THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF AGRICULTURE LIVESTOCK AND FISHERIES (MALF)

CATALYZING THE FUTURE AGRI-FOOD SYSTEMS OF TANZANIA (CFAST) PROJECT

RESETTLEMENT POLICY FRAMEWORK

22 January 2017
EXECUTIVE SUMMARY
The preparation of the document involved a review of the relevant literature and a thorough process of consultation with sample Local Government Authorities stakeholders (Sumbawanga District Council, Rukwa Region and Mpanda District Council and Mpanda Town Council) and irrigation schemes within (Sakililo Irrigation and Kakese-Mwamkulu Irrigation Schemes). The final RPF was presented to a stakeholders’ workshop that was held on 16th January 2017 at Mkapa Hall in Mbeya City. The final disclosure of the RPF will be both in Tanzania where it can be accessed by the public and at the Infoshop of the World Bank.

Consistent with the World Bank Operation Policy 4.12 on involuntary resettlement this Resettlement Policy Framework establishes the resettlement and compensation principles and objectives governing resettlement of affected people which will be applied in all sub-projects and activities funded by the “Catalyzing the Future Agri-Food Systems of Tanzania” (CFAST) Project. The OP 4.12 principles will be applied in conjunction with Tanzania national laws and regulation guiding compensation and resettlement. In cases where the WB policy and the Tanzania laws are not in full accord, the higher standard and more stringent of the two will prevail as it satisfies the requirements of the lesser standards.

CFAST Project Resettlement Impacts
A number of conditions would lead to resettlement specifically infrastructure development involving land take / land acquisition on permanent or temporary basis: (i) new land at new location for construction of structures not existing before such as additional irrigation main canals and tributaries, new drainage channel, farm road, day care centre or new warehouse; (ii) additional land for modifying existing infrastructure or route diversion during construction stage; (iii) expansion of irrigation scheme requiring acquisition of sizeable portion of hectares of farming land; and (iv) dis-proportionate access to resources such as irrigation land, irrigation water, storage space in warehouses will also likely affect livelihoods.

CFAST project Component 1 - Linking Farmers to Agricultural Value Chain and component 2 - Developing and Managing Climate Smart Sustainable Irrigation Infrastructure will be accomplished through application of various possible irrigation technologies the establishment and operation of which may involve land acquisition / landtake causing resettlement. The menu of irrigation technologies may include options such as: System of Rice Intensification; drip irrigation; sprinkler systems; solar pumps; sensor based water application; water use measurement approaches; rainwater catchment and water harvesting; drainage systems; and leakage reduction.

Resettlement impacts that will arise from implementation of CFAST project will vary with subprojects ranging from physical displacement of persons, economic displacement of persons, disturbances and nuisances, health risks, conflicts over resources and food insecurity
to loss of cultural, spiritual and community assets. The impacts will vary in degree depending on the nature of investment. CFAST is not envisaging expansion of irrigation schemes as such it is not expected that there will be community displacement and relocation.

**Individual Investment (Subproject) Resettlement Action Plans (RAP)**

Once impact location is known the Participating Irrigators Organizations (IOs) supported by Professional Service Providers (PSPs) will be fully responsible for preparation of individual sub-project Resettlement Action Plans (RAPs) with collaboration of respective LGAs / Management Team, local farmers’ groups / associations, Ward and Mtaa / Village leaders and committees and other stakeholders. The MALF will approve the individual sub-projects and RAP and ensure compliance to requirements of this RPF. Involuntary resettlement planning and implementation will be mainstreamed in the programme of technical assistance and capacity building planned for the CFAST project.

Prior to implementation of any sub-project likely to have resettlement / land acquisition issues the Participating LGA / Scheme will implement the individual sub-project RAP during which the RAP team will establish assets and categories of people and groups that will be affected and their entitlement to compensation. Two general methodologies will be applied to value land and unexhausted improvements: estimation of the market value and/or estimation of the replacement costs. Method for estimating various kinds of allowances will be in accordance with OP 4.12 in conjunction with the Tanzania Land (Assessment of the Value of Land for Compensation) Regulations, 2001. Forms of payments will be in cash, in kind, and/or through assistance. This RPF recommend compensation at full replacement value added with allowances paid to all affected groups - regardless of the legality of land tenure - according to PAPs preference. Mechanisms available to affected people for complaints about aspects of their resettlement treatment will be through mediation and if unsuccessful, affected people will seek recourse/appeal through land tribunals and the court of law system.

The Participating LGAs will deliver compensation following entitlements and procedures that takes full consideration of public participation, formal/informal notification and documentation. The taking of land and civil works activities will be implemented only after compensation has been paid. GoT will be the source of funds for resettlement related costs. The exact cost estimates will only be possible when locations are identified.

Consultations with, and participation of displaced persons in planning, implementation, and monitoring will be on-going throughout the process of preparing RAPs. Local government system shall be main channel of activities.

Evaluation and monitoring shall be fundamental components of the RAP preparation and implementation built into the overall monitoring framework of the entire CFAST project; and involving the Ministry of Lands and Human Settlement Development, various stakeholders and independent monitoring by a mandated national agency e.g. NEMC.
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LIST OF ACRONYMS

ASDP  
Agriculture Sector Development Program

ASDP 1  
First Agriculture Sector Development Program

ASDP 2  
Second Agriculture Sector Development Program

ASDS  
Agricultural Sector Development Strategy

ASLM  
Agriculture Sector Lead Ministry

CFAST  
Catalysing the Future Agri-Food Systems of Tanzania

DC  
District Council

DP  
Displaced Person

DEC  
District Environmental Committees

DED  
District Executive Director

DoE  
Division of Environment

EA  
Environmental Assessment

EIA  
Environmental Impact Assessment

ESMF  
Environmental and Social Management Framework

GoT  
Government of Tanzania

HIV/AIDS  
Human Immune Deficiency/Acquired Immune Deficiency Syndrome

IDA  
International Development Association

IFC  
International Finance Corporation

IA  
Implementing Agent

LGA  
Local Government Authority

MDAs  
Ministries, Departments and Agencies

M&E  
Monitoring and Evaluation

MALF  
Ministry of Agriculture Livestock and Fisheries

MLHHSD  
Ministry of Land, Housing and Human Settlement Development

NEMC  
National Environment Management Council

NGO  
Non-Governmental Organization

OP/BP  
Operation Policy/Bank Procedure

PAP  
Project Affected Person

PO-RALGCSGG  
President’s Office Regional and Local Government Authorities, Civil Service and Good Governance

RAP  
Resettlement Action Plan

RPF  
Resettlement Policy Framework

SEC  
Sector Environment Coordinator

TA  
Technical Assistance

ToR  
Terms of Reference

TP  
Town Planning

URT  
United Republic of Tanzania

VEO  
Village Executive Officer

VPO  
Vice President’s Office

WB  
World Bank

WDC  
Ward Development Committee
ACKNOWLEDGMENTS

This Resettlement Policy Framework (RPF) report was prepared for the Ministry of Agriculture Livestock and Fisheries (MALF).

A team of consultants participated in the preparation of this framework document under the auspices of JSB-EnviDep Ltd: Ms. Saada K. Juma (Environment and Social Management Specialist) 1, Ms. Beatrice Mchome (Senior Sociologist) 2 and Ms. Mwajuma Nuru (Sociologist) 1. Prof. Jamidu H.Y. Katima 1 (Environmental Engineer), who made final edits of the document is also acknowledged.

Acknowledged are the contributions from government officials at MALF especially from Eng. Lait Simukanga and Ms. Nkuvililwa Simkanga (Director of Policy and Planning) and the CFAST Project Preparation Team lead by Eng. January Kayumbe.

Invaluable cooperation and assistance are acknowledged to Team responsible for design and planning of upgrade projects for the Sakalilo and Kakese-Mwamkulu Irrigation Schemes. Special thanks go to Mbeya Zone Irrigation Office, Eng. Elibariki J. Mwenda (Ass. Zonal Irrigation Engineer) and Mr. M. J. Ndonde (Agronomist); the Sakalilo project team at Sumbawanga District Council: Kibona Daniel (Irrigation Engineer) and Mr. Halfan Mohamed (Ag. District Agricultural, Irrigation and Cooperative Officer); the Kakese-Mwamkulu integrated project team at Mpanda District Council and Mpanda Town Council: Yusuph S. Mukhandy (Irrigation Technician) and Philipo Charles (Agricultural Engineer).

This document is a product of a broad range of stakeholders that were consulted. Specifically the Irrigators Associations at the 2 irrigation schemes Sakalilo and Kakese-Mwamkulu and local leaders in those areas. Furthermore, special thanks go to government officials (Ministry of Lands, Housing and Human Settlements Development, Rukwa and Katavi Regional Secretariats and Water User Association, L. Rukwa and L. Tanganyika Water Basin Offices, Katavi National Park etc.) who were met during field visits. Their inputs have been extensively used in the preparation of this RPF.

Acknowledgement is also given to officials at the World Bank Tanzania Office who provided valuable contribution to drafts and this final version of the document.

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Ministry of Agriculture Livestock and Fisheries (Agriculture)

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2 East Africa Resource Group, Dares salaam, Mobile +255 784 464816,betysmchome@yahoo.com
DEFINITION OF TERMS

“Census” means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.

“Compensation” means the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from sub-project activities.

“Cut-off date” is the date on and beyond which any person whose land is occupied for sub-project use, will not be eligible for compensation. This is the date of commencement of the census of Project Affected Persons (PAPs) and their property or Displaced Persons (DPs) within the CFAST sub-project area boundaries.

“Displaced Persons” mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the project will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people will have their: standard of living adversely affected, whether or not the Displaced Person must move to another location, lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

“Environmental and Social Management Framework” report is a safeguards instrument (document) which establishes a mechanism to determine and assess future sub project potential environmental and social impacts of the proposed CFAST Project, 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 standalone document to be used in conjunction with the RPF.

“Involuntary Displacement” means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: loss of benefits from use of such land; 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 Displaced Persons have moved to another location; or not.

“Involuntary Land Acquisition” is the repossession of land by government or other government agencies with or without compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the
amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

“Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.

“Land acquisition” means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.

“Market rate” – is determination of value 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 CFAST Project. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.

“Project Beneficiaries” – individuals, groups (farmers and farmer groups) and communities benefiting from project activities.

“Rehabilitation Assistance” means the provision of development assistance in addition to Compensation such as land preparation, credit facilities, training or job opportunities needed to enable Project Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

“Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared when CFAST sub-projects investments that require land acquisition that leads to resettlement are identified and approved and their locations are identified. In such cases, land acquisition 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 (Subproject Owner / Implementer) impacting on the people and their livelihoods. RAPs contain specific and legal binding requirements to be taken by subproject owner / implementer to resettle and compensate the affected party before project activities causing this adverse impact are implemented. RAPs will be site specific for the CFAST Project and will be prepared in conformity with the provisions of this RPF with the views of the of the PAPs and DPs.

“Replacement cost” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Tanzanian law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b)
preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

“Replacement cost for houses and other structures” means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs shall include: (a) transporting building materials to the construction site; (b) any labour and contractors’ fees; and (c) any registration costs.

“Resettlement Assistance” means the measures to ensure that Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.

“Resettlement Policy Framework (RPF)” is also a resettlement instrument (this document) that is prepared by the borrower (in this case by the Government of Tanzania, represented by the Ministry of Agriculture Livestock and Fisheries) when project activities 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, are not identified at the project preparation stage. The RPF is therefore prepared and disclosed before the proposed project is appraised setting out the resettlement and compensation policy, principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the CFAST Project when subproject investments are identified. The RAP is prepared consistent with the provisions of the RPF.
1. BASIC INFORMATION

1. Country and Project Name:
   Tanzania –“Catalysing the Future Agri-Food Systems of Tanzania” (CFAST) Project.

2. Project Development Objectives:
   To pursue the transformation of selected agri-food systems to yield higher revenues to farm households, while being more resilient to climate change; and provide immediate and effective response to an Eligible Crisis or Emergency.

3. Project Outcomes:
   To strengthen farmer organizations to improve and diversify their production systems and linkage to value chains in irrigated agriculture.

4. Expected Project Benefits:
   To support smallholder farmers’ to graduate from subsistence farming to commercial agriculture.

5. Identified Project Social Risks:
   Anticipated losses due to land acquisition for project investments leading to physical and economic displacement of some beneficiaries and members of host communities.

Recipient: Government of Tanzania – Ministry of Agriculture Livestock and Fisheries

Responsible Government/Country Agency for RPF Implementation: Ministry of Agriculture Livestock and Fisheries and Participating Local Government Authorities and Irrigators Associations

Total Project Cost (USD million):
IDA/IBRD (USD million):
Government (USD million):
Other-Co-financing (USD million):

Total Cost of RPF (USD million):
Project preparation (USD million):
Government (USD million):

Name/Contacts of Consultant/Consulting Firm who prepared RPF:
Ms. Saada K. Juma (Environmental and Social Planning and Management Consultant; skatangi@hotmail.com) & Ms. Beatrice Mchome (Social Specialist; beatysmchome@yahoo.com), JSB- EnviDep Ltd of Dar es Salaam, Tanzania

Date RPF Prepared: November, 2016
   Date RPF Disclosed: 2017

Country: Tanzania

Country Manager:
Country Director:

Social Safeguards Specialist: Ms. Saada K. Juma & Ms. Beatrice Mchome

Task Team Leader:
SDN Sector Leader:
### Project ID: Catalyzing the Future Agri-Food Systems of Tanzania (CFAST) Project

#### Environment Category:

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<th>Date ISDS prepared</th>
<th>Date ISDS disclosed</th>
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<th>Year of project closing</th>
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<tr>
<td>Is RPF applied to financial intermediary or intermediaries financing sub-projects?</td>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>Is RPF applied because zone of impact of sub-projects cannot be determined at this stage?</td>
<td>[ √ ] [ ] No</td>
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<tr>
<td>Is the RPF applied because the zone of impact is known but the site (location) alignments are not yet well established?</td>
<td>[ √ ] Yes [ ] No</td>
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<tr>
<td>Is this community driven development (CDD) project?</td>
<td>[ √ ] Yes [ ] No</td>
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<tr>
<td>Is this a sector-wide project with national coverage?</td>
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<tr>
<td>Is this a regional operation, with national/sub-national coverage?</td>
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#### Safeguard policies triggered?

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**Involuntary Resettlement (OP 4.12)**

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<td>Projects on International Waterways (OP/BP 7.50)</td>
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2. CFAST PROJECT DESCRIPTION AND POTENTIAL INVESTMENTS CAUSING RESETTLEMENT

2.1. BACKGROUND

1. In 2006, the Government of Tanzania (GOT) through the Ministry of Agriculture, Food Security and Cooperatives (MAFC), established a 15-years program known as the Agriculture Sector Development Program (ASDP) to serve as an overall framework and operational process for implementing the Agricultural Sector Development Strategy (ASDS).

2. The first phase of the ASDP, implemented between 2006 – 2013, involved participation on and support of strategic plans of four Agriculture Sector Lead Ministries (ASLMs) namely MAFC, Ministry of Livestock and Fishery Development (MLFD), Ministry of Industry and Trade (MIT) and President’s Office - Regional Administration and Local Governments, Civil Services and Good Governance (PORALGCSGG) and District Agricultural Development Plans (DADPs) of District Government Authorities. ASDP - 1 received funds from a multi-donor “basket fund” arrangement involving the World Bank (IDA Credit), International Fund for Agriculture Development (IFAD) and other bilateral donors. The GOT has now requested the World Bank for continued support for its CFAST Project.

3. Now that the 1st phase has been successfully implemented, while a larger Government’s second phase Agriculture Sector Development Program (ASDP 2) has been prepared by the GOT through the current Ministry of Agriculture, Livestock and Fisheries (MALF) and the World Bank are proposing a 5-years project – “Catalysing the Future Agri-Food Systems of Tanzania” (CFAST) to support the implementation of irrigated agriculture and improvement of value chains of commodities identified in business development plans of Irrigators Organization (IOs). The project will be structured as an Investment Project Financing (IPF), funded by an IDA credit in the amount of US$100 million.

4. The aim of the CFAST project is to support activities linking organized smallholder farmers with markets to enhance their income and productivity. CFAST has been envisioned to be in full support of the second phase ASDP2 currently in the pipeline. The Project will collaborate with the SAGCOT project which focuses on agribusiness development in the Southern Agricultural Growth Corridor of Tanzania (SAGCOT): namely Iringa, Mbeya, Rukwa and Katavi Regions. However, observations and conclusions at subproject locations supported under ASDP-1 indicated a few of qualifying districts were found to be familiar with the RPF procedure on land

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3 Aide Memoire: WB Preparation Mission of the CFAST Project, October 12-21, 2016 appreciation of the approach and the principles of operation behind ASDP2
4 (ASDP Implementation Completion Report (MAFC, July 2014) and Environmental and Social Audit of Selected ASDP Sub-projects (MAFC, December, 2014).
acquisition and resettlement. This was mostly attributed to inadequate /lack of staff for administering land acquisition social management issues hence lack of assurance on compliance with RPF procedures. There is no clear record on a number of subprojects or farmer groups who have fully adopted the RPF procedure. The CFAST aim at tackling these problems through involvement of trained Professional Service Providers, and Public Extension Workers from respective District to support the IOs.

5. The proposed CFAST project will focus on implementing activities on an integrated approach to improve value chains through increased productivity of targeted commodities and forging sustainable market linkages.

6. Anticipated subprojects include infrastructure development involving rehabilitation or upgrading of irrigation infrastructures and other works and operations aimed at improvements at the level of irrigation schemes and connecting the schemes to markets. Such infrastructure/facilities as warehouses, farm roads, drainage systems, day care centres etc. would need to be part and parcel of the IOs’ business development plans. Subprojects approved for funding by CFAST will be planned and implemented by target smallholder farmers and their associations assisted by Professional Service Providers, Public Extension Workers from respective District and Regional authorities and the Ministerial Delivery Unit (MDU) at the Ministry of Agriculture Livestock and Fisheries. Infrastructure investments will be coupled with improvements of both on-farm and organizational management capability of the smallholder farmer’s organizations and Participating Districts and Regions.

