Demographic Characteristics

The project has affected a total of 11 PAPs of which 5 are males, 5 females and one is a Company known as Azimio Estate Company Limited. Ownership of land by women is common in urban settings where women also own land as well as other assets as they are also engaged in various economic activities. Most of the PAPs are married i.e. six are married, two widow and the other two are single. Based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on the well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. This ARAP ensured that women particularly those with major impact on cashew nuts production which is a cash crop, participate in the meetings and are aware of the compensation process. It was observed that most of the PAPs’ heads of households have an average age of between 25-45 years (6 PAPs) and the rest between 45 and 65 years of age. The average size of families in the project area is the 4 members – 75% of affected household, falling under this category which is a common size in urban areas of various parts of
the country, while only 10% of affected households have less than four members, while 15% are above six members.

4.5.2 Education level and Economic Activities of the PAPs

The level of education of the PAPs in the project area is relatively low with 8 PAPs having achieved only primary education and the other 2 PAPs did not attend any formal education. It is therefore, important during RAP implementation to ensure that such PAPs are assisted, the assistance will include sensitization on how to use the money compensated, reading the valuation documents as well as handling bank process during receiving compensation payments.

Considering that the site is within the Municipal area but at peripheries of the town, PAPs undertake various economic activities, however most of the PAPs are mostly engaged in agriculture activities (50%), while other are labourers (casual and part time employment) 30% while 20% are petty traders. Common perennial crops are grown in the area and this implies that they will be highly affected including cashew nuts, while mango trees and coconut trees are used both for food and financial earning. It should however be noted that PAPs have alternative land within the project area as most own huge pieces of land and will therefore not require to relocate due to this lose. For PAPs who will use their money to purchase alternative farms, it should be noted that the affected PAPs will have to obtain farms out of the Municipal area as within municipals farm land is not a category of land use only plots of land.

4.5.5 Land ownership and Category of land affected

All PAPs affected by the project own the affected land as well as properties affected (crops and structures), there are mainly two categories of land ownership affected that include land/farms owned by individual PAP (10PAPs) and Company (1PAP). It should be noted that all pieces of land affected are farms.

4.5.6 Vulnerable Groups or Persons requiring Special Provisions

Among PAP head of household are people regarded as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them, maintain/improve their livelihoods or at least restore their livelihood to their pre-project conditions. Category of vulnerable PAPs include Widow, elderly or sick people; however for the Mtwara - Mikindani project only 2 PAPs (widow) could be categorised as vulnerable PAPs. When asked if they will require special assistance they indicated that they are capable of handling land acquisition but the Community development Office from MMMC will follow-up on them during ARAP implementation.
CHAPTER 5

POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

5.1 Introduction

The RAP for the land acquisition to accommodate a buffer zone for the Mtwara - Mikindani land fill will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania and those of the World Bank as follows:

5.2 Property and Land Rights in Tanzania

The Constitution of the United Republic of Tanzania provides for the rights of citizens to own property and rights for compensation. Article 24 (1) says: Every person is entitled to own property and has a right to the protection of his property held in accordance to the law.

The National Land Policy (1996) of Tanzania provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas) and taking of land and other land based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for its entire citizen. This ARAP has ensured that all affected land has been evaluated and owners are entitled to compensation.

5.3 National Land Policy, 1997

The main objective of the National Land Policy (URT, 1997) is to address the various and ever-changing land use needs in Tanzania. The Policy aims at promoting and ensuring a secure land tenure system, encourage the optimal use of land and to facilitate broad-based social and economic development, without endangering the environment (ibid: 5). Specific objectives outlined in the Land Policy that are directly related to the proposed development include:

- Ensure that existing rights in land, especially customary rights of small holders (i.e. peasants and herdsmen who are the majority of the population in the country), are recognized, clarified, and secured in law
- Set ceilings on land ownership that will later be translated into statutory ceilings to prevent or avoid the phenomenon of land concentration (i.e. land being held by a few individuals)
- Ensure that land is put to its most productive use to promote rapid social and economic development of the country
- Protect land resources from degradation for sustainable development
5.4 The Land Act, 1999

The Land Act (Act No. 4 of 1999) provides basic legal requirements in relation to land other than village land, the management of land, settlement of disputes and related matters. The Land Act seeks to achieve the following objectives:

- To ensure that existing rights in and recognized longstanding occupation or use of land are clarified and secured by the law
- To facilitate an equitable distribution of and access to land by all citizens
- To regulate the amount of land that any one person or corporate body may occupy or use
- To ensure that land is used productively and that any such use complies with the principles of sustainable development.

