THE UNITED REPUBLIC OF TANZANIA

PRESIDENT’S OFFICE
REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT

Tanzania Strategic Cities Project (TSCP)

Proposed TSCP Additional Financing Project

UP DATED RESETTLEMENT ACTION PLAN REPORT FOR THE UNGA LIMITED-MURIET ROAD IN ARUSHA CITY, ARUSHA REGION

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Updated in April 2016
1.0 BACKGROUND

In March 2014, PO-RALG (then PMO-RALG), prepared a RAP report for the Unga Limited-Muriet Road in Arusha City as a requirement of the World Bank prior to implementation of projects under TSCP Additional Finance. The report was disclosed in April 2014 at the PO-RALG website and the World info-shop in the same month.

However, during the RAP implementation the numbers of PAPs increased as some of them were not available during the initial valuation. They include 35 households and once implementation started they filed complaints for their omissions. The previous number of PAPs was 163 in the original RAP and the new number is now 198.

Moreover, some PAPs disagreed with the valuation amount and as a result filed complaints and consequently the compensation was adjusted to address their concerns. It is on this basis of these issues that PO-RALG is updating the RAP for the Unga Limited-Murriet Road sub-project. The update was undertaken in January through to the end of February 2016.

2.0 OBJECTIVES OF RAP UPDATE

The RAP for Unga Limited-Murriet Road sub-project (2014) has been updated to ensure that:

- PAPs missing from the original valuation and socio-economic exercise in 2014 are included in the Update RAP with impacts associated with them,

- To update the total amount of compensation that has also changed as a result of additional PAPs as well as to accommodate various grievances as some PAPs were not satisfied with the amount of their valuated properties for compensation and after review some of their compensation rates were increased and portion of the properties that were left out or mistake due to measurement included in the compensation

- Consult new PAPs that were left-out for the update and to inform them of their entitlement and grievance mechanism and,

- Disclose the updated RAP study report.

3.0 METHOD FOR UPDATING THE RAP REPORT

Various methods were used to update the RAP report, including data collection and socio-economic study as well as the census of the new PAPs. The information on the PAPs who were not available during the valuation exercise formed part of the RAP update as well as data from PAPs who filed their complaints at the grievance desk established at the Ward level.
and then further channelled to the land office at the Arusha City Council regarding the amount of money compensated to them. Some were not satisfied and, therefore, filed grievances. This enabled to adjust total compensation amounts to the PAPs.

In January 2016, PO-RALG and the Arusha City Council conducted a meeting at Muriet that involved members of the RAP committee and all affected Mtaa Chairpersons as part of updating the RAP report. The purpose of the meeting was to cross-check whether the district offices and the RAP Committees were still receiving new grievances or if there were still some PAPs complaining to have been left-out of the valuation exercise. During this meeting it was concluded that all affected properties under the original RAP have already been evaluated and all PAPs have received their compensation. Therefore this RAP update includes valuation of new properties as well as additional top up amount for those original PAPs who were not agreeing with the original valuation. The 35 new household were informed about the project, their entitlements and the existing Grievance Readdress Mechanisms (GRM). The meetings with PAPs were originally done in June 20th 2014 followed with series of consultation with individual PAPs. The last consultation that specifically was targeted to the 35 new PAPs and those with some complaints as well as their leaders was done on the 11th January 2016.

4.0 GRIEVANCE REDRESS MECHANISM

The new PAPs will be using the existing GRM established under the original RAP. The Resettlement Action Plan for the proposed upgrading of the Unga Limited-Muriet Road sub-project in Arusha City provided a simplified means of resolving grievances that enabled timely settlement of grievances to the PAPs. The new PAPs were informed about the grievance procedures if they have further complaints and that it will be anchored and administered at the local level to facilitate easy access, flexibility and openness to all eligible PAPs. PAPs were also informed that the grievance redress procedure ensures consultations with Arusha City authority and other key stakeholders and provides for record keeping determining the validity of claims. It also ensures that solutions are taken in the most transparent and cost effective ways for all PAPs. During consultation, the new affected persons were informed of the process for expressing dissatisfaction and how to seek redress.
5.0 SOCIO ECONOMIC CHARACTERISTICS OF NEWLY AFFECTED PAPs

The update of the RAP report involved adding 35 new PAPs. The additional number of PAPs is 35 with 301 properties; of which 19 are encroachers mainly encroaching land and 16 are legal owners of the affected plots and 266 permanent crops (mainly trees). The new PAPs has been a result of these PAPs residing away from the project area and therefore not available during the initial valuation exercise.

All new PAPs, including the encroachers, have been compensated for their land and assets in accordance to the existing RAP and disclosed Arusha Unga Limited-Murriet Road RAP as summarized in the entitlement matrix (original RAP is attached to this RAP update) Therefore for the new PAPs the affected encroachers received compensation of crops (tress and sisals)as well as disturbance allowances as stipulated in the entitlement matrix of the Arusha RAP.

The socio - economic characteristics of the new PAPs is similar to that of the previous PAPs within the sub-project area; of which out of the 35 PAPs 21 are males and 14 PAPs females which is common in urban areas to have women owning land and property. The level of education of the PAPs is moderate with 60% having the minimum primary education; and 40% with secondary and tertiary level of education. The economic activities of the PAPs are mainly trading (30%) while 25% are employed by government or the private sector and most of the PAPs (45%) are farmers with farms away from the sub-project area. All affected PAPs were consulted and informed of their entitlement in that they would be compensated as per the RAP prepared for the Unga limited-Murriet Road sub-project and the RPF for TSCP; the table below provides entitlement of the PAPs.
### Table 1: Entitlement Standards for the PAPs with Fixed Assets

<table>
<thead>
<tr>
<th>TYPE OF LOSS</th>
<th>Unit of Entitlement</th>
<th>ENTITLEMENTS</th>
<th>Transport Allowance</th>
<th>Other Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of residential structure</td>
<td>Household</td>
<td>Compensation at replacement value of structure and affected land without including depreciation,</td>
<td>Moving 12 tons of goods for a 20 km. distance</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
</tr>
<tr>
<td>Loss of commercial structure</td>
<td>Enterprise owner (legal and encroached PAPs)</td>
<td>Compensation at replacement value of structure and affected land without including depreciation</td>
<td>Moving 12 tons of goods for a 20 km. distance</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
</tr>
<tr>
<td>Loss of permanent crops and trees</td>
<td>Household (Legal and encroachers)</td>
<td>Compensation of crops at market value and value of affected land</td>
<td>N/A</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
</tr>
</tbody>
</table>
Public/community structure | Concerned public or private entity | Compensation at replacement value or construction of alternative structure or alternative site by agreement | Moving 12 tons of goods for a 20 km. distance (a structure is involved) | Disturbance Allowance (calculated at 8% of total compensation cost)
---|---|---|---|---
Loss of Land | Household/Public | Compensation at Replacement cost | N/A | Disturbance Allowance (calculated at 8% of total compensation cost)

It should be noted that Disturbance allowance is paid to all PAPs (legal and encroachers – Disturbance is calculated as 8% of total compensation PAPs loosing encroached land were only entitled to loss of crops or any other development affected by the project BUT not land as well as disturbance allowance.

6.0 RAP IMPLEMENTATION INSTITUTIONS

The implementation of RAP update comprises of several steps involving individual PAPs, affected communities and the Arusha City authority. Consultation with the RAP committees as well as officials from the Muriet Ward and “Mtaa” Chairpersons in the sub-project area revealed that the RAP implementation as being participatory and allowed PAPs to file their grievances and the City Officials responded immediately. The major complaints were mainly PAPs being left - out of the valuation list and, this was for those who were not available during the valuation exercise in February 2014. Another complaint was two PAPs not being satisfied with the amounts calculated for compensation. The complaints have been resolved by the Ward leadership together with the City authority and the PAPs payment adjusted by increasing their payments as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Filed Grievance</th>
<th>Initial Payment (Tshs)</th>
<th>Adjusted payment (Tshs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Land not included in the compensation</td>
<td>366,984.00</td>
<td>2,571,975.00</td>
</tr>
<tr>
<td>2</td>
<td>Land not included in the compensation</td>
<td>329,670.00</td>
<td>1,927,522.50</td>
</tr>
<tr>
<td>TOTAL</td>
<td>696,654.00</td>
<td>4,499,497.50</td>
<td></td>
</tr>
<tr>
<td>TOTAL DIFFERENCE</td>
<td>3,802,843.05</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
To present all PAPs under the Unga Limited –Murriet Road project have been compensated these includes the new PAPs and those in the original RAP.