7. Based on this focused approach to agriculture sector development GOT is preparing a World Bank (IDA) credit for the CFAST project with a view of financing these priority investments and coupled improvements of management capability of the implementing institutions including those previously received funds from ASDP-I.

2.2. CFAST PROJECT RATIONALE

8. Whereas many agricultural developments have had a focus on productivity, the current project takes an integrated approach to improving value chains. The assumption is that market access and production system improvements are best accomplished together and that they reinforce each other. Also that market opportunities, especially in urbanizing societies, are increasing and provide more opportunities than productivity improvements per se. The project will collaborate with the SAGCOT project which focuses on agribusiness development. Strengthening value chains is best done by working with and through farmer organizations. The project will therefore engage with farmer/irrigation organizations that have already been established in the different irrigation schemes. Business plans will be developed that identify value chain improvements on the one hand and investments in productive infrastructure on the other. Most of the infrastructure plans will only be approved
once the business plans are approved. Farmer organizations will receive support in the development and implementation of their business plans from a Professional service provider (NGOs, foundations, other development organizations).

9. The project is expected to lead to an agricultural transformation model that can be repeated in other parts of the country and other production systems. The potential of this transformation model may be further enhanced by changes in the enabling environment, for example on market information, credit or land tenure. These issues may be considered for inclusion in Development Policy Operations or other investment projects that may be discussed in the dialogue with the Government on how to rethink Tanzania’s agricultural development approach.

10. Figure 1, below provides a graphic representation of the project’s theory of change.

![Diagram of project’s theory of change]

**Figure 1:** A graphic representation of the project’s theory of change.

2.3. PROJECT LOCATION

11. The entry point for the project intervention will be the Irrigators Organizations (IOs). According to the Irrigation Act, the IOs, can take on additional value chain functions besides their core mandate. Additional capacity building and technical assistance will be needed to enable them undertake value chain functions and the project will design specific interventions to strengthen their capacity. Selection of the schemes includes existing schemes that - (i) legal registration of the IO, (ii) possession of a valid water abstraction permit, (iii) are part of a cluster –based on relative distance between the potential schemes. The geographic locations of such schemes will be in Iringa,
Mbeya, Rukwa and Katavi regions. To further improve targeting GIS methodology will be used to map the clusters and the schemes within them and to overlay population density, road infrastructure, and poverty levels. The map below (Figure 3) provides the currently proposed scheme selection.

![Map of proposed schemes](image)

**Figure 2: Geographical Location of the proposed Schemes under CFAST** (Source: Aide Memoire: World Bank CFAST Project Preparation Mission, October, 2016)

### 2.4. CFAST PROJECT PROPOSED DEVELOPMENT OBJECTIVE

12. The PDO of CFAST is to pursue the transformation of selected agri-food systems to yield more revenues to farm households, while being more resilient to climate change; and provide immediate and effective response to an Eligible Crisis or Emergency.

### 2.5. PROJECT COMPONENTS

13. The project will have three components:

#### 2.5.1. Component 1. Linking Farmers to Agricultural Value Chains

14. This component focuses on the linkages between farmer groups and markets. The objective of this component is to strengthen Irrigators Organizations (IOs) in each of
the selected irrigation schemes \(^5\) to become effective players in value chains in irrigated agriculture, in order to increase their income and to diversify their income sources from agriculture. The sequence of interventions in each scheme to include: 1) Scheme assessment and baseline data collection; 2) Scanning of market opportunities; 3) Needs assessment of the farm population specified by gender and age; 4) Drafting of an MoU between the Irrigators Organization and the Project that outlines the scope of engagement; 5) Business Plan development (see Box 1); 6) Enabling linkages with market agents; 7) Business plan implementation; 8) Closure of engagement and end line data collection.

15. These steps will be facilitated by the contracted PSPs. During this process the PSPs\(^6\), with the IO members and government staff at the schemes also identify capacity building needs of the different actors. For example IOs might benefit from organizational and business skills; farmers and agronomy technicians from climate smart technologies; irrigation technicians from approaches to improving and measuring water use efficiency, etc. For some of this training the PSPs may have modules available; for and for some they will source training from government institutions such as the Ministry of Agriculture Training Institute (MATI).

16. Once an irrigator organizations graduate from project support, they may receive back-up support from the Local Government authorities for their further business development needs. The project will pursue linkages with the SAGCOT Centre in order to identify agricultural market opportunity and establishes alliances between irrigator organizations and agribusinesses.

2.5.2. **Component 2: Developing and Managing Climate-Smart and Sustainable Irrigation Infrastructure**

17. This component addresses infrastructure development, integrated water management, and the professional management of irrigation schemes. After scheme assessment (step 1 in component 1), a feasibility study and a design for each scheme will be undertaken. In the design special attention will be given to the application of innovative irrigation approaches that may lead to more resilience and water use efficiency. A menu of possible irrigation technologies will be drawn that may be pursued in each scheme. The menu may include options such as: System of Rice Intensification; drip irrigation; sprinkler systems; solar pumps; sensor based water application; water use measurement approaches; rainwater catchment and water harvesting; drainage systems; and leakage reduction.

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\(^5\) In all of the target schemes farmers belong to Irrigators’ Organizations. In addition, there are SACCOs and AMCOs in the schemes.

\(^6\) NGOs, consultants, foundations
18. In parallel to the business plans under Component 1, Irrigation Management Plans for the Irrigator Organizations (IOs) will be drawn up. A separate firm may be contracted to help with management of the schemes for a limited amount of time. The irrigation management plans will emphasize operation and maintenance and will assure that the IO operates under full cost recovery. Innovative approaches such as the insurance of the scheme against climatic disasters will be explored. The MoU that defines the engagement between IO and project will help in the enforcement of water use permits, fees from IO members, penalties for defaulters, etc. The Irrigation Act specifies a minimum fee of 5% of production, but so far enforcement has been irregular. However, without systematic fee collection, the O&M remains unsustainable and schemes lapse back to dependency from the government.

19. Stricter enforcement requires a mind-set change, awareness building and training, at farmer level and at government level. Study tours will be organized to allow farmers to appreciate the operation of successful schemes within Tanzania.

20. Feasibility, design and construction supervision will be contracted out to a competent private contractor, through international tendering. Construction activities will be contracted through competent national companies.

2.5.3. Component 3: Institutional Strengthening and Project Management

21. This component addresses the project management and coordination as well as the efforts to strengthen capacity. A small Project Implementation Unit housed in the MDU composed of consultants is proposed for implementing the project. The proposed PIU will link with staff in the core ministries involved in the project including – agriculture, environment, industry, water and local government. Staff in the proposed PIU will coordinate work plans across the different ministries to ensure a coordinated approach at farm level. MALF will recruit PSPs, per cluster to support the development and implementation of market driven business plans. Within the schemes, the PSPs will work with, guide and support Local Government staff in project implementation. For irrigation rehabilitation, an international tender will be placed to identify companies that will undertake feasibility including safeguards and design studies and will provide supervision of infrastructural works. Contractors for infrastructural works will be recruited in the national market. Linkages between the participating ministries will be established through the PIU as well through the CFAST Project Zonal Steering Committee. The Steering Committee, will oversee the implementation of the project, with the day to day administration and coordination in the hands of the PIU.

22. A communication plan will be developed to enhance the effective information flow among the core agencies involved in project implementation.
23. Capacity building activities will have a double focus: A series of activities will be put in place to strengthen the ability of government agencies to work in market approaches and to support farmers in becoming self-reliant and independent of further government support. These activities will focus on business planning and marketing support on the one hand and irrigation management plans on the other. The other set of activities is on strengthening the fiduciary and implementation follow-through capacity of the government agencies involved. The objective of these activities is to strengthen MALF’s capacity to successfully operate under one consolidated budget that incorporates contributions of development partners. Special focus will be put on strengthening internal audit and accountancy capacities.

2.5.4. **Component 4. Monitoring & Evaluation, Knowledge Sharing, Learning and Project replication**

24. A Monitoring and Evaluation (M&E) system will be established to capture data on physical and financial progress, the performance of implementing agencies and service providers, and the achievements of outcomes and impact vis-à-vis the project development objectives. Project Monitoring and Evaluation will also be an important tool for facilitating continuous critical reflection on experience and learning by all stakeholders. The MDU will have primary responsibility for monitoring progress and outcomes based on indicators defined in the project results framework.

25. A consultant will be hired to conduct a pilot baseline survey in two irrigation schemes that have already been identified by the team. The consultant will develop a methodology to be applied across all schemes during the course of the project; collect all values for the baseline; and determine the targets for each indicator. Once the irrigation schemes targeted by the project have been determined, the baseline survey will be rolled out to collect further baseline data for all the remaining schemes (see step 1 of the component 1 intervention sequence).

26. The M&E system will be based on regular surveys, technical and economic monitoring of the project activities, as well as annual data collection in the field, in order to provide actual data on an annual basis and the completion of the Results Framework. The use of new tools such as remote sensing will be explored, to examine features like cropping patterns and cropping intensity, and irrigation management practices. These tools can be employed at a scheme, cluster and basin levels to support project management and monitoring. Further data on project implementation in the schemes will be collected through tablets that will register location and time of data registration. Pictures may accompany data reports. The tablets will also allow for automatic uploading to the central M&E unit.
2.5.5. Component 5: Contingent Emergency Response (zero component)

27. This is a zero budget component included to provide immediate and effective response to an Eligible Crisis or Emergency. In case of an emergency, funds can be shifted towards this component.

2.6. RESETTLEMENT IMPLICATIONS OF CFAST PROJECT

28. CFAST project may lead to resettlement - defined in its broadest context as land acquisition and related aspects that leads to physical displacement of persons due to loss or relocation of home or shelter; and/or economic displacement of persons due to loss of income or livelihoods sources due to loss of assets or denial or restriction of access to assets or economic resources.

29. Component 2 of CFAST project: Climate smart and sustainable irrigation schemes for farmer groups diversifying their value chains” will be accomplished through application of various possible irrigation technologies the establishment and operation of which may involve land acquisition / landtake causing resettlement.

30. Under CFAST project land requirement for infrastructure development or improvement on temporary or permanent basis will depend on nature of irrigation technology chosen by any one given scheme and the needed works. A number of conditions would lead to resettlement:

31. Land-take for construction of new infrastructure at new locations may require acquisition of additional parcels of land. Such investments at the scheme level may include additional irrigation main canals and tributaries, new warehouse, or a new structure meant to facilitate functioning of a scheme (i.e. drainage channel, farm road to facilitate maintenance, access route to ease transportation of products to main roads or market place etc.).

32. Modifying a route in order to achieve construction/irrigation standards such as expansion of diameters or extension of lengths, realignment or diversion) of existing linear structures (i.e. main canal, drainage channels or road) at some points may necessitate taking of new land and replacement / modification of existing land uses.

33. Expansion of the size of the irrigation scheme in order to increase the number of beneficiary’s and the productivity would lead to acquisition of sizeable portion of hectares of farming land; Land take could be on temporary terms for diversion of route during construction phase, or stock piling of building materials, or disposal of excavated soils and overburden (cleared soils and vegetation). Taking of land could for the purpose of providing infrastructure enabling access in areas affected by restrictions that prevent / limit access to resources, property or asset.
34. Dis-proportionate access to resources under a scheme such as irrigation land, irrigation water, storage space in warehouses will also lead to loss / disruption of means of livelihood. Some members of the community – i.e. current or potential Irrigators may move out of the village boundary due to relocation of home or shelter to another location and hence no longer eligible to irrigation water allocations, storage space in warehouses and other benefits enjoyed by residents. Disability or other forms of vulnerability may prevent easy access (long distances) to the income or livelihood sustaining resource.

35. Given the fact that the exact nature of the future investments (or their locations or exact impacts) is not currently known, until when they are identified the application of this Resettlement Policy Framework (RPF) will guide participating local authorities and scheme owners in managing land acquisition and mitigation of resulting impacts. The aim is to avoid or at least minimize involuntary resettlement to the extent possible. Where it is unavoidable detailed RAPs, based on this RPF will be carried out as needed, for all subproject that trigger the resettlement safeguards. The details and complexity of each RAP will depend on the investment and type and the level of impacts. Since this RPF will be available, the investment specific RAPs which will be submitted as a condition on a given investment financing need not include the sections well dealt with in the RPF i.e. Policy Principles; legal analysis, entitlement and eligibility criteria. Contents of the RAP prepared based on this RPF are described under Chapter 9 (section 9.3.2).
3. RPF PREPARATION PROCESS

3.1. APPROACH

36. The preparation of the document involved a review and update of the Resettlement Policy Framework prepared in 2015 for the ASDP 2 – BRN Project. Preparation of the Resettlement Policy Framework involved the following approach that included:
   a) Identification of key issues for RPF development at the inception phase (Inception Report)
   b) The preparation of the document was closely coordinated by staff in the MALF responsible for project preparation / coordination.
   c) Collection of data and information from literature, consultations with key informants and observations at two representative LGAs and schemes to determine baseline conditions of important socio-economic receptors; to determine components of the CFAST project and activities likely to cause resettlement and resulting impacts; to determine best alternative approaches for designing and implementing CFAST project and subsequent sub-projects to eliminate or reduce the severity of resettlement impacts; and to assess individual and institutional capacity building needs for implementation of this RPF and subsequent subproject’s RAPs.
   d) RPF disclosure was made progressively throughout stakeholder consultations to gather feedback and recommendations for inclusion in the final outputs.
   e) Final disclosure was made in a stakeholder’s workshop that was held on 16th January 2017 at Mkapa Hall, Mbeya City (see Annex ….for list of participants).
   f) Final distribution will be through key local and national institutions and outlets.

3.2. METHODOLOGY

37. Methodologies entailed desk reviews of relevant literature undertaken during initial preparations and continued throughout the assessment phase and preparation of the framework document. Information sources include documents from World Bank, MALF, LGAs, web-search, national and local data and information centres/sources including:
   a) RPF documents prepared by MALF for the ASDP-1 and ASDP 2-BRN Projects;
   b) CFAST project appraisal document: WB Aide Memoir and Concept Note, 2016.
   c) Recent studies, appraisal/ performance assessments documents for ASDP-1: ASDP Implementation Completion Report (MALF, July 2014; and Environmental and Social Audit of Selected ASDP Sub-projects (MALF, December, 2014.
   d) Background literature of the social conditions at target LGAs
e) Current environmental and social management frameworks in use within ASDP / SAGCOT area, ESIA reports and RAPs for project areas;

f) Tanzania legislation and the World Bank safeguard policies

38. Documents reviewed are listed under the Bibliography section.

39. Fieldwork and consultations were conducted in 2015 by paying visits to two representative sample LGAs namely Mpanda District Council, Mpanda Town Council and Sumbawanga District Council. The team visited the Sakalilo irrigation scheme in Sumbawanga District and the Kakese-Mwamkulu irrigation scheme in the border between Mpanda District Council and Mpanda Town Council.

40. Activities at each LGA involved gathering available documents (i.e. environmental / economic / social data, land use plans and materials from previous planning sessions); conducting interviews/discussions with CFAST Focal Persons and staff directly responsible or involved in project implementations: DAICOs; Irrigation Engineers, and Community Development Officers; physical (land and landuse) planning officers; Council Management Committees. At scheme level the team conducted interviews/discussions with beneficiaries / implementers and persons in-charge of the schemes included farmers and Irrigators Associations as well as extension officers – Irrigation Technicians, Agriculture Officers, community leaders and representatives. Views of MALF and Zonal Irrigation Officers staff directly responsible or involved in BRN plans for the agriculture sector (Commission for Irrigation; Department of Food and Nutrition Security lead implementation of the COWABAMA component) as well as Regional authorities and other stakeholders were included in the document preparation.

41. Stakeholders Consultations: Initial consultations were held as part of the preparation of the RPF among stakeholders within the project area and relevant institutions/ sectors, including Region Secretariats, Districts Councils and IOs. Follow-up consultations were carried out to discuss the draft RPF in a stakeholder consultation workshop, which was held on 16th January 2017 at Mkapa Hall in Mbeya City (see Annex 2 for the list of participants) with participants selected from the project area. During the consultation, presentations made were on CFAST project and the draft RPF, followed by panel and focus group discussion. The process complied with the World Bank stakeholder consultation in investment operations. Issues/concerns raised from the stakeholders were incorporated in this RPF document (see Annex 1) and will be monitored during the project implementation period. The main issues raised included:

i) Assurance on compensation for involuntary resettlement issues;

ii) Methodologies which will be applied to correctly examine the physical features of the irrigation scheme and establish current status of irrigation schemes under CFAST project;
iii) Status of tenants, who are not recognized in the land Act and how tenants will be handled under the project;
iv) Consideration for security of persons who will be displaced by the project; and
v) Appropriate engagement and meaningful consultations during compensation of PAPs need be considered and include two important steps:
   • Sensitization of key stakeholders;
   • Full participation of the village government
4. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

4.1. RATIONALE FOR PREPARING THE RESETTLEMENT POLICY FRAMEWORK (RPF)

42. One of the safeguards policies triggered under the CFAST project is the Resettlement Policy (OP 4.12). GOT prepared RPF for the ASDP which was applied during implementation of the ASDP-1 sub projects. Proposed sub-projects supported by CFAST project may have components that require land acquisition and may involve permanent and / or temporary loss of shelter (homes), loss of assets, income sources, means of livelihood, trees or community properties and in some cases involuntary restrictions or access to resources resulting in adverse impacts on livelihoods of displaced persons. Given the fact that the exact nature and scale of resettlement is unknown (extent of the schemes improvements works or their location is not currently known and in most cases the specific designs for the infrastructure improvements have yet to be completed), the World Bank’s Involuntary Resettlement Safeguard Policy (OP 4.12) which is in accord with the laws of Tanzania, require the GOT / MALF, to apply Resettlement Policy Framework (RPF) to guide determination of social impacts due to any land acquisition and mitigation of resulting impacts.