Of importance for this RAP is the application of the concept that land has value and this is taken into consideration in any land-affecting transaction. The Act demands that any person or institution whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment should be paid full, fair and prompt compensation. In addition, the Land Act (Section 151) states that the Minister "may create rights of way which shall be known as public rights of way" to serve for the purpose of the proposed development. Regarding the application for a Way-Leave the Act establishes that:

- Except where the Commissioner is proposing of his own motion to create a Way-Leave, an application from any ministry or department of Government, or local authority or public authority or corporate body shall be made to the Commissioner;

The applicant shall serve a notice on:

- All persons occupying land under a right of occupancy over which the proposed Way-Leave is to be created, including persons occupying land in accordance with customary pastoral rights
- All Local Government Authorities (LGA) in whose area of jurisdiction the proposed Way-Leave to be created is located
- All persons in actual occupation of land in an urban and peri-urban area over which the proposed Way-Leave is to be created
- Any other interested person

Section 156 of the Act requires compensation to be paid by non-governmental corporate bodies, institutions or groups of persons to any person for the use of land of which he/she is in lawful or actual occupation. These include:

- Any damage suffered in respect of trees, crops, and buildings
- Damage due to surveying or determining the route of that Way-Leave and
- Acquisition of land for the purpose of a Way-Leave
5.5 The Land Regulations, 2001

The Land Regulations provide guidance on the issue of compensation, which is directly relevant to the proposed development. According to Section 10 (1) of the Land (Compensation Claims) Regulation 2001, compensation shall take the form of:

- Monetary compensation
- Plot of land of comparable quality, extent and productive potential to the land lost
- A building or buildings of comparable quality, extent and use comparable to the building or buildings lost
- Plants and seedlings
- Regular supplies of grain and other basic foodstuffs for a specified time

The Regulation defines the basis for calculating compensation or any land being the market value of such land. The assessment of the value of land and any improvements will be done by a Qualified Valuer and verified by the Chief Valuer of the Government or his/her representative.

In addition, the Regulation defines affected persons that are eligible for compensation/resettlement if some of their properties are affected by a proposed development:

- Holder of right of occupancy
- Holder of customary rights and who is moved or relocated because his/her land becomes granted to another person
- Holder of land obtained as a consequence of disposition by a holder of granted or customary right of occupancy but which is refused a right of occupancy
- Urban or peri-urban land acquired by the President

If the person does not agree with the amount or method of payment or is dissatisfied with the time taken to pay compensation, he/she may apply to the High Court for redress. If proved justifiable, the High Court shall determine the amount and method of payment, determine any additional costs for inconveniences incurred, and order the plaintiff to be paid accordingly.

5.6 The Land Disputes Courts Act No. 2 of 2002

Every dispute or complaint concerning land shall be instituted in the Court having jurisdiction to determine land disputes in the given area (Section 3). The Courts of jurisdiction include:

i. The Village Land Council
ii. The Ward Tribunal
iii. District Land and Housing Tribunal
iv. The High Court (Land Division)
v. The Court of Appeal of Tanzania.

The Act gives the Village Land Councils powers to resolve land disputes involving village lands (Section 7). If the Council fails to resolve the dispute, the matter can be referred to the Ward Tribunal as established by the Land Act (1999) and the Village Land Act. If any dispute will arise because of this Project, the provisions of this Act shall be observed.
5.7 The World Bank Operational Policy 4.12

Among other policies, the proposed Project is subject to World Bank’s OP 4.12 on Involuntary Resettlement. The policy aims at ensuring that PAPs are compensated, assisted in resettlement and 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 to levels prevailing prior to the beginning of Project implementation, whichever is higher. According to the World Bank OP 4.12, involuntary taking of land may result in:

• Relocation or loss of shelter;
• Loss of assets or access to assets; or
• Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
• The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons

The overall objectives of the policy on involuntary resettlement are the following:

• Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative Project designs;
• Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons relocated by the Project to share in Project benefits. Relocated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
• Relocated 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 to levels prevailing prior to the beginning of Project implementation, whichever is higher.