7.0 ADDITIONAL BUDGET FOR RAP IMPLEMENTATION

As a result of additional PAPs and adjustments of the PAPs compensation payments as a result of PAPs filing complaints after following the grievance procedure, a total of TZS 22,403,389 was compensated by the City Council. The payment includes compensation for land, disturbance allowance and loss of business allowance.

The compensation amount for the Original RAP is 805,139,227.00 million Tanzanian Shillings, with the updated RAP the current figure is 827,542,616.00 million Tanzanian Shillings as indicated in the table below.

Table 1: Consolidated Valuation Summary of additional PAPs

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>No of Assets</th>
<th>Cost in Tshs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total cost for buildings</td>
<td>0</td>
<td>00</td>
</tr>
<tr>
<td>2</td>
<td>Total cost for land</td>
<td>860sq/metres</td>
<td>17,190,318.00</td>
</tr>
<tr>
<td>3</td>
<td>Total cost permanent crops (tress, sisal)</td>
<td>266</td>
<td>3,420,800.00</td>
</tr>
<tr>
<td>4</td>
<td>Accommodation allowance</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Transport allowance</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Loss of profit</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>Disturbance allowance</td>
<td></td>
<td>1,792,271</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td>22,403,389.00</td>
</tr>
</tbody>
</table>

Note: The table summarizes payment of all new PAPs as well as adjustment costs following filling of grievances.

Therefore, the total compensation for the Unga Limited - Muriet road SUB-project is **TZS. 827,542,616.00**
THE UNITED REPUBLIC OF TANZANIA

PRIME MINISTER’S OFFICE
REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT

Tanzania Strategic Cities Project (TSCP)

Proposed TSCP Additional Financing Project

RESETTLEMENT ACTION PLAN REPORT FOR THE UNGA LIMITED-MURIET ROAD IN ARUSHA CITY COUNCIL, ARUSHA REGION

March, 2014
## STUDY TEAM

The following individuals prepared this RAP Report:

<table>
<thead>
<tr>
<th>Expert</th>
<th>Responsibility</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
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<tr>
<td>CDA</td>
<td>Capital Development Authority</td>
</tr>
<tr>
<td>CMT</td>
<td>Council Management Team</td>
</tr>
<tr>
<td>DC</td>
<td>District Commissioner</td>
</tr>
<tr>
<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
</tr>
<tr>
<td>GRC</td>
<td>Grievance Redress Committee</td>
</tr>
<tr>
<td>GoT</td>
<td>Government of Tanzania</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>IDA</td>
<td>International Development Association</td>
</tr>
<tr>
<td>LGAs</td>
<td>Local Government Authorities</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>PAPs</td>
<td>Project Affected Persons</td>
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<td>RoW</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<tr>
<td>TANESCO</td>
<td>Tanzania Electric Supply Company</td>
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<td>TSCP</td>
<td>Tanzania Strategic Cities Project</td>
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<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WB/OP</td>
<td>World Bank/Operational Policy</td>
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</table>
ACKNOWLEDGEMENT

This Resettlement Action Plan (RAP) report was produced for PMO-RALG for the proposed Additional Financing for the Tanzania Strategic Cities Project.

Acknowledged are the contributions from government officials at PMO-RALG especially from Eng. Jovin Bujulu and Dr. Mukuki Hante.

This document is a product of a broad range of stakeholders that were consulted. Special thanks go to the Arusha City Council Engineer - Eng. Afwilile Lamsey and TSCP Component 1 Coordinator - Eng. Ezron Kilamuhama.

Furthermore, special thanks go to government officials (Ministry of Lands, Housing and Human Settlement Development, Arusha City Council, TANESCO, and AUWASA, etc) who were met during field visits. Their inputs have been extensively used in the preparation of this RAP.
EXECUTIVE SUMMARY

Location of the Project
The Unga Ltd–Muriet Road is located in Arusha City Council within Arusha region.

Description of the Project Setting
The upgrading of Unga Ltd-Muriet Road project in is among sub-projects that were prioritized during the first round of TSCP design and preparation but not financed due to cost estimates being far above the available funds under the International Development Association (IDA) credit. The renewed proposal for Unga Ltd-Muriet Road involves upgrading the 6.4km road from gravel to asphalt concrete. The road cuts across and services 8 sub-wards (Streets), namely: Muriet, Mlimani, Olnjavutian, Longdon, Olmokea, Olovolosi, Migungani, and MakaoMapya. The project also cuts across sub-urban settlements of Muriet and Sokoni 1 to mention some. The works include construction of road side drains; a diversion at Migungani Street; the reconstruction of Burka Bridge; and associated road furniture.

Objective of the RAP
The main objective of this Resettlement Action Plan (RAP) is to provide an agreed plan for the resettlement and compensation of persons affected by rehabilitation and upgrading of the Unga Ltd-Muriet road and Burka Bridge.

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

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

163 households were identified as directly to be affected by the proposed upgrading of Unga Ltd–Muriet Road in terms of losing land, permanent crops, business structures as well as shelter. Each head of affected household was interviewed by RAP team members, their assets were inspected, measured and photographed. It should be noted that the number of PAPs is 163 while that of affected assets is 301 this is mainly because one PAP is likely to own more than one asset (for instance land, house and permanent crops).
Key stakeholders in the resettlement plan include
The Arusha City Council; TANESCO; AUWASA; Ministry of land, housing and human settlement; and the Councillor and Ward Executive Officer of Sokon 1. Others are the Project Affected Persons (PAPs) and residents of Sokon 1 ward.

Eligibility for Compensation
The Unga Ltd–Muriet Road project involves acquisition of land, restriction of access to assets and resources as well as involuntary resettlement. Since the project is being financed by the World Bank, it triggers the Bank's Involuntary Resettlement Policy OP 4.12. According to the Policy, all the PAPs – legal owners, encroachers or tenants are eligible for compensation for the loss of land, residential or business structures. Valuation report and compensation schedule which form part of this RAP document were prepared in line with World Bank's Operational Policy 4.12 and the relevant land acquisition and compensation legislation in Tanzania.

Implementation Process
PMO-RALG through Arusha City Council is overall responsible for implementing this RAP. This will include arranging for resettlement and payments which will be made through the Council's fiscal authority. Additional costs required will include the costs for facilitating the implementation of resettlement activities, as well as the costs that regional and district governments must bear, for example, to take the time to facilitate PAPs relocation or supervision of payment of PAPs.

Some unforeseen impacts might result to further land take especially during the construction phase of the project; however, the cost for compensating such impacts is not incorporated in the compensation schedule. The Arusha City Council should ensure such land take are compensated and the land acquisition should follow procedures stipulated in this RAP.

Based on the approval of the valuation report; the Arusha City Council will proceed with the necessary stages of paying compensation to PAPs that will be effected before execution/commencement of sub projects as per this RAP.

Monitoring and evaluation of resettlement
Monitoring RAP implementation will be carried out through internal monitoring processes by Arusha City Council and through external monitoring involving other agencies as may be deemed appropriate by Arusha City Council/PMO-RALG.

Estimated Cost for the Compensation
The total compensation costs for the affected land, buildings structures, commercial structures and permanent crops will be TSH. 805,139,227.

Conclusion and Recommendations
The result of the RAP surveys shows that, a total of 301 assets will be directly affected by the project in the eight Sub-wards (Streets) where the road will pass, namely: Muriet, Mlimani, Olnjavutian, Longdon, Olmokea, Olovolosi, Migungani, and MakaoMapya. Out of the 301
compensable assets, 38 are commercial structures (wooden structures), 35 building structures, 96 permanent crops and 132 farms / land only. The project will not warrant relocation of any religious institutions or schools but rather some sizeable of land will be taken from Sinoni primary school and small sizeable of land from a church and mosque.
CHAPTER 1

INTRODUCTION AND OVERVIEW

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

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

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

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

TSCP in Arusha City Council includestwo types of subprojects: finished and ongoing as well as some under the AF, among them Unga Ltd Muriel Road and Burka Bridge. Specifically,

Type 1 subprojects: (i) Proposed works for enhancing performance of completed/on-going works;

- Bondeni Drain Extension 300m
- Extension of Njiro Road 3.5km
- Addition of three Cells on Constructed Landfill

Type 2 subprojects: (ii) Proposed additional works which were prepared for TSCP but not financed;

- Construction of Unga Ltd- Muriel Road and Burka Bridge 6.4km
- Construction of St. James Road 300m
- Construction of Engira Road 400m
1.2 Unga Ltd- Muriet Road and Burka Bridge

Background and location

The proposed Unga limited –Muriet road falls under type 2 subprojects which will involve upgrading of the road 6.4 km road to asphalt concrete and Burka bridge with associated road furniture such as sign boards and street light. The Unga limited -Muriet road is an artery road within the Arusha City thus administered and managed by city council.