43. GOT has updated the existing RPF for ASDP-1 and ASDP 2 – BRN to suit with requirements of the CFAST project to confirm its commitment to document any resettlement or associated adjustment of property rights resulting from the investments made under the CFAST project. This RPF will therefore govern all activities funded under the CFAST project. Detailed RAPs, as needed, will be carried out by the Government of Tanzania for all project activities that trigger them. All relevant documents will be disclosed to the public in-country and internationally at the Bank’s Info shop and distributed by national institutions relating to the environment (National Environment Management Council – NEMC as well as by the MALF before specific works could start.

4.2. OBJECTIVES OF THE RPF

44. Main objective of RPF is to guide the implementers in ensuring that all Project Affected Persons (PAPs) get compensated for their losses at replacement costs and suitable means to restore or improve their livelihoods and living standard to pre-project level, at a minimum.

45. The aim of RPF is to guide on compensation, resettlement and restoration of PAPs based on the principles, objective, and eligibility criteria for PAPs who will deserve benefits in the course of the execution of the sub-projects earmarked in the CFAST project arrangement. The RPF establishes the organizational arrangements for
identifying, consulting with and reaching agreement with affected parties under the Project.

46. The specific CFAST project RPF objectives which are to:
   a) Establish the CFAST project valuation, compensation and resettlement principles that may accrue to any adjustment in property rights and implementation arrangements;
   b) Describe the legal and institutional framework underlying approaches for valuation, compensation, resettlement and rehabilitation;
   c) Compare the Tanzanian Laws and the World Bank Operational Policy for Resettlement (OP.412) and identify the gap;
   d) Define the eligibility criteria for identification of Project Affected Persons (PAPS) and entitlements, considering Tanzanian Laws and the World Bank OP 4.12;
   e) Describe the process for RAP preparation;
   f) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
   g) Provide procedures for filling grievances and resolving disputes.

4.3. RPF SCOPE AND FLEXIBILITY

47. The subproject owner / implementer will use this RPF as an overall guide among others in the development of the RAP. This RPF is an update of the ASDP first phases RPF which covered investments to be implemented in the whole country. This RPF for CFAST Project will cater for initial investments targeted for districts in the Southern Agricultural Growth Corridor of Tanzania (SAGCOT). The aim of CFAST is a gradual expansion of the model to additional districts in other geographical areas of Tanzania and the RPF could be update to meet the emerging requirements.

4.4. RPF PRINCIPLES UNDER CFAST PROJECT

48. As reiterated above, it is likely that investments in any of CFAST Components 1 will involve involuntary resettlement and related issues which will need to be managed through this RPF. The policy framework sets out the following principles to guide the resettlement of affected people:

49. **Broad application of the resettlement policy**
   a) The policy applies to all components under the CFAST project, whether or not they are directly funded in whole or in part by the MALF.
   b) The policy applies to all affected persons regardless of the severity of impact and whether or not they have legal title to the land.
   c) The policy covers direct economic and social impacts caused by the involuntary taking of land and other assets resulting in i) relocation or loss of
shelter; ii) loss of assets or access to assets; iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

50. **Resettlement measures planned and implemented according to Resettlement Action Plans (RAPs):** because land acquisition has to be done in a way that satisfies the required design standards for any of the sub-project that will be developed using the CFAST funds, the people and livelihoods would be impacted, and resettlement cannot be avoided in all cases. The policy requires that the implementation of individual sub-project resettlement and compensation plans (RAPs) are a prerequisite for the implementation of any investment activity causing resettlement, to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. Where relocation or loss of shelter occurs, the policy requires that measures to assist the displaced persons be implemented in accordance with the resettlement and compensation plan of action.

51. **Consultation and participation of affected communities:** the RPF seeks to ensure that affected persons, communities and local authorities (e.g. districts, municipalities) are regularly and genuinely informed and meaningfully consulted; are encouraged and assisted to participate in the resettlement planning and implementation process; and displaced people are adequately compensated to the extent that their pre-displacement incomes have been restored and that the process is a fair and transparent one.

52. **Provision of resettlement measures to affected persons and entities with recognized property rights:** resettlement measures shall be provided to persons and entities with recognized property rights in accordance with the country (Tanzanians) land and compensation laws and practices as a minimum. Wherever necessary they will be supplemented with additional measures to meet the WB OP 4.12 requirements. Eligible displaced persons will be provided with such assistance as: moving allowances where physical relocation is involved; and transitional support such as a disturbance allowance and accommodation to enable them to restore their livelihoods and standards of living.

53. **Provision of resettlement measures to affected persons and entities without recognized property rights:** OP 4.12 requires that displaced persons without recognized rights to compensation (“non-land owners” e.g. tenants and unlawful land users or occupiers) should be provided with resettlement measures that are similar to those that lawful landowners are entitled to, although the form of the measures may differ:
   a) Cash compensation for the loss of permanent structures, trees and crops that belong to them personally;
   b) Landlords are required to serve tenants with at least three months’ notice to vacate the premises. In those instances where their tenants has paid rents in
advance (e.g. for the coming year) the land lord is required to refund the amount of the unused advance payment. Cases where a land lord refuses to return rental deposits and advance payment to tenants should be handed through the well-established community systems involving local leaders. Failing resolution at this level, a tenant will have access to legal assistance as provided in the sub-project RAP; and

c) The LGA (Districts, Municipalities) should provide alternative land to genuine “landless” people who are occupying or using private land without authorization. This should be provided well in advance of relocation to ensure that a displaced person has sufficient time to construct replacement structures. Moving assistance should be provided where necessary.

54. **Consideration for the needs of vulnerable groups:** Particular attention should be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line; the landless, the elderly, women and children, and the ethnic minorities or other displaced persons who may not be protected through Tanzania land compensation legislation.

55. **Preference for land-based compensation for land-based livelihood:** Compensation for lost assets can be monetary, in-kind or both. Preference should be given to land-based resettlement (land to land) to PAPs whose livelihood is land-based. Preference shall be to provide displaced persons with compensations in cash for the loss of assets (including land, housing and other structures), for loss of access to assets, for damage caused to assets and for loss of business profits or income earning opportunities. However, displaced persons should be offered replacement plots which they can purchase and develop with the cash compensation received.

56. **Taking of land /displacement take place after completion of compensation and other assistances:** The policy required that resettlement measures include provision of compensation and of other assistance required for relocation and preparation and provision of resettlement sites with adequate facilities (where required) prior to displacement. In particular, the taking of land and related assets or the denial of access to 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 displaced persons. No person or entity will be required to vacate acquired land until resettlement entitlements have been delivered.

57. **Compensation determined on basis of market value or replacement cost:** The value of compensation shall be determined on the basis of the markets value or replacement cost and should include necessary additional costs incurred to achieve full restoration.

58. **Participation of project impacted persons in the project activities:** 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 project activities. Therefore, impacted communities must be consulted and are part of the planning process. Offering opportunity for employment to impacted people during the construction or of providing services such as supplying water or construction materials (e.g. gravel) etc. provides an additional income-generating opportunity to a significant number of persons who may be affected in the targeted areas. Therefore, this opportunity for local employment is being taken advantage of in this resettlement policy framework (RPF), by including it for discussion in the consultative process with the affected communities. This RPF prefers to encourage potential sub-projects implementers under CFAST, contractors and project implementing institutions through the provision of incentives in their contracts to show preference for employing project-affected persons (PAP’s) and not through legal provision. One way of promoting this would be for the project to train displaced persons to acquire the skills needed by these contractors.

59. **Availability of complain and dispute registration and resolution mechanisms:** displaced persons should be informed about their options and rights pertaining to resettlement and about easily accessible complain and dispute registration and resolution mechanisms available to them.
5. LEGAL AND REGULATORY REQUIREMENTS AND INSTITUTIONAL FRAMEWORK

60. This chapter sets out the legal operating environment for acquisition of land as anticipated in the implementation of the CFAST project. The chapter is an overview of Tanzania’s Constitution and land policy, laws and regulations and contained provisions on land allocation, landuse, planning and management; land occupancy, tenure and use rights; land acquisition, valuation and compensation.

61. Tanzania is made up of two formerly independent countries which united in 1964. Tanzania Mainland and Zanzibar have each a different set of laws and procedures related to land and property rights. Tanzania as used herein refers to the Mainland only. Currently, there is no specific “resettlement policy” in Tanzania. However, Tanzania has a good policy, legal and institutional framework for management of social issues related to land and property acquisition and requirements for full, fair and prompt compensation enshrined in the National Constitution, the Land Policy and Land Acts of 1999 as well as supporting laws and regulations – operating at various levels including local laws and by-laws.

5.1. LAWS ON PROPERTY, LAND OWNERSHIP AND TENURE RIGHTS

62. The Constitution of the United Republic of Tanzania (1977 as amended) in its preamble provides that Tanzania aims at building a democratic society founded on the principles of freedom, justice, fraternity and concord, in which the Executive is accountable to the Legislature composed of elected members and representatives of the people, and also a Judiciary which is independent and dispenses justice without fear or favour, thereby ensuring that all human rights are preserved and protected. The Constitution provides for legislative supremacy of Parliament and independence of the Judiciary. It also embraces the principles of rule of law, separation of powers and a pluralistic political system.

63. The Constitution of the United Republic of Tanzania provides for the rights of citizens to own property and protection of the property. 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”.

64. 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 etc.) 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.
65. The following principles are the basis of the land policy which the Land laws seek to implement: (i) all land in Tanzania is public land vested in the president as trustee on behalf of all citizen; (ii) existing rights in and recognized long standing occupation or use of land are clarified and secured by the law; (iii) the rights and interest of citizens in land shall not be taken without due process of law; (iv) land has value; and (v) full, fair and prompt compensation shall be paid when land is acquired (see sub-section iv below on compensation).

66. The Policy creates a dual system of land tenure concerning public lands: (i) customary rights and (ii) statutory rights of occupancy. Tenure rights to land can be held by individuals and by communities. Holdings of individuals can be covered by the following: (i) Leasehold right of occupancy for varying periods e.g. 33, 66, or 99 years which must be confirmed by a certificate of occupancy; and (ii) Customary rights of occupancy that must be confirmed by a certificate of Customary Right of Occupancy (Hati ya Ardhya ya Mila) and have no term limit. Communities (Villages) are allowed to hold land and to manage it, although they do not formally own the land.


68. **General:** land is described as consisting of all land which is neither village land nor reserved land. All urban land falls under this category, except land which is covered by laws constituting reserved land, or that which is considered hazard land. General land is governed by the Land Act and, hence, is under the control and jurisdiction of the Commissioner for Lands. This ministerial key person has delegated much of the powers to local government land officers. Property rights can be created over general land in terms of a granted Rights of Occupancy for a period of 33, 66 or 99 years confirmed by a Certificate of Title. Longstanding occupation of land except on government land) is recognized as conferring property rights. In the case of land acquisition all occupiers of land irrespective of whether they have a granted right of occupancy or not, are eligible to compensation. Granted rights of occupancy carry conditions including land development and the payment of land rent. Failure to abide with these conditions can lead to the loss of the right.

69. **Village land:** is defined as being the land falling under the jurisdiction and management of a registered village. As Tanzania consists of a vast countryside with only a few urban areas, most land in the country is village land. Village and is held under customary tenure and the government can issue customary certificates of tenure to individuals or communities where the village is surveyed and has a Certificate of Village Land. Customary tenure is akin to freehold.
70. **Reserved land**: is defined as land being reserved and governed for purposes subject to nine listed laws. It includes: environmental protection areas, such as national parks, forest reserves, wildlife reserves, and marine parks as well as areas intended and set aside for spatial planning and (future) infrastructure development.

71. Acts guiding land acquisition empower only the President (Commissioner of Land acts on his behalf) to change Village land to General land (under Statutory Rights of Occupancy. Thus only the Commissioner for Lands can convert land from one category to the other. To acquire land within a village and convert it so that it is governed by Statutory Right of Occupancy, a long process (involving many steps) to change the land from village land to general land will need to be followed. The final decision to allocated land is made by the Commissioner for Lands based on recommendations from lower government levels. Upon award and acquisition the applicant issued with a Certificate of Rights of Occupancy by the Commissioner for Lands. Land is included in Village Land Use Plan but is governed by the Land Act, 1999 under authority of Commissioner for Lands.

72. By far the majority of land occupiers have no certificates of title, in part because land has to be surveyed before it can be issued with a title. However, there is a lot of “de facto” recognition of property rights for the majority of land occupiers.

5.2. **LAWS ON LAND ACQUISITION AND EXPROPRIATION OF PROPERTY**

73. **The Land Acquisition Act (1967)** is the principal legislation governing the compulsory acquisition of land in Tanzania. Sections 3-18 of the Act empower the President to acquire land in any locality provided that such land is required for public purposes. The Act provides the procedures to be followed when doing so including: the investigation of the land to see if it is suitable for the intended purpose; notification to the landowners to inform them of the decision to acquire their land before the President takes possession; and payment of compensation to those who will be adversely affected.

74. If land is required for public purpose the President is required to give a six weeks' notice to those with an interest in the land in question but, if the situation so demands, the notice can be shortened without the need to give explanation. After the expiration of the notice period the President is entitled to enter the land in question even before compensation is paid.

75. **Land Act, No 4 (1999)** clarifies and adds certain aspects to be considered when determining the compensation package.

76. Many other policies and laws and subsidiary legislation (relevant to CFAST) have provisions related to land acquisition, but they will always refer back to the Land Acquisition Act and the Land Act and principles as laid by the Land Policy. Some of
these policies and laws are the Village Land ActNo.5 (1999), Land Use Planning Act (2007), Graveyard Act No. 9(1969), National Irrigation Act (2013), the Roads Act (2007) and others\(^7\) contain provisions related to land tenure and ownership in Tanzania.

5.3. LAWS ON LAND AND PROPERTY VALUATION

77. The Land Acquisition Act requires the following to be taken into account in assessing compensation
   a) take into account the value of such land at the time of the publication of notice to acquire the land without regard to any improvement or work made or constructed thereon thereafter or to be made or constructed in the implementation of the purpose for which it is acquired;
   b) when part only of the land belonging to any person is acquired, take into account any probable enhancement of the value of the residue of the land by reason of the proximity of any improvements or works made or constructed or to be made or constructed on the part acquired;
   c) take into account the damage, if any, sustained by the person having an estate or interest in the land by reason of the severance of such land from any other land or lands belonging to the same person or other injurious effect upon such other land or lands;
   d) not take into account any probable enhancement in the value of the land in future;
   e) not take into account the value of the land where a grant of public land has been made in lieu of the land acquired

78. A practice developed that since land belonged to the public, the valuation for compensation excluded the value of bare land. However, among the clarifications made in the Land Act 1999 were: (a) to take into account that an interest in land has value and that value is taken into consideration in any transaction affecting that interest; and, (b) that in assessing for compensation, the market value of the real property is taken into consideration.


80. The full and fair compensation is only assessed by including all components of land quality. Presently in assessing the value of the un-exhausted improvements for

\(^{7}\)The Constitution of the United Republic of Tanzania of 1977 (as amended), Land Regulations (2001), Land Ordinance Cap. 113 (1923) and Town and Country Planning Ordinance Cap. 378 (1956).
compensation purposes, the law emphasizes that the value should be the price that which said improvements can fetch if sold in the open market – market value. But this in normal circumstances is lower than the replacement value but higher than the initial construction cost of the said improvements.

81. The market value of any land and unexhausted improvement is arrived at by the use of the comparative method evidenced by actual recent sales of similar properties, or by the use of the income approach or replacement cost method, where the property is of special nature and is not readily transacted in, in the market.

82. Land acts provide for rights of individuals whose farmed land may be acquired and to be compensated according to national laws and set procedures for valuing crops and agricultural production.

83. Assessment can only be carried out by a qualified Valuer and where the government (national and local) is involved; such assessment must be verified by the Chief Valuer in the government.

5.4. LAWS ON COMPENSATION FOR LAND AND PROPERTY

84. The principal of paying compensation for land that is compulsorily acquired exists in the constitution and in the relevant land laws.

85. The Constitution disallows the deprivation of one’s property held in accordance with the law, unless the owner is fairly and adequately compensated. Article 24 Sub-article (2) of the Constitution provides that:

“….. it shall be unlawful for any person to be deprived of property for the purposes of nationalization or any other purposes without the authority of the law which makes provision for fair and adequate compensation”.

86. Under the Land Acquisition Act, 1967, the person whose land is acquired is entitled to be compensated if they so deserve as provided for under section 11 and 12 of the Act. The persons entitled to compensation are those interested or claiming to be interested in such land; or persons entitled to sell or convey the same or as the government may find out after reasonable inquiries.

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

88. The Land Acquisition Act does not provide for compensation where land is vacant. Besides, where land is inadequately developed, compensation is to be limited to the value of unexhausted improvements of the land. The Act restricts compensation to unexhausted improvements on the land excluding the land or such improvements as land clearing and fencing.

89. However, provisions in the Land Act 1999 over-ride or clarify those in the Land Acquisition Act. In the case of compulsory acquisition, the government is required to pay full, fair, and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the state under this Act or is acquired under the Land Acquisition Act, 1967;

90. The question of documented legality is not a key consideration in entitlement to compensation. In practice at least in recent days, compensation has been paid in all cases of people who claim to be landowners and who are adversely affected by the contemplated scheme. However, the definition of beneficiaries has been taken not to include tenants.

91. In assessing compensation for the land acquired in the manner provided for under this Act, the concept of opportunity cost shall be based on the following:
   a) Market value of the real property
   b) Transport allowance
   c) Loss of profits or accommodation
   d) Cost of acquiring or getting the subject land
   e) Disturbance allowance
   f) Any other cost, loss or capital expenditure incurred to the development of the subject land;
   g) Interest at market rate to be charged in case of delays in payment of compensation and any other costs incurred in relation to the acquisition.