The World Bank Operational Policy 4.12 (paragraphs 15 and 16) recognizes that while non-landowners may have no right to compensation for the loss of land that they are occupying, they should be provided with certain resettlement measures, provided that they occupy the project area prior to a specified cut-off date. Such measures include compensation of crops or assets on land only excluding compensation of affected land, where appropriate to ensure that their livelihood is at least restored or improved regardless of ownership.

This RAP will be prepared based on the principles of the Resettlement Policy Framework, prepared for the Additional Financing. .
5.8 ARAP Implementation Institutions

The implementation of this ARAP will comprises several steps involving individual PAPS, affected communities, the MMMC and Ministries at National level as discussed below:

Ministry of Lands, Housing and Human Settlements
The Ministry of Lands and Human Settlements is responsible for policy, regulation and coordination of matters pertaining to land in Tanzania. The Ministry administers the various Land Acts: Land Acquisition Act, the Land Act and the Village Land Act. Land use planning, management and land delivery activities are conducted by the Ministry.

The Commissioner of Lands administers most issues dealing with land allocation, acquisition, and registration and land management. All instances of acquisition of land for public purposes and the need for resettlement and/or compensation must be referred to the Commissioner. With regard to this ARAP the Ministry of Land and Human settlement will be responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties and signing of valuation reports.

President’s Office - Regional Administration and Local Government (PO-RALG)
The overall responsibility for the resettlement lies in the hands of the government of Tanzania (through PO-RALG) under its administrative and financial management rules and manuals. Thus PO-RALG will approve all payment upon finalization of the ARAP and compensation agreements. PO-RALG will also work with the MMMC in order to make sure that all PAPs receive compensation as described in the compensation schedule.

Mtwara – Mikindani Municipal Council
MMMC is responsible for managing resettlement progress and disbursement of compensation funds. The role of the Municipal Council is to support the compensation process by providing the necessary funds related to project supervision, management and administration. The office will also coordinate disclosure of ARAP to key stakeholders assisting vulnerable PAPs and working close with the Grievance Committee to ensure that all PAP complains are handled on time without further impact to PAPs.

Ward and Mtaa level
The local Government system in Tanzania is based on the decentralization policy and is enshrined in the Local Government (District Authorities) Act No.7, 1982, the Local Government (Urban Authorities) Act No. 8, 1982, and the Regional Administration Act (1997).

Local government at Mtaa and ward will be main focal points of the whole ARAP implementation activities. This include identification of PAPs as they are the once who are familiar with them as well as familiar with the actual loss of the PAP. The leaders of these authorities are the representative of the local government at their respective levels. Any complaints from the Project Affected People will be presented to the Mtaa/ward offices by the Grievance Committee who will then discuss it prior to forwarding to the Municipal Director and or the District Commissioner’s office for further assistance.
CHAPTER 6

PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS

6.1 Overview

Comprehensive planning is required to assure that project implementer, relevant local government and the affected population interact during all stages of the project implementation. In connection with the requirement that displaced persons be meaningfully consulted, consultations were made through meetings and interviews involving PAPs to be directly affected by the projects and those living adjacent to the project area. The main objective of the public participation was to enable stakeholders learn about the project, its impacts and how they will be mitigated.

Another objective is to inform them about the compensations and resettlement procedures and to secure their cooperation. Other objectives include assisting stakeholders to understand applicable laws and regulations governing compensation and to involve stakeholders in census, socio-economic surveys, and inventory of households and affected assets for Resettlement Action Plan preparation.