Figure 1: Administrative Map of Arusha
1.3 Project beneficiaries and project affected persons (PAPs)

The renewed proposal for Unga Ltd-Muriet Rd involves upgrading the 6.4km road from gravel to asphalt concrete. The road cuts across and services 8 sub-wards (mitaa) as well as sub-urban settlements of Muriet and Sokoni 1 to mention some. Economic and social facilities serviced by the road include the A to Z textile factory, a local market, mosques and a church and primary and secondary school and other facilities of local importance. The road is also a critical route for the transportation of municipal waste to the sanitary landfill at Muriet which services the whole city.

There are over 163 affected people with 301 assets of which 38 are commercial structures (wooden structures), 35 building structures, 96 permanent crops and 132 farms and/or land only. The project will not warrant relocation of any religious institutions or schools but rather some sizeable of land will be taken from Sinoni primary school and small sizeable of land from church and mosque.

1.4 Project Phases

Mobilization Phase

Land take/land acquisition

The project is the upgrading of the Unga-Ltd –Muriel Road and Burka bridge. As a result, the amount of land which needed to be acquired for this project is minimal, especially since most businesses affected are encroached in the RoW. The Unga Ltd-Muriet road is an artery road within the City and thus administered and managed by the Council. The rehabilitation works will take place within the15m - 18m wide right of way granted to the Council. It is only at some points i.e. at the new re-alignment at Migunganistreet, where the council will need to acquire the concerned pieces of land from current land holders that are 132 assets and the total of 28975.71sqm. The Council has taken inventory of property and people affected and compensate for any losses of land and property and damages to structures incurred by the Project Affected Persons (PAPs).

Construction Phase

Construction entails the erection or laying down of structures on the subproject site. With regard to the Unga Ltd-Muriet Road construction activities include:

- Upgrading the road from gravel to asphalt concrete that will involve digging;
- New small-scale construction works at Migungani street that will involve digging and trenching;
- Demolishing of existing side drain and laying of new side drain along the road;
- Erection of road furniture;
- Culverts and bridges; and
- Piling of excavated materials.

Operation

Road operations are a long term activities related to the use of the developed road by vehicle and motored means of transport of various kinds as well as pedestrians. Sidewalks will be included for pedestrians and cyclist. During operation phase it is anticipated that residence of Arusha City will benefit from the project by having better roads, reduce time travelled as well improved quality of life and business opportunities in the area traversed by the upgraded road.
CHAPTER 2

OBJECTIVES AND METHODOLOGY

Introduction:

To ensure that these future infrastructure development interventions are implemented in an environmentally and socially sustainable manner, TSCP has prepared a Resettlement Policy Framework which will guide the preparation of subproject specific RAPs such as this one.

2.1 Objectives of the Resettlement Action Plan

The main objective of this RAP is to provide an agreed plan for the resettlement and compensation of persons affected by rehabilitation and upgrading of the Unga Ltd-Muriet road and Burka Bridge. The plan provides a road map for resettlement and compensation of the PAPs and assets they own or use in accordance to the RPF issues. To this end the main objectives of this RAP in accordance with the Resettlement Policy Framework (RPF) are:

Minimize involuntarily taking of the land and impact on livelihoods through modification in design as much as possible; and

If there are some impacts, as it is the case of this subproject, then put mechanisms in place under this RAP to assist the PAPs in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-project level.

Specific objectives are to:

- Develop mitigation measures to ensure that the affected people are not worse off as a result of the project and at the least their livelihoods are restored to that of before the project.
- Engage PAPs and communities to gain understanding of project objectives and impacts
- Involve PAPs and other stakeholders in developing a plan for physical relocation and compensation for lost assets
- Provide information that will be used to implement the resettlement plan;
- Put down the grievance mechanisms which will be used during the RAP implementation; and Outline institutional arrangements for the implementation of the RAP

In addition, the proposed resettlement actions and measures will ensure:

- The provision of timely and fair compensation, with the ultimate goal that all project-affected persons would be compensated at least to restore their pre-project living standard levels;
- Necessary assistance for relocation to all PAPs whose property/home will be totally demolished, prior to displacement.

2.2 Guiding Principles of the RAP

This RAP has been prepared consistent with the applicable policy provisions of the Tanzanian Government and those of the World Bank and RPF. This RAP has been prepared as the proposed project will involve land acquisition and displacement affecting shelter, livelihood and associated impacts.

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

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

2.3 Methodology and Approaches

2.3.1 Overview

The general approach that were used in the preparation and completion of this RAP took into consideration the nature of the project as a linear project and is an upgrade not a green project thus, noting that such project will have minimal impact.

2.3.2 Specific Methods and approaches.

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

- **Review of available data:** Available documents namely, the Resettlement Policy Framework (RPF) and the Environmental and Social Impact Assessment (ESIA) report of 2009 were reviewed.
- **Review of Relevant Policies** and acts documents includes:
  - Land Acquisition Act 1967
  - Land Act No. 4 of 1999
  - Village Land Act No. 5 of 1999
  - Land Regulations (Assessment of the Value of Land for Compensation; Compensation Claims: and Scheme of Regularization) of 2001

- **Site Verification and assessment**

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

2.4 Methodology for Undertaking PAP Census and Socio-Economic Profile

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

2.5 Methods of Valuing Affected Assets and Compensation Payments

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

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

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

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

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

**Transport Allowance** Section 179 subsection 11 of the aforesaid Land Act (1999) directs how this allowance is to be assessed: ‘‘Transport Allowance shall be the actual costs of transporting twelve tons of luggage by rail or road (whichever is cheaper) within twenty Kilometres from the point of displacement (i.e. Transport allowance = 12 tons x Actual Cost/ton/km x 20km)”. Transport allowance is computed on the basis of prevailing market rates within an area and is paid only to PAPs with occupied residential/commercial structure.
**Loss of accommodation** Section 179 sub-sections 8 of the Land Act (1999) stipulates how accommodation allowance is to be arrived at: The market rent for the building shall be assessed and multiplied by 36 months in order to arrive at accommodation allowance payable. (i.e. Accommodation allowance = Rent/p.m. x 36 months). Accommodation allowance shall be paid only to PAPs loosing occupied residential structures.

**Loss of Profit**

This is provided under Section 179 subsection 9 of the Land Act (1999) inter alia: The net monthly profit of the business carried out shall be assessed, evidenced by audited accounts where necessary and applicable and multiplied by 36 months in order to arrive at the loss of profits payable. (i.e. Loss Profit = Net profit/p.m. x 36 months). Under this RAP, the owners of businesses will be compensated for the loss of profit regardless of having an audited account, but rather research by the Valuer.

### 2.5 Disclosure of the Resettlement Action Plan

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

- PMO-RALG Office/website
- Office of the Arusha City Council
- Offices of the Ward Executive Officer (WEO) at Sokoni 1
- World Bank info shop

It is important that a summary of information about the type of affected people and impact and the entitlement matrix are translated into Kiswahili and distributed among the affected communities as part of the disclosure.
CHAPTER 3

IDENTIFICATION OF IMPACTS AND MEASURES TO MINIMIZE RESETTLEMENT

3.1 Activities that will lead to Resettlement Impact
The planned development of upgrading Unga limited – Muriet Road to asphalt concrete and associated road furniture will have resettlement impacts arising from the following project activities:

3.1.1 Way leave establishment
For the Unga limited – Muriet Road the rehabilitation works will take place within the 15m - 18m wide right of way granted to the Council. From Unga limited up to Migungani area approximately 600metres road length, the right of way granted is 15m (7.5m LHS and 7.5M RHS). This was done purposefully to avoid demolition of electricity poles which are within the center of the road. The electricity poles will not be removed rather be maintained in the same way leave. In the same way leave there is a SokoMjinga market in which business activities are within the right of way, therefore, those property owners need to be compensated for the loss of income.