92. The Land (Assessment of the Value of Land for Compensation) Regulations, 2001 and the Village Land Regulations, 2001, provide for the amount of compensation to include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance and loss of profits.

   a) Disturbance allowance is calculated by multiplying the value of the land by an average percentage rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land.
b) **Transport allowance** is the actual cost of transporting twelve tons of luggage by road or rail whichever is cheaper within twenty kilometres from the point of displacement.

c) **Accommodation allowance** is calculated by multiplying the monthly market rent for the acquired property by thirty six months.

d) **Loss of profit** in the case of business carried out on the acquired property will be assessed by calculating the net monthly profit evidenced by audited accounts where necessary and applicable, and multiplied by thirty six months.

93. Transport allowance, accommodation allowance and loss of profit do not apply where the land acquired is unoccupied at the date of loss of interest. Compensation is to be paid promptly but if it is not paid within six months it will attract an interest equal to the average percentage rate of interest offered by commercial banks on fixed deposits.

94. In the case of agricultural land, compensation is intended to provide a farmer whose land is acquired and used for project purposes to cover the productive values of the land, labour, and crop loss. For this reason, and for transparency, "land" is defined as an area: (i) in cultivation; (ii) being prepared for cultivation; or (iii) cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his/her labour. A farmer works on his/her land most of the months of the year.

95. The major input for producing a crop is the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested times the amount of time spent preparing a plot equivalent to that taken. The market price of the crop lost is considered separately.

96. **The Unit Titles Act, 2008(Act No. 16/2008).** This maybe applicable in case compensation is required to be done in area where owners possess unit title as a right of occupancy.

5.5. **OTHER LAWS ON PROPERTY, COMPENSATION, EXPROPRIATION**

97. The National Environment Policy, 1997; and The Environment Management Act, *Cap.191 (2004)* and a number of national laws have provisions requiring environmental and social planning for investments that may cause adverse environmental impacts to the resource and mitigation measures for individuals affected by development activities.

98. **Laws governing land-based natural resources** that could be affected by land acquisition including agriculture resources (arable land), forests and contained biodiversity and beekeeping, non-renewable mineral resources (including construction materials such as gravel); surface and underground water resources including: *The Water Resources Management Act (CAP 331 R.E 2010), The Water Resource Management Act No. 11/2009, National Water Policy, 2002, The Land Use Planning*
Act, 2007 (Act No. 8/2007), The Irrigation Act, No. 5/2013, and The Land Dispute Court Act, 2002 (Act No. 2/2002). Each category is governed by one or a set of laws and regulations but all invariably has taken measures to ensure access to use and enjoyment of all Tanzania citizens.

6. COMPARISON OF TANZANIA LAWS AND WORLD BANK REQUIREMENTS

100. This chapter first highlights the objectives and requirements of the World Bank Policy on Involuntary Resettlement (OP 4.12) and then compares the Tanzania legislation with the World Bank provisions on resettlement, with gaps highlighted and recommendations drawn to fill the gaps.

6.1. WORLD BANK INVOLUNTARY RESETTLEMENT POLICY (OP4.12)

101. The overall objectives of the OP4.12 on involuntary resettlement are:
   o To avoid or minimize involuntary resettlement and land acquisition where feasible, exploring all viable alternatives of project location and designs.

102. Where involuntary resettlement and acquisition of land or other assets is unavoidable
   a) To conceive and execute compensation as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits.
   b) To consult with displaced and compensated persons and provide them opportunities to participate in planning and implementing resettlement and compensation programs.
   c) To assist displaced and compensated persons - regardless of the legality of land tenure - in their efforts to improve their livelihoods and standards of living (income earnings capacity and production levels) or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.

103. This policy covers direct economic and social impacts that are caused by the involuntary taking of land resulting in relocation, loss of shelter, loss of assets or access to assets; or loss of income sources or means of livelihood.

104. WB Involuntary Resettlement Policy OP 4.12 requires that all projects screened for potential environmental and social impacts be supported/guided by a RPF that identifies involuntary resettlements under the planned project, identifies impacts i.e. severe economic, social and environmental risks and based on this defines the scope of the resettlement assistant programme (i.e. RAP) for affected persons.

105. However, in Tanzania, there are no explicit requirements for a RPF or RAP. As regards compensation the Tanzania laws requires that only the rightful land or property owner (statutory or customary rights of occupancy) should be compensated, while the WB OP 4.12 require that any person (whether is rightful owner or not) who lose or is denied or restricted access to economic resources – including tenants, encroachers, squatters - should be compensated.
106. Although there are no significant discrepancies between WB requirements and Tanzania government’s requirements regarding compensation and resettlement of Project Affected People (PAP), as far as this RPF for CFAST projects are concerned, the World Bank’s safeguard policy will prevail.


107. The World Bank Operational Policy 4.12, Involuntary Resettlement may be triggered because the project activity causes land acquisition, namely: a physical piece of land is needed and people may be affected because they may have crops permanent or seasonal, structures or may be using 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, when the policy is triggered people are compensated for their loss (of land, property or access) either in kind or in cash, of which the former is preferred.

108. In Tanzania, Land tenure systems are wide and varied, and entitlements for payment of compensation are essentially based on the rights of ownership as allowed and defined by statute or customary law. The Bank’s OP 4.12 is fundamentally different from this and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a cut-off date.

109. Therefore, as this is a Bank funded program and the fundamental principles of OP 4.12 are not negotiable the Bank OP 4.12 must be adhered to. As a result, therefore, all land to be acquired or used by the Districts or farmer groups under this program would be so acquired or used subject to the laws of Tanzania and the Bank OP 4.12. Where there is a conflict, the Bank OP4.12 must take precedence if the Bank is to fund this program. The Bank policy would be applied to provide better benefits to the project affected people and restore their livelihoods to those prior to the project or even increase them.

110. Based on this comparison, the below 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 higher of the three standards (i.e. Tanzania Statute and Customary Laws and OP 4.12) 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.
### Table 1: Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

<table>
<thead>
<tr>
<th>Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation</th>
<th>Measures Bridging the Gap</th>
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</thead>
<tbody>
<tr>
<td><strong>Types of affected Persons/Lost Assets</strong></td>
<td><strong>Tanzanian Law</strong></td>
</tr>
<tr>
<td><strong>Land Owners</strong></td>
<td>The <em>Land Acquisition Act</em>, the <em>Land Act</em> 1999 and the <em>Village Land Act</em> 1999 have it clearly that land owners, with or without formal legal rights, are entitled to full, fair and prompt compensation. They also get disturbance allowance, transport allowance, accommodation allowance and loss of profit if they were in actual occupation of the acquired property. Lost assets are limited to “unexhausted improvements”, that is the land and developments on the land. The law does not cover economic and social impacts of relocation and as such socio-economic surveys are not part of the land acquisition process.</td>
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</tbody>
</table>
| **Land Tenants/Squatters** | Tanzanian law does not recognize tenants as being entitled to compensation. | Tenants would be under category (b) above and are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance. | WB OP 4.12 recognizes a wider spectrum of PAPs. The Tanzania spectrum is limited to those who can prove proprietary rights. It does not include tenants. WB OP 4.12 includes squatters among the PAPs. | Tenants considered for plot acquisition as a result of resettlement. Compensated replacement cost of non-movable property installed with consent of the...
Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

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<tr>
<td>Squatters</td>
<td>Squatters may be paid compensation on the whims of the government.</td>
<td>Squatters may fit category (c) above and are provided resettlement assistance in lieu of compensation for the land they occupy as well as other relocation assistance and compensation for assets other than land.</td>
<td>PAPs who are entitled to resettlement assistance in lieu of the land they occupy, as well as other assistance. This is different from the Tanzanian situation where people who do not have legal right of the affected land are not entitled to any assistance.</td>
<td>Payments of allowances help the PAPs to improve their livelihoods and compensation for assets other than land.</td>
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<td></td>
<td>In some cases however they are not paid. This include those who construct on road reserves</td>
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<tr>
<td>Land Users</td>
<td>Tanzania law on compulsory acquisition and compensation is limited to those who can prove de jure or de facto land ownership. Users are not covered</td>
<td>WB OP 4.12 includes displaced persons who have no recognizable legal right or claim to the land they are occupying</td>
<td></td>
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<tr>
<td>Owners of non-permanent buildings</td>
<td>Tanzanian law makes no differentiation between owners of permanent and non-permanent buildings. As long as ownership can be proved compensation is payable. Determination of compensation is based on the market value of the property. In practice though, the depreciated replacement cost approach is used, meaning that PAPs do not get the full replacement cost of the lost assets.</td>
<td>Under the WB OP 4.12 permanent and non-permanent buildings need to be compensated. Where however, the displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</td>
<td>The gap between Tanzania and WB OP 4.12 is about eligibility, which is hinged upon formal or informal ownership. While, in Tanzania, compensation is based on market value, determined using the depreciated replacement cost approach for developments on land, WB OP 4.12 requires that compensation should be sufficient to replace the lost land and other assets at full replacement cost based on market value.</td>
<td>In-kind compensation or cash compensation at full replacement cost not market value. Entitled to relocation allowances</td>
</tr>
<tr>
<td>Owners of permanent buildings</td>
<td></td>
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<td></td>
<td>Bridging the gap: In-kind compensation or cash compensation at full replacement cost not market value. Entitled to relocation allowances</td>
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<td>Encroachers</td>
<td>Person who encroaches on the area are not entitled to compensation or any form of resettlement assistance. Encroachers have to demolish their asset without any compensation, if refuse the authority concern will demolish at their cost. It is strictly prohibited to especially to build a house or to plant permanent trees and crops within the unauthorized areas.</td>
<td>Person who encroaches on the area after the cut-off date is not entitled to compensation or any form of resettlement assistance. Person who encroaches on the area before the cut-off date are entitled to compensation for assets other than land and resettlement assistance.</td>
<td>Those who encroaches the area after cut-off date are not compensated.</td>
<td>Payments of allowances help the PAPs to improve their livelihoods and compensation for assets other than land.</td>
</tr>
<tr>
<td>Timing of compensation payments</td>
<td>Tanzanian law requires that compensation be full, fair and prompt. Prompt means it should be paid within six months, failure to do which attracts an interest rate equivalent to the average rate offered by commercial banks on fixed deposits. Legally, compensation for the acquired land does not have to be paid before possession can be taken, but in current practice it is usually paid before existing occupiers are displaced. In practice, compensation is not paid promptly most of the time, and delays are not rectified paying the interest rate as required by the law.</td>
<td>WB OP 4.12 displaced persons are provided prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project before any civil work starts.</td>
<td>In terms of timing, MALF Tanzanian laws and WB OP 4.12 require that compensation be paid promptly prior to commencement of civil works.</td>
<td></td>
</tr>
<tr>
<td>Calculation of compensation and valuation</td>
<td>According to the Land Assessment of the value of Land for Compensation Regulations, 2001, as well as the Village Land Regulations, 2001, compensation for loss of any interest</td>
<td>WB OP 4.12 requires that the displaced persons be provided with prompt and effective compensation at full replacement cost for losses of assets attributable direct to the project.</td>
<td>Tanzania law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements, plus a disturbance, accommodation, and transport allowance.</td>
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<td>inland shall also include the value of unexhausted improvements, disturbance allowance, transport allowance, accommodation allowance, and loss of profits.</td>
<td>Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be taken into account when applying this method.</td>
<td>and loss of profits where applicable. Since depreciation is applied, the amount paid does not in most cases amount to that required to replace the lost assets. Besides, other types of assets (besides land) are not taken into consideration.</td>
<td>Tanzania laws are restricted to land and developments on land, and loss of profits whereas WB OP 4.12 considers all types of losses and provision of alternative compensation measures.</td>
<td></td>
</tr>
<tr>
<td>The basis for assessment any land and unexhausted improvement for purposes of compensation is the market value of such land and assets.</td>
<td>For losses that cannot easily be valued or compensated in monetary terms (e.g. access to public services, customers and suppliers, fishing or grazing attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</td>
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<td>The market value is arrived at by the use of comparative method evidenced by actual recent sales of similar properties; or by the use of the income approach, or replacement cost method, where the property is of special nature and not saleable.</td>
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<tr>
<td>In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</td>
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<tr>
<td>Relocation and Resettlement</td>
<td>Tanzanian laws do not provide for relocation and resettlement. However, there are a few cases where the government has provided compensation and alternative land, but this has been done at its discretion. In practice, with land an attempt is made to establish market value from recent sales, but these are usually not transparent. As for unexhausted improvements in terms of buildings and other civil infrastructure, the depreciated replacement cost approach is used</td>
<td>WB OP 4.12 stipulate that where project impacts include physical relocation, measures should be taken to ensure that the displaced persons are: (i) provided with assistance (such as moving allowance) during relocation; and (ii)</td>
<td>TANZANIAN LAW PROVIDES FOR TRANSPORT ALLOWANCE FOR 12 TONS OF LUGGAGE FOR UP TO 20 KILOMETERS FROM THE ACQUIRED LAND, PROVIDED THE DISPLACED PERSON WAS LIVING ON THAT LAND.</td>
<td>FOR THIS RPF, THERE WILL BE NO LIMITATIONS IN THE TRANSPORT DISTANCE AND RENTAL ALLOWANCE BUT COSTS SHOULD BE COVERED FOR</td>
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**RPF: Catalyzing the Future Agri-Food Systems of Tanzania (CFAST) Project**
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<td>general however, the government feels that it has discharged its duty once compensation is paid, and it is up to the displaced persons to resettle and re-establish themselves elsewhere.</td>
<td>provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages lost.</td>
<td>In lieu of housing accommodation allowance is made in the form of rent for 36 months. Occasionally, in a discretionary manner alternative land is awarded.</td>
<td>relocation and relocation situation equivalent with loss.</td>
<td></td>
</tr>
<tr>
<td>Completion of resettlement and compensation</td>
<td>The government can, under the law, take possession of the acquired land at the end of the notice to acquire period, before paying compensation. Current practice however is such that possession is usually after the payment of compensation whereby the displaced persons are given time to vacate the land, which is usually as soon as possible</td>
<td>WB OP 4.12 stipulates that it is necessary to ensure that displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.</td>
<td>The Land Acquisition Act, 1967, allows the government to take possession of the acquired land before paying compensation. Current practice endeavours to pay compensation before taking possession of the land.</td>
<td></td>
</tr>
<tr>
<td>Livelihood restoration and assistance</td>
<td>There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods. Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities. Moreover there are no provisions that require the government to pay special attention to vulnerable groups</td>
<td>WB OP 4.12 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and, (ii) provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.</td>
<td>There are no transitional measures provided for under Tanzanian law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. The Tanzanian law does not make provisions requiring the government to pay special attention to vulnerable groups in the administration of compensation</td>
<td></td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>There scanty provisions related to consultation and disclosure in</td>
<td>WB OP 4.12 requires that displaced persons are (i) informed about their</td>
<td>The provisions in WB OP 4.12 requiring consultation and disclosure have no</td>
<td></td>
</tr>
</tbody>
</table>
### Comparison of Tanzanian and World Bank Policies on Resettlement and Compensation

<table>
<thead>
<tr>
<th>Types of affected Persons/Lost Assets</th>
<th>Tanzanian Law</th>
<th>World Bank OP 4.12</th>
<th>Comparison/Gaps</th>
<th>Measures Bridging the Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tanzanian Law.</strong></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>The notice, under the <em>Land Acquisition Act</em>, informs land owners about the President’s need to acquire their land, and their right to give objections. The Land Act allows displaced persons to fill in forms requiring that their land be valued, and giving their own opinion as to what their assets are worth.</td>
<td></td>
<td></td>
<td></td>
<td>equivalent in Tanzanian law and practice</td>
</tr>
<tr>
<td>Since resettlement is not provided for legally, there are no provisions about informing the displaced persons about their options and rights; nor are they offered choice among feasible resettlement alternatives.</td>
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<tr>
<td><strong>Grievance mechanism and dispute resolution</strong></td>
<td>Under s. 13 of the <em>Land Acquisition Act</em>, where there is a dispute or disagreement relating to any of the following matters: (a) the amount of compensation; (b) the right to acquire the land; (c) the identity of persons entitled to compensation; (d) the application of section 12 to the land; (e) any right privilege or liability conferred or imposed by this Act; (f) the apportionment of compensation between the persons entitled to the same and such dispute or</td>
<td></td>
<td>WB 4.12 provides that displaced persons and their communities, and any host communities receiving them, are provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms must be established for these groups</td>
<td>The law in Tanzania does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.</td>
</tr>
</tbody>
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<tr>
<td>disagreement is not settled by the parties concerned within six weeks from the date of the publication of notice that the land is required for a public purpose the Minister or any person holding or claiming any interest in the land may institute a suit in the High Court of Tanzania for the determination of the dispute.</td>
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<tr>
<td>In practice the government tries to resolve grievances through public meetings of the affected persons.</td>
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</table>
7. SOCIAL ASSESSMENT AND SOCIO-ECONOMIC PROFILE

7.1. INTRODUCTION

111. For all project activities that will trigger OP 4.12, detailed RAPs will be carried out by the Subproject Operators. In preparing the RAP, among first steps to be undertaken will be socio-economic studies and baseline census for the purpose of collecting baseline data within the project area thereby enabling the social assessment of potentially affected populations. For each sub-project information covered at this juncture include description of PAPs; details for impacts (which are determinant in the potential compensation process); and agreed entitlements.

112. While the CFAST investment targets districts in the Southern Agricultural Growth Corridor of Tanzania (SAGCOT), the aim is a gradual expansion of the model to additional districts in other geographical areas of Tanzania. Thus the high level overviews below provide the background against which the social and economic conditions of specific subproject area and general social characteristics of potentially affecting people that are not yet known can be determined and analysed during RAP preparation.

