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LOCAL GOVERNMENT SUPPORT SUB-PROJECT
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THE PROVISION OF CONSULTANCY SERVICES FOR PREPARATION OF
PRELIMINARY AND DETAILED ENGINEERING DESIGNS, COST ESTIMATES,
BIDDING DOCUMENTS AND ENVIRONMENTAL AND SOCIAL IMPACT
ASSESSMENTS FOR THE INVESTMENT SUB-PROJECTS IN ARUSHA
MUNICIPALITY UNDER THE PROPOSED TANZANIA STRATEGIC CITIES
PROJECT

RESETTLEMENT ACTION PLAN (RAP)

FINAL REPORT

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EXECUTIVE SUMMARY

This is a detailed Resettlement Action Plan (RAP) that was prepared after identifying the affected households in a sub-project for financing under the Proposed Tanzania Sustainable Cities Project (TSCP) within Arusha Municipal Council. Detailed studies were carried out in the Project areas by two teams dealing with Environmental and Social Impact Studies and Resettlement Action Plan (RAP) during November 2009. The Study Team identified 279 households that would be directly affected by the proposed road projects within Arusha Municipal Council in terms of losing land, crops and shelter. 136 of these own building structures which are either residential units (75), commercial units (24) or incomplete structures at varying levels of completion (28) while 31 affected structures are mainly fencing walls, parts of a building, huts and sheds. The total number of structures to be pulled down in all project sites is 283. There are also 23 graves that will have to be removed and one Maasai Family Shrine. Each head of household was interviewed and their assets were inspected, measured and photographed. Valuation reports and compensation schedules, which form part of this Resettlement Plan Documentation, were prepared in line with World Bank Operational Policy 4.12 and the relevant land acquisition and compensation legislation in Tanzania.

The environmental and social profile of the project areas is covered under a separate study report. This report deals with compensation and resettlement matters only. The social survey identified 599 persons constituting 109 households that will have to be moved out of the project areas. 75 households will lose all their housing units and shall need to relocate. Given the shortage of surveyed plots in Arusha, it is hoped that the PAP's who are to relocate will have to make individual efforts to acquire land elsewhere using money paid for compensation of land. Compensation for affected land, buildings structures, crops and grave/tombstones will be Tsh **3,850,704,958/=**. The total cost of Compensation and Resettlement is estimated at Tshs. **3,940,704,958/=**

The estimated duration for carrying out the Compensation and Resettlement programs in line with the other engineering design will take at least 6 calendar

months which will allow for three-month notices for current land occupiers to vacate and the other three months for the processing of the dues to the affected persons. This timeline assumes all the engineering designs will have been completed, and therefore the actual dates for realizing the compensation and resettlement could well be two years from the date of this report. It is worth noting that, land acquisition and relocation attempted by the Arusha Municipal Council early last year was halted after receiving negative response from the councillors and PAP's. It is possible therefore, that this exercise could take longer to implement relative to other urban centres. As such it is recommended that more efforts should be directed towards sensitization and public awareness creation. These would be in form of consultative meetings where the Municipal Council will inform the PAPs on progress towards the resettlement and compensation. It is proposed that representatives of the PAP, preferably nominated from amongst the respected community members should be included in the Resettlement and Compensation Committee that will have to be formed.

It is also important to note that the number of relocation in Arusha is relatively higher when compared to other TSCP cities. This can be explained partly by the fact that land values in Arusha are relatively higher than in the other areas and hence the amount of land in occupation by the PAPs is much smaller to the extent that the remaining (unaffected) land is insufficient for continued occupation by the PAPs. The implementation of the RAP should be followed up in a post-audit at the end of the first four months.

In consistent with the Terms of Reference all possible care was taken to comply with the provisions of the World Bank Operational Policy 4.12 and the relevant land acquisition and compensation in Tanzania while preparing this plan.

1.0 Introduction

This Resettlement Action Plan (RAP) report has been prepared as part of the Tanzania Strategic Cities Project studies in Arusha that were commissioned by The Permanent Secretary Prime Minister's Office, Regional Administration and Local Government (PMO) to M/S UWP Consulting Limited. The overall objective was to evaluate identified Priority Investment Sub-Projects for financing under the Project. According to Project Plans drawn by the Client, PMO, the execution of the Projects would be in two phases. Phase one will cover new construction/upgrading / rehabilitation of approximately 30km of roads to asphalt concrete (bitumen surfacing), construction of storm water drains, rehabilitation and proper management of Murriet dumpsite and Acquisition of a package of solid waste management equipment. The sub-projects covered in this plan are:

1. Njiro – Mbauda Road
2. Unga Limited – Murriet Road
3. Bumico Road
4. Central Business District Roads (CBD)
5. Col. Ndomba Road
6. Murriet Dumping sites
7. Placement of Road Signs (3)
8. Rain water system at Bondeni Road

The sub-projects will be implemented in 10 wards including Themti, Lemara, Sokon I, Kati, Levolosi, Ngarenaro, Elerai, Sombetini, Kaloleni and Unga Limited.

This report refers to the impacted Sub-Projects in Arusha that include 3 roads and the Murriet Dumping Sites seeking to identify impacts of the project on relocations. Particulars of the Projects are summarized in Table No. 1 below:

Table 1: Affected Sub-Projects

S/No	Road/Project	Village/Streets	No of PAPs
1	Njiro- Mbauda Road	Lolovono	21
		Osunyai	25
		Olnjavulian	49
		Longdongi	34
		Eugosengiu	23
		Kikokwaru	25
2	Unga Ltd- Murriet Road	Sokoni- Mlimani	22
		Sokoni 1- Longdongi	18
		Orumukeya	7
3	Bumico-Majengo Road	Elerai- Shuma	7
		Kware	3
		Urundini	3
4	Murriet Dump Site		42
	Total PAPs		279

In the course of implementing the above projects, a total of 279 property owners will have their assets permanently removed and therefore relocate in other areas of the Municipal Council. However, some will only lose crops, others will have their front part of the buildings removed, while others lose fencing to their structures and another group will lose their entire residences.

2.0 Methodology and Data sources for the RAP documentation

2.1.1 Field Surveys

Preparation of the RAP commenced in mid-November 2009 and lasted till end of first week of December.

M/S UWP Consulting Limited engaged services of registered valuers, planners and a team of experienced social scientists who carried out interviews with the identified affected people, local community leaders and government functionaries within the Municipal Council of Arusha. Prior to commencement of fieldwork for assessing compensation each affected person was served with property identification form a copy of which was to be surrendered to the valuer upon completion of inspection. Besides interviews several consultative meetings were held with various stakeholders including World Bank team, Prime Minister's office, Arusha Municipal Council officials, local leaders in projects areas, National Environment and Management Council (NEMC) and other religious as well as NGOs/CBOs.