3.1.2 Change of alignment at Migungani Street
In order to straighten the road and avoid demolition of residential and business structures, alignment has been changed and the right of way granted is 18m. This will involve land taking as the road traverses to private land, houses and government institution such as (Sinoni primary school).

3.1.3 PAP stepping back at SokoMjinga
At SokoMjinga market there are about 38 PAPs having business structures (wooden shades). These PAPs need to relocate/move further back and can be accommodated within the market area where a building exists. These PAPs will not lose land because they are using way leave which belongs to TANESCO. They will be given disturbance allowances and costs for building new wooden shades.

3.2 Categories of Impacts
This section provides a detail of categories of impacts and census of PAPs and assets that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the PAP census and the valuation exercise.
The project will affect 301 compensable assets of which 38 are commercial structures (wooden structures), 35 building structures, 96 permanent crops and 132 farms/land only.

Table 2 below indicates and narrows down the type of assets or use that will be affected during implementation of the project. The magnitude of impact of assets that must be relocated, with or without relocation of PAPs, is also indicated.

Table 2: Project Impacted Assets and Magnitude of Impact

<table>
<thead>
<tr>
<th>Affected Category</th>
<th>No. of Assets</th>
<th>Summary of Impacts/Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential structures</td>
<td>5</td>
<td>Permanent loss of structure/Loss of accommodation/Displaced person needs to relocate -</td>
</tr>
<tr>
<td>Loss of commercial structure(Permanent)</td>
<td>30</td>
<td>physical relocation/ others can relocate on the same plot</td>
</tr>
<tr>
<td>Permanent crops and trees</td>
<td>96</td>
<td>These include trees of different maturity level. Temporary loss of income or profit while</td>
</tr>
<tr>
<td>Loss of land</td>
<td>124</td>
<td>re-establishing farming activities</td>
</tr>
<tr>
<td>Commercial structures(wooden)</td>
<td>38</td>
<td>These are individual whose business structures will be affected hence direct loss of</td>
</tr>
<tr>
<td>Public/Community structures</td>
<td>-</td>
<td>No public structure will be affected</td>
</tr>
<tr>
<td>Residential structures owned by</td>
<td>-</td>
<td>None</td>
</tr>
<tr>
<td>Government institution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public/Community land</td>
<td>4</td>
<td>Land owned by 4 institutions namely Sinoni primary school, Msikiti wa Bohora, and 2</td>
</tr>
<tr>
<td>Farms (Land) with legal ownership (no</td>
<td>4</td>
<td>pieces of land owned by KKKT and Pentecostal respectively</td>
</tr>
<tr>
<td>assets)</td>
<td></td>
<td>Permanent loss of land and land uses currently bare or without crops, This does not</td>
</tr>
<tr>
<td>TOTAL</td>
<td>301</td>
<td>include those with assets as all PAPs with assets have land as a loss.</td>
</tr>
</tbody>
</table>

Source: Socio-economic census and valuation report – Unga limited-Muriet Road

3.2.1 Loss of Structures

No significant displacement will be caused by the proposed project on structures therefore no major threats will be posed to livelihoods, as some PAPs (SokoMjinga area) will be able to step back and be accommodated in the market building owned by the Arusha City. On the other hand types of houses to be affected are largely the common semi urban houses cement blocks and corrugated iron sheets as roofing materials.

There are mainly three categories under this impact that include:
**Residential structures**

The project will result in the demolition of 2 residential houses of which the construction materials mainly consists of corrugated iron sheets, cement bricks, in relatively good condition and located on relatively medium-sized plots. The residential structures are only used for family residence; no tenants.

PAPs loosing residential structures are entitled to the following compensation:

- Compensation of the residential structure according to the type of structure, without fracturing in depreciation and replacement cost
- Compensation of land according to the replacement cost if the PAP owns the land, have customary right or established residency.
- Loss of Accommodation allowance
- Transport allowance
- Disturbance allowance

![Figure 2: PAP loosing residential structure being valuated](image)

**Commercial Structures**

38 commercial structures will be affected by the proposed project. These are PAPs who have established businesses within the RoW owned by TANESCO at SokoMjinga Area. These PAPs will lose wooden structures and they were willingly to step back and be accommodated at the market building owned by city council at Unga limited area. PAPs under this category are entitled for loss of income and wooden structure hence be compensated for the disturbance allowance and cost for the establishing new wooden structures.

PAPs loosing commercial structures will be compensated the following:

- Compensation of the commercial structure according to the type of structure, without fracturing in depreciation and replacement cost
- Compensation of land where the structure is according to the replacement cost if PAPs own the land
- Loss of profit allowance
Transport allowance
Disturbance allowance

![Figure 3: PAP losing wooden structures at SokoMjinga](image)

3.2.2 Loss of Community and Public land and/or structures
The public/community properties include structures and land that are publicly owned and controlled, e.g.; by a government authority, such as a school, health center or sports field; and those that are actually private, but serving a community purpose, such as a place of worship, a private clinic or a private school. The proposed Unga limited-Muriet road upgrading will affect land owned by Sinoni primary school (government owned), MsikitiwaBohora, KKKT and Pentecostal church. Considering that the community loss is only on small portions of land that will not affect the daily activities, these communities will be compensated for the loss of land and have preferred cash compensation.

Therefore these PAPs are eligible for the following

- Compensation of the land according to the replacement cost if the PAP owns the land
- Disturbance allowance

3.2.3 Loss of Productive Land and Resources
The upgrading of the Unga limited-Muriet road will result in loss of plot of land for houses, commercial and agriculture.
All PAPs that will lose land (132 PAPs for this project) will receive the following compensation:

- Compensation of the land according to the replacement cost if the PAP owns the land
- Disturbance allowance

### 3.2.4 Impact on Permanent Crops/Trees

Permanent crops include those that take more than a year to reach full maturity and can be harvested over a long period of time. These include sisal, fruit trees, and timber and shades related trees. Trees have been grown along the existing road by various PAPs as a mechanism to reduce dust impact from existing road operations, shelter or boundary of their plots. A total of 96 permanent crops and trees will be affected. PAPs with standing crops and trees on their plots within the defined project area are entitled to compensation of which some have grown on land owned by PAPs while others have encroached the existing road way leave. Each tree is counted and compensated according to its market value and age of maturity; for instance a mango tree that is fully matured and producing is compensated 100% of the compensation rate of the tree.

PAPs loosing permanent crops are entitled to the following compensation:

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

*Table 3* below provides a summary of the entitlement standards for PAPs affected by the Unga Limited-Muriet Road.

*Table 3: Entitlement Standards for the PAPs with Fixed Assets*

<table>
<thead>
<tr>
<th>TYPE OF LOSS</th>
<th>Unit of Entitlement</th>
<th>ENTITLEMENTS</th>
<th>Transport Allowance</th>
<th>Other Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of residential structure</td>
<td>Household</td>
<td>Compensation for Lost Assets&lt;br&gt;Compensation at replacement value of structure and affected land</td>
<td>Moving 12 tons of goods for a 20 km. distance</td>
<td>Disturbance Allowance&lt;br&gt;(calculated at 8% of total compensation cost)</td>
</tr>
<tr>
<td>Loss of commercial structure</td>
<td>Enterprise owner</td>
<td>Compensation at replacement value of structure and affected land</td>
<td>Moving 12 tons of goods for a 20 km. distance</td>
<td>Accommodation allowance&lt;br&gt;(36 months rates)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Disturbance Allowance&lt;br&gt;(calculated at 8% of total compensation cost)</td>
</tr>
<tr>
<td></td>
<td>Compensation of crops at market value and value of affected land</td>
<td>N/A</td>
<td>Loss of profit allowance (36months rates)</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>----------------------</td>
<td>------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Loss of permanent crops and trees</strong></td>
<td>Household</td>
<td>Disturbance Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public/community structure</td>
<td>Concerned public or private entity</td>
<td>Moving 12 tons of goods for a 20 km. distance (a structure is involved)</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
<td></td>
</tr>
<tr>
<td><strong>Loss of Land</strong></td>
<td>Household/Public</td>
<td>Compensation at Market value</td>
<td>Disturbance Allowance (calculated at 8% of total compensation cost)</td>
<td></td>
</tr>
</tbody>
</table>

### 3.3 Willingness to Relocate

The households affected by the project declared willingness to relocate should they receive prompt and fairly compensation. Of the Households interviewed indicated their preference of relocating to a site close to their current homesteads, though they are not sure of availability of land within the area or if the compensation provided will allow them such opportunity. When asked if they would want the Arusha City Council to find alternative land for the affected PAPs it was revealed that they will not want alternative land as currently the sites that the Municipal is developing are away from the area they are used to.