7.2. COUNTRY OVERVIEW

113. Tanzania is a multi-party parliamentary democracy. The country has a central government, regional administrations and local governments. There are 25 Regions in Mainland Tanzania, 166 Local Government Authorities (LGAs) out of which 126 are District (rural) Councils and 40 are urban authorities (townships, town, municipal and city councils). The country is among the poorest nations in the World, but is rapidly developing and enjoying peace and a stable macro-economic status. Poverty is still rampant despite macro-economic gains in the past decades. Tanzania has an area of 945087 km² and a population of 44.9 million growing at around 2.5% p.a. with rapid urbanization taking place. Around 70% of the population is rural. Over 80% of the population depends on agriculture.

7.3. HISTORY AND SETTLEMENT PATTERNS

114. Typical Tanzanian village constitute of sub-villages one of them being the village centre – a hub of activities including village administration, seat of main village institutions (school, health centre, religious etc.) and trade. The history of many villages is typical – some are traditional villages created from time immemorial or by trade or colonial administration process. Many have a more recent history created by the ‘villagelization’ process in 1974 where by the central government took the decision to move all the small settlements to create larger villages mostly located
along the main roads. Since then these villages have expanded by natural growth and by small waves of immigration.

115. Most are villages with ethnic diversity. The original inhabitants of the village form the main ethnic groups who came from more interior parts. Later on they were joined by other ethnic groups who came seeking for more fertile land or resources or employment.

7.4. DEMOGRAPHICS

116. The current population of villages ranges from small numbers of less than 2,000 to larger number of more than 10,000 people. The ratio between men and women are invariably equal, in most cases is slightly tilted in favour of one sex. Children (those under 18 years old) represent almost half of the population, with the national average being 44%. Population growing in the villages is from natural growth and immigration. Outmigration is also an important factor, especially for youth going to search for jobs. There are also seasonal migrations of farmers, fishers and livestock herders mostly staying in temporary camps.

7.5. GOVERNANCE

7.5.1. Formal Authorities

117. Formal authorities are as per Tanzanian law. There is a village council of 25 members, men and women representing all sub-villages. The majority of the council and the chairperson could be from either the ruling political part or opposition party. Most village councils are well functioning and organised into committees. A village could be location for the Ward office, where the Councillor (Diwani) preside raising issues with district / national authorities but also working with the village council. In most cases village leadership and authorities are well respected by the population while in others there might be significant questioning of their authority. Issues relating to good governance arise around inclusiveness of decision-making process, with remote locations, women, youth and other marginalized group having a lower access to public debate. Formal Civil Society Organizations (farmers, irrigators, beekeepers, fishers (Beach Management Units), livestock keepers / herders are present in the villages at varying levels of activity.

7.5.2. Informal Authorities and Rituals

118. There are usually specific informal authorities related to ethnic groups or particular sub-groups within the community. Ethnic group have the elders who usually have advisory role for family matters. Religious authorities play a moral authority role and can sometimes be involved in conflict resolution.
7.5.3. Law Enforcement

119. The Village Executive Officer is the only representation of central government authority. Law enforcement infrastructure exists in some villages (police post, primary court) but for most there is no magistrate or police representation in the village. In the absence of formal law enforcement authorities, the village relies on Mgambo (placed under the authority of the village council’s security and safety committee) and Sungusungu (informal group acting as a watchdog for community security). Mgambo are considered as effective despite their low access to equipment. Overall regulations are well implemented in the village and crime level is low as compared to urban areas. However, in fishing villages the maritime regulations are less enforced and illegal fishing activities are rarely sanctioned, which is considered a problem by local fishermen.

7.6. CULTURE AND RELIGION

120. Tanzania population is predominantly Muslim and Christians with the ratio between the two religions varying with geographical locations, in most cases is slightly or heavily tilted to one faith. The numbers of mosques and churches correspond to this predominance. The religious calendar sets the pace of the village with different religious celebrations being an occasion for the whole community to participate regardless of individuals’ religious adherence. The two religions coexist peacefully. People from different faiths intermarry and hold great mutual respect, even if these intermarriages require conversion of one of the two spouses. There is no evidence of recent conflict between communities or individuals based on religious affiliation. Different groups are treated equally by the village government and given similar access to land for the establishment of places of worship. Traditional rituals and paganism is declining in most villages.

121. Cemeteries for different religion (where present as most villages people use family plots) are clearly identified, kept apart and are well known in the village. There are sacred sites in the villages (trees, places, graves, caves etc. - some specific for particular ethnic groups, while some are revered by whole community) with power placed with a single individual or a single clan. The younger generations are more and more reluctant to participate in these rituals.

7.7. LIVELIHOODS

122. Depending on location, Villages are characterised by a mix of agriculture and other livelihood activities including fishing and livestock keeping. Most village communities depend heavily on agricultural produce and land-based resources for their income, animal protein and livelihoods. Production levels and incomes derived
from different formal and informal economic activities are for subsistence. For example crop yields are at field irrigated by traditional systems are typically in the range of 0.8 - 1.0 t/ha and 1.8 - 2.0 t/ha for maize and paddy respectively.

7.7.1. Agriculture

123. Agriculture plays a key role in the village economy. It is one of the main sources of income through cash crops and provides most of the food supply. Different men and women are involved in agriculture but normally in different roles. Men are involved in the initial cleaning of the land as well as harvest. Women are in charge of all the vegetable gardening and small local farms. For larger farms, the whole family goes to the area and often moves to temporary shelters during the farming season. Because of land availability and land allocation system, agriculture is often the only livelihood activity for vulnerable or poor people as no financial capital is needed.

124. Thanks to land fertility, a village within the SAGCOT zone hosts a diversity of crops including maize, cassava, rice, banana, sorghum, millet and vegetables. Maize dominates in terms of land allocation and is produced for subsistence and sale. Cash crops (maize, sesame seeds, ground nuts and fruits) are mostly sold outside of the village. Villages located on highways take advantage of the main roads to access more lucrative markets, more so if this is coupled with good warehouse facilities of the village. Marketing of agricultural products depends on households’ vulnerability and economic status: economically weaker families have less access to market opportunities (they often sell directly on their land for a lower price).

125. Farming activities are still very traditional and characterized by low yield due to lack of soil enhancement, absence of mechanization and vulnerability to rainfall in the absence of irrigation system. Where present, irrigated agriculture both modern and traditional are affected significantly by climatic conditions beleaguered by long-standing problems mainly flooding and sedimentation of the irrigation systems during heavy rains alternating with water stress problems during dry season. Pollution of soils and water resources by over and uncontrolled agrochemicals is a persistent problem at all sites. Phytosanitary treatments (fertilizers or treatment for pests) are widespread to increase productivity and fight plant epidemic outbreaks.

126. Credit services operating at village level (i.e. Village Community Bank (VICOBA) have not been able to change traditional agriculture practices. These organisations are seen as a safety net to cope with the impact of bad harvests. Farmers are organized in Farmers organizations and Irrigators Associations. There are few development non-governmental organisations (NGOs) or organisations focusing on improving agricultural practices and access to markets.

7.7.2. Fishing
127. For coastal villages, located on shores of main lakes such as L. Rukwa, L. Tanganyika, L. Nyasa depends on fishery activities characterised by small-scale/artisanal fishing. The areas within SAGCOT zone are renowned for having very abundant freshwater fisheries resources. Fishing is a year round activity, with seasonal variation, often complementing agriculture. The fleet is characterised by few, small vessels, comprising mostly of dugout and outrigger canoes fishing using hooks and lines, nets, traps, Fishermen operate locally, few migrate to other locations. Men and women are involved in fishery but there is a clear division in activities undertaken: Men generally fish while women dominate fish frying and fishing with mosquito nets or kanga.

128. Fish are processed immediately after purchase by traders or specialised processors who might be waiting at the beach-landing site. Processing activities (gutting, de-scaling) take place either along the beach shore or at the buyers’ residence. The majority of fish is sold outside the village, with the main markets in main urban centres. Illegal fishing methods (poisoning or use of dynamite of small size mesh) are the main cause of concern and as the primary reason for a decline in fisheries resources.

7.7.3. Livestock Rearing

129. Livestock rearing is common in the area and a majority of households owns livestock. However there are differences between villages and in only few % of households own livestock, which confirms the different income levels between these locations. Livestock rearing is a profitable activity but it remains a secondary activity because the initial investment is too high. Livestock also plays a role in cash flow management and as a saving mechanism. There is limited hunting activity in most villages due to the lack of equipment.

7.7.4. Trade

130. Petty trade mostly takes place in villages along the highway. Clients are villagers or passengers of buses stopping along the highway. Most of the shops and stalls are owned by men, women being more involved in service provision than trading. Trade depends on goods purchase from main urban centres and is done individually / or collectively a few times a week. This procurement system is very inefficient, resulting in limited available capital for investment. A limited number of businesses are registered and paying their taxes, but in the absence of control there is no incentive to register and formalize businesses.

7.7.5. Services
131. Trade and services are relatively new in most villages and completely absent in some of the more interior ones. They are primarily linked to the main highway and associated traffic and are perceived as an important driver of development for such areas. Small services are available in villages mostly around leisure, eateries and small workshops, renting houses and farms. Trade and services currently play a limited role at the household economic level as they are often only a secondary activity providing cash during the agricultural gap period and a safety net in bad years.

7.7.6. Business Environment

132. Rural village have relatively weak enabling business environment. Infrastructure – especially the presence of the highway and electricity network – combined with proximity to main urban centres is stimulant to an entrepreneurial spirit in the village. However, there are no programmes or initiatives to support new businesses or investments and development projects at village level are rare.

7.7.7. Household Income and Expenditure

133. Most households rely on different sources of income. This diversity is presented as a coping mechanism given the fluctuations in agricultural income due to the changeable harvests. Food and education are considered as the primary areas for spending, followed by health and transport. Husband and wife take few budget decisions together.

134. Agriculture plays a key role in the household economy. It is one of the main sources of income through cash crops and provides most of the food supply. Both men and women are involved in agriculture but normally in different roles. Men are involved in the initial cleaning of the land as well as harvest. Women are in charge of all the vegetable gardening and small local farms. For larger farms, the whole family goes to the area and often moves to temporary shelters during the farming season. Because of land availability and land allocation system, agriculture is often the only livelihood activity for vulnerable or poor people as no financial capital is needed.

135. **Rural households** face a number of challenges including: low agricultural productivity, declining soil fertility and environmental degradation; lack of access to land, land fragmentation, insecurity of land tenure; lack of access to markets, absence of rural commercial activity and alternative income earning opportunities; poor quality education, lack of access to education, high cost of education; poor health services and health standards and rise in HIV/AIDS incidence, impacting negatively on productivity; poor nutritional intake; lack of access to low cost capital or micro-credit or micro-grants; lack of access to affordable and sustainable household energy sources; and vulnerability.
136. **Female headed households**, other households with less than two adult-members, elderly and handicapped persons challenges include: shortage of household labour; declining soil fertility; many women have to take care of unemployed/unemployable husbands, dependant parents, dependent orphans; low education attainment, poor access to land, paid employment and credit; poor social services, e.g. water, health, education etc.

137. **Urban Poor Households**: urban poor face a number of challenges including rapid increase in urban population; no employment opportunities particularly among poorly educated young people; poor basic social services and infrastructure; lack of housing; lack of land; high food prices due to low agricultural productivity, high transport costs and restrictions on petty trade.

7.8. **FOOD SECURITY AND NUTRITION**

138. Village have good access to a diversity of food products: fish, rice, cereals, beans, vegetable and fruits. However, people’s ability to access these products varies according to their livelihoods leading to inequalities in nutrition levels. Food security in some villages is, however, very uncertain. The situation is related to the harvest. In the absence of irrigation and phytosanitary treatments (fertilizers or treatment for pests), the availability of food supplies is affected significantly by climatic conditions and plant epidemic outbreaks.

7.9. **INFRASTRUCTURES AND SOCIAL SERVICES**

7.9.1. **Transportation**

139. For villages located on the main highways, transport of passengers and goods takes place through private companies. Despite the lack of safety features along the more rural roads, major accidents are rare. Smaller roads in the village are maintained by the community. There are few transportation businesses which comprise of buses driving to and from man urban centres on a daily basis. Inhabitants mostly use motorbike taxis (bodaboda), bicycles for transporting people and goods.

7.9.2. **Education**

140. Usually there are one or two primary schools per village that welcomes male and female pupils studying in 7 grades. In most cases, the primary schools are sufficient for the current needs of the village. The number of classrooms and teachers is some cases are better or worse than the national average (of 25 per class) and /or not aligned with the national education regulation. The community have to actively contribute or raise funds from the district for new classrooms and additional teachers’ houses. Sanitation present at the school includes pit latrines; open burning of wastes in pits
and rare access to water. There are also schools / centres for religious teaching. Secondary schools and vocational training centres are available at Ward level located at considerable distances from some villages. Persistent challenges for some schools are low school attendance and drop outs.

7.9.3. Water and Sanitation

141. The village permanent access to water is wells (which are managed by a village council water committee) and natural surface water sources (permanent rivers / lakes etc.) as well seasonal streams and rain water harvesting troughs. Households are equipped with pit latrines. In most cases solid waste management is not well organised, but most village maintain good levels of cleanliness. Water-sanitation related diseases – i.e. cholera outbreak - are a common recurrence in a good number of villages.

7.9.4. Health

142. There usually a dispensary in one village serving a number of neighbouring villages. Basic services such sanitation is available at the dispensary some linked to public electricity network. However sizes of dispensary are often not adequate for the population they serves and usually without adequate level of staffing. The number of births taking place within medical facilities is very high in which is attributed to high level of health awareness in the population. Common pathologies in the villages are typical of rural Tanzania (malaria, gastrointestinal diseases). Most villages are regarded vulnerable to HIV/AIDS because of the proximity of the road with some recording very high prevalence of HIV infections especially areas with big infrastructure (road) construction projects. While there are traditional healers in villages, the majority of people prefer going to the dispensary.

7.9.5. Electricity

143. Some villages are connected to electricity grid, but household connection remains marginal. Other sources of energy are solar system and generators but they remain rare and mostly in the village centre. Firewood is the main source of energy for cooking and kerosene for lighting.

7.10. LAND

7.10.1. Land Tenure

144. The land tenure system is fully aligned to the national regulations: Customary Rights of Occupancy with unlimited tenure period. Because of land availability, the practice of renting land is rare in the village. For investment projects, crop compensation is
done in agreement and negotiation between the land holder / user and the investor. The district is usually involved in crop evaluation and compensation payments as required by a regulation. In most cases the transaction is based on a direct negotiation between investors and the affected people resulting in a single or multiple instalment cash payment.

7.10.2. Land Tenure and Land Use

145. *Land registration:* only 2% of rural land and 20% of urban land is registered. *Land use planning:* the land use planning process has been completed in some villages and the village land management committees have been established in some. However, land use plans do not necessarily bring significant changes to the land uses that were previously in place and instead formalize existing practice while planning for future development.

7.10.3. Conflicts Over Land

146. Most villages in the SAGCOT area do not have any land-related conflict with neighbouring villages. The geographical limits were clearly defined from the earliest days of the village’s creation and only occasionally contested. Within the village, land-related conflicts are not an important source of disputes within the community. Even land inheritances are rarely contested. Farmers vs livestock keepers conflicts are experienced in many parts.

7.11. POTENTIAL FOR RESETTLEMENT IMPACTS AND SEVERITY

147. Table 2 summarizes the immediate causes, likely impacts and severity of the resettlement impacts that may arise from implementation of CFAST project. Expansion of irrigation scheme involving increasing acreage of irrigated land could result in total loss of land, assets and livelihood of a segment of a community. Such subprojects could require displacement and relocation. However, few CFAST subprojects are expected to be new (“green field”) development considering that most of these infrastructures already exist; minimal or no physical displacement is expected to result from these infrastructure improvements. New constructions (especially the warehousing facilities) are expected to be small to medium scale structures (in terms of land or size of total building floor area required for their establishment or improvement) that will be developed on community land. However this needs to be confirmed prior to the initiation of construction works. Furthermore, voluntary donation of land especially by PAPs who are Irrigators (direct beneficiaries of improved irrigation infrastructure) is very likely and an acceptable practice at most irrigation schemes that minimize involuntary resettlement impacts. However, the practice (especially development of linear irrigation canals) tend to include non-
Irrigators resulting in complaints which need to be rectified and such PAPs paid their rightful compensation.

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

149. Site screening of individual subproject will determine the specific types of potential impacts/loss. Resettlement impacts range from physical displacement of persons, economic displacement of persons, disturbances and nuisances, health risks, conflicts over resources and food insecurity to loss of cultural, spiritual and community assets. The impacts will vary in degree depending on the nature of investment.

150. Involuntary resettlement, if left unmitigated, normally give rise to severe economic, social and administrative or effects on environmental equilibrium as a result of land acquisition. Affected people face impoverishment when their productive assets or income sources are lost or social networks are weakened. Some of the consequence of resettlement impacts, if not mitigated include landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, food insecurity, educational loss, loss of access to common property, social displacement.