These studies formed bases for preparation of Environmental and Social Impact Assessment (ESIA) and the Resettlement Action Plan (RAP). The field survey reports from the interviews and valuation of assets formed an important component of this Plan.

2.1.2 Consultations

There were three levels of consultation for purpose of preparing the Resettlement Action Plan. The first level was through public consultation meetings in the area while the second level was the one-to-one consultation with the identified individual asset owners. In the first set of meetings, the general purpose of the Project was outlined in a meeting convened by the Ward Councillor and attended by communities in the project areas, the Consultant field staff and local leaders. After the briefings, the community/audience was allowed to ask questions. These questions sought clarification on issues that were explained by the Consultant staff and largely

represented community concerns as reported under the Environmental Social Impact Assessment Chapter for this project.

In the second level of consultation, individuals who had been identified by the Consultants as having assets within the corridor of the Project Wayleave were interviewed by the social scientists Consultant, before they were individually turned over to the Valuation Consultant for further consultation. The Valuation Consultant was tasked to explain the compensation assessment processes and procedures, and to carry out identification of the assets to be affected, do measurement and take photos.

The third consultation was with the local leadership at City, District and Ward level. This was necessitated by the need to clarify on matters that had clouded the assessment of compensation for the Murriet Dump Site. The project desire to set aside a 100m buffer corridor between the dump site and the immediate neighbourhood had been realized sometime back by the Municipal Council which had acquired the area. Unfortunately, since the Municipal Government did not take prompt possession of the acquired land, the land was subsequently squatted upon. A number of new structures have been erected on the land and following consultations and legal advice it had been decided that the structures be removed and their owner be compensated for the loss of the assets but not the land. These facts were not made clear to the valuation survey teams at the beginning of the exercise. It therefore became important that subsequent joint meetings with the affected persons and the local leadership as well as the Project Consultants be held during April 2010.

In a village meeting held on 22nd January 2008 at the Murriet Sokoni 1 Village office, the consensus was that those individuals owning housing structures within the set aside 100m buffer zone would be compensated for the buildings only and that they would give their land rights for the dumpsite (see minutes attachment). Apparently the Murriet Dumpsite was first agreed as a project in 1994(see Minutes of meeting held on 15th June 1994 attached). Villagers were asked to contribute land upon which a modern dump site would be developed. 10 acres of land was set aside for

this purpose but in subsequent years this land was invaded and occupied by individuals. On 15th June 2001, 62 individuals who were found to have built on the land were each compensated Tshs 80,000 to enable them remove the structures. Information obtained from these sources was used to develop a resettlement eligibility matrix. It was then possible to reflect on the national laws and practices as well as World Bank OP 4.12 to determine the required resettlement levels in the project area.

2.1.3 Limitations

The field data were obtained within a corridor that is being proposed for the planned road and dumpsite projects. The Arusha Municipal Council Planner, Engineer and Surveyors identified this corridor to the Sociologists and Valuers. In none of the project areas were exact alignments and width such as chainage pegs in place which would have indicated boundary points for the proposed works. The information that was compiled for the RAP is therefore only an indication of what might be the impacts of the projects should action be taken in the context of identified assets.

However, given the short distances covered by the different roads as listed above under Item 2.0, there is high probability that the affected assets will not change much when actual Wayleave boundary surveys are determined following detailed road design phases.

3.0 Community and individual entitlements rights to land

Any person whose user rights to land have been curtailed by the state in Tanzania is entitled to compensation as per Section 3(g) and Section 156 of the Land Act. The amount of compensation payable is to be assessed by a qualified valuer and the basis for assessment of the value of land and unexhausted improvement on the land is market value.

The Land Act specifically provides '*...the market value of any land and unexhausted improvement shall be arrived at by use of comparative method evidenced by actual recent, sales of similar properties or by use of income approach or replacement cost method where the property is of special nature and not saleable..*' Section 4 of the Land (Assessment of the value for compensation) Regulations, 2001.

In the implementation of the envisaged road upgrading projects in Arusha, the Consultant employed services of qualified valuer who carried out the assessments. To ensure conformity with national laws and land office practice, the Valuer consulted with the Municipal Council Valuer to deliberate on the appropriate rates. The Municipal Council Valuer was also appraised on the requirements of the Project to comply with World Bank Safeguard Operational Policy (OP 4.12 Involuntary Resettlement). The results of these consultations and eventually assessed compensation values are presented under Appendix 2.

3.1 Entitlement to Resettlement and compensation

Individuals owning land that is subject of acquisition have rights to be relocated. The national laws of Tanzania have no specific provision to this effect as discussed later in this report. Instead there are some references in the laws towards granting displacees with land of same value as an alternative to cash compensation (S.3 of Land Act No. 4 of 1999). In practice however, municipal governments do relocate such affected persons by granting them surveyed plots in addition to the compensation that they will have received.

In determining eligibility for resettlement in the context of best land office practices in Tanzania, only those in occupation of the affected assets at the time of notice to acquire are considered. These are limited to residential occupiers and unfortunately do not include Tenants. Commercial users such as retail shops, entertainment houses, bars etc who are not considered for resettlement mainly for historical reasons in Tanzania. These users can afford to relocate themselves where they can restore the lost business goodwill if they are fairly compensated.

However consistent with the TORs, we have considered tenants and proposed three-month equivalent rental payments. The TOR provides “...*points in the National law contradicting the above eligibility principles will need to be waived...*” (p.41). The three-month period is the usual time in law for serving notice to vacate. In practice, the affected landlord will not charge tenants after compensation nor will the tenants pay rent during the ‘notice to vacate’. In essence therefore, the proposal is effectively a six-months’ rental assistance to the tenants which we consider to be sufficient.

3.2 Nature and Type of assets to be affected

In the project areas, the types of assets found include land and buildings, crops (both seasonal and perennial), one family shrine and graves. Removal of graves is governed by the Graves (Removal) Act No. 9 of 1969, which provides for removal of graves from land required for public purposes (referred later in this report).

The Land Act of 1999 accords the would-be ex-landowners the right to receive separate payments for the following compensatable items (see also the Valuation Reports – Appendix 2):

1. Compensation for the lost land
2. Compensation for structures erected on the land
3. Compensation for disturbance
4. Compensation for lost accommodation or loss of profit in the case of business operators

5. Compensation for transportation of personal belongings to another location

The basis for assessments of these compensation sums is detailed in the valuation report (Appendix 2).