6.2 Methods of Stakeholder Participation

The following methodologies were used in undertaking this exercise:

6.2.1 Notification to stakeholders

Introduction letters were written by the MMMC Director to inform the Ward Officials and those at the Mtaa level about the ARAP process. At the Mtaa Office, further letters and notifications were provided to facilitate appointments to consult the local people that include likely PAPs.

6.2.2 Household Interviews

Household questionnaires were used to obtain the views of PAPs regarding the project and basic compensation and resettlement factors. Other issues that were derived from the questionnaires include, demographic information, economic activities, incomes of PAPs, type and magnitude of impact, mode of payment, land related issues, living conditions and availability and status of social services.

6.2.3 Public Meetings

The ARAP involved a series of Public meetings in the project area, the first meeting conducted on the December 28th, 2015 aimed at the following:
introducing TSCP and specifically the landfill project to all local communities (PAPs and none PAPs)
➢ To explain the benefits of the project to the MMMC that includes the project area
➢ To explain to the locals the need for a buffer zone
➢ To provide awareness of the valuation exercise
➢ To generalize the entitlement of those who will be affected as per the Tanzania requirements and those of the World Bank
➢ To respond to questions, comments and recommendations provided by the local communities

This meeting was attended by representatives from PO-RALG, members of the TSCP in MMMC, Local Leaders and local community members.

Another public meeting was conducted by PAPs after the demarcation was undertaken, the meeting aimed at:

➢ Providing detailed elaboration of the land acquisition process and their entitlement
➢ To elect a grievance committee
➢ To establish and agree on the cut-off date

6.2.4 Demarcation of the core project impact area

It was agreed during the public meeting that PAPs would want to participate in the demarcation of the 100 metres buffer zone as well as identification of PAPs, this involved surveyors from the MMMC, local leaders and all local communities.

6.3 Summary of Issues and concerns raised by stakeholders

In overall, people living near the project area were initially reluctant to accept the project, as they were concerned about the possibility of not being compensated for their losses. However, after understanding the benefits of the project, its importance as far as safety issues are concerned, as well as understanding their entitlement they accepted the project with a condition that they should be compensated prior to MMMC acquiring the land.

The local communities revealed that they have had bad experience with compensation but they anticipate that with implementation of this ARAP, there will be no complaints. The local leader insisted that people are ready to give away their land but, under the condition that PAPs should be fairly paid and on time, likewise, the Municipal Council should not acquire land prior to compensating those affected.

During the stakeholders meeting the locals were concerned about the availability of alternative land considering that within the Municipal, they cannot get farms as it is not within the Municipal Land use plan. Locals also requested the MMMC not to cut down the existing trees as most of them are at 100% maturity and local could continue harvesting food and cash crops. It was also insisted that PAPs should know how much they are receiving as compensating prior to the Municipal endorsing their payments. To ensure that the land acquisition process is
participatory, locals suggested that they should be involved in demarcating the 100 meters and identifying PAPs as well as the valuation exercise.

Locals shared experience from other projects that affected people and lacked a designated office to file complaints whenever they were not satisfied with the process or the compensation package. Once informed about the establishment of a grievance committee they recommended that their Ward councillor be a committee member.

6.5 **Key Recommendations from Stakeholders**

- Compensation/resettlement should be done promptly and fairly and all affected people should be involved in every stage of the ARAP that is, the process should be transparent and participatory.
- The price of land to be compensated should be as the one agreed during public meetings which is Tshs 1,000 per square metre.
- The MMMC should ensure that all PAPs receive their compensation prior to acquiring the land for the buffer zone.