<table>
<thead>
<tr>
<th>SUBPROJECT ASPECT CAUSING RESETTLEMENT</th>
<th>IMMEDIATE CAUSES OF RESETTLEMENT</th>
<th>NATURE OF POTENTIAL RESETTLEMENT IMPACTS</th>
<th>SEVERITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land acquisition / landtake for</td>
<td>Disrupting residential areas, expropriate of residential buildings; damage of homes</td>
<td>Loss or relocation of home or shelter</td>
<td>MINIMAL</td>
</tr>
<tr>
<td>o New land at new location for</td>
<td>Loss of assets / denial or restriction of access to assets or economic resources (farming land, irrigation water, trees, crops, business)</td>
<td>Physical displacement of persons</td>
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</tr>
<tr>
<td>construction of new infrastructure (not existing before)</td>
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<td></td>
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<tr>
<td>o Additional land for modifying existing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land acquisition / landtake for</td>
<td>Loss of income or livelihoods sources</td>
<td>Economic displacement of persons</td>
<td>MODERATE</td>
</tr>
</tbody>
</table>

Table 2: Causes, likely impacts and severity of the resettlement impacts from CFAST project implementation
<table>
<thead>
<tr>
<th>SUBPROJECT ASPECT CAUSING RESETTLEMENT</th>
<th>IMMEDIATE CAUSES OF RESETTLEMENT</th>
<th>NATURE OF POTENTIAL RESETTLEMENT</th>
<th>RESETTLEMENT IMPACTS</th>
<th>SEVERITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>infrastructure</td>
<td>Fragmentation of personal property; delayed access to dwellings / business Physical damage or restrict access or delay access to economic and public social infrastructure, institutional areas existing on the subproject site Division of communities e.g. by linear developments such as irrigation canals</td>
<td>o Disruption of income, livelihood activities, supplies and services o Visual effects: modifications in the quality of the landscape features</td>
<td>o Disturbances and nuisances o Health risks o Conflicts over resources o Food insecurity</td>
<td>MINIMAL</td>
</tr>
<tr>
<td>o Temporary land take (route diversion during construction stage) o Others subproject features identified during design.</td>
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<tr>
<td>o Dis-proportionate access to resources under a scheme</td>
<td>Irrigators moving out of the village boundary</td>
<td>Loss of income or livelihoods sources</td>
<td>o Economic displacement of persons o Conflicts over resources o Food insecurity</td>
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8. ESTIMATED POPULATION, DISPLACEMENT AND CATEGORIES OF AFFECTED PEOPLE

8.1. APPROXIMATE NUMBER OF AFFECTED PERSONS (PAPs)

151. At this stage of preparing RPF, it will be difficult to estimate the number of PAPs due to the reason that, the specific project sites have not yet been established or designs have not been undertaken. It is expected that the project sites will be identified by MALF, Participating LGAs officials during project implementation in consultation with PSP / IOs, village government officials or and farmers / irrigators. Due to this, the locations, nature and magnitude of the project cannot be determined before implementation. For each project, which might require physical and/or economic resettlement (this will be assessed through screening processes), the number of PAPs will be established through a Resettlement Action Plan (RAP), which will be elaborated before project implementation.

152. For the preparation of this RPF the concept note and initial assessment briefs of the CFAST were reviewed and the project impact on land and livelihood is minimal. Few CFAST subprojects are expected to be new development considering that most of these irrigation infrastructures already exist and warehousing facilities are expected to be small to medium scale structures thus minimal or no physical displacement is expected to result from these infrastructure improvements. Typical sizes of the land requirement for infrastructure improvements at an average irrigation scheme would be:

   a) Size of an average irrigation scheme to be upgraded under CFAST is = 390. ha
   b) Typical land requirement for infrastructure development on an upgraded system is very minor because the upgrading activities follow the existing alignment of irrigation infrastructure. Therefore the impact on land is very minor and is limited to temporary disturbance near or around the infrastructure to be upgraded/improved.
   c) Typical land requirement for infrastructure development on a new irrigation system of an average 3km long main canal with a span of 12m main canal is 3.6 ha
   d) Typical land requirement for a small support facility (i.e. pumping station = 0.02 ha

153. The estimate will take into consideration the proportion of population that will be affected by loss of income or livelihoods sources due to dis-proportionate access to resources or benefits under a scheme. Disruption of natural flows and draining usually has effects on environmental equilibrium causing flooding or water logging affecting the whole or big proportion of community.

8.2. DISPLACEMENT
154. Within the context of the World Bank Project, in compliance with international best practice, a displaced person by the project would be anyone who lives, works or has any socio-economic, livelihoods or cultural ties to the project land, duly impacted by the land take in the area and who experiences any loss of natural and/or communal resources. It should be noted however, that since the level of impact of these group differs so does their level of eligibility and the packages they are entitled to receive. This Resettlement Policy Framework considers the displaced people are those who stand to lose, as a consequence of the CFAST project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as crops, fruit trees, grazing land, or important cultural sites, commercial properties, tenancy, income-earning opportunities, and social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to mainly village land under custodian of village government currently used as farm or other purposes.

155. The guidelines of the resettlement policy framework apply to all project construction sites that will be proposed by the responsible authorities to be funded in whole or in part by the World Bank or any other activity funded by this project which would trigger World Bank policy on Involuntary Resettlement. The policy framework 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 and. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, the elderly, women and children, and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Tanzania’s land compensation legislation.

8.3. CATEGORIES OF PAPS

156. Land acquisition for CFAST project may result in negative impacts to different categories of PAPs. Until the exact project 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 project and the associated activities have not yet been developed and are unknown. However, the likely displaced (economically or physically) persons can be categorized into these 5 groups, namely;

8.3.1. Affected Household

157. A household is affected if one or more of its members is affected by CFAST project activities, either by loss of property, land, loss of access or otherwise affected in any way by project activities. This includes:
   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.

158. 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. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the “household”.

8.3.2. Affected Individual

159. An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economical resources because of the CFAST project 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 MALF. This will include affected individuals who have economic activity on customary land.

8.3.3. Vulnerable Households

160. 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) **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.

   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 neighbours.
c) **Chronically ill persons** – e.g. HIV/AIDS, tuberculosis etc. 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 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.

161. These groups that could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when the project sites are identified and PAPs listed:

a) Special consideration should be paid to these groups by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;

b) The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;

c) Consultation with these groups should ensure that resulting resettlement and compensation improves their pre-project livelihood;

d) The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed improved upon;

e) RAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;

f) Decisions concerning them should be made in a timely fashion taking their needs, concerns, inputs and choices into consideration.
9. ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF PROJECT AFFECTED PERSONS

162. This section presents eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people. The criteria discussed below attempts to cover all categories of PAPs that may arise during the project implementation to minimize impacts of either economic or physical displacement on PAPs.

9.1. PRINCIPLES

163. The involuntary taking of land results in: relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Therefore meaningful consultations with the affected persons (directly and through representatives), local authorities and communal leadership allows for establishing the criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance.

164. The World Bank OP4.12 suggests the following three criteria for eligibility;
   a) Those who have formal rights to land (including customary/communal land, traditional and religious rights, recognized under Tanzania 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, but are recognized under World Bank OP 4.12.

165. Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF. 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 RPF, if they occupy the project area prior to a cut-off date established by the management committees in close consultation with the potential PAPs, local community leaders and the Ministry of Lands and the MALF and acceptable to the World Bank. 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.

166. 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 will encroach the area after the cut-off-date (a date when the socio-economic study; census and valuation are completed) are not eligible for compensation or any form of resettlement assistance.

9.2. **ELIGIBILITY CRITERIA**

167. PAPs may be classified in one of the three groups listed in the preceding section above. The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area as well as input from community leaders. LGA Administration and MALF concerned with land ownership and management will also hold discussions with the contracted service providers to ensure that appropriate recourse is provided for PAPs. PAPs covered in (a) and (b) are provided compensation for the land they lose, and other assistance ensuring that they are:

   a) Informed about their options and rights pertaining to resettlement.
   b) Consulted on, or offered choices among, and provided with technically and economically feasible resettlement.
   c) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

168. Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date.

169. Persons who encroach on the area after the cut-off-date (the agreed date when socio-economic study (census and valuation are completed) are not eligible for compensation or any form of resettlement assistance. There will be a package of compensation and other resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy. Eligibility criteria will also be determined by:

   i. Loss of property or other assets
   ii. Loss of wages or livelihood
   iii. Cut-off date.

9.3. **CATEGORIES OF ELIGIBLE INDIVIDUALS**

170. Eligible individual(s) are whose land or other assets have been acquired involuntarily which results in:

   a) Relocation or loss of shelter by the persons residing in the project area;
   b) Loss of assets or involuntary restriction of access to assets including national parks, protected areas or natural resources; or
   c) Loss of income sources or means of livelihood because of the project, whether or not the affected persons are required to move.
171. Therefore, displaced persons in the following two groups are entitled to compensation for loss of other assets taken for the project purposes:

i. **Persons with formal legal rights:** Those that have formal legal rights to assets recognized under the laws of the country. This category will generally include people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood because of the project activities;

ii. **Persons without formal legal rights:** Those who may not have formal legal rights to assets at the time of the census but can prove that they have a claim such as identified assets that would be recognized under the customary laws of the country. This category may also include those people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land (e.g. graveyards, sacred forests, places of worships). This category may also include sharecroppers or tenant farmers, seasonal migrants or nomadic families losing user rights, depending on the country’s customary land use rights. Additionally, where resettles lose access to resources such as waterways, or grazing lands, they would be provided with replacements in kind.

iii. **Persons with no recognizable legal right or claim to the land:** A third group of displaced persons are those who have no recognizable legal right or claim to the land they are occupying in the project area and who do not fall in any of the two categories described above. This category of displaced persons, will be entitled to resettlement assistance in lieu of compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.), provided they occupied the project area prior to a cut-off date established by the borrower and acceptable to the Bank.

172. At the minimum, under the Bank’s policy (with no contradiction to the borrower’s legislation), land, housing, and infrastructure should be provided to the adversely affected population, including, ethnic, linguistic and religious minorities, and pastoralists who may have usufruct rights to the land or other resources taken for the project. The cut-off date must clearly be communicated to the project affected population. Persons who encroach on the project area after the cut-off date are not entitled to any form of resettlement assistance.

**9.4. ELIGIBILITY FOR COMMUNITY COMPENSATION**

173. It is also important to note that the eligibility may be claimed collectively e.g. as a Village or religious group and does not necessarily have to be individuals or families. Villages (on communal lands) that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation.
Example of Village compensation could be for market places, schools and health centre. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored. Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by Ministry of Lands, MALF. The key information providers include, LGA Administration and Village government. Other potential informants include identified farmers, business persons and executives, women leaders and other leaders of social groups (Table 2).

9.5. ENTITLEMENT MATRIX FOR VARIOUS CATEGORIES OF PAPS

174. The entitlement matrix below provides guidance for eligibility and entitlement according to this RPF. This can be used as a template for CFAST subproject resettlement process, but must be amended to be appropriate to the situation and to incorporate discussions and agreements with affected stakeholders and participating Government authorities.
**Table 3: The Entitlement Matrix for Various Categories of PAPs**

<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
</table>
| Agricultural land       | Land under cultivation     | Farmer/ title holder | • Cash compensation for affected land equivalent to replacement value, taking into account market values for land  
• Alternative land within the irrigation scheme at a size that will ensure PAP is not economically affected |
|                         | Less than 20% of land holding affected | Tenant/ lease holder | • PAP allowed to harvest crops that are within the affected area OR Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.  
• Agreement to continue utilizing the irrigation scheme once the project improvement is completed  
• Alternative land to allow PAP to continue with Paddy growing |
|                         | Land remains economically viable. |                     |                                                                                                |
| Greater than 20% of land holding lost | Farmer/ title holder | • Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP’s choice equal to replacement cost  
• Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity (preferably a plot that can be used for paddy growing) with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.  
• Relocation assistant  
  o Costs of shifting (Disturbance allowance (value of the land x an average % rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land) + Transport allowance (actual cost of transporting all farm equipment /tools by road or rail whichever is cheaper to final destination from the point of displacement))  
  o costs should be covered for relocation and relocation situation equivalent with loss.  
  o Assistance in re-establishing economic trees |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
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<tbody>
<tr>
<td></td>
<td>Land under cultivation</td>
<td>Tenant/ lease holder/non-resident (out of the village)</td>
<td>• PAP allowed to harvest crops that are within the affected area OR Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years (as this is the tenancy period) • Agreement to continue utilizing the irrigation scheme once the project improvement is completed • Relocation assistant o Costs of shifting (Disturbance allowance (value of the land x an average % rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land) + Transport allowance (actual cost of transporting all farm equipment /tools by road or rail whichever is cheaper to final destination from the point of displacement) o Assistance in re-establishing economic trees o Livelihood rehabilitation assistance).</td>
</tr>
<tr>
<td>Residential Land</td>
<td>Land used for residence partially affected, limited loss Remaining land viable for present use.</td>
<td>Title holder</td>
<td>Cash compensation for affected land</td>
</tr>
<tr>
<td></td>
<td>Rental/ lease holder</td>
<td>Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)</td>
<td></td>
</tr>
<tr>
<td>Residential Land</td>
<td>Land and assets used for residence severely affected</td>
<td>Title holder</td>
<td>o Land for land replacement or compensation in cash according to PAP’s choice.</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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|                | Remaining area insufficient for continuing use or become smaller than minimally acceptable under zoning laws |                          | o Land for land replacement shall be of minimum plot of acceptable size under the zoning law / s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems  
 o When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.  
 o Transfer of the land to the PAP shall be free of taxes, registration, and other costs.  
 o Relocation assistance (costs of shifting + allowance): Disturbance allowance (value of the land x an average % rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land). |
|                | Land and assets used for residence severely affected Remaining area insufficient for continuing use or become smaller than minimally acceptable under zoning laws | Rental/ lease holder     | o Refund of any lease / rental fees paid for time / use after date of removal  
 o Cash compensation equivalent to 3 months of lease / rental fee  
 o Assistant in rental / lease of alternative land / property  
 o Relocation assistance (costs of shifting + allowance): Disturbance allowance (value of the land x an average % rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land). |
| Land users     | Impact on livelihood                               | Land less, encroachers   | Compensation to restore livelihood and ensure they will not be worse off as a result of the investments’ activities.                                                                                                                                                                                                                                                                                      |
| Commercial Land | Land used for business partially affected           | Title holder/business owner | • Cash compensation for affected land  
 • Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)  
 Business owner is lease holder  
 • Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)  
 Assets used for business severely affected | Title | • Land for replacement or compensation in cash according to PAP’s |
<table>
<thead>
<tr>
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<th>Compensation/Entitlement/Benefits</th>
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</table>
|                      | If partially affected, the remaining assets become insufficient for business purposes | holder/business owner               | choice. Land for land replacement will be provided in terms of a new parcel of land equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.  
- Transfer of the land to the PAP shall be free of taxes, registration, and other costs.  
- Relocation assistance (costs of shifting + allowance)  
  - Disturbance allowance (value of the land x an average % rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land).  
  - Transport allowance (actual cost of transporting all luggage by road or rail whichever is cheaper to final destination from the point of displacement)  
  - Loss of profit (net monthly profit evidenced by audited accounts x 36 months).  
- Opportunity cost compensation equivalent to 10% of net income based on tax records for previous year (or tax records from comparable business, or estimates) |
| Buildings and structures | Structures are partially affected                                       | Owner                               | Cash compensation for affected building and other fixed assets  
- Cash assistance to cover costs of restoration of the remaining structure  
- Cash compensation for affected assets (verifiable improvements to the property by the tenant).  
- Disturbance compensation equivalent to two months rental costs or time that will take to finish construction work |
|                      | Remaining structures viable for continued use                          | Rental/ lease holder                 |                                                                                                                                                                                                                                                                  |
|                      | Entire structures are affected                                          | Owner                               | Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.  
- Right to salvage materials without deduction from compensation  
- Relocation assistance (costs of shifting + allowance)  
- Accommodation allowance (monthly market rent for the acquired property x 36 months).  
- Disturbance allowance (value of the land x an average % rate of interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land). |
<p>| | | | |
|                      |                                                                      |                                     |                                                                                                                                                                                                                                                                  |</p>
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<td>interest offered by commercial banks on fixed deposits for twelve months at the time of loss of interest in land).</td>
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<td></td>
<td></td>
<td></td>
<td>o <strong>Transport allowance</strong> (actual cost of transporting all luggage by road or rail whichever is cheaper to final destination from the point of displacement)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>o <strong>Squatter/informal dweller</strong></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>● Cash compensation for affected structure without depreciation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>● Right to salvage materials without deduction from compensation</td>
</tr>
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<td></td>
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<td></td>
<td>o Relocation assistance: costs of shifting (<strong>Transport allowance</strong> (actual cost of transporting all luggage by road or rail whichever is cheaper to final destination from the point of displacement)+ assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>● Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</td>
</tr>
<tr>
<td>Standing crops</td>
<td>Crops affected by land acquisition or temporary acquisition</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>● PAP allowed to harvest crops if fully matured or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>● Cash compensation of the crops equivalent to average of last 3 years market value for the mature and harvested crop, plus the labour cost</td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost</td>
<td>PAP (Owner, tenant, or squatter) (Title holders)</td>
<td>● Cash compensation based on type, age and productive value of affected trees plus 10% premium</td>
</tr>
<tr>
<td>Loss of access to water source</td>
<td>Loss of access to water for household use, for household plots, etc.</td>
<td>Affected households</td>
<td>● Replace water access: Provide alternate access to water sources in the interim period. Ensure that the investments’ design take into consideration different use and need for water and accommodate the users accordingly.</td>
</tr>
<tr>
<td>Loss of communal properties such as burial grounds and places of worship, community</td>
<td>Loss of access to these sites, temporarily or permanently, loss of investment made.</td>
<td>Communities affected</td>
<td>● <strong>Consultation</strong>: Undertake consultation with affected households to determine appropriate arrangements and compensation if suitable. Replacing the social building such as schools and dispensaries</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
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<tr>
<td>centres, and social</td>
<td>Temporary acquisition</td>
<td>PAP (whether owner, tenant,</td>
<td>Cash compensation for any assets affected (e.g. boundary wall demolished, trees</td>
</tr>
<tr>
<td>buildings</td>
<td></td>
<td>or squatter)</td>
<td>removed)</td>
</tr>
<tr>
<td>Temporary Acquisition</td>
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</tr>
</tbody>
</table>
9.5.1. Loss of Property

175. This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labour valuation. In cases where the loss is partial then disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property is replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

9.5.2. Loss of Wages and Income

176. There are persons who will lose their income due to the CFAST project. Workers losing employment in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the CFAST project while waiting employment. In difficult cases, local administration such as District Commissioners, LGA Executive Directors and Village Council (Chairperson and VEO may be used to judge eligibility as well as Village committees.

9.6. METHOD TO DETERMINE THE CUT–OFF DATES

177. 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 MALF with assistance of local Administration (LGA Department of Lands) have identified the required area for project implementation and when the socio-economic study has taken 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 labour) incurred until the cut–off date.