Consideration of Temporal Displacement

It is unlikely that there will be temporal displacement during the upgrading works in the roads and dumpsite project areas. The upgrading of asphalt concrete thickness, and provision of storm drains and road furniture will be on existing roads. However, residents will experience an assumed level of disruption of economic activities during construction works. These will be caused by the heavy equipment movement, excavation works and temporal storage of materials within the vicinity of the project sites. This will lead to temporary losses of livelihood particularly so for street hawkers. There are no specific recommendations that one can make as regards compensating such losses. The main reason being that most of the retail trade that is carried out in the areas is heavily informal and operators move up and down making it difficult to track them. In any case, the project sites form only a portion of the urban neighbourhood and it should be possible for the would-be affected retailers to move to other parts of the City. There are nevertheless possibilities for new trade opportunities particularly for food vendors.

Consideration of Historical Sites

None of the assets to be affected by the proposed works in the preliminary design works were found to have historical or such other cultural or ornamental value to warrant special consideration in the sub project areas in Arusha.

Consideration of Indigenous Communities

Arusha Region is a host of considerable number of indigenous communities ranging from the Maasai, Barbaig, Hadzabe etc. During these studies no indigenous community was identified within sub project areas. In the list of PAPs that was drawn from the studies, there is no particular individual who could be considered as being

member of these indigenous communities. Barbaig and Hadzabe communities are found outside the Arusha Municipality in the districts of Manyara and Mbulu while Maasai are resident in Monduli, Simanjiro and Kiteto District. The main occupation of these communities is pastoralism and hunting and it would therefore not be expected that these communities would be found within the vicinity of the roads to be upgraded where grazing land is non-existent.

3.3 Community Awareness about the Proposed Project

The Arusha Municipal Council issued public notice about the proposed projects in local papers namely Arusha Times and Arusha Raha of 29th August 2009 and 26th August 2009 respectively. Copies of the notices were affixed at the entrance of the Council Buildings and some were sent to nearby District Headquarters.

In the surveys for the preparation of ESIA, All the PAPs in Arusha indicated they were informed about the project at the sensitisation meetings. They also expressed willingness to allow their assets to be pulled down to allow for the upgrading works (See ESIA study).

3.4 Resettlement Objectives

Resettlement of affected population will follow immediately the individuals have been served notice to vacate their place of abode and upon being compensated. Procedures that are followed in the compensation and resettlement process in Tanzania have not been uniform and consistent for a number of reasons. Each project tends to have its own Resettlement Policy Framework largely influenced by the type of funding. In the present project, the Resettlement Action Plan is drawn from best practices in Tanzania and in line with the OP 4.12 as contained in the Terms of Reference.

The main objective of carrying out resettlement plan was to devise means of handling relocation of affected population in compliance with existing national, statutory and World Bank requirements.

The specific objectives include:

- a) To identify all people directly or indirectly to be affected by the proposed projects both during the implementation stages and the life of the project.
- b) To mitigate possible negative impacts of the project in the community
- c) To identify affected persons who are eligible for relocation in accordance with national and World Bank requirements
- d) To identify resettlement action plan that may be easily acceptable by recipients.
- e) To liaise with municipal governments (LGA) and Project Affected People (PAPs) in developing comprehensive resettlement plan

3.5 Avoidance- Mitigation Measures

In an attempt to reduce negative impacts of the Project, the Consultant teams held several meetings as detailed in the Chapter on Social Impact Assessment. In these meetings, PAPs were informed of the project's needs to acquire the barest minimum corridor for the upgrading works. They were also assured of the opportunities to salvage re-useable building materials in the eventual event of demolitions.

At Project Management level, mitigating measures are considered on three levels:

1. During detailed design works every effort must be made to use as efficiently as is possible existing road/Wayleave. This can be achieved by strictly complying with the design standards.
2. During construction works, care must be exercised to avoid damage to people's properties. The contractor shall be appraised of this need in the bid documents
3. In the compensation payment procedures, it is important a Valuer is a member in the team to explain the assessment criteria and respond to queries about the assessment.
4. During construction constant watering must be applied to suppress the dust to avoid polluting the communities.

3.6 Compensation

The exact road widths have not been determined although corridors of 16m or 25m are contemplated. A corridor of 16 metres is proposed where there is a concentrated number of houses being affected. However with a corridor of 16 m a number of houses will have to be partially demolished. On the other hand owners of partially affected houses are concerned with their fate and feel that in future they are likely to be considered encroachers in the road reserve land if not resettled. This matter ought to be addressed during the second round consultations.

A total of 279 households will be affected by the proposed upgrading works. Entitlement to compensation falls into four categories:

- 1) 136 households owning structures and land, except for 42 households at Murriet Dumpsite who will be entitled to compensation for structures only.
- 2) 248 owning crops in all four locations. These include 167 along Njiro-Mbauda Road, 45 along Unga Ltd – Murriet Road, 9 along Bumiko-Majengo Road and 27 around the Murriet Dumpsite.
- 3) 20 households owning land only. These include 9 in Kikokwaru (Njiro-Mbauda Road), 7 in Orumukeya (Unga Limited- Murriet Road) and 4 in Kware and Shuma (Bumiko- Majengo Road)
- 4) 13 administrators on behalf of 23 deceased/graves and a shrine (see Table 2b).

Each affected person will be entitled to compensation payment commensurate with the type and quality of assets to be affected. This is in line with the provision of the Land Act No. 4 of 1999 and the acceptable land office practice in Tanzania. The Municipal Council plays an important role in such undertakings by ensuring that the affected PAPs are paid according to Plan. Interviews in the area indicate that the PAPs are aware of the procedures for receiving compensation and possibilities of being granted planned and surveyed plots for relocation purposes.

Possibility for relocation within the same neighbourhood is very remote as there are no unoccupied pieces of land. PAPs will have to be relocated far away from their

current place of abode. While OP 4.12 desires relocation to be as close as possible to the project, PAPs do not consider relocating far away from their current place as a problem (52 PAPs had indicated they had enough land that would remain)

The distribution of type of assets to be affected is summed up in Table 2 while graves and shrines are shown on Table No. 2b.