The table below summarises issues, questions and concerns raised during various meetings with project stakeholders.
<table>
<thead>
<tr>
<th>No</th>
<th>Name/Position of Stakeholder</th>
<th>Question/Recommendation/Concern</th>
<th>Response</th>
</tr>
</thead>
</table>
| 1  | Eng. Francis Rugemalila, TSCP Coordinator | - The project is about acquiring land for buffer zone of the land fill, and the objective of the buffer zone is to ensure safety of people living close to the area  
- The Municipality will plant trees in the buffer zone, this will ensure cleaner environment adjacent to the land fill  
- The project once operational is likely to be an income generating opportunity and priority will be to people living close to the land fill- these include sorting of recyclable materials and selling the materials (bottles, plastics)  
- We urge locals to accept the project as the purpose to ensure the area is safe  
- For those PAPs who will opt for alternative land as compensation, the MMMC will assist to obtain the land but this will have to be out of the Municipal area | **Response from local community**  
- Locals/particularly the owners of the affected trees should be allowed to harvest and the Municipal should consider maintaining the existing trees  
--We prefer cash compensation and we can find alternative land  
---The MMMC should ensure that they compensate PAPs prior to acquiring land |
| 3  | Municipal Land Officer | - The valuation exercise will be transparent and participatory  
- All affected persons will be compensated as per the Tanzania Law requirements as well as those of the World Bank and therefore we anticipate compensation will be fair and prompt  
- We shall also facilitate to establish a Grievances committee | **Response from local community**  
- We want to know how much we are being compensated prior to accepting the package |
<table>
<thead>
<tr>
<th>No</th>
<th>Name/Position of Stakeholder</th>
<th>Question/Recommendation/Concern</th>
<th>Response</th>
</tr>
</thead>
</table>
| 6  | Project Affected Persons    | • Generally, we accept the land acquisition because it is for development of our Municipality  
• The main objective of the land take is for the safety of the locals we therefore accept the establishment of a buffer zone, otherwise people would start building very close to the land fill.  
• We want to know how much we are receiving as compensating prior to the Municipal endorsing our payments  
• We want to be involve in demarcating the 100meters so that we can identify those affected  
• We should be involved in the valuation exercise  
• Land price should be considered exactly 1000 Tsh per square meter as how we agreed on the meeting, we will not accept any payment less than that during compensation.  | **Response from MMMC**  
- PAPs will have an opportunity to know how much they will be compensated prior to receiving compensation  
- With regard to filing complains, a grievance committee will be established  
- The valuation exercise will be transparent and participatory |
| 7  | Mangamba Juu PAPs           | • Complains from the previous compensation about the same project area have not been settled to date, we therefore request the MMMC to work on the grievances. | **Response from MMMC**  
• Anyone with complains should file it with the Mtaa office, we are however going to establish a |
<table>
<thead>
<tr>
<th>No</th>
<th>Name/Position of Stakeholder</th>
<th>Question/Recommendation/Concern</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• Regarding the fact that we all know the current land use of that area (Industrial area), we accept the land taking but our only concern is on fair compensation of our affected properties.</td>
<td>grievance committee in collaboration with the local community, this will ease the process of filing complains</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• We would like to be given employment opportunities if any requirement for labour will arise, meaning people in our village.</td>
<td>• Land fill operations could be a source of income particularly those close to the land fill</td>
</tr>
</tbody>
</table>
CHAPTER 7

ARAP IMPLEMENTATION

7.1 Organizational Procedures and Responsibilities for Delivery of Entitlements

The compensation process and ARAP implementation arrangements envisaged for this project have several steps involving various stakeholders that include PAPs, the grievance committee, municipal office and its officials and local government officials at ward and street level.

The overall responsibility for resettlement lies with the PO-RALG through MMMC, and payments will be made through the fiscal authority of the council as the project management body for this project, in accordance with its administrative and financial management rules and manuals.

7.2 Delivery of entitlement

The MMMC Directors Office in collaboration with the Mangamba Juu ward Officials will post notices in the affected areas advising PAPs to collect their compensation payments from designated place i.e either from the Municipal Council Office for those being paid by cheque and from the specified banks (for those will be paid via banks). The office should prepare a written record, to be signed by the PAP, indicating that the PAP has received the payment. PAPs without bank accounts will be assisted by local government authorities (MMMC officials) to open bank accounts. Local government will be responsible to process bank account openings this assistance will include assisting vulnerable PAPs. Once the account is opened and compensation is credited to the appropriate account, each PAP shall be informed of the transaction.

Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of harvesting any matured crops such as cashew nuts, timber and coconut. In addition to these activities, the ARAP team shall work with communities to ensure effective restoration of pre-project levels; these will include assisting PAPs in obtaining farmland and seedlings for the permanent crops (cashew nuts, coconuts).