However, the PAPs should not only be compensated but also assisted to find alternative accommodation and alternative land this should be done by officials from the City Council preferably community/social workers unless the PAP indicates that he/she is able to reallocate without any assistance.

### 3.4 Eligibility for Compensation and Resettlement Assistance

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

Eligibility for compensation is defined in the provisions of the Land Acts and the Land Acquisition Act cited in Chapter 5 of this RAP report. According to these laws, all owners of properties located within the proposed corridor of impact at the time of inspection and valuation will be eligible for compensation. Notices to claim compensation were served to all owners of affected properties using Land Form No.14. The "cut-off" date for eligibility for compensation and resettlement measures was determined by the date on which these notifications were served. In this case the cut-off date for this project was 25-28/February 2014, when valuations activities were completed. The owners or occupiers of the properties completed and submitted Land Form No.15 and agreed upon official valuation of their properties.

3.5 Others unintentionally impact
These are people or families suffering unintentional and temporary damage to their land and property during construction due to unforeseen actions or simply by accidents such as damage to nearby crops, fruit trees or infrastructure caused by movement of machines and other construction activities. Whenever an unintentional impact occurs, during construction; the property should be compensated as per the entitlement matrix in this RAP. This will be the responsibility of the Developer in collaboration with the contractor should be included in the contract.

3.6 Cut-off Date
For the Unga limited-Muriet road project, the cut-off date was set as 25 February 2014 and communicated with each PAP during valuation. Any person who undertakes any development activity in the newly demarcated Right-of-Way after the cut-off date will not be eligible for compensation. It should however be noted that the implementation of the cut-off date should also be observed by project implementer who is required to compensate the PAPs 6months from the cut-off date.

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

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

- Cash payments - calculated and paid to compensate for land, assets, or to cover allowances such as disturbance, accommodation, transportation, loss of profit,
- In-kind compensation mainly for community/public properties

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

3.7.1 Compensation for damage of other Utilities within the project area
The only utility that will be damaged hence need relocation is water infrastructure owned by AUWASA. The electricity poles will not be damaged because they will be maintained within the
RoW. Any damage or relocation will require compensation that Arusha City Council should compensate the responsible institution; this should be done on a timely manner to avoid inconveniencing users of the utilities.
CHAPTER 4

SOCIO-ECONOMIC SURVEY OF AFFECTED PEOPLE AND COMMUNITIES

4.1 Introduction and Overview of the project area
The proposed project is located within the Arusha City Council and therefore most of the basic social services are either available within the ward or can be easily assessed in the city centre which is about 6 kilometres from the project area.

4.2 Social Services in the Project Area

Educational facilities
Sokoni 1 has 4 primary schools (Sokoni 1, Sinoni, Ukombozi, Engosengiu, and Muriet), and 14 secondary schools (2 public schools - Sinoni and Muriet and 12 private schools).

Water supply
Sokoni 1 residents depend on boreholes, spring water and piped water provided by the Arusha Urban Water Supply and Sanitation Authority (AUWASA). Residential, business and industrial premises have water supplied by pipes.

Waste Management
Management of liquid waste in Sokoni 1 is typical of other unplanned areas in the Arusha City Council area. Due to the poor inaccessibility of cesspit emptier majority use pit latrines and septic tanks connected to soak pits. The central sewerage system is not used.

Sokoni 1 ward depends on the sanitary landfill at Muriet for dumping its solid waste. The Arusha City Council’s Health department carries out solid waste management. Solid waste generated in the ward is composed of household, market, commercial, institution, street waste, vehicle repair waste (metal scrap), and waste from local shoemakers and leather materials.

Industries
Along the Unga Ltd - Muriet road there are five large industries:

- Unga Limited- produce wheat related products.
- Sun flag – textile and Clothing Company.
- A to Z – textile mill manufacture garments, plastics, polypropylene bags and packaging and treated mosquito nets.
- Tanfoam Industries - manufacture mattresses, pillows and bedding.
- National Milling Corporation - Mills & Silos for grains such as maize.
Commerce and Trade

Commerce and trade are among the major sources of livelihood for the people within or in the near vicinity of the project area. Arusha town is the largest commercial center in North Eastern Tanzania where both local and imported goods and services are sold and bought. Commercial activities include wholesale and retail trades of household, business and industrial goods taking place mainly in the Central Business District area and in Elerai, Sombetini, UngaLtd, Themi, Lemara, kaloleni, Sekei, Engutoto and Ngarenaro areas.

Sokoni 1 has one market - SokoMjinga, which is part of Arusha's 7 market centres. There are also small retail shops, small restaurants, and other small businesses such as carpenters, welders, masons, mechanics, etc.

Agriculture and Livestock Development

Agriculture forms one of the dominant sectors of the economy in Sokoni 1 Ward. The common crops grown in the Ward include: maize, cassava, onions, bananas, beans and residents also practice Horticulture.

Livestock keeping involves rearing of cows, goats, chicken, sheep and pigs. Livestock keeping in Sokoni 1 is for both subsistence and for commercial purposes where livestock is sold at SokoMjinga.

Transport and Communication

Residents of Sokoni 1 rely on the Unga Ltd - Muriet Road as its means of transportation to and from other places in Arusha. Residents also depend on the three main Post offices in Arusha which have a total of 15,2560 postal boxes. Residents receive television services provided by private and public television companies such as Tanzania Broadcasting Corporation (TBC) ITV, STAR TV, and Burudani Television based in Arusha. Radio services are provided by Radio Free Africa, Radio URS and Radio Tanzanite all of Arusha. All mobile telecommunication networks in Tanzania are reachable in the project area.

Health

The distribution of health services between the different wards is not equal. There is a high concentration of health facilities in the Central Business District (CBD) compared to the peripheral rural wards. The residents of Sokoni 1 depend on health care services offered in other areas in Arusha City such as Seliani Lutheran Hospital.

4.3 Population in the Project Area

According to the 2012 Population and Housing census, Sokoni 1 ward has 40,567 people living in the streets where the Unga Ltd - Muriet road will cut across.
4.4 Socio Economic profile of the Project Affected Persons
This section describes the socio-economic characteristics of the PAPs that will be affected by the proposed upgrading of the Unga limited-Muriet Road in Arusha City for the purpose of obtaining data on baseline socio-economic conditions (demographic data, vulnerability, social-cultural characteristic, economic activities and social services) to enable resettlement planning and to generate data categories of affected people (PAPs) and their properties; as well as information to enable well-informed resettlement assistance for future monitoring of the achievement of the RAP.

4.5 General Characteristics of the Survey Area
The general characteristic of the project area is of an urban set up that has a combination of squatters and few surveyed plots. The area also comprises of various economic activities that include factories, petty business, urban farming mainly cultivating seasonal crops and built up areas. Other important services are also available within the area that includes institutions, social infrastructures and utilities such as water and electricity.

4.5.1 PAP Head of House Hold Demographic Characteristics
Figure 4 below indicates that 77% of respondents are headed by male while 22% are headed by female. This is common in urban settings where most men are away from home and women were the once found at home at the time of the census. In based on local traditions in various parts of the country, men are considered to be the heads of households. This implies that, decisions (on well-being of individual members, ownership, use and management of resources) at household level are made by men with little or no input from women. This RAP ensured that women particularly those with impact requiring their houses to be relocated participate in the meetings and are aware of the compensation process.

Age category of the PAPs also reveals that most of the PAPs are in the age category between 30-49 as shown in Figure 5.