Table 2: Type of Buildings Assets against No of PAPS by roads in Arusha

S/N o	Road Section	PAPS	Residential PAPS	Type of Structures				Remarks No. Owning buildings
				Resid.	Comm.	Incomplete	Others e.g fence, Huts etc	
I	Njiro – Mbauda							
1.	Lolovono	21	3	5	5	0	4	13
2.	Osunyai	25	4	10	5	2	1	14
3.	Olnjavutian	49	6			3	1	10
4.	Longdong'i	34	11	22	5	6		15
5.	Engosengiu	23	4	5		2	3	7
6.	Kikokwaru	25	5	12			12	17
	Total	177	33	54	15	13	21	76
II.	Unga Limited – Murriet Road							
1.	Oromukeya	7						
2.	Longdong'i	18	8	8	1		1	10
3.	Mlimani	22	1	2		1		2
	Total	47	9	10	1	1	1	12
III.	Majengo – Bumiko							
1.	Elerai- Shuma	7	6				6	6
2.	Kware	3	3				3	
3.	Urundini	3	3	5		1		
	Total:	13	12	5		1	9	6
IV.	Murriet Dump site	42	21	56	8	13		42
	Total	279	75	125	24	28	31	136

Notes:

1. At Elerai Shuma, 4 building owners will lose only fencing and two front veranda of their houses
2. At Kikokwaru, of the 11 losing fencing and other assets, two will have their septic tanks relocated
3. At Urundini, two households will lose their houses, but the third household will have his incomplete house removed.
4. At the Murriet Dumpsite, 4 households own 8 commercial structures, and two of the residential houses to be removed are traditional 'msonge' houses with thatch roof.

Table 2b: Graves and Shrines to be Removed by the Project

S/No	Road Section	Street/Village	Graves	Shrine
1	Njiro - Mbauda	Lovolono	2	1
		Olnjavutian	4	
		Engosengiu	4	0
		Kikokwaru	4	
2	Unga Limited – Muriet Road	Mlimani	3	
3	Majengo – Bumiko		0	
4	Muriet Dumpsite	Sokoni	6	
	Total		23	1

Table 2 : Summary of Compensatable Items and Values (TShillings)

Road/ Dumpsite	Buildings	Crops	Land	Graves	Allowances				Fair Compensation
					Transport	Accommodation	Loss of Profit	Disturbance	
Njiro - Mbauda	1,086,707,300	220,227,480	1,432,908,591	5,900,000	14,550,000	90,180,000	70,200,000	180,829,662	3,101,503,033
Unga ltd - Muriet	31,937,100	14,435,400	261,471,600	1,050,000	1,500,000	4,680,000	2,880,000	20,317,711	338,271,811
Muriet Dumpsite	210,687,350	3,532,575	-	2,100,000	5,250,000	13,572,000	3,420,000	14,138,515	252,700,440
Bumico - Majengo	90,124,750	3,612,100	30,352,900	-	750,000	3,600,000	21,600,000	8,189,924	158,229,674
Total	1,419,456,500	241,807,555	1,724,733,091	9,050,000	22,050,000	112,032,000	98,100,000	223,475,812	3,850,704,958

Source: Valuation Report (Appendix 2)

3.6.1 Compensation Sums Expectations by the PAPs

In the interviews, PAPs were asked to indicate how much they thought their assets were worth. This was done in two ways, first in the direct interviews and secondly by asking the PAPs to fill in Land Form No. 70 which is the official way of seeking landowners' opinion. The sample results of these interviews are summarized on Table No. 3, showing glaring differences between what the PAPs expect and what the Valuers considered being the Replacement Value of the assets. When these differences were examined, reflection was made on other survey findings in the same interviews. These included opinion sought by the social surveyors on size of property owned. In most cases (90% of the interviews) had exaggerated on their value of land and improvements thereon. This was irrespective of the size of land parcels and developed structures. It was therefore concluded that the views of the Valuers be upheld and the LGA as developers of the Project may want to counter-check this information during implementation of the project.

The ESIA interviews had sought PAPs opinion on the mode of compensation that they preferred. In all cases, cash was preferred to housing structure or land. The possible explanation could be that the PAPs considered possibility of realizing higher monetary values from the project sites which are already in high land value domain and therefore greater potential to access land elsewhere. It is also possible that PAPs opted for the cash versus land compensation because most of the PAPs could afford to move back their structure from the 'Right of Way'.

3.7 Resettlement of Affected Persons (RAP)

The vowed aim of the project is to assist all those affected irrespective of whether they occupied the planned road reserves illegally or legally to move to new areas. In the evaluation of resettlement needs, it has been determined that there will be a number of households that will need to be relocated but there will be no community relocation.

Given that the Municipal Council does not have plots available for resettling the PAPs , individual arrangements would be pursued.

The affected persons were interviewed and their consent sought on how they would be relocated. About 40% (52 interviewees) suggested that they had enough land that would remain after allowing for the LGA Way-leave and therefore did not need to be moved. Thus they will pull down the affected structures and recess these away from the acquired corridor.

Asset owners who do not qualify for resettlement such as those with retail shops, entertainment houses and bars would be compensated for the loss in profit as computed in the valuation reports (Appendix 2)

4.0 Description of the Resettlement Programme

The Resettlement Programme for Arusha roads upgrading projects is dependent on the Municipal Council prompt settlement of compensation to the individuals requiring relocation so that they can look for alternative sites as well as assisting those who need relocation with counselling and guidance in acquiring land. The procedures for payment of compensation and offering of guidance to the PAPs are outlined below with suggestions on responsibilities and tasks to be involved. The identified PAPs fall under 3 major categories as summed in Table No.5 below.

4.1.1 Organisational Responsibility for Resettlement Planning

The Arusha Municipal Council (LAG) will be responsible for the actual Resettlement Plan within the framework provided in this report. The most possible arrangement would be for the Arusha LAG to set up a steering committee for handling the Compensation Payment Procedures and Resettlement. The Committee should ideally be a high-powered unit within the Municipal Council possibly chaired by the Municipal Director with representatives from consulting firms for the Project. Its primary function would be

supervisory and should be assisted by two technical units, Compensation and Resettlement Units as detailed below. It is important the TSCP Co-ordinator assumes the overall roles while the Municipal Councils implements the Plan. This is to ensure that standards are maintained and the Project has an upper hand on the handling in case of any misgivings by the operating staff on site.