7.3 PAP Vacating Timing

It should be noted that for the land acquisition of the buffer zone for the MMMC there is no PAP losing residential structures and therefore PAP will only be notified to harvest their crops. The MMMC officials will work in collaboration with Mtwara District Officials to assist PAPs who will require alternative land in the Mtwara District.
7.4 ARAP Implementation Budget

The total compensation costs that will be provided under this ARAP, as per Compensation Schedules for PAPs with compensable assets is 160,472,054,43Tshs. This includes payments for all affected properties as per the valuation report approved by the Government Chief Valuer on 4th of February 2016. Table 4 below summarises the compensation budget. The MMMC has set aside 10million shillings as additional costs facilitating the implementation of resettlement activities, as well as the costs that regional and district governments must bear, for example, to take the time to facilitate supervision of payment of PAPs.

Based on the approval of the valuation report; the MMMC will proceed with the necessary stages of paying compensation to PAPs that will be effected before acquisition of land for the buffer zone.

Table 4: Consolidated Valuation Summary for the Mtwara Land Fill Buffer Zone

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>No of Assets</th>
<th>Cost in Tshs</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Total cost for land</td>
<td>11</td>
<td>61,044,000.00</td>
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<tr>
<td>2</td>
<td>Total cost Crops</td>
<td>899</td>
<td>88,636,146.42</td>
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<tr>
<td></td>
<td><strong>Total Assets</strong></td>
<td><strong>910</strong></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Disturbance allowance</td>
<td></td>
<td>10,791,908.01</td>
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<tr>
<td></td>
<td><strong>Total compensation costs</strong></td>
<td></td>
<td><strong>160,472,054,43</strong></td>
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CHAPTER 8

MANAGEMENT OF GRIEVANCES AND DISPUTES

One of the major challenges in implementing ARAP is PAPs’ dissatisfaction with compensation amounts. Taking into account the complexity of resolving disputes and grievances, PAPs at the project area were informed about various grievance redress procedures and of their right to appeal if not satisfied. During surveys and inventory of PAPs and their properties and during consultation processes, concerned individuals or entities became fully aware of the extent of damages to properties, crops and commercial activities that the Project would entail. Common concerns include:

- Amount, levels and time in which compensation is paid to PAPs
- Seizure of assets without compensation
- Handling and treatment of vulnerable PAPs and those without recognized ownership rights (e.g., tenants and squatters)

8.1 Disputes Procedures under Existing Laws

Section 13 (1) of the Tanzania Land Acquisition Act 1967 includes provision regarding any land that is acquired where there is a dispute or disagreement. The Act elaborates disputes and stipulates the timeframe (six weeks) for resolving them before the aggrieved party can institute a suit in a court of law for resolution. The Land Act 1999 and supporting regulations improves Section 13(1) of the Land Acquisition Act by establishing Land Tribunals at the Ward and District levels. If not satisfied with decisions of the Land Tribunal, the aggrieved party is obliged to take the matter to the court. If the local courts and/or the Land Tribunals cannot settle the matter, the matter will go the High Court for resolution. The High Court of Tanzania and Court of Appeal is the highest appellate “judge” in this system and its decision would be final.

The procedures for compensation dispute resolution prescribed by the Land Acts are cumbersome and costly, taking into account the fact that most of the PAPs have limited knowledge about legal issues and their rights with respect to the laws. Thus, the Grievance Committee should be established in order to listen to complaints brought to them by PAPs and solve them before a decision to go to court is undertaken by the PAP.

8.2 Grievances and Complaints Procedures under this ARAP

The Resettlement Action Plan for the proposed land acquisition for buffer zone in MMMC provides a simplified grievance redress mechanism that will enable timely settlement of grievances to the PAPs. The grievance procedures will be anchored and administered at the local level to facilitate access, flexibility and openness to all PAPs. The grievance redress procedure will ensure that consultations between MMMC and other key stakeholders are productively
conducted and provide for record keeping to determine the validity of raised claims, and also ensure that solutions are taken in the most transparent and cost effective ways for all PAPs. During consultation, affected individuals were informed of the process of expressing their dissatisfactions and channels to follow in seeking to redress them.