<table>
<thead>
<tr>
<th>Ward</th>
<th>Street</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sokon 1</td>
<td>Longdon</td>
<td>9,211</td>
</tr>
<tr>
<td></td>
<td>Madukani</td>
<td>7,709</td>
</tr>
<tr>
<td></td>
<td>Olovolosi</td>
<td>3,997</td>
</tr>
<tr>
<td></td>
<td>MakaoMapya</td>
<td>3,613</td>
</tr>
<tr>
<td></td>
<td>Migungani</td>
<td>4,326</td>
</tr>
<tr>
<td></td>
<td>Olnjavutian</td>
<td>4,395</td>
</tr>
<tr>
<td></td>
<td>Mlimani</td>
<td>2,676</td>
</tr>
<tr>
<td></td>
<td>Muriet</td>
<td>4,640</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>40,567</strong></td>
</tr>
</tbody>
</table>
4.5.2 Education level of the PAPs

The level of education of the PAPs in the project area is moderate with (58%) of respondents having the minimum primary education (see figure 4-3 overleaf). Households with high education normally have better income than families with low education. Poverty levels are strongly correlated with the education levels achieved by the heads of household.
4.5.3 Economic activities of the PAPs

It was revealed that most of the PAPs are engaged in trading (37%). Other economic activities are shown in the Figure 7 below. Livestock keeping was also observed in the project area as few herds of cattle and goats were seen along the project area. Small portion of the community is engaged in civil services i.e. employed by government. It was also revealed that 20% of PAPs have no major economic activity and therefore depend on remittance and other retirement benefits.

Figure 6: Education levels of the PAPs in percentage

Figure 7: Economic activities of the PAPs in percentage
4.5.4 PAPs Income
The distribution of income among the PAPs differs tremendously, based on their occupation. Those who engaged in business have far better income compared to those who don’t have any activity. The highest income earned by PAPs in the project area per year is shown in figure 4-5. It should be noted that the data sometimes are not very reliable as records of income and expenditure are not kept.

![Income of PAPs per Year](image)

*Figure 8: Income of the PAPs in percentage*

Availability and Distance to Social services
Unga limited Muriet road is located within the Arusha City Council and therefore most important social services are available and at a reasonable distance. These include source of drinking water as majority of PAPs obtain water inside their houses while the others obtain water from communal stand pipes with an average distance of 50-100 meters from their houses. Other services include shops that are within a range of 20-50 meters from PAPs houses, markets at an average of 1000 meters from PAPs houses, secondary schools at an average of 100-200 meters, health facilities at 2000 meters and police posts at an average of at an average of 400-6000 meters from PAPs households. No Relocation of PAPs is envisaged in the project area therefore they will continue to have these services within their locality.

4.5.5 Land ownership and Category of land affected
Three categories of PAPs were found in the project area. Majority being legal owner (71%) followed by encroacher (23%). Majority of encroachers were found at the busiest Sokomjinga market (Unga limited area) selling both industrial goods (salts, sugar, clothes) and agricultural
commodities (bananas, beans, onions, potatoes etc). On the other hand most of the PAPs will lose residential plots (52.1%). If PAPs are not fairly and adequately compensated will end up homeless or have inadequate land to support their livelihoods.

![Figure 9: PAPs category in percentage](image)

### 4.5.6 Types of Impacted House Structures
The quality of houses in the project area is good with majority of houses being made of Corrugated iron sheets and concrete brick structures. Few communal houses were also found in the project area i.e. government office, schools and worship centres (i.e. churches mosques.)

**Institutional and Religious Buildings**
Both schools and religious structures (mosques and churches) were found in the project area. The existing RoW does not warrant relocation of any of these structures. However, during construction access to these structures might be denied.

**Vulnerable Groups or Persons requiring Special Provisions**

Among household/community members are people regarded as vulnerable due to their inability to perform or meet their basic needs and require special treatment. These individuals will need support during and after the relocation process to enable them, maintain/improve their livelihoods or at least restore their livelihood to their pre-project conditions. The Unga limited – Muriet road does not have any vulnerable group that needs special attention.
CHAPTER 5

POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

5.1 Introduction
The RAP for the proposed upgrading of the Unga Limited-Muriet Road in the Arusha City will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Tanzania. This legal and institutional framework is presented in seven sections:

(i) Political economy and governance in Tanzania;
(ii) Property and land rights, as defined by Tanzanian law and customary practice;
(iii) Acquisition of land and other assets, including regulations over the buying and selling of these assets;
(iv) Rights and compensation, in particular, the accepted norms influencing peoples’ basic rights to livelihood and social services;
(v) Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution;
(vi) Comparison with World Bank OP4.12, using equivalence and acceptability standards; and
(vii) Legally mandated institutions, agencies and individuals associated with legal instruments governing land use and management.

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

The National Land Policy (1996) of Tanzania provides guidance and directives on land ownership and tenure rights (equitable distribution of land, access to land by all citizens, rights in unplanned areas) and taking of land and other land based assets. The policy and the Land Laws emanating from it stipulates organization and procedures for valuing assets, delivery of compensation and land disputes resolution. The overall aim of the policy is to promote and ensure a secure land tenure system in Tanzania that protects the rights in land and resources for its entire citizen. This RAP has ensured that all affected land has been evaluated and owners are entitled to compensation.
5.3 **National Land Policy, 1997**

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

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

5.4 **The World Bank Operational Policy 4.12**

Among other policies, the proposed Project is subject to World Bank’s OP 4.12 on Involuntary Resettlement as World Bank is one among the International Financial Institutions that will finance the project. The policy aims at ensuring that PAPs are compensated, assisted in resettlement and in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of Project implementation, whichever is higher. According to the World Bank OP 4.12, involuntary taking of land may result in:

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

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

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative Project designs;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons relocated by the Project to share in Project benefits. Relocated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- Relocated persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels
or to levels prevailing prior to the beginning of Project implementation, whichever is higher.

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

This RAP has been implemented as per the World Bank Operation Policy 4.12 on Involuntary Resettlement that includes effecting compensation at full replacement cost to eligible PAPs unlike the Rules of the GoT which consider depreciation of assets.

5.5 **The Land Act, 1999**

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

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

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

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

The applicant shall serve a notice on:

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

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

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

Considering that the proposed project will also require land for way-leave all anticipated damages have been accommodated in the RAP and further consultation and compensation will be done with other institutions sharing the way-leave with the Arusha City Council.

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

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

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

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

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

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

5.7 The Land Disputes Courts Act No. 2 of 2002

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

- The Village Land Council
- The Ward Tribunal
- District Land and Housing Tribunal
- The High Court (Land Division)
- The Court of Appeal of Tanzania.

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

5.8 Land Use and Spatial Planning

The Town and Country Planning Ordinance of 1961, which regulates the use of land in urban areas, was established to facilitate land use planning schemes. According to the Ordinance, development is not allowed without obtaining a planning consent. It also provides a specific land-use class for ecologically sensitive areas; The National Land Use Planning Commission as per the Land Use Planning Act 2007 is the institution entrusted to coordinate Land Use Planning in Mainland Tanzania. It covers preparation of regional physical land use plans and formulation of land use policies for implementation by the Government. It specifies standards, norms and criteria for the protection of beneficial uses and maintenance of the quality of land. These provisions are relevant to the proposed development considering that its implementation is within a city.

There is no single agency in Tanzania that has mandate for the planning and providing resettlement and compensation help in cases where people are involuntarily relocated for development project. It is however agreed in principle that the project proponent assumes the responsibility for delivery of entitlements even though a number of actions may be involved.

5.9 RAP Implementation Institutions

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

Ministry of Lands, Housing and Human Settlements

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

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

Prime Minister's Office-Regional Administration and Local Government (PMO-RALG)

The overall responsibility for the resettlement lies in the hands of the government of Tanzania (through PMO-RALG) under its administrative and financial management rules and manuals. Thus PMO-RALG will approve all payment upon finalization of the RAP and compensation agreements. PMO-RALG will also work with the Arusha City Council in order to make sure that all PAPs received compensation as described in the compensation schedule.

Arusha City Council

Arusha City Council is responsible for managing resettlement progress and disbursement of compensation funds. The role of the Arusha City Council is to support the compensation process by providing the necessary funds related to project supervision, management and administration. The office will also coordinate disclosure of RAP to key stakeholders and facilitate the property valuation exercise as well as assisting vulnerable PAPs and working close with the Grievance Committee to ensure that all PAP complains are handled on time without further impact to PAPs.

Ward and Mtaa level

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

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

CHAPTER 6
PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATIONS

6.1 Overview

Comprehensive planning is required to assure that project implementer, relevant local government, NGOs and the affected population interact during all stages of the project implementation. RAP in linear development projects have minimal impact for one particular area, though cumulatively it might have a significant impact depending on the length of the project. The public participation process took into account particular feature of the transmission line project.

In connection with the requirement that displaced persons be meaningfully consulted, consultations were made through meetings and interviews involving stakeholders at National, Regional, District, Ward and Village levels and NGOs that operate in the project area. The main objective of the public participation was to enable stakeholders learn about the project, its impacts and how they will be mitigated.