1. Compensation Team members who will be responsible for supervising compensation payment procedures, giving explanations to PAPs where necessary on matters that they may raise, represent the Arusha LAG to relevant Lands Tribunal in case of litigation cases about the compensation or the land acquisition itself. The composition of members for this unit must include the Municipal Council Valuer, Municipal Council Solicitor, Municipal Council Engineer/Contractor Representative, Project' land acquisition/Valuer team members and at least one Ward Leader preferably the Sokon I Ward Executive Officer.
2. Resettlement Unit: this unit will be responsible for offering counselling services to PAPs especially with the efficient use of compensation paid. unit could also offer guidance on land prices or rent payable so that the PAPs do not fall into the hands of unscrupulous estate agents who would want to take advantage of them. Members of the Unit must include Municipal Council Land Officer, Social worker a representative of the PAPs preferably a Ward Leader and the Projects' SIAS and RAP consultants

The possible organisational structure is as shown in Figure 1 below:

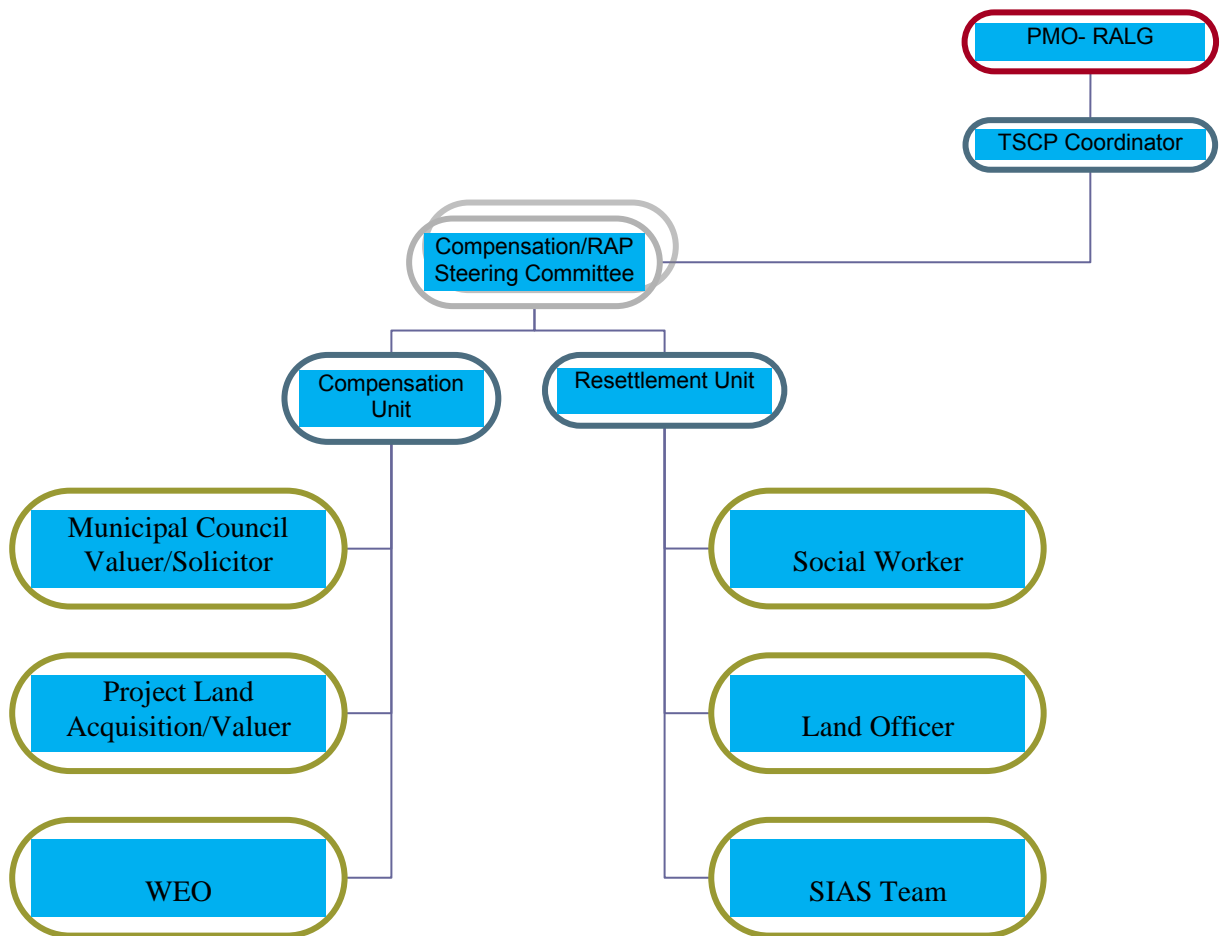


Figure 1: Organisational Set Up for Overseeing the RAP Implementation

Financial Implications

The proposed organisational structure is for the administration of the RAP and draws its staff from those already in service at the Municipal level and the consultants' representatives. The Steering Committee should be expected to meet at least once in a month during the implementation period while the technical units may have to have consultative meetings more frequently but not more than one in a week. The financial expenses related to these consultative meetings would relate to travel assistance to the community leaders and per diem for consultant team members.

Table No. 5: Categories of Affected People and their Entitlement

Category of PAP	Type of Loss	Entitlement			Remarks
		Cash	Relocation	Allowances	
Landowner	Land	Market value	-	<ul style="list-style-type: none"> Disturbance allowance as % of assessed asset value Refund survey and legal fees paid for acquiring title to land(in case of those with granted titles to land) 	LGA may exercise option to compensate in kind (replacement of plot) in lieu of cash
	Building	Market Value/Replacement Cost (no depreciation)	If residential and in occupation	<ul style="list-style-type: none"> Disturbance allowance as % of assessed asset value Transport Allowance of up to 12 tons haulage over max distance of 20km 36 months rent payments estimated on the basis of affected asset 	Comply with Land Act No. 4, Act No. 47 of 1967 and WB OP 4.12

Category of PAP	Type of Loss	Entitlement			Remarks
		Cash	Relocation	Allowances	
	Crops	Market Value- from a Schedule of Price (earnings approach)	-	Cash compensation of the crop, there were no farm business which would have attracted allowances for loss of farm income	
Tenants	Lease to Land	No loss	-	No allowance, allow crop harvest if any	
	Lease to Building	No loss	-	Disruption allowance equivalent to 3-months rent in addition to 3-months notice by landlord to vacate	
Others e.g grave owners	Land	No loss	-	Allowances to assist in exhumation, reburial and ritual expenses by relatives	LGA to provide alternative site for reburial or agree with relatives to rebury.
Specially Vulnerable People	Land	As for others above	As for others above	May consider vulnerability allowance say 10% of the assessed compensation value	No special vulnerable people identified in the first assignment

4.1.2 Participatory measures in planning for the resettlement areas

1) Pre-implementation information campaign

While in Arusha, the SIAS and RAP Teams established contacts with the PAPs. The Arusha LGA had similarly involved themselves with information dissemination through notice serving and holding of public meetings organised by the respective Ward Executive Officers. Towards the implementation of the Programme, the Arusha LGA with the Compensation Team (see figure 1 above) will organise similar meetings for purpose of explaining the compensation and resettlement programmes to the affected people. These will be focused meetings with the affected people only.