8.3 **Steps to be followed for Grievance Redress**

The proposed project is within Mangamba Juu Ward and therefore only one committee will be established.

The following procedures will be followed in this ARAP for the purpose of addressing grievances from the PAPs.

- Procedures for lodging complaints to the Grievance committee who will review the complaints prior to submitting the complaint to the ward office and receive an acknowledgement from the ward office.
- It was agreed by PAPs that the Councillor of the ward and chairman of the Mtaa also form part of the committee. Upon receipt of the grievance, the members shall try to mediate and resolve the problem amicably with the active participation of the aggrieved party within five working days from the date of the filing of the grievance. If the grievance is resolved and the PAP is satisfied, a report shall be prepared and copies given to the PAP and local authority leader for records and the case is closed.
- In the event that the PAP is not satisfied, with the assistance of the Mtaa leader, an appeal will be lodged and decision made within 10 days from the date of submission to this committee. If the PAP is still not satisfied, the issue will be taken to the existing Grievance Committee chaired by the MMMC District Commissioner.
- The committee under the Mtwara District Commissioner shall serve as Grievance Redress Committee (GRC) and shall handle all complaints from the PAP, including decisions made by lower levels. The GRC shall make its decisions within 20 days from the date of receipt of each complaint. Beyond this level, the PAP may continue their appeal to the Regional Secretariat, or ultimately to the judiciary as per the legal framework presented above, if an amicable resolution can still not be reached.

Table 5: below provides details of the procedure that is to be followed for grievance redress in this ARAP.
<table>
<thead>
<tr>
<th><strong>Step</strong></th>
<th><strong>Reporting officer/committee</strong></th>
<th><strong>Officer/committee members</strong></th>
<th><strong>Time frame to redress</strong></th>
<th><strong>Grievance redressed</strong></th>
<th><strong>Grievance not redressed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PAPs for will submit Grievance to the Grievance committee who will review the complaints and later forward to the ward office and receive an acknowledgement</td>
<td>1. Grievance Committee of ward level</td>
<td>Upon receipt of grievance, the local Mtaa officials with the help of the committee shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.</td>
<td>If the grievance is resolved and the PAP is satisfied with the committees or local government’s decision, a report of the same shall be prepared and copy handover to PAP and case closed.</td>
<td>If the grievance is not resolved, go to step 2.</td>
</tr>
<tr>
<td>2</td>
<td>If PAP is not satisfied with step 1 decision, the case shall be forwarded to the land Dispute committee at District level. This committee shall function as GRC at the district level for the project. The grievance shall be forwarded with all the paper details of case.</td>
<td>1- DC – Chairman, 2. District land office, Municipal valuer, CDO, 3. PAP representative</td>
<td>Upon receipt of grievance, the GRC if desired may ask further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by the MMMC Official</td>
<td>If the grievance is resolved and the PAP is satisfied with GRC decision, a report shall be prepared by MMMC. A copy of report shall be handover to PAP for record and copies to be submitted to Local communities for record, case closed.</td>
<td>If the grievance is not resolved, go to step 3.</td>
</tr>
<tr>
<td>3</td>
<td>It is assumed that all the cases shall be solved at GRC level. It may be possible, however, that there are cases which might still</td>
<td>1- Regional Secretariat 2- District Commissioner 3- MMMC</td>
<td>If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45</td>
<td>If the grievance is resolved and the PAP is satisfied with RS’s decision, a report of the same</td>
<td>If the grievance is not resolved, the PAP may take the case to appropriate court.</td>
</tr>
<tr>
<td>Step</td>
<td>Reporting officer/committee</td>
<td>Officer/committee members</td>
<td>Time frame to redress</td>
<td>Grievance redressed</td>
<td>Grievance not redressed</td>
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<tr>
<td>4</td>
<td>PAP takes the case to appropriate court.</td>
<td>4. PAP and PAP representative</td>
<td>days from the date of case referred. The PAP shall be informed 10 days in advance about the date, time and venue of the hearing.</td>
<td>shall be prepared by MMC. A copy of report shall be handover to PAP for record and a copy to be submitted to local authority for record, case closed.</td>
<td></td>
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</tbody>
</table>
A form to be used for filling the grievances is also indicated below.