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

6.2 Stakeholder Identification and Analysis

The following stakeholders/institutions for Resettlement Action Planning and Implementation were identified and analysis of their roles and stakes are provided in Table 5.

<table>
<thead>
<tr>
<th>Stakeholders &amp; their Categories</th>
<th>Roles/contributions</th>
<th>Expectations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Government</td>
<td>Ministry of Land, Housing and Human Settlements, PMO-RALG, TANESCO, AUWASA, Local Government Authorities (Sokoni1 ward), Project-affected Persons and Local communities</td>
<td>Overseeing RAP implementation including addressing grievances, technical, legal and policy issues, maintaining social security, Project Developer, Facilitate the Valuation exercise, Provision of funds for compensation</td>
</tr>
</tbody>
</table>
Local Government Authority
Arusha City Council, that will include TSCP committee Ward Officials at sokoni 1
Facilitating implementation of the RAP Provide technical support in land acquisition and resettlement including property valuation Follow up on cut-off date Grievance redress committee PAPs vacate the project area All PAPs are paid on time

<table>
<thead>
<tr>
<th>Project Affected Persons1</th>
<th>PAPs</th>
<th>Provision of land for Project implementation</th>
<th>Compensation and livelihoods improvement, alternative land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected Local Communities2</td>
<td>Local communities within the Project area</td>
<td>Provide support in Project implementation, Alternative land allocation and hosting PAPs</td>
<td>Improved socio-economic conditions and livelihoods of the local communities Employment opportunities</td>
</tr>
</tbody>
</table>

6.3 Methods of Stakeholder Participation
The following methodologies were used in undertaking this exercise:

6.3.1 Notification to stakeholders
Introduction letters were written by PMO-RALG to Arusha City Director to inform them about the RAP process. At the Directors office further letters and notifications were provided to facilitate appointments to consult the Municipal officials and other stakeholders such as TANESCO etc. Letters were then distributed to all relevant Wards and sub wards (Mitaa) to secure appointments with government officials and local communities.

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

Two public meetings were conducted at Sokon 1 ward affected by the proposed Unga limited–MurietRoad during the ESIA and while preparing the RAP. The meetings initially involved the Ward Officials and later other community members as well as PAPs. The meetings that ensured women and youth are involved were designed to inform the local people about the Project positive and negative impacts that include loss of land as well as other environmental and social impacts associated with the Project. Locals were sensitized regarding their right to be compensated and given opportunity to ask questions, raise concerns and provide information on issues such as availability of land in the village for resettlement purposes. Meetings with leaders aimed at collecting specific data about the village, reviewing possible sites for the relocation of affected PAPs.

Figure 11: Public meeting on 25th February at Sokon 1 Ward Office
Consultative meetings at Arusha City Council involved direct and group interview with Sector Experts involved in implementing TSCP. The Experts included: City Engineer, TSCP (component 1 - Infrastructure) coordinator; TSCP (component 2 - Institutional Strengthening) coordinator; CEMO, City Community Development Officer, City's Health Officer as well as City's Senior Valuer.

The Agenda for these consultations included:

- Project Cycle
- Project Acceptability
- Construction and Supervision of Infrastructure

**National Institutions TANESCO and AUWASA**

The Consultation meeting with Arusha' Regional Manager of TANESCO was conducted by a face to face interview. Consultation with Senior Expert from Arusha Urban Water and Sanitation Authority (AUWASA) was conducted by a telephone interview with the Arusha City Council Technician.

The agenda was to present the project and seek their views or concerns on the project in relation to their respective utility infrastructure.
Sokoni 1 Councillor and Ward Executive Officer

The Consultation meeting at the Ward level was conducted by face to face interview with the Ward's Councillor and Ward's Executive Director. The agenda of the consultation were:

- To receive views of the project's acceptability
- To understand any existing grievance mechanism
- To agree on, plan and implement the valuation exercise of affected assets and property along the project road.

Community along the project road

PAPs along the upgrading of Unga Ltd - Muriet Road project were identified in collaboration with the City Council officers and the ward officers. The process involved delineating the project road right of way and marking its boundary. Thereafter, owners and/or users of land and/or structures within the demarcated boundaries were identified as PAPs. Two public meetings with PAPs were conducted. The agenda was:

- Presentation of the project
- Information on valuation exercise and compensation process
- Project's advantages and disadvantages
- Hearing their views of potential environmental and social issues as a result of the proposed project.

Issues and concerns raised by stakeholders

Overall, the people living near the project area (the road corridor from Unga Ltd to the City's Sanitary Landfill in Muriet) have positive views over the proposed upgrading of the Unga Ltd-Muriet Road. Some of the residents near the project area noted that they have been waiting for the implementation of the project since 2009.

A summary of key issues raised during consultations with stakeholders are presented in below.

Table 6: Summary of Major Issues Raised by Stakeholders during Consultations

<table>
<thead>
<tr>
<th>Person Consulted/Venue</th>
<th>Issues Discussed</th>
<th>Response /Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Engineer - Arusha City Council</td>
<td>Project identification</td>
<td>The City Engineer indicated that he and his staff as well as other supporting staff eg. community development officers were not involved in TSCP project identification</td>
</tr>
<tr>
<td></td>
<td>Project design</td>
<td>Budget affects project design</td>
</tr>
</tbody>
</table>
|                                  | Land acquisition/land take        | The Council has a RAP committee involved in a case where there is a need for a resettlement
                                                                 | There is inter-agency coordination in cases where the road project requires movement of electric posts or water pipes |
### 6.4 Summary of Stakeholders Views and Concerns

Stakeholders are positive about the project and expect that the project will improve transport in the area, increase safety and security as a result of placing road furniture as well as, increase the value of land and houses and other business along the Unga limited-Muriet road.

Other stakeholders (local communities) mentioned further benefits from the project such as increased of employment opportunity especially for young people though they were concerned that employment may be given to outsiders whilst the local people are left with simple manual jobs; other benefits include emergence of auxiliary activities, and benefits that will result due to money from compensation which might improve their standards of living. Local communities were ensured that the Contractor will be required where necessary to utilize labour from within the project area. However various concerns were raised by the stakeholders mainly on land and compensation issues.

At ward level the elected councillor said that the people are not opposing the project. He stressed that people can go an extra mile just to make sure development projects go ahead.
During the public meeting people accepted the project. The only concern was on the compensation issues not sure if they will receive fair compensations.

People were also informed on the grievances procedures and rap committee which is very much active in Arusha. The RAP committee is chaired by land officer being the chairman and city valuer being the secretary. Other members forming the RAP committee include-City Health Officer, Community development officer, ward executive officer and Mtaa Executive Officer.

6.5 **Key Recommendations from Stakeholders**

Compensation/resettlement should be done promptly and fairly and all affected people should be involved in every stage of the Project.

Arusha City Council should involve other utilities who share way-leave prior to destroying the utilities; this could minimize compensation costs

There is a need for the existing committees within the localities to be part of the Grievance Committee for this RAP.
CHAPTER 7

RAP IMPLEMENTATION

7.1 Organizational Procedures and Responsibilities for Delivery of Entitlements

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

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

It is at this time that the RAP implementation teams in particular the Community Development office will guide PAPs on the recommended use of money for re-establishing their homes that have been demolished.

7.2 Delivery of entitlement

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

Once compensation payments have been made to PAPs, they will be notified immediately after receiving their compensation packages to begin the process of salvaging any materials from demolished structures such as metal/wooden frames, roofing iron sheets and bricks and farmers will be given notice to harvest their crops. In addition to these activities, the RAP team shall work with communities to ensure effective restoration of pre-project levels.