2) Disclosing the RAP to PAPs

The proposed RAP shall need to be disclosed to the affected people, local and central government functionaries and the project financiers. There are two possible ways of disclosure. First is through making copies available both in the English and Swahili language. Enough copies should be deposited at the Arusha Municipal council office and at the respective ward offices in the affected areas. Information about personal entitlement to cash should not however be published lest the individuals for safety reasons. The second method is to put the RAP on the World Bank sites which would be accessible to even a larger population.

3) Consultation when preparing

A 100% sampling interviews was carried out when looking for information to include in the RAP. By talking to the people and letting them ask questions, it was possible to list their concerns and report on them (See ESIA report). This consultation process must be continued throughout the remaining phases of

the Project and in particular during detailed design and demarcation of the Wayleave corridor.

4) Names of participants

The list of meetings and participants to the meetings and workshop is appended with the ESIA Report. Appendix 4 lists all those affected PAPs who were individually engaged in identifying the assets that are to be affected by the Project.

5) Monitoring program

To ensure that the RAP is implemented according to plan, high-ranking officials of the Arusha Municipal Council must be involved. A monitoring team should be drawn from the proposed Steering Committee (see figure 1 above). This will be at project area level and will entail agreeing on a schedule of monitoring meetings. There must be at least one meeting every month.

Audit of the project by the Project Financiers should be encouraged. The proposed Schedule of Plans should be strictly adhered to as benchmarks for monitoring and review progress. The project financiers should expect regular reports from the Steering Committee.

4.1.3 Handling Complaints and Grievances

The set up of Land Tribunals in Tanzania in 2002 has eased out procedures for handling objections and disputes at ward level making it possible for the poor to present their cases not too far away from their place of abode. The Land Act No. 4 of 1999 does provide for appeal against decisions related to compensation payment. It is important to note that in Tanzania one cannot resist land acquisition where this has been done under the Land Acquisition Act of 1967. The disputable items are limited to compensation sums, types and the time-framework through which the compensation is made.

1) Procedures of reporting

An aggrieved PAP may lodge his appeal to the respective District Land Officer and if not satisfied filed a case to Ward or District Land Tribunal. The usual practice is however that a claimant first approaches the Project Executors in this case the Arusha Municipal Council (LGA). The aggrieved person would be directed to the officer-responsible for the particular compensation exercise usually the Municipal Valuer who will then check records and advise the Claimant. This procedure has tended to discourage many claimants on account of the bureaucratic strings attached to it and many times the Municipal Valuer may not have been involved and hence waste of time for the claimant.

For purpose of the TSCP, it is recommended:

- i. To mitigate incidence of complaints, enough educational program must be carried out before effecting compensation payment. Most of the complaints tend to be on ignorance on the compensation sum paid. Explaining to the asset owner what his compensation payment is constituted of and his rights before he collects the money will reduce a great number of complaints.
- ii. To set up a dedicated desk possibly at Ward level for the first two weeks staffed with a skilled person able to explain matters that are brought to his or her attention. The desk officer should be warned of possibilities of over committing to demands by the PAPs and need to channel some of the difficult cases for review by higher authorities.
- iii. Setting up a Dispute Resolution Team – the Compensation team that was suggested (Fig 1 above) can also discharge services that address disputes related to compensation, entitlement to resettlement, address affected people on redress mechanisms where the team is unable to resolve problems with the PAPs. For purpose of handling grievances by the Committee it may be necessary when the Committee sits to resolve

such cases to involve an independent legal expert other those in the employment of Arusha Municipal Council.

2) Handling Delays

In the national laws any compensation payment delayed for more than six months attracts a penalty that is calculated at the commercial bank deposit rates over the delayed time. Information about delayed compensation has been a hot subject in the media during 2009 and the Project executors should be wary of this. Prompt payment of compensation is one of the cardinal principles of the Land Act that must be adhered to.

5.0 Framework for Compensation and Resettlement

5.1. World Bank Directive OP 4.12

OP 4.12 as revised in 2004 lays down a number of conditions, which must be complied with if a member state of the World Bank desires funding from the Bank. Article 2 of the OP 4.12 asserts that an ill-conceived involuntary resettlement may cause severe long-term hardship, impoverishment and environment damage. OP 4.12 then lists three basic policy objectives, which must be pursued:

1. Involuntary Resettlement should be avoided where feasible or minimized
2. Resettlement activities should be conceived and executed as sustainable development programs that seek to enable the persons displaced by a project to share in the project benefits. Affected persons should be “...meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs...” (Article 2(b)).
3. Displaced persons should be assisted 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..”.

These principles were adopted as guidelines when preparing valuation reports and resettlement entitlement matrix in Arusha. There is very little opportunity for alternative designs for road widths in the areas as the areas are already constricted with developments and the need to ensure minimal width standards by the road engineers shall pose challenge to the design team. The PAPs however consider the benefits accruing from the implementation of the project as extremely important for them and had no problems with being asked to relocate or push their building structures farther away from the proposed widened road corridors.

5.1.1 Assessment of Compensation

The World Bank OP 4.12 makes reference to value assessment for compensation. Article 7 of the Involuntary Resettlement Instruments (OP4.12 Annexe A), requires submission on the applicable legal framework covering valuation of assets and losses, compensation and indeed the extent to which the applicant can influence the nature of compensation and the valuation methodology to be deployed. Article 10(ibid) is even more explicit on the valuation methodology as reproduced below:

“...the methodology to be used in valuing losses to determine their replacement cost; and description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve their replacement cost for lost assets...”

OP 4.12 defines Replacement Cost from three perspectives:

- 1) *For Agricultural Land: it is the higher pre-project/displacement market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, the cost of any registration and transfer taxes.*
- 2) *For Urban Land: it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.*
- 3) *For Houses and other structures: it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.*

The Valuer who carried out the Valuation assessment has considered the guideline and adopted Replacement Cost without allowing for depreciation (See Valuation Notes in Appendix 2)

5.1.2 Dealing with Vulnerable groups

Throughout the surveys, no vulnerable groups were identified in the sense of disability, ageing or HIV/AIDS patients or indigenous communities. There are however tenants in some of the houses. These hold informal leases with the house owners. None of the tenants had special contractual relationship with their landlords which would warrant consideration for sharing asset value compensation.