178. Considering that the majority of sites to be chosen, may most likely be government land with temporary occupation for those using them as farms, a cut–off date would be of great use to avoid induced occupation by illegal PAPs. 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 public of intended use of site, security patrols to identify opportunistic invaders etc.
10. METHODS OF VALUING AFFECTED ASSETS

179. This chapter sets out the detailed requirements for determining the value of affected assets.

10.1. FRAMEWORK FOR VALUATION

180. Valuation methods for affected land and assets would depend on the type of assets found on the piece of land in question. The land asset types identified under Tanzania Land Act and Village Land Act both of 1999 are:

(i) General land
(ii) Village land
(iii) Reserved Land
(iv) Hazard land.

Environmental sensitive areas as defined by the Environment Management Act, Cap 191 of 2004.

181. In any of the five scenarios above, the MALF under whose docket the project is placed undertakes compensation for any loss accruing to individuals or community, whether its land, crops or access to a resource.

182. Government owned land, depending on size etc. may be allocated free to MALF by the village government, respective LGA or Commissioner for Lands responsible for land administration (perhaps except for processing and registration fees), the MALF 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.

183. The CFAST project will require in the most cases, the use of Government lands. Therefore, valuation methods for affected land and assets would depend on the type of use of the land in question. Land assets would be valued according to the valuation methods described below and compensation paid for. The MALF would compensate for assets and investments, including labour, 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 landowner 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.

10.2. VALUATION PROCEDURE

184. The Use of Standard Valuation Tables: Due to the localized nature of projects, it would therefore be unwise to deploy an individual valuation expert in each case. It is therefore proposed that an evaluation expert is contracted by the MALF at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or district level (e.g. the Program Social Mitigation Officer or Environment and Social Officer). This standardized procedure would include a series of ‘look-up’ tables for estimating asset value by type according to the approximate size and condition of the existing asset.

185. The tables would necessarily be developed using legally acceptable valuation procedures accepted by both the GoT and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Tanzania laws and valuation of lost assets will be made at their replacement cost as discussed in this RPF.

10.3. PREPARATION OF ASSET INVENTORY

186. In order to prepare an inventory of assets for a sub-project, a household survey team would visit the affected area to carry out an asset valuation survey. The team would be led by an appropriate project representative, respective LGA representative, local village government leader (Chairperson or VEO), a representative of the PAPs, a representative of the LGA Department of Lands, the Local Councillor and a village representative (collectively referred to as the Compensation Committee).

187. During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will say when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

10.4. PAYMENTS OF COMPENSATION

188. 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 instil the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets (Table 3).

189. 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. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with the MALF and the LGAs.

10.5. VALUATION METHODS TO BE ADOPTED

10.5.1. Replacement Cost Approach

190. The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

10.5.2. Gross Current Replacement Cost

191. Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

10.5.3. Other Methods

Rates from Contractors

192. When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.
Schedule of rates from the Agriculture Zone Offices

193. The Departments of Agriculture and Lands have schedules of rates for preparing estimates for compensation of acquired land and lost crops and trees respectively, while department of construction could provide costs for construction materials and labour, which the appointed Resettlement Service Providers could use to undertake assessment. When applied to calculation of replacement cost (see above), rates current for the period of actual replacement must be used.

10.6. **CALCULATION OF COMPENSATION BY ASSET**

194. The methods of calculation, which should be adopted, for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case-by-case valuations in the case of projects that have significant impacts are as follows:

10.6.1. **Compensation for Land**

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

i. In cultivation
ii. Being prepared for cultivation, or
iii. Cultivated during the last

196. This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labour. 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 labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

197. **Land measurement:** 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.

198. 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.

10.6.2. Calculation of Crops Compensation Rate

199. 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 labour 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 labour) 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 labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period. 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 labour invested in preparing a replacement land.

200. Crop values will be determined based on:

i. A combination of staple foods and cash crops. Specifically, the 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.

ii. 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:

   o 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.

   o 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.

   o Averaging the highest price of stable foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

iii. The labour 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, ploughing, sowing, weeding twice, and harvesting the crop. Labour costs will be paid in Tanzania Shillings at the prevailing market rates.
10.6.3. Compensation for Buildings and Structures

201. 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-cash for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

202. Compensation will be made for the types of indicative structures that are listed in Table 4.
   i. Abandoned because of relocation or resettlement of an individual or household
   ii. Directly damaged by construction activities.

203. Replacement values will be based on:
   i. Drawings of individual’s house and all its related structures and support services,
   ii. 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.),
   iii. Prices of these items collected in different local markets,
   iv. Costs for transportation and delivery of these items to acquired/replacement land or building site,
   v. Estimates of construction of new buildings including labour required.

204. 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 4: Compensation for buildings and structures

<table>
<thead>
<tr>
<th>House</th>
<th>Raw or baked brick, straw or tin roof, varying sizes (small, medium large)</th>
</tr>
</thead>
<tbody>
<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>Latrine</td>
<td>Replacement latrines will be similar to those currently operational and financed by the World Bank or other donor agencies at health centres, schools</td>
</tr>
<tr>
<td>Open well</td>
<td>Internally lined with concrete rings and provided with a hand</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>

10.6.4. Compensation for Sacred Sites

205. Subprojects will avoid impacts on sacred sites, which include but not restricted only to altars, initiation centres, 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.

10.6.5. Compensation for vegetable gardens

206. Gardens are planted with vegetable and ingredients for daily use. Until a replacement garden starts to bear, the family displaced (economically or physically) because 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.

10.6.6. Compensation for Horticultural, Floricultural and Economic/ Fruit trees

207. Tanzania has a highly conducive weather for growing of economic and fruit trees like Mangoes among other coastal fruit trees which are almost found in every farm. 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.

208. They are primarily important as a source of:
   i. Subsistence food for families
   ii. Cash produce that contribute to the local and export economy
   iii. Petty market income in some areas, and
   iv. Shade (in the case of mango and some guava trees).
   v. Traditional medicinal value.

209. 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 labour 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 labour costs. The compensation rate will be based on information obtained from the socio-economic information. Based on the information, a compensation schedule for trees can be developed incorporating the following goals:

   i. Replace subsistence Economic Trees/ Fruit (e.g. mango) production yields as quickly as possible.
ii. Provide subsistence farmers with trees to extend the number of months of the year during which the fruit are produced and can be harvested as a supplemental source of food for their families during their “hungry season”

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

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

10.6.7. Other Domestic Fruit and Shade Trees

210. These trees have recognized local market values, depending upon the species and age. Individual compensation for wild trees “owned” by individuals, who 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. No compensation will be paid for minor pruning of trees.
11. ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

211. A number of organizations and institutions will be involved with RAP implementation processes at different levels and times. However, the overall coordination of RAP activities will be under the MALF MDU and other institutions and organizations that have the legal obligations to carry out functions related to resettlement and or compensation including various local authorities.

11.1. RESPONSIBILITY OF STAKEHOLDERS

212. Stakeholders will be involved as follows:
   i. MALF Ministerial Delivery Unit (MDU) in collaboration with CFAST project team will be responsible for implementing the RAP
   ii. CFAST project team will support sensitization of stakeholders on RAP, preparation of monitoring of RAPs;
   iii. CFAST project team (PSP / IO) will sensitize communities on RAP, provide technical support in preparation of RAPs, screen and appraise and monitor the implementation of RAPs;
   iv. Communities, village government, affected groups as the final owner of land, landed properties and assets to be acquired or affected will be the participants in the process;
   v. Independent NGOs and other stakeholders may be engaged to witness the fairness and appropriateness of the whole process. The NGOs will be involved in the monitoring of the resettlement process, establishing direct communication with the affected population, community leaders, to facilitate the completion of RAP;
   vi. CFAST project team shall set up Resettlement Committee comprising representatives of key government offices and a local NGO involved in similar projects.
   vii. External Audits shall include the evaluation of the implementation of the resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of:
      a) Resettlement conditions where relevant;
      b) Consultation on compensation options, process and procedures;
      c) Adequacy of compensation; and
      d) Adequacy of specific measures targeting vulnerable people.

213. The following committees (Table 5) shall be established under the MALF together with relevant LGA Departments and representation from the PAPs / Village Government.

<table>
<thead>
<tr>
<th>Resettlement Committee</th>
<th>Compensation Committee</th>
<th>Grievances Redress Committee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• CFAST Project Coordinator (Chair)</td>
<td>• Principal secretary of Ministry of Agriculture (Chair)</td>
<td>• District Commissioner (Chair)</td>
</tr>
<tr>
<td>• Representative of District Commissioner</td>
<td>• Representative of District Commissioner</td>
<td>• Representative of MALF</td>
</tr>
<tr>
<td>• Representative of MALF MDU</td>
<td>• Representative of MALF MDU</td>
<td>• Representative of Ministry of Lands</td>
</tr>
<tr>
<td>• Representative of Ministry of Lands</td>
<td>• Representative of Ministry of Lands</td>
<td>• Valuer</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Representative from CFAST Project Team (IOs)</td>
</tr>
</tbody>
</table>
11.2. PROJECT RESETTLEMENT COORDINATION UNIT

214. The role of the Resettlement Coordination Unit (RCU) in this regard the Ministerial Delivery Unit at the MAFL is to ensure the smooth and timely implementation of the Resettlement Action Plan. This team will also supervise, manage and support the tasks of the community and compensation teams. The coordinating unit will also resolve any problems related to coordination of the other units.

11.3. COMMUNITY LIAISON AND GRIEVANCE REDRESS OFFICER

215. The community liaison and grievance redress officer (an employee of the MAFL based at the LGA) will be working under and reporting to the RCU. From a community liaison perspective the key objective of this officer is to ensure good project relations with both the PAPs and local residents of the affected areas. The officer will be responsible for informing the PAPs and local residents about the resettlement and compensation process.

216. The detailed tasks of the community liaison and grievance redress officer in relation to Community liaison officer tasks will be to:
   a) Prepare and distribute notices of meetings at least one week prior to the meetings to local leaders and media such as radio, TV and newspapers. Notices should be distributed in Kiswahili;
   b) Organize meetings with local government leaders at the village level and distribute notices for general meetings to local government leaders, NGOs and villagers;
   c) Distribute notices, press releases at various points (such as at local government offices, markets, schools, churches and mosques);
   d) Meeting with the Village government to explain the land acquisition process and to answer questions about the process
   e) Select appropriate locations for use as payment centres for compensation payments;
   f) Explain the compensation payment process including the benefits of using a bank and the role of the Bank.

217. On completion of the socio-economic study and the baseline census the MALF will prepare a Resettlement and Compensation Plan (RAP) for each site that is affected by resettlement and compensation. There will be as many RAPs depending on the type of subproject to be implemented. The RAPs shall be prepared by the MALF with the

<table>
<thead>
<tr>
<th>Resettlement Committee</th>
<th>Compensation Committee</th>
<th>Grievances Redress Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consultant</td>
<td>• Lands</td>
<td>• Representative of PAPs</td>
</tr>
<tr>
<td>• Representative of a local Administrators / Village Government</td>
<td>• Consultant</td>
<td>• Representative of a local NGO</td>
</tr>
<tr>
<td>• Representative of PAPs</td>
<td>• Representative from the CFAST Project Team (IOs)</td>
<td>• Valuer</td>
</tr>
<tr>
<td>• Representative of PAPs</td>
<td>• Representative of PAPs</td>
<td></td>
</tr>
</tbody>
</table>
support of technical service providers for projects that have been determined to result in potential involuntary resettlement and/or land acquisition.

218. Once the project RAP have been prepared, The CFAST project team will forwards the RAP together with the modified designs (if any) for screening and approval to the respective LGA Departments of Land and Environment Section in compliance with the local planning laws and CFAST project institutional and administrative requirements. All project 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 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.

219. Approval of funding for any project construction activities that needs to acquire or use land under the CFAST project, the MALF must first comply with all local laws and seek clearance of the Ministry of Lands / LGA 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 irrigation scheme, funding will be released once it is satisfied that the provisions of this RPF were met in cases where OP 4.12 apply.

220. Furthermore, the MFL 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.

221. Before the decision to approve a site is taken, the MALF would need to approve or disapprove the resettlement and compensation plans of the 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.

222. The Capacity of the MALF MDU that is charged with the responsibility of coordinating the implementation of the CFAST project will be built by training and by providing technical assistance to allow the MALF, the Ministry of Land and NEMC (represented at LGA by respective departments responsible of land and Environment 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.
12. METHODS FOR CONSULTATION WITH AND PARTICIPATION OF AFFECTED PEOPLE

223. Public consultations in relation to each RAP must occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach will be adopted as an on-going strategy throughout the entire project cycle. Public participation and consultations will take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted in the survey process; public notices where explanations of the sub-project are made.

224. RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

225. The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. There are three main phases:

a) Data collecting phase. Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with special groups such as women, business people as well government institutions will be consulted.

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

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

13. A DESCRIPTION OF GRIEVANCE REDRESS MECHANISMS

226. Grievance redress mechanisms are essential tools for facilitating PAPs to voice their concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are fundamental to achieving transparency in the acquisition and resettlement processes.

227. In practice, grievances and disputes that are most likely during the implementation of a resettlement program are the following:
   a) Misidentification of assets or mistakes in valuing them;
   b) Disputes over plot limits, either between the affected person and the Project, or between two neighbours;
   c) Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset);
   d) Disagreement over the valuation of a plot or other asset;
   e) Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
   f) Disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement plot; and
   g) Disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements.

228. The overall process of grievance is as follows:
   a) Compensation committees including representatives of PAPs will establish the compensation rates using institutionalized informed sources for valuation rates.
   b) During the initial stages of the valuation process, the affected persons are given copies of grievance procedures as a guide on how to handle the grievances.
   c) The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. An example of a grievance redress form is provided in Annex B.
   d) The project will use a local mechanism, which includes peers and local leaders of the affected people. These will ensure equity across cases; they eliminate nuisance claims and satisfy legitimate claimants at low cost.
   e) The response time will depend on the issue to be addressed but it should be addressed with efficiency.
   f) Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife where applicable. Should a PAP refuse the compensation suggested, he/she could appeal to the local Resettlement Committee of MALF.
g) A Compensation Committee and LGA Department of Lands will first revise his/her case.

h) Then the Compensation Committee will draft its inclusions and submit them to the Resettlement Committee for deliberation in the aim of settling the differences.

i) And when these have failed the individual PAP has the right to take his case to the civil courts for litigation.

229. In order to deal with the grievance that may rise during the implementation of the RAP, there is need to incorporate a grievance redress process with Resettlement Committee, Regional Administration, LGA and with PAPs representatives committee to hear the complaints and provide solutions, and reduce unnecessary litigation by resolving disputes through mediations.

13.1. GRIEVANCE REDRESS PROCESS

230. 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.

231. The MALF 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-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the Resettlement Committee and the Regional/LGA Administration should the former fail to yield results.

232. If the verdict rendered by the Resettlement Committee is not acceptable to either the individual affected or the MALF MDU then the parties in their compensation contract would have agreed that the matter would be appealed to the Ministry of Lands and other higher levels.

233. The grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under statute. 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 /law courts for resolution which would otherwise take a considerably longer time. 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 one two months after surrendering their assets to set forth their case.

234. All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their Village Executive Officers /Chairperson who is the government representative at the village level. The VEO will
inform and consult with the Resettlement Committee, to determine claims validity. If valid, the local VEO will notify the complainant and s/he will be settled. If the complainants’ claim is rejected, then the matter will be brought before the LGA / Regional Administration for settlement. The decision of the Regional Administration would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

235. If a complaint pattern emerges, the MALF, Regional Administration and the LGA Department of lands 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 MALF, the Regional Administration/LGA and VEO will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins

13.2. PAPS REPRESENTATIVE COMMITTEE

236. PAPs Representative Committee shall carry out the following as regard to redressing grievances:
   a) Hear the grievances of the PAPs, and provide an early solution to those they able to
   b) Immediately bring any serious matters to the attention of the Resettlement Committee
   c) Inform the aggrieved parties about the progress of their grievances and the decisions of the Resettlement Committee.

237. A Grievance Redress Committee will be constituted to register the grievance raised by the PAPs and address the grievance forwarded by the PAPs representative committee. The Grievance Redress Committee will try as much as possible to arrive at a compromise for the complaints raised. This may be obtained through series of conciliations, mediations and negotiations exercises conducted with the PAPs.

238. If PAPs accept the recommendations made by the committee, the committee along with PAPs who are willing to take part in these proceedings may hold mediations at the appointed places. In situations where PAPs are not satisfied with the decision of Grievance Redress committee, the PAPs can approach the Tribunal/ court of law. The response time for cases handled in both committees will depend on the issues addressed but it should be as short as it is possible.
14. BUDGET AND FUNDING ARRANGEMENT

239. Resettlement activities in Tanzania will be financed through a number of arrangements, namely: Government budget; loans borrowed from the domestic market by governments; loans borrowed from development partners; and grants. In the case of CFAST projects, the resettlement budget will be financed through a credit finance advanced to the GoT by the World Bank under the CFAST project.

14.1. RESETTLEMENT FUNDING

240. At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs/details have not yet been developed and land needs have not yet been decided upon. When these locations are known, and after the conclusion of the site specific socioeconomic 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 MALF through its MDU 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 CFAST project. This budget will be subject to the approval by respective CFAST financial recipients.

241. Each RAP will include a detailed budget, using the following template in Table 6.

Table 6: Template for budget details

<table>
<thead>
<tr>
<th>S/n</th>
<th>Item</th>
<th>Cost</th>
<th>Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land</td>
<td>No. 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</td>
<td>Includes costs of labour invested and average of highest price of staple food crops as per methods described in Section G of this RPF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>lost</td>
<td></td>
</tr>
<tr>
<td>4</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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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>5</td>
<td>Compensation for loss of business or profit.</td>
<td>Business owners</td>
<td>Calculated based on the opportunity cost equivalent to tax records for previous year (or tax estimates where such records do not exist). Opportunity cost compensation equivalent tax records for previous year (or tax records estimates), or the relocation allowance, Relocation assistance (costs of shifting) Assistance in rental/lease of alternative months) to re-establish the business.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or tenants.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Trees</td>
<td>/year/tree</td>
<td>Based on methods described in his RPF for compensation for trees.</td>
</tr>
</tbody>
</table>
14.2. **INDICATIVE BUDGET**

242. 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 shown in Table 7.