7.3 PAP Vacating Timing

To ensure timely completion of resettlement activities, City authorities will facilitate the resettlement process. Arusha City Council will urge all PAPs to vacate within the time frame that will be agreed between the two parties. PAPs can be allowed to demolish their structures to salvage useful building materials, harvest their crops and cut down their trees from the RoW.
7.4 RAP Implementation Budget

The total compensation costs that will be provided under this RAP, as per Compensation Schedules for PAPs with compensable assets is **805,139,227**. Below is a breakdown of RAP March 2014:

*Table 7: Consolidated Valuation Summary Unga limited- Murriet Road*

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>No of Assets</th>
<th>Cost in Tshs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total cost for buildings</td>
<td>73</td>
<td>114,872,353</td>
</tr>
<tr>
<td>2</td>
<td>Total cost for land</td>
<td>132</td>
<td>591,941,300.00</td>
</tr>
<tr>
<td>3</td>
<td>Total cost Crops</td>
<td>96</td>
<td>37,023,112.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total Assets</strong></td>
<td></td>
<td><strong>301</strong></td>
</tr>
<tr>
<td>4</td>
<td>Accommodation allowance</td>
<td></td>
<td>7,056,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Transport allowance</td>
<td></td>
<td>1,100,000</td>
</tr>
<tr>
<td>6</td>
<td>Loss of profit</td>
<td></td>
<td>16,128,000</td>
</tr>
<tr>
<td>7</td>
<td>Disturbance allowance</td>
<td></td>
<td>37,018,462</td>
</tr>
<tr>
<td></td>
<td><strong>Total compensation costs</strong></td>
<td></td>
<td><strong>805,139,227</strong></td>
</tr>
</tbody>
</table>

Additional costs required will include the costs for facilitating the implementation of resettlement activities, as well as the costs that regional and district governments must bear, for example, to take the time to facilitate PAP relocation or supervision of payment of PAPs.

Some unforeseen impacts might result to further land take especially during the construction phase of the project; however, the cost for compensating such impacts is not incorporated in the compensation schedule. The Arusha City Council should ensure such land take are compensated and the land acquisition should follow procedures stipulated in this RAP.

Based on the approval of the valuation report; the Arusha City Council will proceed with the necessary stages of paying compensation to PAPs that will be effected before execution/commencement of sub projects as per this RAP.
CHAPTER 8

MANAGEMENT OF GRIEVANCES AND DISPUTES

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

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

8.1 Disputes Procedures under Existing Laws

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

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

8.2 Grievances and Complaints Procedures under this RAP

The Resettlement Action Plan for the proposed upgrading of the Unga limited-Muriet Road in Arusha City Council provides a simplified grievance redress mechanism that will enable timely settlement of grievances to the PAPs. The grievance procedures will be anchored and administered at the local level to facilitate access, flexibility and openness to all PAPs. The grievance redress procedure ensures consultations with Arusha City Council and other key stakeholders and provides for record keeping to determine the validity of claims, and to ensure that solutions are taken in the most transparent and cost effective ways for all PAPs. During
consultation, affected individuals were informed of the process for expressing dissatisfaction and how to seek redress.

8.3 Steps to be followed for Grievance Redress
The proposed project is within one ward (Sokoni 1) and therefore only one committee will be established.

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

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

*Table 8* below provides details of the procedure that is to be followed for grievance redress in this RAP.
<table>
<thead>
<tr>
<th>Step</th>
<th>Reporting officer/committee</th>
<th>Officer/committee members</th>
<th>Time frame to redress</th>
<th>Grievance redressed</th>
<th>Grievance not redressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PAPs for Sokon 1 ward will submit Grievance to the Grievance committee who will review the complaints and later forward to the ward office and receive an acknowledgement</td>
<td>1. Grievance Committee of Sokon 1 ward 2. Respective Mtaa chairman.</td>
<td>Upon receipt of grievance, the local Mtaa officials with the help of the committee shall try to resolve the grievance amicably with the active participation of aggrieved party within 5 working days from the date of file of grievance.</td>
<td>If the grievance is resolved and the PAP is satisfied with the committees or local government’s decision, a report of the same shall be prepared and copy handover to PAP and case closed.</td>
<td>If the grievance is not resolved, go to step 2.</td>
</tr>
<tr>
<td>2</td>
<td>If PAP is not satisfied with step 1 decision, the case shall be forwarded to the land Dispute committee at District level. This committee shall function as GRC at the district level for the project. The grievance shall be forwarded with all the paper details of case.</td>
<td>1- DC – Chairman, 2. District land office, Municipal valuer, CDO, Health Officer 3. PAP representative</td>
<td>Upon receipt of grievance, the GRC if desired may ask further information related to grievance and submit the same to committee for its use while hearing the grievance. The hearing shall be completed within 20 working days from the date of case referred. The date, time and venue of hearing shall be communicated to PAP at least 7 days in advance by the Arusha City Council Official (preferably from community Development Office)</td>
<td>If the grievance is resolved and the PAP is satisfied with GRC decision, a report of the same shall be prepared by Arusha City Council. A copy of report shall be handover to PAP for record and copies to be submitted to Local communities for record, case closed.</td>
<td>If the grievance is not resolved, go to step 3.</td>
</tr>
<tr>
<td>3</td>
<td>It is assumed that all the cases shall be solved at GRC level. It may be possible, however, that there are cases which might still</td>
<td>1- Regional Secretariat 2- District Commissioner 3- Arusha City</td>
<td>If the case is referred to Regional Secretariat (RS), the details of case file shall be submitted to RS office and the case shall be heard within 45</td>
<td>If the grievance is resolved and the PAP is satisfied with RS’s decision, a report of the same</td>
<td>If the grievance is not resolved, the PAP may take the case to appropriate court.</td>
</tr>
</tbody>
</table>
remain unresolved at GRC level. For such cases, the PAP shall have the option to refer his/her case to Regional Secretariat for final amicable solution or to refer the case to the Judiciary. Council 4. PAP and PAP representative days from the date of case referred. The PAP shall be informed 10 days in advance about the date, time and venue of the hearing. shall be prepared by Arusha City Council. A copy of report shall be handover to PAP for record and a copy to be submitted to local authority for record, case closed.

|   | PAP takes the case to appropriate court. |   |   |
A form to be used for filling the grievances is also indicated below.

**Sample Grievance and Resolution Form**

**Name (Filer of Complaint):** ____________________________

**ID Number:** ____________________________ (PAPs ID number)

**Contact Information:** ____________________________ (Village/Ward/Mtaa; mobile phone)

**Nature of Grievance or Complaint:** ____________________________________________

**Date**      **Individuals Contacted**      **Summary of Discussion**

_________________________                    ________________

Signature_________________________ Date: ____________

**Signed (Filer of Complaint):** ____________________________

**Name of Person Filing Complaint:** ____________________________ (if different from Filer)

**Position or Relationship to Filer:** __________________________________

**Review/Resolution**

**Date of Conciliation Session:** ____________________________

Was Filer Present? :  Yes  No

Was field verification of complaint conducted?  Yes  No

Findings of field investigation: ____________________________________________

**Summary of Conciliation Session Discussion:** ____________________________________________

**Issues**

Was agreement reached on the issues?  Yes  No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

__________________________________________

**Signed (Concilitor):** ____________________________

**Signed (Filer):** ____________________________

**Signed:** ____________________________

Independent Observer

**Date:** ____________________________
8.3 Grievances under this RAP
Consultation with the RAP committee as well as officials from the Muriet Ward and “Mtaa” Chairpersons in the project area revealed that the RAP implementation has been very participatory that allowed PAP to file their grievances and the City Council Officials responded immediately. The major complains were mainly - this was for those who were not available during the valuation exercise in February 2014. Another complains was PAPs not being satisfied with the compensation. The two complaints have all been handled at the ward level as well as the City Council. It should be noted that all PAPs have received their compensation.

Two main types of grievances have been received under the RAP, these are

- PAPs being left out of the valuation exercise- all PAPs that were left out is due to them not being available during the valuation exercise
- PAPs not being satisfied with the compensation rate

The initial RAP recorded 163 PAPs, during the initial valuation the number increased to 184 PAPs and during implementation the number reached 198 PAPs.

With regard to not being satisfied with compensation, three PAPs filed and their rates were adjusted.
CHAPTER 9

MONITORING AND EVALUATION

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

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

9.1 Monitoring and Reporting

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

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

- Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- Socio-economic monitoring during and after the relocation process to ensure that persons have been able to recover successfully and as anticipated from the relocation program.
- Data from baseline socio-economic surveys undertaken during consultation will provide the benchmark for monitoring to assess the progress and success of RAP implementation.
Monitoring will also include communication with PAPs and documentation of reactions from PAPs and physical monitoring of progress of the RAP’s implementation, including the relocation of PAPs and the affected community assets.

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

It is anticipated that impact monitoring will first be carried out approximately 3 months after the PAPs have been relocated and a report submitted to PMO-RALG and Arusha City Council giving details of the evaluation and its findings.
REFERENCES

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

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


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


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

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


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

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

LIST OF ANNEXES

Annex 1: List of PAPs of communit consultation meeting in Arusha

Annex 2: List of Stakeholders of the Unga Limited – Muriel Road Subproject area in a consultation meeting