In the recommendations (see Table 5 above), it was suggested that tenants be assisted by allowing a disruption allowance equivalent to three months rent for the respective premises they are currently occupying. This will be in addition to being given three-months notice by their respective landlords. This suggestion is not tenable in the national laws of Tanzania but is a requirement in the OP 4.12. There are however precedents where tenants have been considered in a number of projects in Tanzania.

5.2 Legislative Measures in Tanzania

Land Acquisition and Compensation matters are regulated by the Land Acquisition Act No. 47 of 1967 while assessment of compensation is specifically provided under Land Regulations made under Section 179 of the Land Act no 4 of 1999. Details of the statutory provisions are provided in Appendix 2 of this Report (Valuation Notes).

It is important to note that generally the legislative measures available in Tanzania are in conformity with the World Bank OP 4.12 in so far as compensation matters are concerned. The reference to Market Value in Land Act No 4 as opposed to Replacement Cost has tended to give impression that the two directives are at odds with one another. While the OP 4.12 insists on Replacement Cost as the ‘...amount of

money needed to buy land or houses of equal make, dimension and location...’, Land Act No. 4 provides Market Value as the best price the landowner would obtain in a free market operations but in addition provides for payment of allowances as rehabilitation to the affected persons. These are listed in Table 5 above but include the following:

- Disturbance Allowances
- Transport Allowance
- Loss of accommodation (36 months rent) in case of residential houses
- Loss of profit in case of business premises

5.2.1 Removal of Grave/Tombstones

Despite serious efforts to avoid graveyards, possibility exists to encounter these depending on where a project is situated. Some communities bury their dead to the front of their premises facing road infrastructure, some place them far away from sight in the backside of their settlement. In Arusha, 23 graves were identified and booked against 13 owners. According to the Grave (Removal) Act No. 9 of 1969, the relatives of the deceased have a right to receive assistance funds to arrange for removal of the graves from the planned Way leave. The assistance is to meet expenses of exhumation, reburial and rituals. While the relatives may receive funds for the stated expenses, the municipal government may have to arrange sites for re-burial or carry out the actual reburials in existing cemeteries. Handling grave removal is both sentimental and sensitive matter to both the Agency Staff and relatives. One family shrine was also booked. We highly recommend that the design engineers should try as much as possible to avoid the shrine.

6.0 Management of the Resettlement Programme

6.1 Management Structure

Under Figure 1 above, it was proposed that the Coordinator of the Tanzania Sustainable Cities Project (Arusha) would be the overall in charge of the Resettlement Program assisted by a Steering Committee that would be chaired possibly by the Municipal Council Director or Planner. The Committee will have two major functions, first to oversee the Compensation Payment Procedures and secondly to supervise the resettlement process.

The amount of resettlement required for this project is not sufficiently large to warrant consideration of staffing. It is however important Committee-level contacts are maintained at all times during the planning phase of the project to ensure that the PAP's secure land and accommodation as soon as it can be possible.

6.2 Training Needs and Income Restoration

An important area that needs attention in the implementation of the project is to ensure that the project impacts benefit the community and the affected individuals, are shared between and amongst family members and contribute to the welfare of the families. In practice however the amount of money paid as compensation tends to be the largest lump sum money that an individual may have received in his lifetime. Frivolity in spending tends to be the norm in several cases. This poses risk for impoverishment of the individuals and their families. It is therefore important that Compensation front team takes up the challenge and organise educational program on wisdom of spending money by those who will be receiving compensation. There are two possibilities of doing these:

1. To arrange with a financial institution such as a Bank who will arrange payment to the affected persons. The Bank may be tasked to counsel the beneficiaries on saving benefits. These can help the involved families to restore their income levels and improve on their economy.
2. To carry out sensitisation meetings where both spouses attend. This can be an effective way of protecting funds from being misused by a member of family.

Most of the interviewed PAPs had indicated that they had apart from their current occupation an additional activity that was a source of income to the families. With improved infrastructure and fast connection to the rest of the Municipal Council and as affirmed by the respondents, general welfare of the population is likely to improve as more and more income generation activities are attracted to the area.

A large part of the Affected Persons are losing only small strips of their land and thus are more likely to enjoy the usual benefits flowing from an infrastructure project.

The Construction works will attract employment opportunities that may benefit the resident population. They will also attract emigrant labourers who will spend money in the area again generating further income

7.0 Implementation Schedule and Budgets

The total project duration is nine calendar months. Compensation and resettlement Components of the Project must be accomplished not more than six months from the date a Contractor will have been appointed to take up the construction works. This is crucial as the Contractor shall need to be handed over sites clear from third party rights for road works. Secondly, enough time must be allowed (at least 90 days) to allow relocation of the displaced persons (PAPs). These are the two most important key milestones for the implementation of the RAP. The other milestones and time duration are summed up in Table 6. It is possible to let the willing PAPs to demolish their own structures and in effect salvage whatever is salvageable for use in new constructions.

Table 6: Key Milestones – Compensation and Resettlement Programme

	Milestone	Time Period
1	Approval of Road Design	Week 18 (May 2010)
2	Fixing Road Centre line points and boundaries	Week 18
2	Wayleave Acquisition Component	Week 20- 32
3	Review and updating Compensation Assessment	Week 24-26
4	Baseline checks, Claims and Dispute Resolution	Week 20- 32
5	Approval processes for compensation schedules	Week 26-28
6	Compensation Payment Procedures	Week 29-30
7	Resettlement Component	Week 23-26
8	Operational Plans	Week 23
9	Plot Acquisition and Allocation	Week 26-28
10	Review of relocation	Week 31-32

	Milestone	Time Period
11	Notice to vacate	Week 29-39
12	Construction Activities	Week 40 (October 2010)
13	Post –Audit of RAP and Feedback	Week 49 (December 2010)

7.1 Resources Requirements

The estimated budget for implementing the resettlement plan will be approximately Tshillings **3,940,704,958/=** as summed up in Table No. 7. The Resettlement component cost refers to funds that would have to be paid to the Arusha Municipal as cost recovery measures for release of plots of land. Miscellaneous expenses would cover for the temporary hiring of expert skills in handling the resettlement program, operational plans and meeting expenses in resolving disputes.