Sample Grievance and Resolution Form
Name (Filer of Complaint): ______________________________________
ID Number: ____________________________________________ (PAPs ID number)
Contact Information: ___________________________ (Ward/Mtaa; mobile phone)
Nature of Grievance or Complaint:
________________________________________________________________________________
________________________________________________________________________________

Date Individually Contacted Summary of Discussion

Signature_______________________ Date: ____________

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

Review/Resolution
Date of Conciliation Session: ________________________________
Was Filer Present?: Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation:
________________________________________________________________________________
________________________________________________________________________________

Summary of Conciliation Session Discussion:

________________________________________________________________________________

Issues __________

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

Signed (Conciliator): ___________________________ Signed (Filer):
___________________________

Signed: ___________________________
Independent Observer

Date: ________________________________
CHAPTER 9

MONITORING AND EVALUATION

The ARAP implementation will be closely monitored to provide PO-RALG an effective basis for assessing resettlement progress and to identify potential difficulties and problems. Broadly, the Monitoring and Evaluation system will involve administrative monitoring, including but not limited to: daily planning, implementation, feedback and progress reporting.

Monitoring the progress of ARAP execution will be carried out through internal monitoring processes by MMMC and through external monitoring involving other agencies as may be deemed appropriate by the Council/PO-RALG.

9.1 Monitoring and Reporting

Internal monitoring for ARAP implementation will be carried out till all PAPs have received compensation and the MMMC agreed on the maximum time of vacating and this should be done once all PAPs have received their compensation. It is recommended that maximum time of vacating could be after harvesting season of cashew nuts. The Council will keep a record of all progress and prepare regular monitoring resettlement implementation reports that outline the successes and challenges encountered and submit to PO-RALG. To maximize efficiency, the community development office which forms part of the TSCP team will facilitate monitoring and reporting activities and a ARAP Specialist (preferably from PO-RALG Office) to provide regular reviews and quality control in addressing provisions of OP 4.12. Data from field surveys will be used as the benchmark for monitoring the progress of ARAP implementation.

This RAP recommends monitoring to be based on maintaining a full-time presence in the field during resettlement implementation; in coordination with Municipal Authority and those at the ward level and monitoring to involve the following:

- Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
• Socio-economic monitoring during and after the relocation process to ensure that persons have been able to recover successfully and as anticipated from the relocation program.

• Data from baseline socio-economic surveys undertaken during consultation will provide the benchmark for monitoring to assess the progress and success of ARAP implementation. Monitoring will also include communication with PAPs and documentation of reactions from PAPs and physical monitoring of progress of the ARAP’s implementation, including the relocation of PAPs and the affected community assets.

It is also important for PO-RALG to engage a monitoring expert who will review all compensation tallies and ascertain whether compensation was provided correctly for all projects under TSCP. The expert will also assess whether PAPs have regained their prior living standards in terms of income, housing, access to basic amenities, and ownership of land and material assets.
REFERENCES

IFC (2002), Handbook for Preparing a RAP, International Finance Corporation, 2121 Pennsylvania Avenue, NW, Washington, DC 20433 USA

URT, (1967), The Land Acquisition Act. No 47 of 1967


URT, (1982), The Local Government (District Authorities) Act. No. 7 of 1982


URT, (1999), The National Land Act, Cap 113

URT, (1999), The Village Land Act, Cap 114


URT, (2007), The Land Use Planning Act of 2007

URT, (2007), The Urban Planning Act of 2007

LIST OF ANNEXES

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<thead>
<tr>
<th>S/N</th>
<th>NAME</th>
<th>ORGANISATION</th>
<th>POSITION</th>
<th>CONTACT</th>
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<td>MWMTC</td>
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<td>Isaac Mpeki</td>
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<td>Phillip Kibonge</td>
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