<table>
<thead>
<tr>
<th>s/n</th>
<th>Item</th>
<th>Cost</th>
<th>Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Cost of Relocation /household/</td>
<td>This cost is to facilitate transportation, etc.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Cost of Restoration of Individual Income</td>
<td>Assumed to be higher than the GDP/capita</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Household Income</td>
<td>Through employment in Program Activities</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Cost of assisting vulnerable groups</td>
<td>As described</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Cost of Training Farmers, and other PAPs</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>
<td></td>
</tr>
</tbody>
</table>

**Table 7: Tentative budget**

<table>
<thead>
<tr>
<th>Budget item</th>
<th>Amount (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation of RAPs</td>
<td>60,000</td>
</tr>
<tr>
<td>Compensation for land</td>
<td>300,000</td>
</tr>
<tr>
<td>Compensation for immobilization and other assets</td>
<td>800,000</td>
</tr>
<tr>
<td>Assistance for transportation and other allowances</td>
<td>120,000</td>
</tr>
<tr>
<td>Cost of supervision</td>
<td>70,000</td>
</tr>
<tr>
<td>Cost of independent audit</td>
<td>50,000</td>
</tr>
<tr>
<td>Contingencies</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>Total estimated budget</strong></td>
<td></td>
</tr>
</tbody>
</table>

*This budget is indicative and will be adjusted as needed during implementation and in accordance with the results of the surveys and socioeconomic studies that will be conducted the RAPs.*

243. An example of a RAP budget outline can be found in Table 8. The preparation and implementation of the RAP is usually financed in country through the administrative and financial management rules and manuals issued by the Government of Tanzania. Such sources could include:

a) Annual Council budgets approved through parliament
b) Local taxes and levies collected in the LGA
c) Other donor funding

**Table 8: Indicative outline of the RAP budget**

<table>
<thead>
<tr>
<th>Asset acquisition</th>
<th>Amount or number</th>
<th>Total estimated cost</th>
<th>Agency responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops and economic tress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Acquisition and Preparation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops areas and others</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asset acquisition</td>
<td>Amount or number</td>
<td>Total estimated cost</td>
<td>Agency responsible</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>------------------</td>
<td>----------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Community infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer of possessions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation costs</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Economic Rehabilitation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Training</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Capital Investments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S/n</th>
<th>Item</th>
<th>Costs</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land /hectare</td>
<td>For land acquisition purposes, based on Tanzanian average market cost, or from similar projects</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops /hectare of farm lost</td>
<td>Includes costs of labour invested and average of highest price of staple food crops and Tanzanian market prices</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Compensation for Buildings and Structures If applicable</td>
<td>This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Compensation for loss of businesses</td>
<td>See above budget table</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Compensation for Trees /year/tree</td>
<td>Includes costs of labour invested and average of highest price of trees (and tree products) and Tanzanian market prices</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Cost of Relocation Assistance/Expenses /household</td>
<td>This cost reflects the moving and transportation allowance</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Individual Income</td>
<td>Assumed to be higher than the GDP/capita in Tanzania</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Cost of Restoration of Household Income</td>
<td>These costs reflect the livelihood restoration program of the RAP</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Cost of Training PAPs</td>
<td>This is a mitigation measure involving capacity building and involves PAPs and affected communities</td>
<td></td>
</tr>
</tbody>
</table>
15. **MONITORING ARRANGEMENT**

244. Monitoring of Resettlement Action Plan is a key component in project implementation to ensure that all proposed action in the plan brings the expected results. In order to ensure effective monitoring it is important to develop monitoring indicators. The arrangements for monitoring would fit the overall monitoring plan of the entire CFAST which would be through the MALF.

245. The CFAST project will institute an administrative reporting system that:

   a) Alerts project authorities to the necessity for land acquisition in projects 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 loses, as well as unanticipated, additional construction damage.

246. Consistent with the Environmental and Social Management Framework (ESMF) the CFAST/PMU and Construction Engineer would be responsible for periodically transferring the information compiled “on the ground” to the MALF, so that it is alerted in a timely manner to any difficulties arising at the local level.

247. The objective will be to make a final evaluation in order to determine:

   a) If affected people have been paid in full and before implementation of the sub project activities,
   b) 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.

248. 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, health standards, etc.).

249. Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success:

   a) Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
   b) The local communities remain supportive of the project.
   c) The absence or prevalence of conflicts

15.1. **MONITORING OF RPF IMPLEMENTATION**

250. The LGA Department of Lands will compile basic information on all physical or economic displacement arising from the CFAST, and convey this information to the MALF, LGAS/Scheme, on a quarterly basis.
They will compile the following statistics:

- a) No. of sub-projects requiring preparation of a RAP;
- b) No. of households, and number of individuals (women, men and children) physically or economically displaced by each sub-project;
- c) Length of time from sub-project identification to payment of compensation to PAPs;
- d) Timing of compensation in relation to commencement of physical works;
- e) Amounts of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- f) No. of people raising grievances in relation to each sub-project;
- g) No. of unresolved grievances.

The social mitigation officer in the MALF will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the CFAST MDU, and the LGA Department of Lands, if there appears to be any discrepancies.

The financial unit under the Ministry of Finance, MALF will directly monitor compensation and loss of wages. Financial records will be maintained by the Subprojects and the Ministry of Agriculture and to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis, in coordination with the Environmental Audit (as described in the ESMF). The indicators on Table 9 will be used to monitor implementation of the RPF.

### Table 9: Verifiable indicators

<table>
<thead>
<tr>
<th>Monitoring</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding compensation or resettlement contracts not completed before</td>
<td>Outstanding individual compensation or resettlement contracts.</td>
</tr>
<tr>
<td>next agricultural season.</td>
<td></td>
</tr>
<tr>
<td>Communities unable to set village-level compensation after two years.</td>
<td>Outstanding village compensation contracts.</td>
</tr>
<tr>
<td>Grievances recognized as legitimate out of all complaints lodged.</td>
<td>All legitimate grievances rectified</td>
</tr>
<tr>
<td>Pre-project production and income (year before land used) versus present</td>
<td>Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation</td>
</tr>
<tr>
<td>production and income of resettlers, off-farm-income trainees, and users</td>
<td></td>
</tr>
<tr>
<td>of improved agricultural techniques.</td>
<td></td>
</tr>
<tr>
<td>Pre-project production versus present production (crop for crop, land for</td>
<td>Equal or improved production per affected household/homestead</td>
</tr>
<tr>
<td>land)</td>
<td></td>
</tr>
<tr>
<td>Pre-project income of vulnerable individuals identified versus present</td>
<td>Higher post-project income of vulnerable individuals.</td>
</tr>
<tr>
<td>income of vulnerable groups</td>
<td></td>
</tr>
</tbody>
</table>
Each PAP household will be provided with a signed dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.

The Resettlement Committee and MALF will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages.

Each individual receiving compensation will have a dossier containing:
   a) Individual biological information
   b) Number of people s/he claims as household/homestead dependents
   c) Amount of land available to the individual or household when the dossier is opened.
   d) Additional information will be acquired for individuals eligible for resettlement and/or compensation:
      e) Level of income and of production
      f) Inventory of material assets and improvements in land, and
      g) Debts.

Each time land is used/acquired by a sub-project; 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.

15.3. ANNUAL AUDIT

The annual audit of RPF implementation will include:
   i. A summary of the performance of each project vis-à-vis its RAP;
   ii. A presentation of compliance and progress in the implementation of the RPF.

The audit will:
   i. Verify results of internal monitoring;
   ii. Assess whether resettlement objectives have been met; specifically, whether livelihood and living standards have been restored or enhanced;
   iii. Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation;
   iv. Ascertain whether the resettlement entitlements were appropriate to meeting, the objectives and whether the objectives were suited to PAPs conditions.

Annual audit reports will be submitted for review to the World Bank.

15.4. SOCIO-ECONOMIC MONITORING

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. It will go on as part of the implementation of each sub-project
RAP, to assess whether compensation has been paid, income has been restored and resettlement objectives were appropriate and delivered. Monitoring of living standards will continue following resettlement.

262. The objective is that the income and standard of living of the PAPs has at least been restored and has not declined. 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, health standards, etc.). Proposals are set out in Table 10. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.

263. For each subproject with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP. Following the completion of all expropriation/compensation operations, a household survey will be conducted. The aim of the survey is to assess the impacts of the social mitigation and measures implemented. In addition, Municipal/Regional Administration and PAPs will be consulted to provide their assessments of the impacts of social mitigation measures applied.

**Table 10:** Possible indicators for social monitoring of CFAST Project

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income Level/Wealth</strong></td>
<td></td>
</tr>
<tr>
<td>Levels of poverty</td>
<td>Elimination of poverty</td>
</tr>
<tr>
<td>Total HH income</td>
<td>Increases in Head of Household income to levels that exceed expenditure and ensure livelihood security.</td>
</tr>
<tr>
<td>Total HH expenditure</td>
<td>No change or decreases in average expenditure</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td></td>
</tr>
<tr>
<td>Incidence of poor health</td>
<td>Good health rate</td>
</tr>
<tr>
<td>Rate of contracted diseases especially malaria</td>
<td>Disease prevention especially malaria and HIV/ AIDS</td>
</tr>
<tr>
<td>Infant mortality rate</td>
<td>Prevention of infant deaths</td>
</tr>
<tr>
<td>Water borne diseases</td>
<td>Non-incidence of water borne diseases</td>
</tr>
</tbody>
</table>
References

4. URT, (2014). Environmental and Social Audit of Selected ASDP Sub-projects. GOT
5. URT, (1967), The Land Acquisition Act No 47 of 1967
10. URT, (1999), The National Land Act, Cap 113
11. URT, (1999), The Village Land Act, Cap 114
17. URT, (2007), The Land Use Planning Act of 2007
Annexes

Annex 1: Issues raised and Response

Annex 2: List of Stakeholders Consulted

Annex 3: Template for Preparing Resettlement and Compensation Plan (RAP)

Annex 4: Sample Grievance and Resolution Form
Annex 1: Issues raised and Response

STAKEHOLDER CONSULTATION WORKSHOP ON RPF HELD ON 16th JANUARY 2017 AT MKAPA HALL, MBeya CITY

<table>
<thead>
<tr>
<th>No</th>
<th>Issue Raised</th>
<th>Response</th>
<th>Remarks</th>
</tr>
</thead>
</table>
| 1  | Does CFAST include compensation for resettlement issues?                      | • CFAST project will upgrade and improve infrastructures of the existing irrigation schemes and hence does not expect to trigger compensation.  
• However should such circumstance arise, then the procedure outlined in the RPF may apply  
• There will be awareness creation process to increase understanding of the community about CFAST working modalities | • Resettlement Policy Framework document details  
• See section 14                                                                                     |
| 3  | The existing physical features of the irrigation scheme should be known using appropriate methodologies such as satellite imagery to know the current status of irrigation schemes under CFAST project. | Use of satellite imaging has been proposed for CFAST and will be applied during the project implementation.                                                                                           |                                                                                             |
| 4  | The land Act does not recognize the tenants in compensation issues, but in the CFAST project, tenants have been recognized as a part of vulnerable group. | The project takes into consideration the provisions of both GoT procedures as well as requirements of OP 4.12 and therefore tenants will be handled as provided for in the RPF. | Resettlement policy framework details, see Table 3                                           |
| 5  | Does the CFAST project consider security of persons who will be displaced by the project? | CFAST is designed not to trigger displacement of people  
However that should become necessary, then the mechanisms stated in the RPF will apply. | See Chapters 9 and 13                                                                           |
| 6  | During compensation of PAPs two things should be taken into consideration;  
• Sensitization of key stakeholders;  
• Full participation of the village government | Noted and will be taken into consideration should that become necessary.                                                                                                                                  | This is presented in Chapter 11  
See also Table 5 – roles and responsibilities                                                  |
Annex 2: List of Stakeholders Consulted

WORKING SESSIONS ON STAKEHOLDER CONSULTATION WORKSHOP ON CFAST ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) AND RESETTLEMENT POLICY FRAMEWORK (RPF)
WORKING SESSION TO REVIEW THE ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) AND RESETLEMENT POLICY FRAMEWORK (RPF) FOR CFAST
16/JANUARY/2017
MKAPA HALL- MBeya CITY

LIST OF PARTICIPANTS

<table>
<thead>
<tr>
<th>No</th>
<th>NAME Jina</th>
<th>TITTLE AND INSTITUTION Wadhifa na Taasisi</th>
<th>MOBILE No. Simu ya Mkononi</th>
<th>Email Barua pepe</th>
<th>Signature Sahihi</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Eng. Sethu P. Luswene</td>
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<td></td>
</tr>
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</tr>
<tr>
<td>3</td>
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<td><a href="mailto:jkbitwe@yahoo.com">jkbitwe@yahoo.com</a></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Eng. Janery Raymond Kayebe</td>
<td>Head - NDL</td>
<td>0739 683382</td>
<td><a href="mailto:raykayebe@yahoo.com">raykayebe@yahoo.com</a></td>
<td></td>
</tr>
<tr>
<td>5</td>
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</tr>
<tr>
<td>6</td>
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<td>0788197788</td>
<td><a href="mailto:henriuiria@gmail.com">henriuiria@gmail.com</a></td>
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</tr>
<tr>
<td>7</td>
<td>Joyce Lubonera</td>
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<td>0718 944902</td>
<td><a href="mailto:joycelubonera@yahoo.com">joycelubonera@yahoo.com</a></td>
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</tr>
<tr>
<td>8</td>
<td>Doris D. Sendawa</td>
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<td>0767-234044</td>
<td><a href="mailto:danielsendawa@yahoo.com">danielsendawa@yahoo.com</a></td>
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</tr>
<tr>
<td>9</td>
<td>Majindu A. Kiiska</td>
<td>NIC - Economist</td>
<td>0784753585</td>
<td><a href="mailto:andrewkiiska2020@yahoo.com">andrewkiiska2020@yahoo.com</a></td>
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</tr>
<tr>
<td>No</td>
<td>Name</td>
<td>Mobile No.</td>
<td>Email Address</td>
<td></td>
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<td>----</td>
<td>-----------------------------</td>
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<td>----------------------------------------</td>
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</tr>
<tr>
<td>10</td>
<td>ALBASHA, D.</td>
<td>0763-721688</td>
<td><a href="mailto:d.albashama@tamu.co.tz">d.albashama@tamu.co.tz</a></td>
<td></td>
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<tr>
<td>12</td>
<td>ENO, D.</td>
<td>0763-721688</td>
<td><a href="mailto:d.eno@tamu.co.tz">d.eno@tamu.co.tz</a></td>
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<tr>
<td>14</td>
<td>NAMEBA, M.</td>
<td>0763-721688</td>
<td><a href="mailto:nameba@tamu.co.tz">nameba@tamu.co.tz</a></td>
<td></td>
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<tr>
<td>15</td>
<td>JAFFUH, W.</td>
<td>0763-721688</td>
<td><a href="mailto:jaffuh@tamu.co.tz">jaffuh@tamu.co.tz</a></td>
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<tr>
<td>16</td>
<td>MILENA, J.</td>
<td>0763-721688</td>
<td><a href="mailto:milena@tamu.co.tz">milena@tamu.co.tz</a></td>
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<td>17</td>
<td>PIAKIS, E.</td>
<td>0763-721688</td>
<td><a href="mailto:pia@tamu.co.tz">pia@tamu.co.tz</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>NAMEBA, M.</td>
<td>0763-721688</td>
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<td>SAMSON MWAMALIA</td>
<td>DA. DACO MBARALI DC</td>
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<td><a href="mailto:jinchimbis@yahoo.com">jinchimbis@yahoo.com</a></td>
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<td>RAPHAEL SHIIINDI</td>
<td>AFR. MARINGIRA WI MBARALI</td>
<td>0768810931</td>
<td><a href="mailto:raphael.shiind@gmail.com">raphael.shiind@gmail.com</a></td>
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<td>3</td>
<td>Anyukalile Seme</td>
<td>AFR. MAENDELEKENYI</td>
<td>0764081847</td>
<td><a href="mailto:senaanyukalile@yahoo.com">senaanyukalile@yahoo.com</a></td>
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<td>MTHANINI AROHI</td>
<td>0768829191</td>
<td><a href="mailto:benanaantonyv@gmail.com">benanaantonyv@gmail.com</a></td>
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**MBARALI DISTRICT**

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<td>VENANCE MWALAMBO</td>
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<td><a href="mailto:mwalombovenance60@gmail.com">mwalombovenance60@gmail.com</a></td>
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<td>JULIUS NDUNGURU</td>
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<td>0683642920</td>
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<td>Said S. Mandula</td>
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**MBARALI DISTRICT**

**KYELA DISTRICT**

<p>| 1  | VERONICA J. MBOMA  | IECA (ILEJE)         | 0764038063 | <a href="mailto:mbomaveronica@yahoo.com">mbomaveronica@yahoo.com</a> |           |</p>
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Annex 2: Template for Preparing Resettlement and Compensation Plan (RAP)

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, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from MALF 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 or grazing,) 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.

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, locational 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) 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 centres, 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, 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 the 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.
Annex 3: Sample Grievance and Resolution Form

Name (Filer of Complaint): __________________________________________
ID Number: ______________________________________________________ (PAPs ID number)
Contact Information: ______________________________________________ (Village/Ward/Mtaa; mobile phone)
Nature of Grievance or Complaint: ________________________________________________________________________________________
______________________________________________________________________________________

Date
Individually Contacted Summary of Discussion

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


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: _____________________________