Table 7: Estimated Budget for Implementing the Resettlement Plan

Road Section	Land/Building / Crops	Graves	Allowances	Misc Expenses	Total
Njiro - Mbauda	2,739,843,371	5,900,000	355,759,662	50,000,000	3,151,503,033
Unga Limited - Muriet	307,844,100	1,050,000	29,377,711	15,000,000	353,271,811
Muriet Dumpsite	214,219,925	2,100,000	36,380,515		252,700,440
Bumiko - Majengo	124,089,750		34,139,924	10,000,000	168,229,674
Post Audit				9,000,000	15,000,000
Total	3,385,997,146	9,050,000	455,657,812	84,000,000	3,940,704,958






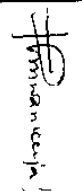
8.0 APPENDICES

- (i) Appendix 1: Minutes of Meetings
- (ii) Appendix 2: Valuation Report
- (iii) Appendix 3: Compensation Schedules
- (iv) Appendix 4: Entitlement Matrix





Appendix 1: Minutes of Meetings

ARUSHA





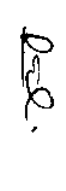
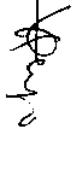
EIA OF THE INVESTMENT SUBPROJECTS IN TANGA CITY AND ARUSHA MUNICIPALITY UNDER THE PROPOSED TANZANIA STRATEGIC CITIES PROJECT (TSCP)
LIST OF STAKEHOLDERS CONSULTED

S/N	DATE	NAME	INSTITUTION	POSITION	ADDRESS/PHONE NO.	SIGNATURE
1.	8/9/09	A. FISO	ARUSHA REGION	DIKATA WATI	3013 ARUSHA 0713328575 0762967080	
2.	08/09/2009	OBED M. MENDIKU	KATA YA KATI	AKA MENDIKU WA KATA	8043013, ARUSHA 0787 631 874	
3.	09/09/09	Elly J. Kirenga	ARUSHA MUNICIPAL COUNCIL	URBAN PARTNER	Box 1618 Arusha. 0756 141573 elly.kirenga@yulna.co.tz	
4.	09/09/09	Eng. N. A. NTOBI	ARUSHA MUNICIPAL COUNCIL	ENVIRONMENTAL ENGINEER	P.O. Box 3013 0713 651803 nntobina@yulna.co.tz	
5.	09/09/09	Marco Chacha Bagan	ARUSHA MUNICIPAL COUNCIL	Municipal Cleansing Superintendent	+255754801085 +255782899045 bagaju2002@yulna.co.tz	
6.	10/09/2009	MwanKenya, F	ARUSHA MUNICIPAL COUNCIL	Road Engineer	0785-352663 mkenya2006@yulna.com	

EIA OF THE INVESTMENT SUBPROJECTS IN TANGA CITY AND ARUSHA MUNICIPALITY UNDER THE PROPOSED TANZANIA STRATEGIC CITIES PROJECT (TSCP)
LIST OF STAKEHOLDERS CONSULTED

S/N	DATE	NAME	INSTITUTION	POSITION	ADDRESS/PHONE NO.	SIGNATURE
01	11/09/09	VERONICA OASSIMOLA	KATA THONI	MEMBER	0715800805 0755870605	
2	11/09/2009	ELUNBIKE E. MUMBEI	KATA THONI	WEO	0715-258264	
3.	11/09/2009	STANLEY E. DSUDBAKI	KATA YA SAKAJI	WEO	S.L.P 3013 ARUSHA 0784482243	
(4)	11/9/2009	JOSAPHIM KISARICA	KATA - SOKOMI	WEO	0755887117	

EIA OF THE INVESTMENT SUBPROJECTS IN TANGA CITY AND ARUSHA MUNICIPALITY UNDER THE PROPOSED TANZANIA STRATEGIC CITIES PROJECT (TSCP)
LIST OF STAKEHOLDERS CONSULTED

S/N	DATE	NAME	INSTITUTION	POSITION	ADDRESS/PHONE NO.	SIGNATURE
1.	10/09/09	P. E.manuel	Arwe	Water Engineer	0755-731544 Paselemmanuel2008@yahoo.com	
2.	10/09/09	Mkauru G. F	Arusha	Planning & Const. Engineer	13600 ARS 078480859	
3.	10.5.2009	JOHN Paul Mwanjiru	Mwendaale used place the sand. Paperm. ENT-	Mkwanjiru	0754280229 R09.12789	
4.	11.09.09	JOHN SINDIGA	WED - Evodes	WED	0784542467	
5.	11/9/09	Rose JOHN	Wes - Alamekara	WED	0786265208	
6.	11/09/09	VICKY M. TILYA	AMC H0 KALDENI	H0	0754821627	

Appendix 4: Entitlement Matrix

TYPICAL MATRIX OF COMPENSATION ASSESSMENT AND PAYMENT

Item	Activity/Responsibilities	Remarks
Notice to Acquire Land	<ul style="list-style-type: none"> • Sensitization Workshop – Expropriated Landowners • Authorized Officer serves Land Form No. 69 & 70 • Land Owner submits LF 70 	Involve local leaders and identified landowners
Valuation Surveys	<ul style="list-style-type: none"> • Appointment • Adjudicator Maps the Farm/Property • Actual Surveys(counting and Measurement, taking notes • Landowner signs the Val Data Sheet in agreement • Village Leader counter signs 	Valuers and surveyors involved in measuring assets
Valuation Assessment	<ul style="list-style-type: none"> • Report Writing • Application of Rates • Certification of Valuation Computation 	
Valuation Approval	<ul style="list-style-type: none"> • Submission of Valuation Report to Chief Govt Valuer • Receipt of Approved Valuation 	Approval Fees – 0.1% of the assessed value
Compensation Schedules	<ul style="list-style-type: none"> • Preparation of Schedule on Pre-formatted Form • Certification of Schedule by WEO, DLO, DC and RC 	Client arranges payment
Budgeting and Payment	<ul style="list-style-type: none"> • Compensator(acquiring authority) • Payment Arrangement- either through the DLO or with DLO Consent –self • Landowner countersigns and thumbprint • Submit fully executed schedule to DLO 	In case of disputes, it suffices to deposit the sums payable with DLO or District Court and proceed with acquisition
Resettlement Plan Implementation	<ul style="list-style-type: none"> • Selection and acquisition of Resettlement Area • Prepare land use plan of the resettlement area • obtain approval from Local Planning Office, arrange cadastre • Clear third party interests but accommodate 100% of landowners if any • Initiate Plot Allocation Process in favour of the new settlers through local land office 	<ul style="list-style-type: none"> • Initiate land acquisition or arrange to purchase available plots from respective local authority

